PUBLIC DRAFT

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

FOR THE

SR-4 BYPASS AUTHORITY SURPLUS PROPERTY PROJECT

AUGUST 2017

Prepared for:

City of Brentwood
150 City Park Way
Brentwood, CA 94513
(925) 516-5136

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 949-3231

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

A Land Use Planning, Design, and Environmental Firm

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Proposed Mitigated Negative Declaration for the SR-4 Bypass Authority Surplus Property Project

Lead Agency: City of Brentwood
150 City Park Way
Brentwood, CA 94513

Project Title: SR-4 Bypass Authority Surplus Property Project

Project Location: The project site consists of approximately 5.3 acres located in the northwestern quadrant of the City of Brentwood, bounded by SR-4 to the west, Sand Creek Road to the north, San Jose Avenue to the south, and commercial lots to the east. The project site can be identified by its City of Brentwood Assessor's Parcel Numbers (APNs) 019-110-023 and 019-110-050.

Project Description: The 5.3-acre site is located at the southeast corner of Sand Creek Road and SR-4, in Brentwood, CA. There is currently no development application pending for the site. The City of Brentwood desires preparation of an "umbrella" CEQA document for the project site, which would streamline future development of the site with appropriate regional commercial uses without having to undertake subsequent CEQA review, if and when a project application for site development is received. There are no specific development plans or development proposals currently being processed by the City of Brentwood for the project site.

Given the project site's General Plan land use designation (Regional Commercial) and proposed zoning (PD-6) P.A. 3 Regional Commercial, upon future development, the project site could include a commercial use at no greater than the maximum intensity/density allowed by the Regional Commercial land use designation and the PD-6 zoning provisions. As provided in the City of Brentwood Municipal Code Section 17.456.003, any future development on the project site would not be allowed to exceed a height of 50 feet/3 stories, and the minimum required lot size is 5,000 square feet. The maximum Floor Area Ratio (FAR) is 0.45 (as provided in Table 2.0-2 of the City of Brentwood General Plan EIR). Based on the size of the project site (5.3 acres) and the maximum FAR, a future commercial project on the site could be developed with a maximum of 103,890 square feet of commercial space. Given the required number of parking spaces as provided in the City of Brentwood Municipal Code (1 parking space per 200 square feet of commercial floor space), if the project site were developed at its maximum capacity, the site would also require approximately 520 parking spaces.

Findings:

In accordance with the California Environmental Quality Act, the City of Brentwood has prepared an Initial Study to determine whether the SR-4 Bypass Authority Surplus Property Project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Brentwood staff. On the basis of the Initial Study, the City of Brentwood hereby finds:

> *Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A Mitigated Negative Declaration has thus been prepared.*

The Initial Study, which provides the basis and reasons for this determination, is attached and/or referenced herein and is hereby made a part of this document.

_____ _____

Date

Proposed Mitigation Measures:

The following Mitigation Measures are extracted from the Initial Study. These measures are designed to avoid or minimize potentially significant impacts, and thereby reduce them to an insignificant level. A Mitigation Monitoring and Reporting Program (MMRP) is an integral part of project implementation to ensure that mitigation is properly implemented by the City of Brentwood and the implementing agencies. The MMRP will describe actions required to implement the appropriate mitigation for each CEQA category including identifying the responsible agency, program timing, and program monitoring requirements. Based on the analysis and conclusions of the Initial Study, the impacts of proposed project would be mitigated to less-than-significant levels with the implementation of the mitigation measures presented below.

Mitigation Measure AES-1*: Prior to construction of the proposed project, the developer shall coordinate with the City of Brentwood Planning Commission to ensure that significant new sources of glare are not generated by the proposed project. This may include, but is not limited to, ensuring that the number of and/or location of windows and/or other potential sources of daytime glare that are generated by proposed project buildings, such as reflective siding or other building materials, do not adversely affect day or nighttime views in the area.*

Mitigation Measure AES-2*: In conjunction with development of the proposed project, the developer shall shield all on-site lighting so that nighttime lighting is directed within the project site and does not illuminate adjacent properties. A detailed lighting plan shall be submitted for the review and approval by the Community Development Department and the Public Works Department in conjunction with the project improvement plans. The lighting plan shall indicate the locations and design of the shielded light fixtures.*

Mitigation Measure AG-1*: The Project applicant must preserve agricultural lands by paying an in-lieu fee established by City Council resolution. The fee may be adjusted annually but may not be increased by more than ten percent during any twelve-month period.*

Mitigation Measure AIR-1*: Prior to the issuance of a grading permit, the Applicant/Developer shall prepare an Erosion Prevention and Dust Control Plan. The plan shall be followed by the project's grading contractor and submitted to the Public Works Department, which will be responsible for field verification of the plan during construction.*

The plan shall comply with the City's grading ordinance and shall include the following control measures and other measures as determined by the Public Works Department to be necessary for the proposed project:

- *Cover all trucks hauling construction and demolition debris from the site;*
- *Water all exposed or disturbed soil surfaces at least twice daily;*
- *Use watering to control dust generation during demolition of structures or break-up of pavement;*
- *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;*
- *Sweep daily (with water sweepers) all paved parking areas and staging areas;*
- *Provide daily clean-up of mud and dirt carried onto paved streets from the site;*
- *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- *Limit traffic speeds on unpaved roads to 15 mph;*
- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways;*
- *Replant vegetation in disturbed areas as quickly as possible;*
- *Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;*
- *Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) or construction areas;*
- *Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph;*
- *Limit the area subject to excavation, grading, and other construction activity at any one time;*
- *Unnecessary idling of construction equipment shall be avoided;*

- *Equipment engines shall be maintained in proper working condition per manufacturers' specifications;*
- *During periods of heavier air pollution (May to October), the construction period shall be lengthened to minimize the amount of equipment operating at one time;*
- *Where feasible, the construction equipment shall use cleaner fuels, add-on control devices and conversion to cleaner engines.*

Mitigation Measure AIR-2*: To the extent feasible, construction employees shall be hired from local populations, since it is more likely that they have been previously exposed to the fungus which causes Valley Fever and are therefore immune.*

Mitigation Measure AIR-3*: During periods of high dust in the grading phase, crews must use National Institute for Occupational Safety and Health (NIOSH) approved N95 masks or better or other more stringent measures in accordance with the California Division of Occupational Safety and Health regulations.*

Mitigation Measure AIR-4*: The operator cab of area grading and construction equipment must be enclosed and air-conditioned.*

Mitigation Measure BIO-1*: ECCCHCP. Prior to the issuance of grading or construction permits for the project site, the developer shall submit an application and obtain coverage under the ECCCHCP. This will include payment of the applicable ECCCHCP per- acre fee in effect for Zone I in compliance with Section 16.168.070 of the Brentwood Municipal Code. The developer shall receive a Certificate of Coverage from the City of Brentwood and submit a construction monitoring report to the ECCC Habitat Conservancy for review and approval. The Certificate of Coverage will confirm the fee has been received, that other ECCC HCP/NCCP requirements have been met or will be performed, and will authorize take of covered species.*

Mitigation Measure BIO-2a*: San Joaquin Kit Fox. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service, 1999). Preconstruction surveys shall be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, Mitigation Measure BIO-2b shall be implemented.*

Mitigation Measure BIO-2b*: San Joaquin Kit Fox. If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW– approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used. Unoccupied dens shall be destroyed immediately to prevent subsequent use. If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.*

If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is

still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

***Mitigation Measure BIO-3a**: Burrowing Owl. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys shall establish the presence or absence of Western Burrowing Owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game, 1995).*

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys shall take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1– August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1– January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted. Copies of both surveys shall be submitted to ECCC Habitat Conservancy and the City for review and approval.

***Mitigation Measure BIO-3b**: Burrowing Owl. If burrowing owls are found during the breeding season (February 1– August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non- disturbance buffer zone (described below). Construction shall occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1– January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).*

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for a week to confirm that the owl has abandoned the burrow. Whenever possible burrows shall be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game, 1995). Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

***Mitigation Measure BIO-4a**: Swainson's Hawk. Prior to any ground disturbance during the nesting season (March 15-September 15), a qualified biologist shall conduct a preconstruction survey no more than 1 month prior to construction*

to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet of the project site are found, then their occupancy shall be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required (as provided in Mitigation Measure BIO-4b, below). A copy of the preconstruction survey shall be submitted to the ECCC Habitat Conservancy and the City for review and approval.

***Mitigation Measure BIO-4b**: Swainson's Hawk. If occupied nests are located within 1,000 feet of the project site, during the Swainson's hawk nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the Implementing Entity shall coordinate with California Department of Fish and Wildlife (CDFW)/United States Fish and Wildlife (USFWS) to determine the appropriate buffer size. If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the ECCC Habitat Conservancy and the City for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place. No trees shall be removed during project construction. All active nest trees shall be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities shall be mitigated by the project proponent according to the requirements of Mitigation Measure BIO-4c (below).*

***Mitigation Measure BIO-4c**: Swainson's Hawk. The loss of non-riparian Swainson's hawk nest trees shall be mitigated prior to project operation by the project proponent by:*

If feasible on-site, planting 15 saplings for every tree lost with the objective of having at least 5 mature trees established for every tree lost according to the requirements listed below, and either:

1. Pay the Implementing Entity an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR

2. The project proponent will plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Implementing Entity (e.g., within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.

The following requirements shall be met for all planting options:

- *Tree survival shall be monitored at least annually for 5 years, then every other year until year 12. All trees lost during the first 5 years will be replaced. Success will be reached at the end of 12 years if at least 5 trees per tree lost survive without supplemental irrigation or protection from herbivory. Trees must also survive for at least three years without irrigation.*

- *Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival.*

- *Native trees suitable for this site should be planted. When site conditions permit, a variety of native trees will be planted for each tree lost to provide trees with different growth rates, maturation, and life span, and to provide a variety of tree canopy structures for Swainson's hawk. This variety will help to ensure that nest trees will be available in the short term (5-10 years for cottonwoods and willows) and in the long term (e.g., Valley oak, sycamore). This will also minimize the temporal loss of nest trees.*

- *Riparian woodland restoration conducted as a result of covered activities (i.e., loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species.*

- *Whenever feasible and when site conditions permit, trees should be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site).*

- *Whenever feasible, plantings on the site should occur closest to suitable foraging habitat outside the UDA.*

Trees planted in the HCP/NCCP preserves or other approved offsite location will occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat.

***Mitigation Measure CL-1**: Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Community Development Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.*

***Mitigation Measure CL-2**: Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.*

***Mitigation Measure GEO-1**: All project buildings shall be designed in conformance with the current edition of the California Building Code (CBC).*

***Mitigation Measure GEO-2**: All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer 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 the project design.*

***Mitigation Measure GEO-3**: Prior to grading permit issuance, the applicant shall submit a final geotechnical evaluation of the project site that analyzes soil stability including soil expansion, and the potential for lateral spreading, subsidence, liquefaction or collapse. The report shall identify any on site soil and seismic hazards and provide design recommendations for onsite soil and seismic conditions. The geotechnical evaluation shall be reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design.*

***Mitigation Measure GEO-4**: Prior to grading permit issuance, the applicant shall submit a final grading plan to the Director of Public Works/City Engineer for review and approval. If the grading plan differs significantly from the proposed grading illustrated on the approved project plans, plans that are consistent with the new revised grading plan shall be provided for review and approval by the Director of Public Works/City Engineer.*

***Mitigation Measure GEO-5**: Any applicant for a grading permit shall submit an erosion control plan to the Director of Public Works/City Engineer for review and approval. The plan shall identify protective measures to be taken during construction, supplemental measures to be taken during the rainy season, the sequenced timing of grading and*

construction, and subsequent revegetation and landscaping work to ensure water quality in creeks and tributaries in the General Plan Area is not degraded from its present level. All protective measures shall be shown on the grading plans and specify the entity responsible for completing and/or monitoring the measure and include the circumstances and/or timing for implementation.

***Mitigation Measure GEO-6**: Grading, soil disturbance, or compaction shall not occur during periods of rain or on ground that contains freestanding water. Soil that has been soaked and wetted by rain or any other cause shall not be compacted until completely drained and until the moisture content is within the limit approved by a Soils Engineer. Approval by a Soils Engineer shall be obtained prior to the continuance of grading operations. Confirmation of this approval shall be provided to the Public Works Department prior to commencement of grading.*

***Mitigation Measure HAZ-1**: Prior to initiation of any ground disturbance activities, evenly distributed soil samples shall be conducted throughout the proposed project property for analysis of pesticides and heavy metals. The samples shall be submitted for laboratory analysis of pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling shall be submitted to the City of Brentwood. If elevated levels of pesticides or heavy metals are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.*

***Mitigation Measure HYD-1**: Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The Developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor 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 extent practicable.*

***Mitigation Measure HYD-2**: Prior to the completion of construction, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the permanent occupancy of the site, the applicant shall be responsible for executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Brentwood. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.*

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:

- *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.*
- *Replace and amend plants and soils as necessary to insure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.*
- *Visually inspect for ponding water to ensure that filtration is occurring.*
- *After all major storm events remove bubble-up risers for obstructions and replace if necessary.*
- *Continue general landscape maintenance, including pruning and cleanup throughout the year.*
- *Excavate, clean and or replace filter media (sand, gravel, topsoil) to insure adequate infiltration rate (annually or as needed).*

***Mitigation Measure HYD-3**: Design of all on-site and/or downstream drainage facilities shall meet with the approval of both the Director of Public Works/City Engineer and the Contra Costa County Flood Control and Water Conservation District prior to the issuance of grading permits.*

Mitigation Measure HYD-4*: Contra Costa County Flood Control and Water Conservation District drainage fees for the Drainage Area shall be paid prior to issuance of grading permits to the satisfaction of the Director of Public Works/City Engineer.*

Mitigation Measure HYD-5*: The Applicant/Developer shall ensure that the project site shall drain into a street, public drain, or approved private drain, in such a manner that un-drained depressions shall not occur. Satisfaction of this measure shall be subject to the approval of the Director of Public Works/City Engineer.*

Mitigation Measure HYD-6*: The improvement plans shall indicate concentrated drainage flows not crossing sidewalks or roadways for the review and approval of the Director of Public Works/City Engineer prior to the issuance of grading permits.*

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INITIAL STUDY

PROJECT TITLE

SR-4 Bypass Authority Surplus Property

LEAD AGENCY NAME AND ADDRESS

City of Brentwood
150 City Park Way
Brentwood, CA 94513

CONTACT PERSON AND PHONE NUMBER

Jeff Zilm, Senior Planner
City of Brentwood
Community Development Department
(925) 516-5136

PROJECT SPONSOR'S NAME AND ADDRESS

City of Brentwood
150 City Park Way
Brentwood, CA 94513

PURPOSE OF THE INITIAL STUDY

An Initial Study (IS) is a preliminary analysis which is prepared to determine the relative environmental impacts associated with a proposed project. It is designed as a measuring mechanism to determine if a project will have a significant adverse effect on the environment, thereby triggering the need to prepare an Environmental Impact Report (EIR). It also functions as an evidentiary document containing information which supports conclusions that the project will not have a significant environmental impact or that the impacts can be mitigated to a "Less Than Significant" or "No Impact" level. If there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, the lead agency shall prepare a Negative Declaration (ND). If the IS identifies potentially significant effects, but: (1) revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment, then a Mitigated Negative Declaration (MND) shall be prepared.

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the proposed SR-4 Bypass Authority Surplus Property Project (project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Mitigated Negative Declaration (MND) will be prepared.

BACKGROUND

On July 22, 2014, the City of Brentwood City Council adopted a comprehensive General Plan Update, which was last updated in 1993 (a partial update involving the Growth Management, Land Use, and Circulation Elements was completed in 2001). An Environmental Impact Report (EIR) was prepared for the General Plan Update, which addressed the potential impacts associated with full build-out of the General Plan Land Use Diagram. The 2014 Brentwood General Plan Update EIR was certified by the Brentwood City Council on July 22, 2014. The General Plan Update Land Use Map designates the project site, located at the southeast corner of Sand Creek Road and SR-4, as Regional Commercial (RC). Any future development of the project site is assumed to be consistent with the uses and densities allowed under the existing Regional Commercial General Plan Land Use Designation. The project site is currently located with the area of the City's Zoning Map identified as Planned Development (PD-6). While the site is within the boundaries of the PD-6 zone, the site is currently zoned right-of-way, and as such, development of the site is not allowed under the current zoning provisions. The proposed project includes a rezone of the site from right-of-way to P.A. 3 Regional Commercial within the PD-6 zoning district.

Any future development of the project site must be compliant with the development and use standards established by the P.A. 3 Regional Commercial standards established within the PD-6 zoning district.

As stated above, the site is currently designated Regional Commercial by the Brentwood General Plan, and no changes to this General Plan designation of RC are proposed. Given the project's consistency with the allowed uses established by the General Plan, the proposed project would fall within the growth and buildout assumptions described in the 2014 Brentwood General Plan Update EIR. Therefore, in accordance with Section 15150 of the CEQA Guidelines (Section 21083.3 of the Public Resources Code), this Initial Study will tier from the previously certified Environmental Impact Report (EIR) (SCH# 2014022058) prepared for the Brentwood General Plan Update.

PROJECT SITE HISTORY

The SR-4 Bypass Authority is in the process of selling some surplus property at the southeast corner of Sand Creek Road and SR-4, totaling approximately 5.3 acres (the proposed project). This property was originally acquired by the SR-4 Bypass Authority approximately 15 years ago based on a different interchange design, and is no longer needed. The sale of the property was authorized on October 9th, 2016 by the SR-4 Bypass Authority Board of Directors. As of the writing of this environmental document, the project site has not yet been sold by the Bypass Authority.

The City of Brentwood is interested in how this property develops in the future, as it is in a key location within the City along the SR-4 corridor, in an area designated for Regional Commercial (RC) development by the Brentwood General Plan. The City of Brentwood has elected to commence environmental review of potential future development of the project site, consistent with the uses allowed and established by the Regional Commercial Land Use Designation in the Brentwood General Plan, and the existing P.A. 3 Regional Commercial standards and provisions

established by the PD-6 zoning district Brentwood Zoning Code. However, it should be noted that the project site would be required to undergo a zoning change from road right-of way (PD-6) to P.A. 3 Regional Commercial (PD-6). No specific development projects on the project site are currently proposed.

PROJECT LOCATION AND SETTING

PROJECT LOCATION

The project site consists of approximately 5.3 acres located in the northwestern quadrant of the City of Brentwood, bounded by SR-4 to the west, Sand Creek Road to the north, San Jose Avenue to the south, and commercial lots to the east. The project site can be identified by its City of Brentwood Assessor's Parcel Numbers (APNs) 019-110-023 and 019-110-050.

The project's regional location is shown in Figure 1 and the project area and site boundary are shown in Figure 2.

EXISTING SITE USES

The project site is currently an undeveloped, vacant lot. Grasses cover the vast majority of the site. A low-height metal fence runs along the length of the site, from north to south, roughly parallel to SR-4. A Contra Costa Water District (CCWD) Los Vaqueros pipeline air valve is located within the central-eastern portion of the site, adjacent to the nearby existing off-site parking lot, and a CCWD concrete maintenance manhole is located within the southern portion of the site. A wooden fence runs along the southern boundary of the project site. In addition, a single PG&E electric transmission tower is located in the northwest quadrant of the site.

SURROUNDING LAND USES

The project site is predominantly surrounded by residential and commercial uses. The areas to the east and north of the project site include varied commercial and office uses, located within two large shopping center complexes (which include restaurants, retail stores, a grocery store, and a realty office). The land uses to the southeast and southwest of the project site, beyond San Jose Avenue, include Residential Low Density (R-LD) land uses. The area to the west of the project site, beyond SR-4, is also designated R-LD; however, this area is currently a vacant lot. The project site borders SR-4 to the west, Sand Creek Road to the north, and San Jose Avenue to the south.

GENERAL PLAN AND ZONING DESIGNATIONS

The project site is currently designated Regional Commercial (RC) by the City of Brentwood General Plan Land Use Map and is zoned as Planned Development 6 (PD-6) road right-of-way. No changes to the existing General Plan designation are proposed. However, the proposed project includes a rezone to Planned Development 6 (PD-6) P.A. 3 Regional Commercial.

PROJECT DESCRIPTION

The 5.3-acre site is located at the southeast corner of Sand Creek Road and SR-4, in Brentwood, CA. There is currently no development application pending for the site. The City of Brentwood desires preparation of an "umbrella" CEQA document for the project site, which would streamline future development of the site with appropriate regional commercial uses without having to undertake subsequent CEQA review, if and when a project application for site development is received. There are no specific development plans or development proposals currently being processed by the City of Brentwood for the project site.

Given the project site's General Plan land use designation (Regional Commercial) and proposed zoning (PD-6) P.A. 3 Regional Commercial, upon future development, the project site could include a commercial use at no greater than the maximum intensity/density allowed by the Regional Commercial land use designation and the PD-6 zoning provisions. As provided in the City of Brentwood Municipal Code Section 17.456.003, any future development on the project site would not be allowed to exceed a height of 50 feet/3 stories, and the minimum required lot size is 5,000 square feet. The maximum Floor Area Ratio (FAR) is 0.45 (as provided in Table 2.0-2 of the City of Brentwood General Plan EIR). Based on the size of the project site (5.3 acres) and the maximum FAR, a future commercial project on the site could be developed with a maximum of 103,890 square feet of commercial space. Given the required number of parking spaces as provided in the City of Brentwood Municipal Code (1 parking space per 200 square feet of commercial floor space), if the project site were developed at its maximum capacity, the site would also require approximately 520 parking spaces.

Future development of the project site with regional commercial uses at the development intensity identified above would be compliant with the General Commercial (GC) land use designation established in the General Plan. The City of Brentwood General Plan identifies the GC designation as allowing for concentrations of a variety of mixed commercial uses and service type businesses to serve specific areas of the city and neighborhoods related to SR-4 and some arterial intersections, on parcels generally ranging from one to 20 acres. Depending upon the size of the future development on the project site, a single major tenant (e.g. supermarket or small department store) or a single small tenant (e.g. convenience store) may provide the anchor. As a secondary use, independent small businesses (e.g. hair salons, shoe repair, offices, and restaurants) would also be allowed.

As described above, there are no specific development proposals or entitlement requests for the project site currently known to the City of Brentwood. The analysis in this IS/MND addresses the potential environmental impacts associated with the future development and operation of regional commercial uses at the maximum densities and intensities allowed by the Brentwood General Plan and Zoning Code.

Any future development project proposed for the project site that falls within the development assumptions identified above would not be required to undergo subsequent environmental review prior to project approval, if the project complies with and properly implements all

applicable General Plan requirements and mitigation measures identified in this IS/MND. Future development applications would be subject to the City's design review criteria and requirements.

REQUESTED ENTITLEMENTS AND OTHER APPROVALS

The City of Brentwood is the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050.

This document will be used by the City of Brentwood to take the following actions:

- Rezone the site to PD-6, P.A. 3 Regional Commercial
- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)

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SR 4 BYPASS AUTHORITY SURPLUS PROPERTY

Figure 1: Regional Location Map

Sources: CalAtlas. Map date: March 7, 2017.

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SR 4 BYPASS AUTHORITY SURPLUS PROPERTY

Figure 2. Project Area

Legend

Project Boundary

N

0 150 300

Feet

1:6,000

Sources: City of Brentwood; Contra Costa County; OpenStreets. Map date: April 18, 2017.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forest Resources		Air Quality
	Biological Resources		Cultural Resources		Geology/Soils
	Greenhouse Gasses		Hazards and Hazardous Materials		Hydrology/Water Quality
	Land Use/Planning		Mineral Resources		Noise
	Population/Housing		Public Services		Recreation
	Transportation/Traffic		Utilities/Service Systems		Mandatory Findings of Significance
	Tribal Cultural Resources				

DETERMINATION:

On the basis of this initial evaluation:

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

Signature Date

EVALUATION INSTRUCTIONS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a) Earlier Analysis Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
    a) The significance criteria or threshold, if any, used to evaluate each question; and
    b) The mitigation measure identified, if any, to reduce the impact to less than significance

EVALUATION OF ENVIRONMENTAL IMPACTS:

In each area of potential impact listed in this section, there are one or more questions which assess the degree of potential environmental effect. A response is provided to each question using one of the four impact evaluation criteria described below. A discussion of the response is also included.

- Potentially Significant Impact. This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- Less than Significant With Mitigation Incorporated. This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- Less than Significant Impact. A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.
- No Impact. These issues were either identified as having no impact on the environment, or they are not relevant to the Project.

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ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 19 environmental topic areas.

I. AESTHETICS -- WOULD THE PROJECT:

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The City of Brentwood is located in the eastern valley area of Contra Costa County, immediately east of the Diablo Range, which includes Mt. Diablo. The City of Brentwood has recognized views of Mt. Diablo as an important visual resource to be preserved (see Policy COS 7-3 of the Conservation and Open Space Element of the Brentwood General Plan).

According to the 2014 Brentwood General Plan Update EIR and the California Scenic Highway Mapping System, administered by Caltrans, the City of Brentwood does not contain officially designated State Scenic Highways[1]. However, it should be noted that the segment of SR-4 located adjacent (to the west) of the project site is listed as an Eligible State Scenic Highway, but has not yet been officially designated. As such, the project would not damage any scenic resources, such as trees, rock outcroppings, or historic buildings, within a State scenic highway. The 2014 Brentwood General Plan Update EIR identifies SR-4 as a local scenic route due to the distant panoramic vistas of the Diablo Range and Mt. Diablo in particular. Mt. Diablo is located to the southwest of SR-4 and the proposed project, and the proposed project is located to the east of SR-4. As a result, the project structures would not impede views of Mt. Diablo currently afforded to travelers along SR-4, or impede a view of Mt. Diablo from residents residing in the City of Brentwood.

[1] City of Brentwood. *2014 Brentwood General Plan Update EIR* [pg. 3.1-5]. July 22, 2014.

Additionally, as an urban infill development, the proposed project is considered as compliant with the buildout scenario of the 2014 Brentwood General Plan Update. The City of Brentwood General Plan EIR has previously considered the potential impact to views to Mt. Diablo and found them to be significant and unavoidable, and a Statement of Overriding Considerations for the EIR was adopted. Any future development under the approved General Plan, which would include all development under the proposed project, would be required to comply with all applicable City regulations, policies, and standards, including those identified in the General Plan and the General Plan EIR. Additionally, no trees are located on-site.

Since the General Plan EIR has previously analyzed and described the impact related to scenic views of Mt. Diablo, and since the project would comply with the General Plan, and since there are no other scenic resources that would be damaged by project development, a substantial adverse effect on scenic vista or scenic resources would not occur as a result of project development. The proposed project would not remove trees, rock outcroppings, and/or historic buildings within a state scenic highway, and is not designated a scenic vista. Given the above considerations, this is a **less than significant** impact.

Response c): Less than Significant. The development of the site would change the existing visual setting from predominantly vacant land to a developed project site. The site would be developed for regional commercial uses. A future commercial project on the site could be developed with a maximum of 103,890 square feet of commercial space, and would be compliant with the General Commercial (GC) land use designation established in the City of Brentwood General Plan. The City of Brentwood General Plan identifies the GC designation as allowing for concentrations of a variety of mixed commercial uses and service type businesses to serve specific areas of the city and neighborhoods related to SR-4 and some arterial intersections, on parcels generally ranging from one to 20 acres. Depending upon the size of the future development on the project site, a single major tenant (e.g. supermarket or small department store) or a single small tenant (e.g. convenience store) may provide the anchor. As a secondary use, independent small businesses (e.g. hair salons, shoe repair, offices, and restaurants) would also be allowed.

Visually, the proposed development would be compatible with other residential and commercial uses in the immediate vicinity of the project site and throughout the City of Brentwood. Additionally, the final project design would be approved by the City through its design review process. Through this process, the Planning Commission would ensure the design meets the criteria set forth in Municipal Code Section 17.820.007. As a result, development of the project site would result in a **less than significant** impact with respect to substantially degrading the existing visual character or quality of the site and its surroundings.

Response d): Less than Significant with Mitigation. The project site is currently vacant, except for a Contra Costa Water District (CCWD) Los Vaqueros pipeline air valve located within the central-eastern portion of the site, a CCWD concrete maintenance manhole located within the southern portion of the site, and a PG&E electric transmission tower is located in the northwest quadrant of the site. As a result, minimal light or glare is currently emitted from the project site. The change from the current use to a regional commercial development including up to a

maximum of 103,890 square feet of commercial space and associated parking lot lighting could generate new sources of light and glare. The project site is surrounded by existing commercial development to the north and east, residential neighborhoods to the south, and a vacant lot to the west. SR-4 and a freeway exit run along the western edge of the project site. The residences located in the immediate vicinity of the site would be considered sensitive receptors, which could be adversely affected by additional sources of light and glare.

The proposed development has the potential to include a large number of windows, which could reflect light to nearby residences and/or motorists. However, vehicle glare would not cause a substantial source of glare for the nearby sensitive receptors. The residences to the southeast of the project site are protected from direct line of sight views of the project site by the residential community's surrounding walls and vegetation. Additionally, views of the project site from the residences to the southwest of the project site is limited, given the raised height of SR-4 and the associated freeway berm. Additionally, the residences to the southeast of the project site are sufficiently distant from the project site that any new source of glare generated by the proposed project would be very limited in nature, and would not be substantially different from the glare already generated by existing nearby commercial uses. Furthermore, the proposed project would be required to undergo a design review process by the City of Brentwood Planning Commission, which would ensure the design meets the criteria set forth in Municipal Code Section 17.820.007. With implementation of Mitigation Measure AES-1, the proposed project would be designed in such a way as to not be a substantial source of glare for nearby residences or motorists, which would mitigate this potentially significant impact to a less than significant level.

Additionally, although the proposed project is expected to include additional source of nighttime lighting, these sources of lighting would generally blend into the existing sources of lighting generated by adjacent commercial developments. Moreover, as previously described, the nearby residences have limited to no direct line of sight to the project site. Nevertheless, the increase in light generated by the proposed project would be considered potentially significant, given the possibility of light spilling onto nearby areas, and thus having the potential to affect nighttime views in the area. Implementation of Mitigation Measure AES-2 would reduce the potential impact related to light to a less than significant level.

Implementation of Mitigation Measures AES-1 and AES-2 would reduce the potential impacts related to light and glare to **less than significant**.

Mitigation Measures

Mitigation Measure AES-1*: Prior to construction of the proposed project, the developer shall coordinate with the City of Brentwood Planning Commission to ensure that significant new sources of glare are not generated by the proposed project. This may include, but is not limited to, ensuring that the number of and/or location of windows and/or other potential sources of daytime glare that are generated by proposed project buildings, such as reflective siding or other building materials, do not adversely affect day or nighttime views in the area.*

Mitigation Measure AES-2*: In conjunction with development of the proposed project, the developer shall shield all on-site lighting so that nighttime lighting is directed within the project site and does not illuminate adjacent properties. A detailed lighting plan shall be submitted for the review and approval by the Community Development Department and the Public Works Department in conjunction with the project improvement plans. The lighting plan shall indicate the locations and design of the shielded light fixtures.*

II. AGRICULTURE AND FOREST RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		X		
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant with Mitigation. The 5.3-acre project site is vacant and predominantly undeveloped. The project site contains two soil types: (1) Brentwood clay loam and (2) Capay clay (0 to 2 percent slopes). According to the "Guide to Mapping Units" included in the Contra Costa County Soil Survey, Capay Clay is a Class I soil, as defined by the United States Department of Agriculture Natural Resource Conservation Service. Additionally, Brentwood clay loam is considered prime farmland, if irrigated, by the U.S. Department of Agriculture Natural Resources Conservation Service.

In Figure 3.2-1 of the City of Brentwood General Plan EIR, the site is classified as Urban and Built-Up Land, and does not include any land that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation Farmland Mapping and Monitoring Program.

Additionally, Section 17.730.020 of the City of Brentwood's Agricultural Preservation Program states that, "agricultural land" requiring mitigation, includes: "*those land areas of Contra Costa County specifically designated as agricultural core (AC) or agricultural lands (AL) as defined in the Contra Costa County general plan; those land areas near the city designated as agricultural conservation (AC) as defined in the Brentwood general plan; and/or other lands upon which agricultural activities, uses, operations or facilities exist or could exist that contain Class I, II, III or IV soils as defined by the United States Department of Agriculture Natural Resource Conservation Service*."

The project site is not designated AC or AL by the Contra Costa County General Plan. The Brentwood General Plan designates the project site as Regional Commercial. However, there is a high likelihood that the site has been used as active agricultural land in the past, and large portions of the site could be used for agricultural purposes were it to remain undeveloped. Furthermore, the site contains Class I soils, as defined by the U.S. Department of Agriculture Natural Resource Conservation Service. The proposed project is therefore subject to compliance with Chapter 17.730, Agricultural Preservation Program, of the Brentwood Municipal Code.

Implementation of the following mitigation measure would bring the proposed project in compliance with Chapter 17.730 of the Brentwood Municipal Code and reduce the impact to **less than significant**.

Mitigation Measure(s)

Mitigation Measure AG-1*: The Project applicant must preserve agricultural lands by paying an in-lieu fee established by City Council resolution. The fee may be adjusted annually but may not be increased by more than ten percent during any twelve-month period.*

Response b): No Impact. The project site is not under Williamson Act contract, nor is the site zoned for agricultural use. The current land use designation for the project site is Regional Commercial and the zoning for the site is Planned Development (PD-6). The proposed project would include rezoning of the site from right-of-way to P.A. 3 Regional Commercial within the PD-6 zoning district. Therefore, the project would have no impact with respect to conflicting with agricultural zoning or Williamson Act contracts**.** There is **no impact.**

Responses c) and d): No Impact. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have no impact with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning. Therefore, there is **no impact**.

Responses e): Less than Significant. Individual project impacts to the loss of prime farmland are addressed in item **a)** above, and subject to the requirements of Mitigation Measure AG-1. The proposed project would not be anticipated to promote off-site development of existing agricultural land because the proposed infrastructure is sized to serve only the project area. In addition, the project site is consistent with the type and intensity of land uses anticipated by the General Plan. Finally, the project site is not considered to be forest land. Therefore, the proposed project would result in a **less than significant** impact to the existing environment that could individually or cumulatively result in loss or conversion of farmland to non-agricultural uses or conversion of forest land to non-forest uses.

III. AIR QUALITY -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	

EXISTING SETTING

The project site is located within the boundaries of the Bay Area Air Quality Management District (BAAQMD). This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Francisco Bay Area Air Basin (SFBAAB) and has jurisdiction over most air quality matters within its borders.

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

The SFBAAB is currently designated as a nonattainment area for State and federal ozone, State and federal particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State particulate matter 10 microns in diameter (PM_{10}) standards. The BAAQMD, in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), prepared the 2005 Ozone Strategy, which is a roadmap depicting how the Bay Area will achieve compliance with the State one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. Although the California Clean Air Act does not require the region to submit a plan for achieving the State PM_{10} standard, the 2005 Ozone Strategy is expected to also reduce PM_{10} emissions. It should be noted that the BAAQMD updated the Bay Area's regional ozone strategy in accordance with California Clean Air Act requirements in their Bay Area 2017 Clean Air Plan. In addition, to fulfill federal air quality planning requirements, the BAAQMD adopted a $PM_{2.5}$ emissions inventory for year 2010, which was submitted to the U.S. Environmental Protection Agency (USEPA) on January 14, 2013 for inclusion in the State Implementation Plan (SIP).

The current plan in place to achieve progress toward attainment of the federal ozone standards is the *Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard*. The USEPA revoked the 1-hour federal ozone standard; however, the region is designated nonattainment for the new 8-hour standard that replaced the older one-hour standard. Until the region either adopts an approved attainment plan or attains the standard and adopts a maintenance plan, the *Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard* remains the currently applicable federally-approved plan.

The aforementioned applicable air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented in the region to attain the State and federal ozone standards within the SFBAAB. The plans are based on population and employment projections provided by local governments, usually developed as part of the General Plan update process. The proposed project would be considered to conflict with, or obstruct implementation of, an applicable air quality plan if the project would be inconsistent with the Ozone Attainment Plan's growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT). The growth assumptions are based on ABAG projections that are, in turn, based on the City's General Plan. The proposed project would not induce growth beyond levels considered in the General Plan and as such the project would be considered consistent with the growth assumptions of the applicable air quality plans. As a result, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans. This is a **less than significant** impact.

Responses b), c): Less than Significant. According to the California Environmental Quality Act (CEQA) Guidelines, an air quality impact may be considered significant if the proposed project's implementation would result in, or potentially result in, conditions that violate any existing local, State or federal air quality regulations. In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the BAAQMD has established significance thresholds associated with development projects for emissions of reactive organic gases (ROG), nitrogen oxide (NOx), PM_{10}, and $PM_{2.5}$. The BAAQMD's significance thresholds, expressed in pounds per day (lbs/day), listed in Table AIR-1, are recommended for use in the evaluation of air quality impacts associated with proposed development projects.

Table AIR-1: BAAQMD Thresholds of Significance

Pollutant	Construction (lbs/day)	Operational (lbs/day)
ROG	54	54
NOx	54	54
PM_{10}	82	82
$PM_{2.5}$	54	54
Source: BAAQMD, CEQA Guidelines, May 2017.		

It should be noted that the BAAQMD was challenged in Superior Court, on the basis that the BAAQMD failed to comply with CEQA when it adopted its CEQA guidelines, including thresholds of significance. The BAAQMD was ordered to set aside the thresholds and conduct CEQA review

of the proposed thresholds. On August 13, 2013, the First District Court of Appeal reversed the trial court's decision striking down BAAQMD's CEQA thresholds of significance for GHG emissions. The Court of Appeal's held that CEQA does not require BAAQMD to prepare an EIR before adopting thresholds of significance to assist in the determination of whether air emissions of proposed projects might be deemed "significant." The Court of Appeal's decision provides the means by which BAAQMD may ultimately reinstate the emissions thresholds, though the court's decision does not become immediately effective. It should be further noted that a petition for review has been filed; however, the court has limited its review to the following issue: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a proposed project? Ultimately, the thresholds of significance used to evaluate proposed developments are determined by the CEQA lead agency. Per CEQA Guidelines Section 15064.7, the City has elected to use the most recent version of the BAAQMD's thresholds and methodology for this project, as they are based on substantial evidence and remain the most up-to-date, scientifically-based method available to evaluate air quality impacts. Thus, the BAAQMD's thresholds of significance from the latest version of the CEQA Air Quality Guidelines (May 2017) presented in Table 1, and the screening criteria, are utilized for this analysis.

Implementation of the proposed project would contribute local emissions in the area during both the construction and operational phases of the proposed project. As the proposed project involves the development of a maximum of 103,890 square feet of commercial space and 520 parking spaces, the project has the potential to exceed one or more of the construction and/or operational thresholds of significance. Table AIR-2 provides the results of the modelling conducted with CalEEMod v.2016.3.1, under the conservative assumption the project site would be developed at the maximum development intensity allowed. For the purposes of simplicity (and to serve as a conservative analysis, given that earlier construction and operational activities tend towards higher levels of emissions), a construction start date of January 1, 2018 and an operational year of 2019 were selected as parameters within CalEEMod. Additionally, the "Retail – Strip Mall" and "Parking – Parking Lot" land use type was selected to represent the proposed project land use types/subtypes within CalEEMod.

Table AIR-2: Proposed Project Maximum Daily Emissions (lbs/day)

Pollutant	ROG	NOx	PM_{10}	$PM_{2.5}$
Construction Emissions	**38.2**	**35.3**	**13.9**	**8.3**
Construction Threshold	54	54	82	54
Above Construction Threshold?	**N**	**N**	**N**	**N**
Operational Emissions	**14.8**	**17.2**	**15.2**	**4.2**
Operational Threshold	54	54	82	54
Above Operational Threshold?	**N**	**N**	**N**	**N**
Source: CalEEMod v.2016.3.1				

As shown in the table above, project generated emissions are below the applicable thresholds for ROG, NO_x, PM_{10}, and $PM_{2.5}$. For this reason, development of the proposed project would result in **less than significant** air quality impacts.

Response d): Less than Significant with Mitigation. Emissions of carbon monoxide (CO) are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

In addition to screening criteria for criteria pollutants and GHGs, BAAQMD has established screening criteria for localized CO emissions, including the following:

- Consistency with applicable congestion management programs;
- Project traffic increase traffic volumes at intersections to more than 44,000 vehicles per hour; or
- Project traffic increase traffic volumes at intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

As the City has elected to use the BAAQMD's thresholds and methodology for this project, the BAAQMD's screening criteria for localized CO emissions presented above are utilized for this analysis.

A General Plan amendment is not required for the proposed project. The proposed density is consistent with the General Plan designation for the site. As such, the project would be considered consistent with the growth assumptions of the General Plan. Subsequently, the project would result in similar mobile source emissions as currently anticipated for the site. In addition, none of the affected intersections currently involve traffic volumes of 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited), and would not increase traffic volumes greater than 44,000 vehicles per hour as a result of the proposed project. Therefore, according to the BAAQMD screening criteria above, the proposed project would not be expected to result in substantial increase in levels of CO at surrounding intersections, and the project would not generate or be subjected to localized concentrations of CO in excess of applicable standards.

Toxic Air Contaminants (TACs) are also a category of environmental concern. The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommendations for siting new sensitive land uses near sources typically associated with significant levels of TAC emissions, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The project site is not located in the vicinity of any rail yard. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure. Health-related risks associated with DPM in particular are primarily associated with long-term exposure and associated risk of contracting cancer.

Children, pregnant women, the elderly, and those with existing health problems are considered more sensitive to air pollution than others. Accordingly, land uses that are typically considered

to be sensitive receptors include residences, schools, day care centers, playgrounds, and medical facilities. The proposed project includes the development of a regional commercial development, which is not considered a sensitive receptor. Sensitive individuals that would travel to and from the project site would only remain within the project site on a temporary basis. The CARB, per its Handbook, considers that any project placing sensitive receptors within 500 feet of a major roadway or freeway may have the potential to expose those receptors to DPM. Similarly, the BAAQMD recommends placement of overlay zones at least 500 feet from all freeways and high volume roadways. The nearest freeway, SR-4, is located within 500 feet of the project site (to the west). Therefore, the project site could be subjected to substantial concentrations of DPM associated with such. However, as previously stated, the proposed project would not be considered a sensitive receptor, since it would not contain sensitive land uses such as residences, schools, day care centers, playgrounds, and/or medical facilities. According to the City of Brentwood General Plan, the Regional Commercial land use designation is designed for large-scale retail stores and service uses, including bulk retailers, large department stores, supermarkets, hardware stores, and offices (City of Brentwood, 2014).

The project does not involve long-term operation of any stationary diesel engine or other major on-site stationary source of TACs. Relatively few vehicle trips associated with operations of the proposed use would be expected to be composed of diesel-fueled vehicles. Therefore, the project would not generate any substantial concentrations of TACs during operations.

Construction activities have the potential to generate DPM emissions related to the number and types of equipment typically associated with construction. Off-road heavy- duty diesel equipment used for site grading, paving, and other construction activities result in the generation of DPM. Nearby residences to the southwest would be considered the nearest existing sensitive receptors to the project site and could become exposed to DPM emissions from the site during construction activities. Residences to the southeast could also be exposed. In addition, Loma Vista Elementary School is located approximately 0.1 miles to the east. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. In addition, only portions of the site would be disturbed at a time during buildout of the proposed project, with operation of construction equipment regulated and occurring intermittently throughout the course of a day. Thus, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be very low. Because health risks associated with exposure to DPM or any TAC are correlated with high concentrations over a long period of exposure (e.g., over a 70-year lifetime), the temporary, intermittent construction-related DPM emissions would not be expected to cause any health risks to nearby sensitive receptors. Thus, construction of the proposed project would not expose any nearby existing sensitive receptors to any short-term substantial concentrations of TACs.

The City of Brentwood was previously advised of two serious cases of Valley Fever contracted during an archeological excavation near the southern City limit boundary. Valley Fever is an infection caused by inhalation of the spores of the Coccidioides immitis fungus, which grows in soils and are released during earthmoving. The fungus is very prevalent in the soils of California's San Joaquin Valley. The ecological factors that appear to be most conducive to survival and

replication of the spores are high summer temperature, mild winters, sparse rainfall, and alkaline, sandy soils. Earth moving during development of the project site could put nearby residents at a greater risk of exposure to Valley Fever; however, because fungus spores need to become airborne in order to enter the respiratory tract of humans, and landscaping, building pads, and streets associated with the development would eliminate most fugitive dust, the threat is more serious for construction workers than for nearby residents. Residents living in close proximity to the project site during construction may be at risk of being exposed to the disease due to proximity and a relatively lower immunity. As a result, measures should be taken to reduce the potential for exposure of the disease during construction to both construction workers and residents nearby. These include measures to control dust through construction site irrigation, soil stabilizers and landscaping. Paving roads, planting grass, and other measures that reduce dust where people live, work, or engage in recreation have been shown to reduce the incidence of infection. Sufficient wetting of the soil prior to grading activities can reduce exposure to airborne spores of the fungus.

Development of the project site could potentially expose construction workers and nearby residents to fungus spores that cause Valley Fever. Grading activities associated with development have the potential to release the fungus into the air, increasing the risk of infection to the surrounding population. Implementation of the project may result in human health impacts due to exposure to fungus spores which cause Valley Fever.

In conclusion, the proposed project would not expose sensitive receptors to substantial concentrations of any TACs after mitigation. Therefore, impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be considered **less than significant**.

Implementation of the following mitigation measures would reduce the construction-related impact of potential Valley Fever exposure to **less than significant**.

Mitigation Measure(s)

Mitigation Measure AIR-1*: Prior to the issuance of a grading permit, the Applicant/Developer shall prepare an Erosion Prevention and Dust Control Plan. The plan shall be followed by the project's grading contractor and submitted to the Public Works Department, which will be responsible for field verification of the plan during construction.*

The plan shall comply with the City's grading ordinance and shall include the following control measures and other measures as determined by the Public Works Department to be necessary for the proposed project:

- *Cover all trucks hauling construction and demolition debris from the site;*
- *Water all exposed or disturbed soil surfaces at least twice daily;*
- *Use watering to control dust generation during demolition of structures or break-up of pavement;*
- *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas;*
- *Sweep daily (with water sweepers) all paved parking areas and staging areas;*

- *Provide daily clean-up of mud and dirt carried onto paved streets from the site;*
- *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- *Limit traffic speeds on unpaved roads to 15 mph;*
- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways;*
- *Replant vegetation in disturbed areas as quickly as possible;*
- *Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;*
- *Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) or construction areas;*
- *Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph;*
- *Limit the area subject to excavation, grading, and other construction activity at any one time;*
- *Unnecessary idling of construction equipment shall be avoided;*
- *Equipment engines shall be maintained in proper working condition per manufacturers' specifications;*
- *During periods of heavier air pollution (May to October), the construction period shall be lengthened to minimize the amount of equipment operating at one time;*
- *Where feasible, the construction equipment shall use cleaner fuels, add-on control devices and conversion to cleaner engines.*

Mitigation Measure AIR-2*: To the extent feasible, construction employees shall be hired from local populations, since it is more likely that they have been previously exposed to the fungus which causes Valley Fever and are therefore immune.*

Mitigation Measure AIR-3*: During periods of high dust in the grading phase, crews must use National Institute for Occupational Safety and Health (NIOSH) approved N95 masks or better or other more stringent measures in accordance with the California Division of Occupational Safety and Health regulations.*

Mitigation Measure AIR-4*: The operator cab of area grading and construction equipment must be enclosed and air-conditioned.*

Response e): Less than Significant. According to the CARB's Handbook, some of the most common sources of odor complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, auto body shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The proposed project site is located in a developed area and is surrounded by existing residential land uses to south, commercial uses to the north and east, and vacant land to the west. Accordingly, the proposed project is not located in the vicinity of any substantial objectionable odor sources such as those mentioned above.

Operation of the proposed project would not generate notable odors. The proposed project may lead to a regional commercial development, which is compatible with the surrounding land uses.

Commercial land uses are not typically associated with the creation of substantial objectionable odors. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors.

Diesel fumes from construction equipment and delivery trucks are often found to be objectionable; however, construction of the proposed project would be temporary and diesel emissions would be temporary and regulated. This is a **less than significant** impact and no mitigation is required.

IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant with Mitigation. The project site consists of annual grassland. A Contra Costa Water District (CCWD) Los Vaqueros pipeline air valve is located within the central-eastern portion of the site, adjacent to the adjacent parking lot, and a CCWD concrete maintenance manhole is located within the southern portion of the site. In addition, a single PG&E electric transmission tower is in the northwest quadrant of the site. There are no trees located within the project site.

A field survey to assess potentially suitable habitat for special-status species was undertaken on March 6, 2017 by De Novo Planning Group Biologist, Steve McMurtry. The site was systematically searched by walking throughout the site. No special status species were observed during the field survey. However, there are five covered wildlife species that have the potential to occur on the project site based on habitat conditions. Each of these species is discussed below.

San Joaquin kit fox: The project site consists of annual grassland that is just within the northern tip of the historical range of San Joaquin kit fox (*Vulpes macrotis mutica*). There were no burrows or dens with evidence of kit fox occupancy (i.e. scat, tracks) or burrows or dens that meet the dimensional criteria for kit fox observed on the project site during field reconnaissance. Comprehensive inspection of potential den habitat was accomplished by walking meandering transects throughout the property. San Joaquin kit fox was not observed and they are presumed to be absent. Mitigation Measures BIO-2a and BIO-2b will ensure that any potential impact is reduced to a **less than significant** level.

Burrowing Owl: The project site is within the range of western burrowing owl (*Athene cunnicularia)*. The CNDDB contains three occurrences of the western burrowing owl within one mile of the site. The site was inspected for burrowing owls and ground squirrel burrows with evidence of burrowing owl occupancy (i.e., white wash, pellets, feathers). Comprehensive inspection of potential burrowing owl habitat was accomplished by walking meandering transects throughout the property. There was a population of ground squirrels on the project site. The burrows did not have evidence of burrowing owl occupancy; however, they can become occupied given the presence of habitat. A preconstruction survey for burrowing owls at the time of construction would be required to ensure that burrowing owls are not adversely affected. Mitigation Measures BIO-3a and BIO-3b will ensure that any potential impact is reduced to a **less than significant** level.

Swainson's Hawk: The site includes annual grassland along the extreme western edge of the range of Swainson's hawks (*Buteo swainsoni*). There are no potential Swainson's hawks (*Buteo swainsoni*) nest trees within the project site. There are only a few potential nest trees near and visible from the site or immediately adjacent to the site. However, a CNDDB occurrence was located approximately ½ mile northwest of the project site. The site is potential foraging habitat for Swainson's hawk, although given its location, it is not considered likely that the project site is actively used for foraging. Mitigation Measures BIO-4a, BIO-4b, and BIO-4c will ensure that any potential impact is reduced to a **less than significant** level.

Alameda Whipsnake: The Alameda whipsnake is restricted to valley-foothill hardwood habitat on south-facing slopes. The CNDDB contains seven occurrences of Alameda Whipsnake within one mile of the project site. However, the project site does not include appropriate habitat for the Alameda whipsnake.

California Tiger Salamander: The California tiger salamander (CTS) is found is grassland habitats where there are seasonal wetlands for breeding within approximately 1.3 miles. A CNDDB occurrence is located approximately 0.8 miles southwest of the project site. The occurrence is documented as being in a pond with an unknown number of eggs and larvae observed in December 2001 and January 2002. There are no additional/more recent occurrences documented. It is not known where these CTS are estivating when they leave the pond, however, aerial photos show a vast area of grassland to the north and west of the pond. It is in these areas that CTS likely estivates although it cannot be confirmed based on the aerial photo interpretation alone. Based on the proximity of the project site to this documented breeding location, CTS could move to, and estivate on, the project site. The project site contains burrows that would be ideal

for estivation. However, there are extensive obstacles for any CTS that would travel to the project site from the breeding pond. SR-4 would be one such obstacle. There are no barriers to CTS along SR-4, so the main obstacle would be vehicles. CTS typically migrate to their estivation grounds during the night, which is a time with low traffic so vehicles on SR-4 would not be a significant obstacle for this species to travel to and estivate on the project site. While it cannot be known with any certainty based on a single reconnaissance-level site survey, it is unlikely that CTS uses the project site for estivation given the physical factors that are present. Nevertheless, the CTS is covered under the ECCCHCP. Take Avoidance and Minimization Measures that are intended to prevent impacts if this species is found will be imposed by the ECCCHCP. Implementation of Mitigation Measures BIO-1 will ensure that any potential impact is reduced to a **less than significant** level.

Mitigation Measure(s)

Mitigation Measure BIO-1*: ECCCHCP. Prior to the issuance of grading or construction permits for the project site, the developer shall submit an application and obtain coverage under the ECCCHCP. This will include payment of the applicable ECCCHCP per- acre fee in effect for Zone I in compliance with Section 16.168.070 of the Brentwood Municipal Code. The developer shall receive a Certificate of Coverage from the City of Brentwood and submit a construction monitoring report to the ECCC Habitat Conservancy for review and approval. The Certificate of Coverage will confirm the fee has been received, that other ECCC HCP/NCCP requirements have been met or will be performed, and will authorize take of covered species.*

Mitigation Measure BIO-2a*: San Joaquin Kit Fox. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service, 1999). Preconstruction surveys shall be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, Mitigation Measure BIO-2b shall be implemented.*

Mitigation Measure BIO-2b*: San Joaquin Kit Fox. If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW–approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used. Unoccupied dens shall be destroyed immediately to prevent subsequent use. If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.*

If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones shall be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

Mitigation Measure BIO-3a: *Burrowing Owl. Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys shall establish the presence or absence of Western Burrowing Owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game, 1995).*

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys shall take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1– August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted. Copies of both surveys shall be submitted to ECCC Habitat Conservancy and the City for review and approval.

Mitigation Measure BIO-3b: *Burrowing Owl. If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non- disturbance buffer zone (described below). Construction shall occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September*

1– January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for a week to confirm that the owl has abandoned the burrow. Whenever possible burrows shall be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game, 1995). Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

Mitigation Measure BIO-4a: *Swainson's Hawk. Prior to any ground disturbance during the nesting season (March 15- September 15), a qualified biologist shall conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet of the project site are found, then their occupancy shall be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required (as provided in Mitigation Measure BIO-4b, below). A copy of the preconstruction survey shall be submitted to the ECCC Habitat Conservancy and the City for review and approval.*

Mitigation Measure BIO-4b: *Swainson's Hawk. If occupied nests are located within 1,000 feet of the project site, during the Swainson's hawk nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the Implementing Entity shall coordinate with California Department of Fish and Wildlife (CDFW)/United States Fish and Wildlife (USFWS) to determine the appropriate buffer size. If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the ECCC Habitat Conservancy and the City for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place. No trees shall be removed during project construction. All active nest trees shall be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities shall be mitigated by the project proponent according to the requirements of Mitigation Measure BIO-4c (below).*

Mitigation Measure BIO-4c: *Swainson's Hawk. The loss of non-riparian Swainson's hawk nest trees shall be mitigated prior to project operation by the project proponent by:*

If feasible on-site, planting 15 saplings for every tree lost with the objective of having at least 5 mature trees established for every tree lost according to the requirements listed below, and either:

1. Pay the Implementing Entity an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR

2. The project proponent will plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Implementing Entity (e.g., within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.

The following requirements shall be met for all planting options:

- *Tree survival shall be monitored at least annually for 5 years, then every other year until year 12. All trees lost during the first 5 years will be replaced. Success will be reached at the end of 12 years if at least 5 trees per tree lost survive without supplemental irrigation or protection from herbivory. Trees must also survive for at least three years without irrigation.*

- *Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival.*

- *Native trees suitable for this site should be planted. When site conditions permit, a variety of native trees will be planted for each tree lost to provide trees with different growth rates, maturation, and life span, and to provide a variety of tree canopy structures for Swainson's hawk. This variety will help to ensure that nest trees will be available in the short term (5-10 years for cottonwoods and willows) and in the long term (e.g., Valley oak, sycamore). This will also minimize the temporal loss of nest trees.*

- *Riparian woodland restoration conducted as a result of covered activities (i.e., loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species.*

- *Whenever feasible and when site conditions permit, trees should be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site).*

- *Whenever feasible, plantings on the site should occur closest to suitable foraging habitat outside the UDA.*

- *Trees planted in the HCP/NCCP preserves or other approved offsite location will occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat.*

Responses b), c): Less than Significant. Riparian habitats are described as the land and vegetation that is situated along the bank of a stream or river. Wetlands are areas where water

covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year. Wetlands usually must possess hydrophytic vegetation (i.e., plants adapted to inundated or saturated conditions), wetland hydrology (e.g., topographic low areas, exposed water tables, stream channels), and hydric soils (i.e., soils that are periodically or permanently saturated, inundated or flooded). Vernal pools are seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall. Vernal pools range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland.

Riparian habitat does not exist at the project site. There are no other additional kinds of aquatic habitat or riparian at the site. It should be noted that occasional water leakage was identified from the CCWD water pipeline maintenance hole, located in the central portion of the site. Based on historical satellite imagery, this leakage has been shown to occasionally saturate nearby soil sufficiently to provide hydration to the nearby on-site grasses, beyond what would normally occur (during the dry season) (Google, 2017). However, this leakage is contained to a very small geographic area, and the area does not provide sufficient water to support an aquatic ecosystem. The soils in this area were tested, and they are not hydric. The affected area is not considered a protected wetland. Implementation of the proposed project would have a **less than significant** impact relative to this topic.

Responses d): Less than Significant. The project site and the vacant lot to the west provide limited opportunities for native, resident, or migratory wildlife to use as a movement corridor. Additionally, the project site is cut off from the vacant lot to the west by SR-4. The records searches did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Furthermore, the field survey did not reveal any wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact relative to this topic.

Responses e), f): Less than Significant. The project site is within the boundaries of the ECCC HCP/NCCP. In July 2007, the ECCC HCP/NCCP was adopted by Contra Costa County, the City of Brentwood, other member cities, the USFWS and the CDFW. The ECCC HCP/NCCP provides guidance for the mitigation of impacts to covered species. Mitigation of impacts is accomplished through the payment of a Development Fee. The Development Fee requires payment based on a cost per acre for all acres converted to non-habitat with the cost per acre based on the quality of the habitat converted. The fees are used to acquire higher value habitats in preserved areas and to fund their restoration and management. Because the City of Brentwood is a signatory to the ECCC HCP/NCCP, anticipated project impacts could be mitigated through the payment of Development Impact fees to the ECCC HCP/NCCP Conservancy. The proposed project would comply with the ECCC HCP/NCCP requirements regarding special-status species, and the applicant would be required to pay the associated Development Fee, to the Conservancy, per *Mitigation Measure BIO-1*. The proposed project would not conflict with the provisions of the adopted the ECCC HCP/NCCP. Additionally, the proposed project would not conflict with any other local, regional, or state habitat conservation plan. Implementation of the proposed project would have a **less than significant** impact relative to this topic.

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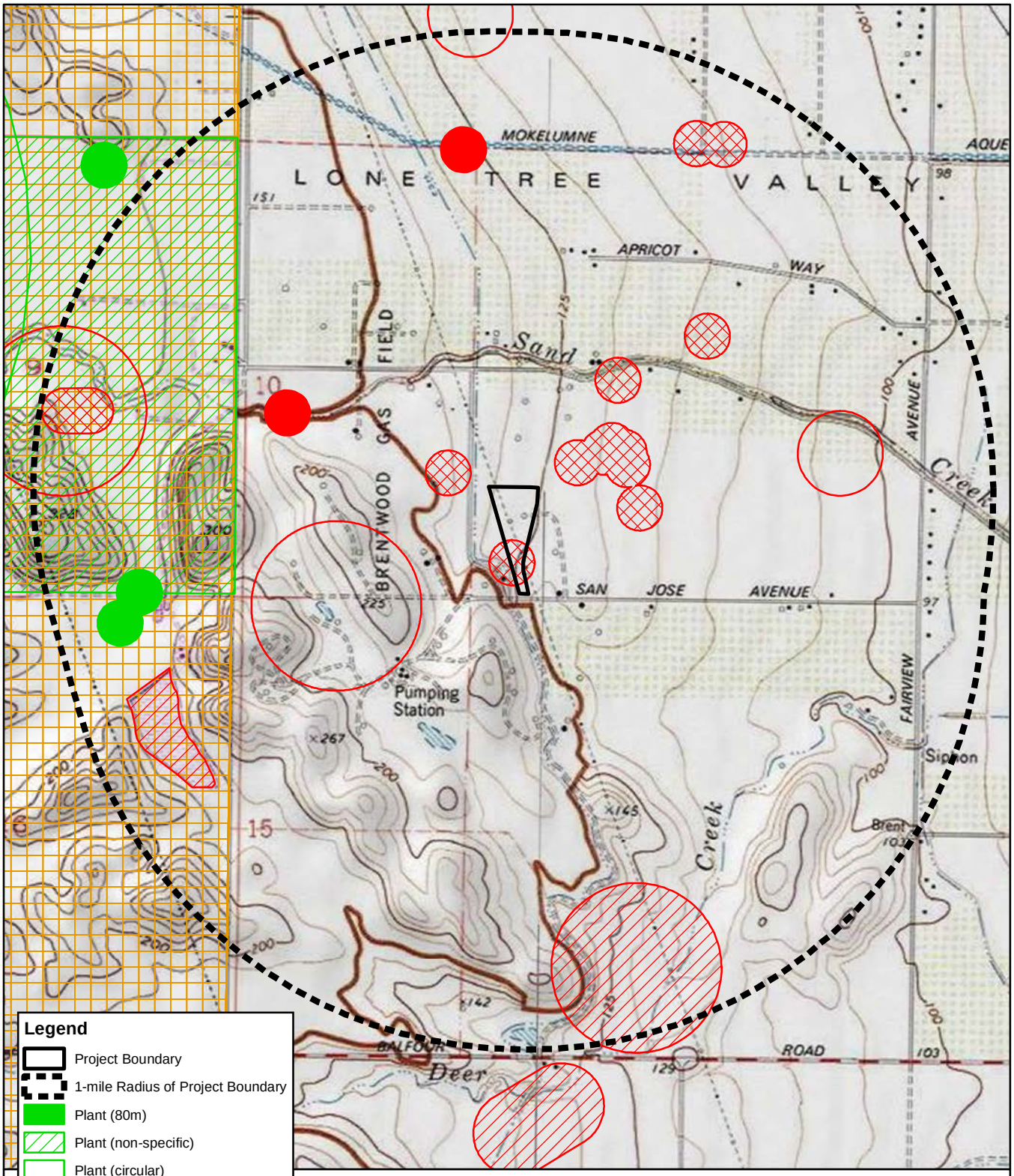

SR 4 BYPASS AUTHORITY SURPLUS PROPERTY

Figure 3. California Natural Diversity Database

1-mile Radius Search

N

0 500 1,000

Feet

1:20,000

CNDDB version 04/2017. Please Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDB about a species or an area can never be used as proof that no special status species occur in an area. Basemap: ArcGIS Online Topographic Map Service. Map date: April 24, 2017.

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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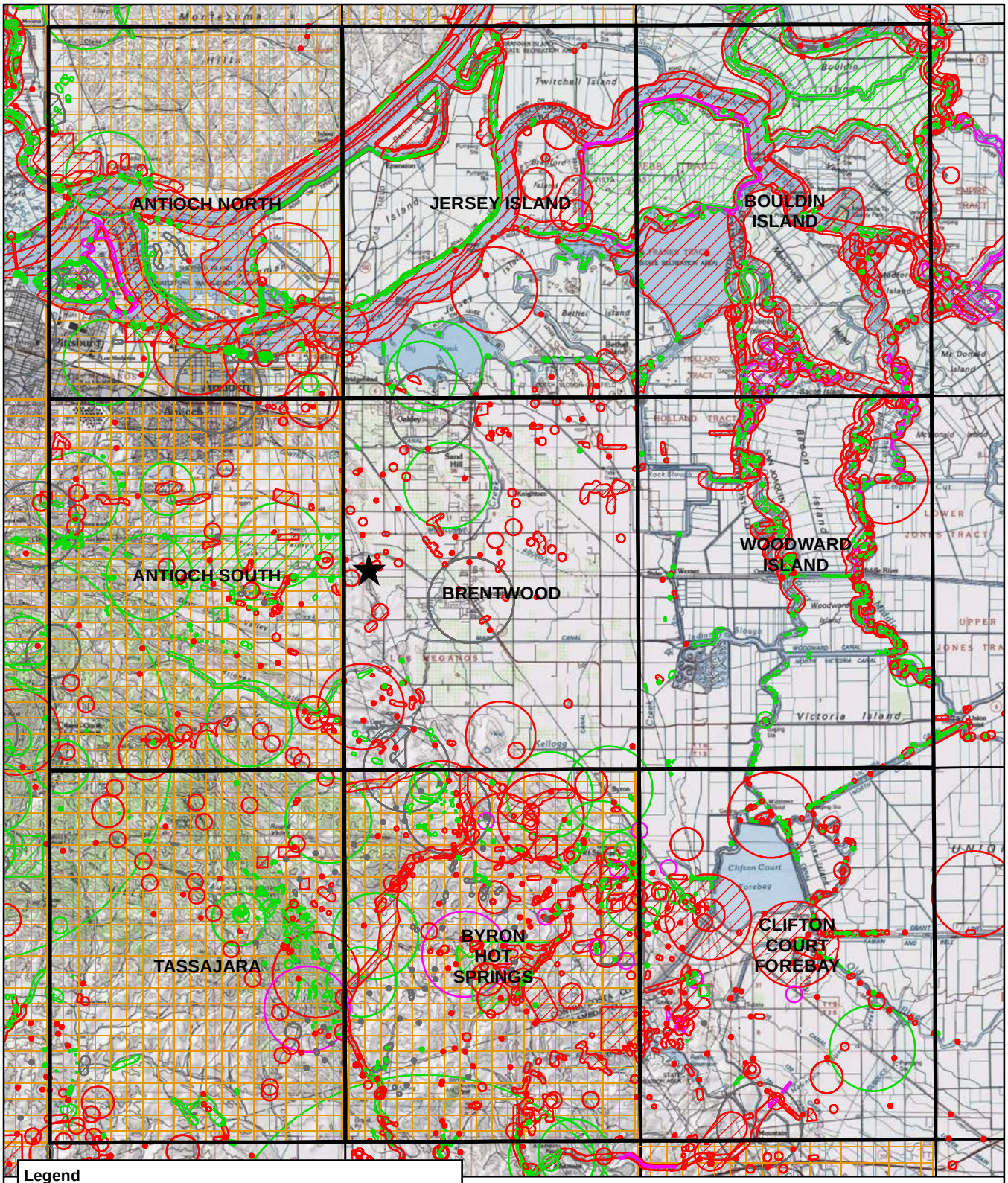

Legend

- ★ Project Location
- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

SR 4 BYPASS AUTHORITY SURPLUS PROPERTY

Figure 4. California Natural Diversity Database 9-Quad Search

N

0 1 2

Miles

1:210,000

CNDDB version 04/2017. Please Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDB about a species or an area can never be used as proof that no special status species occur in an area. Basemap: ArcGIS Online Topographic Map Service. Map date: April 24, 2017.

De Novo Planning Group

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V. CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The 2014 Brentwood General Plan Update EIR identifies 24 historic properties in the Brentwood Planning Area. The project site does not contain any existing buildings. None of the 24 properties listed are within the proposed project site.[2] Since there are no existing buildings on the project site, there is nothing on that site that could be considered a "historical resource" under Section 15064.5 in the CEQA handbook.

For the above-stated reasons, development of the proposed project would have a **less than significant** impact on historical resources.

Responses b), c), d): Less than Significant with Mitigation. There are no known archaeological or paleontological resources located on the project site. However, as with nearly all construction projects in California**,** ground-disturbing activities may have the potential to uncover previously unknown buried cultural deposits or human remains. As a result, during construction and excavation activities, unknown archaeological resources, including human bone, may be uncovered, resulting in a potentially significant impact.

Implementation of the following mitigation measures would reduce the construction-related impacts to a **less than significant** level.

Mitigation Measure(s)

Mitigation Measure CL-1: *Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Community Development Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified*

[2] City of Brentwood. *2014 Brentwood General Plan Update EIR* [pg. 3.5-7]. July 22, 2014.

archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.

Mitigation Measure CL-2: *Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.*

VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a.i), a.ii): Less than Significant with Mitigation. The site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone and known surface expression of active faults does not exist within the site. However, the site is located within a seismically active region. According to the USGS Fault and Fold Database, the nearest active faults are the Antioch Fault, the Greenville Fault and the Concord Fault, located about 3 miles west, 13 miles southwest and 15 miles west, respectively. The Greenville Fault is considered to be capable of a moment magnitude earthquake of 6.8 to 7.0.

Geologic Hazards

Potential seismic hazards resulting from a nearby moderate to major earthquake could generally be classified as primary and secondary. The primary seismic hazard is ground rupture, also called surface faulting. The common secondary seismic hazards include ground shaking and ground lurching.

Ground Rupture

Because the property does not have known active faults crossing the site, and the site is not located within an Earthquake Fault Special Study Zone, ground rupture is unlikely at the subject property.

Ground Shaking

An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the site, similar to that which has occurred in the past. The project would be built using standard engineering and seismic safety design techniques. Building design at the project site would be completed in conformance with the recommendations of a Geotechnical Study, as reviewed and approved by the City of Brentwood Building Division. Any future structures built at the project site would meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code (CBC), as adopted or updated by the City of Brentwood. Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures would be able to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Ground Lurching

Ground lurching is a result of the rolling motion imparted to the ground surface by energy released during an earthquake. Such rolling motion could cause ground cracks to form in weaker soils. The potential for the formation of these cracks is considered greater at contacts between deep alluvium and bedrock. Such an occurrence is possible at the site as in other locations in the Bay Area, but based on the site location, the offset is expected to be very minor.

Conclusion

The project site is not within an Alquist-Priolo Special Studies Zone; however, the Brentwood area is located in a seismically active zone. Five active faults are located within an approximate 50-mile radius of the project site. The nearest State of California zoned, active faults are the Greenville and Concord faults, located approximately 13 miles southwest and 15 miles west, respectively. Development of the proposed project in this seismically active zone could expose

people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault and/or strong seismic ground shaking. Therefore, a potentially significant impact could result. The City of Brentwood General Plan Action SA 1a requires the submission of geologic and soils reports for all new developments. The geologic risk areas that are determined from these studies shall have standards established and recommendations shall be incorporated into development. Implementation of the following mitigation measure would ensure the potential impacts are **less than significant.**

Implementation of the following mitigation measure would ensure the potential impacts are **less than significant.**

Mitigation Measure(s)

Mitigation Measure GEO-1*: All project buildings shall be designed in conformance with the current edition of the California Building Code (CBC).*

Mitigation Measure GEO-2*: All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer 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 the project design.*

Responses a.iii), c): Less than Significant with Mitigation. Soil liquefaction results from loss of strength during cyclic loading, such as that which is imposed by earthquakes. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded, and fine-grained sands.

According The City of Brentwood General Plan Draft EIR Figure 3.6-2 the risk of liquefaction is considered Moderate within the project site. As discussed previously, the City of Brentwood General Plan Action SA 1a requires the submission of geologic and soils reports for all new developments. The geologic risk areas that are determined from these studies shall have standards established and recommendations shall be incorporated into development.

Considering the moderate risk of liquefaction at the proposed project site potentially significant impacts relating to soil stability are present. The following mitigation measure requires the preparation of a geotechnical evaluation of the projects site. Implementation of the following mitigation measure would reduce impacts to **less than significant** levels related to soil stability, and the potential result in, lateral spreading, subsidence, liquefaction or collapse.

Mitigation Measure

Mitigation Measure GEO-3: *Prior to grading permit issuance, the applicant shall submit a final geotechnical evaluation of the project site that analyzes soil stability including soil expansion, and the potential for lateral spreading, subsidence, liquefaction or collapse. The report shall identify any on site soil and seismic hazards and provide design recommendations for onsite soil and seismic conditions. The geotechnical evaluation shall be reviewed and approved by the Director of Public Works/City Engineer, Chief Building Official, and a qualified Geotechnical Engineer to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design.*

Responses a, iv): Less than Significant. The proposed project site is not susceptible to landslides because the area is essentially flat. This is a **less than significant** impact.

Response b): Less than Significant with Mitigation. The project site is currently a vacant lot, with a CCWD concrete maintenance manhole is located within the southern portion of the site and a single PG&E electric transmission tower is located in the northwest quadrant of the site. The proposed project has the potential to be developed with up to 103,890 square feet of regional commercial development, and an associated parking lot. The development of the project site would cause ground disturbance of top soil. The ground disturbance would be limited to the areas proposed for grading and excavation, including the commercial building pads and drainage, sewer, and water infrastructure improvements. After grading and excavation, and prior to overlaying the disturbed ground surfaces with impervious surfaces and structures, the potential exists for wind and water erosion to occur, which could adversely affect downstream storm drainage facilities.

Without implementation of appropriate Best Management Practices (BMPs) related to prevention of soil erosion during construction, development of the project would result in a potentially significant impact with respect to soil erosion.

Implementation of the following mitigation measures would ensure the impact is **less than significant**.

Mitigation Measure(s)

Mitigation Measure GEO-4*. Prior to grading permit issuance, the applicant shall submit a final grading plan to the Director of Public Works/City Engineer for review and approval. If the grading plan differs significantly from the proposed grading illustrated on the approved project plans, plans that are consistent with the new revised grading plan shall be provided for review and approval by the Director of Public Works/City Engineer.*

Mitigation Measure GEO-5*. Any applicant for a grading permit shall submit an erosion control plan to the Director of Public Works/City Engineer for review and approval. The plan shall identify protective measures to be taken during construction, supplemental measures to be taken during the rainy season, the sequenced timing of grading and construction, and subsequent revegetation and landscaping work to ensure water quality in creeks and tributaries in the General Plan Area is not degraded from its present level. All protective measures shall be shown on the grading plans and specify the entity responsible for completing and/or monitoring the measure and include the circumstances and/or timing for implementation.*

Mitigation Measure GEO-6*: Grading, soil disturbance, or compaction shall not occur during periods of rain or on ground that contains freestanding water. Soil that has been soaked and wetted by rain or any other cause shall not be compacted until completely drained and until the moisture content is within the limit approved by a Soils Engineer. Approval by a Soils Engineer shall be obtained prior to the continuance of grading operations. Confirmation of this approval shall be provided to the Public Works Department prior to commencement of grading.*

Response d): Less than Significant with Mitigation. Expansive soils shrink/swell when subjected to moisture fluctuations, which could cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Building damage due to moisture changes in expansive soils could be reduced by appropriate grading practices and using post-tensioned slab foundations or similarly stiffened foundation systems which are designed to resist the deflections associated with soil expansion. According to the City of Brentwood General Plan Draft EIR Figure 3.6-4 the project site has a moderate (3% to 6%) to high (6%-9%) Linear Extensibility (which directly relates to the soils shrink-swell potential). Therefore, because of the potential presence of expansive soils on the site, a **potentially significant** impact could occur. However, as mentioned previously, mitigation measure GEO-3 requires a final geotechnical evaluation of the project site that analyzes soil stability including soil expansion. Implementation of mitigation measure GEO-3 ensures project soils are analyzed and design recommendations are provide by a qualified geotechnical engineer to ensure the safety and welfare of future project residence. Therefore, this impact is considered **less than significant**.

Mitigation Measure

Implementation of Mitigation Measure GEO-3.

Response e): No Impact. The proposed project would be designed to connect to existing City sewer system and septic systems would not be used. Therefore, **no impact** would occur related to soils incapable of adequately supporting the use of septic tanks.

XII. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

RESPONSES TO CHECKLIST QUESTIONS

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O). Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e/yr$).

The City of Brentwood General Plan EIR previously analyzed GHG emissions under worst-case conditions within (1) the existing boundaries of the City of Brentwood, (2) upon full buildout of the General Plan within the city limits, and (3) upon buildout within the City Planning Area. The City of Brentwood General Plan EIR found that, upon full buildout of the General Plan within the city limits, CO_2e emissions are projected to be 361,490.3 metric tons per year, which represents a decrease of approximately 30 percent when compared with existing conditions. This reduction is primarily expected to be due to State actions affecting vehicle and building energy efficiency, including the Low Carbon Fuel Standard (LCFS), the Pavley rule, updates to the Title 24 energy efficiency requirements, and the Renewable Portfolio Standard (RPS). The General Plan EIR found all impacts to greenhouse gases and climate change to be less than significant, and that the General Plan would be consistent with the State's GHG reduction goals established under AB 32.

The proposed project would be located on a site that was included within the General Plan full buildout scenario. Future development of the project site with commercial uses at the maximum intensity allowed under the General Plan was assumed to occur as part of the General Plan EIR analysis. Therefore, the proposed project is consistent with the assumptions and calculations utilized within the General Plan EIR, and implementation of the proposed project would not result in cumulative GHG emissions beyond the levels analyzed and disclosed in the General Plan EIR.

The General Plan EIR included a large number of policies and actions related to greenhouse gases that would be applicable to the proposed project. Implementation of these policies and actions would ensure that the proposed project would be consistent with the assumptions incorporated into the General Plan EIR, and would therefore be consistent with the States GHG reduction goals

established under AB 32. With implementation of the following policies and actions, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and impacts associated with the generation of GHG emissions would be considered **less than significant**.

Policy COS 8-1: Improve air quality through continuing to require a development pattern that focuses growth in and around existing urbanized areas, locating new housing near places of employment, encouraging alternative modes of transportation, and requiring projects to mitigate significant air quality impacts.

Policy COS 8-5: Continue to require all construction projects and ground disturbing activities to implement BAAQMD dust control and abatement measures.

Policy COS 8-8: Encourage local businesses and industries to engage in voluntary efforts to reduce GHG emissions and energy consumption.

Policy COS 8-11: Encourage new construction to incorporate passive solar features.

Policy COS 9-1: Require all new public and privately constructed buildings to meet and comply with the most current "green" development standards in the California Code of Regulations (CCR), Title 24.

Policy COS 9-2: Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, if feasible.

Policy COS 9-5: Promote water conservation among water users.

Policy COS 9-6: Continue to require new development to incorporate water efficient fixtures into design and construction.

Policy COS 9-9: Encourage and support the use of drought-tolerant and regionally native plants in landscaping.

Policy COS 9-10: Ensure that the layout and design of new development and significant remodels encourages the use of transportation modes other than automobiles and trucks.

Policy CIR 1-3: When analyzing impacts to the circulation network created by new development or roadway improvements, consider the needs of all users, including those with disabilities, ensuring that pedestrians, bicyclists, and transit riders are considered at an equal level to automobile drivers.

Policy CIR 2-3: Require development projects to construct on-site sidewalks, paths, and trails in a manner that is consistent with the City's parks, trails, and recreation goals and policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan, and as dictated by the location of transit stops and common pedestrian destinations.

Policy CIR 2-8: Provide secure bicycle racks in places such as the Downtown, at commercial areas, park and ride transit facilities, schools, multiple unit residential developments, and other locations where there is a concentration of residents, visitors, students, or employees.

Policy CIR 3-2: Prioritize high-density and mixed land use patterns that promote transit and pedestrian travel along transit corridors.

Policy CIR 3-3: Design developments to include features that encourage walking, bicycling, and transit use. Design features shall include bus turnouts, transit shelters and benches, and pedestrian access points between subdivisions and between adjacent related land uses.

Policy CIR 3-10: Require new development to include effective linkages to the surrounding circulation system for all modes of travel, to the extent feasible.

Policy LU 1-4: Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map (Figure LU-1), and be subject to the ability to provide urban services, including paying for any needed extension of services.

Policy LU 1-5: Encourage new development to be contiguous to existing development, whenever possible.

Policy LU 2-6: Encourage new development that is convenient to bus or future passenger rail transit lines (e.g. eBART service) in order to reduce automobile dependence.

Action COS 9a: Continue to review development projects to ensure that all new public and private development complies with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by the General Plan and the Brentwood Municipal Code.

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

Action CIR 3a: During the development review process, the Community Development Department shall review plans to ensure that projects include an interconnected network of streets and paths that facilitate non-auto modes for shorter trips, and disperse rather than concentrate traffic in residential neighborhoods

VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant with Mitigation. The following discussion addresses potential hazards associated with existing site conditions of the 5.3-acre project site, as well as the potential use of hazardous materials during operation of the project.

Proposed Project Uses

The proposed project would include regional commercial development, as allowed under the Regional Commercial (RC) land use designation. The range of types of uses allowed within this

land use designation have limited potential for the routine transport, use, or disposal of hazardous materials. The City of Brentwood General Plan, through Policy LU 1-2, states that *the RC designation includes large-scale retail stores and service uses to serve the general needs of the community and the region, primarily along the State Route 4 corridor on large development sites. This designation is intended for businesses that serve the needs of Brentwood residents as well as neighboring communities. Mixed uses allow for the development of large offices as a secondary use. Examples of uses include bulk retailers, large department stores, supermarkets, hardware stores, and offices.*

The allowed commercial uses would not involve the routine transport, use, or disposal of hazardous materials, or present a reasonably foreseeable release of hazardous materials. Hazardous materials associated with the types of commercial uses allowed at the project site would consist mostly of indoor and outdoor paints, cleaning products, and a variety of commercial goods, which would be utilized in small quantities and in accordance with label instructions.

Conclusion

Development of the proposed project would include the construction of a regional commercial development and associated infrastructure. Projects that involve the routine transport, use, or disposal of hazardous materials are typically industrial in nature. The proposed project would not involve the routine transport, use, or disposal of hazardous materials. However, previous agricultural use of the site could have generated the presence of pesticides and associated metals in shallow soil on the project site. Out of an abundance of caution, the following mitigation measure is provided to ensure that the proposed project would not result in a significant impact regard hazardous materials. With implementation of the following mitigation measure, the proposed project would have a **less than significant** impact relative to this environmental topic**.**

Mitigation Measure(s)

Mitigation Measure HAZ-1*: Prior to initiation of any ground disturbance activities, evenly distributed soil samples shall be conducted throughout the proposed project property for analysis of pesticides and heavy metals. The samples shall be submitted for laboratory analysis of pesticides and heavy metals per DTSC and EPA protocols. The results of the soil sampling shall be submitted to the City of Brentwood. If elevated levels of pesticides or heavy metals are detected during the laboratory analysis of the soils, a soil cleanup and remediation plan shall be prepared and implemented prior to the commencement of grading activities.*

Response c): Less than Significant. Loma Vista Elementary School is located approximately 0.15 miles to the east of the project site. However, the proposed project has limited potential for the routine transport, use, or disposal of hazardous materials, as discussed above in Responses a) and b). The proposed commercial uses would not involve the routine transport, use, or disposal of hazardous materials, or present a reasonably foreseeable release of hazardous materials. Therefore, the project would have a **less than significant** impact with respect to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school.

Response d): No impact. The project site has not been identified in any of the hazardous databases, nor is the site on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The closest hazardous waste cleanup site to the project site is a school investigation at Loma Vista Elementary School (as identified by DTSC EnviroStor), however, no contaminants were found within the school site and no action was required. There are no other cleanup sites located within close proximity to the project site. As a result, the proposed project would have **no impact** under this criterion.

Responses e), f): No impact. The project site is not within an airport land use plan or within two miles of an airport. The nearest airport, Funny Farm Airfield, is a private airfield located approximately 5 miles east of the project site. Therefore, **no impact** would occur.

Response g): Less than significant. The Brentwood General Plan currently designates the proposed project site for regional commercial uses, such as those proposed for the project. Implementation of the proposed project would not result in any substantial modifications to the existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. Therefore, the impact would be **less than significant**.

Response h): No impact. The site is not located within an area where wildland fires occur. The site is predominately surrounded by existing commercial development to the north and east, residential development to the south, and vacant land to the west. The limited amount of vegetation occurring within and near to the project site provides for limited risk of wildland fires to the project site. Therefore, **no impact** would occur.

IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), f): Less than Significant with Mitigation.

During the early stages of construction activities, topsoil would be exposed due to grading of the site. After grading and leveling and prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality.

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

In summary, disturbance of the on-site soils during construction activities could result in a potentially significant impact to water quality should adequate BMPs not be incorporated during construction in accordance with SWRCB regulations.

Implementation of the following mitigation measure would reduce the above impact to a **less than significant** level.

Mitigation Measure(s)

Mitigation Measure HYD-1: *Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The Developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor 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 extent practicable.*

Response b): Less than Significant. The City provides domestic, potable water to its residents using both surface water and groundwater resources. The City has seven active groundwater wells, which provides approximately one third of the potable water supplied to the city. Brentwood is located within the Tracy Subbasin of the San Joaquin Valley Groundwater Basin. While the project would create new impervious surface area on the site, the Tracy Subbasin comprises 345,000 acres (539 square miles); therefore, recharge of the groundwater basin within which the project site is located comes from many sources over a broad geographic area.

The new impervious surfaces associated with the project would not cause a substantial depletion of recharge within the Tracy Subbasin. In addition, except for seasonal variations resulting from recharge and pumping, water levels in most of the wells of the Tracy Sub-basin have remained stable over at least the last 15 years (as of 2014)[3].

It should be noted that the City of Brentwood has adequate water supply to meet the demands of the proposed project as well as future anticipated development within the Brentwood General Plan area (as is explained in detail in Section XVI, Question 'd', of this IS/MND). The project itself does not include installation of any wells, but would rather include connections to existing City of Brentwood water infrastructure. Therefore, the project would result in a **less than significant** impact with respect to substantially depleting groundwater supplies or interfering substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Responses c), d), e): Less than Significant with Mitigation. All municipalities within Contra Costa County (and the County itself) are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the "C.3 Standards," new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. The proposed project is a C.3 regulated project and is required to include appropriate site design measures, source controls, and hydraulically-sized stormwater treatment measures.

A long-term maintenance plan is needed to ensure that all proposed stormwater treatment BMPs function properly. Should the proposed water quality treatment facilities not be maintained properly, a potentially significant impact could occur with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff.

Implementation of the following mitigation measures would reduce the impact to a **less than significant** level. Proper operation and maintenance of stormwater management facilities would be the responsibility of the Project Applicant in perpetuity.

Mitigation Measure(s)

Mitigation Measure HYD-2: *Prior to the completion of construction, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the permanent occupancy of the site, the applicant shall be responsible for executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Brentwood. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.*

[3] Erler & Kalinowski, Inc. City of Tracy 2015 Urban Water Management Plan. July 2016.

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:

- *Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.*
- *Replace and amend plants and soils as necessary to insure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soils must be maintained to efficiently filter the storm water.*
- *Visually inspect for ponding water to ensure that filtration is occurring.*
- *After all major storm events remove bubble-up risers for obstructions and replace if necessary.*
- *Continue general landscape maintenance, including pruning and cleanup throughout the year.*
- *Excavate, clean and or replace filter media (sand, gravel, topsoil) to insure adequate infiltration rate (annually or as needed).*

Mitigation Measure HYD-3: *Design of all on-site and/or downstream drainage facilities shall meet with the approval of both the Director of Public Works/City Engineer and the Contra Costa County Flood Control and Water Conservation District prior to the issuance of grading permits.*

Mitigation Measure HYD-4: *Contra Costa County Flood Control and Water Conservation District drainage fees for the Drainage Area shall be paid prior to issuance of grading permits to the satisfaction of the Director of Public Works/City Engineer.*

Mitigation Measure HYD-5: *The Applicant/Developer shall ensure that the project site shall drain into a street, public drain, or approved private drain, in such a manner that un-drained depressions shall not occur. Satisfaction of this measure shall be subject to the approval of the Director of Public Works/City Engineer.*

Mitigation Measure HYD-6: *The improvement plans shall indicate concentrated drainage flows not crossing sidewalks or roadways for the review and approval of the Director of Public Works/City Engineer prior to the issuance of grading permits.*

Responses g), h), i): Less than Significant. According to the June 16, 2009 FEMA Flood Insurance Rate Maps (FIRM), Panel ID 06013C0353F, the project site is not located within a designated flood zone. Therefore, a **less than significant** impact would result from implementation of the proposed project with respect to placing structures within a 100- year floodplain, which would impede or redirect flood flows.

Response j): Less than Significant. Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines; however, when a tsunami reaches the shoreline, a high swell of water breaks and washes inland with great force. Waves may reach 50 feet in height on unprotected coasts. Historic records of the Bay Area used by one study indicate that nineteen tsunamis were recorded in San Francisco Bay during the period of 1868-1968. Maximum wave height recorded at the Golden Gate tide gauge (where wave heights

peak) was 7.4 feet. The available data indicate a standard decrease of original wave height from the Golden Gate to about half original wave height on the shoreline near Richmond, and to nil at the head of the Carquinez Strait. As Brentwood is several miles inland from the Carquinez Strait, the project site is not exposed to flooding risks from tsunamis and adverse impacts would not result. This is a **less than significant** impact.

A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, whose destructive capacity is not as great as that of tsunamis. Seiches are known to have occurred during earthquakes, but none have been recorded in the Bay Area. In addition, the project is not located near a closed body of water. Therefore, risks from seiches and adverse impacts would not result. This is a **less than significant** impact.

The project site and the surrounding areas are essentially flat. As such, there is little to no potential for landslides that generate mudflows to impact the project site. This is a **less than significant** impact.

X. LAND USE AND PLANNING -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. As noted in the General Plan, the City of Brentwood has planned for orderly, logical development that supports compatibility among adjacent uses. The General Plan goals seek to retain the character of existing communities and ensure that future land uses are compatible with existing uses. The 5.3-acre project site is mostly vacant with ruderal annual grassland vegetation. There is no established community occupying the site. The proposed project, which includes regional commercial development, would not physically divide an established community because such a community does not exist on or near the site. Therefore, the project would have **no impact** related to physically dividing an established community.

Responses b): Less than Significant. The recently adopted Brentwood General Plan identifies the project site as a Regional Commercial (RC) land use and is zoned Planned Development (PD-6) right-of-way. Development of the site is not allowed under the current zoning provisions. However, the proposed project includes a rezone of the site from right-of-way to P.A. 3 Regional Commercial within the PD-6 zoning district.

The proposed project would be consistent with the site's existing General Plan land use designation. With the rezone, the proposed project would also be consistent with the allowed uses under the P.A. 3 Regional commercial (PD-6) zoning. As a result, the project would have a **less than significant** impact related to conflicting with applicable land use plans, policies, regulations, or surrounding uses.

Response c): Less than Significant. The ECCCHCP provides guidance for the mitigation of impacts to covered species. Mitigation of impacts is accomplished through payment of a Development Fee. The Development Fee requires payment based on a cost per acre for all acres converted to non- habitat with the cost per acre based on the quality of the habitat converted. The fees are used to acquire higher value habitats in preserved areas and to fund their restoration and management. Because the City of Brentwood is a signatory to the ECCCHCP, anticipated project impacts could be mitigated through the payment of Development Impact fees to the ECCCHCP Conservancy. The proposed project would comply with the ECCCHCP requirements regarding special-status species, and the applicant would be required to pay the associated

Development Fee to the Conservancy, per *Mitigation Measure BIO-1* above. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, resulting in a **less than significant** impact.

XI. MINERAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The 2014 Brentwood General Plan Update EIR identifies coal, oil and gas, and sand as the significant mineral resources within the area. However, the proposed project site has not been formerly used for oil or gas extraction, and does not contain active oil or gas wells. In addition, Figure 3.6-6 in the 2014 Brentwood General Plan Update EIR does not show an existing active oil and gas well on the project site (the only oil and gas well on the site is plugged). Therefore, the impact regarding the loss of availability of a known mineral resource that would be of value to the region would be **less than significant**.

XII. NOISE -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The existing noise environment on the proposed project site is characterized primarily by traffic on the local roadway network and occasional aircraft overflights. The main source of noise in the area is from traffic along SR-4 and local traffic along nearby roadways such as Sand Creek Road and San Jose Avenue. Other noise is generated by vehicles and people moving within the parking lot areas of the nearby commercial parking lots.

The City of Brentwood General Plan EIR concluded that significant and unavoidable exposure to traffic noise sources would occur within the City of Brentwood, and a Statement of Overriding Considerations for the EIR was adopted. Any future development under the approved General Plan, which would include all development under the proposed project, would be required to comply with all applicable City regulations, policies, and standards, including those identified in the General Plan and the General Plan EIR. Therefore, the proposed project would not cause an exposure of persons to or generation of noise levels in excess of the applicable standards, and would therefore result in a **less than significant** impact.

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant

levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table NOISE-1. Measurements of vibration used in this evaluation are expressed in terms of the peak particle velocity (ppv). Based on the levels presented in Table NOISE-1, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.089 inches per second ppv at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required**.**

Table NOISE-1: Representative Vibration Source Levels for Construction Equipment

EQUIPMENT	*PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)*
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003
Source: FTA 2006, Caltrans 2004	

Response c): Less than Significant. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

The proposed project would not directly generate increased noise beyond those activities commonly found in regional commercial (i.e. retail and/or office-focused) developments. The noise directly generated by the project would not differ from the existing ambient noises currently generated by the surrounding commercial land uses.

However, the proposed project would indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways. The General Plan EIR found that future traffic noise increases along many roadways within the City at buildout are expected to cause a significant and unavoidable impact on some roadways. The proposed project would be consistent with, or below, the vehicle trips assumed for the General Plan and the assumptions used in the General Plan EIR. This impact was already accounted for in the General

Plan EIR for the area within the project site that is currently designated Regional Commercial. Therefore, impacts related to permanent ambient noise level increases from the proposed project would be **less than significant.**

Response d): Less than Significant. Construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Construction activities could create temporary noise levels of up to 90 dBA at distances of 50 feet. Because the project site is located nearby to existing residential neighborhoods, this temporary increase in construction noise is considered potentially significant.

Construction activities associated with the proposed project will occur at distances ranging between approximately 100 feet to over 1,300 feet from the nearest noise-sensitive receptors. Construction noise associated with parking lots would be similar to those associated with a public works projects, such as a roadway widening or paving project.

The City's General Plan Noise Element *Action N 1e* provides the following best practices for construction-related noise issues:

1. *Construction period shall be less than 12 months;*
2. *Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 6:00 pm on weekdays, and between 8:00 am and 5:00 pm on Saturdays. No construction shall occur on Sundays or City holidays;*
3. *All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment;*
4. *The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists;*
5. *At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences;*
6. *Unnecessary idling of internal combustion engines shall be prohibited;*
7. *Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise sensitive receptors nearest the project site during all project construction activities, to the extent feasible;*
8. *The required construction-related noise mitigation plan shall also specify that haul truck deliveries are subject to the same hours specified for construction equipment;*
9. *Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing; and*
10. *The construction contractor shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures*

as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

Since all construction activities will be subject to the requirements of the City of Brentwood, there would be a **less than significant** impact with respect to limits on construction noise.

Responses e), f): Less than Significant. The project site is not located near an existing airport and is not within an existing airport land use plan. The nearest airport, Funny Farm Airfield, is a private airfield located approximately 5 miles east of the project site. Although aircraft-related noise could occasionally be audible at the project site, noise would be extremely minimal. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. Therefore, there would be a **less than significant** impact.

XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is regional commercial development parcel. The proposed project would not directly induce population growth in the area, since the project would not provide any housing facilities at the project site. However, the proposed project could indirectly induce population growth in the area by generating additional employment opportunities in Brentwood. However, future employment opportunities at the project site would be limited. As such, it is not anticipated that the project would indirectly induce substantial population growth as a result of expanded local employment opportunities. Additionally the proposed project would not induce population growth beyond levels already established in the City of Brentwood General Plan EIR, given that any new population growth in the City would occur within areas planned for residential growth, and approval of the proposed project would not increase potential growth levels in Brentwood beyond the levels addressed in the General Plan EIR. This is a **less than significant** impact.

Responses b), c): No Impact. There are no existing homes or residences located on the project site. There is **no impact**.

XIV. PUBLIC SERVICES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located within the jurisdiction of the East Contra Costa Fire Protection District (ECCFPD). In accordance with ECCFPD efforts to reorganize due to budgetary constraints and the failure of the recent parcel tax, the district employs 34 personnel: 3 Battalion Commanders, 10 Captains, 10 Engineers, and 11 Firefighters. The District currently staffs three stations, one station in Oakley, one in Discovery Bay, and one in Brentwood.

- Station 52, at 201 John Muir Parkway, Brentwood
- Station 59, at 1685 Bixler Road, Discovery Bay
- Station 93, at 530 O'Hara Avenue, Oakley

Station 52 is the closest fire station to the proposed project site, located approximately 1 mile to the north of the project site.

The Brentwood General Plan includes nine policies and four actions (Policies CSF 1-1 through 1-3, and 4-1 through 4-6, and Actions CSF 1a, and 4a-c) to ensure that fire protection services are provided in a timely fashion, are adequately funded, are coordinated between the City and appropriate service agency, and that new development pays their fair share of services. Among the action items included in the Brentwood General Plan that are applicable to the project are:

- Action CSF 1a: Requiring new development to pay their fair share fees of the cost of on and off-site community services and facilities;

- Action CSF 4a: Continue to enforce the California Building Code and the California Fire Code to ensure that all construction implements fire-safe techniques, including fire resistant materials, where required;
- Action CSF 4b: As part of the City's existing development review process for new projects, the City would continue to refer applications to the ECCFPD for determination of the project's potential impacts on fire protection services. Requirements would be added as conditions of project approval, if appropriate.

The project would comply with these General Plan actions. The 2014 Brentwood General Plan Update EIR concluded implementation of the General Plan would result in a less than significant impact related to the provision of public services throughout the City.[4] The project is consistent with the General Plan buildout scenario; therefore, the additional demand for fire protection services resulting from the proposed project has already been evaluated in the General Plan EIR. Given the project's compliance with the relevant General Plan policies and actions related to fire service, the impact from the proposed project, consistent with the General Plan EIR determination, would be **less than significant** regarding the need for the construction of new fire protection facilities which could cause significant environmental impacts.

Response b): Less than Significant. The City of Brentwood Police Department would provide police protection services to the project site. Currently, the Brentwood Police Department provides law enforcement and police protection services throughout the City. Established in 1948, the Brentwood Police Department is a full service law enforcement agency that is charged with the enforcement of local, State, and Federal laws, and with providing 24-hour protection of the lives and property of the public. The Police Department functions both as an instrument of public service and as a tool for the distribution of information, guidance, and direction.

The Brentwood Police Department services an area of approximately 14 square miles. As of November 2015, the Department had 65 sworn police officers and another 17 civilian support staff. In addition to the permanent staff, the Department had approximately 20 volunteers who are citizens of the community and assist with day to day operations.

The department is located at 9100 Brentwood Blvd, approximately 3.3 miles to the southeast of the project site.

The Brentwood General Plan includes eight policies and five actions (Policies CSF 1-1 through 1-3, and 3-1 through 3-5; and Actions CSF 1a and 3a-d) to ensure that police protection services are provided in a timely fashion, are adequately funded, are coordinated between the City and appropriate service agency, and that new development pays their fair share of services. Among the policies and actions items included in the Brentwood General Plan that are applicable to the project are:

[4] City of Brentwood. *2014 Brentwood General Plan Update EIR* [pg. 3.12-23]. July 22, 2014

- Policy CSF 3-4: Emphasize the use of physical site planning as an effective means of preventing crime. Open spaces, landscaping, parking lots, parks, play areas, and other public spaces should be designed with maximum feasible visual and aural exposure to community residents.
- Policy CSF 3-5: Promote coordination between land use planning and urban design through consultation and coordination with the Police Department during the review of new development applications.
- Action CSF 1a: Requiring new development to pay their fair share fees of the cost of on and off-site community services and facilities;
- Action CSF 3c: As part of the development review process, consult with the police department in order to ensure that the project design facilitates adequate police staffing and that the project addresses its impacts on police services.

The project applicant will be required by the City to comply with these policies and actions. Therefore, consistent with the General Plan EIR conclusion related to governmental facility impacts resulting from General Plan build-out, the project would have a **less than significant** impact regarding the need for the construction of new police protection facilities which could cause significant environmental impacts.

Response c): Less than Significant. The project site is located within the Liberty Union High School District and the Brentwood Union School District (BUSD). Liberty Union High School District (LUHSD) includes three comprehensive high schools: Liberty High, Freedom High, and Heritage High. According to the LUHSD, all three comprehensive high school sites were built with a 2,200 student capacity; this capacity is currently being exceeded at all three high schools and facility needs are being met with portables.[5] The BUSD consists of eight elementary schools and three middle schools. In 2013 the District had a K-6th grade enrollment of 6,345 with K-6th capacity of 6,800. Since the proposed project is a commercial development and would not generate additional public school students, the proposed project would cause a **less than significant** impact with regard to generating substantial adverse impacts associated with the provision of schools or school facilities.

Response d): Less than Significant. The Brentwood General Plan calls for 5 acres of park per 1,000 residents. However, since the proposed project is a regional commercial development, the project would not directly generate any additional residents, and therefore would not be subject to requirements to provide for additional park land. There is a **less than significant** impact with regard to generating substantial adverse impacts associated with the provision parks.

[5] As cited in the Bella Fiore IS/MND, dated August 2014 (pg. 86): Debra Fogarty, Chief Business Officer, Liberty Union High School District, email communication, November 12, 2013.

XV. RECREATION -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. As explained above in Question 'd' of the Public Services section, the proposed project would not be expected to generate increased usage at existing neighborhood and/or regional parks or other recreational facilities or require the construction or expansion of recreational facilities which might have an adverse impact on the environment. The proposed project would not be subject to any requirements to provide additional park services or facilities. As a result, there would be a **less than significant** impact related to the provision of adequate recreational facilities.

XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. The proposed project is consistent with future development levels planned in Brentwood, which have been included in the regional Traffic Models developed by the Contra Costa Transportation Authority and Contra Costa County. The Applicant/Developer of this project would be required to contribute to the construction of planned regional and local facilities. Development levels generated by the proposed project would be consistent with the levels identified in the General Plan and analyzed in the General Plan EIR.

The Applicant/Developer will also pay applicable thoroughfare facility fees (plus any annual increase) in effect at the time of building permit issuance and shall participate in the City's Capital Improvement Financing Plan (CIFP) to finance necessary roadway infrastructure to the satisfaction of the Community Development Director. Additionally, the Applicant/Developer shall pay their fair share of the future signal and intersection improvements in the project vicinity. The Applicant/Developer shall also construct roadway improvements to the proposed site access point(s), to the satisfaction of the Director of Public Works/City Engineer prior to building permit issuance.

The Circulation Element of the City of Brentwood General Plan Update provides a detailed description of Goals, Policies, and Actions that the City will undertake in order to ensure adequate level of service (LOS) standards. The Brentwood General Plan identifies planned area major transportation improvements for Sand Creek Road and San Jose Avenue. These include: Sand Creek Road/Fairview Avenue widening of the northbound approach; Sand Creek Road/SR-4 North addition of a second northbound right-turn lane; Sand Creek Road/O'hara Avenue signal modification; and Fairview Avenue/San Jose Avenue reconfiguration.

Both Sand Creek Road and San Jose Avenue are designated as Major Arterials in the City of Brentwood General Plan Update. These and other City roads would be adequately maintained to the extent to prevent such an exceedance of LOS standards or otherwise prevent an increase in traffic which is substantial in relation to the existing traffic capacity. Therefore, the project would cause a **less than significant** impact to the City's existing street system.

Response c): No Impact. The proposed project would not require any changes to existing regional air traffic activity and the nearest airport, Funny Farm Airfield, is a private airfield.

Responses d) and e): **Less than Significant.** Public street access would be limited to a right in/out location on Sand Creek Road. All other access would be through the existing Sand Creek Crossing Shopping Center. The proposed site access points would be required to facilitate access by emergency vehicles, and on-site circulation would be developed to allow for adequate emergency access. The proposed project is also required to provide one parking space per 200 feet of commercial floor space, as provided in the City of Brentwood Municipal Code. Therefore, site access, on-site circulation, and parking would be adequate. There is **less than significant** impact relative to this topic**.**

Response f): Less than Significant. The proposed project would provide one parking space per 200 feet of commercial floor space, as directed by the City of Brentwood Municipal Code. This would me the City of Brentwood requirements. This is a **less than significant** impact and no mitigation is required.

Response g): No Impact. The project would have no impact on any existing plans or policies related to alternative transportation. Project implementation would assist the City in providing connections and access to alternative transportation in the project area. There is **no impact**.

XVII. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?		X		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.		X		

BACKGROUND

Assembly Bill 52 (AB 52) requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The City of Brentwood has not received any requests from California Native American tribes to be informed through formal notification of proposed projects in the City's geographic area.

RESPONSES TO CHECKLIST QUESTIONS

Responses a-b): Less than Significant with Mitigation. The City of Brentwood General Plan Update and General Plan Update EIR do not identify the site as having prehistoric period cultural resources. Additionally, there are no known unique cultural resources known to occur on, or within the immediate vicinity of the project site. No instances of cultural resources or human remains have been unearthed on the project site. Based on the above information, the Project site has a low potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources. Although no Tribal Cultural Resources have been documented in the project site, the proposed project is located in a region where

cultural resources have been recorded and there remains a potential that undocumented archaeological resources that may meet the Tribal Cultural Resource definition could be unearthed or otherwise discovered during ground-disturbing and construction activities. Examples of significant archaeological discoveries that may meet the Tribal Cultural Resources definition would include villages and cemeteries.

Due to the possible presence of undocumented Tribal Cultural Resources within the Project site, construction-related impacts on tribal cultural resources would be potentially significant. Implementation of the following mitigation measures would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this measure would reduce this impact to a **less than significant** level.

MITIGATION MEASURE(S)

Implement Mitigation Measures CL-1 and CL-2

XVIII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), and e): Less than Significant. The following discussion addresses available wastewater treatment plant (WWTP) capacity and wastewater infrastructure to serve the project site.

Wastewater Treatment Plant Capacity

The existing WWTP is located on approximately 70 acres of land owned by the City on the north side of Sunset Road and east of Brentwood Boulevard. The WWTP is designed to have sufficient capacity to handle all wastewater flows at build-out per the General Plan. The WWTP has a current treatment capacity of 5 million gallons per day (mgd) with an average dry weather flow (ADWF) of 3.4 mgd in 2012.

The current WWTP system is designed to expand to 6.4 mgd and allow for future expansions, and the City collects development impact fees from new development to fund future expansion efforts. Phase I of the WWTP expansion was completed in 1998-2002, to bring the treatment

plant to current levels. Preliminary planning of the Phase II expansion of the WWTP has been completed. Final design is currently underway and construction would follow after that. Phase II would expand capacity to 6.4 mgd by adding oxidation ditches, secondary clarifiers, filters, and related appurtenances.

Buildout of the proposed project would result in the construction of a regional commercial development, which would be consistent with the General Plan land use designation. In addition, with the rezone of the site from right-of-way to P.A. 3 Regional Commercial within the PD-6 zoning district, the proposed project would be consistent with the City zoning. The proposed project would be consistent with the buildout scenario described in the City of Brentwood General Plan Update. Therefore, the current capacity of the WWTP would be sufficient to handle the wastewater flow from the proposed project. In addition, the proposed project is required to pay sewer impact fees which would contribute towards the cost of future upgrades, when needed. As a result, the proposed project would not have adverse impacts to wastewater treatment capacity.

Wastewater Infrastructure

The wastewater generated by the project would be collected by an internal sewer system, which would connect to an existing sewer conveyance line.

Conclusion

Because the project applicant would pay City sewer impact fees, and adequate long-term wastewater treatment capacity is available to serve full build-out of the project, a **less than significant impact** would occur related to requiring or resulting in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Responses c): Less than Significant with Mitigation. As discussed in Questions 'c-e' of Section IX, Hydrology and Water Quality, of this IS/MND, all municipalities within Contra Costa County (and the County itself) are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the "C.3 Standards," new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. The proposed project is a C.3 regulated project and is required to include appropriate site design measures, source controls, and hydraulically-sized stormwater treatment measures.

A long-term maintenance plan is needed to ensure that all proposed stormwater treatment BMPs function properly. Should the proposed water quality treatment facilities not be maintained properly, a potentially significant impact could occur with respect to creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff. The expansion of these water drainage facilities could cause a potentially significant effect. However, the implementation of the mitigation measures listed below would reduce impacts to **less than significant**.

Mitigation Measure(s)

Implementation of Mitigation Measures HYD-2, HYD-3, HYD-4, HYD-5, and HYD-6.

Response d): Less than Significant. The following discussion addresses available water supply infrastructure to serve the project site.

Water Supply System

The City of Brentwood has prepared an Urban Water Management Plan (UWMP) that predicts the water supply available to the City of Brentwood in normal, single-dry, and multiple-dry years out to 2035. The total supply available in 2035 during all scenarios (normal, single-dry, and multiple-dry) well exceeds the projected demand. The future demand projections included in the UWMP are based upon General Plan land uses. The proposed project's use is consistent with the General Plan; therefore, the proposed project's future water demand was considered in the UWMP. As a result, with respect to the availability of sufficient water supplies to serve the project, the impact from the proposed project would be **less than significant**.

Water Supply Infrastructure

The project would involve the construction of the necessary water infrastructure to serve the proposed site.

Conclusion

Because adequate long-term water supply is available to serve full buildout of the proposed project and the project includes the extension of adjacent water line infrastructure, the project's impact to water supply would be **less than significant**.

Responses f) and g): Less than Significant. The City's Solid Waste Division, a division of the Public Works Department, provides municipal solid waste collection and transfer services for residential and commercial use within the City of Brentwood. The solid waste from Brentwood is disposed of at Keller Canyon County landfill. Keller Canyon Landfill covers 2,600 acres of land; 244 acres are permitted for disposal. The site currently handles 2,500 tons of waste per day, although the permit allows up to 3,500 tons of waste per day to be managed at the facility. As of September 2008, the remaining capacity of the landfill's disposal area is estimated at 60-64 million cubic yards, and the estimated closing date for the landfill is 2050[6]. Because the 2014 Brentwood General Plan Update EIR determined that solid waste capacity is adequate to serve the demand resulting from General Plan build-out and the proposed project's use is consistent with the General Plan designation for the project site, the project's impact to solid waste would be less than significant. This is a **less than significant** impact.

[6] City of Brentwood. *2014 Brentwood General Plan Update EIR* [pg. 3.14-45]. July 22, 2014.

XVIX. MANDATORY FINDINGS OF SIGNIFICANCE -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Although relatively unlikely, based upon the current land cover types found on-site, special- status wildlife species and/or federally- or state-protected birds not covered under the ECCCHCP could be occupying the site. In addition, although unlikely, the possibility exists for subsurface excavation of the site during grading and other construction activities to unearth deposits of cultural significance. However, this IS/MND includes mitigation measures that would reduce any potential impacts to less than significant levels. Therefore, the proposed project would have **less than significant** impacts related to degradation of the quality of the environment, reduction of habitat, threatened species, and/or California's history or prehistory.

Response b): Less than Significant. Development that converts rural areas to urban/suburban uses may be regarded as achieving short-term goals to the disadvantage of long-term environmental goals. However, the inevitable impacts resulting from population and economic growth are mitigated by long-range planning to establish policies, programs, and measures for the efficient and economical use of resources. Long-term environmental goals, both broad and specific, have been addressed previously in several environmental documents, the most comprehensive being the 2014 Brentwood General Plan Update, adopted on July 22, 2014. As discussed throughout this IS/MND, the proposed project would comply with all relevant goals set forth in the General Plan. Therefore, the impact is **less than significant**.

Response c): Less than Significant. The proposed project in conjunction with other development within the City of Brentwood could incrementally contribute to cumulative impacts in the area. However, mitigation measures for all potentially significant project-level impacts identified for the proposed project in this IS/MND have been included that would reduce impacts to less than-significant levels. As such, the project's incremental contribution towards cumulative impacts would not be considered significant. In addition, all future discretionary development projects in the area would be required to undergo the same environmental analysis and mitigate any potential impacts, as necessary. Therefore, the proposed project would not have any impacts that would be cumulatively considerable, and impacts would be **less than significant**.

Response d): Less than Significant. The proposed project site is surrounded by existing development and is consistent with the land use designation for the site. Due to the consistency of the proposed land use, substantial adverse effects on human beings are not anticipated with implementation of the proposed project. It should be noted that during construction activities, the project could result in potential impacts related to soil or groundwater contamination, erosion and surface water quality impacts, air quality and greenhouse gas emissions, and noise. However, this IS/MND includes mitigation measures that would reduce any potential impacts to a less-than-significant level. In addition, the proposed project would be designed in accordance with all applicable building standards and codes to ensure adequate safety is provided for the future residents of the proposed project. Therefore, impacts related to environmental effects that could cause adverse effects on human beings would be **less than significant**.

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