

SCIORTINO RANCH

SCH# 2008112041

FINAL ENVIRONMENTAL IMPACT REPORT

PREPARED FOR
THE CITY OF BRENTWOOD

APRIL 2009

PREPARED BY

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Final Environmental Impact Report**

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Raney Planning & Management, Inc.
Sacramento, CA

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1. INTRODUCTION AND LIST OF COMMENTERS

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INTRODUCTION AND LIST OF COMMENTERS

1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR) contains public and agency comments received during the public review period of the Sciortino Ranch Draft Environmental Impact Report (Draft EIR). This document has been prepared by the City of Brentwood, as lead agency, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Section 15132). Chapter 1 discusses the background of the Draft EIR, the organization of the FEIR, and lists the three comment letters received.

1.1 BACKGROUND

The Sciortino Ranch Draft EIR contains the following environmental analysis sections:

- Land Use;
- Aesthetics;
- Transportation and Circulation;
- Air Quality and Climate Change;
- Noise;
- Biological Resources;
- Cultural Resources;
- Hazards; and
- Public Services and Utilities.

The City used several methods to solicit public input on the Draft EIR. These methods included the distribution of a Notice of Preparation (NOP) on November 10, 2008, and the distribution of the Draft EIR for a 45-day comment period from February 13th to March 30th 2009. The Draft EIR was distributed to applicable public agencies, responsible agencies, and interested individuals. Copies of the document were made available at the public counter of the Community Development Department, located at 118 Oak Street, Brentwood, California. In addition, the Draft EIR was made available for public review on the City of Brentwood website.

1.2 ORGANIZATION OF THE FINAL EIR

The FEIR is organized into the following chapters:

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describing the background and organization of the FEIR. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

2. Revisions to the DEIR Text

Chapter 2 is intended to summarize changes made to the Draft EIR text either in response to comment letters or minor staff edits that do not change the intent or content of the analysis or effectiveness of mitigation measures.

3. Responses to Comments

Chapter 3 presents all of the comment letters received, and responses to each comment. Each comment letter received has been numbered at the top and then bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1.

4. Mitigation Monitoring Plan

The Mitigation Monitoring Plan (MMP) in Chapter 4 includes a description of the requirements of the California Environmental Quality Act. The intent of the MMP is to prescribe and enforce the proper and successful implementation of the mitigation measures as identified within the Environmental Impact Report for this project.

1.3 LIST OF COMMENTERS

The following comment letters were received during the comment period for the Sciortino Ranch Draft EIR:

Letter 1 Moses Stites – Public Utilities Commission
Letter 2 Reed Oñate – NUCP, LLC
Letter 3 Lisa Carboni – California Department of Transportation

1.4 RECIRCULATION

CEQA requires recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before certification (Section 15088.5). New information 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 (Section 15088.5).

Because this FEIR did not result in the identification of any new significant environmental impacts, or a substantial increase in the severity of an environmental impact, this FEIR does not contain “significant new information,” and a recirculation of the Draft EIR is not required prior to approval.

2. REVISIONS TO THE DEIR TEXT

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REVISIONS TO THE DEIR TEXT

2.0 INTRODUCTION

This chapter presents all of the revisions made to the Draft EIR in response to comments received or minor staff edits. It should be noted that the following revisions do not change the intent or content of the analysis or effectiveness of the mitigation measures presented in the Draft EIR.

2.1 DESCRIPTION OF CHANGES

New text is double “underlined”, and deleted text is ~~“struck through”~~. Text changes are presented in the page order in which they appear in the DEIR.

2. EXECUTIVE SUMMARY

Table 2-1, Summary of Impacts and Mitigation Measures, beginning on page 2-8 of the Draft EIR is hereby revised as shown on Pages 2-2 through 2-37, below.

4.1 LAND USE

Figure 4.1-1, PD 55 Zoning Development Subarea Map, on page 4.1-6 of the Draft EIR is hereby replaced with the figure shown on Page 2-38, below. The figure has been revised for clarification purposes only, in order to reflect the acreages for each portion of the proposed project site. In addition, Table 4.1-2, PD-55 Zoning Matrix of Land Uses by Sub-Area, beginning on page 4.1-7 of the Draft EIR is hereby replaced with the table shown on Pages 2-39 through 2-43, below. The table has been revised for clarification purposes only.

4.3 TRANSPORTATION AND CIRCULATION

The first sentence of the first paragraph on page 4.3-3 of the Draft EIR is hereby revised as follows:

The SR 4 Bypass (Bypass) is a ~~roadway~~ highway construction project that ~~will replace the~~ includes the relinquishment to the City of Brentwood and other local agencies of the existing SR 4, from just south of the Main Street Interchange in the City of Oakley to the existing intersection with Marsh Creek Road. The Bypass will be adopted into the State highway system upon various approvals by the local agencies, Caltrans, and the California Transportation Commission.

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.2 Land Use			
4.1-1 Compatibility with existing or planned surrounding land uses.	PS	4.1-1 <i>Prior to the approval of any permitted use involving the sale of alcohol as the primary means of business (i.e., convenience markets, bars, nightclubs, liquor stores, etc.), drive-thrus, or hours of operation beyond 10:00 pm, the applicant shall be required to prepare a plan detailing the operational and security-related characteristics of the proposed use. Said plan shall be submitted for the review and approval of the Community Development Director and the Chief of Police, and shall be incorporated into the respective design review or tenant improvement permit approval.</i>	LS
4.1-2 Consistency with adopted General Plan designations and policies.	LS	4.1-2 <i>None required.</i>	N/A
4.1-3 Consistency with existing zoning.	LS	4.1 -3 <i>None required.</i>	N/A
4.1-4 Increases in the intensity of land uses in the region due to the proposed project and all other projects in the Brentwood area.	LS	4.1-4 <i>None required.</i>	N/A
4.2 Aesthetics			
4.2-1 Impacts to scenic vistas and natural resources, including resources found within State scenic highway corridors.	LS	4.2-1 <i>None required.</i>	N/A
4.2-2 Impacts related to the existing	LS	4.2-2 <i>None required.</i>	N/A

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
visual character or quality of the site and surroundings.			
4.2-3 Impacts associated with new sources of light and glare.	LS	4.2-3 <i>None required.</i>	N/A
4.2-4 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Brentwood area.	LS	4.2-4 <i>None required.</i>	N/A
4.3 Transportation and Circulation			
4.3-1 Impacts to the unsignalized intersection of Brentwood Boulevard and Homecoming Way.	PS	4.3-1 <i>The Brentwood Boulevard / Homecoming Way intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's <u>CIP Development Fee Program</u> upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's <u>CIP Development Fee Program</u> upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</i>	LS
4.3-2 Impacts to the signalized intersection of Brentwood Boulevard and Grant Street /	PS	4.3-2 <i>The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
Sunset Road.		<i>and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit, <u>and be eligible for reimbursement per the City's Development Fee Program.</u> If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</i>	
4.3-3 Impacts to the unsignalized intersection of Brentwood Boulevard and Havenwood Avenue.	PS	4.3-3 <i><u>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit,</u> the Brentwood Boulevard / Havenwood Avenue intersection shall be modified by eliminating through and left-turn movements from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.3-4 Impacts to the unsignalized intersection of Brentwood Boulevard and Village Drive.	PS	4.3-4 <i>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Village Drive intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</i>	LS
4.3-5 Impacts to bicycle and pedestrian facilities.	LS	4.3-5 <i>None required.</i>	N/A
4.3-6 Impacts to transit facilities.	LS	4.3 -6 <i>None required.</i>	N/A
4.3-7 Cumulative impacts to study intersections.	PS	4.3-7(a) <i>The Brentwood Boulevard / Lone Tree Way intersection shall be modified by converting the southbound through-right lane to a through lane and adding a dedicated right-turn lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. If the modification is completed prior to any development of the site, then the</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</i></p> <p>4.3-7(b) <i><u>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Sunrise Drive intersection shall be modified by eliminating all left- and right-turn movements at the intersection. This improvement is not currently included in the City's CIP. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</u></i></p> <p>4.3-7(c) <i><u>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Gregory Lane intersection shall be modified by installation of a traffic signal for the intersection. The traffic signal shall be designed to include the Brentwood Boulevard / Beverly Place intersection. This</u></i></p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>improvement is not currently included in the City's CIP. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</p> <p>4.3-7(d) The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</p> <p>4.3-7(e) The Brentwood Boulevard / Sand Creek Road intersection shall be modified by converting the</p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>southbound through-right lane to a through lane and adding a southbound right turn lane. The developer shall complete the modification prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. The modification shall be completed to the satisfaction of the City Engineer.</i></p>	
4.4 Air Quality and Climate Change			
<p>4.4-1 Short-term construction-related air quality impacts.</p>	<p>PS</p>	<p>4.4-1 <i>Consistent with guidance from the BAAQMD, prior to issuance of any grading permits, the applicant shall incorporate the following mitigation measures into the construction contract documents, which shall be submitted for the review and approval of the City Engineer:</i></p> <ul style="list-style-type: none"> • <i>Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;</i> • <i>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;</i> • <i>Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</i> • <i>Sweep daily (preferably with water sweepers) all</i> 	<p>LS</p>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</i></p> <ul style="list-style-type: none"> • <i>Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;</i> • <i>Apply non-toxic soil stabilizers to inactive construction areas;</i> • <i>Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i> • <i>Limit traffic speeds on unpaved roads to 15 mph;</i> • <i>Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and</i> • <i>Replant vegetation in disturbed areas as quickly as possible.</i> <p><i>The above measures include all feasible measures for construction emissions identified by the Bay Area Air Quality Management District.</i></p>	
4.4-2 Impacts to regional air quality due to project trip generation.	S	4.4-2(a) <i>Prior to approval of a tentative map or site plan for an individual sub-area, the tentative map or site plan shall show bicycle lanes and/or paths connected to the community-wide network and sidewalks and/or paths connected to adjacent land uses, transit stops, and/or community-wide network, for approval by the Community Development Director and the City</i>	SU

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>Engineer.</i></p> <p>4.4-2(b) <i>The BAAQMD has identified mitigation measures for reducing emissions from commercial uses. Prior to approval of a site plan, a transportation management plan shall be created and submitted for the approval of the Community Development Director and the City Engineer. The transportation management plan may include the following measures:</i></p> <ul style="list-style-type: none"> • <i>Design and locate buildings to facilitate transit access, such as locating local building entrances near transit stops and eliminating building setbacks;</i> • <i>Provide secure, weather-protected bicycle parking for employees;</i> • <i>Provide safe, direct access for bicyclists to adjacent bicycle routes;</i> • <i>Provide showers and lockers to employees bicycling or walking to work;</i> • <i>Provide secure short-term bicycle parking for retail customers and other non-commute trips;</i> • <i>Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development;</i> • <i>Implement carpool/vanpool programs such as carpool ridematching for employees, assistance with vanpool formation or provision of vanpool vehicles;</i> • <i>Provide on-site shops and services for employees,</i> 	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>such as cafeteria, bank/ATM, dry cleaners, and convenience markets;</i></p> <ul style="list-style-type: none"> • <i>Provide on-site child care, or contribute to off-site child care within walking distance;</i> • <i>Implement parking fees for single occupancy vehicle commuters;</i> • <i>Use of exterior and interior paints with low quantities of volatile organic compounds;</i> • <i>Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowances equivalent to value of subsidized parking); and</i> • <i>Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking).</i> <p>4.4-2(c) <i>Prior to the issuance of building permits, the applicant shall include in the project design the following measures to the satisfaction of the Community Development Director and the Chief Building Official:</i></p> <ul style="list-style-type: none"> • <i>Allow only natural gas fireplaces or stoves in single-family houses. Wood, pellet, or traditional open hearth fireplaces shall not be permitted;</i> • <i>Use of exterior and interior paints with low quantities of volatile organic compounds;</i> • <i>Residences will include outside electrical outlets to</i> 	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>allow electric lawn and garden equipment for landscaping; and</i></p> <ul style="list-style-type: none"> <i>Utilize reflective (or high albedo) and emissive roofs and light colored construction materials where reasonably practical to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.</i> 	
4.4-5 Impacts to residences located next to State Route (SR) 4 (Brentwood Boulevard).	LS	4.4-5 <i>None required.</i>	N/A
4.4-6 Cumulative impacts to regional air quality.	S	4.4-6 <i>Implement Mitigation Measure(s) 4.4-2(a-c).</i>	SU
4.5 Noise			
4.5-1 Impact of traffic noise level increases at existing land uses in the project area.	LS	4.5-1 <i>None required.</i>	N/A
4.5-2 Impact of traffic noise at future noise-sensitive land uses developed on project site.	PS	4.5-2 <i>Prior to approval of tentative maps or site plans, the tentative maps or site plans shall show that all outdoor activity areas of residential and commercial uses are shielded from traffic noise, for the review and approval of the Community Development Director and the City Engineer. The shielding of residential uses, transient lodging, hospitals, churches/meeting halls, office buildings and schools affected by roadway traffic noise shall comply with the exterior noise level standard of 60</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i><u>dB Ldn/CNEL at the primary outdoor activity area where good speech intelligibility is required. Compliance with the exterior noise level standard shall be achieved through the site design measures (i.e., setbacks, barriers, site design, building façades, and vegetation). Preliminary barrier calculations indicate that barrier heights of approximately 10 feet would be required along Brentwood Boulevard and seven feet along Sand Creek Road. Future detailed analysis may be required by the Community Development Director per future site plan submittals. Where no primary outdoor activity area is included in the project design, the exterior noise level standard may not be applicable. For instance offices, transient lodging, hospitals, etc. may not include or require outdoor activity areas. The City criterion does not apply to commercial uses.</u></i></p>	
<p>4.5-3 Impacts related to excessive interior noise levels at future noise-sensitive receptors within the project site.</p>	<p>PS</p>	<p>4.5-3(a) <i>Prior to the issuance of building permits for residential uses constructed at the minimum setback along Brentwood Boulevard, the project design shall include glass windows and doors with the sound transmission class (STC) ratings sufficient to mitigate for the predicted traffic noise levels in Table 4.5-11 under the cumulative plus project scenarios. Final design shall be reviewed and approved by the Chief Building Official and/or City Engineer.</i></p> <p>4.5-3(b) <i>Prior to the issuance of building permits for commercial, office, and institutional uses, mechanical ventilation systems shall be included in the project</i></p>	<p>LS</p>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>design for the review and approval of the Chief Building Official. The use of mechanical ventilation systems would allow occupants to keep windows and doors closed to achieve acoustical isolation from traffic noise.</i></p> <p>4.5-3(c) <i>Prior to the issuance of building permits for first row residential uses constructed along the Brentwood Boulevard corridor, the project design shall ensure that all attic vents be acoustically baffled in first row residential uses constructed along the Brentwood Boulevard corridor. The baffles shall introduce at least one 90 degree obstruction to the flow of air through the vent. The baffle should be lined with an acoustically absorbent material. Final design shall be reviewed and approved by the Chief Building Official.</i></p>	
<p>4.5-4 Impacts of commercial noise sources on existing and future noise-sensitive uses in the project area.</p>	<p>PS</p>	<p>4.5-4(a) <i>During project review, the Community Development Director shall make a determination as to whether or not the proposed commercial use would likely generate noise levels that could adversely affect the adjacent residential areas. If the determination is made from this review that proposed uses could generate excessive noise levels at noise-sensitive uses, the applicant shall be required to prepare an acoustical analysis consistent with the General Plan Noise Element to ensure that all appropriate noise control measures are incorporated into the project design and to mitigate any noise impacts. Such noise control measures include, but are not limited to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of critical</i></p>	<p>LS</p>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>equipment, etc.</i></p> <p>4.5-4(b) <i>Where commercial uses adjoin residential uses, and loading docks or large truck circulation routes adjoin residential areas, prior to design review approval, the following <u>mitigation</u> measures shall be included in the project design, <u>to ensure compliance with the noise level standards contained within Table 4.5-7</u>, for review and approval of the Community Development Director. The following <u>mitigation</u> measures may include some or all of the following, or may be modified pending more detailed analysis of future development proposals by an acoustical consultant:</i></p> <ul style="list-style-type: none"> • <i>Loading docks should maintain a minimum distance of 100 feet from residential property lines;</i> • <i>Property line barriers should be a minimum of eight feet in height, in order to break line of sight to semi-tractor trailers and shield adjacent residential uses;</i> • <i>Circulation routes for large trucks should be located a minimum of 50 feet from the residential property lines;</i> • <i>Loading dock activities, including truck idling and use of refrigeration units, and shipping/receiving hours shall be limited to daytime hours (7am to 10pm);</i> 	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • All large heating, cooling and ventilation equipment should be located within mechanical rooms or shielded on the ground, where possible; • All roof-top exterior heating, cooling and ventilation equipment shall be shielded from view with solid noise barriers, or parapets; and • Emergency generators shall comply with the local noise criteria. <p>4.5-4(c) Prior to approval of site plans within individual sub-areas, the project design shall show, for review and approval of the Community Development Director, where commercial land uses are separated from residential areas by local streets, all loading activities should be located on opposite sides of the buildings from residential uses. This mitigation measure may be modified pending more detailed analysis of future development proposals by an acoustical consultant.</p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.5-5 Impacts of neighborhood parks on future noise-sensitive uses within the project area.	PS	4.5-5 <i>During site plan consideration for the parks, the City shall ensure that active recreation areas of neighborhood parks are located as far as possible from residential property lines and masonry walls shall be constructed along property lines adjacent to existing residential uses. In addition, neighborhood parks shall only be open from dawn to dusk. Parks shall be large enough to allow playgrounds to be placed appropriate distances from residences. In addition, new residential developments shall be informed of any planned parks in their vicinity.</i>	LS
4.5-6 Impacts related to construction noise.	PS	4.5-6(a) <i>During construction, the City shall ensure noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be restricted to the hours of 7:30 am to 5:30 pm, Monday through Saturday. Construction is prohibited on Sundays and City holidays unless prior authorization from the Community Development Director is obtained.</i> 4.5-6(b) <i>Prior to the approval of the Improvement Plans or initiation of any grading or construction activity, the applicant/developer shall include the following mitigation measures on the plans to be approved by the City Engineer:</i> <ul style="list-style-type: none"> • <i>Equip all equipment driven by internal combustion engines with intake and exhaust mufflers that are in good condition and appropriate to the equipment.</i> 	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>Unnecessary idling of internal combustion engines should be strictly prohibited;</i></p> <ul style="list-style-type: none"> • <i>Stationary noise-generating equipment, such as air compressors or portable power generators, must be located the greatest distance applicable from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses;</i> • <i>Utilize “quiet” air compressors and other stationary noise sources where technology exists;</i> • <i>Designate a “disturbance coordinator” who would be responsible for responding to any local complaints regarding construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented; and</i> • <i>Notify prospective residents within the adjacent subdivision that the development of the commercial portion of the site would generate noise levels during construction that may be considered excessive or annoying.</i> 	
4.5-7 Impacts related to construction vibration.	LS	4.5-7 <i>None required.</i>	N/A
4.5-8 Cumulative impacts as a result of project-related traffic on	PS	4.5-8 <i>Implement Mitigation Measure 4.5-2.</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
existing noise-sensitive uses adjacent to the project site.			
4.6 Biological Resources			
4.6-1 Impacts to jurisdictional Waters of the United States and waters of the State.	LS	4.6-1 <i>None required.</i>	N/A
4.6-2 Impacts to special-status plants.	PS	4.6-2 <i>Prior to the issuance of grading permits, the applicant shall ensure that a pre-construction survey for special-status plant species is conducted prior to commencement of construction activities, for the review and approval of the Community Development Director and the California Department of Fish and Game. The survey is to be done to verify the continued absence of special-status plant species identified in the previous surveys.</i>	LS
4.6-3 Impacts to burrowing owl.	PS	4.6-3(a) <i>Prior to the issuance of grading permits, the applicant shall ensure that pre-construction surveys are conducted between April 15 and July 15 by a qualified biologist within the project area to determine the presence of burrowing owls during the height of the nesting season. The survey is to be completed in accordance with the survey requirements of the CDFG and protocol for the California Burrowing Owl Consortium (CBOC) and submitted to the Community Development Director. If site disturbance does not commence within 30 days of the nesting season survey, an additional survey shall be conducted prior to construction.</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>If site disturbance commences during the nesting season, between February 1 and August 31, and burrowing owls are detected on or within 250 feet of the on-site construction areas, a fenced buffer shall be installed not less than 250 feet between the nest burrow(s) and construction activities. The 250 foot buffer shall be observed and the fence left intact until a qualified biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.</i></p> <p>4.6-3(b) <i>Prior to the issuance of grading or construction permits for the project site, the applicant shall pay the applicable HCP/NCCP per-acre fee in effect. Once the per-acre fee is paid, the City will verify that the HCP/NCCP permit terms and conditions have been met and issue take authorization under the HCP/NCCP.</i></p>	
4.6-4 Impacts to Swainson's hawk.	PS	<p>4.6-4(a) <i>Prior to the issuance of grading permits, the applicant shall ensure that pre-construction surveys are conducted between February and August by a qualified biologist within the project area and within a 0.5 mile radius of the project boundary. If nests are not found during the pre-construction survey, further action is not required, other than payment of HCP/NCCP mitigation fees, and required compliance with HCP/NCCP Mitigation Measure 4.6-3(b). If active nests are found, the findings shall be submitted to CDFG and a buffer zone of a minimum of one-quarter mile shall be established around the active nest. Intensive new</i></p>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>disturbances, such as heavy equipment activities associated with construction that may cause nest abandonment or forced fledging, shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during non-breeding season between September and January.</i></p>	
<p>4.6-5 Impacts to nesting raptors and other migratory birds.</p>	<p>PS</p>	<p>4.6-5 <i>If site disturbance commences during the nesting season (February 1 through August 15), a pre-construction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests are not found during the pre-construction survey, further action is not required, other than payment of HCP/NCCP mitigation fees, and required compliance with Mitigation Measure 4.6-3(b). If nests of migratory birds are detected on site or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the applicant shall observe no-disturbance buffers of 75 feet for migratory passerine and 250 feet for birds of prey until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.</i></p> <p><i>Removal of any potential nesting trees or shrubs shall occur between September 1 and January 31, outside of the general avian nesting season. If removal of any potential nesting trees or shrubs occurs, or construction begins, between February 1 and August 31 (nesting</i></p>	<p>LS</p>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>season for passerine or non-passerine land birds) or December 15 and August 31 (nesting season for raptors), the applicant shall have a nesting bird survey performed. The survey shall be done for the review and approval of the Community Development Director, by a qualified biologist within 14 days prior to the removal or disturbance of potential nesting trees or shrubs, or the initiation of other construction activities during the early part of the breeding season (late December through April) and not more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, grasslands, pastures, etc.) in and immediately adjacent to the impact areas for nests.</i></p> <p><i>Active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nesting trees or shrubs. The size of the buffer zone shall be determined by the project biologist in consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted on the project site. Typically, if active nests are found, construction activities shall not take place within 250 feet of the raptor nests and within 75 feet of other migratory birds until the young have fledged. A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding</i></p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<i>on their own. The qualified biologist and CDFG shall be consulted for clearance before construction activities resume on the project site.</i>	
4.6-6 Impacts related to interference with the movement of native wildlife.	LS	4.6-6 <i>None required.</i>	N/A
4.6-7 Impacts related to conflicts with local policies and ordinances.	LS	4.6-7 <i>None required.</i>	N/A
4.6-8 Impacts to existing trees.	PS	4.6-8 <i>Prior to deeming complete site-specific applications for parcels located within the proposed project site, the site plan(s) shall identify all non-orchard trees within the site plan area that are at least in "good" condition (based on the arborist report prepared for the project site), which shall be protected from damage, to the satisfaction of the Community Development Department, and shall be identified on the grading plan. Appropriate protective measures shall be taken to ensure preservation during grading activity and after project occupancy. Any non-orchard tree in at least "good" condition that cannot be preserved in place shall be relocated or replaced, to the satisfaction of the Community Development Department.</i>	LS
4.6-9 Cumulative loss of biological resources in the City of Brentwood and the effects of ongoing urbanization in the region.	PS	4.6-9 <i>Implement Mitigation Measures 4.6-1 through 4.6-8.</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.7 Cultural Resources			
4.7-1 Disturbance or destruction of archaeological resources on the project site.	PS	<p>4.7-1(a) <i>During ground disturbance activities, if any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), all work shall be halted in the vicinity of the find and a qualified archaeologist shall be contacted immediately to make an evaluation to assess possible historic importance or prehistoric significance. If warranted by the discovery of a concentration of artifacts or soil deposits, further work in the discovery area shall be monitored by an archaeologist. If the discovery appears to be an isolated find, monitoring of excavation in the vicinity would be appropriate to confirm this. However, if the discovery appears indicative of a more complex deposit, archaeological investigation shall be undertaken and a limited subsurface test procedure (auger test) shall be performed in the discovery location to determine if any culturally modified soils or more concentrated artifactual remains are present at greater depths.</i></p> <p>4.7-1(b) <i>In the event that any archaeological deposits are discovered during construction or grading, work in the vicinity of the discovery shall be halted until a plan has been submitted to the Community Development Director for the evaluation of the resource, as required under current CEQA Guidelines. In addition, the following</i></p>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>standard archaeological monitoring and spot check procedures shall be implemented in the vicinity of the discovery, following an investigation that determines that potentially significant discoveries have been made:</i></p> <ul style="list-style-type: none"> • <i>Monitoring shall consist of directly watching the major excavation process. Monitoring shall occur during the entire work day, and shall continue on a daily basis until a depth of excavation has been reached at which resources could not occur. This depth is estimated as usually about five feet below grade at the beginning of the project, but may require modification in specific cases, and shall be determined by the monitoring archaeologist based on observed soil conditions. Spot checks shall consist of partial monitoring of the progress of excavation over the course of the project. During spot checks, all spoils material, open excavations, recently grubbed areas, and other soil disturbances shall be inspected to determine if cultural materials are present. The frequency and duration of spot checks shall be based on the relative sensitivity of the exposed soils and active work areas. The monitoring archaeologist shall determine the relative sensitivity of the parcel.</i> • <i>If prehistoric human interments (human burials or skeletal remains) are encountered within the native soils of the parcel, all work should be halted in the immediate vicinity of the find. The County Coroner,</i> 	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>project superintendent, and the Agency Liaison shall be contacted immediately.</i></p> <ul style="list-style-type: none"> • <i>If significant cultural deposits other than human burials are encountered, the project shall be modified to allow the artifacts or features to be left in place, or the archaeological consultant shall undertake the recovery of the deposit or feature. Significant cultural deposits are defined as archaeological features or artifacts that associate with the prehistoric period, the historic era (Mission and Pueblo Periods), and the American era up to about 1950.</i> • <i>Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit shall be stopped, and the excavation inspected by the monitoring archaeologist. If the suspected remains prove to be non-significant or non-cultural in origin, work shall recommence immediately.</i> • <i>If the suspected remains prove to be part of a significant deposit, all work shall be halted in that location until appropriate recordation and (possible) removal has been accomplished. If human remains (burials) are found, the County Coroner shall be contacted to evaluate the discovery area and determine the context; not all discovered human remains reflect Native American origins. However, in all cases where prehistoric or historic era Native</i> 	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>American resources are involved, the Native American Heritage Commission shall be contacted to designate appropriate representatives of the local Native American community, who also should be contacted about their concerns.</i></p> <ul style="list-style-type: none"> • <i>Equipment stoppages shall only involve those pieces of equipment that have actually encountered significant or potentially significant deposits, and should not be construed to mean a stoppage of all equipment on the site unless the cultural deposit covers the entire building site.</i> • <i>During temporary equipment stoppages brought about to examine suspected remains, the archaeologist shall accomplish the necessary tasks with all due speed.</i> <p>4.7-1(c) <i>During construction, if bone is uncovered that may be human, the California Native American Heritage Commission, located in Sacramento, and the Contra Costa County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. In addition, a qualified archaeologist shall be notified immediately so that an evaluation of the remains and the site can be performed.</i></p>	
4.7-2 Impacts to historical structures.	LS	4.7-2 <i>None required.</i>	N/A

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.7-3 Disturbance or destruction of previously unknown archaeological resources in combination with other development in the Brentwood area.	PS	4.7-3 <i>Implement Mitigation Measures 4.7-1(a) through 4.7-1(c).</i>	LS
4.8 Hazards			
4.8-1 Impacts related to exposure to manmade asbestos and lead-based paint.	LS	4.8-1 <i>None required.</i>	N/A
4.8-2 Impacts related to the presence of gas wells.	PS	4.8-2(a) <i>Prior to the issuance of grading permits for Sub-Area 5A, the applicant shall provide a “No Further Action Required” letter from the RWQCB for review by the Contra Costa County Environmental Health Department and the Brentwood Community Development Director and Public Works Department.</i> 4.8-2(b) <i>Prior to the approval of any development within Subareas 3A, 3B, 4, or 5A, the applicant shall demonstrate compliance with Chapter 17.680 of the Brentwood Municipal Code (Oil and Gas Production), to the satisfaction of the Community Development Director.</i>	LS
4.8-3 Impacts related to the presence of pesticide and/or herbicide residues on the project site.	LS	4.8-3 <i>None required.</i>	N/A
4.8-4 Impacts related to soil contamination from the presence	PS	4.8-4(a) <i>During grading and construction activities, if Underground Storage Tanks are encountered, the</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
<p>of underground storage tanks and agricultural irrigation wells.</p>		<p><i>applicant shall hire a licensed contractor to remove the USTs. In addition, the applicant shall obtain a permit from Contra Costa County Environmental Health Department, and properly remove the UST, per review and approval of the Contra Costa County Environmental Health Department. If soils suspected of being contaminated are encountered, they shall be removed in accordance with RWQCB guidelines. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.</i></p> <p>4.8-4(b) <i>During grading and construction activities, if septic systems are encountered, the applicant shall hire a licensed contractor to remove the septic systems. In addition, the applicant shall obtain a permit from Contra Costa County Environmental Health Department, and properly abandon/decommission the septic system, per review and approval of the Contra Costa County Environmental Health Department. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with RWQCB guidelines, and the findings forwarded to the RWQCB for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.</i></p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.8-4(c) <i>Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Contra Costa County Environmental Health Department, and properly abandon the on-site wells, per review and approval of the Contra Costa County Environmental Health Department.</i></p>	
<p>4.8-5 Impacts related to coccidioidomycosis.</p>	<p>PS</p>	<p>4.8-5(a) <i>Prior to construction, the project applicant shall initiate a training and education program for construction workers on-site, as indicated in the Report on Control of Coccidioides immitis (Valley Fever), which was issued in August 1995 by the Kern County Department of Public Health's Valley Fever Task Force. The program shall be reviewed and approved by the Community Development Director.</i></p> <p>4.8-5(b) <i>During construction, the project contractor shall comply with all dust control measures and procedures issued by the Bay Area Air Quality Management District (BAAQMD) in order to decrease exposure to arthrospores present in soil and dust. In addition, all applicable local and State regulations shall be complied with including, but not limited to, the California Labor Code and Title 8 of the California Code of Regulations, Section 3203, which addresses respiratory protection and general industry safety orders, and requires employers to have Injury and Illness Prevention Plans.</i></p>	<p>LS</p>
<p>4.8-6 Impacts related to wildland fires.</p>	<p>LS</p>	<p>4.8-6 <i>None required.</i></p>	<p>N/A</p>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.8-7 Impacts related to ground shaking.	PS	4.8-7 <i>Prior to issuance of a grading permit, the project applicant shall submit and comply with the recommendations in site-specific Geology and Soils Assessment, at the discretion of the City Engineer. The assessment shall be reviewed and approved by the City Engineer or his/her designee. The Geology and Soils Assessment must include, but not be limited to, an assessment of impacts related to ground shaking and include mitigation to minimize harm to structures and humans, including compliance with the latest CBC regulations relating to ground shaking.</i>	LS
4.8-7 Impacts related to operational hazard-related residential, office, and institutional uses.	LS	4.8-7 <i>None required.</i>	N/A
4.8-8 Long-term hazards-related impacts from the proposed project in combination with existing and future developments in the Brentwood area.	LS	4.8-8 <i>None required.</i>	N/A
4.9 Public Services and Utilities			
4.9-1 Adequate water supply and delivery for new residents.	PS	4.9-1(a) <i>Prior to issuance of building permits, the applicant shall be required to pay the City's Water Development Impact Fees.</i> 4.9-1(b) <i>Prior to issuance of building permits, the applicant shall construct and/or show proof of payment of fair-share fees for sizing and construction of water infrastructure</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<i>to service the project, for review and approval of the Public Works Department.</i>	
4.9-2 Adequate wastewater facilities for new residents.	PS	4.9-2(a) <i>Prior to issuance of building permits, the applicant shall be required to pay the City's Wastewater Impact Development Impact Fees.</i> 4.9-2(b) <i>Prior to issuance of building permits, the applicant shall construct and/or show proof of payment of fair-share fees for sizing and construction of wastewater infrastructure to service the project, for review and approval of the Public Works Department.</i>	N/A
4.9-3 Adequate storm drainage facilities for the proposed project.	LS	4.9-3 <i>None required.</i>	N/A
4.9-4 Need for additional waste disposal/recycling services.	LS	4.9-4 <i>None required.</i>	N/A
4.9-5 Adequate ratio of law enforcement personnel to residents.	PS	4.9-5 <i>Prior to issuance of building permits, the applicant shall participate in an existing or new CFD, to the satisfaction of the City Engineer.</i>	LS
4.9-6 Adequate fire protection services available to new residents.	PS	4.9-6(a) <i>Prior to issuance of building permits, the applicant shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the East Contra Costa Fire Protection District. The Chief Building Official shall review the building plans to ensure compliance.</i> 4.9-6(b) <i>Prior to issuance of building permits, the applicant shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,000 gallons per</i>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>minute (GPM). The required fire flow shall be delivered from not more than two fire hydrants flowing simultaneously while maintaining 20 pounds of residual pressure in the main. The City Engineer shall ensure the minimum fire flow requirements are satisfied. Flow requirements will be determined by the ECCFPD prior to issuance of encroachment and/or building permits. The developer shall provide the number and type of fire hydrants required by ECCFPD and the City Engineer. Hydrant locations will be determined by the ECCFPD and the City Engineer prior to building and/or encroachment permit issuance. All applicable connection fees shall be paid at the time of permit issuance.</i></p> <p>4.9-6(c) <i>Prior to construction involving use of flammable materials, the developer shall provide access driveways having all-weather driving surfaces of not less than 20' unobstructed width and not less than 13'6" of vertical clearance to within 150 feet of travel distance to all portions of the exterior walls of every building. Access driveways shall not exceed 16 percent grade, shall have a minimum outside turning radius of 42 feet, and must be capable of supporting imposed loads of fire apparatus (37 tons). Center divide medians on any access roadways shall leave a minimum remaining lane width of 16 feet on each side. Median length shall not exceed 150 feet when a 16-foot lane width is used. A rolled curb and an unobstructed drivable surface on the</i></p>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>median may be used to assist with meeting apparatus turning radius requirements. The City Engineer shall ensure compliance.</i></p> <p>4.9-6(d) <i>Prior to encroachment and/or building permit issuance for improvements, the developer shall submit plans and specifications to the ECCFPD and the City Engineer for review and approval in accordance with codes, regulations, and ordinances administered by the ECCFPD and the State Fire Marshal's office.</i></p>	
4.9-7 Number of enrolled students exceeding capacity.	PS	4.9-7 <i>Prior to issuance of building permits, the applicant shall be required to pay school impact fees.</i>	LS
4.9-8 Adequate provision of parks and recreation space for new residents.	PS	4.9-8 <i>Prior to the recordation of final maps, the applicant shall either dedicate the required amount of park land or pay in lieu fees, for the review and approval of the Community Development Director and the Parks and Recreation Director.</i>	LS
4.9-9 Project impacts on the City of Brentwood Library.	PS	4.9-9 <i>Prior to the recordation of final maps, the Applicant shall pay its fair share for additional library facilities and/or services by participating in an existing or new CFD at the discretion of the Community Development Director.</i>	LS
4.9-10 Impacts to natural gas and electric facilities.	PS	4.9-10(a) <i>Prior to issuance of building permits, applicants shall consult with PG&E and the City of Brentwood to determine the adequacy of existing natural gas and electric facilities to serve the project. The applicant shall be required to pay the project's fair share cost towards the construction of needed improvements identified by PG&E and the City of Brentwood.</i>	

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		4.9-10(b) <i>Prior to initiation of construction activities, the project contractor shall coordinate with PG&E and the City Engineer to identify the location of existing PG&E utilities and determine if relocation of utilities is necessary. If relocation is deemed necessary, prior to construction within existing PG&E utility easements, the contractor shall work with PG&E and the City Engineer to establish a utilities relocation plan, which shall include methods to ensure the provision of utilities during construction of the project.</i>	
4.9-11 Impacts to telephone and cable service.	LS	4.9-11 <i>None required.</i>	N/A
4.9-12 Increase in demand for additional public services and utilities as a result of the proposed project and other projects proposed in the Brentwood area.	LS	4.9-12 <i>None required.</i>	N/A
Initial Study			
<u>II. Agricultural Resources.</u>	<u>PS</u>	<u>II-1</u> <i>Prior to the issuance of a grading permit, the project applicant shall either grant a farmland conservation easement or farmland deed restriction to the City of Brentwood (and/or a “qualifying entity” approved by the City) on a one-to-one land area ratio, or pay an in-lieu fee based on a formula for a one-to-one land area ratio, which shall be established by City Council resolution.</i>	<u>LS</u>

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
VI. Geology and Soils.	PS	<p>VI-1. <i>Prior to issuance of grading permits, the project applicant shall submit, for the review and approval of the City Engineer, an erosion control plan that utilizes Best Management Practices (BMPs) to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainageways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours and back-of-curb prior to installation of landscaping;</i> • <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.</i> <p>VI-2. <i>Prior to the approval of Improvement Plans and building permits, the project proponent shall submit a design-level geotechnical study to the City Engineer for review and approval, which specifically addresses whether expansive soils or soils prone to liquefaction are present in the development area, and includes</i></p>	LS

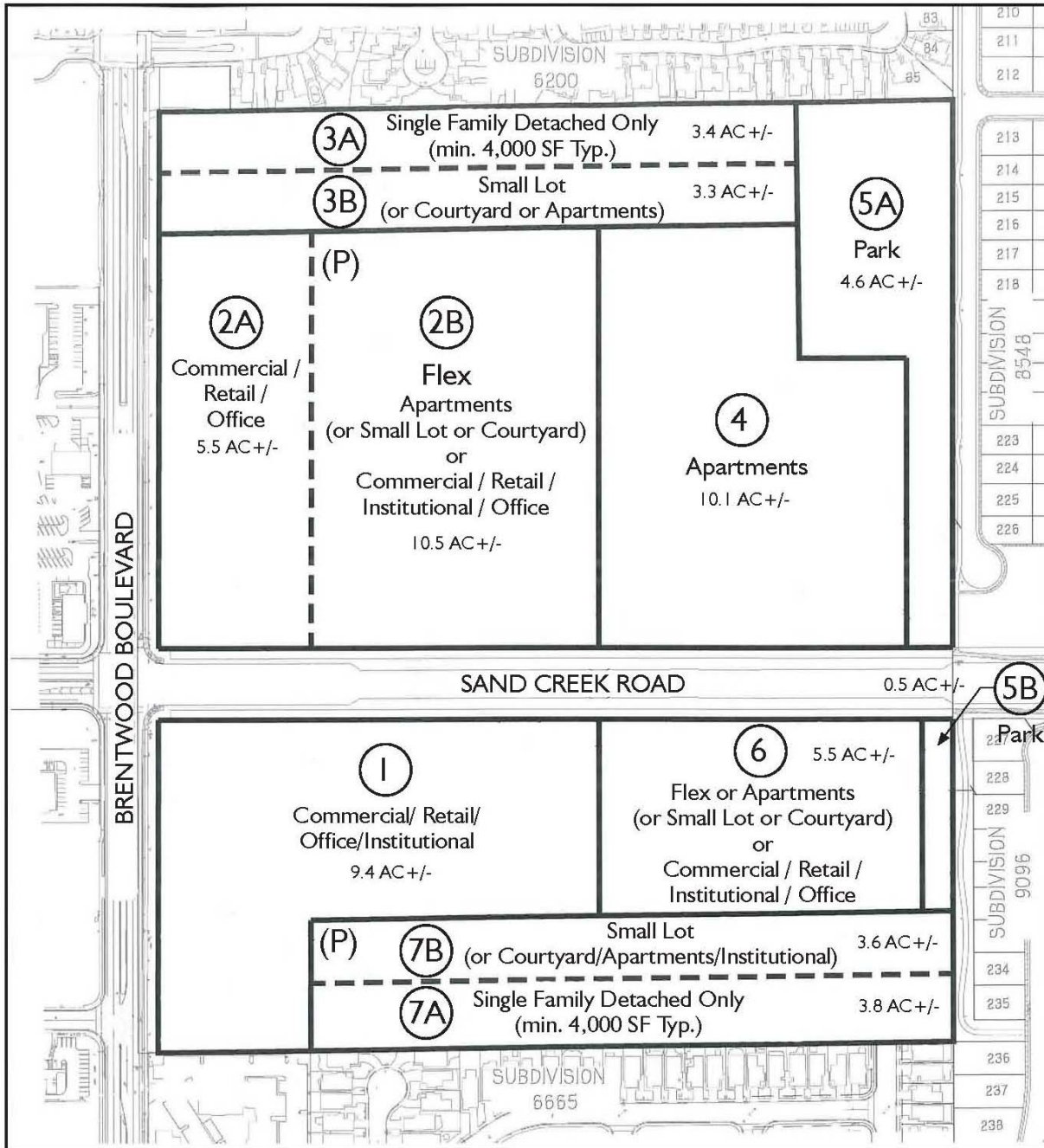
**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>measures to address these soils where they occur. All grading and foundation plans designed by the project Civil and Structural Engineer must be reviewed and approved by the City Engineer and Chief Building Official prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in design. In addition, the applicant of the proposed project shall comply with UBC standards.</i></p> <p>VI-3. <i>Implement Mitigation Measure VI-2.</i></p>	
VIII. Hydrology and Water Quality.	PS	<p>VIII-4. <i>Prior to the issuance of grading permits, the applicant shall obtain and comply with the NPDES General Construction Permit, including the submittal of a Notice of Intent (NOI) and associated fee to the SWRCB, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for review and approval of the City Engineer. The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). The developer shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the developer shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions,</i></p>	LS

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</i></p> <p>VIII-5. <i>Prior to the issuance of building permits, the design of drainage facilities for the project shall meet with the approval of both the City Engineer and the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD).</i></p> <p>VIII-6. <i>Prior to the issuance of building permits, the project applicant shall pay CCCFCWCD drainage fees for the project site.</i></p>	

**Figure 4.1-1
 PD 55 Zoning Development Subarea Map**



Notes:

1. Minor deviations in sub-zone boundaries are allowable to accommodate future development submittals subject to review and approval by the Community Development Department.
2. See Zoning Matrix for full description of PD 55 zoning and land uses for each sub-zone.
3. Floating (P) park symbols are not location- or size-specific. Symbols are not an indication of the necessity of a park within a subarea (see Parks chapter of Guidelines).
4. Sub-area 4 minimum acres = 7 acres.

**Table 4.1-2
PD-55 Zoning Matrix of Land Uses by Sub-Area**

LAND USES ¹	Commercial Emphasis		Flex Com. & Res.	Residential Emphasis			Park Emphasis		Flex Com. & Res.	Residential Emphasis	
	1	2A	2B	3A	3B	4	5A	5B	6	7A	7B
Commercial Uses											
Self-service storage facilities ²	■	■	■						■		
Light industrial uses which generate minimal noise, odor, smoke, and waste material ³	■	■	■						■		
Merchandise and/or General Retail Sales Greater than 75,000 Sq. Ft. for any Single User Building ⁴ (Applies to any Second Single-User Building, or more, located either north or south of Sand Creek Rd.)	■	■	■						■		
Sports bar, lounge, nightclub and similar establishments ⁵	■	■	■						■		
Liquor Stores ⁶	■	■	■						■		
Motor Vehicle Sales ⁷	■	■	■						■		
Construction contractor's and contractor related services and affiliated storage ⁸	■	■	■						■		

1 PD-55 Zoning expressly does not include any mid-range density policy or requirements, physical design is to adhere to the PD-55 Municipal Ordinance and the adopted Sciortino Ranch Design Guidelines, sub-areas are specifically designed to respond to any existing adjacent development by incorporating like densities, uses, or park buffers.

2 Mini-storage or warehouse with or without a resident manager's dwelling unit.

3 Including by way of example, but not limited to, Warehouses, Controlled Manufacturing and Assembly, Printing or Lithography Production establishments, Plastic Fabrication, Electronic and Electrical Product and Instrument Manufacturing, Garment Manufacturing, Furniture Making, Upholstering, Food Processing and similar uses.

4 When calculating Square Footages for a proposed project, the noted 75,000 Sq. Ft. does not include first or second floor business office, personnel, stock room, or loading areas.

5 With on-site sale of beer, wine, and distilled spirits, including establishments which offer food as a secondary use, entertainment and/or dancing.

6 Liquor Stores including by way of example, but not limited to, establishments that sell primarily beer, wine, and distilled spirits.

7 Including Automobile, Motorcycle, Recreational Vehicle and Boat Sales, and similar establishments.

8 Including but not limited to cabinetry, countertop, and sheet metal fabrication shops.

**Table 4.1-2
 PD-55 Zoning Matrix of Land Uses by Sub-Area**

LAND USES ¹	Commercial Emphasis		Flex Com. & Res.	Residential Emphasis			Park Emphasis		Flex Com. & Res.	Residential Emphasis	
	1	2A	2B	3A	3B	4	5A	5B	6	7A	7B
Merchandise and/or General Retail Sales Greater than 75,000 Sq. Ft. for any Single User Building ⁹ (Applies <u>only</u> to One Single-User Building located either north or south of Sand Creek Rd.; see below for any Second Building or more)	■	■	■						■		
Merchandise and/or General Retail Sales Less than 75,000 Sq. Ft. (Applies to any Single-User or Multi-Tenant Building)	■	■	■						■		
Supermarkets or Grocery (with Beer, Wine, and Distilled Spirits sales)	■	■	■						■		
Convenience Store with or without Beer & Wine sales (no Distilled Spirits). Limited to One store as a permitted use in each of the following subareas: 1, 2A and 2B. Any additional convenience must apply for a conditional use permit. ^{10 11}	■	■	■						■		
Pharmacy Establishments with or without Drive-through	■	■	■						■		
Gas Stations, with or without Car Wash and/or Convenience Store	■	■	■						■		
Pet and Pet Supply Stores ¹²	■	■	■						■		
Restaurants ¹³ (with or without Beer & Wine sales) ¹⁴	■	■	■						■		

9 When calculating Square Footages for a proposed project, the noted 75,000 Sq. Ft. does not include first or second floor business office, personnel, stock room, or loading areas.

10 Convenience Store alcoholic beverage sales shall not exceed 40% of total beverages offered and no individual containers of beer may be sold greater than 32 ounces.

11 Sale of newspapers, periodicals, magazines, or other print, analog, or digitally reproduced materials that includes pornographic images is expressly prohibited.

12 Including on-site Veterinary Clinics, excluding boarding of pets for more than 5 days.

13 Including by way of example but not limited to full-service sit-down restaurant establishments.

14 Prior to the issuance of a tenant improvement permit, a copy of the floor plan shall be provided for the review and approval of the Brentwood Police Department specifically identifying where all alcoholic beverages will be stored or displayed and how distribution will be controlled. A sign stating that open alcohol containers shall not be

**Table 4.1-2
 PD-55 Zoning Matrix of Land Uses by Sub-Area**

LAND USES ¹	Commercial Emphasis		Flex Com. & Res.	Residential Emphasis			Park Emphasis		Flex Com. & Res.	Residential Emphasis	
	1	2A	2B	3A	3B	4	5A	5B	6	7A	7B
Restaurants with full kitchen and bar as secondary use ¹⁵ (limited to one restaurant as permitted use in each of the following subareas: 1; 2A; and 2B. Any additional restaurants with secondary bar use must apply for a conditional use permit)	■	■	■						■		
Convenience Restaurants with or without drive-thru service ¹⁶	■	■	■						■		
Specialty Merchandise and Convenience Sales ¹⁷	■	■	■						■		
Video Arcades, indoor Movie Theatre, Bowling Alley, Skating Rink, and similar entertainment establishments	■	■	■						■		
Temporary parking lot display and/or sale areas ¹⁸	■	■	■						■		
Outdoor display, dining, and/or sale of merchandise ¹⁹	■	■	■						■		

removed from designated areas shall be conspicuously displayed within the restaurant to the satisfaction of the Brentwood Police Department. Tables shall be bussed immediately following vacancy in order to ensure that all open alcoholic containers are removed from the seating area.

15 The following regulations apply to any restaurant: Prior to the issuance of a tenant improvement permit, a copy of the floor plan shall be provided for the review and approval of the Brentwood Police Department specifically identifying where all alcoholic beverages will be stored or displayed and how distribution will be controlled. A sign stating that open alcohol containers shall not be removed from the premises shall be conspicuously displayed within the restaurant to the satisfaction of the Brentwood Police Department. Tables shall be bussed immediately following vacancy in order to ensure that all open alcoholic containers are removed from the seating area. Expressly excludes dancing type uses. Secondary bar uses have limited hours of operation 11AM to Midnight. Bar area not to exceed 30% of restaurant floor area (excluding office or kitchen area). Restaurant with Secondary bar use shall not be permitted within 200 feet of a residential use or residential zone.

16 Including by way of example but not limited to Sandwich Shops or Fast-Food establishments.

17 Including by way of example but not limited to Specialty Foods, Delicatessen, Bakery, Pastry, Candy, Ice Cream, Butcher, Meat Market, Wine, Tobacco, Apparel, Jewelry, Cosmetics, Stationery, Shoes & Shoe Repair, Kitchenware, Motor Vehicle Parts, Hobby, specialty interest stores, and similar establishments.

18 Requires approval of a Temporary Use Permit per BMC Chapter 17.850.

19 If outdoor display, dining, and/or sales areas are proposed post formal design review and/or development of a subject building then either: 1) BMC Section 17.900.009 shall apply for uses proposed on private property, or 2) BMC Section 17.900.005 shall apply for uses proposed in the public right of way (excluding any Down Town zone specific regulations).

**Table 4.1-2
 PD-55 Zoning Matrix of Land Uses by Sub-Area**

LAND USES ¹	Commercial Emphasis		Flex Com. & Res.	Residential Emphasis			Park Emphasis		Flex Com. & Res.	Residential Emphasis	
	1	2A	2B	3A	3B	4	5A	5B	6	7A	7B
Commercial services ²⁰	■	■	■						■		
Commercial uses which may or may not manufacture their primary product on the premises ²¹	■	■	■						■		
Business, Institutional, Administrative, Financial, and Professional Offices ²²	■	■	■						■		■
Research and development facilities ²³	■	■	■						■		
Wholesale showrooms and distribution centers	■	■	■						■		
Hotel	■	■	■						■		
Residential Uses²⁴											
Single Family Detached Homes (Min. Lot Size: 4,000 Sq. Ft.)			■	■	■				■	■	■
Small Lot Single Family Homes (Min. Lot Size: 2,100 Sq.Ft.) ²⁵			■		■				■		■
Courtyard Detached Homes – 4 units or fewer (Min. Lot Size: 2,500 Sq.Ft.)			■		■				■		■
Courtyard Detached Homes – 7 units max			■		■				■		■

20 Including by way of example but not limited to Barbershop, Beauty Shop, Hair Salon, Laundry, Dry Cleaning, Laundromat, Electronic, Appliance Sales and Repair, Watch and Clock Repair, Health Club, Recreation Club, Weight Loss, Tanning Studio, Small Equipment Rental and Repair, Real Estate Sales and Rental, Title and Escrow Services, Architectural, Engineering, Legal and Accounting Services, Insurance Agency, Employment Agency, Outpatient Medical, Dental and Optical Services, Technology Access Center, Telecommuting Center, Addressing, Post Box and Mailing Service, Blueprinting, Photostating and Desktop Publishing & Printing Services, Drafting Service, Messenger Service, Stenographic Service, Answering Service, Private Postal Box Service, Travel Agency, Bank Branch, ATM facility, and similar establishments.

21 Including but not limited to Drapery or Upholstery Shop and similar establishments.

22 Including but not limited to large-scale single and/or multi-tenant office uses, such as medical offices, Trade Schools, Colleges, Public and Quasi-Public Offices, Library, Post Office and Utility Office.

23 Including by way of example but not limited to research, office, support and associated warehouse areas.

24 Keeping of domestic animals or pets subject to BMC Chapter 17.670.

25 See the adopted Sciortino Ranch Design Guidelines for lot sizes associated with zipper lots and alley load lots.

Table 4.1-2 PD-55 Zoning Matrix of Land Uses by Sub-Area											
	Commercial Emphasis		Flex Com. & Res.	Residential Emphasis			Park Emphasis		Flex Com. & Res.	Residential Emphasis	
	1	2A	2B	3A	3B	4	5A	5B	6	7A	7B
LAND USES¹ (Min. Lot Size: 2,500 Sq.Ft.)											
Duet Homes (2 Attached Units, Min. Lot Size per Unit: 2,400 Sq. Ft.)			■		■				■		■
Apartments and Condominiums ²⁶			■		■	■			■		■
Park Uses²⁷											
Parks ²⁸							■	■			
Symbol Legend ■ = Permitted Use ²⁹ ■ = Conditional Use Permit Required ³⁰											

26 Multi-family structures shall not exceed thirty (30) dwelling units per gross acre. Permitted uses include accessory uses and facilities related to the primary use including on-site manager quarters, leasing or sales offices, site maintenance areas, carports, recreation buildings and fitness facilities for use by residents and their guests. Signs are subject to BMC Chapter 17.640.

27 Parkland areas are subject to park size minimums described within the adopted Sciortino Ranch Design Guidelines. Park credits are also described in the Design Guidelines. Parks are allowed in all Sub Areas per the Guidelines with specified Park areas located in Sub Area 5A and 5B. Park sub area borders are flexible to accommodate future development designs that better integrate park land use edges.

28 Parkland areas are subject to park size minimums described within the adopted Sciortino Ranch Design Guidelines. Park credits are also described in the Design Guidelines. Parks are allowed in all Sub Areas per the Guidelines with specified Park areas located in Sub Area 5A and 5B. Park sub area borders are flexible to accommodate future development designs that better integrate park land use edges.

29 All proposed developments are to be consistent with the adopted Sciortino Ranch Design Guidelines, as applicable, for each permitted land use. Land uses that are similar in nature and operation to those uses identified within the land use matrix are acceptable subject to approval by the Community Development Director. The decision of the Community Development Director is subject to appeal in accordance with Brentwood Municipal Code (BMC) Chapter 17.880.

30 Symbol notes uses that are required to undergo a conditional use permit process (per BMC Chapter 17.830).

Page 4.3-35 of the Draft EIR, Mitigation Measure 4.3-1, is hereby revised as follows:

- 4.3-1 *The Brentwood Boulevard / Homecoming Way intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's CIP Development Fee Program upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP Development Fee Program upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.*

Page 4.3-35 of the Draft EIR, Mitigation Measure 4.3-2, is hereby revised as follows:

- 4.3-2 *The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit, and be eligible for reimbursement per the City's Development Fee Program. If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.*

Page 4.3-38 of the Draft EIR, Mitigation Measure 4.3-3, is hereby revised as follows:

- 4.3-3 *Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Havenwood Avenue intersection shall be modified by eliminating through and left-turn movements from the intersection's westbound approach, to the satisfaction of the City Engineer. ~~If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project~~*

~~shall include installation of the improvement and be eligible for reimbursement.~~

Pages 4.3-38 and 4.3-39 of the Draft EIR, Mitigation Measure 4.3-4, are hereby revised as follows:

4.3-4 Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Village Drive intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.

The third sentence of the first paragraph on page 4.3-40 of the Draft EIR is hereby revised as follows:

The addition of the proposed project to the Existing Cumulative Plus Approved Proposed Projects scenario results in a significant impact at five study intersections.

Page 4.3-42 of the Draft EIR, Mitigation Measure 4.3-7(b), is hereby revised as follows:

4.3-7(b) Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Sunrise Drive intersection shall be modified by eliminating all left- and right-turn movements at the intersection. This improvement is not currently included in the City's CIP. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.

Page 4.3-42 of the Draft EIR, Mitigation Measure 4.3-7(c), is hereby revised as follows:

4.3-7(c) Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building

permit, the Brentwood Boulevard / Gregory Lane intersection shall be modified by installation of a traffic signal for the intersection. The traffic signal shall be designed to include the Brentwood Boulevard / Beverly Place intersection. ~~This improvement is not currently included in the City's CIP. If the improvement is included in the City's CIP upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's CIP upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.~~

4.5 NOISE

The first bullet point after the third paragraph on page 4.5-12 of the Draft EIR is hereby revised as follows:

- Exposure of persons to, or generation of, exterior and interior noise levels of 60 dB L_{dn} and 45 dB L_{dn}, respectively, for residential uses exposed to transportation noise sources and the Table 4.5-78 standards for residential uses exposed to stationary noise sources;

Page 4.5-21 of the Draft EIR, Mitigation Measure 4.5-2, is hereby revised as follows:

- 4.5-2 ~~Prior to approval of tentative maps or site plans, the tentative maps or site plans shall show that all outdoor activity areas of residential and commercial uses are shielded from traffic noise, for the review and approval of the Community Development Director and the City Engineer. The shielding of residential uses, transient lodging, hospitals, churches/meeting halls, office buildings and schools affected by roadway traffic noise shall comply with the exterior noise level standard of 60 dB L_{dn}/CNEL at the primary outdoor activity area where good speech intelligibility is required. Compliance with the exterior noise level standard shall be achieved through the site design measures (i.e., setbacks, barriers, site design, building façades, and vegetation). Preliminary barrier calculations indicate that barrier heights of approximately 10 feet would be required along Brentwood Boulevard and seven feet along Sand Creek Road. Future detailed analysis may be required by the Community Development Director per future site plan submittals. Where no primary outdoor activity area is included in the project design, the exterior noise level standard may not be applicable. For instance offices, transient lodging, hospitals, etc.~~

may not include or require outdoor activity areas. The City criterion does not apply to commercial uses.

Page 4.5-23 of the Draft EIR, Mitigation Measure 4.5-4(b), is hereby revised as follows:

4.5-4(b) *Where commercial uses adjoin residential uses, and loading docks or large truck circulation routes adjoin residential areas, prior to design review approval, the following mitigation measures shall be included in the project design, to ensure compliance with the noise level standards contained within Table 4.5-7, for review and approval of the Community Development Director. ~~The following mitigation measures may include some or all of the following, or may~~ be modified pending more detailed analysis of future development proposals by an acoustical consultant:*

- *Loading docks should maintain a minimum distance of 100 feet from residential property lines;*
- *Property line barriers should be a minimum of eight feet in height, in order to break line of sight to semi-tractor trailers and shield adjacent residential uses;*
- *Circulation routes for large trucks should be located a minimum of 50 feet from the residential property lines;*
- *Loading dock activities, including truck idling and use of refrigeration units, and shipping/receiving hours shall be limited to daytime hours (7am to 10pm);*
- *All large heating, cooling and ventilation equipment should be located within mechanical rooms or shielded on the ground, where possible;*
- *All roof-top exterior heating, cooling and ventilation equipment shall be shielded from view with solid noise barriers, or parapets; and*
- *Emergency generators shall comply with the local noise criteria.*

3. RESPONSES TO COMMENTS

3

RESPONSES TO COMMENTS

This chapter includes responses to each of the comment letters received on the Sciortino Ranch Draft Environmental Impact Report (Draft EIR). Each bracketed comment letter is followed by numbered responses to each bracketed comment. If revisions to the Draft EIR text are required, added text is double underlined and removed text is ~~struck through~~.

Letter 1

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 30, 2009

Erik Nolthenius
City of Brentwood
104 Oak Street
Brentwood, CA 94513-1396

Re: Draft Environmental Impact Report (DEIR)
SCH #2008112041, Sciortino Ranch

Dear Mr. Nolthenius:

We have completed our review of the DEIR specifically the Traffic Impact Study (TIS) within the document and have significant concerns that our comments and recommendations from the 12/08/09 letter on the NOP were not addressed. The following comments from our previous letter are being resubmitted along with additional information on the Lone Tree Way crossing.

1-1

The proposed project vehicle trips will have direct and cumulative impacts that may require mitigation measures by the project proponent as a result of this project. The mitigation monitoring section of the DEIR needs to include the results of the traffic analysis impacts, proposed mitigation measures, responsible agency and a completion date of improvements. The Commission could be a responsible agency under CEQA section 15381 with the review of this project and needs to be referenced accordingly in the environmental documents depending on the impacts to the rail corridor and at grade rail crossings referenced.

The following at-grade rail crossings; Central Boulevard (CPUC # 001B-61.60) and Lone Tree Way (CPUC # 001B-59.10) need to be included in the Traffic Impact Study (T.I.S) of the DEIR.

1-2

The Central Boulevard crossing is older, however it is built with medians and median mounted gates. The only issue with this crossing is that the median mounted gates do not meet clearances. They are currently only 4 feet to the face of curb and MUTCD requires 4'3" to face of curb. The medians are wide enough, but the median mounted gates need to be relocated more towards the center of the medians and would require longer gates to cover the roadway due to the relocation. Another option is to widen the median to allow for the proper clearance. This option would make the travel lanes narrower.

1-3

The Lone Tree Way crossing is a significantly traveled roadway that connects Brentwood to SR 4 bypass. This crossing was to be grade separated three years after the construction of the Sand Creek Road new crossing application/decision (A.02-03-003/D.02-09-016) in 2002. However, there are some outstanding issues between the City and Union Pacific regarding the grade separation and the lack of funding for construction. The crossing needs to be grade separated due to the high Average daily trips (ADT) at this location.

**Letter 1
Cont'd.**

Erik Nolthenius
City of Brentwood
SCH #2008112041
March 30, 2009
Page 2 of 2

1-4

This Line (Mococo) has not been used in over 20 years. However, Union Pacific is planning to resume service along this line and needs to be included in the traffic impact study within this DEIR.

CPUC also encourages localities to set up mechanisms whereby new developments pay a fair share of their impact costs to fund the above measures for at-grade crossings and rail corridors if not already in an existing Fee program by the City or a Regional Fee program.

Thank you for your consideration of these comments and we look forward to working with the City on this project. If you have any questions in this matter, please call me at (415) 713-0092 or email @ ms2@cpuc.ca.gov.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
515 L Street, Suite 1119
Sacramento, CA 95814

LETTER 1: CALIFORNIA PUBLIC UTILITIES COMMISSION

Response to Comment 1-1

This comment is an introductory paragraph that introduces the comments below. Please refer to Response to Comments 1-2, 1-3, and 1-4.

Response to Comment 1-2

The Central Boulevard at-grade rail crossing median mounted gates currently do not meet the MUTCD required clearances. The proposed project would not increase rail usage or pedestrian traffic through the at-grade crossing. The traffic volumes from the project predicted for the Central Boulevard rail crossing are as follows:

	Direction of Travel	
	Eastbound	Westbound
Project Trips at Central Boulevard Crossing	42 (24)	20 (40)
Total Trips at Central Boulevard Crossing	232 (267)	244 (268)

xx (xx) = AM (PM) Peak-Hour Traffic Volumes
Source: Kimley-Horn & Associates, Inc.

As shown above the proposed project would contribute a maximum of 42 trips during the AM peak-hour. The commenter states in Comment 1-3 that the rail line is not currently in use and has not been used in 20 years. Given that the proposed project would only contribute 42 additional trips and the precise timing for resuming service of the line is not known, any presumed impact to this at-grade crossing caused by the proposed project would be speculative. In addition, the number of vehicle trips created by the project is considered to be insignificant when compared against the number of existing vehicle trips without the project. Therefore, the traffic-related impacts and mitigation measures identified in the Draft EIR are adequate to reduce the proposed project impacts to a less-than-significant level.

Response to Comment 1-3

The commenter is correct; Lone Tree Way is a significantly traveled roadway. As noted further by the commenter, some outstanding issues exist between the City and Union Pacific Railroad (UPRR) regarding the grade separation, and there is a lack of funding for construction at this time. Per the agreement, the City was to begin construction on the grade separation within three years of Sand Creek Road being opened for traffic. This work started with the relocation of Fairview Avenue; thus, the City is in compliance with the timing requirements of the agreement. The required improvements are planned and are being pursued. The City continues to proactively work through the issues with UPRR; however, it is important to note that absent any substantial rail line traffic, the necessity for a grade separation is questionable regardless of the ADT on Lone Tree Way.

Response to Comment 1-4

Given that the precise timing for resuming service of the line is not known, any presumed impact to the Central Boulevard at-grade crossing caused by the proposed project would be speculative, and the improvements to the Lone Tree Way crossing are already planned. In addition, the number of vehicle trips created by the project is considered to be insignificant when compared against the number of existing vehicle trips without the project. Therefore, the Draft EIR adequately identifies traffic-related impacts, and requires mitigation measures sufficient to reduce the proposed project impacts to a less-than-significant level. Improvements to the City's roadway system at the railroad line are included in the City's Development Fee Program; thus, developments are paying their fair share with each permit issued.

Letter 2

NUCP, LLC

NEW URBAN COMMUNITIES PARTNERS
333 Civic Drive, Pleasant Hill, CA 94523
(925) 852-0549 Fax: (925) 852-0546

March 26, 2009

Via Email & Certified U.S. Mail

Erik Nolthenius
Principal Planner
City of Brentwood
118 Oak Street
Brentwood, CA 94513

Re: Sciortino Ranch Project - Comments on Draft EIR

Dear Erik:

2-1

Last month the City circulated the Sciortino Ranch Project Draft EIR for public review, with a March 30 deadline to submit comments. I am writing the following comments on behalf of NUCP, LLC, manager of the property owner entity New Urban Communities/Sciortino, LLC.

2-2

1. Traffic Mitigation 4.3-1 (p.4.3-35). Mitigation Measure 4.3-1 requires the project to pay its fair share of costs for an intersection improvement **if the improvement is included in the City's CIP** when the first building permit is issued. Otherwise the developer must do the work at its own cost and hope for reimbursement. There are three problems with this mitigation.

2-3

A. Amend CIP Now. The CIP must be amended as part of the prescribed mitigation to include this improvement work. Table 4.3-6 shows that other pending or approved projects will add substantial traffic to this intersection, increasing the delay time and contributing to the problem. Table 4.3-11 shows that even without the project, cumulative development will cause a significant impact. All those other projects should begin contributing to fund the work. Sciortino Ranch should not have to bear the burden of fronting costs and then hope that later projects will contribute, if and when the City adds the work to the CIP and adjusts its Transportation Impact Fee ("TIF").

2-4

B. Reconsider Timing of Mitigation. Assuming the CIP is revised, Mitigation 4.3-1 requires Sciortino Ranch to pay the TIF with each building permit, which we agree is reasonable. However, it is premature to require doing the work and paying the entire cost when the first building permit is issued, if the intersection is not in the CIP. The EIR does not support claims that the very first, either retail space occupied or first residential occupancy, will cause enough traffic to trigger the impact. All the EIR

Erik Nolthenius
March 26, 2009
Page 2

**Letter 2
Cont'd**

2-4
Cont'

says is that at buildout there will be too much traffic. The EIR should identify what traffic volume will trigger needing the work. Measure 4.3-1 should be revised to require the City to monitor traffic growth at the intersection and impose the requirement on either Sciortino Ranch or another project when traffic reaches a critical volume. Since this is a cumulative issue, we believe the City rather than Sciortino Ranch should bear the cost of monitoring traffic. Of course, this situation would be avoided if the CIP is revised as a component of the mitigation and the City implements necessary work to address this city-wide need.

2-5

C. Guarantee Reimbursement. The mitigation provides no assurance if or when we would be reimbursed the cost of the work. The City should impose this requirement only if it guarantees reimbursement in a reasonable time of all costs above the project's fair share. Either the EIR or the conditions of approval for the tentative map should address the reimbursement assurances so that in the event the CIP project is not implemented, Sciortino Ranch will be reimbursed.

2-6

2. Traffic Mitigation 4.3-2 (p.4.3-5). Mitigation Measure 4.3-2 would require the developer to do this work if it is not already done by "others". Then it states that if it already has been done, the TIF payment will cover the project's fair share.

2-7

A. Already in CIP? Mentioning the TIF suggests this work already is part of the CIP. If so, the City already should be collecting money and planning to do the work, making it unnecessary for us to do it. If not yet in the CIP (as discussed above in 1.A) it should be added as part of the mitigation. The pending projects and other future development will contribute substantially to the traffic triggering the impact – even without Sciortino Ranch.

2-8

B. Reimbursement? If Sciortino Ranch is required to do and fund the work, there should be a guarantee of reimbursement. Unlike Mitigation 4.3-1, reimbursement is not even mentioned. Either the EIR or the conditions of approval for the tentative map should address the reimbursement assurances so that in the event the CIP project is not implemented, Sciortino Ranch will be reimbursed.

2-9

C. Timing? As discussed above in 1.B., the EIR does not show that traffic from the very first dwelling unit built in the project will trigger a need for this work. The timing should be tied to traffic growth and monitored over the development of individual parcels within Sciortino Ranch.

2-10

3. Traffic Mitigations 4.3-3 and 4.3-4 (p.4.3-38). These two mitigation measures raise the same concerns as Measure 4.3-1 (#1 above). Pending projects and cumulative development will trigger some or all of the impact even without Sciortino Ranch. The work should be added to the CIP as part of the prescribed mitigation so all development in the area pays its fair share, rather than forcing this project to bear the burden and hope for reimbursement.

Erik Nolthenius
March 26, 2009
Page 3

**Letter 2
Cont'd**

2-11

4. Traffic Mitigations 4.3-4(a)-(e) (p.4.3-40+). The EIR recognizes that these mitigations involve cumulative impacts, and Sciortino Ranch will only contribute a share of the traffic increase causing the need for lane improvements and signals. This work must be included in the CIP as part of the prescribed mitigation so that all development pays its fair share. As we requested above, if upfront expenses still occur then reimbursement must be guaranteed. The timing of each improvement should be tied to traffic growth, not automatically triggered by the first building permit.

2-12

5. Noise Mitigation 4.5-2 (p.4.5-21). The EIR recognizes that traffic noise may affect residential uses and other sensitive receptors (see first paragraph under Impact 4.5-2 on page 4.5-17 and bottom of page 4.5-20). However the mitigation calls for shielding “all outdoor activity areas of residential and commercial uses”, and suggests 10-foot-high barriers along Brentwood Boulevard and Sand Creek Road. Please clarify that the City does not mean to require barriers, deep setbacks or other measures for commercial uses along these roads.

The EIR quotes material from the Screencheck Draft Sciortino Ranch Design Guidelines that indicates the opposite (see EIR p.4.2-8): encourage commercial development to be more pedestrian friendly; orient buildings and entry to street frontage; reduce dominant parking fields between buildings and arterial streets. These design recommendations suggest such features as outdoor dining and seating areas facing the street. In fact, on page 5 the Design Guidelines state that the vision for the area is meant to reflect a “downtown urban tone” and “vibrant street edge along Brentwood Boulevard” that includes outdoor dining. The Zoning Matrix on page 9 of the Guidelines (copied on page 4.1-7 of the EIR) lists outdoor dining as a permitted use. Illustrations of suggested architectural styles show umbrella tables outside commercial buildings (see Design Guidelines pages 22 & 23). We recommend changing the word “commercial” in Mitigation 4.5-2 to “other sensitive receptor.”

2-13

6. Noise Mitigation 4.5-4(b) (p.4.5-24). The first bullet item under this mitigation measure states that where commercial uses adjoin residential uses, “loading docks should maintain a minimum distance of 100 feet from residential property lines.” The third bullet item reads: “Circulation routes for large trucks should be located a minimum of 50 feet from the residential property lines.” These limits are too restrictive. They should include the caveat “**unless suitable shielding or other measures are used that avoid significant noise impacts on residential uses.**” This will allow flexibility without sacrificing City control of the design process. It also allows the City to recognize that there may be non-residential uses on the other side of the property line – like an apartment building parking lot – making the 100-foot buffer excessive. Please note Design Guidelines page 149, that shows suggested a buffer zone and masonry wall between retail loading areas and residences. We also note that the EIR itself refers to the Design Guidelines showing “appropriate sound walls and setbacks” (p.4.5-19 under the heading “*Site Design.*”

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**Letter 2
Cont'd**

7. Noise Limits. The EIR is applying noise standards from the General Plan and Noise Ordinance to identify possible noise impacts and recommend restrictions on project design and operations. The noise limits for both commercial and residential uses generally appear to be 60 dBA exterior and 45 dBA interior (EIR Table 4.5-6 on p.4.5-9). By comparison, a short time ago the City approved regulations for development of "PD-51", the Arcadia Mixed-Use Project (Code Chapter 17-506). Code Section 17.506.005.A.1 set the following noise performance standards for the Arcadia area:

At the property line, the maximum sound pressure level radiated by listed uses or facilities shall not exceed the following values:

Light industrial and warehouse – 75dBA
Retail, office, residential – 65dBA

Arcadia PD Section 17.506.005.E applied the following interior noise standard for residences:

Soundproofing. Residential and other acoustically-sensitive activities shall be designed so that interior noise levels due to exterior noise sources do not exceed the peak hour Leq 55dBA.

2-14

The above PD-51 example is but one of six planned developments in the City that share these noise standards (also see PD – 10, 40, 42, 47 & 48). It is unclear exactly how the noise regulations in the General Plan and Noise Ordinance are applied, and how they will affect design and operation of commercial space near residential property. It may be that the Arcadia standards in fact do not allow more noise because of differences in measurement details. For example, while the Arcadia PD wording refers to noise levels at the property line, the Noise Ordinance (City Code Chapter 9.32) seems to allow but discourages taking noise readings at the property line. (See Section 9.32.030.B.2 which refers to the noise level "when measured on any receiving property", Section 9.32.040.A that recommends placing the microphone ten feet or more from the nearest reflective surface, and Section 9.32.040.B that prohibits having the microphone closer than five feet from a wall; but see Section 9.32.030.B.5 which deals with having the measurement taken "on a boundary between two different designated noise zones." We also note that Noise Ordinance Section 9.32.030.B.2 appears to apply the 60/45 limits only to long-term noises (more than 30 minutes in any hour), and actually allows more noise for shorter events (up to 20dB louder).

We ask the City to explain the difference between these two sets of noise limits. If the other six established PD regulations are more flexible, then similar standards should apply to Sciortino Ranch and its mixed use development. We also understand that the City's noise limits are in the lower ranges of the State's recognized norms for suburban development; for example even 70 Ldn db levels are considered "Conditional Acceptable" when proper design incorporates noise attenuation into new development

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2-14
Cont' and construction (State of California General Plan Guidelines, Appendix C, dated 2003, by the Governor's Office of Planning & Research).

We also ask the City to clarify what noise limits and measurement standards are being applied by the EIR, because it seems to contain conflicting and unclear information. The EIR and the technical noise appendix don't answer these questions.

*
2-15 It is unclear where the EIR expects to measure future noise from commercial activity affecting nearby residences. It quotes General Plan Noise Element Action Item 1.2.1, which says that non-transportation noise will not exceed the levels in Table 4.5-7 "at the property line of lands designated for noise-sensitive uses" (p.4.5-10). However, the discussion of Impact 4.5-4 regarding commercial noise effects on residences (p.4.5-22) says nothing about where noise will be measured. At the same time, the measurement of transportation-generated noise apparently is made in the "Outdoor Activity Area" of the residence instead of the property line (see Note 1 in Table 4.5-6 on p.4.5-9 and the discussion of Impact 4.5-2 on p.4.5-17). It is very confusing, and makes us worried that future development plans will become the subject of disagreement over the proper method.

*
2-16 Table 4.5-7 appears to set a stationary noise limit of only 50 dBA as an hourly average and 70 dBA maximum, compared to the 60dB standard in the Noise Ordinance quoted on page 4.5-11. How are these compatible? (Please note a related typing error on page 4.5-12, where the first bullet item is supposed to refer to Table 4.5-7 instead of 4.5-8.)

2-17 Higher density mixed-use development by definition brings residences closer to commercial activity, and more noise must be expected. Applying low noise limits and mitigation requirements will frustrate the City's goal to encourage infill land uses in the City of Brentwood.

2-18 **8. Fee Payment Timing.** Several mitigations call for paying City fees before receiving building permits (see mitigations in Section 4.3 regarding Transportation Impact Fees, Mitigations 4.9-1(a)&(b) and 4.9-2(a)&(b) for water and wastewater related fees, and Mitigation 4.9-7 for schools). Other mitigations require paying fees before getting final maps (4.9-8 for parks, 4.9-9 for libraries, 4.9-10(a) regarding gas and electric facilities). Many cities are deferring payments to encourage development in these difficult economic conditions. School districts and other agencies also are agreeing to postpone fees. We suggest adding to these mitigations wording such as "or at such later time as the City or other agency may allow" to provide flexibility.

2-19 **9. Reimbursement Rights.** Mitigation Measures 4.9-1(b) and 4.9-2(b) require paying fair share fees for water and wastewater pipelines to serve the project, and suggest that the developer may have to install them if they have not already been built. Please add language to the EIR, or the conditions of approval, confirming that the developer will be reimbursed by other projects using the lines.

**Letter 2
Cont'd**

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2-20

10. Climate Change Measures (p.4.4-25). The EIR quotes recommendations from the California Air Pollution Control Officers Association for ways to reduce greenhouse gas emissions, and suggests they be imposed on Sciortino Ranch even though no significant impact is identified. We reserve the right to question if these should be made conditions to the project, but at a minimum they should be revised to make them more realistic and avoid future conflict.

a. Item (a) requires that the trees in parking areas achieve 50 percent cover within 10 years. This should include a qualification like "Strive to achieve." There are restrictions on species that can be planted, watering details, and other issues that may interfere with this goal.

b. Item (b) calls for using "locally-made building materials" in construction. First, it should add "if economically feasible and practical." A local product may be in short supply and have a long delivery wait time, or may be much more expensive. Second, "local" should be defined: is it East Bay, or Bay Area, or California? It is too unclear.

c. In item (d), the second bullet item calls for 75% of buildings to face north or south. The wording "where feasible" should be added. Site restrictions and other private or public considerations may affect ability to satisfy this requirement. For example, because Brentwood Boulevard runs north-south, the project designs envisions larger commercial structures that parallel the road – which also is the City's preference. Those buildings must face west, and their size may prevent achieving 75% .

2-21

11. Minor Correction (p.4.3-40). In the first paragraph, the third sentence should refer to the Cumulative Plus Proposed Project scenario – not "Existing Plus Approved Projects."

We look forward to reviewing the City's responses to these comments.

Sincerely,



Reed Onate
Vice President
NUCP, LLC

C: File 4.1.7; Dave S.; Steve T.

LETTER 2: NEW URBAN COMMUNITIES PARTNERS

Response to Comment 2-1

This comment is an introductory paragraph, and does not address the adequacy of the EIR.

Response to Comment 2-2

This comment sets up the following comments (Comments 2-3, 2-4, and 2-5).

Response to Comment 2-3

The mitigation measure is required for implementation prior to the identified impact associated with the proposed project. As stated in Comment 2-2, the mitigation measure ensures that the identified measure is implemented even if the project is not included in the City's Development Fee Program. Therefore, the mitigation measure adequately reduces the identified impact to a less-than-significant level. The amending of the Development Fee Program now, as suggested by the commenter, does not address the adequacy of the EIR, and will be forwarded to the decision-makers for their consideration. The Development Fee Program is based upon the various master planned facilities that have been identified by the City, and does not include localized improvements that are required due to a project-specific impact.

Response to Comment 2-4

The Traffic Impact Study prepared for the proposed project did not analyze phasing of the required improvements based on the potential phased development of the proposed square footage/units. Therefore, to ensure all impacts are adequately mitigated to a less-than-significant level, the fair-share fees must be paid or the required improvements must be in place prior to residential building permit issuance or prior to the first certificate of occupancy if it is non-residential. Please refer to Response to Comment 2-3 for further discussion of the commenter's request for a Development Fee Program update.

Response to Comment 2-5

If the specific improvement is a master planned facility and is included in the City's Development Fee program, then any applicable reimbursement shall be pursuant to the Development Fee Program.

Response to Comment 2-6

The commenter correctly represents the requirements of Mitigation Measure 4.3-2.

Response to Comment 2-7

If the improvement is completed prior to development of the proposed project, the payment of the project's development fees at the issuance of the building permits would constitute a fair share of the improvements. If the developer constructs the improvements, then any applicable reimbursement will be per the City's Development Fee Program. Therefore, mentioning the Development Fee Program does not necessitate inclusion into the Fee Program. The mitigation measure adequately reduces the identified impact to a less-than-significant level.

Response to Comment 2-8

Comment noted. Based on Comment 2-8, page 4.3-35 of the Draft EIR, Mitigation Measure 4.3-2, is hereby revised as follows:

4.3-2 *The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit, and be eligible for reimbursement per the City's Development Fee Program. If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.*

The details of the reimbursement (if needed) will be included in the project Conditions of Approval. The above revision is for clarification purposes, and does not change the analysis or conclusions of the EIR.

Response to Comment 2-9

Please refer to Response to Comment 2-4.

Response to Comment 2-10

Please refer to Response to Comment 2-3, 2-4, and 2-5.

Response to Comment 2-11

Please refer to Response to Comment 2-3, 2-4, and 2-5.

Response to Comment 2-12

Based on Comment 2-12, page 4.5-21 of the Draft EIR, Mitigation Measure 4.5-2, is hereby revised as follows:

- 4.5-2 *Prior to approval of tentative maps or site plans, the tentative maps or site plans shall show that all outdoor activity areas of residential and commercial uses are shielded from traffic noise, for the review and approval of the Community Development Director and the City Engineer. The shielding of residential uses, transient lodging, hospitals, churches/meeting halls, office buildings and schools affected by roadway traffic noise shall comply with the exterior noise level standard of 60 dB Ldn/CNEL at the primary outdoor activity area where good speech intelligibility is required. Compliance with the exterior noise level standard shall be achieved through the site design measures (i.e., setbacks, barriers, site design, building façades, and vegetation). Preliminary barrier calculations indicate that barrier heights of approximately 10 feet would be required along Brentwood Boulevard and seven feet along Sand Creek Road. Future detailed analysis may be required by the Community Development Director per future site plan submittals. Where no primary outdoor activity area is included in the project design, the exterior noise level standard may not be applicable. For instance offices, transient lodging, hospitals, etc. may not include or require outdoor activity areas. The City criterion does not apply to commercial uses.*

The above revision is for clarification purposes, and does not change the analysis or conclusions of the EIR.

Response to Comment 2-13

As noted on page 4.5-22 of the Draft EIR, noise impacts associated with future uses developed within the commercial retail areas cannot practically be evaluated due to the wide range of variables that will affect such noise generation. Therefore, flexibility was built into the required mitigation to ensure the noise impacts are reduced to a less-than-significant level when more detailed plans are available for City approval. Prior to listing the list of measures in the bullets mentioned by the commenter, Mitigation Measure 4.5-4(b) states, “The following mitigation measures may include some or all of the following, or may be modified pending more detailed analysis of future development proposals by an acoustical consultant.” Therefore, the buffer distances listed are for a generic project and would be modified, under the review and approval of the City, to ensure noise impacts remain less-than-significant. However, to provide additional clarification, page 4.5-23 of the Draft EIR, Mitigation Measure 4.5-4(b), is hereby revised as follows:

- 4.5-4(b) *Where commercial uses adjoin residential uses, and loading docks or large truck circulation routes adjoin residential areas, prior to design*

review approval, the following mitigation measures shall be included in the project design, to ensure compliance with the noise level standards contained within Table 4.5-7, for review and approval of the Community Development Director. The following mitigation measures may include some or all of the following, or may be modified pending more detailed analysis of future development proposals by an acoustical consultant:

- *Loading docks should maintain a minimum distance of 100 feet from residential property lines;*
- *Property line barriers should be a minimum of eight feet in height, in order to break line of sight to semi-tractor trailers and shield adjacent residential uses;*
- *Circulation routes for large trucks should be located a minimum of 50 feet from the residential property lines;*
- *Loading dock activities, including truck idling and use of refrigeration units, and shipping/receiving hours shall be limited to daytime hours (7am to 10pm);*
- *All large heating, cooling and ventilation equipment should be located within mechanical rooms or shielded on the ground, where possible;*
- *All roof-top exterior heating, cooling and ventilation equipment shall be shielded from view with solid noise barriers, or parapets; and*
- *Emergency generators shall comply with the local noise criteria.*

Response to Comment 2-14

It should be noted that the criteria are applied at noise-sensitive uses and, in some cases, both exterior and interior noise level criteria are used. Noise level criteria are not applied to commercial uses. In addition, it should be noted that two types of noise level criteria exist. The criteria contained in Table 4.5-6 are applied to transportation noise sources, such as roadway traffic and railroad operations, and the criteria contained in Table 4.5-7 are applied to stationary noise sources such as on-site activities (loading areas, on-site circulation, HVAC equipment, etc.).

The reason that two separate criteria are used is that the Ldn/CNEL descriptor, as shown in Table 4.5-6, has shown good correlation to transportation noise sources such as roadway traffic, airport operations and, to a lesser extent, railroad operations. These are generally noise sources which occur over a 24-hour period. The Ldn/CNEL descriptors are a 24-hour average noise level, which applies penalties to noise that occurs during evening and nighttime hours. The criteria contained in Table 4.5-7 are based on an hourly average and hourly maximum descriptor. If the Ldn standard is applied to a loading dock, which may only be in operation for two to three hours per day, the noise associated with that loading dock is averaged over a 24-hour period and the potential for annoyance is discounted.

In addition, it should be noted that the City noise level criteria contained in Table 4.5-6 state, “Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL, or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented an interior noise levels are in compliance with this table.”

The commenter’s observations of the Arcadia PD and the City’s Noise Ordinance regulations are noted. The City conducts site-specific reviews of each project, and any associated PD, on a project-by-project basis. The General Plan goals and policies establish 60 dB as the applicable exterior noise threshold and 45 dB as the applicable interior noise threshold. The noise analysis prepared for the proposed project utilized the City’s thresholds of significance, in accordance with CEQA Guidelines Section 15064.7, to determine the noise impacts associated with the development of the proposed project.

Furthermore, it is important to note that if the noise standards suggested by the commenter were adopted for the proposed project, the project’s noise levels would exceed the noise thresholds and the project would result in a significant and unavoidable impact, rather than a less-than-significant impact.

Response to Comment 2-15

Applying the transportation noise source criteria at the outdoor activity areas is a generally accepted procedure and is consistent with the recommendations of the State of California General Plan guidelines. The guidelines for evaluating non-transportation noise sources such as loading docks, HVAC equipment, on-site circulation routes, etc. at a receiving use’s property line are consistent with noise ordinance guidelines. Previously, the State of California had an Office of Noise Control. The State Office of Noise Control produced a Model Noise Ordinance for local municipalities and County governments. The criteria contained in Table 4.5-7 are consistent with those recommendations for evaluating stationary noise sources. In addition, see the discussion on the various noise level descriptors contained in Response to Comment 2-14.

Response to Comment 2-16

A noise ordinance is generally used as an enforcement tool to address noise complaints. As noted above, the General Plan goals and policies establish 60 dB as the applicable exterior noise threshold and 45 dB as the applicable interior noise threshold. The noise analysis prepared for the proposed project utilized the City’s thresholds of significance, in accordance with CEQA Guidelines Section 15064.7, to determine the noise impacts associated with the development of the proposed project.

In addition, based on Comment 2-16, the first bullet point after the third paragraph on page 4.5-12 of the Draft EIR is hereby revised as follows:

- Exposure of persons to, or generation of, exterior and interior noise levels of 60 dB L_{dn} and 45 dB L_{dn}, respectively, for residential uses exposed to

transportation noise sources and the Table 4.5-78 standards for residential uses exposed to stationary noise sources;

The above revision is for clarification purposes, and does not change the analysis or conclusions of the EIR.

Response to Comment 2-17

Please refer to Response to Comment 2-14. The comment does not address the adequacy of the EIR.

Response to Comment 2-18

The timing of the payment of fair-share fees does not address the adequacy of the EIR, as the payment of the fee will be paid prior to full project occupancy. However, the comment will be forwarded to the decision-makers for their review.

Response to Comment 2-19

The details of the reimbursement (if needed) will be included in the project Conditions of Approval.

Response to Comment 2-20

Please note that the measures in question are “recommendations” as stated in the Draft EIR, page 4.4-25. The recommended GHG approach and reduction measures have been changing consistently over the past year. The Conditions of Approval will include up-to-date and realistic measures, which will be consistent with today’s GHG approach and recommended measures.

Response to Comment 2-21

Comment noted. Based on Comment 2-18, the third sentence of the first paragraph on page 4.3-40 of the Draft EIR is hereby revised as follows:

The addition of the proposed project to the ~~Existing Cumulative Plus Approved~~
Proposed Projects scenario results in a significant impact at five study intersections.

The above revision is for clarification purposes, and does not change the analysis or conclusions of the EIR.

Letter 3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
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PHONE (510) 622-5491
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Flex your power!
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March 30, 2009

CC004020
CC-4-38.063
SCH #2008112041

Mr. Erik Nolthenius
City of Brentwood
118 Oak Street
Brentwood, CA 94513

Dear Mr. Nolthenius:

Sciortino Ranch – Draft Environmental Impact Report

- 3-1 Thank you for including the California Department of Transportation (Department) in the environmental review process for the Sciortino Ranch Project. The following comments are based on the Draft Environmental Impact Report (DEIR).

Highway Operations

- 3-2 On page 4.3-21, Figure 4.3-6, please include your analysis of State facilities/mainlines, ramp intersections, and feeder streets in Project Trip Distribution because there is a large percentage of vehicles heading towards State Route 4 (SR) 4 and 4-Bypass. Also, please include analysis of Main Street/SR-160 and SR-4 east of Balfour Road. In addition, the intersection of Brentwood Boulevard/Balfour Road should be included.

Signal Operations

- 3-3 Dedicated dual right turn lanes should be provided at Lone Tree/Brentwood Boulevard; since the eastbound right turn does not have sufficient capacity. In addition, the consultant should address additional SR-4 improvements that are needed if the project occurs in the near future.

At Sand Creek/Brentwood Boulevard, the westbound right turn from Brentwood Boulevard to eastbound Sand Creek requires a dedicated right turn lane. The eastbound left turn from Brentwood Boulevard to eastbound Sand Creek require dual dedicated left turn lanes.

3-4 **Forecasting**

Please justify the large trip reductions assumptions used in the DEIR.

"Caltrans improves mobility across California"

**Letter 3
Cont'd**

Mr. Nolthenius/ City of Brentwood
March 30, 2009
Page 2

3-5

Design

Under the section State Route 4 Bypass, on page 4.3-3, please revise to indicate that the Bypass is expected to be adopted into the state highway system and the existing SR-4 from just south of Main Street Interchange in the City of Oakley to the existing intersection with Marsh Creek Road is expected to be relinquishing to the local agency. Please note that the adoption of the Bypass and relinquishment of the existing SR-4 is subject to the California Transportation Commission (CTC) approval. Therefore, the phrase "Bypass" is a roadway construction project that will replace the existing SR4 is not accurate.

3-6

The DEIR has identified impact and mitigation at intersections along Brentwood Boulevard. Please note that before the relinquishment takes place, all proposed work along Brentwood Boulevard (SR-4) is subject to Department approval and issuance of the Department's encroachment permit is required prior to start of work within State right of way.

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,

LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

"Caltrans improves mobility across California"

LETTER 3: CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment 3-1

This comment is an introductory paragraph, and does not address the adequacy of the EIR.

Response to Comment 3-2

The traffic generation rates and proposed trip distribution included in and analyzed by the Draft EIR are adequate to assess the impacts to the adjacent and regional roadway system. The areas requested for additional study are beyond a reasonable area where potentially significant impacts would occur.

Response to Comment 3-3

The adequacy of the eastbound turn pockets onto Brentwood Boulevard and Lone Tree Way appears to be an existing deficiency that was not caused by this project. The project has evaluated and proposed improvements as mitigation measures for other portions of Brentwood Boulevard. In addition, the improvements suggested in the traffic analysis for the proposed project are sufficient to mitigate the impacts created by the project. Any additional improvements at these facilities are not required per the City's General Plan requirements.

Response to Comment 3-4

As documented in the "Proposed Project Trip Generation" table (Table 4.3-8 in the Draft EIR), the pass-by trip reduction percentage selected is based on the national average for shopping center land uses as provided by the ITE Trip Generation Handbook, Second Edition. The alternate mode reduction was selected per the previously completed Brentwood Boulevard Specific Plan EIR traffic study. Finally, the internal reduction was also calculated using methodology presented in the ITE Trip Generation Handbook, Second Edition.

Response to Comment 3-5

Comment noted. Based on Comment 3-5, the first sentence of the first paragraph on page 4.3-3 of the Draft EIR is hereby revised as follows:

The SR 4 Bypass (Bypass) is a ~~roadway~~ highway construction project that will ~~replace the~~ include the relinquishment to the City of Brentwood and other local agencies of the existing SR 4, from just south of the Main Street Interchange in the City of Oakley to the existing intersection with Marsh Creek Road. The Bypass will be adopted into the State highway system upon various approvals by the local agencies, Caltrans, and the California Transportation Commission.

The above revision is for clarification purposes, and does not change the analysis or conclusions of the EIR.

Response to Comment 3-6

Comment noted.

4. MITIGATION MONITORING PLAN

4

MITIGATION MONITORING PLAN

4.0 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan (MMP) for the Sciortino Ranch project. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMP shall be funded by the applicant.

4.1 MITIGATION MONITORING PLAN

The MMP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Sciortino Ranch project prepared by the City of Brentwood. This MMP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the EIR prepared for the proposed project.

The Sciortino Ranch EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure which:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Brentwood. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Brentwood will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the Community Development Department and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities;
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures;
- Ensuring contractor knowledge of and compliance with the MMP;
- Verifying the accuracy and adequacy of contract wording;
- Having the authority to require correction of activities that violate mitigation measures, securing compliance with the MMP;
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Brentwood;
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures; and
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

4.2 MITIGATION MONITORING PLAN

The following plan indicates the mitigation measure number, the impact the measure is designed to address, the mitigation, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING PLAN SCIORTINO RANCH					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Land Use					
4.1-1	Compatibility with existing or planned surrounding land uses.	<i>4.1-1 Prior to the approval of any permitted use involving the sale of alcohol as the primary means of business (i.e., convenience markets, bars, nightclubs, liquor stores, etc.), drive-thrus, or hours of operation beyond 10:00 pm, the applicant shall be required to prepare a plan detailing the operational and security-related characteristics of the proposed use. Said plan shall be submitted for the review and approval of the Community Development Director and the Chief of Police, and shall be incorporated into the respective design review or tenant improvement permit approval.</i>	Community Development Director and the Chief of Police	Prior to the approval of any permitted use of selling alcohol, having a drive-thru or operating beyond 10:00 pm	
4.3 Transportation and Circulation					
4.3-1	Impacts to the unsignalized intersection of Brentwood Boulevard and Homecoming Way.	<i>4.3-1 The Brentwood Boulevard / Homecoming Way intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer. If the improvement is included in the City's Development Fee Program upon issuance of the project's first building permit, then the project shall contribute to the mitigation by paying its fair share of the cost through the payment of the</i>	City Engineer	If improvement in the City's Development Fee Program, payment upon issuance of the project's first building permit. If improvement not in the City's	

MITIGATION MONITORING PLAN SCIORTINO RANCH					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>City's Transportation Impact Fee with the issuance of each building permit. In the event the improvement has not been added to the City's Development Fee Program upon issuance of the first building permit, then the proposed project shall include installation of the improvement and be eligible for reimbursement.</i>		Development Fee Program, then construction of improvement required	
4.3-2	Impacts to the signalized intersection of Brentwood Boulevard and Grant Street / Sunset Road.	<i>4.3-2 The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit, and be eligible for reimbursement per the City's Development Fee Program. If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</i>	City Engineer	If improvement is not completed by others, prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, otherwise pay fair share with each building permit	

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4.3-3	Impacts to the unsignalized intersection of Brentwood Boulevard and Havenwood Avenue.	<i>4.3-3 Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Havenwood Avenue intersection shall be modified by eliminating through and left-turn movements from the intersection's westbound approach, to the satisfaction of the City Engineer.</i>	City Engineer	Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit	
4.3-4	Impacts to the unsignalized intersection of Brentwood Boulevard and Village Drive.	<i>4.3-4 Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Village Drive intersection shall be modified by eliminating left turns from the intersection's westbound approach, to the satisfaction of the City Engineer.</i>	City Engineer	Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit	
4.3-7	Cumulative impacts to study intersections.	<i>4.3-7(a)The Brentwood Boulevard / Lone Tree Way intersection shall be modified by converting the southbound through-right lane to a through lane and adding a dedicated right-turn lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. If the</i>	City Engineer	If improvement is not completed by others, prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit,	

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		<p><i>modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</i></p> <p>4.3-7(b)<i>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Sunrise Drive intersection shall be modified by eliminating all left- and right-turn movements at the intersection.</i></p> <p>4.3-7(c)<i>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, the Brentwood Boulevard / Gregory Lane intersection shall be modified by installation of a traffic signal for the intersection.</i></p>	<p>City Engineer</p> <p>City Engineer</p>	<p>otherwise pay fair share with each building permit</p> <p>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit</p> <p>Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit</p>	

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		<p>4.3-7(d)<i>The Brentwood Boulevard / Grant Street / Sunset Road intersection shall be modified by converting the northbound right-turn lane into a through-right lane and adding a southbound through lane. If the modification is not already completed by others, then the developer shall be responsible for completing it prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. If the modification is completed prior to any development of the site, then the developer shall pay the project's fair share, with each building permit, through the transportation impact fee. The modification shall be completed to the satisfaction of the City Engineer.</i></p>	City Engineer	If improvement is not completed by others, prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit, otherwise pay fair share with each building permit	
		<p>4.3-7(e)<i>The Brentwood Boulevard / Sand Creek Road intersection shall be modified by converting the southbound through-right lane to a through lane and adding a southbound right turn lane. The developer shall complete the modification prior to issuance of the first residential building permit and/or prior to issuance of a Certificate of Occupancy for the first non-residential building permit. The modification</i></p>	City Engineer	Prior to issuance of the first residential building permit and/or Certificate of Occupancy for the first non-residential building permit	

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		<i>shall be completed to the satisfaction of the City Engineer.</i>			
4.4 Air Quality and Climate Change					
4.4-1	Short-term construction-related air quality impacts.	<p><i>4.4-1 Consistent with guidance from the BAAQMD, prior to issuance of any grading permits, the applicant shall incorporate the following mitigation measures into the construction contract documents, which shall be submitted for the review and approval of the City Engineer:</i></p> <ul style="list-style-type: none"> • <i>Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives;</i> • <i>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;</i> • <i>Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</i> • <i>Sweep daily (preferably with water sweepers) all paved access roads,</i> 	City Engineer	Prior to issuance of any grading permits	

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		<p><i>parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</i></p> <ul style="list-style-type: none"> • <i>Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;</i> • <i>Apply non-toxic soil stabilizers to inactive construction areas;</i> • <i>Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</i> • <i>Limit traffic speeds on unpaved roads to 15 mph;</i> • <i>Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and</i> • <i>Replant vegetation in disturbed areas as quickly as possible.</i> <p><i>The above measures include all feasible measures for construction emissions identified by the Bay Area Air Quality Management District.</i></p>			
4.4-2	Impacts to regional air quality due to project trip generation.	<i>4.4-2(a)Prior to approval of a tentative map or site plan for an individual sub-area, the tentative map or site plan shall show bicycle lanes</i>	Community Development Director and	Prior to approval of a tentative map or site plan	

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		<p><i>and/or paths connected to the community-wide network and sidewalks and/or paths connected to adjacent land uses, transit stops, and/or community-wide network, for approval by the Community Development Director and the City Engineer.</i></p> <p>4.4-2(b) <i>The BAAQMD has identified mitigation measures for reducing emissions from commercial uses. Prior to approval of a site plan, a transportation management plan shall be created and submitted for the approval of the Community Development Director and the City Engineer. The transportation management plan may include the following measures:</i></p> <ul style="list-style-type: none"> • <i>Design and locate buildings to facilitate transit access, such as locating local building entrances near transit stops and eliminating building setbacks;</i> • <i>Provide secure, weather-protected bicycle parking for employees;</i> • <i>Provide safe, direct access for bicyclists to adjacent bicycle routes;</i> • <i>Provide showers and lockers to employees bicycling or walking to work;</i> • <i>Provide secure short-term bicycle</i> 	<p>the City Engineer</p> <p>Community Development Director and the City Engineer</p>	<p>for an individual sub-area</p> <p>Prior to approval of a site plan for commercial uses</p>	

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		<p><i>parking for retail customers and other non-commute trips;</i></p> <ul style="list-style-type: none"> • <i>Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development;</i> • <i>Implement carpool/vanpool programs such as carpool ridematching for employees, assistance with vanpool formation or provision of vanpool vehicles;</i> • <i>Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, and convenience markets;</i> • <i>Provide on-site child care, or contribute to off-site child care within walking distance;</i> • <i>Implement parking fees for single occupancy vehicle commuters;</i> • <i>Use of exterior and interior paints with low quantities of volatile organic compounds;</i> • <i>Implement parking cash-out program for employees (i.e., non-driving employees receive transportation allowances equivalent to value of subsized parking); and</i> • <i>Implement parking cash-out program</i> 			

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		<p><i>for employees (i.e., non-driving employees receive transportation allowance equivalent to value of subsidized parking).</i></p> <p><i>4.4-2(c) Prior to the issuance of building permits, the applicant shall include in the project design the following measures to the satisfaction of the Community Development Director and the Chief Building Official:</i></p> <ul style="list-style-type: none"> <i>• Allow only natural gas fireplaces or stoves in single-family houses. Wood, pellet, or traditional open hearth fireplaces shall not be permitted;</i> <i>• Use of exterior and interior paints with low quantities of volatile organic compounds;</i> <i>• Residences will include outside electrical outlets to allow electric lawn and garden equipment for landscaping; and</i> <p><i>Utilize reflective (or high albedo) and emissive roofs and light colored construction materials where reasonably practical to increase the reflectivity of roads, driveways, and other paved surfaces,</i></p>	Community Development Director and Chief Building Official	Prior to the issuance of building permits	

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		<i>and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.</i>			
4.4-6	Cumulative impacts to regional air quality.	4.4-6 <i>Implement Mitigation Measure(s) 4.4-2(a) through 4.4-2(c).</i>	(See 4.4-2(a) through 4.4-2(c))	(See 4.4-2(a) through 4.4-2(c))	
4.5 Noise					
4.5-2	Impact of traffic noise at future noise-sensitive land uses developed on project site.	4.5-2 <i>Prior to approval of tentative maps or site plans, the tentative maps or site plans of residential uses, transient lodging, hospitals, churches/meeting halls, office buildings and schools affected by roadway traffic noise shall comply with the exterior noise level standard of 60 dB Ldn/CNEL at the primary outdoor activity area where good speech intelligibility is required. Compliance with the exterior noise level standard shall be achieved through the site design measures (i.e., setbacks, barriers, site design, building façades, and vegetation). Preliminary barrier calculations indicate that barrier heights of approximately 10 feet would be required along Brentwood Boulevard and seven feet along Sand Creek Road. Future detailed analysis may be required by the Community Development Director per future site plan submittals. Where no</i>	Community Development Director	Prior to approval of tentative maps or site plans	

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		<i>primary outdoor activity area is included in the project design, the exterior noise level standard may not be applicable. For instance offices, transient lodging, hospitals, etc. may not include or require outdoor activity areas. The City criterion does not apply to commercial uses.</i>			
4.5-3	Impacts related to excessive interior noise levels at future noise-sensitive receptors within the project site.	<p><i>4.5-3(a) Prior to the issuance of building permits for residential uses constructed at the minimum setback along Brentwood Boulevard, the project design shall include glass windows and doors with the sound transmission class (STC) ratings sufficient to mitigate for the predicted traffic noise levels in Table 4.5-11 under the cumulative plus project scenarios. Final design shall be reviewed and approved by the Chief Building Official and/or City Engineer.</i></p> <p><i>4.5-3(b) Prior to the issuance of building permits for commercial, office, and institutional uses, mechanical ventilation systems shall be included in the project design for the review and approval of the Chief Building Official. The use of mechanical ventilation systems would allow occupants to keep windows and doors closed to achieve acoustical isolation from traffic noise.</i></p>	<p>Chief Building Official and/or City Engineer</p> <p>Chief Building Official</p>	<p>Prior to the issuance of building permits for residential uses</p> <p>Prior to the issuance of building permits for commercial, office, and institutional uses</p>	

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		<i>4.5-3(c) Prior to the issuance of building permits for first row residential uses constructed along the Brentwood Boulevard corridor, the project design shall ensure that all attic vents be acoustically baffled in first row residential uses constructed along the Brentwood Boulevard corridor. The baffles shall introduce at least one 90 degree obstruction to the flow of air through the vent. The baffle should be lined with an acoustically absorbent material. Final design shall be reviewed and approved by the Chief Building Official.</i>	Chief Building Official	Prior to the issuance of building permits for first row residential uses along Brentwood Blvd	
4.5-4	Impacts of commercial noise sources on existing and future noise-sensitive uses in the project area.	<i>4.5-4(a) During project review, the Community Development Director shall make a determination as to whether or not the proposed commercial use would likely generate noise levels that could adversely affect the adjacent residential areas. If the determination is made from this review that proposed uses could generate excessive noise levels at noise-sensitive uses, the applicant shall be required to prepare an acoustical analysis consistent with the General Plan Noise Element to ensure that all appropriate noise control measures are incorporated into the project design and to mitigate any noise impacts. Such noise control measures include, but are not limited</i>	Community Development Director	During commercial project review	

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		<p><i>to, use of noise barriers, site-redesign, silencers, partial or complete enclosures of critical equipment, etc.</i></p> <p>4.5-4(b) <i>Where commercial uses adjoin residential uses, and loading docks or large truck circulation routes adjoin residential areas, prior to design review approval, mitigation measures shall be included in the project design to ensure compliance with the noise level standards contained within Table 4.5-7, for review and approval of the Community Development Director. The mitigation measures may include some or all of the following, or may be modified pending more detailed analysis of future development proposals by an acoustical consultant:</i></p> <ul style="list-style-type: none"> • <i>Loading docks should maintain a minimum distance of 100 feet from residential property lines;</i> • <i>Property line barriers should be a minimum of eight feet in height, in order to break line of sight to semi-tractor trailers and shield adjacent residential uses;</i> • <i>Circulation routes for large trucks should be located a minimum of 50 feet from the</i> 	Community Development Director	Prior to design review approval of commercial uses	

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		<p><i>residential property lines;</i></p> <ul style="list-style-type: none"> • <i>Loading dock activities, including truck idling and use of refrigeration units, and shipping/receiving hours shall be limited to daytime hours (7am to 10pm);</i> • <i>All large heating, cooling and ventilation equipment should be located within mechanical rooms or shielded on the ground, where possible;</i> • <i>All roof-top exterior heating, cooling and ventilation equipment shall be shielded from view with solid noise barriers, or parapets; and</i> • <i>Emergency generators shall comply with the local noise criteria.</i> <p><i>4.5-4(c) Prior to approval of site plans within individual sub-areas, the project design shall show, for review and approval of the Community Development Director, where commercial land uses are separated from residential areas by local streets, all loading activities should be located on opposite sides of the buildings from residential uses. This mitigation measure may be modified pending more detailed analysis of future development proposals by an acoustical consultant.</i></p>	Community Development Director	Prior to approval of site plans within individual sub-areas	

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4.5-5	Impacts of neighborhood parks on future noise-sensitive uses within the project area.	<i>4.5-5 During site plan consideration for the parks, the City shall ensure that active recreation areas of neighborhood parks are located as far as possible from residential property lines and masonry walls shall be constructed along property lines adjacent to existing residential uses. In addition, neighborhood parks shall only be open from dawn to dusk. Parks shall be large enough to allow playgrounds to be placed appropriate distances from residences. In addition, new residential developments shall be informed of any planned parks in their vicinity.</i>	Community Development Director	During site plan consideration for parks	
4.5-6	Impacts related to construction noise.	<p><i>4.5-6(a) During construction, the City shall ensure noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way shall be restricted to the hours of 7:30 am to 5:30 pm, Monday through Saturday. Construction is prohibited on Sundays and City holidays unless prior authorization from the Community Development Director is obtained.</i></p> <p><i>4.5-6(b) Prior to the approval of the Improvement Plans or initiation of any grading or construction activity, the applicant/developer shall include the following mitigation measures on the plans</i></p>	<p>Community Development Director</p> <p>City Engineer</p>	<p>During construction</p> <p>Prior to the approval of the Improvement Plans or initiation of any</p>	

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		<p><i>to be approved by the City Engineer:</i></p> <ul style="list-style-type: none"> • Equip all equipment driven by internal combustion engines with intake and exhaust mufflers that are in good condition and appropriate to the equipment. Unnecessary idling of internal combustion engines should be strictly prohibited; • Stationary noise-generating equipment, such as air compressors or portable power generators, must be located the greatest distance applicable from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses; • Utilize “quiet” air compressors and other stationary noise sources where technology exists; • Designate a “disturbance coordinator” who would be responsible for responding to any local complaints regarding construction noise. The disturbance coordinator will determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and 		grading or construction activity	

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		<p><i>will require that reasonable measures warranted to correct the problem be implemented; and</i></p> <p><i>Notify prospective residents within the adjacent subdivision that the development of the commercial portion of the site would generate noise levels during construction that may be considered excessive or annoying.</i></p>			
4.5-8	Cumulative impacts as a result of project-related traffic on existing noise-sensitive uses adjacent to the project site.	4.5-8 <i>Implement Mitigation Measure 4.5-2.</i>	Community Development Director and the City Engineer	Prior to approval of a tentative map or site plan	
4.6 Biological Resources					
4.6-2	Impacts to special-status plants.	4.6-2 <i>Prior to the issuance of grading permits, the applicant shall ensure that a pre-construction survey for special-status plant species is conducted prior to commencement of construction activities, for the review and approval of the Community Development Director and the California Department of Fish and Game. The survey is to be done to verify the continued absence of special-status plant species identified in the previous surveys.</i>	Community Development Director and the California Department of Fish and Game	Prior to the issuance of grading permits	

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4.6-3	Impacts to burrowing owls.	<p><i>4.6-3(a) Prior to the issuance of grading permits, the applicant shall ensure that pre-construction surveys are conducted between April 15 and July 15 by a qualified biologist within the project area to determine the presence of burrowing owls during the height of the nesting season. The survey is to be completed in accordance with the survey requirements of the CDFG and protocol for the California Burrowing Owl Consortium (CBOC) and submitted to the Community Development Director. If site disturbance does not commence within 30 days of the nesting season survey, an additional survey shall be conducted prior to construction.</i></p> <p><i>If site disturbance commences during the nesting season, between February 1 and August 31, and burrowing owls are detected on or within 250 feet of the on-site construction areas, a fenced buffer shall be installed not less than 250 feet between the nest burrow(s) and construction activities. The 250 foot buffer shall be observed and the fence left intact until a qualified biologist determines that the young are foraging independently, the nest has failed, or the owls are not using any burrows within the buffer.</i></p>	Community Development Director	Prior to the issuance of grading permits	

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		<i>4.6-3(b) Prior to the issuance of grading or construction permits for the project site, the applicant shall pay the applicable HCP/NCCP per-acre fee in effect. Once the per-acre fee is paid, the City will verify that the HCP/NCCP permit terms and conditions have been met and issue take authorization under the HCP/NCCP.</i>	Community Development Director	Prior to the issuance of grading or construction permits for the project site	
4.6-4	Impacts to Swainson's hawks.	<i>4.6-4(a) Prior to the issuance of grading permits, the applicant shall ensure that pre-construction surveys are conducted between February and August by a qualified biologist within the project area and within a 0.5 mile radius of the project boundary. If nests are not found during the pre-construction survey, further action is not required, other than payment of HCP/NCCP mitigation fees, and required compliance with HCP/NCCP Mitigation Measure 4.6-3(b). If active nests are found, the findings shall be submitted to CDFG and a buffer zone of a minimum of one-quarter mile shall be established around the active nest. Intensive new disturbances, such as heavy equipment activities associated with construction that may cause nest abandonment or forced fledging, shall not be initiated within this buffer zone between March 1 and September 1. Any</i>	Qualified Biologist and Community Development Director	Prior to the issuance of grading permits	

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		<i>trees containing nests that must be removed as a result of project implementation shall be removed during non-breeding season between September and January.</i>			
4.6-5	Impacts to nesting raptors and other migratory birds.	<p>4.6-5 <i>If site disturbance commences during the nesting season (February 1 through August 15), a pre-construction survey shall be conducted by a qualified wildlife biologist within 15 days of the start of project-related activities. If nests are not found during the pre-construction survey, further action is not required, other than payment of HCP/NCCP mitigation fees, and required compliance with Mitigation Measure 4.6-3(b). If nests of migratory birds are detected on site or within 75 feet (for migratory passerine birds) or 250 feet (for birds of prey) of the site, the applicant shall observe no-disturbance buffers of 75 feet for migratory passerine and 250 feet for birds of prey until August 15, or the qualified biologist determines that the young are foraging independently, or the nest has been abandoned.</i></p> <p><i>Removal of any potential nesting trees or shrubs shall occur between September 1 and January 31, outside of the general avian</i></p>	Qualified Biologist and Community Development Director	If site disturbance commences during the nesting season (February 1 through August 15) or pre-construction survey	

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		<p><i>nesting season. If removal of any potential nesting trees or shrubs occurs, or construction begins, between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or December 15 and August 31 (nesting season for raptors), the applicant shall have a nesting bird survey performed. The survey shall be done for the review and approval of the Community Development Director, by a qualified biologist within 14 days prior to the removal or disturbance of potential nesting trees or shrubs, or the initiation of other construction activities during the early part of the breeding season (late December through April) and not more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, grasslands, pastures, etc.) in and immediately adjacent to the impact areas for nests.</i></p> <p><i>Active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nesting trees or shrubs. The size of the buffer zone shall be determined by the project biologist in</i></p>			

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		<i>consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted on the project site. Typically, if active nests are found, construction activities shall not take place within 250 feet of the raptor nests and within 75 feet of other migratory birds until the young have fledged. A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The qualified biologist and CDFG shall be consulted for clearance before construction activities resume on the project site.</i>			
4.6-8	Impacts to existing trees.	<i>4.6-8 Prior to deeming complete site-specific applications for parcels located within the proposed project site, the site plan(s) shall identify all non-orchard trees within the site plan area that are at least in "good" condition (based on the arborist report prepared for the project site), which shall be protected from damage, to the satisfaction of the Community Development Department, and shall be identified on the grading plan. Appropriate protective measures shall be taken to ensure preservation during grading activity and after project occupancy. Any non-orchard tree in at least "good" condition that cannot be preserved in place</i>	Community Development Department	Prior to deeming complete site-specific applications	

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		<i>shall be relocated or replaced, to the satisfaction of the Community Development Department.</i>			
4.6-9	Cumulative loss of biological resources in the City of Brentwood and the effects of ongoing urbanization in the region.	4.6-9 Implement Mitigation Measures 4.6-2 through 4.6-8.	(See 4.6-2 through 4.6-8)	(See 4.6-2 through 4.6-8)	
4.7 Cultural Resources					
4.7-1	Disturbance or destruction of archaeological resources on the project site.	<p>4.7-1(a) <i>During ground disturbance activities, if any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), all work shall be halted in the vicinity of the find and a qualified archaeologist shall be contacted immediately to make an evaluation to assess possible historic importance or prehistoric significance. If warranted by the discovery of a concentration of artifacts or soil deposits, further work in the discovery area shall be monitored by an archaeologist.</i></p> <p><i>If the discovery appears to be an isolated find, monitoring of excavation in the vicinity would be appropriate to confirm this. However, if the discovery appears indicative</i></p>	Archaeologist and Community Development Director	During ground disturbance activities	

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		<p><i>of a more complex deposit, archaeological investigation shall be undertaken and a limited subsurface test procedure (auger test) shall be performed in the discovery location to determine if any culturally modified soils or more concentrated artifactual remains are present at greater depths.</i></p> <p><i>4.7-1(b)In the event that any archaeological deposits are discovered during construction or grading, work in the vicinity of the discovery shall be halted until a plan has been submitted to the Community Development Director for the evaluation of the resource, as required under current CEQA Guidelines. In addition, the following standard archaeological monitoring and spot check procedures shall be implemented in the vicinity of the discovery, following an investigation that determines that potentially significant discoveries have been made:</i></p> <ul style="list-style-type: none"> <i>• Monitoring shall consist of directly watching the major excavation process. Monitoring shall occur during the entire work day, and shall continue on a daily basis until a depth of excavation has been reached at which resources could not</i> 	Archaeologist and Community Development Director	Discovery of archaeological deposits during construction or grading	

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		<p><i>occur. This depth is estimated as usually about five feet below grade at the beginning of the project, but may require modification in specific cases, and shall be determined by the monitoring archaeologist based on observed soil conditions. Spot checks shall consist of partial monitoring of the progress of excavation over the course of the project. During spot checks, all spoils material, open excavations, recently grubbed areas, and other soil disturbances shall be inspected to determine if cultural materials are present. The frequency and duration of spot checks shall be based on the relative sensitivity of the exposed soils and active work areas. The monitoring archaeologist shall determine the relative sensitivity of the parcel.</i></p> <ul style="list-style-type: none"> <i>• If prehistoric human interments (human burials or skeletal remains) are encountered within the native soils of the parcel, all work should be halted in the immediate vicinity of the find. The County Coroner, project superintendent, and the Agency Liaison shall be contacted immediately.</i> <i>• If significant cultural deposits other than</i> 			

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		<p><i>human burials are encountered, the project shall be modified to allow the artifacts or features to be left in place, or the archaeological consultant shall undertake the recovery of the deposit or feature. Significant cultural deposits are defined as archaeological features or artifacts that associate with the prehistoric period, the historic era (Mission and Pueblo Periods), and the American era up to about 1950.</i></p> <ul style="list-style-type: none"> • <i>Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit shall be stopped, and the excavation inspected by the monitoring archaeologist. If the suspected remains prove to be non-significant or non-cultural in origin, work shall recommence immediately.</i> • <i>If the suspected remains prove to be part of a significant deposit, all work shall be halted in that location until appropriate recordation and (possible) removal has been accomplished. If human remains (burials) are found, the County Coroner</i> 			

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		<p><i>shall be contacted to evaluate the discovery area and determine the context; not all discovered human remains reflect Native American origins. However, in all cases where prehistoric or historic era Native American resources are involved, the Native American Heritage Commission shall be contacted to designate appropriate representatives of the local Native American community, who also should be contacted about their concerns.</i></p> <ul style="list-style-type: none"> <i>Equipment stoppages shall only involve those pieces of equipment that have actually encountered significant or potentially significant deposits, and should not be construed to mean a stoppage of all equipment on the site unless the cultural deposit covers the entire building site.</i> <i>During temporary equipment stoppages brought about to examine suspected remains, the archaeologist shall accomplish the necessary tasks with all due speed.</i> <p>4.7-1(c) During construction, if bone is uncovered that may be human, the California Native</p>	Archaeologist, American Heritage	During construction, if bone is	

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		<i>American Heritage Commission, located in Sacramento, and the Contra Costa County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. In addition, a qualified archaeologist shall be notified immediately so that an evaluation of the remains and the site can be performed.</i>	Commission, and Contra Costa County Coroner	uncovered that may be human	
4.7-3	Disturbance or destruction of previously unknown archaeological resources in combination with other development in the Brentwood area.	4.7-3 <i>Implement Mitigation Measures 4.7-1(a) through 4.7-1(c).</i>	(See 4.7-1(a) - through 4.7-1(c))	(See 4.7-1(a) - through 4.7-1(c))	
4.8 Hazards					
4.8-2	Impacts related to the presence of gas wells.	4.8-2(a) <i>Prior to the issuance of grading permits for Sub-Area 5A, the applicant shall provide a "No Further Action Required" letter from the RWQCB for review by the Contra Costa County Environmental Health Department and the Brentwood Community Development Director and Public Works Department.</i>	Contra Costa County Environmental Health Department and the Community Development	Prior to the issuance of grading permits for Sub-Area 5A	

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		4.8-2(b) <i>Prior to the approval of any development within Subareas 3A, 3B, 4, or 5A, the applicant shall demonstrate compliance with Chapter 17.680 of the Brentwood Municipal Code (Oil and Gas Production), to the satisfaction of the Community Development Director.</i>	Director and Public Works Department Community Development Director	Prior to the approval of any development within Subareas 3A, 3B, 4, or 5A	
4.8-4	Impacts related to soil contamination from the presence of underground storage tanks and agricultural irrigation wells.	4.8-4(a) <i>During grading and construction activities, if Underground Storage Tanks are encountered, the applicant shall hire a licensed contractor to remove the USTs. In addition, the applicant shall obtain a permit from Contra Costa County Environmental Health Department, and properly remove the UST, per review and approval of the Contra Costa County Environmental Health Department. If soils suspected of being contaminated are encountered, they shall be removed in accordance with RWQCB guidelines. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.</i>	Contra Costa County Environmental Health Department	During grading and construction activities	

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		<p>4.2-4(b) During grading and construction activities, if septic systems are encountered, the applicant shall hire a licensed contractor to remove the septic systems. In addition, the applicant shall obtain a permit from Contra Costa County Environmental Health Department, and properly abandon/decommission the septic system, per review and approval of the Contra Costa County Environmental Health Department. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with RWQCB guidelines, and the findings forwarded to the RWQCB for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.</p>	<p>Contra Costa County Environmental Health Department</p>	<p>During grading and construction activities</p>	
		<p>4.8-4(c) Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Contra Costa County Environmental Health Department, and properly abandon the on-site wells, per review and approval of the Contra Costa County Environmental Health Department.</p>	<p>Contra Costa County Environmental Health Department</p>	<p>Prior to initiation of any ground disturbance activities within 50 feet of a well</p>	

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4.8-5	Impacts related to coccidioidomycosis.	<p>4.8-5(a) <i>Prior to construction, the project applicant shall initiate a training and education program for construction workers on-site, as indicated in the Report on Control of Coccidioides immitis (Valley Fever), which was issued in August 1995 by the Kern County Department of Public Health's Valley Fever Task Force. The program shall be reviewed and approved by the Community Development Director.</i></p> <p>4.8-5(b) <i>During construction, the project contractor shall comply with all dust control measures and procedures issued by the Bay Area Air Quality Management District (BAAQMD) in order to decrease exposure to arthrospores present in soil and dust. In addition, all applicable local and State regulations shall be complied with including, but not limited to, the California Labor Code and Title 8 of the California Code of Regulations, Section 3203, which addresses respiratory protection and general industry safety orders, and requires employers to have Injury and Illness Prevention Plans.</i></p>	<p>Community Development Director</p> <p>Bay Area Air Quality Management District (BAAQMD)</p>	<p>Prior to construction</p> <p>During construction</p>	
4.8-7	Impacts related to ground shaking.	4.8-7 <i>Prior to issuance of a grading permit, the project applicant shall submit and comply with the recommendations in site-specific Geology and Soils Assessment, at the</i>	City Engineer	Prior to issuance of a grading permit	

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		<i>discretion of the City Engineer. The assessment shall be reviewed and approved by the City Engineer or his/her designee. The Geology and Soils Assessment must include, but not be limited to, an assessment of impacts related to ground shaking and include mitigation to minimize harm to structures and humans, including compliance with the latest CBC regulations relating to ground shaking.</i>			
4.9 Public Services and Utilities					
4.9-1	Adequate water supply and delivery for new residents.	<p><i>4.9-1(a) Prior to issuance of building permits, the applicant shall be required to pay the City's Water Development Impact Fees.</i></p> <p><i>4.9-1(b) Prior to issuance of building permits, the applicant shall construct and/or show proof of payment of fair-share fees for sizing and construction of water infrastructure to service the project, for review and approval of the Public Works Department.</i></p>	<p>Community Development Director and Public Works</p> <p>Public Works Department</p>	<p>Prior to issuance of building permits</p> <p>Prior to issuance of building permits</p>	
4.9-2	Adequate wastewater facilities for new residents.	<i>4.9-2(a) Prior to issuance of building permits, the applicant shall be required to pay the City's Wastewater Impact Development Impact Fees.</i>	Community Development Director and Public Works	Prior to issuance of building permits	

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		<i>4.9-2(b) Prior to issuance of building permits, the applicant shall construct and/or show proof of payment of fair-share fees for sizing and construction of wastewater infrastructure to service the project, for review and approval of the Public Works Department.</i>	Public Works Department	Prior to issuance of building permits	
4.9-5	Adequate ratio of law enforcement personnel to residents.	<i>4.9-5 Prior to issuance of building permits, the applicant shall participate in an existing or new CFD, to the satisfaction of the City Engineer.</i>	City Engineer	Prior to issuance of building permits	
4.9-6	Adequate fire protection services available to new residents.	<i>4.9-6(a) Prior to issuance of building permits, the applicant shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the East Contra Costa Fire Protection District. The Chief Building Official shall review the building plans to ensure compliance.</i>	The Chief Building Official	Prior to issuance of building permits	
		<i>4.9-6(b) Prior to issuance of building permits, the applicant shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,000 gallons per minute (GPM). The required fire flow shall be delivered from not more than two fire hydrants flowing simultaneously while maintaining 20 pounds of residual pressure in the main. The City Engineer shall ensure the minimum fire flow requirements are satisfied. Flow requirements will be</i>	ECCFPD and the City Engineer	Prior to issuance of building permits	

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		<p><i>determined by the ECCFPD prior to issuance of encroachment and/or building permits. The developer shall provide the number and type of fire hydrants required by ECCFPD and the City Engineer. Hydrant locations will be determined by the ECCFPD and the City Engineer prior to building and/or encroachment permit issuance. All applicable connection fees shall be paid at the time of permit issuance.</i></p> <p>4.9-6(c) <i>Prior to construction involving use of flammable materials, the developer shall provide access driveways having all-weather driving surfaces of not less than 20' unobstructed width and not less than 13'6" of vertical clearance to within 150 feet of travel distance to all portions of the exterior walls of every building. Access driveways shall not exceed 16 percent grade, shall have a minimum outside turning radius of 42 feet, and must be capable of supporting imposed loads of fire apparatus (37 tons). Center divide medians on any access roadways shall leave a minimum remaining lane width of 16 feet on each side. Median length shall not exceed 150 feet when a 16-foot lane width is used. A rolled curb and an unobstructed drivable surface on the median</i></p>	City Engineer	Prior to construction involving use of flammable materials	

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		<p><i>may be used to assist with meeting apparatus turning radius requirements. The City Engineer shall ensure compliance.</i></p> <p>4.9-6(d) <i>Prior to encroachment and/or building permit issuance for improvements, the developer shall submit plans and specifications to the ECCFPD and the City Engineer for review and approval in accordance with codes, regulations, and ordinances administered by the ECCFPD and the State Fire Marshal's office.</i></p>	ECCFPD and the City Engineer	Prior to encroachment and/or building permit issuance for improvements	
4.9-7	Number of enrolled students exceeding capacity.	4.9-7 <i>Prior to issuance of building permits, the applicant shall be required to pay school impact fees.</i>	Community Development Director	Prior to issuance of building permits	
4.9-8	Adequate provision of parks and recreation space for new residents.	4.9-8 <i>Prior to the recordation of final maps, the applicant shall either dedicate the required amount of park land or pay in lieu fees, for the review and approval of the Community Development Director and the Parks and Recreation Director.</i>	Community Development Director and the Parks and Recreation Director	Prior to the recordation of final maps	
4.9-9	Project impacts on the City of Brentwood Library.	4.9-9 <i>Prior to the recordation of final maps, the Applicant shall pay its fair share for additional library facilities and/or services by participating in an existing or new CFD at the discretion of the Community Development Director.</i>	Community Development Director	Prior to the recordation of final maps	
4.9-10	Impacts to natural gas and electric facilities.	4.9-10(a) <i>Prior to issuance of building permits, applicants shall consult with PG&E and the</i>	PG&E and City Engineer	Prior to issuance of building	

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		<p><i>City of Brentwood to determine the adequacy of existing natural gas and electric facilities to serve the project. The applicant shall be required to pay the project's fair share cost towards the construction of needed improvements identified by PG&E and the City of Brentwood.</i></p> <p><i>4.9-10(b) Prior to initiation of construction activities, the project contractor shall coordinate with PG&E and the City Engineer to identify the location of existing PG&E utilities and determine if relocation of utilities is necessary. If relocation is deemed necessary, prior to construction within existing PG&E utility easements, the contractor shall work with PG&E and the City Engineer to establish a utilities relocation plan, which shall include methods to ensure the provision of utilities during construction of the project.</i></p>	PG&E and the City Engineer	<p>permits</p> <p>Prior to initiation of construction activities</p>	
Initial Study					
II.	Agricultural Resources.	<p><i>II-1 Prior to the issuance of a grading permit, the project applicant shall either grant a farmland conservation easement or farmland deed restriction to the City of</i></p>	Community Development Director	Prior to the issuance of a grading permit	

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		<i>Brentwood (and/or a “qualifying entity” approved by the City) on a one-to-one land area ratio, or pay an in-lieu fee based on a formula for a one-to-one land area ratio, which shall be established by City Council resolution.</i>			
VI.	Geology and Soils.	<p><i>VI-1. Prior to issuance of grading permits, the project applicant shall submit, for the review and approval of the City Engineer, an erosion control plan that utilizes Best Management Practices (BMPs) to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>• Hydro-seeding;</i> <i>• Placement of erosion control measures within drainageways and ahead of drop inlets;</i> <i>• The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> <i>• The placement of straw wattles along slope contours and back-of-curb prior to installation of landscaping;</i> <i>• Directing subcontractors to a single designation “wash-out” location (as</i> 	City Engineer	Prior to issuance of grading permits	

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		<p><i>opposed to allowing them to wash-out in any location they desire);</i></p> <ul style="list-style-type: none"> <i>• The use of siltation fences; and</i> <i>• The use of sediment basins and dust palliatives.</i> 			
		<p>VI-2. <i>Prior to the approval of Improvement Plans and building permits, the project proponent shall submit a design-level geotechnical study to the City Engineer for review and approval, which specifically addresses whether expansive soils or soils prone to liquefaction are present in the development area, and includes measures to address these soils where they occur. All grading and foundation plans designed by the project Civil and Structural Engineer must be reviewed and approved by the City Engineer and Chief Building Official prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in design. In addition, the applicant of the proposed project shall comply with UBC standards.</i></p>	<p>City Engineer and Chief Building Official</p>	<p>Prior to the approval of Improvement Plans and building permits</p>	
		<p>VI-3. <i>Implement Mitigation Measure VI-2.</i></p>	<p>City Engineer and Chief</p>	<p>Prior to the approval of</p>	

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			Building Official	Improvement Plans and building permits	
VIII.	Hydrology and Water Quality.	<i>VIII-4. Prior to the issuance of grading permits, the applicant shall obtain and comply with the NPDES General Construction Permit, including the submittal of a Notice of Intent (NOI) and associated fee to the SWRCB, and the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for review and approval of the City Engineer. The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). The developer shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the developer shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum</i>	City Engineer	Prior to the issuance of grading permits	

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		<i>extent practicable.</i>			
		<i>VIII-5. Prior to the issuance of building permits, the design of drainage facilities for the project shall meet with the approval of both the City Engineer and the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD).</i>	CCCFCWCD	Prior to the issuance of building permits	
		<i>VIII-6. Prior to the issuance of building permits, the project applicant shall pay CCCFCWCD drainage fees for the project site.</i>	CCCFCWCD	Prior to the issuance of building permits	