



FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

2014 BRENTWOOD GENERAL PLAN UPDATE

SCH# 2014022058

JUNE 2014

Prepared for:

City of Brentwood
Community Development Department
150 City Park Way
Brentwood, CA 94513

Prepared by:

De Novo Planning Group
1020 Suncoast Lane, Suite 106
El Dorado Hills, CA 95762
www.denovoplanning.com

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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FINAL EIR

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INTRODUCTION

The City of Brentwood (City) has determined that a program-level environmental impact report (EIR) is required for the proposed 2014 General Plan (Project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an EIR prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

A Program EIR is an EIR which examines the environmental impacts of an agency plan, policy, or regulatory program, such as a general plan update. Program EIRs analyze broad environmental impacts of the program, with the acknowledgement that site-specific environmental review may be required for particular aspects of the program, or particular development projects that may occur in the future.

Brentwood circulated a Notice of Preparation (NOP) of an EIR for the proposed project on February 26, 2014 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on March 18, 2014 with the Brentwood Planning Commission. Subsequently, Brentwood published a public Notice of Availability (NOA) for the Draft EIR on April 8, 2014, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2014022058) and was published in the Brentwood Press pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from April 8, 2014 through May 23, 2014. The Public Draft 2014 General Plan was also available for public review and comment during this time period.

This Final EIR was prepared to address comments received in response to the Draft EIR. The City has prepared a written response to the Draft EIR comments and made textual changes to the Draft EIR where warranted. The responses to the comments are provided in this Final EIR in Section 2.0, and all changes to the text of the Draft EIR are summarized in Section 3.0. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PROJECT DESCRIPTION

The 2014 Brentwood General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community services, and other policy decisions throughout Brentwood. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally, including: Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety. The City may also address other topics of interest; this General Plan includes elements related to Community Services and Facilities, Economic Development, Fiscal Sustainability, Growth Management, and Infrastructure. The General Plan sets out the goals, policies, and actions in each of these areas, serves as a policy guide for how the City will make key

planning decisions in the future, and guides how the City will interact with Contra Costa County, surrounding cities, and other local, regional, State, and Federal agencies.

The General Plan contains the goals and policies that will guide future decisions within the city. It also identifies actions that will ensure the goals and policies in the General Plan are carried out.

Refer to Section 2.0 (Project Description) of the Draft EIR for a more comprehensive description of the details of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR are briefly described as follows:

- **Alternative 1: No Project Alternative.** Under Alternative 1, the City would not adopt the General Plan Update. The existing Brentwood General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, Circulation Diagram, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning map) and the City's Design Guidelines, would not occur. The existing General Plan Land Use Map is shown on Figure 3.10-3 of the Draft EIR.
- **Alternative 2: Economic Development Alternative.** Alternative 2 would revise the General Plan Land Use Map to place more emphasis on identifying areas for commercial and industrial growth, and less emphasis on future residential development. This alternative emphasizes providing adequate land for a range of commercial, office, and industrial uses and would convert more of the Planning Area to urban uses. Figure 5.0-1 of the Draft EIR depicts the Land Use Map proposed for Alternative 2. This alternative was developed to reduce exposure of sensitive receptors to traffic noise.
- **Alternative 3: Residential Growth Alternative.** Alternative 3 provides for a balance of job-creating and residential development land uses within the city limits, and has a reduced amount of growth within the Planning Area when compared to Alternative 2 and the existing General Plan (Alternative 1). This alternative reflects areas identified for growth through the General Plan Update public input process and provides for more significant residential development. While this alternative would result in more residential growth than the proposed General Plan, existing General Plan, or Alternative 2, it would convert less agricultural and undeveloped land in the Planning Area to urban uses than the existing General Plan or Alternative 2. Figure 5.0-2 of the Draft EIR depicts the Land Use Map proposed for Alternative 3. This alternative was developed to reduce impacts associated with scenic resources and agricultural resources.

Alternatives are described in detail in Section 5.0 of the Draft EIR. As summarized in Table 5.0-5 of the Draft EIR, Alternative 2 is the environmentally superior alternative because it provides the greatest reduction of potential impacts in comparison to the other alternatives.

COMMENTS RECEIVED

The Draft EIR addresses environmental impacts associated with the proposed project that were known to the City, raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discusses potentially significant impacts associated with aesthetics/visual resources, agricultural/forest resources, air quality, biological/natural resources, cultural resources, geology/soils/minerals, greenhouse gases/climate change, hazards, hydrology/water quality, land use/population, noise, public services/recreation, transportation/circulation, utilities, and cumulative impacts.

NOP Comments

During the NOP process, the City received comments from the following public agencies, organizations, or individuals:

- California Delta Protection Commission
- California Department of Transportation (Caltrans)
- City of Antioch
- Contra Costa Local Agency Formation Commission (LAFCO)
- Greenbelt Alliance
- West Coast Home Builders, Inc.

Draft EIR Comments

During the Draft EIR review process, the City received comments from the following public agencies, organizations, or individuals:

- San Francisco Bay Area Rapid Transit District (BART)
- East Contra Costa County Habitat Conservancy
- Contra Costa County Flood Control & Water Conservation District
- Contra Costa County Public Works Department
- Chevron Environmental Management Company
- City of Antioch

- Delta Stewardship Council
- California Department of Transportation (Caltrans)
- Discovery Builders, Inc.
- East Bay Municipal Utility District (EBMUD)
- Greenbelt Alliance
- Brentwood Union School District
- Grupe Investment Company, Inc.
- Property Owners Doug Moore and Grant Alvernaz
- Save Mount Diablo
- West Coast Home Builders, Inc.
- U.S. Army Corps of Engineers

Acting as lead agency, the City of Brentwood has prepared a response to the Draft EIR comments. The responses to the comments are provided in this Final EIR in Section 2.0 (Comments on Draft EIR and Responses) and all changes to the text of the Draft EIR are summarized in Section 3.0 (Errata). Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Brentwood is the lead agency for the environmental review of the 2014 Brentwood General Plan (General Plan, General Plan Update, or Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and adoption of the 2014 Brentwood General Plan and responds to comments received on the Draft EIR.

The 2014 Brentwood General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community services, and other policy decisions throughout Brentwood. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally, including: Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety. The City may also address other topics of interest; this General Plan includes elements related to Community Services and Facilities, Economic Development, Fiscal Sustainability, Growth Management, and Infrastructure. The General Plan sets out the goals, policies, and actions in each of these areas, serves as a policy guide for how the City will make key planning decisions in the future, and guides how the City will interact with Contra Costa County, surrounding cities, and other local, regional, State, and Federal agencies.

1.1 PURPOSE AND INTENDED USES OF THE EIR

CEQA REQUIREMENTS FOR A FINAL EIR

This FEIR for the 2014 Brentwood General Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and obligates them to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

The City of Brentwood, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval and implementation of the 2014 General Plan. Responsible and trustee agencies that may use the EIR are identified in Chapter 1.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0 (Project Description) of the Draft EIR. This EIR may also be used by other agencies within Contra Costa County, including the Contra Costa Local Agency Formation Commission (LAFCO), which may use this EIR during the preparation of environmental documents related to annexations, Municipal Service Reviews, and Sphere of Influence decisions in the Brentwood Planning Area.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The City of Brentwood circulated a Notice of Preparation (NOP) of an EIR for the proposed project on February 26, 2014 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on March 18, 2014 with the Brentwood Planning Commission. No public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on March 28, 2014, six written comment letters were received. A summary of the NOP comments is provided in Section 1.8 of the Draft EIR. The NOP and all comments received on it are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

The City of Brentwood published a public Notice of Availability (NOA) for the Draft EIR on April 8, 2014, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH# 2014022058) and was published in the Brentwood Press pursuant to the public noticing requirements of CEQA. The Draft EIR was

available for public review from April 8, 2014 through May 23, 2014. The Public Draft 2014 General Plan was also available for public review and comment during this time period.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

RESPONSE TO COMMENTS/FINAL EIR

The City of Brentwood received 17 comment letters regarding the Draft General Plan and Draft EIR from public agencies, organizations, and members of the public during the 45-day review period.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0 (Errata). This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Brentwood City Council will review and consider the Final EIR. If the City Council finds that the Final EIR is "adequate and complete," then it may certify it in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the Final EIR, the Brentwood City Council may take action to approve, revise, or reject the project. A decision to approve the 2014 Brentwood General Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Policies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation, identifies the lead agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON DRAFT EIR AND RESPONSES

Chapter 2.0 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft Environmental Impact Report (Draft EIR) for the 2014 Brentwood General Plan Update, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

CEQA Guidelines Section 15088.5 states that: *New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

Chapters 2.0 and 3.0 of this Final EIR include information that has been added to the EIR since the close of the public review period in the form of responses to comments and errata.

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the Draft EIR that were submitted to the City during the 45-day public review period. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

| RESPONSE LETTER | INDIVIDUAL OR SIGNATORY | AFFILIATION | DATE |
|-----------------|--|---|---------|
| A | Robert Powers, Assistant General Manager | San Francisco Bay Area Rapid Transit District | 5-23-14 |
| B | John Kopchik, Executive Director | East Contra Costa County Habitat Conservancy | 5-23-14 |
| C | Homira Shafaq, Staff Engineer | Contra Costa County Flood Control & Water Conservation District | 5-23-14 |
| D | Mary Halle, Associate Engineer | Contra Costa County Public Works Department | 5-22-14 |
| E | Mike Oliphant, Project Manager | Chevron Environmental Management Company | 5-19-14 |
| F | Steve Duran, City Manager | City of Antioch | 5-15-14 |
| G | Cindy Messer, Deputy Executive Officer | Delta Stewardship Council | 5-22-14 |

TABLE 2-1: LIST OF COMMENTERS

| RESPONSE LETTER | INDIVIDUAL OR SIGNATORY | AFFILIATION | DATE |
|-----------------|--|--|---------|
| H | Erik Alm, District Branch Chief | California Department of Transportation (Caltrans) | 5-19-14 |
| I | Louis Parsons | Discovery Builders, Inc. | 5-23-14 |
| J | William R. Kirkpatrick, Manager of Water Distribution Planning | East Bay Municipal Utility District (EBMUD) | 5-20-14 |
| K | Joel Devalcourt, Regional Representative | Greenbelt Alliance | 5-23-14 |
| L | Dana Eaton, Superintendent | Brentwood Union School District | 5-21-14 |
| M | Jeremy S. White, President | Grupe Investment Company, Inc. | 5-22-14 |
| N | Doug Moore and Grant Alvernaz | Property Owners | 5-23-14 |
| O | Juan Pablo Galván, Land Use Planner | Save Mount Diablo | 5-23-14 |
| P | Richard D. Sestero, Project Manager | West Coast Home Builders, Inc. | 5-23-14 |
| Q | Kathleen A. Dady, Ph.D, Chief, California South Branch | U.S. Army Corps of Engineers | 5-21-14 |

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies only need to respond to significant environmental issues associated with the project and do not need to provide all of the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters

provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the 2014 Brentwood General Plan Update Draft EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each comment letter is lettered (i.e., Letter A), each comment within each letter is numbered (i.e., Comment A-1, Comment A-2, etc.), and each response is numbered correspondingly (i.e., Response A-1, Response A-2, etc.).

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revisions marks (underline for new text, ~~strike-out~~ for deleted text).


SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

Letter A

2014

Paul Eldredge
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Joel Keller
PRESIDENT

Thomas M. Blalock, P.E.
VICE PRESIDENT

Grace Crumican
GENERAL MANAGER

May 23, 2014

Re: Brentwood Draft General Plan and Related Draft EIR

Dear Mr. Eldredge,

DIRECTORS

Gail Murray
1ST DISTRICT

Joel Keller
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Zakhary Mallett, MCP
7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

BART staff has been closely following the progress of Brentwood's General Plan. The draft General Plan and related draft EIR look at the area near Highway 4 and the Mokelumne Trail in some detail. The overlay designation "Mixed Use Pedestrian/Transit" (MUPT) for the 255-acre area indicates interest in having this area serve as a future transit oriented development (TOD) location, with a transit facility at the center. I want to state our strong support of this land use, and urge that the General Plan permit maximum density and breadth of land uses at this location. BART's recent "Next Segment eBART Study" defined this location as the possible future eBART station site in Brentwood. The location offers the best access and surrounding land use of any station site evaluated between Laurel Road and Marsh Creek Road, and also would capture the greatest number of riders.

Much future work would have to be done to advance a rail station in Brentwood.

BART's Board of Directors continues to make difficult choices about investment in expansion, such as beyond the Antioch Station, and our need for substantial investment in state of good repair programs and capacity. A possible extension of eBART would be thoroughly reviewed against our System Expansion Policy and in terms of best investment choices before advancing.

For Brentwood, inclusion of a transit station at the MUPT site would help achieve the very first General Plan Goal: "Provide a transportation system that facilitates the efficient movement of people and goods within and through the city of Brentwood and promotes the use of alternatives to the single-occupant vehicle." Specifically, it meets these City concerns:

- Circulation
- Conservation and open space
- Economic development
- Growth management
- Infrastructure
- Land use

Importantly, hosting a rail station would allow the City to manage road congestion, offer alternative means of transportation and transit access, preserve open space, provide access to local jobs, concentrate activities within existing boundaries, minimize costs of new infrastructure, and support the land use pattern defined in the new General Plan.

www.bart.gov

A-1

I urge the City to incorporate both jobs and housing into the MUPT in a mixed-use development. Someday BART could provide fast, efficient and pleasant access to the jobs located west of Brentwood, but we expect plenty of capacity in eastbound trains in the morning. Thus, jobs at this location would be served by trains with available seats. Transit-friendly jobs could include office-based professional and technical services. Medium- to high-density housing is the other significant component of a TOD here. With 87 percent of Brentwood housing now single-family, this is the ideal location to offer choices to City residents. Higher-density housing works for many people, particularly as the population ages. Consider achieving maximum density here (contemplated in the draft General Plan as up to 30 dwelling units per acre), where transit access would minimize the need for car trips.

A-2

The MUPT designation supports the transition of a future transit facility from a park-and-ride lot served by Tri Delta Transit to a future eBART station. Tri Delta intends to realign their service routes to bring riders from East County to the new Antioch eBART station, thus keeping buses and riders out of the congested Highway 4 section between Hillcrest Avenue and the Pittsburg/Bay Point BART Station. The MUPT location would be ideal for a park-and-ride facility, which could feature solar panel/shade structures and charging stations. A transitional facility would reflect a commitment to the future of Brentwood.

A-3

We urge the City to take another specific step in preparing for a rail station at the MUPT: establish a Priority Development Area (PDA) here. Having a PDA designated by the Association of Bay Area Governments and the Metropolitan Transportation Commission makes a city eligible for ABAG and MTC funding—first for planning grants and technical assistance, and later for capital funds. A PDA at the Highway 4/Mokelumne Trail intersection would be the City’s first, and would make Brentwood competitive for significant regional money.

A-4

Brentwood staff and consultants have created a document that encapsulates the opportunities and challenges that face the City, and have done an admirable job of engaging the community in the process of defining this draft General Plan. Electronic communications—City’s website, emails, and on-screen versions of all documents—have been outstanding, and have made both process and content conveniently accessible.

Thank you for the opportunity to participate in Brentwood’s General Plan process. With any questions or comments, please contact Ellen Smith, Planning Department, at (510) 287-4758.

Sincerely,



Robert Powers
Assistant General Manager, Planning and Development

Cc: Brentwood City Council
Jeanne Krieg, Tri Delta Transit

Response to Letter A Robert Powers, Assistant General Manager, San Francisco Bay Area Rapid Transit District (BART)

- Response A-1:** The commenter provides introductory remarks and expresses support for the MUPT land use designation near the junction of SR 4 and the Mokelumne Trail. The commenter notes that much future work would be required before eBART is extended to Brentwood, and commends the City on the use and application of this land use designation. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.
- Response A-2:** The commenter urges the City to incorporate jobs and higher density housing into the MUPT area, and notes the benefits of these types of land uses in a transit-friendly zone. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.
- Response A-3:** The commenter notes that the MUPT designation supports the transition of a future transit facility from a park-and-ride lot, and reiterates the benefits of the MUPT location for future transit-oriented land uses. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.
- Response A-4:** The commenter urges the City to establish a Priority Development Area (PDA) at the MUPT location, and commends the City on the General Plan Update process and resulting work effort. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.



May 23, 2014

Letter B

Erik Nolthenius
Principal Planner
City of Brentwood
Community Development Dept. Bld. Div.
104 Oak Street
Brentwood, CA 94513

SUBJECT: Brentwood General Plan Update

Dear Mr. Nolthenius:

Thank you for the opportunity to comment on the Brentwood General Plan update. I expect preparing a general plan update is a significant amount of work for you, the city and the community complement you on your efforts.

The purpose of this letter is to respond to your request for more information on how the general plan update relates to the East Contra Costa County Habitat Conservation Plan. As a result of adopting the East Contra Costa County HCP the city of Brentwood received a 30- year permit for taking endangered species from both the U.S. Fish and Wildlife service and the California Department of Fish and Wildlife. The City may utilize this permit to streamline the regulatory process for projects it performs or approves. In addition, the U.S. Army Corps of Engineers has issued a Regional General Permit for the HCP that coordinates the Corps' permit requirements with the HCP permit and further simplifies and streamlines the permitting process.

B-1

The HCP has a 30-year permit term and may flex with changes in city limits and urban limit lines with some limitations. All of the areas within the current city limits and most of the areas shown for development uses outside the current city limits may be covered under the HCP permit. The only exceptions are areas that are a high priority for conservation on the southeast side of Brentwood, south of Balfour and south of the ridge that separates Balfour from Deer Valley. My understanding is that the proposed General Plan proposes no changes to the existing designations in the current Brentwood General Plan. The HCP does not restrict the City's ability to make land use designations through the General Plan process, however areas that are a high priority for conservation under the HCP are not eligible for coverage under the HCP permit and may require separate individual permits from the wildlife agencies. Chapter 2.3 of the HCP has additional information.

Thanks again for the opportunity to comment and I wish you well with the General Plan Update.

Sincerely,

John Kopchik
Executive Director

30 Muir Road, Martinez, CA 94553 • 925-674-7819 • www.ccoohcp.org

Response to Letter B John Kopchik, Executive Director, East Contra Costa County Habitat Conservancy

Response B-1: The commenter provides information regarding the East Contra Costa County Habitat Conservation Plan (HCP), including details on how the City may utilize permit streamlining benefits for future development projects. The commenter notes that most areas within the Planning Area are covered by the HCP, with the exception of those that are designated as a high priority for conservation, and that the HCP does not restrict the City's ability to make land use designations through the General Plan Update process. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.



Julia R. Bueren,
ex officio Chief Engineer

May 23, 2013

Letter C

Erik Nolthenius
City of Brentwood
Community Development Department
150 City Park Way
Brentwood, CA

RE: Draft Environmental Impact Report (Draft EIR)
For the General Plan Amendment Growth
Our Files: 97-30B, 97-30C, 97-52A, 97-52B, 97-52C, 97-130, 060-13

Dear Mr. Nolthenius:

We received the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the General Plan Update on April 9, 2014, and have the following comments, listed below:

1. The City is within the Lower Marsh Creek Watershed. We recommend that any direct impacts to creeks and its tributaries within this watershed be mitigated for all future projects and developments. Any work within the creeks would likely require regulatory agency permits. We would recommend that the City contact the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, State Department of Fish and Wildlife, and State Regional Water Quality Control Board, to obtain all the necessary permits for any future project, or show that such permits are not necessary. C-1
2. All future projects and developments which create new impervious surface area located within formed Drainage Areas 30B, 30C, 52A, 52B, 52C, and 130 for which a drainage fee is due, are subject to the provisions of the drainage fee ordinance. Effective January 1, 2014, the current fees in these drainage areas are listed in the attached Drainage Fee Schedule per square foot of newly created impervious surface. C-2

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TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org

Erik Nolthenius
May 23, 2014
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3. We recommend that a map showing all the Flood Control District facilities be included in the DEIR for the General Plan Update and referenced in the Hydrology and Water Quality Section 3.9. A copy of the map is included for your use. **C-3**
- Drainage Areas 104-108, shown on the current map have been repealed and DA 130 (Ordinance 2007-06) has been established. Also included are maps of Flood Control Rights of Way for various Flood Control District facilities for your use.
4. All future projects and developments should be conditioned to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion to the watershed. **C-4**
5. All future projects and developments that lie within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps should be aware of the requirements of the Federal Flood Insurance Program as they pertain to the construction of any structures. **C-5**
6. The Contra Costa County Flood Control and Water Conservation District's 50-year plan (attached to this letter for reference) supports community goals for restoring creeks. If potential projects provide an opportunity to implement restoration enhancements for any creeks or their tributaries within the City's limits, we recommend that all future project(s) and development(s), as applicable, implement restoration activities to improve habitat value and migration. **C-6**
7. The Flood Control District's issuance of an Encroachment Permit and/or conveyance of an easement are discretionary actions under CEQA. Thus, if an encroachment permit or conveyance of an easement is required as part of any future projects, the Flood Control District must either prepare a CEQA document for the action, or adopt an adequate CEQA document prepared by another agency. We recommend the latter. As such, the following should be included in the project's CEQA document: **C-7**
- A statement in the Project Description and elsewhere in the CEQA document, where appropriate, that indicates a Flood Control Encroachment Permit for proposed activities within the District's rights-of-way is required and/or that an easement will be required.

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- An evaluation of the project impacts to the Flood Control District's properties and facilities and recommendations for mitigation measures for adverse project impacts, where applicable.

**C-7
Cont**

We appreciate the opportunity to review the DEIR and welcome continued coordination. If you have any questions, please contact me via e-mail at hshaf@pw.cccounty.us, or by phone at (925) 313-2304.

Sincerely,



Homira Shafaq
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

HS:tr
G:\fldct\CurDev\CITIES\Brentwood\City of Brentwood CEQA Documents\May 2014 Comment Letter.docx
Enclosure: 50-year plan (email/hardcopy), Drainage Area Fee Schedule 2014 (email/hardcopy), FC District Facilities and Right of Way Maps (hardcopy)

cc: Mike Carlson, Flood Control
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Jack Dhaliwal, City of Brentwood, (email: jdhaliwal@brentwood.ca.us)
Taira Ordaz, City of Brentwood, (email: tordaz@brentwood.ca.us)

2.0

COMMENTS ON DRAFT EIR AND RESPONSES

Contra Costa County Flood Control and Water Conservation District

| Agricultural lots must be used for agricultural purposes, generally greater than 20 acre lots | | | | | | Drainage Fee Schedule Updated January 1, 2014 | | | | | | * DA with Annual Construction Cost Index Adjustment Based on 2013 ENR index of 5.2% | |
|---|---------|----------|------|---------------|-----------------------------|--|----------|-------------------|-------------------|-------------------|----------------------------|--|------------------------|
| Drainage Area | NT cont | Parcel # | Org# | Fee Ordinance | Effective Date of Ordinance | Effective Date Last Increase | FEE Base | Base Unit Measure | Maximum Exemption | Standard Pool Fee | Maximum Deferral Excess Of | Drainage Plan | Involved Jurisdiction |
| DA8/CSAD2 | AE | 2602 | 7602 | 79-40 | 05/03/79 | 05/03/79 | \$2,667 | Per Acre | 500 Sq Ft | None | 1 Acre | FD-11263 | CCC / Walnut Creek |
| DA9/SNCRN | AH | 1110 | 120 | 79-45 | 05/10/79 | 05/10/79 | \$900 | Per Acre | \$4000 Value | Base Fee | 5 Acres | FD-11435 | CCC / Walnut Creek |
| DA 10 | AK | 2554 | 7554 | 92-52 | 10/03/92 | 10/03/92 | \$ 0.34 | Per Sq Ft | 100 Sq Ft | \$290 | 2 Acres | FD-12264 | CCC / Danville |
| DA 13 | AN | 2552 | 7552 | 86-36 | 07/12/86 | 07/12/86 | \$ 0.17 | Per Sq Ft | 100 Sq Ft | \$145 | 2 Acres | FD-12475 & 6 | CCC / Walnut Creek |
| DA 15A | AQ | 2559 | 7559 | 85-19 | 04/22/85 | 04/22/85 | \$ 0.35 | Per Sq Ft | 100 Sq Ft | \$290 | 2 Acres | FD-11936 | CCC/Walnut Creek/Laf. |
| DA 16 * | AS | 2583 | 7583 | 2002-41 | 02/03/03 | 01/01/14 | \$ 1.17 | Per Sq Ft | 100 Sq Ft | \$1,030 | 2 Acres | FD-12473 | CCC / Pleasant Hill |
| DA 19A | AV | 2540 | 7540 | 89-24 | 06/10/89 | 06/10/89 | \$ 0.35 | Per Sq Ft | 100 Sq Ft | \$300 | 2 Acres | FD-12421 | CCC / Richmond |
| DA 22 | BF | 2588 | 7588 | 87-44 | 08/22/87 | 08/22/87 | \$ 0.05 | Per Sq Ft | 100 Sq Ft | \$33 | 2 Acres | FD-12548 & 9 | Concord / Walnut Creek |
| DA 29C* | BI | 2555 | 7555 | 2006-46 | 02/19/07 | 01/01/14 | \$ 0.82 | Per Sq Ft | 100 Sq Ft | \$722 | 2 Acres | FD-13010 | Oakley |
| DA 29D* | BJ | 2556 | 7556 | 2006-47 | 02/19/07 | 01/01/14 | \$ 2.08 | Per Sq Ft | 100 Sq Ft | \$1,830 | 2 Acres | FD-13011 | Oakley |
| DA 29E* | BK | 2548 | 7548 | 2006-48 | 02/19/07 | 01/01/14 | \$ 1.95 | Per Sq Ft | 100 Sq Ft | \$1,716 | 2 Acres | FD-12604 | Oakley |
| DA 29G* | BM | 2568 | 7568 | 2006-49 | 02/19/07 | 01/01/14 | \$ 1.51 | Per Sq Ft | 100 Sq Ft | \$1,329 | 2 Acres | FD-12031-1 | CCC/Antioch/Oakley |
| DA 29H* | BN | 2569 | 7569 | 2006-50 | 02/19/07 | 01/01/14 | \$ 1.10 | Per Sq Ft | 100 Sq Ft | \$968 | 2 Acres | FD-12575 | Oakley |
| DA 29J* | BP | 2570 | 7570 | 2002-29 | 12/22/02 | 01/01/14 | \$ 0.58 | Per Sq Ft | 100 Sq Ft | \$510 | 2 Acres | FD-12249 | CCC/Antioch |
| DA 30A* | CC | 2557 | 7557 | 2007-07 | 11/10/07 | 01/01/14 | \$ 0.60 | Per Sq Ft | 100 Sq Ft | \$528 | 2 Acres | FD-12367.1 & 8 | Oakley |
| DA 30B* | CD | 2546 | 7546 | 2006-51 | 02/19/07 | 01/01/14 | \$ 1.62 | Per Sq Ft | 100 Sq Ft | \$1,426 | 2 Acres | FD-11927 | CCC/Brentwood/Oakley |
| DA 30C* | CE | 2558 | 7558 | 2007-08 | 11/10/07 | 01/01/14 | \$ 0.39 | Per Sq Ft | 100 Sq Ft | \$343 | 2 Acres | FD-11928.1 | CCC/Brentwood/Oakley |
| DA 33A | CL | 2535 | 7535 | 85-51 | 09/26/85 | 09/26/85 | \$ 0.21 | Per Sq Ft | 100 Sq Ft | \$185 | 2 Acres | FD-12429 & 30 | CCC/Concord |
| DA 33B | CM | 2541 | 7541 | 89-57 | 11/11/89 | 11/11/89 | \$ 0.70 | Per Sq Ft | 100 Sq Ft | \$600 | 2 Acres | FD-12631 | CCC/Concord |
| DA 33C | CN | 2561 | 7561 | 90-07 | 03/30/90 | 03/30/90 | \$ 0.44 | Per Sq Ft | 100 Sq Ft | \$380 | 2 Acres | FD-12649 | CCC/Concord |
| DA 37A | CQ | 2534 | 7534 | 85-41 | 07/04/85 | 07/04/85 | \$925 | Per Acre | 500 Sq Ft | None | 2 Acres | FD-12406 | CCC/Danville |
| DA 40A | DC | 2565 | 7565 | 82-09 | 02/04/82 | 02/04/82 | \$ 0.21 | Per Sq Ft | 100 Sq Ft | \$180 | 2 Acres | FD-12090 & 1 | CCC/Martinez |
| DA 44B* | DM | 2547 | 7547 | 2002-42 | 02/03/03 | 01/01/14 | \$ 0.98 | Per Sq Ft | 100 sq ft | \$862 | 1 Acre | FD-12069.1 & 10 | CCC/Pleasant Hill/W.C. |
| DA 46* | DP | 2578 | 7578 | 2002-43 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-12555 | CCC/Laf/PL Hill/W.Crk |
| DA 47* | DQ | 2597 | 7597 | 2001-04 | 03/26/01 | 01/01/14 | \$ 1.12 | Per Sq Ft | 100 Sq Ft | \$986 | 2 Acres | FD-13075 | Martinez/Pleasant Hill |
| DA 48B* | DS | 2574 | 7574 | 2002-28 | 12/22/02 | 01/01/14 | \$ 0.51 | Per Sq Ft | 100 Sq Ft | \$449 | 2 Acres | FD-12661 | CCC/Pitts/Concord |

Contra Costa County Flood Control and Water Conservation District

| Agricultural lots must be used for agricultural purposes, generally greater than 20 acre lots | | | | | Drainage Fee Schedule Updated January 1, 2014 | | | | | | | * DA with Annual Construction Cost Index Adjustment Based on 2013 ENR index of 5.2% | | |
|---|---------|--------|-------|---------------|---|------------------------------|----------|-------------------|-------------------|-------------------|----------------------------|---|--------------------------|--|
| Drainage Area | NT Code | Fund # | Org # | Fee Ordinance | Effective Date of Ordinance | Effective Date Last Increase | FEE Base | Base Unit Measure | Maximum Exemption | Standard Pool Fee | Maximum Deferral Excess Of | Drainage Plan | Involved Jurisdictions | |
| DA 48C | DT | 2572 | 7572 | 93-73 | 11/20/93 | 11/20/93 | \$ 0.43 | Per Sq Ft | 100 Sq Ft | \$379 | 2 Acres | FD-12296 | CCC (Bay Point) | |
| DA 48D | DU | 2573 | 7573 | 93-53 | 10/02/93 | 10/02/93 | \$ 0.54 | Per Sq Ft | 100 Sq Ft | \$465 | 2 Acres | FD-12438 | CCC (Bay Point) | |
| DA 52A* | ED | 2553 | 7553 | 2007-09 | 11/10/07 | 01/01/14 | \$ 0.29 | Per Sq Ft | 100 Sq Ft | \$255 | 2 Acres | FD-12007 | CCC / Brentwood | |
| DA 52B* | EF | 2549 | 7549 | 2007-10 | 11/10/07 | 01/01/14 | \$ 0.27 | Per Sq Ft | 100 Sq Ft | \$238 | 2 Acres | FD-11926 | CCC / Brentwood | |
| DA 52C* | EG | 2571 | 7571 | 2007-11 | 11/10/07 | 01/01/14 | \$ 1.06 | Per Sq Ft | 100 Sq Ft | \$933 | 2 Acres | FD-13077 | CCC / Brentwood | |
| DA 52D* | EH | 2584 | 7584 | 2006-52 | 02/19/07 | 01/01/14 | \$ 1.28 | Per Sq Ft | 100 Sq Ft | \$1,126 | 2 Acres | FD-12630 | CCC/Brentwood/Oakley | |
| DA 55* | EP | 2579 | 7579 | 2002-23 | 11/11/02 | 01/01/14 | \$ 0.84 | Per Sq Ft | 100 Sq Ft | \$739 | 2 Acres | FD-12606 | CCC / Antioch | |
| DA 56* | ER | 2566 | 7566 | 2002-24 | 11/11/02 | 01/01/14 | \$ 0.84 | Per Sq Ft | 100 Sq Ft | \$739 | 2 Acres | FD-12085.1 & 6.1 | CCC/Antioch/Oakley/Brent | |
| DA 57 | ET | 2538 | 7538 | 88-86 | 01/07/89 | 01/07/89 | \$ 0.35 | Per Sq Ft | 100 Sq Ft | \$300 | 2 Acres | FD-12576 & 7 | CCC / Martinez | |
| DA 62* | FB | 2543 | 7543 | 2002-35 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-13080 | CC/Martinez/Pleas. Hill | |
| DA 67 | FM | 2539 | 7539 | 89-12 | 04/16/89 | 04/16/89 | \$ 0.38 | Per Sq Ft | 100 Sq Ft | \$325 | 2 Acres | FD-12023 & 1262 | CCC / Walnut Creek | |
| DA 72* | GE | 2544 | 7544 | 2002-36 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD13081 | CCC/Martinez/Pleas. Hill | |
| DA 73 | GF | 2567 | 7567 | 88-68 | 10/22/88 | 10/22/88 | \$ 0.10 | Per Sq Ft | 100 Sq Ft | \$86 | 2 Acres | FD-12177 | CCC/Richmond/San Pablo | |
| DA 76 | GY | 2542 | 7542 | 94-20 | 04/29/94 | 04/29/94 | \$ 0.70 | Per Sq Ft | 100 Sq Ft | \$620 | 2 Acres | FD-13007 | CCC / Walnut Creek | |
| DA 78* | GZ | 2545 | 7545 | 2002-37 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-13082 | CCC/Pleasant Hill | |
| DA 87* | HA | 2585 | 7585 | 2002-38 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-13083 | CCC/Martinez/Pacheco | |
| DA 88* | HB | 2586 | 7586 | 2002-39 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-13084 | CCC/Pacheco/Martinez | |
| DA 89* | HC | 2587 | 7587 | 2002-40 | 02/03/03 | 01/01/14 | \$ 0.74 | Per Sq Ft | 100 Sq Ft | \$651 | 2 Acres | FD-13085 | CCC/Martinez/Pleas. Hill | |
| DA 101A | JC | 2581 | 7581 | 88-36 | 07/09/88 | 07/09/88 | \$ 0.20 | Per Sq Ft | 100 Sq Ft | \$172 | 2 Acres | FD-12618 | CCC/Danville/San Ramon | |
| DA 104 | JH | 2589 | 7589 | Repealed | 11/10/07 | 11/10/07 | \$0.00 | Per Sq Ft | 100 Sq Ft | \$0 | 2 Acres | FD-12625 | CCC/Antioch/Brentwood | |
| DA 105 | IJ | 2590 | 7590 | Repealed | 11/10/07 | 11/10/07 | \$0.00 | Per Sq Ft | 100 Sq Ft | \$0 | 2 Acres | FD-12626 | CCC / Brentwood | |
| DA 106 | IL | 2591 | 7591 | Repealed | 11/10/07 | 11/10/07 | \$0.00 | Per Sq Ft | 100 Sq Ft | \$0 | 2 Acres | FD-12627.1 | CCC / Brentwood | |
| DA 107 | IN | 2592 | 7592 | Repealed | 11/10/07 | 11/10/07 | \$0.00 | Per Sq Ft | 100 Sq Ft | \$0 | 2 Acres | FD-12628.1 | CCC / Brentwood | |
| DA 108 | IQ | 2593 | 7593 | Repealed | 11/10/07 | 11/10/07 | \$0.00 | Per Sq Ft | 100 Sq Ft | \$0 | 2 Acres | FD-12629.1 | CCC / Brentwood | |
| DA 109 | JS | 2595 | 7595 | 94-75 | 02/16/95 | 02/16/95 | \$ 0.35 | Per Sq Ft | 400 Sq Ft | \$310 | 2 Acres | FD-13041 | CCC / Brentwood | |
| DA 128 | LM | 2537 | 7537 | 85-72 | 01/18/86 | 01/18/86 | \$ 0.17 | Per Sq Ft | 100 Sq Ft | \$145 | 2 Acres | FD-12415 thru 7 | CCC/Concord/W.C. | |
| DA 130* | KG | 2562 | 7562 | 2007-06 | 11/10/07 | 01/01/14 | \$ 0.68 | Per Sq Ft | 100 Sq Ft | \$598 | 2 Acres | FD-13111 | CCC/Antioch/Oakley/Brent | |

Drainage Fee Schedule 2014DA Fee Schedule

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5/22/2014

The 50 Year Plan "From Channels to Creeks"

**Contra Costa County Flood Control and Water Conservation District
March 2009**

On April 9, 1999, Contra Costa County held its first Watershed Symposium. At that Symposium, we outlined a vision to convert our concrete and rip-rap lined channels into natural systems that safely convey the same flood waters. Over the years, this vision has been reviewed and refined. The purpose of this paper is to identify the benefits for the Flood Control District to convert its first generation infrastructure, consisting of concrete and rip-rap lined channels, to second generation facilities, consisting of natural creek systems, and the methods to achieve this. The vehicle to achieve this is long range planning for creek enhancement.

As with most Flood Control Districts, the Contra Costa County Flood Control and Water Conservation District was formed to provide flood protection infrastructure and improvements for a rapidly developing County. Our mandate at that time was defined as simply providing flood protection in the most economical manner. The County paid all right-of-way costs, which often resulted in relatively narrow concrete and rip-rap-lined channels. Today, however, communities desire a broader range of services. The citizens of our county still want flood protection, but they also want a healthy and natural looking eco-system in their drainage channels and creeks (while minimizing the amount on their tax bill for maintenance and new infrastructure costs). They want good water quality and a sustainable and rich plant and animal habitat in their creeks and watersheds. At the same time, our infrastructure is aging and will need to be replaced over the next several decades. Compounding our problem is a severe lack of funding. After passage of Proposition 13 in 1978, our tax revenue was reduced by 58%. We have been scrambling to perform our mission and maintain our existing infrastructure ever since. Planning for the capital replacement of an estimated \$500 million in infrastructure is daunting to say the least. To do this we need to take a long view and we need public support to plan and fund our infrastructure replacement.

Our existing major infrastructure has a remaining service life of 30 to 50 years. We need to embark now upon a planning process for long-range replacement of this essential infrastructure. The question for our communities is this; what type of infrastructure should it be replaced with? Should we simply rebuild our concrete or rip-rap channels, or should they be replaced with more natural systems of vegetation and riparian habitat in a manner that allows natural processes to maintain essential flood protection and water quality improvement functions, recreational and aesthetic values, as well as allowing flexibility to respond to climate change? Our experience indicates there will be much more support for replacing the existing infrastructure with natural systems. If we pose this question openly, then the answer becomes a community

design issue, resulting in community involvement, and ultimately community buy-in and support. This long-range process to develop a creek enhancement plan was termed the "50 year plan" simply to illustrate the long-range aspect of the process.

Historical Background

The Contra Costa County Flood Control and Water Conservation District (Flood Control District) was established in July of 1951. This was during the Age of Infrastructure. Americans had just returned from overseas where they had won World War II, in great part due to America's resources, technology, and "Yankee know-how". Americans were filled with optimism, a "can do" attitude, and the sense that any problem could be solved with technology and infrastructure. Contra Costa County, along with the rest of California, was growing and expanding. As the county developed, public policy required the construction of extensive infrastructure. The population in the Walnut Creek watershed increased from 53,000 to 250,000 between 1950 and 1966. The floods of 1955 and 1958 galvanized public support for flood control infrastructure throughout the county. The Flood Control District, in partnership with the the U.S. Army Corps of Engineers and the Department of Agriculture Soil Conservation Service, constructed improvements in the Walnut Creek, Marsh Creek, Pinole Creek, Rodeo Creek and other watersheds. Due to subsidies provided by the federal and state governments, the Flood Control District was able to construct these major regional flood control facilities at a local cost of approximately ten percent of the total project cost. The cities and the county supported the construction of infrastructure to meet the needs of the citizenry. At the time, however, we did not understand the environmental consequences of our infrastructure construction.

In the 1970's we began to understand the effects of unbridled construction activities. We began to understand that many things are interrelated, and saw the need to analyze things from a system-wide perspective and not on an individual basis. Public sentiment began to shift towards being more sensitive to the environment. The National Environmental Policy Act, Clean Water Act, and the Endangered Species Act were all passed in the late 1960's and 1970's. Since then, these and other environmental policies and laws have been strengthened, and regulations established to enforce and monitor infrastructure construction and maintenance activities. Citizen action groups were formed in communities throughout the county to oppose the traditional approach to solving our infrastructure problems. These groups and evolving statutory requirements forced government agencies in the county to analyze the impact of construction activities on the environment. Over the last twenty-five years, these actions have defined the current public policy of providing infrastructure with environmental protection and preservation.

The New Mission and Our Challenge

The original mission of the Flood Control District was to provide flood control infrastructure. This mission was aligned with the public policy at the time, and the District was very successful in providing flood protection improvements for the residents of the county. To be aligned with today's public policy, however, the District's mission must be expanded to include habitat preservation and water quality in the course of providing flood protection.

Other critical issues will also have to be addressed including the significant reduction in financial assistance offered by the state and federal government for flood protection projects, and the means to accumulate and protect reserve funds to implement an infrastructure replacement plan. Flood risk is defined by topography and is not evenly distributed. Hurricane Katrina focused a national debate on the equity of subsidizing disaster recovery costs for property located in hazard prone areas. In California's current "pay as you go" public policy environment, it will be very challenging to enlist the financial support of property owners outside flood hazard areas to implement an overhaul of existing flood channels that seemingly benefit a minority of property owners.

Our customers, the cities, the county, the public, and other agencies, are operating within the same public policy framework that the District is. All public infrastructure has a limited service life, a period of time the infrastructure will perform its designed service with routine maintenance before it needs to be replaced. The question is how do we plan for the replacement of this critical infrastructure within today's public policy framework?

The Approach to Flood Control Issues

The Flood Control District's mission defines its approach to resolving flood control issues. The District's mission is consistent with current public policy and the mandate from the regulatory agencies to provide flood protection while preserving riparian habitat and maintaining water quality. The "flood control" issues of today are different from the flood control issues of the past. The issues of today are, for lack of a better term, "creek issues". Creek issues combine the concerns for flood protection, ecosystem preservation, and water quality. To resolve the issues we face today, we must approach them from a **multi-objective** perspective. We must identify the stakeholders involved in the issue, determine their interests and needs, and then provide alternatives that meet those needs and interests. The alternatives must be based on sound science to ensure that the creek system will provide all the functions necessary for the watershed.

Planning for creek issues requires **community-based planning**. This type of community planning will often transcend jurisdictional boundaries. Resolution of today's issues must go beyond the traditional focus of the "plumbing" of the watershed (i.e., the creeks), and extend to the watershed as a whole. The solutions of tomorrow must be **watershed-based and multi-objective**, or more accurately, the solutions of tomorrow must evolve from **community-based watershed planning**.

Creek Enhancement Planning

The Flood Control District has many miles of engineered, or historically termed "improved", channels that no longer have the natural features of the original creek. Funding will likely become available to restore some natural features to these channels. Some channels were designed for specific land uses that have changed over time and, if this trend continues, may become inadequate in the future. If some of these facilities become inadequate, should they be replaced with the same type of facility or replaced with a facility having the features of a natural creek? Should concrete lined channels be replaced with engineered creeks? Can flood control earthen channels be converted to "flood control creeks"? As our community's age and land uses change, we will have the opportunity through redevelopment to implement more natural flood protection facilities integrated in the new urban landscape.

The Flood Control District can develop Creek Enhancement Plans to, for example, plant trees in an earthen channel and still maintain flood protection, IF the drainage system is looked at from a watershed perspective, to offset the loss in capacity due to the trees planted in the channel. If the goal is to convert a flood control channel to a natural creek, then some Creek Enhancement Plans will need extremely long planning horizons of 50 years or more to achieve all of their objectives. Some plans may be as simple as providing a bypass pipe or an upstream detention basin or increased upstream infiltration to allow a creek section to be natural, while other plans may call for purchasing a row of houses in order to replace a concrete channel with a natural looking creek. These kinds of objectives are achievable and can be implemented without unreasonable disruption to a community if a long-range "50-year" creek enhancement plan is adopted. The Flood Control District will develop these plans if the citizens of our cities and the county are interested in a more natural environment in our flood protection facilities.

Flood Control District Benefits

There are several benefits for the Flood Control District to develop long-range plans to convert its drainage facilities into a natural system.

- Broad public support - Initially it may seem easier to simply replace the existing infrastructure. However, regulatory agencies and public sentiment support conveying flood waters in natural systems rather than artificial concrete systems. Planning future facilities that meet modern expectations will guarantee a broad level of support.
- Grant Funds - There will be opportunities for grant funds to construct elements of a more natural system and probably fewer (or maybe zero) opportunities for grant funds to replace concrete structures.
- Increase Awareness - Going through a long-term planning process provides an opportunity to discuss issues related to flood protection, floodplain management, natural creek system function and form, etc. Increased public awareness of stormwater issues leads to increased understanding and support for funding.
- Community Design - Including the public and community leaders in a long-range plan allows the project to become part of the community design element of a neighborhood or town. These can then be part of the general plan or specific plan for a community and can lead to partial funding through development fees or redevelopment revenue. These kinds of projects can also contribute to making communities more sustainable, including meeting new targets for carbon emission reduction, enhancing greater reliance on local water supplies, and responding to the anticipated effects of climate change.
- Life Cycle Costs - These vary by facility and channel reach. Concrete channels tend to have high initial construction costs, very low ongoing maintenance costs and high replacement costs. Natural channels require increased right-of-way width and generally higher ongoing maintenance but low or zero replacement costs. Taking the long view, the costs for natural channels will be much less compared to the costs of multiple life cycles for concrete channels.
- Water Quality and Conservation – Water flowing in natural creeks flows over and through biological media and is filtered through creek banks and beds, cleansing the water and retaining it longer in the watershed helping to meet stormwater (NPDES) permit requirements and enhancing aquatic habitat features.
- Aesthetics – Natural channels are much more appealing than concrete channels for recreational uses or simply as a visual amenity for a community.
- Recruitment and Retention – Staff working for the Flood Control District will be more likely to be motivated, have a high morale and make a career at the District if the District is progressive, visionary, and places importance on environmental protection.

Opportunities

There are many opportunities for long-range planning for replacement of vital flood protection infrastructure within existing community planning and implementation activities that include the following:

- Redevelopment Plan – area-wide master plan that can include watershed infrastructure.
- Redevelopment Plan Projects – projects outlined in a community’s Redevelopment Plan.
- Development Projects – requiring (or negotiating) implementation of short pieces of channel/creek enhancement with land use entitlements.
- General Plan Updates – watershed and system-wide infrastructure planning.
- General Plan Amendments – identify improvements to segments of a regional or watershed infrastructure plan.
- Specific Plans – neighborhood level improvements of watershed infrastructure.
- Watershed Management Plan – regional, watershed level assessment of infrastructure needs.
- Mitigation – opportunity to develop and possibly implement portions of a plan as alternative mitigation.
- Regulation Offsets/Alternative Compliance – opportunities to develop watershed or creek enhancement plans and/or implement portions of improvements as an offset or in-lieu of stormwater (NPDES) or regulatory permit requirements.
- FEMA Mapping – opportunity to review watershed or creek infrastructure needs within floodplains.
- Integrated Regional Water Management Planning – collaboration with water supply agencies that could provide funding or cost-share contributions to alternative stormwater management approaches that retain and “harvest” rainfall, thereby enhancing local water supplies for landscape irrigation and reduction of flood peaks.
- Community Based Organizations – collaborative or independent projects by non-profit organizations with private funding sources.

- Climate Change and Sea Level Rise – may be a trigger for long-range creek planning, especially with expansion of the floodplain incorporating more properties.
- Bay Area Stream Goals – opportunity for watershed and regional infrastructure planning.
- Emergency Planning – predisaster mitigation planning with grants from FEMA and other organizations.

Benefits for the Community

The community gains many tangible benefits in addition to continuing flood risk reduction. These benefits are similar to those of the Flood Control District, but are from a different perspective.

- Quality of Life – having a natural creek system drain through a neighborhood rather than a concrete channel looks and feels better to the surrounding residents resulting in increased property values.
- Community Amenity – the community can plan and design its public spaces and retail/commercial areas to take advantage of the attraction of a natural system. The community can have a recreational and aesthetic focus along the creek as a natural system, rather than a concrete lined flood control utility.
- Habitat – a natural creek will provide the plant and animal habitat necessary for a rich eco-system within the creek and its riparian corridor and can provide wildlife linkages between urban ecosystems and open-space areas.
- Water Quality – a natural system will provide opportunities for cleansing and filtering storm run-off, particularly during low flow events, to reduce pollutants in the stormwater.
- Connection with Nature/Community Health – Nature Deficit Disorder (a term introduced by Richard Louv in his book “Last Child in the Woods”) embodies a theory that children who lose the connection with nature exhibit a variety of behavioral problems more so than children who get out into nature. As our landscape becomes more urbanized and we have more technological diversions, our children have less opportunity and spend less time interacting in a natural environment. Reestablishing natural creeks in an urban setting will increase opportunities for children to interact with nature in an otherwise paved or manicured/structured environment.

- Community Involvement – The community has an opportunity for citizens to get involved in creek related activities, such as clean-ups, water quality monitoring and fish surveys, or for youth groups to help actively manage portions of the creek by, for example, removing invasive species, or by developing watershed plans. These activities increase citizen involvement and increase their sense of community.
- Development of “Green Jobs” – The community can develop and retain a skilled workforce restoring and maintaining public and private natural creeks. This could include re-vegetation and soil bioengineering project work, water quality monitoring, and coordination of erosion prevention/stabilization on private property and stream stewardship training for private property owners. These would be new jobs for the community that can’t be outsourced overseas, which helps the community’s economic sustainability.

Outreach

Successful long-range planning and implementation will require active support from and partnerships with many agencies, groups and individuals. The Flood Control District will need to outreach to many different groups to increase awareness, enlist support and develop partners to initiate and sustain a long-range plan. For Contra Costa County this would include the following groups:

- Public Managers Association
- City/County Engineering Advisory Committee
- City Councils
- Watershed Forum
- Non-profit organizations
- Regulatory agencies

Developing a brochure (“The 50 year plan-A future for our Children”) or short, concise informational piece would be very helpful to communicate the concept and opportunity of this approach to infrastructure replacement.

Roles and Responsibilities

If we are to embrace this approach to infrastructure replacement, what should the role of the Flood Control District be? And what of our partners, the cities, the non-profit groups (NGO’s), the regulatory agencies, what role should they play?

- Flood Control District – The Flood Control District must be a cheerleader for the 50-year plan. We need to provide outreach information on the benefits and

value added by this approach. By long practice and political prudence we do not conduct activities within a jurisdiction without that jurisdiction's approval. We must work hard to enlist the support of the public and the communities within which these projects and activities would occur. The root issue for the Flood Control District is funding. How can we obtain community support for funding capital replacement of flood protection infrastructure and then fund its ongoing maintenance? The average household spends maybe \$700 per year on potable water and over \$300 per year on wastewater treatment. In contrast, the average Contra Costa household spends about \$30 per year on water quality (NPDES) and less than \$70 per year on flood protection maintenance and improvements, depending on the specific watershed (see footnote 1). As a society, do we spend enough resources on stormwater management, does the general public understand the benefits and value of stormwater management and the flood protection system? Everyone uses the water supply system every day; everyone uses the waste water system every day. If a flood protection system is viewed as providing solely flood protection, then it is used only during heavy storm events. Even though a flood protection system saves a community from disastrous economic losses from rare storm events, it is never foremost in people's minds. If a flood protection system embodies a natural creek that has habitat value, recreational elements and opportunities for children to interact with nature, then it will be used on a more frequent basis and be viewed with more importance in relation to other necessary societal expenditures.

- Cities – Cities must take a leadership role in establishing the vision for their community for flood protection infrastructure. Cities must define the goals for a Creek Enhancement Plan. Cities must support the objectives of a 50-year plan if it is to be successful, and these objectives must be incorporated into the city's General Plan to ensure long-term commitment and provide the opportunities for eventual implementation through future land use decisions.
- Community Based Organizations/Non-Governmental Organizations/Non-Profit Groups – These community groups can play a key role in adding benefit and value to a community's Creek Enhancement Plan. For example, community organizations may harness the energy of volunteer citizens to monitor the health of the natural creek after it's converted from a concrete channel. Another group may partner with the Flood Control District to help maintain some of the features of a natural channel using youth labor, which benefits the community by providing work for a segment of the community and provides activities for them after school. Community groups will be natural and necessary partners to communicate and outreach to the public about the overall benefits of a Creek Enhancement Plan and watershed based community planning processes. The Resources Conservation District has a long history in assisting community groups in these efforts.

- **Regulatory Agencies** – Regulatory agencies must invest time up front in the planning process to make sure the Creek Enhancement Plan includes the proper balance of habitat for the natural creek system. The regulatory agencies must also be flexible when the only way to implement a more natural system is by “shoehorning” it into an urban environment and compromises on everyone’s part are required to meet the sometimes daunting constraints involved. Balancing community use of the creek as a public open space with habitat needs for species will be especially tricky.

Challenges

There are challenges to every endeavor in life, and addressing creek issues is no different.

- **Jurisdictional Boundaries** – It will be a challenge to develop watershed management plans in watersheds that span several jurisdictions.
- **Form and Function** – Unfortunately a concrete channel is much more efficient at moving flood waters than a natural creek. As a result, a natural creek needs to have more room (perhaps several times the width!) than a flood control channel. There are solutions to this, but coming to a consensus or collective agreement will be difficult.
- **Conflicting Interests** – Finding solutions that meet the concerns of the environmental and regulatory community for habitat preservation, the concerns of the neighborhood for aesthetics, the concerns of property owners on the floodplain for flood protection and the concerns of those property owners who front on the creek will be difficult.
- **Political Leadership** – It will also be difficult to develop 50 year plans for creek enhancement in a political environment that cycles on a four year period.
- **Unified Vision** – It will be a challenge for some communities to establish a collective vision for their creek, and to determine how to make their creek a resource and amenity for the community.
- **Funding** – A list of challenges would not be complete without funding. Funding, of course, seems to be an issue wherever we turn, and creek issues are no different. Along with any long-range plan for creek enhancements must be a plan to fund the improvements and the ongoing maintenance.
- **Climate Change** – This will result in increased storm runoff and flooding, and increased water surface elevation at a creek’s mouth, which will result in more

property in the floodplain. However, this may be a trigger for comprehensive watershed based planning around creeks.

The Flood Control District will continue to provide the best service to the cities, the county, and their residents, for the needs of today and of the future. To be successful, we feel this will require a long-term, multi-objective approach on a watershed basis with community-based planning. Some effort to better define the potential costs and constraints to implementing more natural flood protection needs to be done. Creek issues can be resolved and challenges can be overcome, if there is a desire on everyone's part to focus on common goals and work together.

Footnote 1

Revenue for constructing flood protection projects and maintaining existing flood protection facilities comes from a portion of the 1% ad-valorem property tax on parcels within a flood control zone. A flood control zone is a major watershed area within the county; for example, flood control zone 1 is the Marsh Creek watershed and flood control zone 9 is the Pinole Creek watershed. Prior to Proposition 13 in 1978, each year flood control zones established their budget needs for the upcoming year and recommended a tax rate to fund the budget. The budget and recommended tax rate was developed through a community-based advisory committee within the watershed. After Proposition 13 was passed in 1978, the tax rate was locked in and the total property tax collected was reduced to 1% of assessed value. In 1978 some flood control zones had a reasonable tax rate based upon projects that were underway. Other flood control zones had reduced tax rates because the zone had a surplus or there were no pending projects. As a result, today the revenue within flood control zones throughout the county vary significantly, with as low as a zero tax rate in Zone 9 (Pinole Creek watershed). This results in a zero annual investment per residential parcel in the Pinole Creek watershed for flood protection, \$35 annual investment per residential parcel in the Walnut Creek watershed and a \$70 annual investment per residential parcel in the Marsh Creek watershed.

RMA:kp:jw:lz (3-20-09)
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Response to Letter C Homira Shafaq, Staff Engineer, Contra Costa County Flood Control & Water Conservation District

- Response C-1:** The commenter notes that Brentwood is within the Lower Marsh Creek Watershed, and recommends that direct impacts to the creeks and their tributaries be mitigated for all future projects and development. The commenter also notes the likely requirement for permits from regulatory agencies for future projects within the watershed. This comment is noted. The City agrees with the commenter's suggestions, and the commenter is directed to the General Plan policies and actions in support of Goal COS 4, which provide protection measures for creeks and other water resources within the Lower Marsh Creek Watershed. No changes to the Draft EIR are warranted.
- Response C-2:** The commenter notes that future projects and developments that create new impervious surface areas located within specified Drainage Areas are subject to a drainage fee. The City appreciates this comment, and will work with the District to ensure that all new development projects subject to these fees are appropriately assessed. No changes to the Draft EIR are warranted.
- Response C-3:** The commenter recommends that a map showing all of the District's facilities be included in the Draft EIR. Maps depicting the locations of all the District's facilities within the Brentwood Planning Area are available for review at the Community Development Department (150 City Park Way, Brentwood, CA 94513). The inclusion of these maps in the Draft EIR would not alter or strengthen the environmental analysis contained in the Draft EIR.
- Response C-4:** The commenter notes that all future projects and developments should be conditioned to design and construct storm drain facilities to adequately collect and convey stormwater to the nearest drainage facility or natural watercourse, without diversion to the watershed. The City appreciates this comment and agrees with the commenter. The commenter is directed to General Plan Policy IF 4-3, which requires all development projects to demonstrate how stormwater runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process. This issue has been addressed in the General Plan and Draft EIR, and no changes to the Draft EIR are warranted.
- Response C-5:** The commenter states that all future projects within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps should be aware of the Federal Flood Insurance Program as they pertain to the construction of any structures. The City appreciates this comment and agrees with the commenter. The commenter is directed to General Plan Policies SA 2-4 and 2-5, which specifically

address this topic. This issue has been addressed in the General Plan and Draft EIR, and no changes to the Draft EIR are warranted.

Response C-6: The commenter states that the District's 50-year Plan supports community goals of restoring creeks, and recommends that future projects implement restoration activities to improve creek habitat. The City appreciates this comment and agrees with the commenter. The commenter is directed to General Plan Policies COS 4-1 through 4-10, which include specific requirements for creek and surface water protection and restoration. This issue has been addressed in the General Plan and Draft EIR, and no changes to the Draft EIR are warranted.

Response C-7: The commenter states that the District's issuance of an Encroachment Permit and/or conveyance of an easement are discretionary projects subject to CEQA, and recommends that the City include such requirements, as applicable, in the subsequent CEQA review of future projects within Brentwood. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.



Contra Costa County
Public Works
Department

Julia R. Bueren, Director
Deputy Directors
Brian M. Balbas
Stephen Kowalewski
Stephen Silveira
Joe Yee

May 22, 2014

Erik Nolthenius
City of Brentwood
Planning Manager
150 City Park Way
Brentwood, CA 94513

Letter D

RE: 2014 General Plan Draft EIR (DEIR)

Dear Mr. Nolthenius:

We have reviewed the DEIR for the 2014 Brentwood General Plan Update. The DEIR describes how the City plans to coordinate with other jurisdictions, particularly the County. We appreciate the cooperative effort especially as it relates to future development. As indicated in the DEIR, congestion exists on rural roads outside of the City limits such as Vasco Road, Deer Valley Road, Brentwood Boulevard, Byron Highway etc.

D-1

Our primary comment on the DEIR is on Page 3.13-57, Action CIR-1d which discusses the measures the City will take to assure that as development occurs, proper mitigations are implemented to address the proportional share of impacts as a result of the development. The County requests that a statement is added to this Action to include addressing proportional impact to unincorporated County roads in the region as well as the impact to roadways in the City.

D-2

If you have any questions on our comment, please write or call Alexander Rivas at (925) 313-2161 or myself at (925) 313-2327.

Sincerely,

Mary Halle
Associate Engineer
Transportation Engineering

G:\transeng\EIR\Brentwood\Brentwood - General Plan Update\Brentwood GP Update.docx
C: S. Kowalewski, Administration
J. Fahy, Transportation Engineering
C. Lau, Transportation Engineering
M. Halle, Transportation Engineering

"Accredited by the American Public Works Association"

255 Glacier Drive Martinez, CA 94553-4825
TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org

**Response to Letter D Mary Halle, Associate Engineer, Contra Costa County
Public Works Department**

Response D-1: The commenter provides introductory remarks and expresses appreciation to the City with respect to the descriptions in the Draft EIR regarding the need for cooperation with the County to address traffic congestion issues. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.

Response D-2: The commenter requests that General Plan Action CIR 1d be modified to include addressing proportional impacts to unincorporated County roads in the region, as well as the impact to roadways in the city limits. The General Plan includes a range of policies and actions aimed at addressing regional transportation issues. For example, Policy CIR 1-4 requires the City to maintain the Multimodal Transportation Service Objective (MTSO) standards set forth for regional transportation facilities as identified in the East County Action Plan for Routes of Regional Significance. Policy CIR 1-18 requires the City to consider the impacts of growth in surrounding jurisdictions when designing Brentwood's circulation network, which will assist in reducing regional traffic congestion. Action CIR 1a requires the City to cooperate with other jurisdictions in the county to reduce transportation congestion, and includes six specific actions that the City will implement, or continue to implement, in order to help reduce regional traffic congestion. The commenter's request to modify the language contained in Action CIR 1d is noted, and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.



Mike N. Oliphant
Project Manager
Superfund and Specialty
Portfolio

**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

Letter E

May 19, 2014

Stakeholder: Communication - City of Brentwood

Mr. Erik Nolthenius
Planning Manager
City of Brentwood Planning Division
150 City Park Way
Brentwood, California 94513

**Subject: Comments on the Draft Environmental Impact Report for the
Draft 2014 Brentwood General Plan Update (SCH #2014022058)
Historical Pipeline Portfolio-Bakersfield to Richmond**

Dear Mr. Nolthenius:

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering LLC (Leidos; CEMC contract consultant) recently reviewed the Draft Environmental Impact Report for the Draft 2014 Brentwood General Plan Update (SCH #2014022058). The information contained in this letter may help you in subsequent planning efforts to understand something about Chevron's former pipeline operations in the City of Brentwood, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in these former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed in the vicinity of the proposed project area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the Kern River Oil Fields (in and near Bakersfield) to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied; in some instances the pipelines were removed, while in others, they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the draft land use map. Figure 2 illustrates the location of the former OVP and TAOC ROWs with respect to the potable water system. Figure 3 illustrates the location of the former OVP and TAOC ROWs with respect to the Alternative 2 land use. Figure 4 illustrates the location of the former OVP and TAOC ROWs with respect to the Alternative 3 land use map. The locations of the pipelines shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/-50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

E-1

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from

E-2

Mr. Erik Nolthenius – City of Brentwood

May 19, 2014

Page 2 of 2

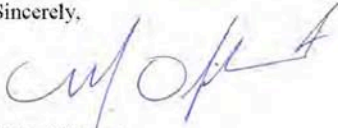
these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

E-2
Cont

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

E-3

Sincerely,



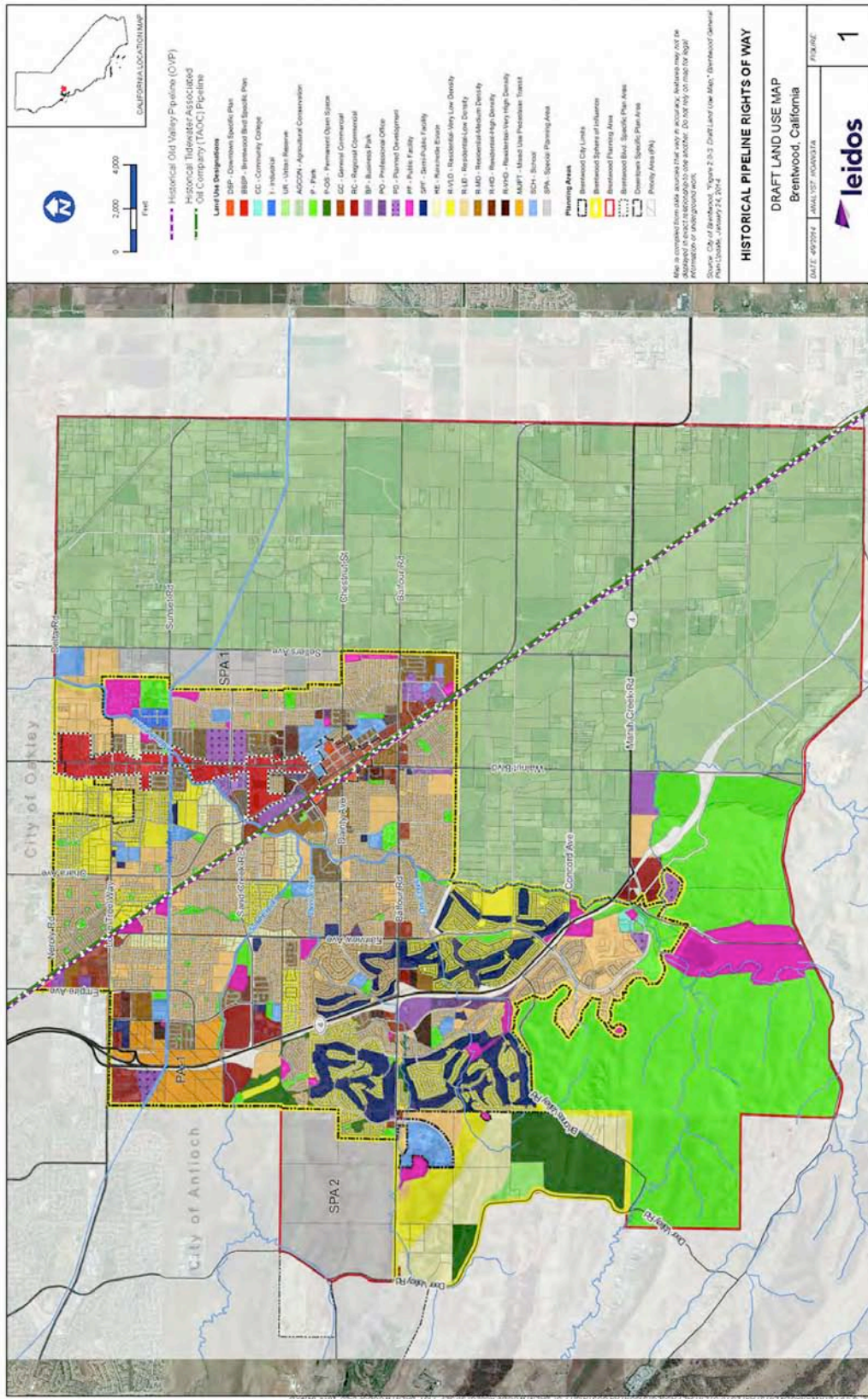
Mike Oliphant

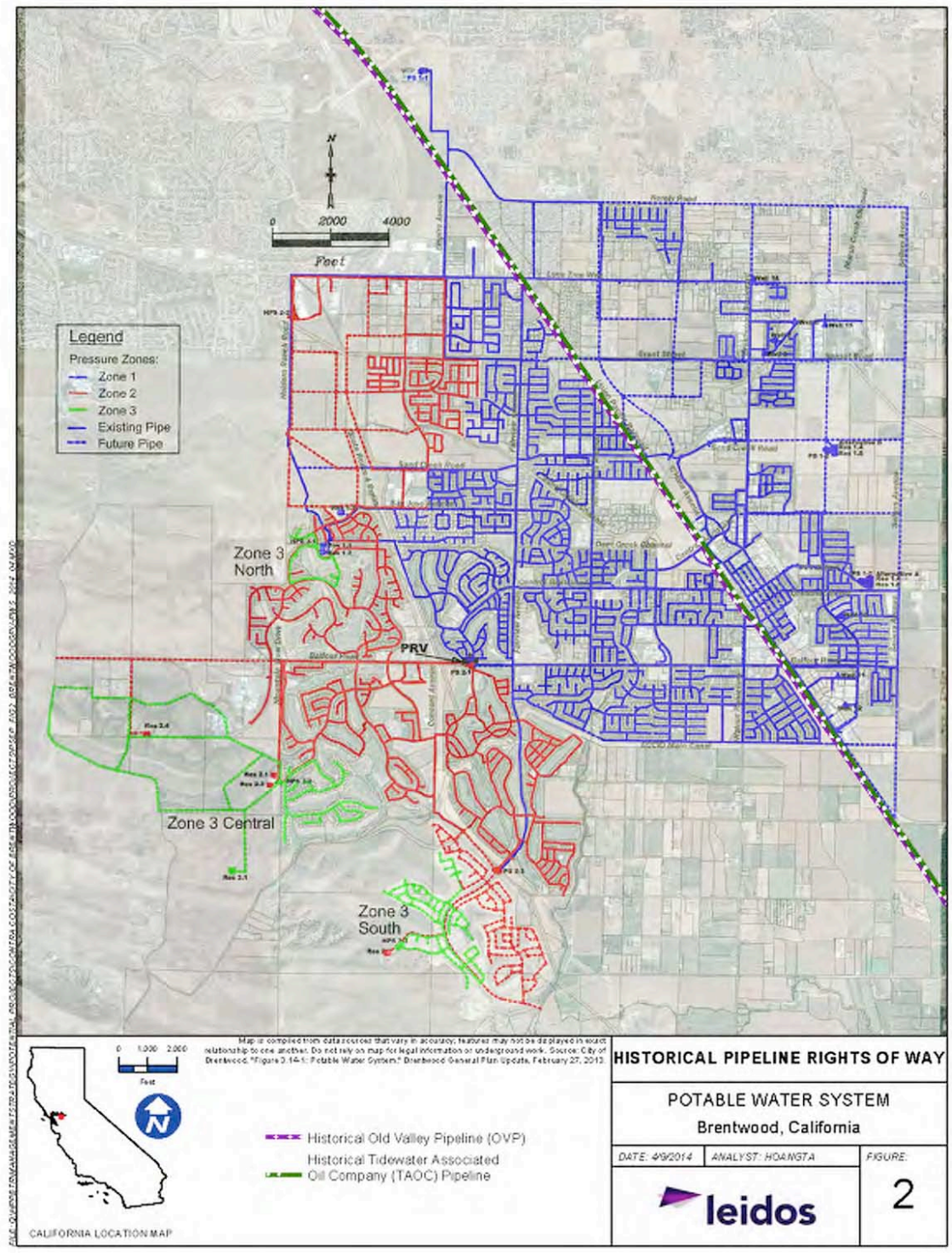
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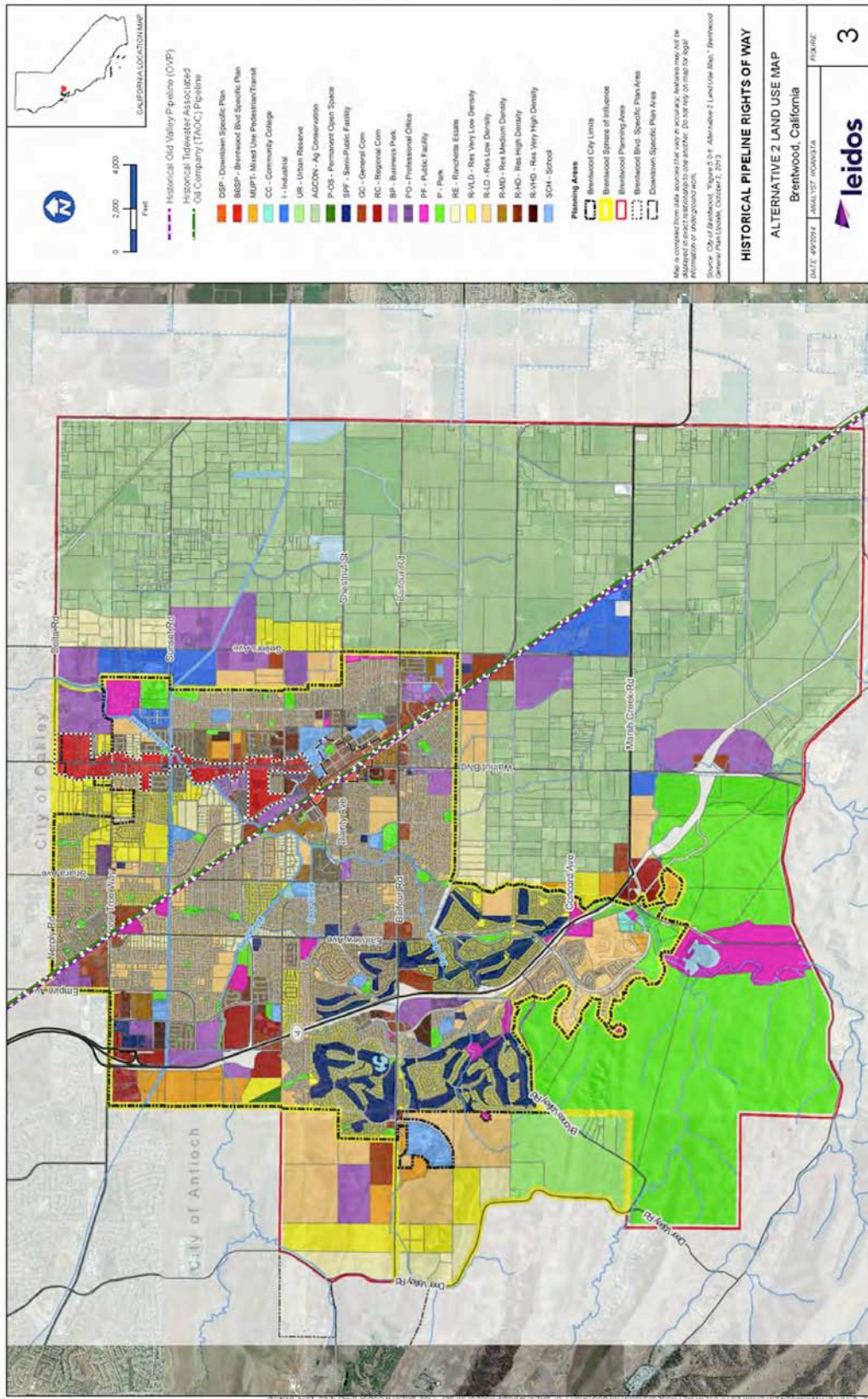
Enclosure:

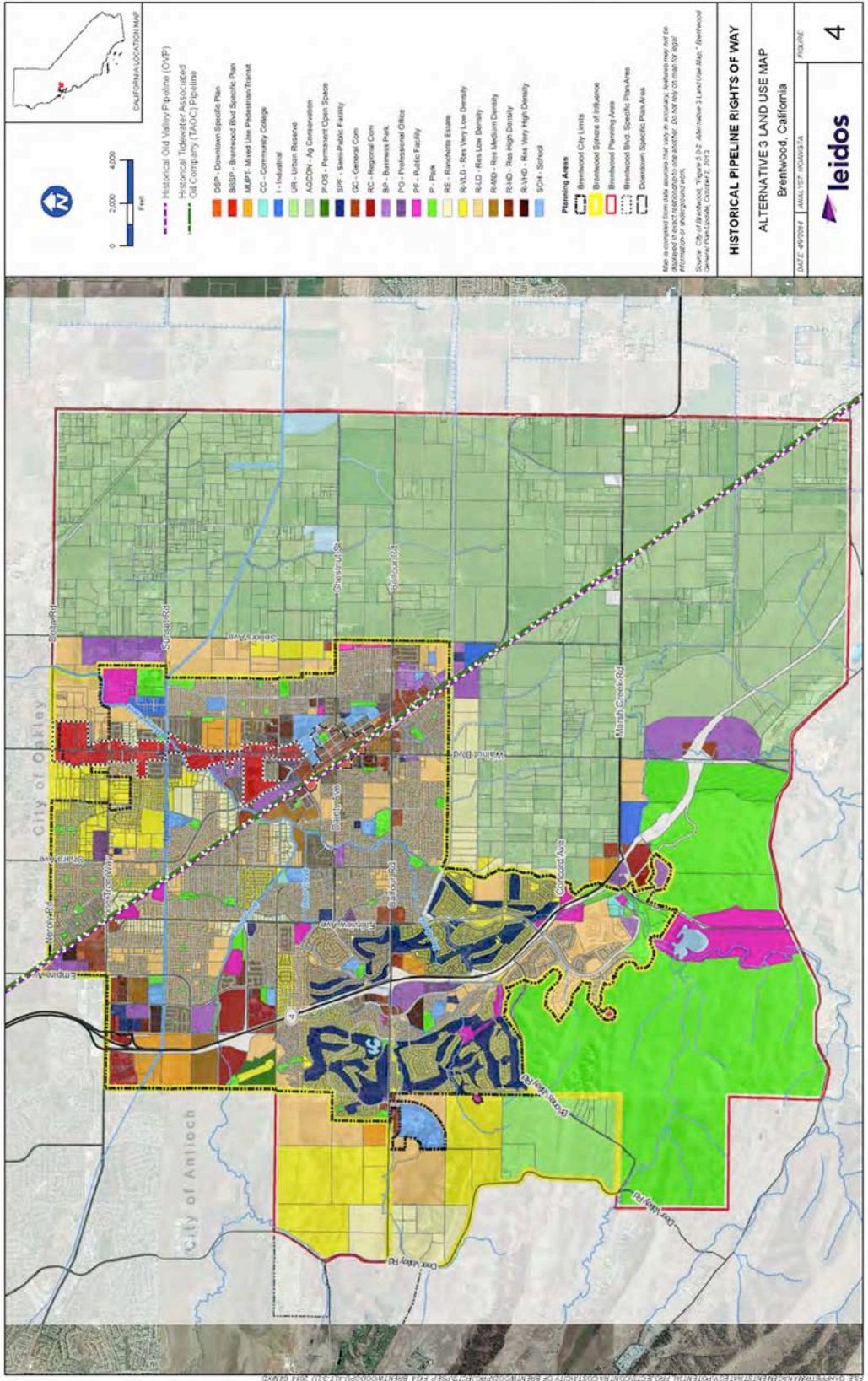
- Figure 1. Historical Pipeline Rights of Way – Draft Land Use Map
- Figure 2. Historical Pipeline Rights of Way – Potable Water System
- Figure 3. Historical Pipeline Rights of Way – Alternative 2 Land Use Map
- Figure 4. Historical Pipeline Rights of Way – Alternative 3 Land Use Map

cc: Mr. Mike Hurd – Leidos
1000 Broadway, Suite 675, Oakland, California 94607









Response to Letter E Mike Oliphant, Project Manager, Chevron Environmental Management Company

- Response E-1:** The commenter provides introductory remarks and provides background information regarding former pipeline activities in the Planning Area. The commenter notes that this information is provided in order to assist the City in subsequent planning efforts. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.
- Response E-2:** The commenter provides background information regarding risk assessments that were conducted on pipelines in the Planning Area. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.
- Response E-3:** The commenter provides website links to additional information regarding historical pipeline data. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.



May 15, 2014

RECEIVED

MAY 16 2014

CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT.

Letter F

Erik Nolthenius
Planning Manager
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Re: Comments on the draft Brentwood General Plan Update and Associated Draft Environmental Impact Report

Dear Mr. Nolthenius:

Thank you for the opportunity to comment on the above referenced documents. The primary concern of the City of Antioch is proposed policies associated with the area identified as Special Planning Area 2 (SPA 2) in the draft Brentwood General Plan.

As you are aware, the Cities of Antioch and Brentwood entered into a Memorandum of Understanding (MOU) in October of 1992 (attached). The policies underlying this MOU included maintaining an open space buffer and/or urban design features to separate and distinguish the two communities and to have compatible open space and hillside policies. The MOU has a term of 30 years and is in effect until 2022.

Item 3 in the MOU, under General Provisions, requires the following:

Neither City shall file a Sphere of Influence or Annexation application for any area within the designated boundary line of the other City, as shown in Exhibit #1.

The City of Brentwood is now considering adoption of a General Plan update which contains land use policy action items applicable to SPA 2. This is the same area referenced as Exhibit 1 in the MOU and is within Antioch's designated boundary line as stated in the MOU. These policy action items are in direct conflict with Item 3 quoted above. Specifically, the draft Brentwood General Plan includes the following:

Action LU 1e: Review and periodically amend, as needed, the existing boundary agreement with the City of Antioch. Prioritize the placement of SPA 2 within Brentwood's planned expansion boundary.

Policy LU 1-9: Support and encourage the annexation of SPA 2 (as depicted on the Land Use Map) into the City of Brentwood.

F-1

F-2

OFFICE OF THE CITY MANAGER

200 H Street, Antioch, California 94509 • P. O. Box 5007, Antioch, CA 94531-5007 • Tel: 925-779-7011 • www.ci.antioch.ca.us

Erik Nolthenius
Planning Manager
City of Brentwood
May 15, 2014
Page 2

**Re: Comments on the draft Brentwood General Plan Update and Associated
Draft Environmental Impact Report**

Accordingly, the City of Antioch respectfully requests that the draft Brentwood General Plan be amended to comply with the MOU currently in effect by not taking action regarding the area within Antioch's boundaries.

F-3

Sincerely,



Steve Duran
City Manager

enc. MOU dated October 27, 1992

cc: Paul Eldredge, City Manager, City of Brentwood
Tina Wehrmeister, Community Development Director

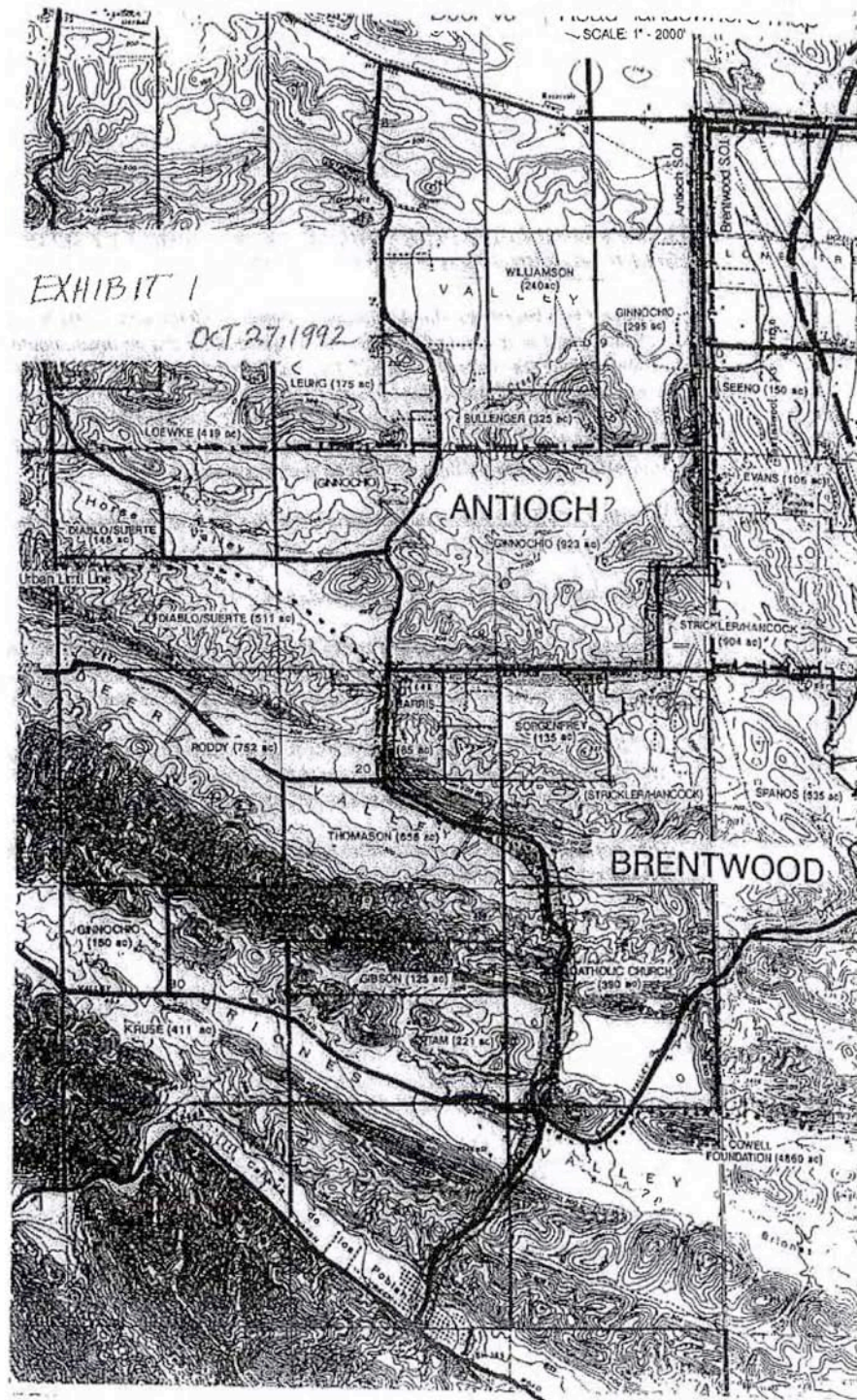
**MEMORANDUM OF UNDERSTANDING CONCERNING
BOUNDARY/OPEN SPACE BETWEEN
CITIES OF ANTIOCH AND BRENTWOOD
OCTOBER 27, 1992**

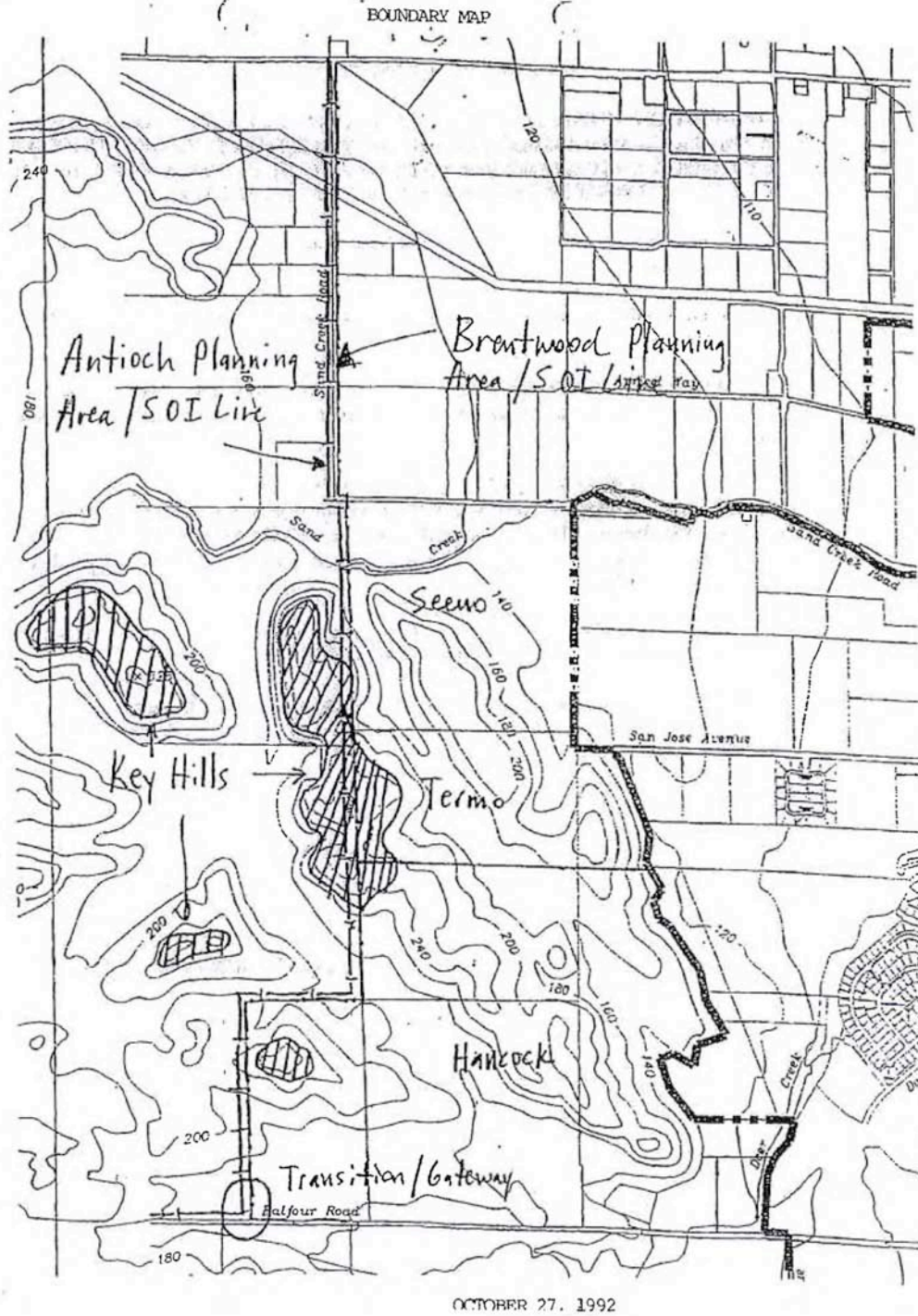
INTENT AND PURPOSE

The purpose of the Memorandum of Understanding (MOU) is to resolve boundary questions between the two cities, and to implement an open space buffer between communities.

GENERAL PROVISIONS

1. **Effective Date.** This MOU shall become effective immediately upon its approval by both the City Councils of the City of Antioch and the City of Brentwood.
2. **Term.** The term of this MOU shall commence upon the Effective Date October 27, 1992 and shall extend until the thirtieth (30th) anniversary of the Effective Date, subject to the periodic review provisions of Section 5. Following the expiration of said term, this MOU shall be deemed terminated and of no further force and effect.
3. **Requirements.** Neither City shall file a Sphere of Influence or Annexation application for any area within the designated boundary line of the other City, as shown in Exhibit #1.
4. **Amendment of MOU.** This MOU may be amended from time to time by mutual consent of the City Councils of the Cities of Brentwood and Antioch.
5. **Periodic Review.** On or before the fifth (5th) anniversary of the Effective Date and every five (5) years thereafter, each City shall review the provisions of this MOU. Based upon their respective review either City may:
 - a. Request that an amendment be made, or
 - b. Terminate the MOU.
6. **Termination.** If either City wishes to terminate the MOU, its' City Council shall conduct the following proceedings:
 - a. Adopt by resolution a Notice of Intention to terminate. Resolution shall contain the reasons why the City believes the MOU should be terminated;
 - b. Notify the other city by registered or certified mail of the Notice of Intention;
 - c. Conduct a public hearing to consider termination of the MOU at least 14 calendar days from the date the Notice of Intention was adopted; and
 - d. Adopt resolution, terminating the MOU.





RESOLUTION NO. 92/227

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
 APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING AN OPEN
 SPACE/BOUNDARY AGREEMENT BETWEEN THE CITIES OF ANTIOCH AND
 BRENTWOOD AND MODIFYING THE PREVIOUS AGREEMENT

WHEREAS, the cities of Antioch and Brentwood have a mutual interest in resolving boundary issues; and

WHEREAS, both cities desire to create an open space buffer to separate the two communities; and

WHEREAS, both cities agree to incorporate into their planning documents appropriate policies and requirements to implement the boundary and the open space buffer; and

WHEREAS, both cities' City Councils previously approved a boundary/open space agreement in September 1991; and

WHEREAS, modifications and additions are necessary to this previously approved agreement due to development and planning activity at the boundary; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby approve the Boundary/Open Space Memorandum of Understanding modifying the previous agreement, subject to the approval by the Brentwood City Council without modification, and attached hereto as Exhibit A and hereby referred to by reference.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 27th day of October, 1992, by the following vote:

AYES: Council Members Stone, Price, Rimbault, Freitas and Mayor Keller.

NOES: None.

ABSENT: None.

Glennett Russell
 CITY CLERK OF THE CITY OF ANTIOCH

5. Existing oak trees shall be preserved by incorporating them into open spaces or rights of way where practical. A tree preservation policy shall be incorporated into any development standards for approval by the respective Cities.
6. Local streets shall not "stub out" at the Boundary.
7. Appropriate setback and median treatments be utilized on Deer Valley Road at the Boundary to distinguish the two communities.

MO/Antimou2

Response to Letter F Steve Duran, City Manager, City of Antioch

- Response F-1:** The commenter expresses concern over General Plan policies related to SPA 2, and notes the 1992 Memorandum of Understanding (MOU) between Brentwood and Antioch regarding this area. The commenter notes that the MOU policies support maintaining this area as an open space buffer and/or incorporating urban design features to separate and distinguish the two communities. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.
- Response F-2:** The commenter states that General Plan Action LU 1e and Policy LU 1-9 are in direct conflict with the above-referenced MOU. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.
- Response F-3:** The commenter requests that the General Plan be amended to comply with the MOU currently in effect. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter has not addressed the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted. All of the supporting information provided by the commenter has been included in this Final EIR, and may be utilized by the City during the subsequent review of future projects.



DELTA STEWARDSHIP COUNCIL
A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

May 22, 2014

Letter G

Erik Nolthenius
City of Brentwood Community Development Department
150 City Park Way
Brentwood, CA 94513
Email: enolthenius@brentwoodca.gov

Chair
Randy Fiorini

Members
Frank C. Damrell, Jr.
Gloria Gray
Phil Isenberg
Patrick Johnston
Hank Nordhoff
Frank "Larry" Ruhstaller

Executive Officer
Jessica R. Pearson

RE: 2014 Brentwood General Plan Update, Draft EIR, SCH# 2014022058

Dear Mr. Nolthenius:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the 2014 Brentwood General Plan Update. The Delta Stewardship Council (Council) staff supports the general plan update's guiding principle of preserving surrounding agricultural lands and Brentwood's agricultural heritage as well as the land use element that provides for a development and resource conservation pattern that preserves and protects those agricultural lands throughout the City's planning area. These guiding principles are consistent with several of the Delta Plan's objectives.

Council staff has reviewed the general plan update and Draft EIR. State law specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). As such the Delta Plan, including its policies and recommendations, should be acknowledged in the Final EIR's description of the project's environmental setting of each section to which it applies.

Comments

Based our review of the Draft EIR for the Brentwood General Plan Update, we recommend the following matters be discussed or included in the Final EIR:

- **Inconsistencies with the Delta Plan.** The Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Land Use and Population.** The urban boundaries identified in the Brentwood general plan update should be consistent with the Delta Plan for the areas in which the Council

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

— CA Water Code §85054

G-1

G-2

G-3

Erik Nolthenius
 City of Brentwood Community Development Department
 Page 2

has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (May 16, 2013).

Council staff has identified an area of concern located within the secondary zone of the Delta. The area is outside of the City of Brentwood's sphere of influence but within the planning area for the City's general plan update. It is located immediately east of the city limits, north of Chestnut Street, south of Delta Road, and west of Sellers Avenue. This area is outside the 2006 voter-approved Contra Costa County Urban Limit Line. The Draft Brentwood General Plan Update has designated this area as "Special Planning Area 1", "Residential-Low Density", and "School", while the Contra Costa County general plan, and therefore the Delta Plan, designates it as agriculture. Therefore, residential, commercial, or industrial development in this area would be inconsistent with Delta Plan Policy DP P1.

G-3
 Cont

Council staff further notes that this area is not included among the growth areas identified by Plan Bay Area, the regional transportation plan and sustainable communities strategy adopted by the Metropolitan Transportation Commission and the Association of Bay Area Governments in 2013. The plan states,

Plan Bay Area aims to protect open space and agricultural land by directing 100 percent of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines. As the plan assumes that all urban growth boundaries/urban limit lines are held fixed through the year 2040, no sprawl-style development is expected to occur on the region's scenic or agricultural lands.

In the Final EIR, please cite Delta Plan Policy DP P1, provide an analysis of potential conflict with the policy due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or mitigated.

- **Agricultural and Forest Resources.** The proposed project would result in significant and unavoidable impacts to these resources. Specifically, it would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as well as create conflicts with existing Williamson Act contracts. Council staff appreciates the inclusion of mitigation measures to offset potential impacts to Agricultural and Forest Resources. We also recommend adding the following mitigation measures, which are drawn from the Delta Plan's Final Programmatic EIR, to ensure that farmlands are protected to the greatest extent possible:

G-4

- "Design proposed projects to minimize, to the greatest extent feasible, the loss of the highest valued agricultural land.

Erik Nolthenius
 City of Brentwood Community Development Department
 Page 3

- Redesign project features to minimize fragmenting or isolating farmland. Where a project involves acquiring land or easements, ensure that the remaining non-project area is of a size sufficient to allow viable farming operations. The project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.
- Reconnect utilities or infrastructure that serve agricultural uses if these are disturbed by project construction. If a project temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, the project proponents shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted.
- Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land.
- Design proposed projects to minimize, to the greatest extent feasible, conflicts and inconsistencies with land protected by agricultural zoning or a Williamson Act contract and the terms of the applicable zoning/contract"

G-4
 Cont

Conclusion

The Draft EIR states on Page 2.0-16 that full buildout of the proposed general plan land use map within the city limits would result in a total population of 80,917 residents, which is lower than the population projection of the existing general plan land use map. Please include in the Final EIR an analysis of why the above-mentioned agricultural land that would be converted to urban land would be necessary if the population projection has decreased. The proposed project would also result in the conversion of agricultural lands to industrial, commercial, and residential land uses, which are considered significant, irreversible changes. Any conversion of agricultural lands located in the Delta would need to be consistent with the above-mentioned Delta Plan policy.

G-5

Council staff looks forward to working with you to ensure that the Brentwood General Plan Update moves forward as quickly as possible while protecting and enhancing agricultural lands located the Delta. I encourage you to contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,



Cindy Messer
 Deputy Executive Officer

Response to Letter G Cindy Messer, Deputy Executive Officer, Delta Stewardship Council

Response G-1: The commenter provides introductory remarks and expresses support for the General Plan's guiding principal of preserving agricultural lands surrounding Brentwood, as well as the land use pattern that promotes conservation and preservation of agricultural lands and resources. The commenter notes that the Delta Plan should be acknowledged in the Final EIR's description of the project's environmental setting. The commenter provides specific comments in the following sections, which are addressed individually below.

Response G-2: The commenter states that the Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan. The commenter is referred to Chapter 3.0 of this Final EIR, which includes an analysis of the General Plan's consistency with the Delta Plan. As described in greater detail in Chapter 3.0, the proposed General Plan would not conflict with the Delta Plan, and no new mitigation is required.

Response G-3: The commenter states that Special Planning Area 1, as shown on the General Plan Land Use Map, is outside of the voter-approved Urban Limit Line, and the development of residential, commercial, and industrial land uses in this area may conflict with Delta Plan Policy DP P1. The commenter is referred to the discussion of General Plan consistency with the Delta Plan, included in Chapter 3.0 of this Final EIR. As discussed in Chapter 3.0, while the Draft Land Use Map identifies land uses outside of the city limits, it is important to note that all lands outside of the city limits remain under the jurisdiction and land use planning authority of Contra Costa County. Adoption and implementation of the proposed Brentwood General Plan would not directly result in the construction of any residential, commercial, or industrial land uses on lands within the Delta Plan's boundaries, nor would it entitle or result in the direct approval of any development projects.

The designation of lands on the General Plan Land Use Map is meant to reflect to the City's vision for future land use patterns in the Planning Area. As stated above, land use planning authority outside of the city limits in the unincorporated areas of Contra Costa County rests with the County. The County's General Plan Land Use designations for lands within the Planning Area, outside of the Brentwood city limits, are shown on Figure 3.10-4 of the Draft EIR. These land use designations currently (and will continue to) regulate land use decisions within the Planning Area, until such time as these lands may be annexed into Brentwood. Annexation would require

approval by the Contra Costa Local Agency Formation Commission (LAFCO) and would require a voter-approved change to the existing Urban Limit Line.

The proposed project would not result in a conflict with Delta Plan Policy DP P1, since adoption of the General Plan would not result in the formal re-designation of any lands outside of the city limits to residential, commercial, or industrial, nor would adoption of the General Plan entitle or otherwise approve any residential, commercial, or industrial lands or projects outside of the city limits. As such, the proposed project does not conflict with Delta Plan Policy DP P1. The potential for the General Plan to conflict with the Delta Plan is considered a less than significant impact, and no additional mitigation is required.

Response G-4: The commenter notes that buildout of the General Plan may result in significant and unavoidable impacts to agricultural lands and resources, and expresses appreciation for the inclusion of mitigation measures to offset potential impacts to agricultural lands. The commenter recommends additional mitigation measures, which are drawn from the Delta Plan's Final EIR, to further protect farmlands to the greatest extent feasible. The General Plan includes a robust set of policies and actions aimed at protecting agricultural lands and agricultural resources throughout Brentwood and the Planning Area. The policies and actions included in the General Plan would accomplish the implementation goals of the policies suggested by the commenter for inclusion in the Final EIR. While the City appreciates the input and suggestions provided by the commenter with respect to agricultural mitigation, the existing policies and actions included in the General Plan accomplish the goals of the Delta Plan to the greatest extent feasible, and the inclusion of the language suggested by the commenter would not alter the conclusions related to agricultural impacts contained in the Draft EIR; therefore, this impact would remain significant and unavoidable.

As described in Chapter 3.0 of this Final EIR, the following policies and actions are included in the General Plan, which would provide for extensive and robust protection of agricultural lands. These policies and actions represent the most aggressive feasible approach to agricultural mitigation, and no changes to these policies and actions are required.

Policy COS 2-1: Support and encourage the preservation of agricultural lands throughout Brentwood's Planning Area, particularly in areas to the south and east of the city limits.

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 2-3: Encourage and support programs that create or establish permanent agricultural areas in Brentwood's Planning Area.

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.

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 conversion 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.

Policy COS 2-6: Minimize conflicts between agricultural and urban land uses.

Policy COS 2-7: Require the use of buffers such as greenbelts, drainage features, parks, or other improved and maintained features in order to separate residential and other sensitive land uses, such as schools and hospitals, from agricultural lands and agricultural operations.

Policy COS 2-8: Require new development to have structural setbacks that respect agricultural operations.

Policy COS 2-9: Developers shall be responsible for mitigating impacts upon nearby agriculture. Setbacks and buffers shall be provided by the developer and not encroach upon productive agricultural areas.

Policy COS 2-10: Limit incompatible uses (i.e., schools, hospitals, and high density residential) near agriculture.

Policy COS 2-11: Work with agricultural landowners to improve practices that have resulted in adverse impacts to adjacent properties. Such practices include site drainage and flood control measures.

Policy COS 2-12: Promote best management practices in agricultural operations to reduce emissions, conserve energy and water, and utilize alternative energy sources.

Policy COS 2-13: Assist agricultural landowners and farmers with a variety of programs aimed at preserving agricultural lands, increasing opportunities for local sales of agricultural products, and increasing access to local commodities markets.

Policy COS 2-14: Encourage agricultural landowners in Brentwood's Planning Area to participate in Williamson Act contracts and other programs that provide long-term protection of agricultural lands.

Policy COS 2-15: Support the procurement of expanded and additional water rights which provide for contractual supply reliability for agricultural use.

Policy COS 2-16: Encourage small-scale food production, such as community gardens and cooperative neighborhood growing efforts, on parcels within the city limits, provided that the operations do not conflict with existing adjacent urban uses.

Policy COS 2-17: Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.

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 2-7: 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.

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.

Action COS 2a: Continue to implement Chapter 8.01 (Right to Farm) of the Brentwood Municipal Code in order to protect farming uses from encroaching urban uses and to notify potential homebuyers of nearby agricultural operations.

Action COS 2b: Consider impacts to agricultural lands and agricultural productivity when reviewing new development projects, amendments to the General Plan, and rezoning applications.

Action COS 2c: Amend Title 17 (Zoning) of the Brentwood Municipal Code to include specific agricultural buffer requirements for residential and sensitive land uses (i.e., schools, day care facilities, and medical facilities) that are proposed near existing agricultural lands in order to protect the associated agricultural operations from

encroachment by incompatible uses. Buffers shall generally be defined as a physical separation, depending on the land use, and may consist of topographic features, roadways, bike/pedestrian paths, greenbelts, water courses, or similar features. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of agricultural land.

Action COS 2d: Collaborate with water suppliers and wastewater treatment plant operators to increase the availability of treated or recycled water for agricultural purposes.

Action COS 2e: Work with Contra Costa County to establish and implement consistent policies for agricultural lands in Brentwood's Planning Area that prioritize the preservation of agricultural lands and support ongoing agricultural activities.

Action COS 2f: Continue to implement, and periodically review/update as necessary, Chapter 17.730 (Agricultural Preservation Program) of the Brentwood Municipal Code.

Action COS 2g: Continue to implement the Agricultural Enterprise Implementation Plan to assist local farmers with a variety of programs that facilitate infrastructure improvements, business ventures, and other initiatives to grow the agricultural industry in and around Brentwood.

Action COS 2h: Coordinate with groups such as the Agricultural-Natural Resources Trust of Contra Costa County (ANRT), the Brentwood Agricultural Land Trust (BALT), and Harvest Time in Brentwood in order to fund agricultural easements, programs that protect agricultural lands, and programs that provide marketing assistance and economic support to local farmers.

Action COS 2i: Develop a program to provide additional support for agricultural tourism, u-pick farms, and other agricultural activities that serve as a regional draw to Brentwood and enhance its agricultural heritage.

Action LU 1c: Prioritize the processing of development applications for infill, underutilized, or vacant parcels designated for urban uses over those projects requiring annexation.

Action LU 5a: Continue to designate agricultural lands to the south and east of the city limits as Agricultural Conservation on the Land Use Map.

Action LU 5b: Coordinate with Contra Costa County to encourage and facilitate a variety of agricultural enterprises on lands identified as the Agricultural Enterprise Area in the Brentwood General Plan. Agricultural uses within this area should be flexible in order to maximize the economic vitality of smaller agricultural parcels that

may not be suitable for large-scale commercial agricultural operations. Allowed uses should be agricultural in nature and may include, but are not limited to, the following:

- 1. Visitor-serving uses that support and are incidental to agricultural production, such as tasting rooms, including sales and promotion of products grown or processed in the region, educational activities and tours, incidental sales of items related to local area agricultural products, promotional events, and farm homestays, which allow visitors to visit a farm in the form of a vacation, that support and are secondary and incidental to local agricultural production.*
- 2. Commercial uses that directly support agricultural operations, including roadside stands, wholesale and retail agricultural sales, and wineries.*
- 3. Agricultural-based tourism uses, including u-pick farms, dude ranches, lodging, horseshows, rodeos, crop-based seasonal events, and ancillary restaurants and/or stores.*
- 4. Equestrian centers and facilities, including boarding facilities.*

Response G-5: The commenter requests an explanation of why agricultural land would be converted to non-agricultural uses, given that the proposed General Plan is anticipated to result in a lower buildout population than the current General Plan. As shown in Table 3.2-1 of the Draft EIR, the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) identifies approximately 1,700 acres of Important Farmland within the Brentwood city limits, including 635.39 acres of Prime Farmland, 27.85 acres of Farmland of Statewide Importance, 0.29 acre of Unique Farmland, and 1,036.5 acres of Farmland of Local Importance. The majority of the lands within the Brentwood city limits are designated for urban land uses on both the current General Plan Land Use Map and the proposed General Plan Land Use Map. The designation of lands within the city limits for urban land uses represents a land use pattern that would promote infill development and protect agricultural lands, agricultural resources, and Williamson Act contract lands throughout areas beyond the city limits. The Brentwood General Plan emphasizes and prioritizes infill development as a key strategy to preserve and protect the greatest amount of agricultural land feasible. While all of the Important Farmlands within the city limits may eventually be converted to non-agricultural uses, the General Plan seeks to preserve and protect significant quantities of agricultural lands outside of the city limits, within the Planning Area.

Table 3.2-2 of the Draft EIR identifies the proposed land use designation for the Important Farmland acres located in the Planning Area. As shown in this table, of the 14,757 acres of Important Farmland located within the Planning Area, 12,534 acres

(approximately 85%) are assigned land use designations on the General Plan Land Use Map that would protect the agricultural viability of the land.

As described in greater detail in Chapter 2.0 of the Draft EIR, the Agricultural Conservation land use designation is designed to protect agricultural lands and agricultural operations. The Permanent Open Space designation identifies lands that are permanently protected from future urban development through the application of conservation easements or other formal mechanisms to ensure that open space uses are continued in perpetuity. The Park designation in the Planning Area applies only to Marsh Creek State Park, and does not include any parcels proposed for development of formal recreational facilities. The Urban Reserve designation serves as a placeholder for future urban development. The land designated as Urban Reserve is located beyond the existing Sphere of Influence (SOI) and outside the Urban Limit Line. Lands designated Urban Reserve shall not be extensively subdivided or developed until it is appropriate to develop the lands with urban levels of residential, commercial, parks and recreation, and public/semi-public uses. It is expected that more specific planning and feasibility studies will be required prior to the development of these areas. Additionally, there are areas of land within the Planning Area that do not have a formal land use designation, which consist primarily of utility easements, rights-of-way, and other non-developable areas that are not subject to urban development.

As noted in Chapter 3.0 of this Final EIR, while the Draft Land Use Map identifies land uses outside of the city limits, it is important to note that all lands outside of the city limits remain under the jurisdiction and land use planning authority of Contra Costa County. Adoption and implementation of the proposed Brentwood General Plan would not directly result in the construction of any residential, commercial, or industrial land uses on lands within the Delta Plan boundaries, nor would it entitle or result in the direct approval of any development projects.

The designation of lands on the General Plan Land Use Map is meant to reflect the City's vision for future land use patterns in the Planning Area. As stated above, land use planning authority outside of the city limits in the unincorporated areas of Contra Costa County rests with the County. The County's General Plan Land Use designations for lands within the Planning Area, outside of the Brentwood city limits, are shown on Figure 3.10-4 of the Draft EIR. These land use designations currently (and will continue to) regulate land use decisions within the Planning Area, until such time as these lands may be annexed into Brentwood. Annexation of lands would require approval by the Contra Costa Local Agency Formation Commission (LAFCO) and would require a voter-approved change to the existing Urban Limit Line. No changes to the Draft EIR are required.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

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MAY 20 2014

CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT.



Serious Drought
Help Save water!

Letter H

May 19, 2014

CCGEN037
SCH# 2014022058

Mr. Erik Nolthenius
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Dear Mr. Nolthenius:

Brentwood General Plan Update – General Plan Public Review Draft and Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed both the General Plan Public Review Draft and the DEIR and have the following comments to offer.

H-1

Traffic Operations

Use of Delay Index for analysis of the freeway facility is not a sufficient study of Traffic Impact for a State Facility. Please complete a more detailed study for State Route (SR) 4's level of service.

H-2

Design

The Brentwood General Plan in Policy CIR 1-4 references the SR 4 Bypass. SR 4 has been adopted by Caltrans and is no longer a bypass. Figure CIR-2 incorrectly shows the current SR 4 as the State Route 4 Bypass. The old SR 4 has been relinquished to Contra Costa County and the cities of Brentwood and Oakley and is now a local street.

H-3

Please ensure that the General Plan incorporates the Contra Costa Transportation Authority's future plans for SR 4. SR 4 is planned as four lane freeway with a wide median.

H-4

Please also make sure that the DEIR reflects these issues in this letter.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5559;

May-20-14 8:15AM;

Page 2/2

Mr. Erik Nolthenius, City of Brentwood
May 19, 2014
Page 2

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at Keith.Wayne@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Response to Letter H Erik Alm, District Branch Chief, California Department of Transportation (Caltrans)

Response H-1: The commenter provides introductory remarks and notes that specific comments on the General Plan and the Draft EIR are provided in the following comments.

Response H-2: The commenter states that the use of “Delay Index” for analysis of the freeway facility is insufficient, and asks for a study of the freeway’s level of service.

As indicated on page 3.13-28 of the Draft EIR, the Delay Index metric has been set by the Contra Costa Transportation Authority (CCTA) and TRANSPLAN as the Multimodal Transportation Service Objective (MTSO) to be applied on State Route 4 in East Contra Costa County. Justification for the use of the Delay Index instead of conventional freeway level of service methodologies is outlined in the *East County Action Plan for Routes of Regional Significance*, TRANSPLAN, 2009. The adopted standard is that the Delay Index should not exceed 2.5 during the AM or PM peak period for SR 4. Following is an excerpt from page 28 of the East County Action Plan:

“Anticipated growth that has already been approved is likely to be faster than the ability of local jurisdictions and Caltrans to provide capacity relief. It is unreasonable to expect that uncongested conditions can ever be achieved in a single hour. Travelers in urban and suburban areas have come to accept peak hour congestion, especially on the freeway routes.”

While the commenter provides no suggestion for alternative methods of freeway performance, one alternative method commonly used is based on projected average speeds during peak hours. Such an approach is used by the Contra Costa Transportation Authority in its Congestion Management Program and monitoring efforts, including the *2011 Congestion Management Program Monitoring Report*, CCTA.

The Draft EIR provides average speeds for both peak hours by direction in Tables 3.13-19 and 3.13-20. These projections are summarized in the following table for reference, along with the estimated freeway level of service based on the speed-based LOS criteria utilized by CCTA.

| SR 4 FREEWAY PERFORMANCE – SR 160 TO LONE TREE WAY | | | | |
|--|--------------|--------------|--------------|--------------|
| | EASTBOUND | | WESTBOUND | |
| | AM Peak Hour | PM Peak Hour | AM Peak Hour | PM Peak Hour |
| Buildout to City Limits | 58.2/B | 48.8/D | 31.8/E | 60.9/A |
| Buildout to Planning Area | 56.7/C | 49.8/D | 33.0/E | 59.8/B |

Note: Results expressed as Average Speed/Level of Service
 Average Speed values obtained from DEIR Tables 3.13-19 and 3.13-20
 Level of Service thresholds based on CCTA 2011 CMP Monitoring Report, Table 3

The analysis of potential traffic impacts to freeway facilities contained in the Draft EIR is appropriate, and is consistent with methodology recommended by the *East County Action Plan for Routes of Regional Significance*. No changes to the Draft EIR are warranted.

Response H-3: The commenter states that General Plan Policy CIR 1-4 and Figure CIR-2 reference the SR 4 Bypass, and notes that SR 4 has been adopted by Caltrans and is no longer a bypass. This comment is noted. Policy CIR 1-4 lists and references the Routes of Regional Significance identified in the *East County Action Plan for Routes of Regional Significance*, produced by the TRANSPLAN Committee and the Contra Costa Transportation Authority (CCTA). In order to maintain consistency with this document, the General Plan lists the Routes of Regional Significance in the same manner as they are identified in the *East County Action Plan for Routes of Regional Significance*. Additionally, Figure CIR-2 was taken directly from the *East County Action Plan for Routes of Regional Significance*, and was intentionally not modified by the City prior to inclusion in the General Plan in order to maintain consistency with the *East County Action Plan for Routes of Regional Significance*. Figure CIR-1 in the General Plan is the City’s Circulation Diagram, and identifies the former alignment of SR 4 as Brentwood Boulevard, and identifies the former alignment of the SR 4 Bypass as SR 4. The City appreciates this comment, however, the use of language and graphics derived directly from the *East County Action Plan for Routes of Regional Significance* is appropriate, and no changes to the Draft EIR or General Plan are warranted.

Response H-4: The commenter requests that the General Plan incorporate the Contra Costa Transportation Authority’s future plans for SR 4, and notes that SR 4 is planned as a four-lane freeway with a wide median. The commenter also requests that the Draft EIR reflect the issues raised in this letter. Regarding the future plans for SR 4; this comment is noted and has been forwarded to the Planning Commission and City Council for their review and consideration. All of the comments raised in the

commenter letter have been addressed in the responses provided above, and no changes to the Draft EIR are warranted.



4061 Port Chicago Highway, Suite H
Concord, California 94520
(925) 682-6419
Fax (925) 689-7741

May 23, 2014

Letter I

Erik Nolthenius
Community Development Department
City of Brentwood
150 City Park Drive
Brentwood, CA 94513

RECEIVED

MAY 23 2014
CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT.

Re: Brentwood General Plan Update

Mr. Nolthenius,

Discovery Builders Inc. owns a 4.197 acre parcel of vacant land located at 1700 Lone Oak Road just west of Marsh Creek. This parcel is currently shown as Ranchette Estate in the currently proposed General Plan Update.

We are reiterating our request to change the existing General Plan land use designation on this parcel from Ranchette Estate (1-du/ac) to Very Low Density (1-3 du/ac) as part of the current General Plan update.

We had previously made this request at the General Plan Working Group Meeting on February 6th, at the City Council General Plan Joint Workshop on February 25th and we followed up and made this request again on April 1, 2014.

The parcel lies directly between Ranchette estate parcels and low density parcels. Changing this parcel to very low density would provide a density transition between the two different land use designations and would make the designation consistent with land to the east. Changing this to Very Low Density will still result in large, estate sized lots and homes. Leaving this parcel as Ranchette Estate makes future development of this parcel much more infeasible.

Attached are a land use map and an APN map for the parcel.

Again, we appreciate your consideration of this request.

Sincerely,

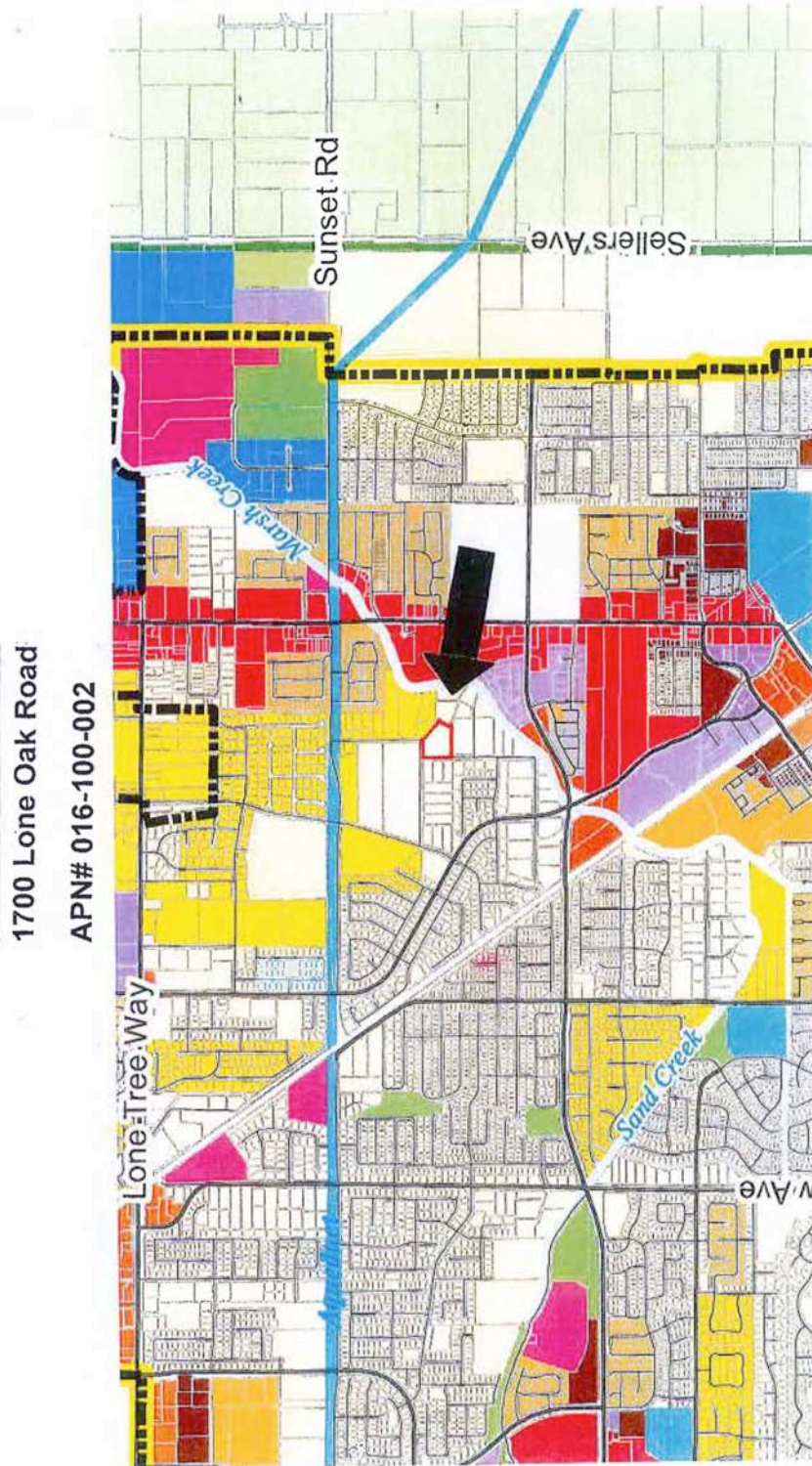
A handwritten signature in blue ink, appearing to read "Louis Parsons", written over a blue horizontal line.

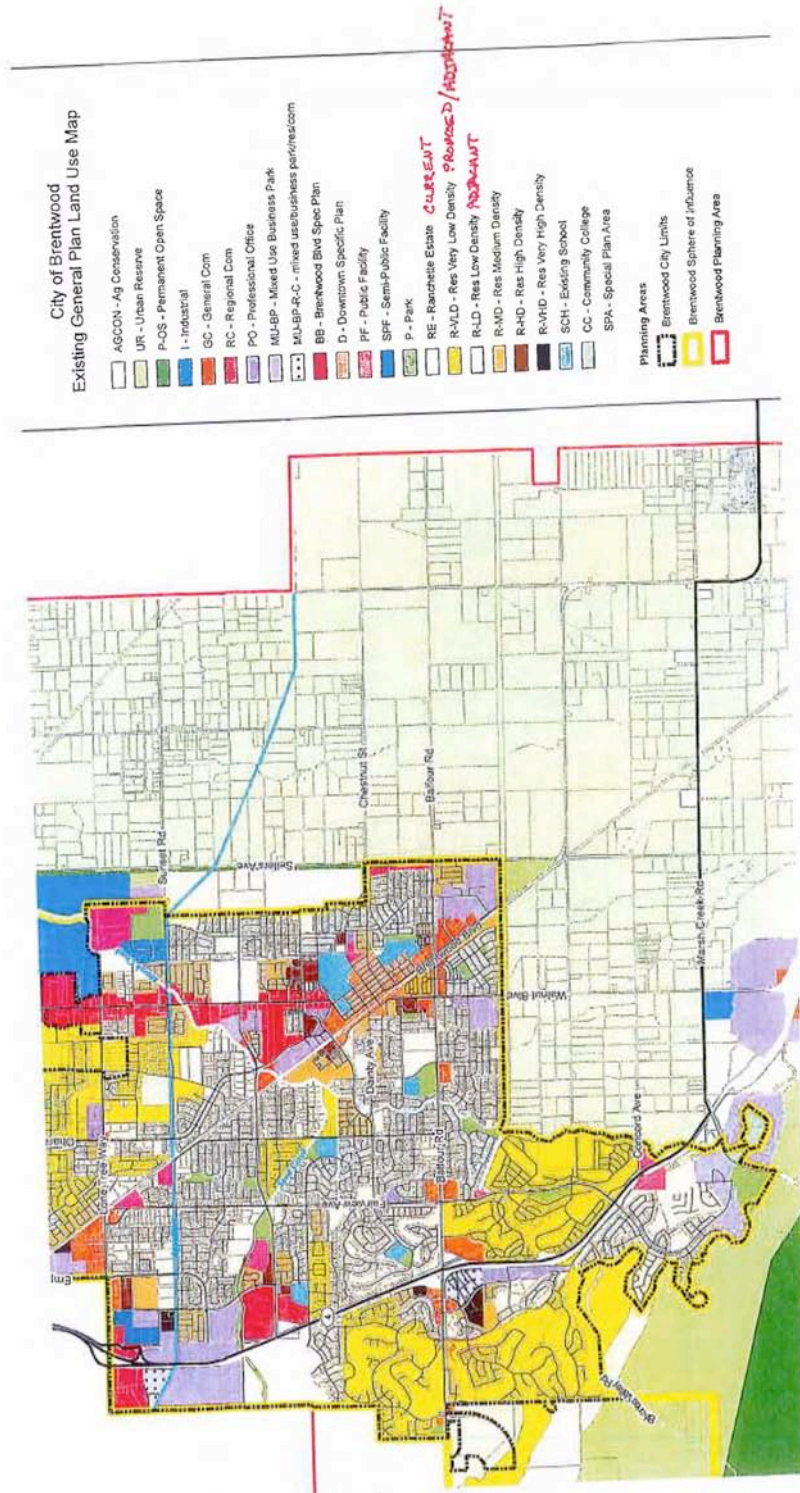
Louis Parsons
Discovery Builders, Inc.

Enclosures

I-1







Response to Letter I Louis Parsons, Discovery Builders, Inc.

Response I-1: The commenter requests a land use designation change to the parcel located at 1700 Lone Oak Road. This comment is noted and has been forwarded to the Planning Commission and City Council for their review and consideration. The commenter does not address the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.



Letter J

May 20, 2014

Erik Nolthenius, Planning Manager
 City of Brentwood
 Community Development Department
 150 City Park Way
 Brentwood, CA 94513

Re: Notice of Availability of a Draft Environmental Impact Report for the 2014
 Brentwood General Plan Update, Brentwood

Dear Mr. Nolthenius:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review the Draft Environmental Impact Report for the 2014 Brentwood General Plan Update, located in the City of Brentwood (City). Although the City is located outside of EBMUD's Ultimate Service Boundary, EBMUD's Mokelumne Aqueducts (Aqueducts) are located within the City boundaries. EBMUD has the following comments.

J-1

MOKELUMNE AQUEDUCTS

Portions of EBMUD's Aqueducts are located within the City on an EBMUD right-of-way (owned in fee). The General Plan Update references potential future projects that may impact EBMUD property and infrastructure. These projects and any other project subsequently proposed projects within or in the vicinity of EBMUD's right-of-way must adhere to EBMUD's procedure and requirements for use of the right-of-way, a copy of which is enclosed for your reference.

J-2

EBMUD requires that all plans and drawings for any project on or in the vicinity of EBMUD right-of-way be submitted for review. EBMUD permits may be required. Encroachment requests, questions or submittals should be directed to Roberto Cortez, Assistant Superintendent, Aqueduct Section at (209) 946-8009. Documents requiring courier use such as FedEx should be sent to 1804 W. Main Street, Stockton, CA 95203. Normal letter correspondence should be sent to P.O. Box 228, Stockton, CA 95201.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . TOLL FREE 1-855-40-EBMUD

Erik Nolthenius, Planning Manager
May 20, 2014
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If you have any questions concerning this response, please contact David J. Rehnstrom,
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:ELE:sb
sb14_114.docx

Enclosure: EBMUD Procedure 718 - Raw Water Aqueduct Right-of-Way
Non-Aqueduct Uses and Supplements



Procedure 718

EFFECTIVE 26 JUL 13

SUPERSEDES 06 FEB 12

LEAD DEPARTMENT O&M

RAW WATER AQUEDUCT RIGHT-OF-WAY NON-AQUEDUCT USES

PURPOSE - To establish procedures and criteria for review and authorization of surface and sub-surface use of District-owned property containing raw water aqueducts and raw water pipelines for purposes other than installation, maintenance, and operation of District raw water aqueducts.

| | |
|-------------------------------------|---|
| Forms Used | <p>L-14 Limited Land Use Permit K-47 Work Request Agreement N-15 Certificate of Public Liability Insurance N-17 Certificate of Workers' Compensation Insurance Application for Use of EBMUD Property or Request for Information General Fund Receipts for Miscellaneous Payments</p> |
| Authority and Responsibility | <p>Use, development, and control of fee-owned rights-of-way for District and non-District uses must be consistent with water supply operation and security and the rights and obligations of the District. District and non-District uses of District-owned aqueduct rights-of-way may be permitted when they conform to Policy 7.01, Aqueduct Rights-of-Way Maintenance.</p> <ul style="list-style-type: none"> • No use of District aqueduct properties by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District. • No use of District properties by others will be permitted except under terms of a written agreement. • Use of raw water aqueduct rights-of-way for District purposes shall have the concurrence of the Aqueduct Section Superintendent. • Use of aqueduct rights-of-way for District treated water lines shall include all applicable aqueduct protections required for similar third-party utility water line crossings. <p>For all raw water aqueducts and pipelines, acceptable long-term uses of the rights-of-way include but are not limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable, long-term uses of rights-of-way and easements for future raw water aqueducts will be evaluated upon facility completion. Such uses will be authorized by letter, limited land use permits, revocable licenses, leases or easements, as appropriate. All approved uses will conform to the requirements and limitations described in Requirements for Entry or Use of Mokelumne, Lafayette, and Moraga Aqueducts and Raw Water Pipeline Rights-of-Way (Requirements for Entry or Use) (Supplement No.1 to Procedure 718) and all other conditions as specified in the written approval, permit or easement for each individual use.</p> <p>The Water Supply Division is responsible for monitoring permitted uses and detecting and preventing unauthorized uses of raw water aqueduct rights-of-way. The Office of General Counsel and the Manager of Real Estate Services will be consulted when an unauthorized user will not voluntarily desist.</p> <p>The Water Supply Division is responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a raw water aqueduct right-of-way is to be permitted.</p> |

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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The Director of Engineering and Construction shall be consulted when needed to supply location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

Inquiries and Applications for Use

For all raw water aqueducts and pipelines, applications and inquiries for use of raw water aqueduct rights-of-way shall be processed by the Water Supply Division. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees outlined in Supplement No. 2 to Procedure 718, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

The Water Supply Division is responsible for:

- Providing requirements for use of the District's raw water aqueduct rights-of-way to applicants and to other District departments requesting use of the right-of-way. See Supplement No. 1, Requirements for Entry or Use.
- Checking for completeness to ensure compliance with the requirements for entry or use of raw water aqueduct rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Engineering and Construction Department for technical input regarding additional permit requirements or special restrictions that may be applicable (in addition to those outlined in Supplement No. 1, attached) and for update of District raw water aqueduct right-of-way drawings.
- Collecting application fees and charges associated with the preparation and execution of revocable licenses.
- Assuring proper environmental documentation.

Real Estate Services is responsible for:

- Advising the Manager of Water Supply Division of any real estate matters which relate to a specific proposed use.
- Collecting application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See Supplement No. 2, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.
- Maintaining records relating to rights-of-way crossings and use, and providing information to the Survey Section and Engineering Services Division for the update of District raw water aqueduct right-of-way drawings.

Types of Permit License or Easement

The Manager of Water Supply Division shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

Temporary Entry/Temporary Construction Permit

For temporary access to raw water aqueduct right-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year (vehicular parking is prohibited). These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large pipelines, canals and railroads, and other permanent publicly owned encroachments. Easements are officially recorded with the county having jurisdiction. The fee or consideration will be significant and based on the value of the property being encumbered.

The Manager of Water Supply Division shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division, Office of General Counsel, and the District's Pipe Committee.

Processing Applications

Temporary Entry Permits

The Manager of Water Supply Division may issue temporary entry permits including standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Water Supply Division, if warranted, shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

The Manager of Water Supply Division shall then specify any and all requirements, including special conditions to the applicant, discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply Division may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Copies of all revocable licenses issued by the Water Supply Division shall be provided to the Manager of Real Estate Services.

Limited Land Use Permits

The Manager of Water Supply Division shall convey the District's requirements to the applicant and investigate to determine any special conditions.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to aqueduct stationing and other appropriate location identifiers, including adjacent aqueduct structures.

Engineering and Construction shall prepare the District-prepared location sketch.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply Division shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply Division, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

Leases and Easements

The Manager of Water Supply Division shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

If structural or corrosion protective facilities are required, the Manager of Water Supply Division shall request the Manager of Design Division or Pipeline Infrastructure Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply Division, who will arrange for inspection as required.

The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Water Supply Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services with the recording data.

Approvals

District uses of the raw water aqueduct right-of-way shall be confirmed in writing listing any special conditions which may apply to the proposed use to the requesting District departments by the Manager of Water Supply Division.

Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses

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Terminations If the Water Supply Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo.

Appeals The final determination of the terms and conditions appropriate for District uses of aqueduct properties rests with the Director of Operations and Maintenance.

The final determination of the terms and conditions appropriate for a specific third party applicant rests with the General Manager and the Board of Directors. Appeals by third parties directed to the Board of Directors shall be forwarded to the General Manager for resolution.

Records The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses and is responsible for the assignment of right-of-way crossing numbers to approved documents.

The Engineering Services Division of the Engineering and Construction Department shall maintain working sets of right-of-way prints for each District raw water aqueduct right-of-way. These prints shall be updated following:

1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.
2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department, as necessary, then to the Manager of Real Estate Services. After right-of-way tracings are revised, new prints will be released to those having sets.
3. Termination of any raw water aqueduct right-of-way use. Notice to be supplied by the Manager of Real Estate Services.

Revised prints shall be released following all right-of-way drawing revisions.

Requirements and Fees Requirements for use of raw water aqueduct right-of-way and fees for the processing of applications and documents related to such uses are included in the documents Requirements for Entry or Use and Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others, respectively (see Supplement No. 2, attached). The Manager of Water Supply Division is responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

References Policy 7.01 – Aqueduct Rights-of-Way Maintenance
Procedure 108 – Real Estate Transactions
Procedure 436 – Miscellaneous Accounts Receivable and Cash Receipts

Requirements for Entry or Use of Mokelumne, Lafayette, and Moraga Aqueduct and Raw Water Pipeline Rights-of-Way (attached)
Fees and Documentation Charges Use of Aqueduct Rights-Of- Way by Others (attached)
Schedule of Rates and Charges to Customers of the East Bay Municipal Utility District – Real Property Use Application Fees – Resolution 33046-97



REQUIREMENTS FOR ENTRY OR USE OF
MOKELUMNE, LAFAYETTE, AND MORAGA
AQUEDUCTS and RAW WATER PIPELINE RIGHTS-OF-WAY

SUPPLEMENT NO. 1 TO PROCEDURE 718

East Bay Municipal Utility District
1804 West Main Street, Stockton, CA 95203
(209) 946-8000

1. Requests for encroachment rights or for other uses of the District's raw water aqueduct and pipeline properties shall be directed to the Manager of Water Supply Division, 1804 West Main Street, Stockton, California 95203. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.
2. Requests for property uses shall be in writing and accompanied by a completed application, plan and profile drawings of the area and work involved. District aqueduct stationing and adjacent above-ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's. Drawings and maps shall be full size (11x17inch) or half-size (8½ x 11 inch). Application must include complete insurance documentation.
3. The applicant must agree to indemnify and hold harmless the District from any loss, claim, or liability which may arise by reason of applicant's use of District property and may be required to provide insurance coverage.
4. All requests for uses of District property must be consistent with requirements and limitations set forth by Procedure 718 and will be reviewed and approved on a case-by-case basis.
5. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.
6. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.
7. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted.
8. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as needed:
 - a. Design of structural protective measures
 - b. Design of fences or other structures
 - c. Corrosion control protective measures
 - d. District engineering, plan review, and inspection of activities
 - e. Environmental documentation
 - f. Application, permit or license fees.
9. The plan for the execution of the work must be approved by the District.
10. The type and weight of equipment working over the aqueduct must be approved by the District.
11. The use of vibratory compaction equipment is prohibited on the aqueduct right-of-way unless otherwise approved by EBMUD. Allowable compaction effort, allowable equipment, and maximum depth of each lift of fill shall be subject to District review and approval before start of construction.
12. A minimum of 48 hours notice must be given to the District before work commences. To contact the District by telephone, call: the Aqueduct Section's Stockton Office at (209) 946-8000.
13. A preconstruction meeting is required prior to start of work.
14. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.

15. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences (including footings) must be located completely outside the aqueduct property lines.
16. No pile driving will be allowed within 100 feet of the aqueducts.
17. Railroad, freeway and highway crossings of the aqueduct right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.
18. Street and road crossings constructed on grade shall incorporate protection of the aqueducts. Protective measures will be designed by the District or by applicant's licensed engineer to District standards with specific District approval of each design.
19. Existing aqueduct protective measures such as concrete slabs shall not be cut, penetrated, or otherwise disturbed. If a protective measure is cut, penetrated, or disturbed, it shall be replaced with a new protective measure, designed by a District engineer or applicant's licensed engineer to District standards with specific District approval of design.
20. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.
21. Temporary construction fences and barricades shall be installed by contractor as directed by the District.
22. No geotechnical exploration such as drilling or boring shall be allowed on an Aqueduct right-of-way.
23. Any changes in finished grade must be approved by the Aqueduct Section. Earthfills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and where the District determines that there will be no detrimental effect on the aqueducts or their maintenance.
24. Crossings shall be at an angle not less than 45 degrees to the aqueducts and on a constant grade across District property.
25. Sanitary sewers, water lines or petroleum product lines crossing above the aqueducts must be encased in a steel or polyvinyl chloride (PVC), or reinforced concrete pipe conduit or be imbedded in reinforced concrete with a minimum vertical clearance of two (2) feet between the casing/embedment and the top of District aqueducts unless other protective measures are provided.
26. All pipelines crossing below the aqueducts must be encased in a steel or reinforced concrete conduit and provide a minimum of three (3) feet of clearance between the casing and the bottom of the District aqueducts.
27. Trenchless construction methods such as horizontal directional drilling or jack-and-bore between the top of the aqueducts and the bottom of the protective structure (slab) are prohibited.
28. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.
29. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.
30. Cathodic protection for steel encasements must be installed as follows:

- Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
 - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.
 - If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.
 - Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.
31. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.
 32. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the aqueduct right-of-way.
 33. Buried electrical cables passing over the aqueducts shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduits and marked in the appropriate Underground Service Alert (USA) colored marking materials and with surface signs installed at 4-foot intervals that include the utility name, type, and emergency contact information across the entire width of the aqueduct right-of-way. The minimum vertical clearance between the conduit and the top of the District's aqueducts is two (2) feet unless other protective measures are provided.
 34. Electrical or telecommunications cables passing under the aqueducts shall be encased in conduit and marked at both edges of the aqueduct right-of-way with the appropriate USA color coded markers. The minimum vertical clearance between the conduit and the bottom of the District's aqueducts is two feet. For directional bored conduits the minimum vertical clearance is five feet.
 35. Vehicular parking and storage of equipment or material on aqueduct property are specifically prohibited.
 36. Extraction of oil and gas from aqueduct properties may be permitted under appropriate lease agreements.
 37. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.
 38. All aqueduct crossings involving mechanical excavation on the right-of-way require potholing of all three aqueducts at the site of the proposed crossing. Visible reference markings showing the aqueduct alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Excavations within two (2) feet of aqueducts shall be made by hand. Entry permits are required for pothole work.
 39. All grading or excavating of the right-of-way requires USA notification and the maintenance of a current inquiry identification number.

Supplement No. 1 to Procedure 718

Page 4

40. Certified six-sack mix is the minimum acceptable concrete batch to be used on the aqueduct right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, the entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.
41. Each truckload of concrete to be placed on the aqueduct right-of-way may be sampled by the District. No water may be added to the mix after sampling.
42. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the aqueduct right-of-way.
43. No traffic will be allowed over protective slabs until 3,000 PSI is reached.
44. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.



**FEES AND DOCUMENTATION CHARGES
USE OF AQUEDUCT RIGHTS-OF-WAY BY OTHERS**

SUPPLEMENT NO. 2 TO PROCEDURE 718

| TYPE OF DOCUMENT | APPLICATION FEE | | |
|---|-----------------|--|---------|
| Fee Title (Outright purchase of District property) | | | \$2,000 |
| Easement (Rights for permanent use of District property such as access, utilities, etc.) | | | \$1,000 |
| Quitclaim (Removal of District's right, title, and interest to property) | | | \$1,000 |
| Revocable License (Permission to use District property for periods exceeding one year. Subject to revocation) | | | \$500 |
| Revocable License and Application Fees: | | | |
| Applicant | Application | Property Rights | Total |
| Government Agencies | May be Waived | \$1,000 | \$1,000 |
| Public Utilities | May be Waived | \$1,000 | \$1,000 |
| Privately Owned Public Utilities (AT&T, PG&E, etc.) | \$500 | \$1,000 | \$1,500 |
| Developers & other profit-seeking activities | \$500 | \$1,000 | \$1,500 |
| Private, nonprofit organizations | \$500 | \$1,000 | \$1,500 |
| Lease (The right to occupy and use District land for a specified time period) | | | \$600 |
| Telecommunication Lease (The right to occupy and use District land for a specified time period) | | | \$2,000 |
| Information Only (Request for information requiring research of District records) | | | \$60/hr |
| Processing and Review of Watershed Land Use Proposals (Request for District to perform a formal evaluation of watershed land use proposal) | | <i>(Plus all other District costs)</i> | \$60/hr |
| Property Entry Permits, Rights of Entry, Temporary Construction Permits (Permission for temporary access onto District property) | | | \$100 |
| Limited Land Use Permit (Allows landscaping, gardening, or other minor surface use of District property; subject to annual renewal) | | | \$25 |

- In addition to the above charges, applicants will be required to reimburse the District for its costs of engineering, surveying, and inspection of the proposed use of encroachment.
- Fair market value for property rights conveyed shall also be paid by the applicant, where appropriate including all costs (appraisal, recordation, title report, etc.).

Response to Letter J William R. Kirkpatrick, Manager of Water Distribution Planning, East Bay Municipal Utility District (EBMUD)

Response J-1: The commenter notes that Brentwood is located outside of EBMUD's Ultimate Service Boundary, and notes that EBMUD's Mokelumne Aqueducts are located within the city boundaries. This comment is noted.

Response J-2: The commenter states that future projects within Brentwood which may impact EBMUD right-of-way must adhere to EBMUD's procedures and requirements for use of the right-of-way. The commenter provides reference materials related to these requirements. This comment is noted and appreciated. The City will continue to coordinate with EBMUD regarding projects within Brentwood that may impact EBMUD right-of-way and/or infrastructure, and will continue to ensure that all projects and actions implement the appropriate requirements. No changes to the Draft EIR are warranted.

SAN FRANCISCO SAN JOSE SANTA ROSA WALNUT CREEK



Walnut Creek Office
1601 N. Main St., Suite 105
Walnut Creek, CA 94596
(925) 932-7776

Letter K

May 23, 2014

Erik Nolthenius
Community Development Department
City of Brentwood
150 City Park Way
Brentwood, California 94513

Dear Mr. Nolthenius,

RE: Brentwood General Plan Update and Draft Environmental Impact Report

Thank you for providing the opportunity for Greenbelt Alliance to comment on the draft Environmental Impact Report (DEIR) for the Brentwood General Plan Update (Plan). We appreciate being notified of developments of this Plan and the environmental review.

As it stands, the DEIR does not adequately study and mitigate for significant impacts of proposed future planning and development, especially on prime farmland and open space outside of the voter-approved urban limit line (ULL). We are concerned about many impacts of the Plan, including significant impacts to county prime farmland and open space, growth inducement, traffic, air quality, disturbance of scenic viewshed, immediate and cumulative impacts on County General Plan and growth management policies from the adjustment of the Contra Costa County's voter-approved Urban Limit Line (ULL). Several items deserve particularly close attention:

K-1

Introduction

Currently, the Plan encourages sprawl-type development of open space at the gateway to the Mount Diablo range and prime farmland considered Agricultural Core by Contra Costa County. Over the last decade, the City of Brentwood invested \$12 million in agriculture and farm enterprise in the county's agricultural gem. We are very concerned that future planned development, especially in the form of Special Planning Areas (SPA), contribute to speculative sprawl development, thereby significantly impacting traffic, congestion, air quality, and devastating effects on farmland, open space, and scenic viewsheds. Moreover, the FEIR should consider the fiscal impact for the City of Brentwood of developing farmland and open space, considering both the existing investment and the considerable costs of conducting specific plans for multiple areas outside of the ULL.

K-2

FEIR must specify additional details about the voter-approved ULL set by the people of Contra Costa County

All of the land in SPA 1 & 2 is outside of the voter-approved ULL for the City of Brentwood. Multiple measures passed by Contra Costa County and the City of Brentwood supported and enhanced this ULL. The FEIR must include all of the measures that are applicable to the voter-approved ULL, including those listed in Recommendation I.1.

K-3

If development in SPA 1 & 2 moves forward, Brentwood will be required to annex the land from Contra Costa

K-4

312 Sutter Street, Suite 510 San Francisco, CA 94108

greenbelt.org



County, incurring significant costs of conducting a specific plan, and significantly impacting the economic vitality of prime farmland and rangeland. As it currently stands, the DEIR does not specifically state that development in SPA 1 & 2 would require a vote of the people to allow development and would break the ULL of the City of Brentwood. It is imperative, with respect to Brentwood fiscal resources and to scope the entirety of impacts, that the FEIR specify that development in SPA 1 & 2 will move the ULL and significantly impact the environment.

**K-4
Cont**

Considering the significant and unavoidable impacts of SPA 1 & 2, the main land use map (Figure 2.0-3) must include the ULL. Although it is reasonable to have Figure 2.0-2 to provide further details of the ULL and other relevant growth management information, Figure 2.0-3 does not contain adequate information for a General Plan Land Use Map.

K-5

Recommendation 1.1: Section 3.10.1 should include the following growth measures related to the ULL that also apply to Brentwood in addition to Measure J:
 1990—County Measure C - the County Urban Limit Line was created.
 2000—The County Urban Limit Line was tightened.
 2005—Brentwood Measure L would have created a more expansive city urban limit line and was defeated.
 2006—County Measure L in 2006 created a unified, tighter urban limit line for both the county and cities and was approved (including by Brentwood voters).
 2010—Developers’ Brentwood Measure F would have expanded the city urban limit line by 740 acres and was defeated.

K-6

Recommendation 1.2: The Planning Area Buildout must state that SPA 1 & 2 will require a vote of the people of Brentwood before any development can move forward

K-7

Recommendation 1.3: Figure 2.0-3 must include the ULL, in addition to the map for Figure 2.0-2

K-8

Plan Need and Effectiveness

We believe that the benefit from infill development lays a solid foundation of growth and economic stability for Brentwood. On the other hand, it is unclear how SPA 1 & 2 would improve the lives of Contra Costa residents. The Plan will extend urban services beyond the voter-approved ULL and it appears likely to create further development nearby. The Plan objectives for the FEIR should be defined broadly enough so that Plan alternatives can be examined that offer choices for living within established ULL and municipal city limits.

K-9

The proposed General Plan Update and DEIR state that “full build out of the proposed General Plan Land Use Map within the city limits would result in a total population of 80,917, which is lower than the population projection of the existing General Plan Land Use Map” (2.0-16). As stated, it is clear that development planned outside of Brentwood’s ULL might not be necessary to accommodate growth well into the future.

K-10

Recommendation 2.1: Section 2.0 must make a clear description of why the proposed Planning Area Buildout is needed and will be an effective land use strategy for capturing development over the lifetime of the Plan, particularly with lower residential



demand than the original General Plan

K-10
Cont

Inadequate City Limits Buildout Description

The FEIR must specify that the City Limits Buildout alternative would not include SPA 1 & 2 and instead focus on infill development within existing city boundaries similar to the direction of the proposed Planning Area-1. Development of SPA 1 & 2 would cause irreparable harm to prime farmland, rangeland, and scenic viewsheds. An alternative that removes these SPAs from the General Plan Update should study the potential for enhanced infill growth, accommodating housing and commercial growth near the potential E-BART station to reduce traffic, air pollution, GHGs and the reduction of impacts on farmland, rangeland, and scenic viewsheds.

K-11

It is also unclear in Section 5.0 how the City Limits Buildout relates to the Economic Development Alternative. Many of the proposed mitigations rely on a clear and measurable comparison between alternatives, which are made confusing by the variations on the alternatives in different sections of the DEIR.

K-12

Recommendation 3.1: FEIR must provide an adequate project description by specifying that the “City Limits Buildout” in Section 2.4 does not include the SPA 1 & 2 developments

K-13

Recommendation 3.2: FEIR must provide a clear indication of the alternatives used throughout the document and Plan. If the City Limits Buildout and Planning Area Buildout are the only alternatives, then the Plan’s mitigations should not reference an economic development alternative

K-14

Growth Inducement

This Plan will induce auto-oriented suburban-style growth outside of Brentwood’s ULL. The FEIR should evaluate the full range of impacts that may result from this type of growth inducement, including the irreversible loss of prime farmland and the economic threat to the County’s Agricultural Core when converting prime farmland into sprawl development. Likewise, the FEIR should include a detailed analysis of how future growth could be incorporated with infill development to suit the region’s housing needs as part of the City Limit Buildout analysis. The following recommendations relate to the significant issue of growth inducement from the proposed Plan:

K-15

Inadequate Study of Impacts on Farmland and Natural Resources

Although the DEIR specifies some of the direct impacts of land conversion under the Planning Area Buildout and demonstrates that those impacts are adverse, unavoidable and significant, there are several impacts not considered by the DEIR that are crucial for a complete analysis of the impacts from the Plan.

K-16

It is absolutely crucial for the FEIR to include the fiscal investments into the agricultural resources in the Planning Area. Figure 3.2-1 & 3.2-2 do not include land that the City has invested in through the Brentwood Agricultural Land Trust (BALT) and easements for protected farmland. These investments total more than \$12 million and many of them would be destroyed if the ULL breaches for residential development. The FEIR must consider the fiscal impacts of city investments in farmland easements, agricultural enterprise, and other infrastructure improvements for productive agriculture.

K-17



Considering the strong likelihood for growth inducement from the Planning Area Buildout, the FEIR must also study the cumulative effects on agriculture from sprawl development in SPA 1. Development in SPA 1 will continue to have significant impacts on the viability of agriculture throughout the County Agricultural Core.

K-18

Recommendation 4.1: Figure 3.2-1 & 3.2-2 should include land that the City has invested in through BALT and other city investments in farmland easements, agricultural enterprise, and other infrastructure improvements for productive agriculture

K-19

Recommendation 4.2: The FEIR must study and specify mitigations for the fiscal impact on City of Brentwood investments in agriculture under the Planning Area Buildout of SPA 1 and agriculture within the current city limits

K-20

Recommendation 4.3: The FEIR must study and specify mitigations for the cumulative impacts of SPA 1 development on the County Agricultural Core since sprawl development will continue to cause speculative pressure to convert further agricultural resources to residential and commercial development

K-21

DEIR Inadequate for Determining Impacts of Air Pollution, Greenhouse Gas Emissions, and Vehicle Miles Traveled

The DEIR shows that significant increases in levels of air pollution, greenhouse gases, and vehicle miles traveled will result from the Planning Area Buildout, specifically including SPA 1 & 2. Daily traffic will increase by nearly 100,000 trips. All of the related impacts of future development in these special planning areas must be considered in the DEIR as part of a full review of the environmental impacts.

TABLE 3.13- 12: NET ADDITIONAL VEHICLE TRIPS BY GENERAL PLAN BUILDOUT SCENARIO

| PERIOD | WITHIN CITY LIMITS | TO PLANNING AREA |
|--------------|--------------------|------------------|
| Daily | 283,331 | 380,704 |
| AM Peak Hour | 16,198 | 21,662 |
| PM Peak Hour | 27,941 | 37,828 |

K-22

The DEIR fails to address the most important impacts of the transportation and circulation, which are the increased level of GHGs resulting from increased vehicle trips. There are no mitigations listed for the increased traffic that will result on all of Brentwood’s streets from increasing the quantity of sprawl development. Furthermore, there is no mention of mitigations to farmland that will be irreversibly lost from transportation and land use development in the County’s prime farmland. Mitigation for Impact 3.13-6 to “accommodate increased demand for public transit and supports a shift in trips from automobile to transit modes” demonstrates the inadequate alternatives present in this plan and the faulty thinking about land use development. By increasing automobile-oriented development, and expecting nearly 100,000 more trips daily, there will be VERY significant impacts.

Likewise the FEIR should specifically investigate how the project will impact attainment of the goals and policies outlined in *Plan Bay Area*, the region’s recently-adopted Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS). *Plan Bay Area*’s calls for accommodating the next generation of development entirely within existing ULLs and shifts regional funding priorities to support development near the region’s

K-23



transit resources.

K-23
Cont

Recommendation 5.1: FEIR must include analysis and specify mitigations for the 100,000 additional vehicle trips made daily under the Planning Area Buildout

K-24

Recommendation 5.2: FEIR must include an analysis that links land use and transportation planning, especially as it relates to the goals of Plan Bay Area, which will incorporate all growth within existing city limits for the next 30 years

K-25

Inadequate Water Plan

The State of California is currently experiencing a devastating draught and counties across the state are developing water conservation plans to address the supply and demand for water. Sprawl development in SPA 1 & 2 will increase water demand, far beyond that of infill development. This is a significant impact with a growing concern for every municipality in California and must be addressed as part of the FEIR.

K-26

Moreover, the DEIR specifies that “the full buildout of the proposed General Plan would slightly exceed the existing treatment capacity of the wastewater treatment plant” (p. 630). Under the given circumstances and future water supply concerns throughout the State, the FEIR must address the immediate and cumulative impacts that the Planning Area Buildout will have on water supply in the City of Brentwood, Contra Costa County, and the State of California.

K-27

Recommendation 6.1: FEIR must study the comparative impacts of the City Limit Buildout and Planning Area Buildout and include these comparisons in Table 3.9-6 and 3.9-7.

K-28

Recommendation 6.2: FEIR must study the immediate and cumulative impacts that the Planning Area Buildout will have on water supply and wastewater treatment in the City of Brentwood, Contra Costa County, and the State of California.

K-29

Conclusion

Thank you again for this opportunity to comment on the DEIR for the City of Brentwood General Plan Update. By protecting the area’s natural resources and guiding growth and investment into the existing neighborhoods of Brentwood, we can make this great city a more desirable, attractive place to live. We look forward to continued collaboration to improve the quality of life for all Brentwood residents and the preservation of Brentwood’s agricultural resources and heritage.

K-30

Sincerely,

Joel Devalcourt
Regional Representative
Greenbelt Alliance
(510) 306-4203
jdevalcourt@greenbelt.org

Response to Letter K Joel Devalcourt, Regional Representative, Greenbelt Alliance

Response K-1: The commenter provides introductory remarks and states that the Draft EIR does not adequately study and mitigate for significant impacts of proposed future planning and development. Specific responses to issues raised in the commenter's letter are provided below.

Response K-2: The commenter states that the General Plan encourages sprawl-type development on open space and prime farmland, resulting in impacts related to traffic, air quality, farmland, open space, and scenic viewsheds. The commenter requests that the Final EIR consider the fiscal impacts of developing farmland and open space. The commenter does not provide any specific details or information regarding impacts to the range of environmental topics listed above in this particular portion of the comment letter. The Draft EIR includes a thorough and detailed analysis of impacts related to (among others) traffic, air quality, farmland, open space, and scenic resources.

The inclusion of a fiscal analysis is not appropriate for the Final EIR. The CEQA Guidelines define the parameters under which the consideration of socioeconomic impacts is included in an environmental evaluation. *CEQA Guidelines* Section 15131 states that "[e]conomic or social information may be included in an EIR or may be presented in whatever form the agency desires." Further, Section 15131(a) of the Guidelines states that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes [emphasis added]. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." *CEQA Guidelines* Section 15131(b) also provides that "[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project."

The Draft EIR includes a detailed and comprehensive analysis of potential impacts to farmland and undeveloped lands within the city limits and the Planning Area. The commenter is referred to Chapter 3.1 of the Draft EIR, which includes an analysis of impacts to aesthetics and visual resources, and Chapter 3.2, which includes an analysis of impacts to agricultural and forest resources. Both of these Draft EIR

chapters identify a range of policies and actions included in the General Plan that would reduce impacts to these resources to the greatest extent feasible.

As stated above, the inclusion of a fiscal analysis in the EIR is not required. As such, no changes to the Draft EIR are warranted.

Response K-3: The commenter states that all of the land within SPAs 1 and 2 are outside of the Urban Limit Line (ULL), and notes multiple ballot measures related to the ULL. The recommendations for inclusion in the Final EIR provided by the commenter consist primarily of ballot measures that are not currently in effect, including ballot measures that were rejected. The Draft EIR correctly and accurately identifies the requirements of Measure J (see page 3.10-28), and notes Measure J's relationship to the currently enforceable ULL. The background narrative provided by the commenter has no bearing on the analysis or accuracy of the Draft EIR. This comment is noted, and has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response K-4: The commenter states that if development in SPA 1 and SPA 2 moves forward, it would require a voter-approved amendment to the ULL and would require annexation into the city limits. This comment is noted. The identification of SPAs 1 and 2 on the General Plan Land Use Map would not formally move, alter, or break the existing ULL. If future development projects within SPAs 1 and 2 were proposed for annexation into Brentwood, the annexation would require LAFCO approval. Additionally, future development within SPAs 1 and 2 would require an amendment to the existing ULL. The fiscal impacts of such actions are not appropriate for analysis in the Draft EIR, as described under Response K-2. No changes to the Draft EIR are warranted.

Response K-5: The commenter states that Figure 2.0-3 of the Draft EIR should include the ULL, and notes that the ULL is shown on Figure 2.0-2 of the Draft EIR. Both the General Plan and the Draft EIR identify the location of the ULL. It is not necessary to depict the existing ULL on the General Plan Land Use Map (Figure 2.0-3 of the Draft EIR). This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration.

Response K-6: The commenter includes recommended text related to historic growth measures and the ULL. This comment is noted. The commenter is referred to Response K-3.

Response K-7: The commenter recommends including language related to buildout of SPAs 1 and 2 with respect to the ULL. This comment is noted. The commenter is referred to Response K-4.

- Response K-8:** The commenter recommends that Figure 2.0-3 of the Draft EIR include the ULL boundary. This comment is noted. The commenter is referred to Response K-5.
- Response K-9:** The commenter questions how SPAs 1 and 2 would benefit Contra Costa County residents, and states that the General Plan objectives for the Final EIR should be defined broadly enough so that alternatives can be examined that offer choices for living within the established ULL and city limits. The objectives of the General Plan are identified on Page 2.0-18 of the Draft EIR. These 10 objectives reflect the input received during the extensive public review and outreach process over nearly two years of General Plan Update development. The stated objectives in the Draft EIR meet the requirements of CEQA, and express and articulate the desires of the community, General Plan Update Working Group, Planning Commission, and City Council. The Draft EIR addresses a range of reasonable project alternatives, in compliance with CEQA Section 15126.6(f). This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response K-10:** The commenter notes the General Plan buildout population projections within the city limits and requests language describing why the proposed Planning Area is needed and how it is an effective land use strategy. The designation of lands on the General Plan Land Use Map is meant to reflect the City's vision for future land use patterns in the Planning Area. The proposed Land Use Map reflects the land use pattern and distribution supported by the community, the General Plan Update Working Group, the Planning Commission, and the City Council. The Draft EIR includes a detailed analysis of the range of environmental impacts associated with buildout of the proposed General Plan to the city limits, as well as buildout of the proposed General Plan to the Planning Area boundaries. The analysis in the Draft EIR is sufficient to provide the decision-makers with the information needed to make an informed decision regarding the environmental implications of adoption of the General Plan. No changes to the Draft EIR are warranted.
- Response K-11:** The commenter states that the FEIR should specify that the City Limits Buildout Alternative would not include SPAs 1 and 2, and states that development of SPAs 1 and 2 would cause irreparable harm to prime farmland, range land, and scenic viewsheds. The commenter states that an alternative that removes SPAs 1 and 2 should be analyzed. The commenter is referred to Pages 2.0-14 and 2.0-15 of the Draft EIR. As specifically described on these pages, the Draft EIR evaluates two buildout scenarios associated with the proposed General Plan. The Draft EIR evaluates the maximum projected development that could occur within the existing city limits if every parcel in the city developed at or near the higher end of densities and intensities allowed under the proposed General Plan. The second development scenario addressed in the EIR is the maximum projected development that could

occur within the existing city limits and the Planning Area if every parcel in the city and the Planning Area developed at or near the higher end of densities and intensities allowed under the proposed General Plan.

The General Plan Land Use Map clearly indicates that SPAs 1 and 2 are located outside of the city limits. Additionally, Table 2.0-2 shows that new development within SPAs 1 and 2 would occur within the Planning Area, rather than the city limits. The information requested by the commenter has been included in the Draft EIR. Rather than include a City Limits Buildout Alternative, as suggested by the commenter, the City has comparatively addressed the impacts related to buildout of the General Plan to the city limits and to the Planning Area in extensive detail in each section of the Draft EIR. The commenter's request is noted, however, given the extensive analysis of buildout to the city limits contained in the Draft EIR, no changes are warranted.

Response K-12: The commenter states that in Chapter 5.0 of the Draft EIR, it is unclear how the City Limits Buildout relates to the Economic Development Alternative, and states that many of the proposed mitigations rely on a clear and measurable comparison between alternatives. As described in Chapter 5.0 of the Draft EIR, the alternatives analysis provides a comparative analysis between each alternative and the proposed project in terms of the range of potential environmental impacts. Table 5.0-5 in the Draft EIR includes a summary of the comparative analysis between the project alternatives and the proposed project. The Draft EIR does not include a City Limits Buildout Alternative. Rather, buildout of the proposed General Plan was analyzed under two development scenarios, one of which was buildout of the General Plan to the city limits. The commenter is referred to Response K-11. No changes to the Draft EIR are warranted.

Response K-13: The commenter requests that Section 2.4 of the Draft EIR specify that the analysis of City Limits Buildout does not include SPAs 1 and 2. The commenter is referred to Response K-11. No changes to the Draft EIR are warranted.

Response K-14: The commenter states that the Final EIR must provide a clear indication of the alternatives used through the EIR. As noted in Response K-11 above, the Draft EIR analyzes two buildout scenarios for the General Plan. One scenario addresses buildout of the General Plan to the city limits, while the other scenario addresses buildout of the General Plan to the Planning Area. Section 2.4 of the Draft EIR explains these two development scenarios in greater detail. These two scenarios are not project alternatives, but rather, they represent an analysis of the proposed project. The project alternatives, including the Economic Development Alternative, are identified in Chapter 5.0 of the Draft EIR. The commenter is referred to Response K-12 for additional details. No changes to the Draft EIR are required.

- Response K-15:** The commenter states that the General Plan will induce auto-oriented suburban-style growth outside of Brentwood's ULL, and that the Final EIR should evaluate the full range of impacts that may result from this type of growth inducement. The commenter is referred to Response K-11, which explains that the Draft EIR includes a full and detailed analysis of buildout of the General Plan to the Planning Area, which includes lands located outside of the ULL. The potential environmental impacts associated with growth that may occur associated with General Plan buildout throughout the Planning Area has been thoroughly addressed in the Draft EIR. The commenter also states that the Final EIR should include a detailed analysis of how future growth could be incorporated with infill development to suit the region's housing needs as part of the City Limits Buildout analysis. This comment is noted. The Draft EIR includes a detailed analysis of buildout of the General Plan within the city limits, including an analysis of the project's consistency with regional housing needs plans. The commenter is referred to Impact 3.10-3 of the Draft EIR. This issue has been adequately addressed in the Draft EIR and no changes are warranted.
- Response K-16:** The commenter states that while the Draft EIR specifies some of the direct impacts of land conversion under the Planning Area buildout analysis, there are additional impacts not considered by the Draft EIR that are crucial for a complete analysis. Detailed responses are provided in the following responses.
- Response K-17:** The commenter states that the Final EIR must include an analysis of the fiscal investments into agricultural resources that the City has made. This comment is noted and has been forwarded to the Planning Commission and City Council for their consideration. The commenter is referred to Response K-2. No changes to the Draft EIR are warranted.
- Response K-18:** The commenter states that the EIR must evaluate the cumulative effects on agricultural resources from development in SPA 1. The analysis requested by the commenter is included in the Draft EIR. The commenter is referred to Table 3.2-2, which specifically identifies the acres of Important Farmland located within SPA 1. The commenter is also referred to Impact 3.2-1, which identifies impacts to farmland and agricultural resources associated with buildout of the General Plan to the Planning Area. This issue has been adequately addressed in the Draft EIR, and no changes to the Draft EIR are warranted.
- Response K-19:** The commenter states that Figures 3.2-1 and 3.2-2 of the Draft EIR should include land that the City has invested in through the Brentwood Agricultural Land Trust (BALT), and should include other City investments related to agricultural preservation efforts. This comment is noted. The commenter is referred to Response K-2. The addition of the information suggested by the commenter would not alter the conclusions contained in the Draft EIR, nor would it lead to additional mitigation

measures that may reduce the severity of this impact. The Draft EIR includes a thorough and comprehensive analysis of potential impacts to farmlands and agricultural resources. No changes to the Draft EIR are warranted.

Response K-20: The commenter states that the Final EIR must study and specify mitigations for the fiscal impacts related to agricultural resources. The commenter is referred to Response K-2. No changes to the Draft EIR are warranted.

Response K-21: The commenter states that the Final EIR must study and specify mitigations for the cumulative impacts of SPA 1 development on agricultural resources. The commenter is referred to Response K-18. This issue has been thoroughly addressed in the Draft EIR and no changes are warranted.

Response K-22: The commenter states that the Draft EIR shows significant increases in levels of air pollution, greenhouse gases, and vehicle miles travelled will result from buildout of the General Plan to the Planning Area. The commenter also states that there are no mitigations listed for the increased traffic that would result from development associated with General Plan buildout. With respect to cumulative air quality emissions impacts, the commenter is referred to Tables 3.3-7 and 3.3-8 in the Draft EIR, which include detailed emissions estimates associated with buildout of the General Plan to the city limits and the Planning Area. These tables include emissions from vehicle miles travelled (mobile source emissions). The analysis of cumulative air quality emissions impacts is provided under Impact 3.3-1, and the extensive list of policies and actions included in the General Plan to reduce air quality emissions to the greatest extent feasible is provided.

With respect to greenhouse gas emissions impacts, the commenter is referred to Section 3.7 of the Draft EIR, which includes a detailed and quantified analysis of cumulative GHG emissions impacts associated with buildout of the General Plan, including GHG emissions from mobile sources. With respect to cumulative traffic impacts, the commenter is referred to Section 3.13 of the Draft EIR, which includes a detailed analysis of cumulative traffic impacts associated with buildout of the General Plan. Table 3.13-14 identifies the roadway improvements necessary to accommodate increased traffic associated with buildout of the General Plan to the city limits and the Planning Area.

All of the environmental concerns raised by the commenter in this comment have been thoroughly addressed in detail in the Draft EIR, and no changes to the Draft EIR are warranted. The commenter's preference to restrict future urban growth to areas within the current ULL is noted, and has been forwarded to the Planning Commission and City Council for their consideration.

- Response K-23:** The commenter states that the Final EIR should investigate how the project will impact attainment of the goals and policies outlined in Plan Bay Area. This comment is noted. The Brentwood General Plan is supportive of the primary goals and policies contained in Plan Bay Area. The proposed General Plan promotes and encourages infill development, provides for a range of housing types and housing densities, encourages the protection and preservation of agricultural lands, promotes a multi-modal transportation network, and includes the newly-created Mixed Use Pedestrian Transit (MUPT) land use designation in Priority Area 1. The City's proactive approach to these issues will further assist with implementation of Plan Bay Area. No changes to the Draft EIR are required.
- Response K-24:** The commenter states that the Final EIR must include analysis and specify mitigation for the additional vehicle trips that would be generated by buildout of the General Plan to the Planning Area. The commenter is referred to Section 3.13 of the Draft EIR, which includes a detailed and quantified analysis of transportation and circulation impacts that would occur associated with buildout of the General Plan to the Planning Area. A range of General Plan policies and actions to mitigate potential circulation impacts associated with buildout of the General Plan to the Planning Area are provided under Impact 3.13-1, including Action CIR 1b, which identifies a specific list of roadway improvements necessary to accommodate buildout of the General Plan to the Planning Area. This issue has been thoroughly addressed in the Draft EIR and no changes are warranted.
- Response K-25:** The commenter states that the Final EIR must include an analysis that links land use and transportation planning, especially as it relates to the goals of Plan Bay Area. This comment is noted. The circulation analysis contained in the Draft EIR is based on the proposed Land Use Map and the associated buildout projections of the proposed General Plan. Action CIR 1b identifies the roadway improvements necessary to provide adequate levels of service to support the proposed land use plan. With respect to consistency with Plan Bay Area, as noted on Page 3.13-18 of the Draft EIR, the current Regional Transportation Plan (RTP) produced by MTC, *Plan Bay Area*, was adopted in 2013. Plan Bay Area sets forth regional transportation policy and provides capital program planning for all regional, State, and Federally funded projects. In addition, Plan Bay Area provides strategic investment recommendations to improve regional transportation system performance over the next 25 years. Investments in regional highway, transit, local roadway, bicycle, and pedestrian projects are set forth. These projects have been identified through regional and local transportation planning processes, and in Contra Costa County include those projects listed in the CCTA's Congestion Management Program. Project recommendations are premised upon factors related to existing infrastructure maintenance, increased transportation system efficiencies, improved traffic and transit operations, and strategic expansions

of the regional transportation system. The *2011 Contra Costa Congestion Management Program* (referred to herein as the CMP) contains projects that are proposed for programming through the State and Federal funding cycles. The CMP “includes projects already programmed; those proposed for programming through MTC’s Regional Transportation Improvement Program and Federal processes; Transportation Fund for Clean Air bicycle projects; and developer-funded projects where funding through fee programs is imminent” (p. iv). The CMP identifies projects throughout Contra Costa County, including several within Brentwood, which have been deemed critical to regional circulation needs.

In addition to future improvements included in the regional CMP, Brentwood has identified circulation projects needed to support growth within the city. These projects are included in the *City of Brentwood 2014/15 - 2018/19 Capital Improvement Program* (referred to herein as the CIP). The CIP provides descriptions of the improvements, estimated costs, and sources of funding.

For the transportation analysis conducted for the General Plan Update, it was assumed that the circulation improvements identified in the regional CMP and Brentwood CIP will be in place at buildout. A summary of the circulation projects in and surrounding Brentwood that are contained in the regional CMP and Brentwood CIP is shown in Table 3.13-7 of the Draft EIR. This issue has been adequately addressed in the Draft EIR, and no changes are warranted.

Response K-26: The commenter states that California is currently experiencing significant drought conditions and that development in SPAs 1 and 2 will increase water demand. The Brentwood General Plan includes an extensive set of policies and actions aimed at reducing water demand, promoting water conservation, and ensuring that adequate water supplies are available to serve existing and future growth within the Planning Area. Policy IF 1-3 requires 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 2-1 requires the City to ensure that the water system and water supplies are adequate to meet the needs of existing and future development. Action IF 2a requires the City to routinely assess its ability to meet demand for potable water by periodically updating the Water Master Plan. The General Plan also includes a range of policies and actions that call for continued and ongoing water conservation measures, and measures to increase the availability and use of recycled water in order to decrease water supply demands from existing sources. The following list of policies and actions would ensure that water conservation measures are incorporated into new development projects, and that new development does not

exceed the City's water supply availability. This issue has been adequately addressed in the Draft EIR and General Plan.

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 2-1: Ensure the water system and supply is adequate to meet the needs of existing and future development.

Policy IF 2-2: Ensure safe drinking water standards are met throughout the community.

Policy IF 2-3: Continue to implement a comprehensive water strategy that balances the need to supply water to all users served by the City with potable water use reduction measures.

Policy IF 2-4: Pursue additional water supply agreements to supplement the City's existing system.

Policy IF 2-5: Continue efforts to reduce potable water use and increase water conservation.

Policy IF 2-6: Use recycled water for landscaping irrigation within City roadways, parks, and facilities to the greatest extent feasible.

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.

Action IF 1a: Periodically review and update the various City master plans for the provision and/or extension of public services to serve existing and future development. These plans include, but are not limited to, the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.

Action IF 1b: Develop and regularly update a comprehensive plan which establishes priorities and corrects existing inadequacies in the City's infrastructure system.

Action IF 1c: As part of the development review process, determine the potential impacts of development and infrastructure projects on public infrastructure, and ensure that new development contributes its fair share toward necessary on and off-site infrastructure, as described in the Growth Management Element of the General Plan.

Action IF 1d: Through development review, ensure that infrastructure is adequately sized to accommodate the proposed development and, if applicable, allow for extensions to future developments.

Action IF 1e: Identify and apply for Federal, State, and regional funding sources set aside to finance infrastructure costs.

Action IF 1f: Develop and regularly update a comprehensive financing plan to accommodate the construction of master planned infrastructure.

Action IF 2a: Routinely assess the City's ability to meet demand for potable water by periodically updating the Water Master Plan.

Action IF 2b: Explore additional permanent water sources through, and contract with, agencies that may have surplus water availability, such as the Contra Costa Water District, the East Bay Municipal Utility District, the East Contra Costa Irrigation District, and other potential sources.

Action IF 2c: Regularly review and update the City's water conservation strategy to be consistent with current best management practices for water conservation, considering measures recommended by the State Department of Water Resources, the California Urban Water Conservation Council, and the Contra Costa Water District.

Action COS 9d: Develop and provide incentives to developers and businesses that use reclaimed water and other non-potable water for landscaping.

Action COS 9e: Continue to implement Chapter 17.630 of the Brentwood Municipal Code, particularly as it relates to water conservation efforts.

Action COS 9f: Provide a conservation page (or similar page) on the City's website that provides links to resource agencies and provides information regarding local and regional conservation and environmental programs, to the extent that the City has readily available information, including recycling guidance for single family residences, businesses, and apartments, opportunities for reuse of materials, a description of how to compost, and a description of methods to reduce water use, such as appropriate reuse and recycling of water, water conservation measures, and xeriscaping.

Action COS 9g: Develop a list of drought-tolerant and native plants appropriate for use in Brentwood and review development projects for adherence to this list.

Response K-27: The commenter states that the Final EIR must address the immediate and cumulative impacts that Planning Area buildout will have on water supply in Brentwood, Contra Costa County, and California. The commenter is referred to Impact 3.14-1, which includes a quantitative analysis of water supply impacts associated with buildout of the General Plan. Impact 3.14-2 addresses potential impacts associated with the construction or expansion of new water treatment facilities to meet buildout demands. Impact 4.14 addresses potential cumulative impacts associated with water demands associated with General Plan buildout. Pages 3.9-8 through 3.9-12 of the Draft EIR include a detailed description of the water supply sources currently available to the City. Impact 3.9-2 addresses potential impacts to groundwater supplies, including potential groundwater depletion impacts.

The General Plan includes a range of policies and actions designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. Policy IF 1-3 requires 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 2-1 requires the City to ensure that the water system and water supplies are adequate to meet the needs of existing and future development. Action IF 2a requires the City to routinely assess its ability to meet demand for potable water by periodically updating the Water Master Plan. The General Plan also includes a range of policies and actions that call for continued and ongoing water conservation measures, and measures to increase the availability and use of recycled water in

order to decrease water supply demands from existing sources. These issues have been adequately addressed in the Draft EIR, and no changes are warranted.

Response K-28: The commenter states that the Final EIR must study the comparative impacts of city limits buildout and Planning Area buildout in terms of water demands. The commenter is referred to the additional text included in Chapter 3.0 of this Final EIR. As described in Chapter 3.0, Table 3.14-6 of the Draft EIR summarizes annual projections of demands and supplies to meet those demands through 2035, as documented in the City's 2010 Urban Water Management Plan (UWMP). Table 3.14-7 summarizes the same information for projected maximum day demands and supplies. Table 3.14-7 shows a range in demands from 2010 through 2035 based on two different growth rate projections: a high-growth curve, developed from earlier studies for the COBWTP, and a straight-line growth rate. Actual water demands are expected to fall in between these two projections.

As shown in Table 2.0-3 of the Draft EIR, the projected buildout population of the proposed General Plan within the city limits is lower than the projected buildout population of the existing General Plan by approximately nine percent. Therefore, buildout of the proposed General Plan would not exceed the water supply demand projections contained in the City's 2010 UWMP, which are based on projected buildout of the existing General Plan.

The City's 2010 UWMP estimates that water supply buildout demand in 2035 will be approximately 4,556 million gallons per year (MGY). This equates to .051 MGY per person within the service area. As shown in Table 2.0-3, the buildout population within the Planning Area is estimated to be 92,336. Applying the per capita water use rate of .051 MGY, the total annual water demand associated with full buildout of the General Plan to the Planning Area would be 4,715 MGY. This water demand is within the projected available supplies shown in Table 3.14-6.

The General Plan includes a range of policies and actions designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. Policy IF 1-3 requires 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 2-1 requires the City to ensure that the water system and water supplies are adequate to meet the needs of existing and future development. Action IF 2a requires the City to routinely assess its ability to meet demand for potable water by periodically updating the Water Master Plan. The General Plan also includes a range

of policies and actions that call for continued and ongoing water conservation measures, and measures to increase the availability and use of recycled water in order to decrease water supply demands from existing sources.

Given that projected water demands associated with General Plan buildout would not exceed the projected water supplies described in Brentwood's 2010 Urban Water Management Plan, and that the General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are **less than cumulatively considerable**.

Response K-29: The commenter states that the Final EIR must study the immediate and cumulative impacts that Planning Area buildout would have on water supply and wastewater treatment in Brentwood, Contra Costa County, and California. The commenter is referred to Responses K-26 through K-28 for information regarding cumulative water supplies. The commenter is referred to Impacts 3.14-3, 3.14-4, and 4.14 regarding the analysis of potential impacts related to wastewater treatment. These topics have been adequately addressed and no additional changes are required.

Response K-30: The commenter provides closing remarks. No changes to the Draft EIR are required.



Superintendent
Dana Eaton, Ed.D.

Brentwood Union School District

255 Guthrie Lane, Brentwood, CA 94513 (925)513-6300 FAX (925)634-8583

Letter L

May 21, 2014

Mr. Erik Nolthenius
Planning Manager
150 City Park Way
Brentwood, CA 94513

RE: Future School Facility Needs and Funding

Dear Mr. Nolthenius,

As the City of Brentwood (the "City") is updating its General Plan, the Brentwood Union School District (the "School District") is updating its School Facilities Master Plan ("Master Plan"). It is the understanding of the School District that the proposed Updated General Plan of the City projects population could increase from 55,611 to 92,336 (including sphere of influence and Planning Area). Based on the residential development being proposed in the Updated General Plan of the City, student enrollment of the School District could almost double. While we realize the full increase in population may never be realized, any significant growth in the city of Brentwood will have a dramatic impact on our facility needs.

L-1

I. School Facility Needs:

With the potential of student enrollment doubling, the School District will need to build new elementary and middle school facilities. In school year 2013/2014, the School District operates eight (8) elementary schools and three (3) middle schools. If the demographics of the City and School District as proposed remain the same in the future, the School District could need to construct as many as six (6) new elementary school facilities and two (2) new middle school facilities.

L-2

In accordance with guidelines from the California Department of Education, each new elementary school site should consist of approximately twelve (12) acres and each new middle school should consist of approximately twenty (20) acres. These acreages assume the shape of the site is square/rectangular and infrastructure is located in the proper locations. The School District believes working in a collaborative manner with staff of the City and local land developer/home builders during the entitlement process would be of great benefit to existing and future members of the community.

Recognizing a portion of the proposed residential development is considered in-fill, the School District does not believe the City must receive comments regarding the need for school sites on every proposed residential tract map. Instead, the School District believes future school site zones can be established. The intent of establishing these future school site zones is to ensure future elementary and middle school facilities are appropriately located with regards to pedestrian/vehicular access and infrastructure timing. The City would require the School District to comment on all proposed tentative tract maps in a future school site zone until such time all

L-3

school facility needs in said zone have been identified and approved by all regulatory agencies which participate in school site approvals.

L-3
Cont

The School District believes the City agrees with these general findings based on the following excerpt:

The General Plan includes Policy CSF 5---1, which requires the City to work cooperatively with the local school districts in order to ensure that adequate facilities are provided in a timely manner in accordance with the pace of residential development. Policy CSF 5---2 articulates the City's strong support of high quality schools and educational opportunities in Brentwood. Action CSF 5a requires the City to coordinate with the school districts to ensure the adequate provision of schools and related facilities to serve existing and future development in Brentwood, and support the establishment of a School Facility Master Plan. (3.12-32 of the Draft Environmental Impact Report for the 2014 Updated General Plan)

L-4

II. School Facility Funding:

In addition to ensuring future school sites are properly located to serve students generated from the proposed residential development identified in the Updated General Plan, obtaining appropriate funding to acquire the school sites and construct the facilities is as important. The success of the City has been aided by the School District and the success of the School District has been aided by the City. Without sufficient and timely funding, the School District will have no alternative but to have overcrowded schools impacting existing community members. Additionally, the School District will be forced to ask the existing community to increase it's property taxes in order to mitigate the impacts caused by the future residential development identified in the Updated General Plan.

L-5

The collection of fees imposed by the School District under Section 65995(h) of the California Government Code will not mitigate the impacts caused by the proposed future development in the Draft Environmental Impact Report for the 2014 Updated General Plan ("Draft EIR of the General Plan Update") to a level of "Less than Significant". While Section 65995(h) of the Government Code identifies the payment of impact fees to be "full and complete" mitigation of impacts created by new development, it is important to consider the significant environmental impacts that would affect the neighborhoods and City if residential development associated with the Updated General Plan is not properly mitigated. Housing students generated by the Updated General Plan at existing school facilities would require the School District to transport students to their respective schools, creating the need for additional school buses per school site.

L-6

The School District will also be responsible for all costs associated with transporting such students, including staffing drivers, purchasing fuel, and maintaining vehicles. Additional school buses at each site will also mean that the School District will have to expand parking and loading zones, and with the City, will need to reevaluate right-of-way issues. Additional bus traffic, as well as parents bringing their children to school will create unnecessary traffic delays, noise, and air pollution within the neighborhoods.

L-7

In general developer fees collected by a school represent less than 35% of the amount needed to adequately mitigate impacts caused by such development. Currently, another 35% of the funding is supposed to be provided by the State of California (Governor Brown has on numerous occasions stated the State of California should no longer be involved in the funding of school facilities). As for the balance of the funding needed to adequately house students generated from development, the School District would rely on tax increment received from redevelopment agencies or place general obligation bond measures on the ballot for voter approval.

L-8

The general view of funding new schools required to house students generated from new development is perplexing. This is because the definition of infrastructure is:

L-9

The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons.

L-9
Cont

Throughout the Draft EIR for the General Plan Update, the City states the following with regards to infrastructure needs generated by the proposed development:

- » *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 - 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.*
- » *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 FI 1 - 6: Require that revenues generated by development be sufficient to cover the costs incurred by the City to provide infrastructure and public services to such development*
- » *Action FI 1b: Require development projects to prepare a fiscal analysis of potential effects on the City's revenue generation and cost of services, when the City Treasurer determines there is potential for significant negative fiscal impacts, and condition project approval upon establishment of revenue enhancement mechanisms if necessary to prevent adverse fiscal impacts.*
- » *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 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.*
- » *Action CIR 4b: As part of the development review process, require new development to mitigate circulation impacts by making improvements to the motorized and non-motorized circulation networks as necessary and in a proportional manner with an established nexus between the level of impact and required improvements and/or contributions.*
- » *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.*
- » *Action IF 1c: As part of the development review process, determine the potential impacts of development and infrastructure projects on public infrastructure, and ensure that new*

L-10

development contributes its fair share toward necessary on and off--site infrastructure, as described in the Growth Management Element of the General Plan.

L-10
Cont

The School District believes the same level of mitigation requirements for other infrastructure should be applied to school facilities. Please find below language the School District is requesting be placed in the Draft EIR for the Updated General Plan:

1. The City and the school districts will work cooperatively to explore all local and State funding sources in order to secure adequate funding for new school facilities.
 - a. *State Funds*
 - b. *Local Resources*
 - c. *Development Agreements*

2. Adequate facilities must be shown to be available in a timely manner before approval will be granted to new residential development.
 - a. *Development Agreements*
 - b. *Development Review Process*
 - c. *Specific Plans*
 - d. *School Phasing Plan*

3. Financing for new school facilities will be identified and secured before new development is approved.
 - a. *State Funds*
 - b. *Local Resources*
 - c. *Development Agreements*
 - d. *Development Review Process*
 - e. *Specific Plans*

4. State facilities will be provided in response to needs identified by the districts and the City.

L-11

The verbiage being requested by the School District was contained in the Public Facilities Element of the City of Roseville. In the event the City determines the language contained in the Public Facilities Element of the General Plan of the City of Roseville cannot be inserted into the proposed Updated General Plan of the City, the School District requests the City to clarify some of the proposed Policies and Actions which are included within the proposed Updated General Plan.

III. Policies/Actions Clarification:

It is the understanding of the School District that the proposed Updated General Plan is to provide the City, other public agencies providing services to residents and businesses within the City, the existing population of the City, and future residential and commercial/industrial developers within the City with a "road map" for the future. The future success will be directly dependent on Policies/Actions which are not ambiguous and can be successfully implemented. To this point, please find below a sample of a few Policies/Actions which directly impact the School District and need additional clarity.

L-12

- » *Policy CSF 5 - 1: Continue to work cooperatively with the local school districts in order to ensure that adequate facilities are provided in a timely manner in accordance with the pace of residential development.*

L-13

We believe an explicit written process, detailing how the school district and city will review projects prior to the EIR, is essential to this policy.

L-13
Cont

The School District believes the existing community would support this policy, as interpreted by the School District, to prevent overcrowding at existing school facilities due to new development within the City. We believe that many residents would be surprised to learn the additional tax burden that is likely to be incurred as a result of new development. It is imperative that we proactively work together to reduce that burden.

- » *Action CSF 5a – Continue to coordinate with the school district to ensure the adequate provision of schools and related facilities to serve existing and future development and support the establishment of a School Facility Master Plan.*

L-14

Again, we believe an explicit written process, detailing how the school district and city will review projects prior to the EIR, is essential to this policy. It will be critical for the school district and city to work collaboratively on the locations of future school sites. We believe that a similar process has historically taken place at an informal level.

The School District believes the existing community would support this action, as interpreted by the school district, to guarantee future school facilities are properly located to eliminate/reduce the need to modify attendance boundaries of existing school facilities.

On behalf of the Governing Board, students and communities of Brentwood Union School District, we are very appreciative for all of the dialogue concerning the proposed Updated General Plan and considering the requests contained in this letter. We believe your process has been extremely inclusive and appreciate the opportunity to participate. It is clear our interests and goals are aligned and the challenges in the future will be implementation and communication. We are committed to maintaining an ongoing partnership that benefits the residents we both serve. If you have any questions regarding items contained in this letter, please do not hesitate to contact me.

L-15

Sincerely,



Dana Eaton, Ed.D
Superintendent, Brentwood Union School District

Response to Letter L Dana Eaton, Ed.D, Superintendent, Brentwood Union School District

- Response L-1:** The commenter provides introductory remarks and notes the potential population increase that may occur within the Planning Area upon buildout of the General Plan. The commenter states that school enrollment would increase and that growth may have dramatic impacts on school facility needs. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-2:** The commenter notes that population growth in the city may require the construction of new elementary and middle schools, and provides information regarding appropriate site parameters for new school locations. The commenter notes the benefits of collaboration with the City during the entitlement process for development projects. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-3:** The commenter states that future school zone sites can be established and that the City should coordinate with the District regarding future development projects and potential future school zone sites. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-4:** The commenter states that the District believes the City agrees with the commenter's position on these issues, and cites policies and actions from the General Plan. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-5:** The commenter notes the importance of appropriate funding for the acquisition of school sites and the development of school facilities. The commenter also notes the past successes in collaboration between the City and the District, and that future funding may require requests for increases in property taxes. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-6:** The commenter states that the collection of fees imposed by the District under Section 65995(h) of the California Government Code will not mitigate the impacts caused by future development under the General Plan. The commenter acknowledges that Government Code Section 65995(h) identifies the payment of

impact fees to be “full and complete” mitigation of impacts created by new development, but states that additional funding would be required. The Draft EIR includes a detailed and comprehensive analysis of potential impacts to school facilities as a result of growth that may be accommodated by the General Plan. The commenter is correct that the payment of development impact fees consistent with the requirements of Government Code Section 65996(h) provides full and complete mitigation of this impact, which is described in the Draft EIR. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-7: The commenter states that overcrowding at school facilities may result in additional buses at each school site, which may lead to traffic delays, noise, and air pollution. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-8: The commenter states that the collection of developer fees is not sufficient to fully fund new school facilities, and that additional revenue sources such as tax increment increases may be required. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-9: The commenter states that the funding of new schools should be viewed as critical infrastructure associated with a functioning society. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-10: The commenter cites a range of policies and actions from the General Plan related to the provision of infrastructure and related services. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-11: The commenter provides sample language for inclusion in the General Plan to strengthen requirements for mitigation for school sites. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

Response L-12: The commenter states that the General Plan would be strengthened by unambiguous policies regarding planning for future school sites and facilities, and provides specific examples in the following comments. The commenter requests that General Plan Policy CSF 5-1 be modified to provide additional details regarding future collaboration between the District and the City regarding the planning for future school sites. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

- Response L-13:** The commenter requests that General Plan Policy CSF 5-1 be modified to provide additional details regarding future collaboration between the District and the City regarding the planning for future school sites. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-14:** The commenter requests that General Plan Action CSF 5a be modified to provide additional details regarding future collaboration between the District and the City regarding the planning for future school sites. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.
- Response L-15:** The commenter provides closing remarks and expresses support for the open and collaborative process the City has used during the General Plan Update. The commenter states that the City and District have compatible goals, and states support for ongoing collaboration. This comment has been forwarded to the Planning Commission and City Council for their consideration. No changes to the Draft EIR are warranted.

GRUPE

Letter M

May 22, 2014

Mr. Erik Nolthenius
 Planning Manager
 The City of Brentwood
 150 City Park Way
 Brentwood, CA 94513

Re: 7303 Brentwood Blvd. – General Plan Update Land Use Change Request

Dear Mr. Nolthenius:

The property located at 7303 Brentwood Blvd is currently an undeveloped 6.71 acre parcel located within the Brentwood Boulevard Specific Plan. The Grupe Company, a family-owned development company with 50 years of development experience in California has just been chosen by the property owner to pursue development entitlements for the site after the conclusion of an extensive marketing period. The Grupe Company has reviewed the Brentwood Boulevard Specific Plan (BBSP) and performed a highest and best use analysis of the site. Grupe has determined that a medium density single family use, allowing for a density range of 5 – 11 du/ac. not only meets the goals of the specific plan but is the most economically viable use for the site.

The current General Plan designation for the 6.71 acre site is High Density Residential (HDR), which provides for multifamily development with a range of 11 – 20 du/ac. This current designation came about in March 2012 with the adoption of the BBSP as the result of a previous developer, AMCAL Multi-Housing, and their desire to develop a high density multifamily project on the site. The Grupe Company and the property owner respectfully request the City Council consider amending the land use designation for this site from the HDR to Medium Density Residential (MDR). Grupe believes there are a number of advantages to the MDR designation:

- Quality land use transition from the existing commercial use to the south and the existing multifamily (Marsh Creek Apartments) to the north of the subject property site. The Marsh Creek Apartment site has a current designation of MDR.
- Opportunity for better street forward architecture for the window into city
- Traditional residential neighborhood – active and inviting
- Ensure consistency with traditional values established throughout the city
- MDR better able to adhere to the vision of the Brentwood Boulevard Specific Plan in terms of aesthetics through character of design

M-1

THE GRUPE COMPANY

3255 West March Lane, 4th Floor, Stockton, CA 95219 • P.O. Box 7576, Stockton, CA 95267-0576
 209/473-6000 • Fax 209/473-6188

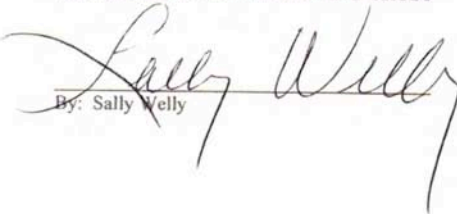
The Grupe Company along with the property owners are appreciative of the opportunity to have our request considered as the General Plan update nears its final completion. We thank you for the countless hours spent by the committee, staff and the council to get the process to this point. With that said, we ask you to consider our request to amend the General Plan to a medium density designation so as to allow a high quality medium density, for sale product to be built at 7303 Brentwood Blvd.

M-1
Cont

Respectively,
GRUPE INVESTMENT COMPANY, INC.


By: Jeremy S. White, President

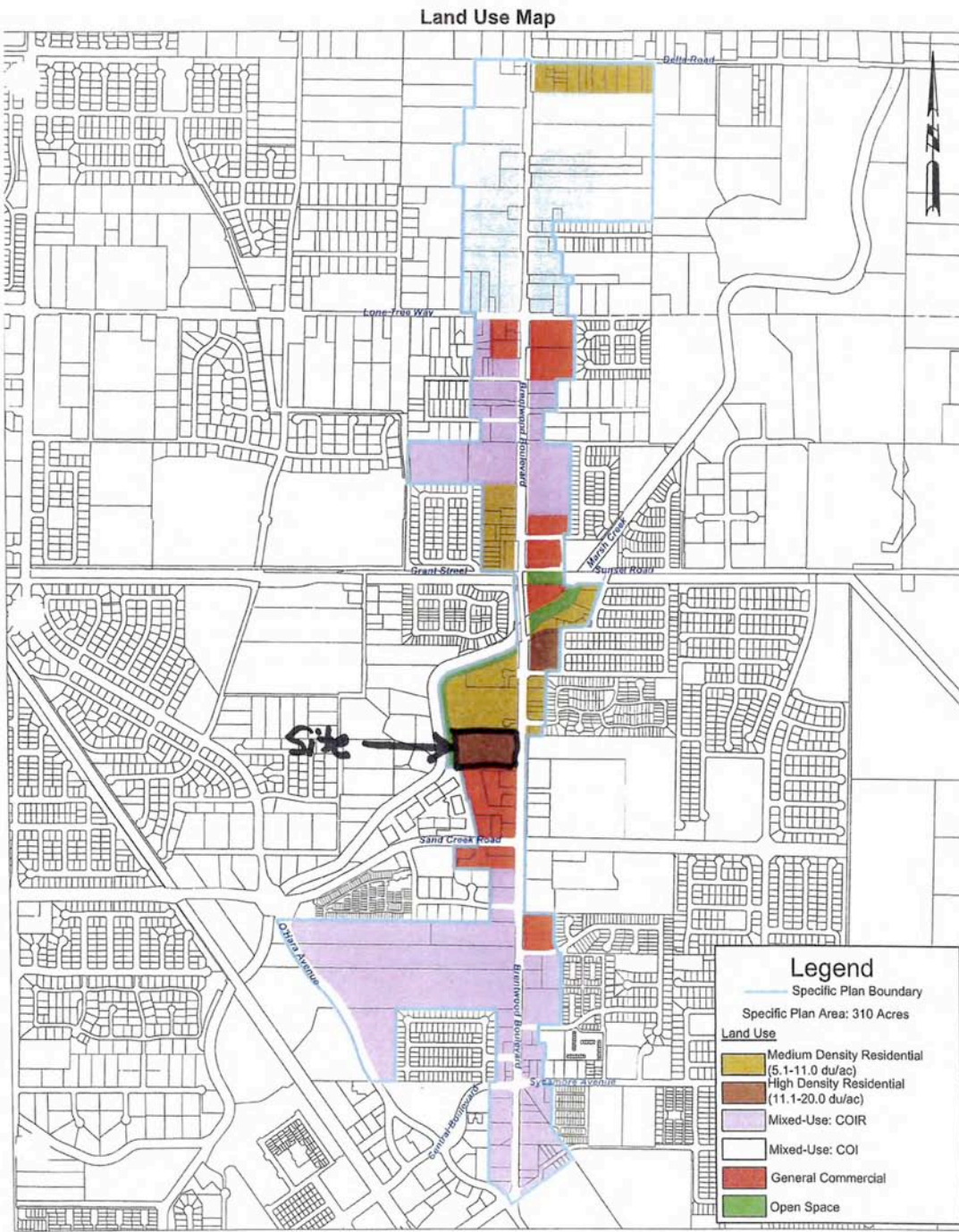
DOROTHY R. ENGLUND LIVING TRUST


By: Sally Welly





FOR A LIST OF
ASSESSOR'S MAP
BOOK 16 PAGE 11
CONTRA COSTA COUNTY, CALIF.



Legend

Specific Plan Boundary
Specific Plan Area: 310 Acres

Land Use

- Medium Density Residential (5.1-11.0 du/ac)
- High Density Residential (11.1-20.0 du/ac)
- Mixed-Use: COIR
- Mixed-Use: COI
- General Commercial
- Open Space

Response to Letter M Jeremy S. White, President, Grupe Investment Company, Inc.

Response M-1: The commenter requests a land use designation change to the parcel located at 7303 Brentwood Boulevard. This comment is noted and has been forwarded to the Planning Commission and City Council for their review and consideration. The commenter does not address the adequacy of the Draft EIR and, as such, no changes to the Draft EIR are warranted.

May 23, 2014

Letter N

Erik Nolthenius, Planning Manager
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Re: Land Use Designation change request for 2700 Empire Avenue

Dear Erik:

We are writing you to request a change in the land use designation for the property located at 2700 Empire Avenue in Brentwood through the General Plan update process. We realize that it is very late in the General Plan update process, but as discussed in our various interactions, there are a number of reasons for making this request at this time.

We request that the land use designation for this parcel be changed from "Business Park" to "Medium Density Residential".

The current owners of the property purchased the property last year, and began to determine the best use for the property. After initial interaction with the Planning Department, they became aware of the General Plan update process. This was after the time period for submittal for land use change had ended.

During initial site design it became clear that the site could not be successfully developed with only business Park uses. This was due to a number of factors:

1. We initially studied the site for commercial and flex-tech uses.
2. Through these studies, we found that the depth of the property from Empire Avenue and the position of the WinCo Store caused site planning issues for commercial use. We recently described this situation to the Land Use Subcommittee in detail.
3. The WinCo site creates very low visibility, poorly accessible area on the eastern half of the site, which is not viable for business park/commercial purposes.
4. Circulation to the site is limited by the size and location of the WinCo Building and by three smaller parcels to the south. Until the adjacent sites to the south develop, this parcel is limited to right-in, right-out traffic movements. The nearby traffic signal does not provide access to this property.
5. We needed to introduce a use that was not dependent on visibility and direct access.

The current General Plan allows residential uses under specific conditions within Business Park designations. We have been moving forward with a proposed site plan design to be submitted under the current general plan. This site plan design combines

N-1

commercial/office space with high density attached residential units. However, we feel that this approach is a stop-gap measure, and not the best possible solution for the site.

Although our site plan design process is in progress now under the current General Plan, the General Plan update process represents a more straightforward way to process the immediate development plans for this particular parcel. The following considerations apply:

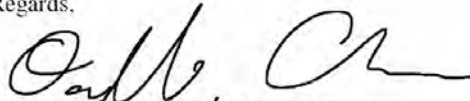
6. The property directly to the north of our parcel is designated commercial and high density residential under the current General Plan. It is proposed to change to Medium Density Residential and Commercial along Empire Avenue.
7. The Residential use on this site would be adjacent to proposed Medium Density to the North.
8. There is an abundance of commercial land available in the direct vicinity of our parcel, most of which is better situated for viable commercial use.
9. Residential use on this site would create synergy with the adjacent commercial uses.
10. Properties to the south are small—more contiguous with existing Commercial—infill commercial sites. They are adjacent to WinCo/Best Buy parking lots. Commercial use will be more successful on those sites.

We have explored many options and are concerned that a small amount of commercial or a small amount of residential on this site will limit the success of both.

We request that the site be designated as "Medium Density Residential".

As a second alternative (not our preference) we would request the site be designated as 3 acres of business park and 5 acres of medium density residential.

Regards,



Doug Moore and Grant Alvernaz, Owners

N-1
Cont

Response to Letter N Doug Moore and Grant Alvernaz, Property Owners

Response N-1: The commenter requests a land use designation change to the parcel located at 2700 Empire Avenue. This comment is noted and has been forwarded to the Planning Commission and City Council for their review and consideration. The commenter does not address the adequacy of the Draft EIR, and no changes to the Draft EIR are warranted.



May 23, 2014

Letter O

Board of Directors

Scott Hein
President

Amara Morrison
Secretary

Burt Bassler
Treasurer

Heath Bartosh
Joe Canciamilla
John Gallagher

Claudia Hein
Scott Hein
Gary Johnson
Doug Knauer
Sue Ohanian
Marty Reed

Malcolm Sproul
Directors

Staff Directors

Ronald Brown
Executive Director

Seth Adams
Land Programs Director

Julie Seelen
Advancement Director

Monica E. Oei
Finance Director

Meredith Hendricks
Senior Land Programs Manager

Founders

Arthur Bonwell
Mary L. Bowerman

Proud Member of

Land Trust Alliance
California Council of Land Trusts
Bay Area Open Space Council

Erik Nolthenius
Planning Manager
City of Brentwood, Community Development Department
150 City Park Way
Brentwood, CA 94513

RE: Comments, 2014 Brentwood General Plan Update and the draft Environmental Impact Report SCH# 2014022058

Dear Mr. Nolthenius,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 110,000 acres. We include more than 8,000 donors and supporters.

SMD has a strong interest in how Brentwood (the City) develops and the principles that guide its development and community culture.

Save Mount Diablo was involved in all of these efforts:

- 1990—County Measure C - the County Urban Limit Line was created.
- 2000—The County Urban Limit Line was tightened.
- 2005—Brentwood Measure L would have created a more expansive city urban limit line and was defeated.
- 2006—County Measure L in 2006 created a unified, tighter urban limit line for both the county and cities and was approved (including by Brentwood voters).
- 2010—Developers' Brentwood Measure F would have expanded the city urban limit line by 740 acres and was defeated.

We've also been deeply involved in preservation of open space nearby, at Los Vaqueros, Round Valley and Roddy Ranch, for example, with tremendous public support.

Gateway to a National Park-Sized Wilderness

Brentwood is at an important crossroads. It's been one of the fastest growing cities in California over recent decades. Luckily, nearby preserved land has been expanding even more rapidly and is becoming one of the most important attributes of the city.

O-1

O-2



The City has taken advantage of its agricultural heritage by helping to brand it and to use it to encourage economic development. It hasn't yet done so with nearby open space amenities.

Brentwood is adjacent to a complex of more than 110,000 acres of preserved land around Mount Diablo to the south and west—a rapidly expanding national park sized wilderness, and agricultural lands and the Delta to the east. It is crossed by Marsh Creek, the second longest and least disturbed creek in Contra Costa County.

The City could be one of the most important gateways to a national park sized wilderness bigger than both Point Reyes National Seashore and the Golden Gate National Recreation Area. Brentwood should be doing everything possible to support and expand that potential economic driver, to help the branding of the “Diablo Parks” and to avoid impacting them.

O-2
Cont

Integrating trail, bike route and linear corridors along creeks as connections to these open space lands, and encouraging service sector businesses related to these resources can be an important part of Brentwood's economic development. The benefits are not just for quality of life and property values, but as a gateway and recreational destination to drive economic development.

The current General Plan and the proposed update don't reflect these new opportunities and they both include some of the same direction that voters have repeatedly rejected which would impact the Diablo parks.

That extends even to things as simple as the maps. For example, the Ag Core is county land, outside of the city limits or sphere of influence but a lot of it shows on General Plan maps. It demonstrates the City's agricultural character and shows that it doesn't exist in isolation. The GPU should also be framed based on Brentwood's location relative to open space resources and recreational opportunities, as well as its current focus on agriculture.

O-3

Direction From Brentwood Residents

We have participated in the (GPU) process from the beginning. Initially some of the changes proposed—development designations for areas outside of the Urban Limit Line--were quite threatening. Many of those proposals were removed during the process but there are still quite a few.

The various changes are a laundry list of what various landowners want. They lack a clear direction from the City about where it wants to go. Anything proposed outside of the Current Urban Limit Line will require a public vote.

O-4

A GPU is fairly obscure. Even with broad attempts to involve the public and community leaders, it remains difficult for the public to participate meaningfully. The most clear direction the public has given to the city are repeated votes in support of urban limit lines and the defeat of measures which would expand the Urban Limit Line.

The proposed General Plan fails to reflect the voters' repeated direction to tighten growth management and to live within the City's boundaries. It's missing a clear vision.

The GPU:

- misses the opportunity to make changes as reflected by the voters intent, to tighten development potential.
- continues to propose new development outside of the Urban Limit Line.
- The City’s Sphere of Influence should be tightened to exclude the area south of former SPA G&H, which is either publicly preserved or surrounded by public lands.
- The land use designations of these areas should also be removed, given voters’ rejection, twice, of development there.
- At the very least, specific language addressing this area should be added that requires very large—more than 50%—amounts of onsite mitigation and contiguous open space for any development that occurs in this area.
- Land use designations on the parcels at the northeast corner of Marsh Creek State Park should be removed, since they could affect the park and encourage grossly inefficient cherry stem development patterns. They completely ignore LAFCO goals for orderly development.
- SPA 2 GP direction should include open space preservation to create a significant wildlife corridor and greenbelt between Brentwood and Antioch, and include preservation of at least 50% of SPA 2, in a large contiguous area including both creeks, and former SPAs G&H.
- Ideally these areas should be dedicated to the new Deer Valley Regional Preserve and promote connection with the new Preserve and with Marsh Creek State Park.
- The Brentwood city limits are a relatively compact square. A third of its boundary is with the agricultural core. Another third is public open space to the south and private lands near public open space on the west. In so far as the City can maintain a significant greenbelt separation from Antioch, its community character will be better maintained.
- Therefore, even if development is desired on lands north and south of Balfour (SPA 2) on the west side of the City, they should include very significant greenbelts and open space targets.

O-4
Cont

Additional Comments

We appreciate the opportunity to comment on the dEIR for the proposed 2014 Brentwood GPU. We believe that the dEIR’s effects and alternatives analyses of the GPU are thorough and that the City has done a fairly good job of developing its GPU using the principles of smart growth and sustainable development.

O-5

However, some content in the GPU could be modified and expanded on to strengthen open space and agriculture protections, encourage recreation and orderly development, and promote a vision of the City as a gateway to a national-park sized area of parks and open space.

Since GPU goals, policies, and actions are discussed and analyzed in the dEIR as mitigation measures, our comments on these components of the GPU can be regarded as comments on the adequacy of the mitigation measures described in the dEIR. Comments that focus on specific content in the dEIR will be identified as such.

0-5
Cont

GPU –New Content (non-specific to goals, policies, and actions)

The addition of new content (or in some cases, the elimination of existing content) in certain sections of the GPU, would facilitate future development and planning efforts. In addition, changes to some figures would improve perspective on the City and more accurately portray the City's surrounding environment. Additional content that would benefit the GPU is discussed in this section, while suggested modifications to existing text is discussed later.

0-6

Ch. 2 – Circulation

- We believe the City should add text to this section about the adoption and implementation of smart street standards.
- There should be a City level (vs. just county) Hiking Trail and Bike Routes Plan as part of the GPU, which should incorporate East Bay Regional Park District (EBRPD) regional trails. Once such a plan is developed text in GPU Policy CIR 2-1 should reference the plan.

0-7

Ch. 3 – Community Services and Facilities

- We believe the beginning of the section should include a map of community parks in the City.

0-8

Ch. 4 – Conservation and Open Space

- We believe the beginning of the section should include a map of the Brentwood area that shows state and regional parks, trails, and protected open space in order to give a sense of the expanded public lands near the City. Lands that should be shown on this map include Los Vaqueros and Contra Costa Water District mitigation lands (Evergreen and Ackerman properties), Marsh Creek State Park, Round Valley Regional Preserve, Deer Valley Regional Preserve (Roddy Ranch, Fox Ridge properties, etc.), and preserved lands in the Delta.
- We feel the GPU would benefit from adding a policy specifying that open space used as mitigation for a development project must be protected by a conservation easement or dedication of development rights to the City or a qualified agency or NGO.
- A map related to Policy COS 3-1 that shows these sensitive habitats around Brentwood would improve the GPU.
- We believe an action should be added related to COS 3 policies: Develop a native tree ordinance specifying the species, age, and dimensions of trees that should be protected in and around Brentwood. Special designations should be assigned to some of them to protect them from removal by development.

0-9

- We suggest that standards related to COS 4 policies should be added for suggested creek setbacks on Marsh Creek and other creeks.
- We feel that the GPU section discussing COS 5 should state Brentwood’s position on fracking.
- We feel that the GPU section discussing COS 6 policies should, at a minimum, recognize important new information about Native American populations in the vicinity of the John Marsh Home, as well as the importance of John Marsh and the John Marsh Home in establishing and enhancing the character of the City. Locations at the Vineyards at Marsh Creek/Trilogy project and near the Los Vaqueros dam site have now been dated as the oldest Native American cultural sites in the Bay Area.
- We believe a list of designated ridgelines in the City that would be protected from development and grading should be developed and included in the section that discussed COS 7 policies. Specific view corridors and ridges should be identified for protection in the GPUP, not deferred to project analysis.
- We suggest that the GPU state a limit on the percent slope and amount of cut and fill that will be allowed for development projects on hillsides. This could be included in text discussing COS 7 policies.
- We feel that a map of important viewsheds mentioned in Policy COS 7-3 should be made. It could include the hills that would be designated as major ridgelines as well. Important points from which the best views of Mount Diablo and other scenic areas should be included. This information already exists, some members of the GPU Working Group would know where such points are located.

O-9
Cont

Ch. 5 – Economic Development

- Brentwood is adjacent to a complex of more than 110,000 acres of preserved land around Mount Diablo to the south and west—a rapidly expanding national park sized wilderness, and agricultural lands and the Delta to the east. It is crossed by Marsh Creek, the second longest and least disturbed creek in Contra Costa County. Integrating trail, bike route and linear corridors along creeks as connections to these open space lands, and encouraging service sector businesses related to these resources can be an important part of Brentwood’s economic development. The benefits are not just for quality of life and property values, but as a gateway and recreational destination to drive economic development. Language reflecting this vision should be added to Ch. 5, Ch. 4, and any other appropriate sections of the GPU.
- We believe the GPU should also be framed based on Brentwood’s great location relative to open space resources and recreational opportunities, as well as agriculture, etc. -- Los Vaqueros and CCWD mitigation lands (Evergreen and Ackerman), Marsh Creek State Park and the John Marsh Home, Round Valley Regional Preserve, Deer Valley Regional Preserve (Roddy Ranch, Fox Ridge, etc.) and preserved Delta lands. Policies and actions as they are currently written in Ch. 5 fail to adequately recognize these open space and recreational opportunities. Brentwood is poised to be a gateway to open space areas for Central Valley and statewide visitors from the east and southeast, and includes a brand new State Park and several new regional preserves. It should integrate planning to take advantage of such opportunities.

O-10

- We feel that general language stating that development which enhances open space and recreational resources should be encouraged, and that development which would impact these resources should be discouraged, should be added to this chapter. **O-10 Cont**

Ch. 7 – Growth Management

- Chapter introduction: we suggest adding language which notes that changes to the Urban Limit Line require voter approval. **O-11**

Ch. 9 – Land Use

- We feel that the Urban Limit Line should be added to Figure LU1. **O-12**
- The Land Use Map Figure LU1 includes Agricultural Conservation as a mapped goal but barely depicts public open spaces, which are equally prominent. While 4,000 acre Marsh Creek State Park is shown, the 20,000 acre Los Vaqueros watershed and more than 10,000 acres of land at Deer Valley and Black Diamond Mines Regional Preserves, and thousands of acres stretching from Round Valley to Morgan Territory Regional Preserves are not shown. There should be a map showing state and regional parks, CCWD lands, creeks, as well as one showing state and regional parks, creeks, trails, open spaces, to give a sense of the expanded public lands near the City – Los Vaqueros and CCWD mitigation lands (Evergreen and Ackerman), Marsh Creek State Park, Round Valley Regional Preserve, Deer Valley Regional Preserve (Roddy Ranch, Fox Ridge, etc.) and preserved Delta lands. **O-13**
- The City’s Sphere of Influence should be tightened to exclude the area south of former SPA G&H, which is either publicly preserved or surrounded by public lands. The land use designations of these areas should also be removed, given voters’ rejection, twice, of development there. At the very least, specific language addressing this area should be added that requires very large amounts of mitigation and continuous open space for any development that occurs in this area. **O-14**
- We feel that land use designations on the parcels at the NE corner of Marsh Creek State Park should be removed, since they would affect the park and encourage grossly inefficient development patterns. They completely ignore LAFCO goals for orderly development. **O-15**

Ch. 10 – Noise

- We encourage adding the following policy to those supporting Goal N 1: “Avoid the placement of especially noisy activities, such as industrial parks, expected high-traffic roads, etc., adjacent to or through open space.” **O-16**

GPU – Modifications to Specific Goals, Policies, and Actions

While we generally agree with the goals, policies, and actions in the GPU, modifying the language in some of them would strengthen the GPU and make the document clearer about how **O-17**

it will accomplish the goals it has set for itself. Our suggested changes to the GPU (and therefore the mitigation measures described in the dEIR) are below:

O-17
Cont

Ch. 2 – Circulation

- Policy CIR 1-18: We feel the City should add language to the effect that the City’s circulation network should not encourage sprawl in neighboring jurisdiction’s, but reinforce existing population centers.
- Policy CIR1-19: The City should add language stating that the City should encourage an SR 239 route that follows the Byron Highway.
- Policy CIR 2-2: The City should add language so that the policy reads: “...facilities, including trails and bike paths, into...”
- Policy CIR 2-13: The City should add language stating that the buses that serve Brentwood shall be electric or fueled by natural gas.
- Policy CIR 2-16: The City should add language so that the policy reads: “...disposal, including recycling, is...”
- Policy CIR 3-2: The City should include specific language encouraging such land use patterns around future BART stations, and language that promotes carpooling.
- Policy CIR 3-5: The City should add language so that the policy reads: “...neighborhood and regional parks...” and specifically encourage bus stops close to regional parks and open space.

O-18

Ch. 3 – Community Services and Facilities

- Policy CSF 1-2: The City should add language stating that if services cannot meet increased demand, development should not occur without the development providing services.
- Policy CSF 2-5: The City should add language so that the policy reads: “...recreation, hiking and wildlife observation.”
- Policy CSF 2-10: The City should add language stating that new trails should connect to existing open space trails, including EBRPD lands and state parks.
- Policy CSF 2-11: The City should specify that parks shall not be “pocket parks”, parks that are so small they provide only minimal public benefit.
- Policy CSF 2-13: The City should add language so that the policy reads: “...uses, including hiking and birding.”
- Policy CSF 2-16: The City should add language so that the policy reads: “...maintenance, beautification, and habitat restoration of parks...”
- Policy CSF 5-1: The City should add language to the effect that if schools are nearing capacity (i.e. 95% of full capacity), an automatic trigger should engage such that no development shall occur without construction of additional schools.

O-19

Ch. 4 – Conservation and Open Space

- Policy COS 1-1: The City should add language specifying that open space used as mitigation for development projects must be protected by a conservation easement or dedication of development rights to the City or a qualified agency or NGO.

O-20

- Policy COS 1-2: The City should add language so that the policy reads: "...uses in perpetuity."
- Policy COS 1-3: The City should add language to the effect that undeveloped land on the urban edge may only be developed after in-fill sites and alternative locations that do not encroach on open land have been given a higher priority of development. For example, language should be added so that it reads "...General Plan Land Use Map, but not before development of alternative and in-fill sites have been given higher priority for development and their development potential has been thoroughly investigated. Extremely strong evidence would have to be shown as to why other sites will not serve a project's goals, as well as the merits of those goals, before open land at the urban edge is even considered for conversion."
- Policy COS 1-4: The City should change language so that the policy reads "Open space and stream corridors should always be integrated in an environmentally sustainable manner with trails and other recreational open space."
- Policy COS 1-5: The City should add language so that the policy reads: "...Brentwood and reflecting Brentwood's place as the gateway to large open space areas just outside the City."
- Policy COS 1-6: The City should add language so that the policy reads: "...Area by connecting open space corridors within and outside the city through active protection, discouraging development that would fragment habitat or cause unnecessary edge effects, and partnering with agencies to acquire lands for preservation."
- Policy COS 1-7: The City should add language to clarify how this policy will be achieved, such as tax incentives, a speedier application process, awards, etc.
- Policy COS 1-8: The City should add language so that the policy reads: "...maintained to high standards to enhance the particular aesthetic, biological, and/or recreational resources of the area."
- Policy COS 1-9: The City should add language specifying what type of encouragement will be implemented. An ordinance such as that described in Action COS 1b would be useful. The policy should reference that Action and ordinance and set a timetable when the ordinance will be developed, approved, and implemented.
- Action COS 1a: The City should specify the definition of "adequate" in this action. Some standard width metric or percentage of footprint preserved as open space, or a mitigation ratio, should be adopted.
- Action COS 1b: SMD strongly supports this action. This text should indicate when this ordinance will be adopted.
- Action COS 1c: The City should specify when this plan will be put into effect. Language should also be added specifying that management and maintenance will focus on native plant species, improving conditions for native wildlife, and conserving water.
- Policy COS 2-1: The City should add language so that the policy reads: "...limits, by discouraging incompatible development in and on the borders of these areas."
- Policy COS 2-2: The text should include or reference a specific plan for agricultural lands in between cities that specifies how and how much agriculture will be maintained in these areas, and when such a plan will be developed and implemented.
- Policy COS 2-3: The text should include or refer to a description of how these programs will be encouraged and supported. For example, would there be tax incentives, mitigation ratios, agricultural areas owned and managed by the City itself?

O-20
Cont

- Policy COS 2-4: We believe that the City should expand this section and add detail to focus efforts to maintain permanent agriculture in or adjacent to areas that are expected to undergo development. This could be accomplished by referencing specific geographic areas or adding descriptive language that characterizes areas with that would likely be adjacent development in the future.
- Policy COS 2-6: The City should include or reference a section or document that specifies how this will be achieved. Will a task force be created? Will protective of easements be established surrounding the city? Will all development be required to buffer open space or agriculture around the outer edge? COS 2-8 speaks to this a little with the structural setbacks, but how far of setback? A range could also be stated.
- Policies COS 2-7 and 2-8: The City should include text on specifying the size of these buffers and setbacks?
- Policy COS 2-10: The City should include text on how this will be achieved. Will there be an ordinance?
- Policy COS 2-14: We feel that text describing how this activity will be encouraged should be included, or another document should be referenced. Will there be a tax incentive for pursuing a Williamson Act contract, will city staff provide free expertise, etc.?
- Action COS 2b: This action should also call for consideration of any easements being created on agricultural land adjacent development.
- Action COS 2c: The specific buffer requirements should include specific widths of setbacks and buffers. Low emission agricultural vehicle use and organic farming practices should also be considered.
- Action COS 2e: We suggest that this text specify what some of these consistent policies may be, and how the City will interact with the county. For example, possible tax incentives could be discussed, or establishing a minimum number of conservation easements by some date to be held by some organization to be described in another document.
- Policy COS 3-2: The City should add language so that the policy reads: "...lands, through permanent protection of land through acquisition, easements in perpetuity, and limiting development in and around these sensitive areas."
- Policy COS 3-3: We suggest that this text be clarified. Is it meant to say "with" nearby urban land uses, or "from" nearby urban land uses? These high priority conservation areas should be included in the map related to COS 3-1 mentioned in the "*GPU – Add New Content...*" section of this letter.
- Policy COS 3-4: The City should add language so that the policy reads: "...appropriate. Provide for their management into the future so that native plants are not overwhelmed by invasive species."
- Policy COS 4-6: We suggest that this text include specific direction, and be modified to state that new residential development *must* include such beneficial uses, especially ecological restoration. Specific distances should be described for how far development should be set back from creeks.
- Policy COS 4-8: We believe specific language should be added to this policy or a document should be referenced that details the size of setbacks and other development restrictions around creeks. It could also specify that replanting of native vegetation,

O-20
Cont

- control of invasive species, pollution reduction efforts, and management for a specified number of years after restoration to ensure establishment of planted natives is required.
- Policy COS 4-9: We feel that text referring to developing standards to determine when negative effects on ground and surface water quality are significant, unacceptable, etc., should be added.
 - Policy COS 4-10: The policy should also include wildlife habitat as one of the purposes.
 - Action COS 4d: This action is good direction but buffer sizes, setbacks, restoration requirements, etc., should be included at the General Plan level, as suggested in COS 4f.
 - Action COS 4f: Instead of exploring revising the Title 17 standards, these should be stated now in the GPU.
 - Policy COS 5-1: We feel that language should be added that directs a portion of each reclaimed site to be set aside as open space.
 - Policy COS 5-2: Although this policy is specific to sites with said resources, language to the effect that these sites will be evaluated for their suitability to provide renewable energy should be added. If it is feasible to tap into renewable energy sources at these sites, renewable sources should be given higher priority than gas, oil, or minerals.
 - Policy COS 6-2: The City should develop a list of such places and review it when development applications in locations that may affect them are submitted.
 - Policy COS 7-1: We feel this policy should reference a list of designated ridgelines or overlooks, similar to that which Pittsburg has, on which development and grading would be prohibited. This list should be included in the GPU.
 - Policy COS 7-4: We feel this policy should state a minimum height that buildings should be placed below ridgelines, or alternatively, the maximum dimensions of buildings located on hillsides. This could be part of the ordinance that is to be developed, but it should also be stated in the GPU. Language that adds specificity to the type of development discussed in this policy should also be added, such as roads, water tanks, etc.
 - Action COS 7b: SMD strongly supports this action, which could cover several of the above suggestions related to COS 7 policies. A date by which this ordinance would be developed, adopted, and implemented should be included in this action. The ordinance should also include viewsheds.
 - Policy COS 8-1: The City should add language so the policy strongly encourages infill development and discourages growth around edges.
 - Policy COS 8-2: The City should add language so that the policy reads: "...contaminants by requiring all developers to follow contaminant and greenhouse gas emissions best management practices, as well as encouraging the use of alternative fuel vehicles through subsidies, tax incentives, and taxes on low mileage vehicles."
 - Policy COS 8-8: We suggest that the policy should state what form this encouragement will take and when it will be implemented. Tax incentives, higher taxes for polluting businesses and vehicles, subsidies, easier permit process, free information about alternatives, etc., could all be included.
 - Policy COS 8-9: We suggest that the policy identify a few known carbon sinks to better illustrate to readers what a carbon sink is.
 - Policy COS 8-10: Language should be added to this policy explain how it would be achieved. For example, it could state that every new development must include a carpooling center, bike path, and share-a-car program allocated space, etc.

O-20
Cont

- Policy COS 8-11: We feel that language should be added specifically stating what forms this encouragement will take. For example, would tax breaks or reduced fees be put in place for developments that have solar panels on the roofs?
- Action COS 8c: We feel that the text should include a date by which the Climate Action Plan will be developed and implemented.
- Action COS 8e: We feel that text should state a minimum buffer size.
- Policy COS 9-1: We feel that this text requires clarification. Does this mean that if builders do not comply, construction permits will be denied? If so, state that.
- Policy COS 9-3: We feel language should be added describing how exactly these energy sources will be promoted. Mechanisms could include tax incentives, subsidies, expedited permitting, free information, etc.
- Policy COS 9-5: We feel language should be added describing how promotion will occur. Will new development be required to have low flow fixtures, all native drought tolerant plant landscaping, etc.? This is also linked to COS 9-9. How will the use of native and drought tolerant plants be encouraged? Text could state that those developments that don't require it will face fees, etc. Policies 9-11, 9-12, and 9-13 could all benefit from this kind of specificity.
- Action COS 9c: Why is this only to be explored? The Code should be amended, and the text should state a date by which the amended Code will be developed and implemented.
- Action COS 9d: Text should give examples of what these incentives would be and state a date by which they will be developed and implemented.
- Action COS 9g: We believe the City would benefit from a list that prioritizes plants that are both native and drought tolerant. It would also be beneficial to specify when this list will be developed and possible incentives to encourage adherence to this list.

O-20
Cont**Ch. 5 – Economic Development**

- Policy ED 2-4: We feel that this policy should consider open space or recreation opportunities as it already does for agri-tourism and branding, or a new policy which focuses on open space or recreation should be added.
- Action ED 2e: We feel that these new areas should be characterized as being located at the center of transportation hubs and high-density residential areas, not encouraging the annexation of agriculture or open space. Language should also be added that states that infill development should be given priority over annexing any new areas.
- Action ED 2f: We feel that this action should consider open space or recreation opportunities as it already does for agri-tourism and branding, or a new policy that focuses on open space or recreation should be added.
- Goal ED 5: We feel that this goal should be expanded to include an ecotourism component, or a separate ecotourism section should be added.
- Policy ED 5-1: We feel that language should be changed to “maximum extent feasible.”
- Policy ED 5-2: We feel that this policy as it is currently written is too vague. It would be improved by describing what form such encouragement will take. Ad campaigns, subsidies, public events such as fairs or hikes, etc.

O-21

Ch. 6 – Fiscal Sustainability

- Action FI 1h: We suggest that language be added to specify what kinds of incentives will be implemented. Language should also be changed to “Provide appropriate incentives so that infill development is prioritized...”

O-22

Ch. 9 – Land Use

- Policy LU 1-4: The City should add language so that the policy reads: “...manner, by first focusing growth on infill locations, then focusing on areas designated...”
- Policy LU 1-8: The City should add language so that the policy reads: “...Oakley by protecting open space in perpetuity and maintaining a buffer of at least [insert a distance] between the developed areas of Brentwood and Antioch...”
- Policy LU 1-9: SPA 2 direction should include open space preservation to create a significant wildlife corridor and greenbelt between Brentwood and Antioch and include preservation of at least 50% of SPA 2, in a large contiguous area including both creeks, and former SPAs G&H – as supported by LU 1-8. Ideally these areas should be dedicated to the new Deer Valley Regional Preserve and promote connection with the new Preserve and with Marsh Creek State Park. The Brentwood city limits are a relatively compact square. A third of its boundary is with the agricultural core. Another third is public open space to the south and private lands near public open space on the west. In so far as the City can maintain a significant greenbelt separation from Antioch, its community character will be better maintained. Therefore, even if development is desired on lands north and south of Balfour (SPA 2) on the west side of the City, they should include very significant greenbelts and open space targets.
- Policy LU 2-2: The City should add language so that the policy reads: “...safety, as well as reduce degradation of adjacent wildlife habitat.”
- Policy LU 4-2: The City should add language directing open space areas to be protected by dedication of fee title, or development rights, to the City, a park agency, or a qualified non-profit, such that promised open space or mitigation areas are protected in perpetuity.
- Policy LU 4-6: We feel that text should be added to this policy identifying some of these significant habitat areas, or a document should be referenced that lists these areas. The Seeno companies for example, have repeatedly maintained title/ownership of project open space areas then later proposed rezoning and additional development of these areas.
- Action LU 4a, 4b: Text which identifies some of these areas should be added to the actions, or they should reference a document that identifies these areas.
- Policy LU 5-1: The City should add text to this policy that defines how much “significant” is. Specific acreage callouts would improve this policy.

O-23

Ch. 11 – Safety

- Policy SA 1-8: The City should add language stating that native species of trees shall be avoided to the maximum extent possible, and if grading must still occur, site should be re-planted with native vegetation.
- Policy SA 1-9: The City should add language so that the policy reads: “...of native drought...”
- Policy SA 2-8: We support this policy to encourage multi-purpose flood control projects that incorporate recreation, resource conservation, preservation of natural riparian habitat,

O-24

and scenic values of Brentwood’s streams, creeks, and wetland/riparian areas. This and similar policies should encourage removal of stream barriers as well as use of fish ladders; for example, at Marsh Creek reservoir.

O-24
Cont

Comments on the dEIR

Our above comments on the content of the GPU can be understood as comments on the mitigation described in the dEIR. Aside from that, we have very few comments on the dEIR.

O-25

However, we find the “passage species”, “corridor dweller” discussion on dEIR pg. 3.4-38 confusing. Are these widely recognized species classification categories? If so, the primary scientific literature describing these categories should be referenced. In addition, the “corridor dweller” species description should be checked for accuracy. For example, are birds really supposed to be characterized as having limited dispersal capabilities? Both of these concepts are confusing and the document could be improved by eliminating them and framing the discussion in terms of population connectivity, using and discussing the terms “isolated population” or “metapopulation”.

O-26

Thank you for the opportunity to provide comments.

Sincerely,
Juan Pablo Galván
Land Use Planner

Cc:

- Seth Adams, Save Mount Diablo
- Ron Brown, Save Mount Diablo
- Meredith Hendricks, Save Mount Diablo
- Mayor Robert Taylor, City of Brentwood
- Vice Mayor Joel R. Bryant, City of Brentwood
- Council Member Steve Barr, City of Brentwood
- Council Member Gene Clare, City of Brentwood
- Council Member Erick Stonebarger, City of Brentwood
- Joel Devalcourt, Greenbelt Alliance
- Kathryn Lyddan, Brentwood Agricultural Land Trust
- Kathy Griffin, Brentwood resident

Response to Letter O Juan Pablo Galván, Land Use Planner, Save Mount Diablo

Response O-1: The commenter provides background information regarding the Save Mount Diablo organization, and identifies efforts the organization has undertaken in the past with respect to planning issues in Brentwood.

Response O-2: The commenter provides information regarding open space resources in the vicinity of Brentwood and suggests that the City integrate these resources into the planning process. This comment has been forwarded to the Planning Commission and City Council for their consideration.

Response O-3: The commenter states that the proposed General Plan should focus on Brentwood's location relative to open space resources, recreational opportunities, and agricultural preservation. This comment has been forwarded to the Planning Commission and City Council for their consideration.

Response O-4: The commenter states that the proposed General Plan Land Use Map does not reflect voters' repeated direction to tighten growth management and live within the city's boundaries. The commenter provides suggested language and general map revisions related to the Sphere of Influence and Planning Area. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-5: The commenter states that the Draft EIR's analysis of project effects and alternatives analysis is thorough, and that the City has done a good job of developing the General Plan using the principles of smart growth and sustainable development. The commenter states that the letter includes a range of suggested edits and revisions to the General Plan goals, policies, and actions, and states that these suggestions should be regarded as comments on the adequacy of mitigation measures described in the EIR. Responses to specific items and issues raised by the commenter are provided in the following responses. In many cases, the commenter provides suggested language revisions for the General Plan document, but does not provide any supporting

information or justification as to how this suggested language would improve, alter, or augment the analysis and conclusions contained in the Draft EIR.

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies only need to respond to significant environmental issues associated with the project and do not need to provide all of the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

- Response O-6:** The commenter states that the addition of new content in certain sections of the General Plan would facilitate future development and planning efforts, and revisions to figures would improve perspective on the city and the surrounding environment. Detailed responses to issues raised by the commenter are provided in the responses below.
- Response O-7:** The commenter provides suggested General Plan text revisions related to smart street standards and regional trails. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-8:** The commenter states that the Community Services and Facilities Element should include a map of community parks in the city. The commenter is referred to Figure 3.3-2 of the General Plan Update Existing Conditions Report, which includes a citywide map of existing park facilities. The Existing Conditions Report is a supplemental supporting document to the General Plan policy document, and contains extensive background data in support of it. The input and suggestions

provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-9: The commenter provides a range of suggested input to the Conservation and Open Space Element of the General Plan. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-10: The commenter provides a range of input related to the Economic Development Element and ties economic development benefits to open space preservation. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-11: The commenter suggests adding language to the Growth Management Element noting that changes to the Urban Limit Line require voter approval. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

- Response O-12:** The commenter suggests that the Urban Limit Line be added to General Plan Figure LU-1. The General Plan includes Figure LU-3, which depicts the Urban Limit Line, city limits, Planning Area, and Sphere of Influence boundaries. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-13:** The commenter suggests that the Land Use Map depict more areas of public open space. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-14:** The commenter suggests that the Sphere of Influence be tightened to protect open space resources. The City does not have the authority to unilaterally alter or revise the established Sphere of Influence. Changes to the Sphere of Influence require approval from the Contra Costa Local Agency Formation Commission (LAFCO). The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-15:** The commenter states that land use designations on the parcels at the northeast corner of Marsh Creek State Park should be removed. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how

the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-16: The commenter provides suggested language for the Noise Element related to noise sources adjacent to open space. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-17: The commenter provides introductory remarks for specific suggested modifications to General Plan goals, policies, and actions in the following comments. Responses are provided below.

Response O-18: The commenter provides a range of language modification suggestions for policies contained in the Circulation Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-19: The commenter provides a range of language modification suggestions for policies contained in the Community Services and Facilities Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

- Response O-20:** The commenter provides a range of language modification suggestions for policies contained in the Conservation and Open Space Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-21:** The commenter provides a range of language modification suggestions for policies contained in the Economic Development Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-22:** The commenter provides a range of language modification suggestions for policies contained in the Fiscal Sustainability Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.
- Response O-23:** The commenter provides a range of language modification suggestions for policies contained in the Land Use Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions

would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-24: The commenter provides a range of language modification suggestions for policies contained in the Safety Element. The input and suggestions provided by the commenter with respect to the content of the General Plan have been forwarded to the Planning Commission and City Council for their consideration during review of the project. The commenter has not addressed the adequacy of the Draft EIR, nor has the commenter provided supporting information explaining how the proposed revisions to the General Plan would avoid or reduce the severity of any environmental impacts addressed in the Draft EIR, or how the suggested revisions would bolster or improve the analysis in the Draft EIR. As such, no changes to the Draft EIR are warranted.

Response O-25: The commenter states that the comments on the content of the General Plan can be understood as comments on the mitigation described in the Draft EIR, and that aside from the comments above, there are very few comments on the Draft EIR. The commenter is referred to Response O-5. While the commenter has provided suggested language revisions for the General Plan document, the commenter has not provided any supporting information or justification as to how this suggested language would improve, alter, or augment the analysis and conclusions contained in the Draft EIR. The commenter's suggested language revisions do not address the content of the Draft EIR, nor do they address the adequacy of the analysis contained in the Draft EIR. No changes are warranted.

Response O-26: The commenter states that the use of the terms "passage species" and "corridor dwellers" on Page 3.4-38 of the Draft EIR is confusing, and notes that this particular section could be revised to provide additional clarity to the reader. As shown in Chapter 3.0 of this Final EIR, the following text changes are made to Page 3.4-38 to eliminate the confusing use of these terms:

Species utilize movement corridors in several ways. ~~"Passage species" are those~~ Some species ~~that~~ use corridors as thru-ways between outlying habitats. ~~The habitat requirements for passage species are generally less than those for corridor dwellers. Passage species use corridors~~ for brief durations, such as for seasonal migrations or movement within a home range. As such, movement corridors do not necessarily have to meet any of the habitat requirements necessary for ~~a passage~~ some species' everyday survival. ~~"Corridor dwellers" are those~~ Other species that have limited dispersal capabilities – a category that includes most plants, insects, and some reptiles, amphibians, and small mammals, ~~and birds~~ – ~~and~~ use corridors for a greater length of time.

The changes shown above to not alter the conclusions contained in the Draft EIR. No additional changes are warranted.

WEST COAST HOME BUILDERS, INC.
4021 Port Chicago Highway • P.O. Box 4113 • Concord, CA 94524-4113
(925) 671-7711 • Fax (925) 689-5979

May 23, 2014

via U. S. Mail and email to:

Erik Nolthenius; enolthenius@brentwoodca.gov

Erik Nolthenius, Planning Manager
 City of Brentwood
 150 City Park Drive
 Brentwood, CA 94513

Letter P

RECEIVED
 MAY 23 2014
 CITY OF BRENTWOOD
 COMMUNITY DEVELOPMENT DEPT.

Re: General Plan Update

Mr. Nolthenius:

Thank you for reviewing these updated comments on the Draft General Plan Land Use Map. This letter and comments supersede earlier comments we have submitted.

West Coast Home Builders owns the property which abuts the west side of the Highway 4 Sand Creek Interchange, which we refer to as the Bridle Gate Project. This property is referred to as Special Planning Area E (SPA E) in the current General Plan. We have submitted applications, which the City is processing, for a project for which the CEQA review process is underway. Our development concept was presented to the City's Land Use and Development Sub-Committee on May 7, 2012 and subsequently on April 21, 2014.

Based on our recent meeting with the City's Land Use and Development Sub-Committee on April 21, 2014, we have decided that the currently proposed Regional Commercial designation on this property north of the future Sand Creek Road extension is acceptable.

With regard to the portion of the property south of the Sand Creek Road extension, we request that the Draft Land Use Map be modified to reflect the land use designations proposed on our pending Tentative Map which is attached for reference. The residential land use designation south of the future Sand Creek Road extension is consistent with the Land Use and Development Sub-Committee's input and consensus reached on April 21st. It includes 228 single-family homes clustered on 95.6-acres, with approximately 35 acres for parks, C.3 bioretention basins, and open space parcels. The prominent hill form at the center of the residential area and the area along the west edge of the property abutting the City of Antioch is proposed as open space. This results in a residential density of approximately 2.4 units per acre which is below the mid-range of the General Plan Low Density residential designation. The area north of the future Sand Creek Road extension we are proposing as exclusively Commercial, which is consistent with the proposed General Plan Land Use map.

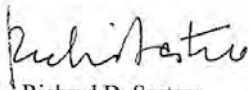
P-1

Page 2 of 2
May 23, 2014
Erik Nolthenius

In summary, we request that the Draft General Plan Land Use Map remain General Commercial north of the Sand Creek Road extension and be modified south of the Sand Creek Road extension to be Low Density residential and open space to match and reflect what is shown on the attached Tentative Map. Please let me know if you have any questions.

P-1
Cont

Sincerely,

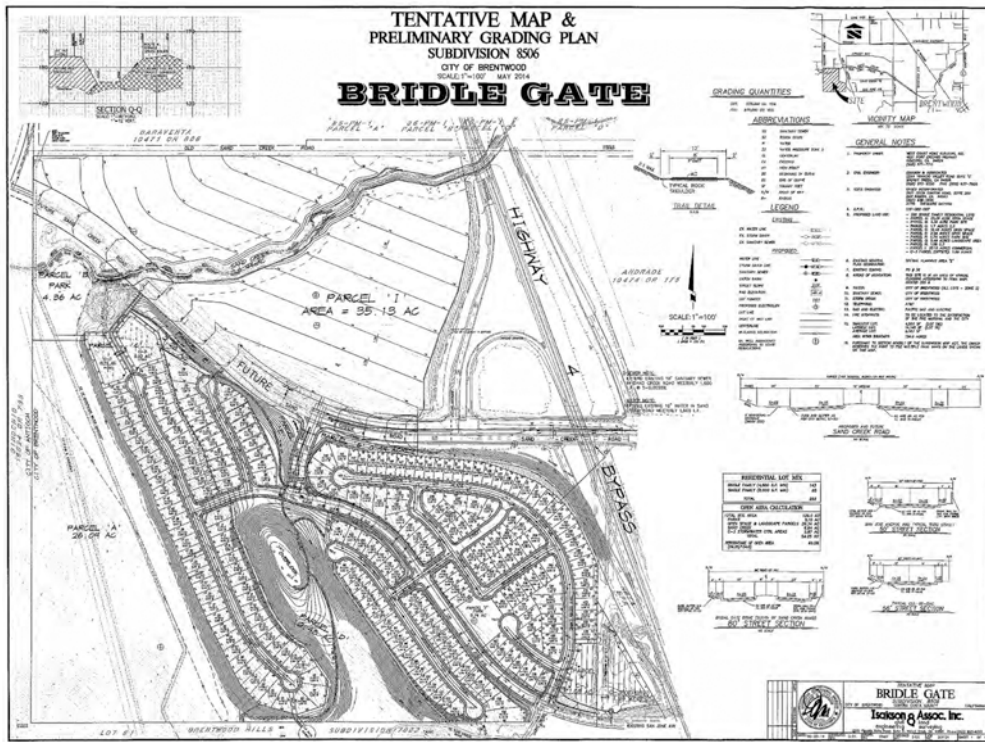


Richard D. Sestero
Project Manager

RDS:ldj

Enclosure

cc: Louis Parsons



Response to Letter P Richard D. Sestero, Project Manager, West Coast Home Builders, Inc.

Response P-1: The commenter requests a land use designation change to property shown as SPA E on the existing General Plan Land Use Map. This comment is noted and has been forwarded to the Planning Commission and City Council for their review and consideration. The commenter does not address the adequacy of the Draft EIR, and no changes to the Draft EIR are warranted.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

May 21, 2014

RECEIVED

JUN - 2 2014

CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT.

Regulatory Division SPK-2014-00466

Letter Q

Erik Nolthenius
The City of Brentwood
Community Development Department
150 City Park Way
Brentwood, California 94513

Dear Mr. Nolthenius:

We are responding to your May 20, 2014 request for comments on the Draft Environmental Impact Report for the City of Brentwood's General Plan Update. The project area includes the City of Brentwood, in Section 7, Township 1 N, Range 3 E, Mount Diablo Meridian, near Latitude 37.934945°, Longitude -121.693610°, Contra Costa County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

Q-1

To ascertain the extent of waters on the project site, the City of Brentwood should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

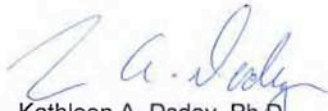
Q-2

-2-

Please refer to identification number SPK-2014-00466 in any correspondence concerning this project. If you have any questions, please contact Stephen Willis at our California South Branch Office, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Stephen.M.Willis2@usace.army.mil, or by telephone at 916-557-7355. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Q-3

Sincerely,



Kathleen A. Dadey, Ph.D
Chief, California South Branch

Response to Letter Q Kathleen A. Dadey, Ph.D, Chief, California South Branch, U.S. Army Corps of Engineers

Response Q-1: The commenter provides background information regarding the Army Corps of Engineers' jurisdiction over waters of the United States, and recommends that a wetland delineation be prepared for the project site. The proposed project consists of a comprehensive update to the Brentwood General Plan, which applies to the entire city and Planning Area. The preparation of a wetland delineation is not appropriate for this project, given that no specific development is currently proposed, and there is not a specific project site analyzed in the Draft EIR. Potential impacts to wetlands protected by Section 404 of the Clean Water Act are addressed under Impact 3.4-3. This issue has been adequately addressed, and no changes to the Draft EIR are required.

Response Q-2: The commenter states that the range of alternatives considered should include alternatives that avoid impacts to wetlands or other waters of the United States. The commenter is referred to Response Q-1. There is no single project site or specific development project analyzed in the Draft EIR, given the programmatic nature of the project. Wetlands and waters of the United States occur throughout the Planning Area. The General Plan includes a wide range of policies and actions that seek to protect wetlands and waters of the United States, including Policy COS 4-7, which requires consultation 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, and focusing restoration and/or conservation efforts on areas that would maximize multiple beneficial uses for such habitat. Policy COS 4-8 requires conservation of 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. This issue has been adequately addressed in the Draft EIR and no changes are warranted.

Response Q-3: The commenter provides closing remarks and contact information.

This chapter includes minor edits to the EIR. These modifications resulted from responses to comments received during the Draft EIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

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The following table-numbering corrections were made to the Table of Contents in the Draft EIR

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Table 3.13-18 ~~21~~: Summary of Vehicle Miles Traveled with General Plan
Buildout to City Limits 3.13-37

Table 3.13-19 ~~22~~: Summary of Vehicle Miles Traveled with General Plan
Buildout to Planning Area..... 3.13-37

EXECUTIVE SUMMARY

No changes were made to the Executive Summary of the Draft EIR (DEIR).

1.0 INTRODUCTION

No changes were made to Chapter 1.0 of the DEIR.

2.0 PROJECT DESCRIPTION

No changes were made to Chapter 2.0 of the DEIR

3.1 AESTHETICS AND VISUAL RESOURCES

No changes were made to Section 3.1 of the DEIR.

3.2 AGRICULTURAL AND FOREST RESOURCES

No changes were made to Section 3.2 of the DEIR.

3.3 AIR QUALITY

No changes were made to Section 3.3 of the DEIR.

3.4 BIOLOGICAL AND NATURAL RESOURCES

The following text was added to page 3.4-23 of the DEIR:

The Delta Plan

The Delta Plan is a comprehensive, long-term management plan for the Delta. Required by the 2009 Delta Reform Act, it creates new rules and recommendations to further the State’s coequal goals for the Delta: Improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects, and enhances the unique agricultural, cultural, and recreational characteristics of the Delta.

Developed through eight drafts, hundreds of hours of public meetings, and thousands of public comments over two years, the Delta Plan is guided by the best available science. The Delta Plan is founded on cooperation and coordination among affected agencies. The Delta Plan is also enforceable through regulatory authority, as spelled out in the Delta Reform Act, that requires State and local agencies to be consistent with the Delta Plan.

The Delta Plan was unanimously adopted by the Delta Stewardship Council on May 16, 2013. Subsequently its 14 regulatory policies were approved by the Office of Administrative Law, a State agency that ensures the regulations are clear, necessary, legally valid, and available to the public. The Delta Plan became effective with legally-enforceable regulations on September 1, 2013.

The following text was added to page 3.4-43 of the DEIR:

Impact 3.4-6: General Plan implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (Less than Significant)

The East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP or Plan) is intended to provide regional conservation and development guidelines to protect natural resources while improving and streamlining the permit process for endangered species and wetland regulations. The Plan was developed by a team of scientists and planners with input from independent panels of science reviewers and stakeholders. Within the 174,018 acre inventory area, the Plan will provide permits for between 8,670 and 11,853 acres of development and will permit impacts on an additional 1,126 acres from rural infrastructure projects. The Preserve System to be acquired under the Plan will encompass 23,800 to 30,300 acres of land that will be managed for the benefit of 28 species as well as the natural communities that they, and hundreds of other species, depend upon. By proactively addressing the long-term conservation needs, the Plan strengthens local control over land use and provides greater flexibility in meeting other needs such as housing, transportation, and economic growth in the area. The City of Brentwood approved an ordinance in 2007 that requires future development projects to comply with the HCP/NCCP. Additionally, Action COS 3a from the Conservation and Open Space Element of the General Plan requires new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the Plan to ensure that potentially significant impacts to special status species and sensitive resources are adequately addressed. Implementation of the General Plan would not conflict with the provisions of an adopted HCP/NCCP, or other approved local, regional, or State habitat conservation plan. The General Plan would have a **less than significant** impact relative to this topic.

The Delta Plan is a comprehensive, long-term management plan for the Delta. Required by the 2009 Delta Reform Act, it creates new rules and recommendations to further the State's coequal goals for the Delta: Improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects, and enhances the unique agricultural, cultural, and recreational characteristics of the Delta.

The Delta Plan contains a set of regulatory policies that will be enforced by the Delta Stewardship Council's appellate authority and oversight. The Delta Plan also contains

priority recommendations, which are non-regulatory but call out actions essential to achieving the coequal goals.

The majority of the regulatory policies contained in the Delta Plan are not applicable to the Brentwood General Plan. For example, the Delta Plan includes Policy G R1, which calls on the Delta Stewardship Council to develop a Delta Science Plan, which is not relevant or applicable to the Brentwood General Plan Update. Many of the other policies in the Delta Plan apply to State-level regulatory agencies, such as the California Department of Water Resources, which are also not applicable to the Brentwood General Plan Update.

The proposed Brentwood General Plan strongly and specifically supports and furthers the primary goals of the Delta Plan. For example, the Brentwood General Plan includes a robust set of policies and actions aimed at protecting, preserving, and strengthening the agricultural lands and resources surrounding the city, and throughout the Planning Area. Policies and actions in the General Plan that provide for extensive agricultural protection include:

Policy COS 2-1: Support and encourage the preservation of agricultural lands throughout Brentwood's Planning Area, particularly in areas to the south and east of the city limits.

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 2-3: Encourage and support programs that create or establish permanent agricultural areas in Brentwood's Planning Area.

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.

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 conversion 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.

Policy COS 2-6: Minimize conflicts between agricultural and urban land uses.

Policy COS 2-7: Require the use of buffers such as greenbelts, drainage features, parks, or other improved and maintained features in order to separate residential and other sensitive land uses, such as schools and hospitals, from agricultural lands and agricultural operations.

Policy COS 2-8: Require new development to have structural setbacks that respect agricultural operations.

Policy COS 2-9: Developers shall be responsible for mitigating impacts upon nearby agriculture. Setbacks and buffers shall be provided by the developer and not encroach upon productive agricultural areas.

Policy COS 2-10: Limit incompatible uses (i.e., schools, hospitals, and high density residential) near agriculture.

Policy COS 2-11: Work with agricultural landowners to improve practices that have resulted in adverse impacts to adjacent properties. Such practices include site drainage and flood control measures.

Policy COS 2-12: Promote best management practices in agricultural operations to reduce emissions, conserve energy and water, and utilize alternative energy sources.

Policy COS 2-13: Assist agricultural landowners and farmers with a variety of programs aimed at preserving agricultural lands, increasing opportunities for local sales of agricultural products, and increasing access to local commodities markets.

Policy COS 2-14: Encourage agricultural landowners in Brentwood's Planning Area to participate in Williamson Act contracts and other programs that provide long-term protection of agricultural lands.

Policy COS 2-15: Support the procurement of expanded and additional water rights which provide for contractual supply reliability for agricultural use.

Policy COS 2-16: Encourage small-scale food production, such as community gardens and cooperative neighborhood growing efforts, on parcels within the city limits, provided that the operations do not conflict with existing adjacent urban uses.

Policy COS 2-17: Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.

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 2-7: 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.

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.

Action COS 2a: Continue to implement Chapter 8.01 (Right to Farm) of the Brentwood Municipal Code in order to protect farming uses from encroaching urban uses and to notify potential homebuyers of nearby agricultural operations.

Action COS 2b: Consider impacts to agricultural lands and agricultural productivity when reviewing new development projects, amendments to the General Plan, and rezoning applications.

Action COS 2c: Amend Title 17 (Zoning) of the Brentwood Municipal Code to include specific agricultural buffer requirements for residential and sensitive land uses (i.e., schools, day care facilities, and medical facilities) that are proposed near existing agricultural lands in order to protect the associated agricultural operations from encroachment by incompatible uses. Buffers shall generally be defined as a physical separation, depending on the land use, and may consist of topographic features, roadways, bike/pedestrian paths, greenbelts, water courses, or similar features. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of agricultural land.

Action COS 2d: Collaborate with water suppliers and wastewater treatment plant operators to increase the availability of treated or recycled water for agricultural purposes.

Action COS 2e: Work with Contra Costa County to establish and implement consistent policies for agricultural lands in Brentwood's Planning Area that prioritize the preservation of agricultural lands and support ongoing agricultural activities.

Action COS 2f: Continue to implement, and periodically review/update as necessary, Chapter 17.730 (Agricultural Preservation Program) of the Brentwood Municipal Code.

Action COS 2g: Continue to implement the Agricultural Enterprise Implementation Plan to assist local farmers with a variety of programs that facilitate infrastructure improvements, business ventures, and other initiatives to grow the agricultural industry in and around Brentwood.

Action COS 2h: Coordinate with groups such as the Agricultural-Natural Resources Trust of Contra Costa County (ANRT), the Brentwood Agricultural Land Trust (BALT), and Harvest Time in Brentwood in order to fund agricultural easements, programs that protect agricultural lands, and programs that provide marketing assistance and economic support to local farmers.

Action COS 2i: Develop a program to provide additional support for agricultural tourism, u-pick farms, and other agricultural activities that serve as a regional draw to Brentwood and enhance its agricultural heritage.

Action LU 1c: Prioritize the processing of development applications for infill, underutilized, or vacant parcels designated for urban uses over those projects requiring annexation.

Action LU 5a: Continue to designate agricultural lands to the south and east of the city limits as Agricultural Conservation on the Land Use Map.

Action LU 5b: Coordinate with Contra Costa County to encourage and facilitate a variety of agricultural enterprises on lands identified as the Agricultural Enterprise Area in the Brentwood General Plan. Agricultural uses within this area should be flexible in order to maximize the economic vitality of smaller agricultural parcels that may not be suitable for large-scale commercial agricultural operations. Allowed uses should be agricultural in nature and may include, but are not limited to, the following:

1. Visitor-serving uses that support and are incidental to agricultural production, such as tasting rooms, including sales and promotion of products grown or processed in the region, educational activities and tours, incidental sales of items related to local area agricultural products, promotional events, and farm homestays, which allow visitors to visit a farm in the form of a vacation, that support and are secondary and incidental to local agricultural production.
2. Commercial uses that directly support agricultural operations, including roadside stands, wholesale and retail agricultural sales, and wineries.
3. Agricultural-based tourism uses, including u-pick farms, dude ranches, lodging, horseshows, rodeos, crop-based seasonal events, and ancillary restaurants and/or stores.
4. Equestrian centers and facilities, including boarding facilities.

Additionally, the General Plan includes extensive policies aimed at protecting surface water resources and water conservation.

The policies in the Delta Plan specifically applicable to the Brentwood General Plan are summarized below, along with a discussion of the General Plan's consistency with these applicable policies.

Delta Plan Policy WR R1: Implement Water Efficiency and Water Management Planning Laws. The proposed General Plan is consistent with this policy. The following General Plan policies and actions support water conservation and water efficiency, as required by this policy:

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 IF 2-3: Continue to implement a comprehensive water strategy that balances the need to supply water to all users served by the City with potable water use reduction measures.

Policy IF 2-5: Continue efforts to reduce potable water use and increase water conservation.

Policy IF 2-6: Use recycled water for landscaping irrigation within City roadways, parks, and facilities to the greatest extent feasible.

Action COS 9d: Develop and provide incentives to developers and businesses that use reclaimed water and other non-potable water for landscaping.

Action COS 9e: Continue to implement Chapter 17.630 of the Brentwood Municipal Code, particularly as it relates to water conservation efforts.

Action COS 9g: Develop a list of drought-tolerant and native plants appropriate for use in Brentwood and review development projects for adherence to this list.

Action IF 2a: Routinely assess the City's ability to meet demand for potable water by periodically updating the Water Master Plan.

Action IF 2b: Explore additional permanent water sources through, and contract with, agencies that may have surplus water availability, such as the Contra Costa Water District, the East Bay Municipal Utility District, the East Contra Costa Irrigation District, and other potential sources.

Action IF 2c: Regularly review and update the City's water conservation strategy to be consistent with current best management practices for water conservation, considering measures recommended by the State Department of Water Resources, the California Urban Water Conservation Council, and the Contra Costa Water District.

Delta Plan Policy DP P1: Locate New Urban Development Wisely: This policy limits new residential, commercial, and industrial development to areas designated for such uses in the general plans of cities and counties as of May 16, 2013, and areas within Contra Costa County's 2006 voter-approved Urban Limit Line. The proposed General Plan Land Use Map identifies land use designations outside of the Brentwood city limits, and outside of the ULL, that have been determined to be appropriate for future residential, commercial, and industrial land uses. These areas are generally located east of the city limits (to the

west of Sellers Avenue and north of Chestnut Street) and south of Marsh Creek Road, east of the city limits, near the southern tip of Brentwood.

While the Draft Land Use Map identifies land uses outside of the city limits, it is important to note that all lands outside of the city limits remain under the jurisdiction and land use planning authority of Contra Costa County. Adoption and implementation of the proposed Brentwood General Plan would not directly result in the construction of any residential, commercial, or industrial land uses on lands within the Delta Plan boundaries, nor would it entitle or result in the direct approval of any development projects.

The designation of lands on the General Plan Land Use Map is meant to reflect the City's vision for future land use patterns in the Planning Area. As stated above, land use planning authority outside of the city limits in the unincorporated areas of Contra Costa County rests with the County. The County's General Plan Land Use designations for lands within the Planning Area, outside of the Brentwood city limits, are shown on Figure 3.10-4 of the Draft EIR. These land use designations currently (and will continue to) regulate land use decisions within the Planning Area, until such time as these lands may be annexed. Annexation of lands would require approval by the Contra Costa Local Agency Formation Commission (LAFCO) and would require a voter-approved change to the existing Urban Limit Line.

The proposed project would not result in a conflict with Delta Plan Policy DP P1, since adoption of the Brentwood General Plan would not result in the formal re-designation of any lands outside of the city limits to residential, commercial, or industrial, nor would adoption of the General Plan entitle or otherwise approve any residential, commercial, or industrial lands or projects outside of the city limits. As such, the proposed project does not conflict with Delta Plan Policy DP P1. The potential for the Brentwood General Plan to conflict with the Delta Plan is considered a **less than significant** impact, and no additional mitigation is required.

The following revisions were made to page 3.4-38 of the DEIR:

Impact 3.4-4: General Plan implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Less than Significant)

Habitat loss, fragmentation, and degradation resulting from land use changes or habitat conversion can alter the use and viability of wildlife movement corridors (i.e., linear habitats that naturally connect and provide passage between two or more otherwise disjunct larger habitats or habitat fragments). Wildlife habitat corridors maintain connectivity for daily movement, travel, mate-seeking, and migration; plant propagation; genetic interchange; population movement in response to environmental change or natural disaster; and recolonization of habitats subject to local extirpation or removal. The suitability of a habitat as a wildlife movement corridor is related to, among other factors, the habitat corridor's dimensions (length and width), topography, vegetation, exposure to human influence, and the species in question.

Species utilize movement corridors in several ways. ~~“Passage species” are those~~ Some species that use corridors as thru-ways between outlying habitats. ~~The habitat requirements for passage species are generally less than those for corridor dwellers. Passage species use corridors for brief durations, such as for seasonal migrations or movement within a home range. As such, movement corridors do not necessarily have to meet any of the habitat requirements necessary for a passage~~ some species' everyday survival. ~~“Corridor dwellers” are those~~ Other species that have limited dispersal capabilities – a category that includes most plants, insects, and some reptiles, amphibians, and small mammals, ~~and birds~~ – ~~and~~ use corridors for a greater length of time.

3.5 CULTURAL RESOURCES

No changes were made to Section 3.5 of the DEIR.

3.6 GEOLOGY, SOILS, AND MINERALS

No changes were made to Section 3.6 of the DEIR.

3.7 GREENHOUSE GASES AND CLIMATE CHANGE

No changes were made to Section 3.7 of the DEIR.

3.8 HAZARDS

No changes were made to Section 3.8 of the DEIR.

3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.9 of the DEIR.

3.10 LAND USE AND POPULATION

No changes were made to Section 3.10 of the DEIR.

3.11 NOISE

No changes were made to Section 3.11 of the DEIR.

3.12 PUBLIC SERVICES AND RECREATION

No changes were made to Section 3.12 of the DEIR.

3.13 TRANSPORTATION AND CIRCULATION

No changes were made to Section 3.13 of the DEIR.

3.14 UTILITIES

The following changes were made to page 3.14-13 of the DEIR.

Impact 3.14-1: General Plan implementation would result in an increased demand for water supplies (Less than Significant)

Implementation of the General Plan would result in increased population and employment growth within the Planning Area, and a corresponding increase in the demand for additional water supplies.

As described in Chapter 2.0, the General Plan is expected to accommodate up to 9,972 new residential dwelling units and up to 9,896,951 square feet of non-residential building space within the city limits at full buildout. This new growth within the city limits would increase the city's population by approximately 27,639 residents. The full development of the new non-residential uses shown in Table 2.0-2 would increase the employment in Brentwood by approximately 21,232 jobs.

As shown in Table 2.0-2, buildout of the General Plan could yield an additional 3,642 new residential units and 2,994,116 square feet of new non-residential building space within the Planning Area. This new growth would increase the Planning Area's population by approximately 11,419 residents. The full development of the new non-residential uses shown in Table 2.0-2 would increase the employment in the Planning Area by approximately 6,276 jobs.

Water users within the Brentwood service area include single-family residences, apartments, condominiums, commercial uses, industrial uses, business park uses, government uses, miscellaneous uses, landscape irrigation, pools, and mobile home customers.

The City currently has approximately 17,000 water service accounts. Total water production in 2008, the City's highest use year, was 4,537 million gallons. The

predominant use was potable use, with some untreated water and recycled water served for landscape irrigation. Statistics are not available for 2008, however in 2010, 88% of water was potable use, and 12% was non-potable use. Total production equates to an average production of 12.4 million gallons per day (mgd).

The city has experienced significant growth in population in the last 10 years, with corresponding growth in water use. In 2001, the city's population was 26,200 and the city's water use was about 2,200 million gallons per year (5.9 mgd average daily water use). By 2010, the city's population had grown to 51,400, with an annual water use of about 3,900 million gallons per year (10.7 mgd average daily water use). The city, like most communities in California, has experienced lower water use in recent years due to drought and the downturn in the economy.

The city's water use is predominantly by residential customers. Of the 17,000 water service accounts, 14,900 are single-family residential accounts. Single-family residential use accounts for 65% of total water consumption. Landscape irrigation accounts for 27% of total water use, commercial/institutional for 5% of use, multi-family residential for 3% of total use, and other for 0.5% of total use (City of Brentwood UWMP, 2010, completed May 24, 2011).

~~The City's 2010 Urban Water Management Plan includes a projection of annual water use at full buildout. The city's projected average annual use at buildout is about 7,100 million gallons/year (19.5 mgd average daily demand).~~

As described in the 2010 UWMP, according to the Water Conservation Act of 2009, the 2020 water use target will be calculated by using one of four methods. As an individual urban water retailer, the City has chosen Method 1 for its water use target, which aims to reduce consumption to 80% of the city's baseline per capita water use by 2020. To calculate this water use target, the City used gross water use data for the 10-year baseline period of 2001 to 2010. The city's annual baseline water use for this 10-year period was calculated as 238 gallons per capita per day (GPCD). The 10-year baseline water use targets were calculated as 214 GPCD by 2015 and 191 GPCD by 2020. Water use projections were estimated by using service area population projections provided by the City's Finance Department, which relied on estimates from the California Department of Finance.

One of the primary methods that the City plans to reduce water use is through an increase in recycled water use. The City started to develop and deliver recycled water supplies in 2005. Recycled water use was subtracted from water use sector data (landscape and industrial) to reflect gross water use calculations adequately. Data reveal a decrease in recycled water deliveries between 2005 and 2010 because one of the largest recycled water users, Sunset Park, requested potable water for landscape irrigation. However, the City has also increased its recycled water deliveries since 2005, growing from one customer to six customers, and the numbers appear to be increasing. The plan concludes that the City will meet the 2015 and 2020 water use targets while delivering an adequate

supply of water to its customers over the next 20- to 25-year planning period. The City's water use in 2010 was significantly lower than previous years. Thus, no reduction in use is needed to meet the 2015 or 2020 water use targets. However, reductions will be made by the City to maintain the 2020 water use target in future years. These reductions can be made primarily with increased use of recycled water in the landscape sector, such as existing and future parkways and golf courses, as well as through City fire hydrant use, which is included in the "other" water use sector. Water reductions will also continue to be made, due in large part to the City's successful water conservation program and further implementation of water-efficient technologies and practices. In addition, the City will continue its outreach and education efforts for residents, such as water audits and leak detection and prevention, and the City plans to upgrade its automatic meter reading system with a radio frequency wireless fixed base system that transmits information four times a day.

Water use varies seasonally, with maximum water use typically occurring during the months of June, July, August, and September, due to increased landscape irrigation. The City must be able to meet demand from all supply sources on the maximum demand day of the year, and also provide adequate water distribution system facilities to supply customers and maintain adequate pressure on the maximum demand day. The City projects a maximum demand of 41 mgd at buildout (City of Brentwood UWMP, 2010).

4.0 OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-17 of the DEIR.

***Impact 4.14: Cumulative Impact on Utilities
(Less than Cumulatively Considerable)***

Cumulative growth that would occur within the cumulative analysis area over the life of the proposed General Plan will result in increased demand for water service, sewer service, and solid waste disposal services.

Water: Table 3.14-6 summarizes annual projections of demands and supplies to meet those demands through 2035, as documented in the City's 2010 Urban Water Management Plan. Table 3.14-7 summarizes the same information for projected maximum day demands and supplies. Table 3.14-7 shows a range in demands from 2010 through 2035 based on two different growth rate projections: a high-growth curve, developed from earlier studies for the COBWTP, and a straight-line growth rate. Actual water demands are expected to fall in between these two projections.

As shown in Table 2.0-3, the projected buildout population of the proposed General Plan within the city limits is lower than the projected buildout population of the existing General Plan by approximately nine percent. Therefore, buildout of the proposed General Plan would not exceed the water supply demand projections contained in the City's 2010 UWMP, which are based on projected buildout of the existing General Plan.

The City's 2010 UWMP estimates that water supply buildout demand in 2035 will be approximately 4,556 million gallons per year (MGY). This equates to .051 MGY per person within the service area. As shown in Table 2.0-3, the buildout population within the Planning Area is estimated to be 92,336. Applying the per capita water use rate of .051 MGY, the total annual water demand associated with full buildout of the General Plan to the Planning Area would be 4,715 MGY. This water demand is within the projected available supplies shown in Table 3.14-6.

The proposed General Plan includes a range of policies and actions designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. Policy IF 1-3 requires 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 2-1 requires the City to ensure that the water system and water supplies are adequate to meet the needs of existing and future development. Action IF 2a requires the City to routinely assess its ability to meet demand for potable water by periodically updating the Water Master Plan. The proposed General Plan also includes a range of policies and actions that call for continued and ongoing water conservation measures, and measures to increase the availability and use of recycled water in order to decrease water supply demands from existing sources.

Given that projected water demands associated with General Plan buildout would not exceed the projected water supplies described in the 2010 Brentwood Urban Water Management Plan, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are **less than cumulatively considerable**.

5.0 ALTERNATIVES

No changes were made to Chapter 5.0 of the DEIR.

6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the DEIR.