



# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

## 2014 BRENTWOOD GENERAL PLAN UPDATE

JUNE 2014

*Prepared for:*

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

*Prepared by:*

De Novo Planning Group  
1020 Suncastr Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://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





FINDINGS OF FACT AND STATEMENT  
OF OVERRIDING CONSIDERATIONS

FOR THE

2014 BRENTWOOD GENERAL PLAN UPDATE

JUNE 2014

*Prepared for:*

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

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
[www.denovoplanning.com](http://www.denovoplanning.com)



---

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

<b>Section</b>	<b>Page Number</b>
I. Introduction.....	1
II. General Findings and Overview.....	2
III. Findings and Recommendations Regarding Significant and Unavoidable Impacts.....	4
IV. Findings and Recommendations Regarding Less than Significant Impacts.....	12
V. Project Alternatives.....	20
VI. Statements of Overriding Consideration .....	25
VII. Conclusion.....	30

*This page left intentionally blank.*

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
2014 BRENTWOOD GENERAL PLAN UPDATE  
REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the City of Brentwood (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the 2014 General Plan Update (2014 General Plan, General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative, the Economic Development Alternative, and the Residential Growth Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Council's view, justify approval of the 2014 General Plan, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### A. Project Background

In late 2012, Brentwood began a multi-year process to update the City's General Plan. State law requires every city and county in California to prepare and maintain a planning document called a general plan. A general plan is a "constitution" or "blueprint" for the future physical development of a county or city. As part of the Brentwood General Plan Update process, a General Plan Existing Conditions Report was prepared to establish a baseline of existing conditions in the city. Additionally, an Opportunities and Constraints Report and a Land Use Alternatives Report were prepared to identify the challenges facing the community, to provide an opportunity for citizens and policymakers to come together in a process of developing a common vision for the future, and to identify a range of options available to the City as the General Plan Land Use Map was modified and updated.

The updated Brentwood General Plan includes a framework of goals, policies, and actions that will guide the community toward its common vision. The General Plan is supported with a variety of maps, including a Land Use Map and Circulation Diagram.

### B. Procedural Background

The City of Brentwood circulated a Notice of Preparation (NOP) of an EIR for the 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 on the NOP. Concerns raised in response to the NOP were considered during preparation of the Draft EIR.

The City 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 the County Clerk, and was published in the Contra Costa Times 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.

The City received 17 comment letters regarding the General Plan and Draft EIR from public agencies, organizations and members of the public during the public comment period. In accordance with CEQA Guidelines Section 15088, a Final EIR was prepared that responded to the written comments received, as required by CEQA. The Final EIR document and the Draft EIR, as amended by the Final EIR, constitute the Final EIR.

### **C. Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to the 2014 Brentwood General Plan Update EIR.
- The 2014 Brentwood General Plan Update Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Brentwood and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Brentwood Office of the City Clerk at 150 City Park Way, Brentwood, CA 94513.

### **D. Consideration of the Environmental Impact Report**

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the 2014 General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to

comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

### **E. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the 2014 Brentwood General Plan, shall continue in full force and effect unless amended or modified by the City.

## **III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

### **A. Aesthetics and Visual Resources**

#### **1. General Plan implementation could result in substantial adverse effects on visual character, including impacts to scenic vistas or scenic resources (EIR Impact 3.1-1)**

(a) **Potential Impact.** The potential for the Project to result in substantial adverse effect on visual character, including scenic vistas and resources, as discussed at pages 3.1-8 through 3.1-15 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation is available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.1-11 through 3.1-15 of the Draft EIR, the Project includes numerous policies and actions that would reduce the severity of this impact to the extent feasible. However, even with the implementation of policies and actions that would reduce impacts to visual character, the potential remains for new development to interrupt, diminish, or obscure scenic views. While the 2014 General Plan policies and actions would ensure that impacts are reduced, the only method to completely avoid impacts to scenic resources on a Citywide basis would be to severely limit the development potential of undeveloped lands, including development such as housing units, business parks, commercial uses, and other structures that support job growth and the

provision of a range of housing options. This type of mitigation is not consistent with the objectives of the 2014 General Plan to support a range of high-quality housing options and expand economic development and jobs-generating uses in the city. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with impacts to scenic resources and visual character.

## **B. Agricultural and Forest Resources**

### **1. General Plan implementation would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (EIR Impact 3.2-1)**

- (a) **Potential Impact.** The potential for the Project to result in the conversion of farmlands, including important farmlands, to non-agricultural uses is discussed at pages 3.2-8 through 3.2-15 of the Draft EIR.

- (b) **Mitigation Measures.** No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.2-12 through 3.2-15 of the Draft EIR, the Project includes numerous policies and actions that would reduce the severity of this impact to the extent feasible. The 2014 General Plan includes policies and actions to protect and preserve farmland, as well as to reduce potential impacts to agricultural lands. Implementation of the 2014 General Plan policies and action items reduce impacts to agricultural resources by managing the pace and location of growth, protecting agricultural lands, buffering agricultural uses from urban uses, requiring that impacts to agricultural lands are minimized, and supporting a broad range of agricultural uses to ensure an on-going demand for farmed and agricultural lands. However, the General Plan does allow for urbanization of agricultural lands, particularly those lands that are within or immediately adjacent to the city limits, and does allow for development of agricultural-supporting uses on agricultural lands.

The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations on agricultural lands; this limitation of growth would not be consistent with the Project goals and objectives as identified in the EIR and stated throughout the Project. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with conversion of farmlands.

**2. General Plan implementation may result in conflicts with existing Williamson Act Contracts (EIR Impact 3.2-2)**

- (a) **Potential Impact.** The potential for the Project to result in conflicts with Williamson Act Contracts is discussed at pages 3.2-15 through 3.2-16 of the Draft EIR.

- (b) **Mitigation Measures.** No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts.** As described on pages 3.2-15 through 3.2-16 of the Draft EIR, the Project includes numerous policies and actions that would reduce the severity of this impact to the extent feasible. The 2014 General Plan includes policies and actions to protect and preserve farmland, as well as to reduce potential conflicts with Williamson Act Contracts. Implementation of the 2014 General Plan policies and action items reduce impacts to agricultural resources by managing the pace and location of growth, emphasizing urban development at infill locations within the city limits, protecting agricultural lands, buffering agricultural uses from urban uses, requiring that impacts to agricultural lands are minimized, and supporting a broad range of agricultural uses to ensure an on-going demand for farmed and agricultural lands. However, the General Plan does allow for urbanization of agricultural lands under Williamson Act Contract, particularly those lands that are within or immediately adjacent to the city limits. The only mitigation available to fully avoid this impact would be to restrict growth to occur only on non-agricultural lands and to not allow agricultural-support operations

on agricultural lands; this limitation of growth would not be consistent with the Project goals and objectives as identified in the EIR and stated throughout the Project. Therefore, this would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with Williamson Act Contract conflicts.

## C. Noise

### 1. General Plan implementation may result in exposure to significant traffic noise sources (EIR Impact 3.11-1)

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.11-24 through 3.11-38 of the Draft EIR.

- (b) **Mitigation Measures.** No feasible mitigation is available.

- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.11-36 through 3.11-38 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant traffic noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.

**2. General Plan implementation may result in cumulative noise impacts (EIR Impact 3.11-7)**

- (a) **Potential Impact.** The potential for the Project to result in cumulative noise impacts is discussed at page 3.11-46 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Effects of Mitigation and Remaining Impacts** As described on page 3.11-46 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant cumulative noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.
  - (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative noise sources.

**D. Cumulative Impacts**

**1. Aesthetics - Cumulative Degradation of the Existing Visual Character of the Region (EIR Impact 4.1)**

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative degradation of visual character is discussed at pages 4.0-5 and 4.0-6 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-5 and 4.0-6 of the Draft EIR, the Project includes policies and actions

that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and regulations, the 2014 General Plan has the potential to considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. No feasible mitigation is available to fully reduce the cumulative effect on visual character, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative degradation of visual character.

## 2. Agricultural and Forest Resources - Cumulative Impact to Agricultural Lands and Resources (EIR Impact 4.2)

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative loss of agricultural land and resources, including important farmlands, significant farmlands, land under the Williamson Act, and other farmlands, is discussed at page 4.0-7 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
  - (1) **Mitigation and Remaining Impacts.** As described on page 4.0-7 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the 2014 General Plan has the potential to considerably contribute to permanent conversion of agricultural land and resources. No feasible mitigation is available to fully reduce the cumulative effect on these resources, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural lands and resources.

**3. Biological Resources - Cumulative Loss of Biological Resources Including Habitats and Special Status Species (EIR Impact 4.4)**

(a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative loss of biological resources is discussed at page 4.0-9 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation measures are available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Mitigation and Remaining Impacts.** As described on page 4.0-9 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, even with implementation of adopted policies and actions, the 2014 General Plan has the potential to considerably contribute to a net reduction in habitat, and increased vehicle and human presence in the vicinity of special-status species and sensitive habitat. No feasible mitigation is available to fully reduce the cumulative effect on these resources, or to mitigate the contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative loss of biological resources.

**4. Noise - Cumulative Exposure of Noise-Sensitive Land Uses to Noise in Excess of Normally Acceptable Noise Levels or to Substantial Increases in Noise (EIR Impact 4.11)**

(a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative noise impacts is discussed at pages 4.0-14 and 4.0-15 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation measures are available.



(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Mitigation and Remaining Impacts.** As described on pages 4.0-14 and 4.0-15 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly in areas where existing development is located near proposed development. Although the policy and regulatory controls for noise related impacts are in place in the cumulative analysis area, subsequent development projects may result in an increase in ambient noise levels at specific project locations, which may subject surrounding land uses to increases in ambient noise levels. No feasible mitigation is available to fully reduce the cumulative effect on noise, or to mitigate the proposed project's contribution to a less-than-significant level. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative increases in noise levels.

## **K. Significant Irreversible Effects**

### **1. Irreversible Effects (EIR Impact 4.15)**

(a) **Potential Impact.** The potential for the Project to result in a significant irreversible effect associated with the consumption of nonrenewable resources and irretrievable commitments/irreversible physical changes is discussed at pages 4.0-22 and 4.0-23 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation measures are available.

(c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:

(1) **Mitigation and Remaining Impacts.** As described on pages 4.0-22 and 4.0-23 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. One of the primary objectives of the 2014 General Plan is to preserve surrounding agricultural lands and protect the city's

agricultural heritage. As such, the 2014 General Plan focuses new development to infill areas, and areas immediately adjacent to the city limits. As a result of this land use pattern, the 2014 General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area, including agricultural resources, biological resources, mineral resources, and energy resources, and the irretrievable commitment of resources and irreversible physical changes. However, the 2014 General Plan establishes a Land Use Map for the entire Brentwood Planning Area that anticipates urbanization and development over a 20-year period. This development is necessary to achieve the economic development goals as well as other goals and objectives of the Project. In summary, the 2014 General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the 2014 General Plan will result in significant irreversible changes. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

#### IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

- A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.
1. **Aesthetics and Visual Resources:** The following specific impact was found to be less than significant:
    - a. Impact 3.1-2: General Plan implementation could result in the creation of new sources of nighttime lighting and daytime glare

2. **Air Quality:** The following specific impacts were found to be less than significant:
  - a. Impact 3.3-1: The General Plan would not conflict with or obstruct implementation of the applicable air quality plan
  - b. Impact 3.3-2: General Plan implementation would not cause health risks associated with toxic air contaminants
  - c. Impact 3.3-3: The General Plan would not create objectionable odors
  - d. Impact 3.3-4: The General Plan would not conflict with Regional Plans
  
3. **Biological Resources:** The following specific impacts were found to be less than significant:
  - a. Impact 3.4-1: General Plan implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - b. Impact 3.4-2: General Plan implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
  - c. Impact 3.4-3: General Plan implementation could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
  - d. 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
  - e. Impact 3.4-5: The General Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
  - f. 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

4. **Cultural Resources:** The following specific impacts were found to be less than significant:
  - a. Impact 3.5-1: General Plan implementation could result in a substantial adverse change in the significance of a historical or archaeological resource
  - b. Impact 3.5-2: Implementation of the General Plan could lead to the disturbance of human remains
  - c. Impact 3.5-3: General Plan implementation may result in damage to or the destruction of paleontological resources
  
5. **Geology, Soils, and Minerals:** The following specific impacts were found to be less than significant:
  - a. Impact 3.6-1: General Plan implementation has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction
  - b. Impact 3.6-2: General Plan implementation has the potential to result in substantial soil erosion or the loss of topsoil
  - c. Impact 3.6-3: General Plan implementation has the potential to result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
  - d. Impact 3.6-4: General Plan implementation has the potential to result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property
  - e. Impact 3.6-5: General Plan implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water
  - f. Impact 3.6-6: General Plan implementation could result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan or known mineral resource that would be of value to the region and the residents of the state

6. **Greenhouse Gases and Climate Change:** The following specific impacts were found to be less than significant:
  - a. Impact 3.7-1: General Plan implementation could generate GHGs, either directly or indirectly, that may have a significant effect on the environment
  - b. Impact 3.7-2: General Plan implementation would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases
  
7. **Hazards:** The following specific impacts were found to be less than significant:
  - a. Impact 3.8-1: General Plan implementation has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment
  - b. Impact 3.8-2: General Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
  - c. Impact 3.8-3: General Plan implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5
  - d. Impact 3.8-4: General Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport, or within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project area
  - e. Impact 3.8-5: General Plan implementation does not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
  - f. Impact 3.8-6: General Plan implementation does not have the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

- 8. Hydrology and Water Quality:** The following specific impacts were found to be less than significant:
  - a. Impact 3.9-1: General Plan implementation could result in a violation of water quality standards or waste discharge requirements
  - b. Impact 3.9-2: General Plan implementation could result in the depletion of groundwater supplies or interfere substantially with groundwater recharge
  - c. Impact 3.9-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, or polluted runoff
  - d. Impact 3.9-4: General Plan implementation could otherwise substantially degrade water quality
  - e. Impact 3.9-5: General Plan implementation could place housing and structures within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map
  - f. Impact 3.9-6: General Plan implementation would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of failure of a levee or dam, seiche, tsunami, or mudflow
  
- 9. Land Use and Population:** The following specific impacts were found to be less than significant or to have no impact:
  - a. Impact 3.10-1: General Plan implementation has the potential to physically divide an established community
  - b. Impact 3.10-2: General Plan implementation has the potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid or mitigate an environmental effect
  - c. Impact 3.10-3: General Plan implementation has the potential to induce substantial population growth
  - d. Impact 3.10-4: General Plan implementation does not have the potential to displace substantial numbers of people or existing housing
  
- 10. Noise:** The following specific impacts were found to be less than significant:
  - a. Impact 3.11-2: General Plan implementation may result in exposure to excessive railroad noise sources
  - b. Impact 3.11-3: Implementation of the General Plan could result in the generation of excessive stationary noise sources

- c. Impact 3.11-4: General Plan implementation may result in an increase in construction noise sources
- d. Impact 3.11-5: General Plan implementation may result in construction vibration
- e. Impact 3.11-6: General Plan implementation may result in exposure to groundborne vibration

**11. Public Services and Recreation:** The following specific impacts were found to be less than significant:

- a. Impact 3.12-1: General Plan implementation could result in adverse physical impacts on the environment associated with governmental facilities and the provision of public services
- b. Impact 3.12-2: General Plan implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities
- c. Impact 3.12-3: General Plan implementation may increase demand for schools and result in the need to construct new schools

**12. Transportation and Circulation:** The following specific impacts were found to be less than significant:

- a. Impact 3.13-1: Implementation of the proposed General Plan would result in acceptable traffic operation at the study intersections controlled by the City of Brentwood
- b. Impact 3.13-2: Implementation of the proposed General Plan would result in acceptable traffic operation on facilities designated by CCTA to be Routes of Regional Significance
- c. Impact 3.13-3: The proposed General Plan would result in no changes to air traffic patterns
- d. Impact 3.13-4: Implementation of the proposed General Plan would not substantially increase hazards due to a design feature
- e. Impact 3.13-5: General Plan implementation would not result in impacts related to emergency access
- f. Impact 3.13-6: The proposed General Plan would accommodate increased demand for public transit and supports a shift in trips from automobile to transit modes
- g. Impact 3.13-7: The proposed General Plan is consistent with adopted bicycle and pedestrian plans, and supports enhancements that emphasize bicycle and pedestrian circulation

13. **Utilities:** The following specific impact was found to be less than significant:
    - a. Impact 3.14-1: General Plan implementation would result in an increased demand for water supplies
    - b. Impact 3.14-2: General Plan implementation may require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
    - c. Impact 3.14-3: General Plan implementation has the potential to exceed wastewater treatment capacity or the requirements of the RWQCB
    - d. Impact 3.14-4: General Plan implementation may require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
    - e. Impact 3.14-5: Implementation of the General Plan may result in new or expanded stormwater drainage facilities
    - f. Impact 3.14-6: The project would be served by a landfill for solid waste disposal needs and will require compliance with various laws and regulations
  14. **Growth-Inducing:** The 2014 General Plan was found to result in a less than significant impact related to growth inducement (pages 4.0-19 through 4.0-22 of the Draft EIR).
- B.** The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.
1. **Air Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts on the region's air quality (Impact 4.3).
  2. **Cultural Resources:** The project would have a less than cumulatively considerable contribution to cumulative impacts on known and undiscovered cultural resources (Impact 4.5).
  3. **Geology, Soils, and Minerals:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to geology and soils (Impact 4.6).



4. **Greenhouse Gases and Climate Change:** The project would have a less than cumulatively considerable contribution to cumulative impacts related to increased greenhouse gas emissions that may contribute to climate change (Impact 4.7).
  5. **Hazards:** The project would have a less than cumulatively considerable contribution to cumulative impacts from hazardous materials and risks associated with human health (Impact 4.8).
  6. **Hydrology and Water Quality:** The project would have a less than cumulatively considerable contribution to cumulative impacts to hydrology and water quality (Impact 4.9).
  7. **Land Use and Population:** The project would have a less than cumulatively considerable contribution to cumulative impacts associated with communities and local land uses (Impact 4.10).
  8. **Public Services and Recreation:** The project would have a less than cumulatively considerable contribution to cumulative impacts on public services and recreation (Impact 4.12).
  9. **Transportation and Circulation:** The project would have a less than cumulatively considerable contribution to cumulative impacts on the transportation network (Impact 4.13).
  10. **Utilities and Service Systems:** The project would have a less than cumulatively considerable contribution to cumulative impacts on utilities (Impact 4.14).
- C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:
1. The EIR determined that the impact is less than significant for the Project.
  2. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

## V. PROJECT ALTERNATIVES

### A. Identification of Project Objectives

An EIR is required to identify a “range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects.” Chapter 2.0 of the Draft EIR identifies the Project’s goals and objectives. The Project objectives include:

- Reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders;
- Address issues and concerns identified by city residents, businesses, decision-makers, and other stakeholders;
- Protect Brentwood's family-oriented environment, character, and sense of community;
- Provide a range of high-quality housing options;
- Attract and retain businesses and industries that provide high-quality and high-paying jobs so that residents can live and work in Brentwood;
- Preserve surrounding agricultural lands and the city's agricultural heritage;
- Expand retail shopping opportunities to provide better local services and increased sales tax revenues;
- Continue to maintain and improve the road network and provide increased transit opportunities;
- Maintain strong fiscal sustainability and continue to provide high-quality services; and
- Address new requirements of State law.

### B. Alternatives Analysis in EIR

#### 1. Alternative 1: No Project Alternative

The No Project Alternative is discussed on pages 5.0-2 through 5.0-4 and pages 5.0-6 through 5.0-9 of the Draft EIR. Under Alternative 1, the City would continue to implement the adopted General Plan and no changes would be made to address the requirements of State law. Since adoption of the existing General Plan, State legislation

has been passed requiring the City to address new safety and circulation requirements in the General Plan and to address greenhouse gas emissions. The General Plan goals, policies, and actions, as well as the Land Use Map, would not be updated to address the vision and concerns of the city's residents, property owners, decision-makers, and other stakeholders that actively participated in the visioning and goal and policy development process.

Alternative 1 would result in the continuation of existing conditions and development levels, as described in Chapter 3.10 (Land Use and Population) and as shown in Table 2.0-3 of the Draft EIR. New growth would be allowed as envisioned under the existing General Plan, with land uses required to be consistent with the existing General Plan Land Use Map as shown on Figure 3.10-3 of the Draft EIR. As shown in Table 5.0-1 of the Draft EIR, Alternative 1 would result in approximately 4,000 more housing units and 1,600 fewer jobs within the Brentwood city limits when compared to the proposed General Plan Land Use Map. As shown in Table 5.0-2, Alternative 1 would provide for approximately 250 additional acres of residential development within the Planning Area, and nearly 500 additional acres of Mixed Use Business Park development within the Planning Area, when compared to the proposed Land Use Map. Alternative 1 offers fewer acres of Medium Density Residential land within the city limits, and does not provide opportunities to develop Mixed Use Pedestrian Transit land uses within the city limits. Additionally, the existing Land Use Map provides for approximately 158 fewer acres of parkland within the city limits, and 158 fewer acres of land designated for schools within the city limits, when compared to the proposed Land Use Map.

Under Alternative 1, there would be an increase in residential growth (approximately 8,300 residents) and a decrease in jobs (approximately 1,600 jobs) within the city limits. Under cumulative conditions, development in the city limits and Planning Area combined under Alternative 1 would result in a significant increase in residential units (11,000 units) and a population increase of approximately 25,000 more residents than the population growth that may occur under the proposed General Plan.

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not realize the benefits of the Project and fails to achieve some of the Project objectives. This alternative would not reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders associated with increased opportunities for economic development and job-creating land uses. This alternative would also not be consistent with the land use vision identified by city residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan

Working Group processes. Additionally, this alternative would not fully avoid or mitigate any of the impacts associated with the Project.

## **2. Alternative 2: Economic Development Alternative**

The Economic Development Alternative is discussed on pages 5.0-3 and 5.0-9 through 5.0-14 of the Draft EIR. 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.

Land use designations under Alternative 2 would be modified as shown on Figure 5.0-1 and summarized in Table 5.0-3 of the Draft EIR. The goals, policies, and actions of the General Plan Update would apply to subsequent development, planning, and infrastructure projects under this alternative.

As shown in Table 5.0-1 of the Draft EIR, Alternative 2 would result in approximately 940 fewer housing units and 3,400 fewer residents within the Brentwood city limits when compared to the proposed General Plan Land Use Map. Employment opportunities would be increased under this alternative, with approximately 7,300 more jobs created within the city limits when compared to the proposed General Plan.

As shown in Table 5.0-3 of the Draft EIR, Alternative 2 would provide for approximately 29 fewer acres of very low density residential development within the city limits, and approximately 35 fewer acres of medium density residential development within the city limits, when compared to the proposed Land Use Map. Alternative 2 offers approximately 188 more acres of business park land within the city limits, and approximately 70 more acres of general commercial land within the city limits.

- a. Findings:** The Economic Development Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. Explanation:** This alternative would not achieve some of the Project objectives. This alternative would not be consistent with the land use vision identified by City residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Working Group processes for the areas outside of the city limits. Further, this alternative would only result in an improvement related to environmental impacts

associated with noise exposure, but all other environmental impacts associated with this alternative would be comparable to the Project.

### **3. Alternative 3: Residential Growth Alternative**

The Residential Growth Alternative is discussed on pages 5.0-3 and 5.0-14 through 5.0-20 through 5.0-16 of the Draft EIR. 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 than any of the alternatives or the proposed project. While this alternative would result in more residential growth than the proposed General Plan, existing General Plan, or Alternative 2, this alternative 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.

Land use designations under Alternative 3 would be modified as shown on Figure 5.0-2 and summarized in Table 5.0-4 of the Draft EIR. The goals, policies, and actions of the General Plan Update would apply to subsequent development, planning and infrastructure projects under this alternative.

As shown in Table 5.0-1 of the Draft EIR, Alternative 3 would result in approximately 2,544 more housing units and 5,233 more residents within the Brentwood city limits when compared to the proposed General Plan Land Use Map. Employment opportunities would be increased under this alternative, with approximately 1,850 more jobs created within the city limits when compared to the proposed General Plan.

Under full buildout conditions, this alternative would result in a total population within the Planning Area of approximately 109,437, which is 18.5 percent higher than the total population projection under the proposed General Plan.

As shown in Table 5.0-4 of the Draft EIR, Alternative 3 would provide for approximately 52 more acres of Ranchette Estate land, 105 more acres of Low Density Residential land, and 10.3 more acres of Very High Density Residential land within the city limits, when compared to the proposed Land Use Map. Alternative 3 offers approximately 114 more acres of Business Park land within the city limits, 308 more acres of Business Park land within the Planning Area, and approximately 66 more acres of Industrial land within the Planning Area.

Alternative 3 would convert approximately 642 more acres of Agricultural Conservation land within the Planning Area to urban uses than the proposed Land Use Map. The majority of this converted land would be Business Park, Low Density Residential, and Very Low Density Residential.

- a. **Findings:** The No Project Alternative is rejected as an alternative because it would not achieve the Project's objectives.
- b. **Explanation:** This alternative would not achieve the Project objective to reflect the current goals and visions for the City based on input received during the public participation process, particularly with respect to residential growth rates and land use patterns in the city and Planning Area. This alternative would also result in worse environmental impacts than the Project in five of the impact areas analyzed.

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5.0-7 of the Draft EIR, Alternative 2 (Economic Development Alternative) is the environmentally superior alternative because Alternative 2 would reduce the severity of noise impacts associated with sensitive receptor exposure to traffic noise sources. Overall, the proposed General Plan is the environmentally superior alternative. However, Alternative 2 is the most effective in terms of reducing one or more of the significant impacts of the proposed project. As such, Alternative 2 is the environmentally superior alternative for the purposes of the EIR analysis.

As previously discussed, Alternative 2 would not achieve the Project Objectives, and it would not be consistent with the land use vision identified by City residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Working Group processes for the areas outside of the city limits. Throughout the preparation of the General Plan Update, the City Council, Planning Commission, and Working Group all expressed a desire and commitment to ensuring that the General Plan not only reflect the community's values and priorities, but also serve as a self-mitigating document and avoid significant environmental impacts to the greatest extent feasible. The result of this approach and this process is a proposed General Plan and Land Use Map that has reduced potentially significant impacts to the environment to the greatest extent

feasible, while still meeting the basic project objectives identified by the City of Brentwood. For these economic, social, and other reasons, the Project is deemed superior to Alternative 2, the Economic Development Alternative.

## VI. STATEMENTS OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Brentwood has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Brentwood has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

### **A. Significant Unavoidable Impacts**

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to: aesthetics and visual resources, agricultural resources, noise, cumulative degradation of visual character, cumulative impacts to agricultural lands and resources, cumulative loss of biological resources, cumulative exposure of sensitive land uses to noise, and irreversible effects.

- Impact 3.1-1: General Plan implementation could result in substantial adverse effects on visual character, including impacts to scenic vistas or scenic resources (Significant and Unavoidable)
- Impact 3.2-1: General Plan implementation would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Significant and Unavoidable)
- Impact 3.2-2: General Plan implementation may result in conflicts with existing Williamson Act Contracts (Significant and Unavoidable)
- Impact 3.11-1: General Plan implementation may result in exposure to significant traffic noise sources (Significant and Unavoidable)
- Impact 3.11-7: General Plan implementation may result in cumulative noise impacts (Significant and Unavoidable)
- Impact 4.1: Cumulative Degradation of the Existing Visual Character of the Region (Considerable Contribution and Significant and Unavoidable)

- Impact 4.2: Cumulative Impact to Agricultural Lands and Resources (Considerable Contribution and Significant and Unavoidable)
- Impact 4.4: Cumulative Loss of Biological Resources Including Habitats and Special Status Species (Considerable Contribution and Significant and Unavoidable)
- Impact 4.11: Cumulative Exposure of Noise-Sensitive Land Uses to Noise in Excess of Normally Acceptable Noise Levels or to Substantial Increases in Noise (Considerable Contribution and Significant and Unavoidable)
- Impact 4.15: Irreversible Effects (Significant and Unavoidable)

### **Aesthetics and Visual Resources**

Buildout of the proposed General Plan would allow for new development to occur in areas that have historically been used for agricultural operations and areas that have been previously undeveloped, which remain in a naturalized condition. The introduction of new development into previously undisturbed areas or areas that have been historically used for agricultural operations may result in potentially significant impacts to scenic resources or result in the degradation of the Planning Area's visual character. Additionally, new development may result in changes to the skyline throughout the Planning Area, which may obstruct or interfere with views of the surrounding hillsides, Mount Diablo, the Diablo Range, and the surrounding foothill areas.

While growth is anticipated to occur in the cumulative analysis area, the majority of growth is anticipated to occur in and around existing urban development within the Brentwood city limits. Development of land uses and associated infrastructure is planned to occur in the future to accommodate growth envisioned in the general plans that are effective within the cumulative analysis area, including Contra Costa County and the cities of Antioch and Oakley.

The proposed General Plan is representative of this planned development within the city limits of Brentwood and the unincorporated portions of Contra Costa County within the cumulative analysis area. Regional growth has and will continue to result in a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas and increasing overall levels of nighttime lighting. Cumulative development entails grading/landform alteration, the development of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character. Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan and adopted regulations pertaining to aesthetics and lighting in Brentwood. However, even with implementation of adopted policies and regulations, the proposed General Plan has the potential to considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. No feasible mitigation is available to fully reduce the cumulative effect on visual character, or to



mitigate the proposed project's contribution to a less-than-significant level. Therefore, the proposed General Plan's contribution to this impact is considerable and the impact is significant and unavoidable.

### **Agricultural Resources**

The Brentwood General Plan has taken a proactive approach towards focusing new growth and development towards infill locations, and protecting open space areas and agricultural lands throughout the Planning Area to the greatest extent feasible. The applicable policies and actions that provide protection and preservation of agricultural lands are identified under Impact 3.2-1 in the Draft EIR.

However, as described in greater detail under Impact 3.2-1 in the Draft EIR, implementation of the Brentwood General Plan may lead to the urbanization of approximately 1,700 acres of Important Farmlands located within the city limits, and 2,223 acres of Important Farmland within the Planning Area. The policies and actions identified under Impact 3.2-1 in the Draft EIR would mitigate this impact to the greatest extent feasible. However, this is considered a cumulatively considerable and significant and unavoidable impact.

### **Biological Resources**

Growth associated with buildout of the 2014 General Plan would result in impacts to biological resources, including the permanent loss of habitat for special status species, corridor fragmentation, direct and indirect impacts to special status species, and reduction and degradation of sensitive habitat. Biological resources are a limited resource and the cumulative loss is considered significant.

Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan. However, even with implementation of adopted policies and actions, the proposed General Plan has the potential to considerably contribute to a net reduction in habitat, and increase human presence in the vicinity of special status species and sensitive habitat. No feasible mitigation is available to fully reduce the cumulative effect on these resources, or to mitigate the contribution to a less-than-significant level. Therefore, the proposed General Plan's contribution to this cumulative impact is considerable and the impact is significant and unavoidable.

### **Noise**

Growth associated with buildout of the 2014 General Plan would cause some areas to experience greater construction and operational noise disturbances relative to others. This would result as noise sensitive development becomes more clustered near noise producing land uses, including roadways. The proposed General Plan indirectly increases noise levels by accommodating additional growth and ultimately allowing more traffic on roadways.

The proposed General Plan establishes noise-related policies that, when implemented, protect sensitive receptors from significant noise. The policies that are identified in the Noise Element of the General Plan are consistent with Federal and State regulations designed to protect noise sensitive receptors. Although the policy and regulatory controls for noise-related impacts are in place in the cumulative analysis area, subsequent development allowed under the General Plan would result in an increase in noise. For most projects, consistency with the adopted policies and actions would help to reduce exposure of sensitive receptors to noise levels. However, it may not be feasible to mitigate this impact to a less-than-significant level in all instances, particularly in areas where existing development is located near proposed development. Although the policy and regulatory controls for noise related impacts are in place in the cumulative analysis area, subsequent development projects may result in an increase in ambient noise levels at specific project locations, which may subject surrounding land uses to increases in ambient noise levels.

Tables 3.11-14 and 3.11-15 in Draft EIR Section 3.11 (Noise) show the existing and cumulative noise levels associated with traffic on the local roadway network, including projects within the city and within the Planning Area. Cumulative conditions include traffic due to buildout of the General Plan in addition to pass through traffic from other jurisdictions. The tables also show the estimated noise level increases which may occur under cumulative conditions.

Cumulative conditions would contribute to an exceedance of the City's transportation noise standards and result in significant increases in traffic noise levels at existing sensitive receptors. The General Plan includes policies and actions that are intended to reduce noise increases associated with traffic. Specifically, policies N 1-1 through N 1-4, N 1-6 through N 1-10, N 2-1, and Actions N 1a through N 1d would reduce noise increases associated with traffic, as described in Impact 3.11-1 in the Draft EIR. As described in Impact 3.11-1 in the Draft EIR, some traffic noise impacts cannot be mitigated to a less-than-significant level due to the proximity of sensitive receivers to major roadways, and because noise attenuation may not be feasible in all circumstances. As a result, this is a significant and unavoidable cumulative impact.

## **B. Benefits of the Proposed General Plan/Overriding Considerations**

The City of Brentwood has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed 2014 General Plan to the extent feasible by including policies and actions in the General Plan that effectively mitigate potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

Adoption and implementation of the 2014 General Plan would provide the following economic, social, legal, and other considerable benefits:

1. The 2014 General Plan promotes compact and environmentally-sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, agricultural preservation, environmental protection, and preservation of quality of life for Brentwood residents.
2. The 2014 General Plan implements principles of sustainable growth by concentrating new urban development around existing urban development, around nodes of transportation, and along key commercial and transportation corridors; thereby minimizing land consumption while maintaining open space, habitat, recreation, and agricultural uses throughout the Planning Area.
3. The 2014 General Plan provides a land use map that accounts for existing development, physical constraints, agricultural preservation, economic development, hazards, and incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Brentwood.
4. The 2014 General Plan improves mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
5. The 2014 General Plan directs the preservation and environmental stewardship of the vast array of agricultural, natural, cultural and historic resources that uniquely define the character and ecological importance of the City and greater region.
6. The 2014 General Plan addresses adverse environmental effects associated with global climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.
7. The 2014 General Plan enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.
8. The 2014 General Plan is the product of a comprehensive public planning effort driven by members of the public, the General Plan Working Group, city stakeholders, the Planning Commission and the City Council through a series of public meetings,

hearings and workshops that resulted in a thoughtful balance of community, economic, agricultural, and environmental interests.

## VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Brentwood City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable aesthetics and visual resources, agricultural resources, biological resources, and noise impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed 2014 General Plan which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.