

City of Brentwood
Community Development Department



Trumark at Trailside Residential Project
Modified Initial Study/15183 Checklist

May 2023

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

TABLE OF CONTENTS

A. PROJECT SUMMARY1

B. SOURCES2

C. BACKGROUND AND INTRODUCTION3

D. PROJECT DESCRIPTION5

E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....15

F. DETERMINATION.....16

G. ENVIRONMENTAL CHECKLIST17

I. AESTHETICS.....18

II. AGRICULTURE AND FOREST RESOURCES.....22

III. AIR QUALITY.....25

IV. BIOLOGICAL RESOURCES.....36

V. CULTURAL RESOURCES.....44

VI. ENERGY.....47

VII. GEOLOGY AND SOILS.....51

VIII. GREENHOUSE GAS EMISSIONS.....57

IX. HAZARDS AND HAZARDOUS MATERIALS.....62

X. HYDROLOGY AND WATER QUALITY.....68

XI. LAND USE AND PLANNING.....75

XII. MINERAL RESOURCES.....77

XIII. NOISE.....78

XIV. POPULATION AND HOUSING.....88

XV. PUBLIC SERVICES.....90

XVI. RECREATION.....93

XVII. TRANSPORTATION.....95

XVIII. TRIBAL CULTURAL RESOURCES.....101

XIX. UTILITIES AND SERVICE SYSTEMS.....104

XX. WILDFIRE.....109

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.....111

FIGURES

Figure 1 Regional Vicinity Map..... 6

Figure 2 Project Site Boundaries..... 7

Figure 3 Site Plan 8

Figure 4 Utilities Plan10

Figure 5 Stormwater Control Plan11

Figure 6 Landscaping Plan13

Figure 7 Vesting Tentative Subdivision Map14

Figure 8 AERMOD Results – Dispersion of Construction DPM34

Figure 9 Noise Measurement Locations80

TABLES

Table 1 Unit Architectural Summary..... 5

Table 2 BAAQMD Thresholds of Significance26

Table 3 Maximum Unmitigated Construction Emissions (lbs/day)28

Table 4 Unmitigated Maximum Operational Emissions29

Table 5 Maximum Cancer Risk and Hazard Index Associated with Construction DPM33

| | |
|---|-----|
| Table 6 Unmitigated Operational GHG Emissions..... | 59 |
| Table 7 Summary of Noise Analysis Measured Hourly Noise Levels..... | 79 |
| Table 8 Land Use Compatibility for Exterior Noise Environment (Ldn) | 79 |
| Table 9 Stationary (Non-Transportation) Noise Sources Standards | 81 |
| Table 10 Construction Equipment Noise | 84 |
| Table 11 Effects of Vibration on People and Buildings | 86 |
| Table 12 Vibration Levels for Various Construction Equipment..... | 87 |
| Table 14 Multiple Dry Years Supply and Demand Comparison | 106 |

APPENDICES:

- Appendix A: Air Quality and Greenhouse Gas Modeling Results
- Appendix B: Planning Survey Report
- Appendix C: Geotechnical Exploration
- Appendix D: Phase I Environmental Site Assessment
- Appendix E: Exterior Noise Analysis
- Appendix F: Traffic Impact Study

MODIFIED INITIAL STUDY
MAY 2023

A. PROJECT SUMMARY

1. Project Title: Trumark at Trailside Residential Project
2. Lead Agency Name and Address: City of Brentwood
Community Development Department
Brentwood, CA
150 City Park Way
Brentwood, CA 94513
3. Lead Agency Contact and Phone Number: Jennifer Hagen
Senior Planner
(925) 516-5135
4. Project Location: 1777 Apricot Way
Brentwood, CA 94513
APNs 019-092-013 and -034
5. Project Applicant: Trumark Homes, LLC
3001 Bishop Drive, Suite 100
San Ramon, California 94583
6. Existing General Plan Designation: Residential Low Density (R-LD)
7. Existing Zoning Designation: Planned Development 35 (PD-35)
8. Required Approvals from Other Public Agencies: None
9. Project Location and Setting:

The 20.92-acre project site, identified by Assessor's Parcel Numbers (APNs) 019-092-013 and -034, is located at 1777 Apricot Way in the City of Brentwood, California. The site is currently undeveloped and is bound by single-family residences to the north and east, Sand Creek and the Sand Creek Trail to the south, and undeveloped land planned for residential development to the west. Other surrounding uses include single-family residences further west, and undeveloped land south of Sand Creek, which is currently planned for the development of the Lower Sand Creek Detention Basin and Sand Creek Sports Complex. The City of Brentwood General Plan designates the site as Residential Low-Density (R-LD), and the site is zoned Planned Development 35 (PD-35).

10. Project Description Summary:

The Trumark at Trailside Residential Project (proposed project) would consist of the subdivision of the project site into a total of 63 lots, including 57 detached single-family residential lots and six duet lots, which would each feature affordable attached duet residential units. The combined single-family residential and duet units would result in a

total of 63 residential units that would be developed as part of the proposed project. The lots would range in size from 4,012 square feet (sf) for duet lots, 8,022 sf for detached single-family lots, to 30,000 sf for an estate lot. The proposed project would also include a 1.98-acre open space lot; a 0.80-acre bio-retention facility lot; and the extension of Montclair Place and Strathaven Place, located north of the project site. Primary site access would be provided by the new road extensions of Montclair Place and Strathaven Place. Minimal grading would be necessary as part of development of the project, which would also include the installation of associated utilities and landscaping improvements. The proposed project would require approval of a Vesting Tentative Subdivision Map and Design Review.

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

Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1) notification to tribes is not required for the proposed project given that this checklist determines no additional environmental review is required for the project, consistent with CEQA Guidelines Section 15183.

B. SOURCES

The following documents are referenced information sources utilized by this analysis:

1. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
2. Bay Area Air Quality Management District. *CEQA Thresholds and Guidelines Update*. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed March 2023.
3. Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April 2022.
4. CalEPA. *Cortese List Data Resources*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed March 2023.
5. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed March 2023.
6. California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed March 2023.
7. California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228>. Accessed March 2023.
8. California Department of Transportation. *California State Scenic Highway System Map*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed March 2023.
9. California Department of Transportation. *Scenic Highways*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed March 2023.
10. City of Brentwood. *2014 Brentwood General Plan Update Final Environmental Impact Report*. Adopted June 2014.
11. City of Brentwood. *2020 Urban Water Management Plan*. June 2021.
12. City of Brentwood. *City of Brentwood General Plan*. Adopted July 2014.

13. City of Brentwood. *2014 Brentwood General Plan Draft Environmental Impact Report*. April 2014.
14. Contra Costa County Clean Water Program. *Stormwater C.3 Guidebook*. May 17, 2017.
15. Contra Costa County Flood Control District. *Contra Costa County Formed Drainage Areas*. February 7, 2008.
16. Contra Costa Transportation Authority. *2019 Congestion Management Program for Contra Costa*. December, 2019.
17. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed March 2023.
18. East Contra Costa County Habitat Conservation Plan Association. *Final East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan*. October 10, 2007.
19. ECORP Consulting, Inc. *Cultural Resources Inventory Report 1777 Apricot Way*. April 2022.
20. ENGEO Incorporated. *Apricot Brentwood, California Geotechnical Exploration*. December 10, 2021.
21. ENGEO Incorporated. *Apricot Brentwood, California Modified Phase I Environmental Site Assessment*. December 3, 2021.
22. H.T. Harvey & Associates. *East Contra Costa County Habitat Conservation Plan – Assessment of Plan Effects on CEQA Species*. February 17, 2015.
23. Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessment*. February 2015.
24. Stephen L. Kostka and Michael H. Zischke. *Practice Under the California Environmental Quality Act, Second Edition*. March 2019 Update.
25. TJKM Transportation Consultants. *Traffic Impact Study Apricot Residential Development City of Brentwood, California*. November 11, 2022.
26. U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. December 2016.
27. Veneklasen Associates. *Trumark Trailside Brentwood, California Exterior Noise Analysis*. October 20, 2022.
28. ECORP Consulting, Inc. *Cultural Resources Inventory Report 1777 Apricot Way*. April 2022.

C. BACKGROUND AND INTRODUCTION

The following provides a description of this Modified Initial Study's approach to evaluating the proposed project's consistency with California Environmental Quality Act (CEQA) Section 15183 and Government Code Sections 65915 through 65918.

CEQA Guidelines Section 15183

This Modified Initial Study identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the CEQA checklist in Appendix G of the CEQA Guidelines.

In July 2014, the City of Brentwood adopted the General Plan Update¹ and certified an associated Environmental Impact Report (EIR) for the updated General Plan.² The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Sections 15000 et seq.). The General Plan EIR analyzed full

¹ City of Brentwood. *City of Brentwood General Plan*. Adopted July 2014.

² City of Brentwood. *2014 Brentwood General Plan Update Final Environmental Impact Report*. Adopted June 2014.

implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan.

The City of Brentwood General Plan designates the project site as R-LD, which is intended for the development of single family detached houses; however, higher density developments with sufficient open space or other amenities to maintain the gross density within the indicated range are also allowed within the R-LD designation. The permitted density range is 1.1 to 5.0 units per gross acre, with a mid-range of 3.0 units per gross acre. The proposed project would consist of developing 57 single-family residences and six duet units on a 20.92-acre parcel, resulting in a density of 3.0 dwelling units per acre (du/ac). The proposed use and density is consistent with the site's R-LD land use designation.

Pursuant to Section 15183 of the CEQA Guidelines, where a project is consistent with the use and density established for a property under an existing general plan or zoning ordinance for which the city has already certified an EIR, additional environmental review is not required "except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." If such requirements are met, the examination of environmental effects is limited to those which the agency determines, in an Initial Study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

As set forth by Sections 15168 and 15183 of the CEQA Guidelines, the program EIR, in this case the City's General Plan EIR, serves as a basis for this Modified Initial Study to determine if project-specific impacts would occur that are not adequately covered in the previously certified EIR.

This Modified Initial Study indicates whether the proposed project would result in a significant impact that: (1) is peculiar to the project or the project site; (2) was not identified as a significant effect in the General Plan EIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the General Plan EIR.

Regarding "peculiar" impacts, CEQA Guidelines Section 15183(f) states the following:

An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR.

Based upon 15183(f), this Modified Initial Study will identify the Brentwood General Plan policies and/or actions that apply to the development of the project, and have been determined in the General Plan EIR to substantially mitigate environmental effects. To the extent that the General

Plan policies and/or actions substantially mitigate a particular project impact, the impact shall not be considered peculiar, pursuant to 15183(f), thus, eliminating the requirement for further environmental review.

D. PROJECT DESCRIPTION

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

Project Location and Setting

The 20.92-acre project site is located at 1777 Apricot Way in the City of Brentwood, California (see Figure 1 and Figure 2), and is comprised of two parcels identified by APNs 019-092-013 and -034. The site is currently undeveloped and has been subject to previous agricultural disturbance, including regular discing. Two American elm trees are located in the southwest portion of the site. The project site is bound by single-family residences to the north and east, Sand Creek and the Sand Creek Trail to the south, and undeveloped land planned for residential development to the west. Other surrounding uses include single-family residences further west, and undeveloped land south of Sand Creek, which is planned for development of the Lower Sand Creek Detention Basin and Sand Creek Sports Complex. The City of Brentwood General Plan designated the site as R-LD, and the site is zoned PD-35.

Project Components

The proposed project would consist of the subdivision of the project site into a total of 63 lots, including 57 detached single-family residential lots and six duet lots, ranging in size from 4,012 sf to 30,000 sf, as well as a 1.98-acre open space lot, a 0.80-acre bio-retention facility lot, and a picnic area (see Figure 3). Ten percent of the proposed units (six units) would be affordable for moderate-, low-, and very low-income households.

The proposed single-family residential units would be constructed according to three plans: Plans 1, 2, or 3. Plans 1, 2 and 3 would offer five bedrooms. Plan 1 units would have a one-story profile while Plans 2 and 3 units would provide two floors of living space. In addition, Plan 1 would include both a two-vehicle garage and a one-vehicle garage, Plan 2 would include a four-vehicle garage, and Plan 3 would include a three-vehicle tandem garage. Table 1 provides the square footages of each unit type.

| Plan | Unit Count | Beds | Bathrooms | Powder Rooms | Garage (sf) | Living Space (sf) |
|-------------|-------------------|-------------|------------------|---------------------|--------------------|--------------------------|
| 1 | 16 | 5 | 3 | 1 | 638 | 3,031 |
| 2 | 20 | 5 | 4 | 1 | 869 | 3,778 |
| 3 | 21 | 5 | 4 | 1 | 688 | 4,340 |
| Duet | A | 3 | 2 | 1 | 428 | 1,902 |
| | B | 4 | 3 | 0 | 428 | 2,196 |

Figure 1
Regional Vicinity Map

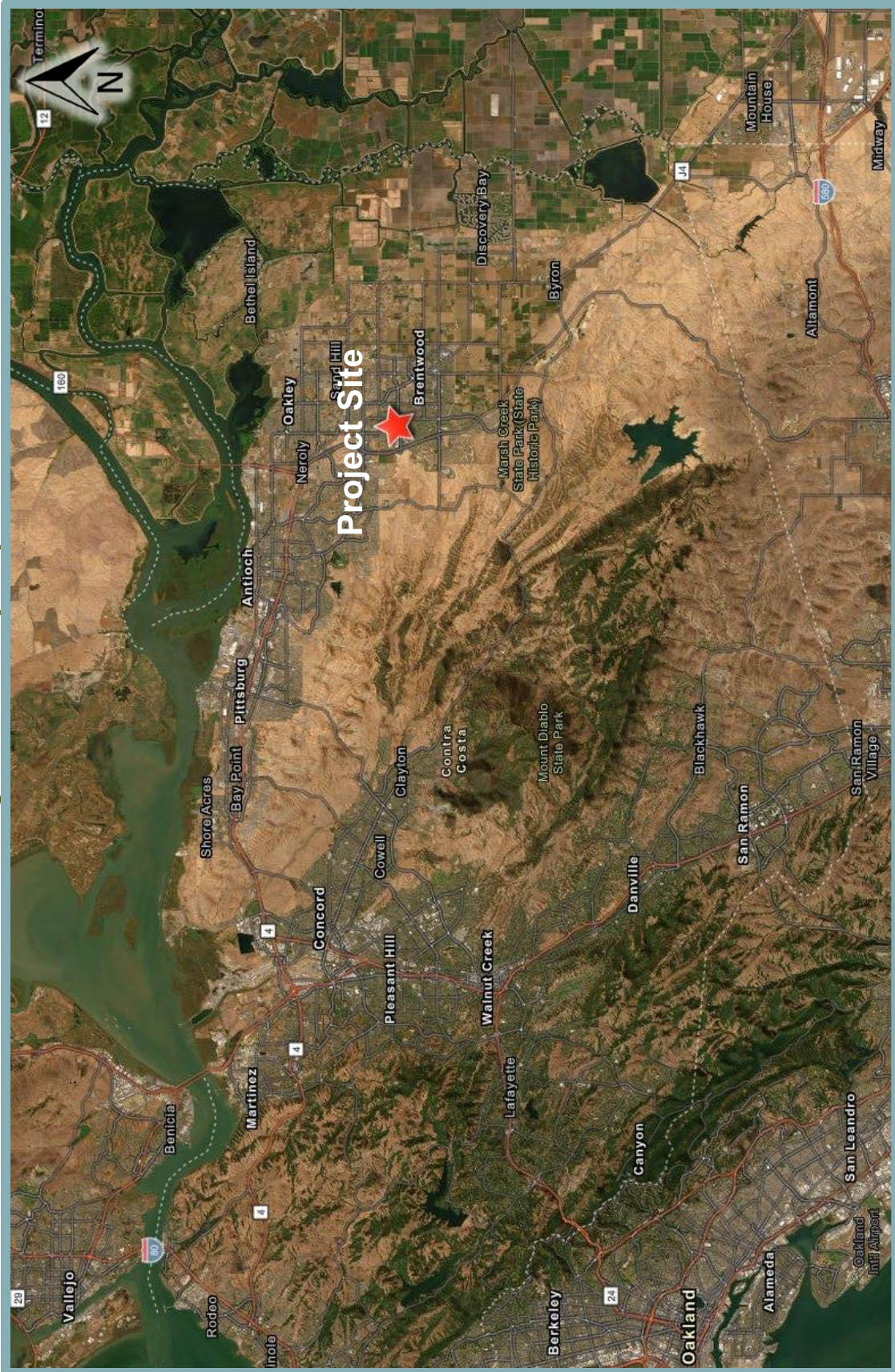


Figure 2
Project Site Boundaries



Figure 3
Site Plan



The six duet units would all be constructed according to one plan. The duet units would be separated into Duet A on the left, and Duet B on the right side of the unit. Duet A would include three bedrooms, while Duet B would include four bedrooms. Each duet would include two stories and a two-vehicle garage. Each unit would also include a porch located at the first-floor entry.

The proposed units would be constructed at a height ranging from 25 feet and 11 inches to 31 feet and four inches. Each configuration would feature concrete tile roofing. Building exteriors would be one of nine color schemes, with building stucco, siding, entry doors, and garage doors featuring earth tones. Exteriors would also consist of wall projections to break up the massing of building facades.

Parking, Access, and Circulation

Each single-family dwelling unit is required to provide two parking spaces, both which are required to be enclosed in a garage, and each two-family dwelling is required to provide two assigned spaces per unit, all of which are required to be covered. As such, based on City standards, a total of 126 covered parking would be required for resident parking. As discussed above, each single-family residence on-site would include either a three- or four-car garage. Each duet unit would include a two-car garage. Therefore, the proposed project would include a total of 214 covered parking spaces (garage spaces) for residents. It should be noted that each garage included on-site would be pre-wired to contain the necessary infrastructure for future residents to be able to install and use electric vehicle (EV) charging stations. As such, all of the proposed project's parking spaces have EV charging capabilities.

Primary access to the project site would be provided by an extension of both Montclair Place and Strathaven Place. Montclair Place is an existing 40-foot-wide road, and would be extended along the eastern boundary of the site. Strathaven Place is an existing 36-foot-wide road and would be extended into the central portion of the site from the site's northern boundary and would connect to the new internal roadway network. Both Montclair Place and Strathaven Place would provide emergency vehicle access (EVA) to the project site. Internal, 40- to 36-foot-wide roadways would be provided throughout the site and would meet the minimum width to accommodate an emergency vehicle. Pedestrian access would be provided by way of new sidewalks along the project frontage on Montclair Place and Strathaven Place, and sidewalks would be provided along the entirety of the internal roadway network. In addition, a 10-foot-wide path would be constructed along the southern boundary of the project site, which would connect to the existing pedestrian bridge over Sand Creek. New hand rails would also be installed at the existing bridge.

Utilities

Water and sewer service would be provided by the City through connections to the existing eight-inch water and eight-inch sewer mains in Montclair Place and Strathaven Place. From the points of connection, the eight-inch water line and eight-inch sewer line would be extended throughout the entire site and would connect to each of the proposed residences (see Figure 4).

The project site would include on-site stormwater facilities to provide water quality treatment and peak management at pre-project levels for both on-site and off-site runoff. The site's stormwater facilities would be developed within one drainage management area (DMA) which would include the entirety of the project site (see Figure 5). In general, the project site would include a series of 18- and 24-inch storm drainage pipelines which would convey stormwater to the bio-retention area in the southeastern portion of the site. The on-site stormwater facilities would be designed to retain the 100-year, 24-hour design storm volume on site.

Landscaping

As shown in Figure 6, landscaping would be provided throughout the project site and would include new trees, shrubs, grasses, vines, and ground cover along the southern boundary of the site, as well as throughout the site along the roadways. Plant selection would be in accordance with Section 18.64.060 (General landscape requirement) of the Municipal Code, which requires that a minimum of 90 percent of plants and trees be drought-tolerant, with the City preferring native plants adapted to the local climate.

As discussed above, the proposed project would include a bio-retention area, picnic area, and walking path, located along the southern boundary of the project site, adjacent to Sand Creek. The landscaped area would provide the required eighty-foot wide open-space buffer along Sand Creek Channel to allow for rehabilitation and restoration of the creek.

Requested Entitlements

The proposed project would require the City's approval of a Vesting Tentative Subdivision Map and Design Review, described further below.

Vesting Tentative Subdivision Map and Design Review

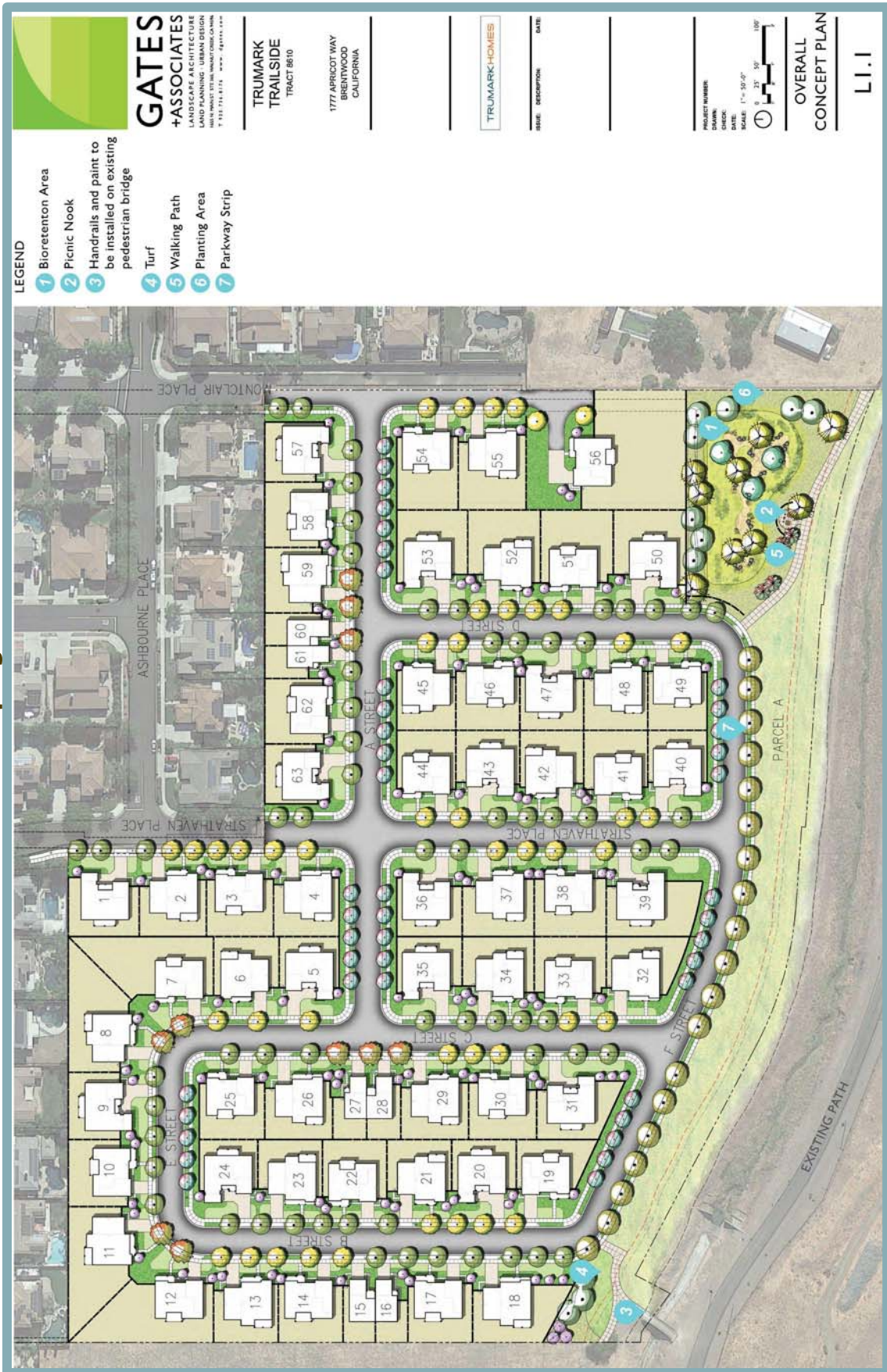
The proposed project would require the City's approval of a Vesting Tentative Subdivision Map (see Figure 7). City approval of a Design Review would also be required for the proposed project. Design Review is a discretionary action that enables the City to ensure that the proposed development exhibits high quality design consistent with the General Plan and any other applicable specific plan or area plan adopted by the City Council. The Design Review process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

Discretionary Actions

The proposed project would require the City's approval of the following entitlements:

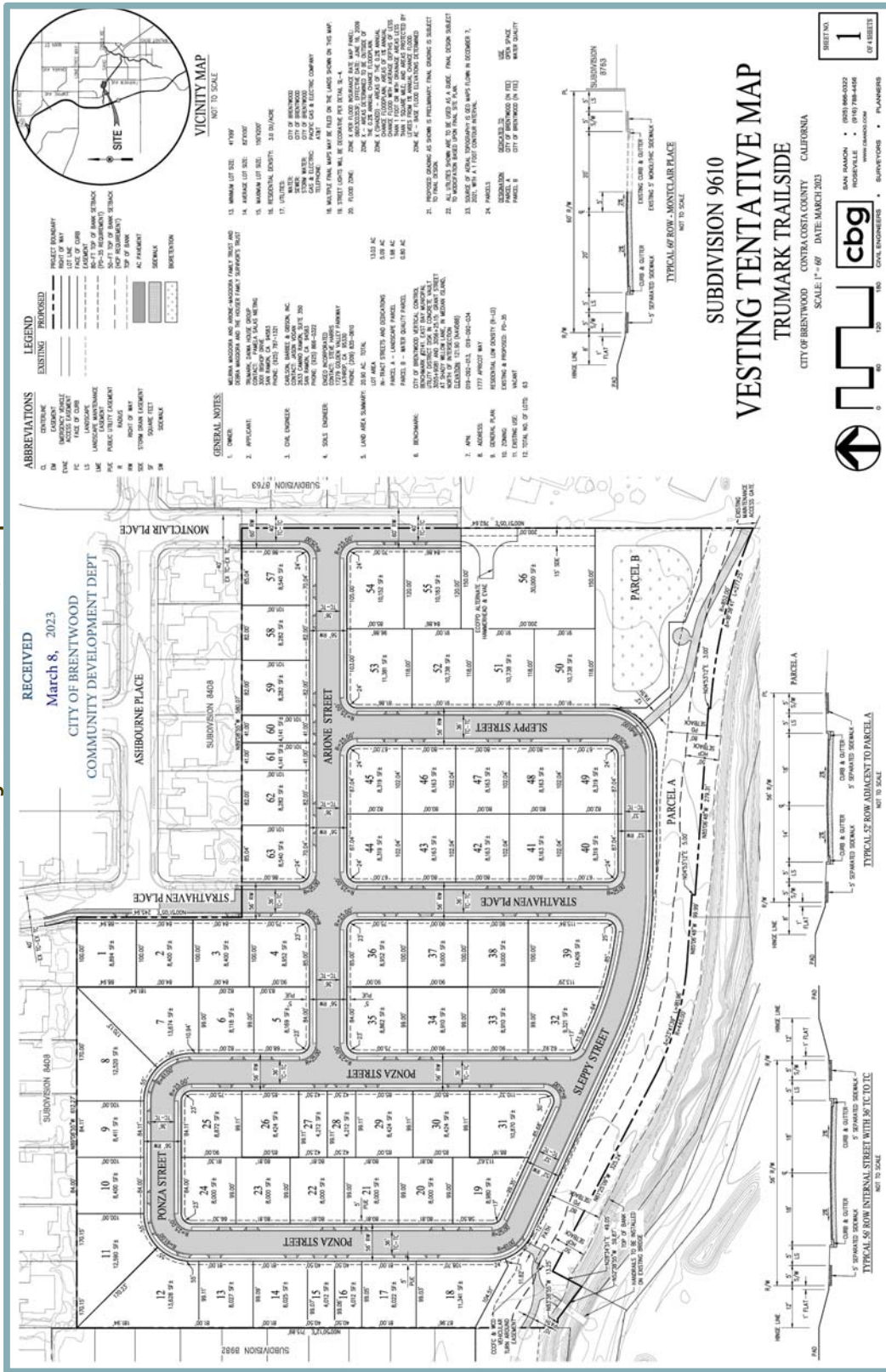
- Vesting Tentative Subdivision Map; and
- Design Review.

Figure 6
Landscaping Plan



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COMMUNITY DEVELOPMENT DEPT

Figure 7
Vesting Tentative Subdivision Map



E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

On the basis of the following initial evaluation, the City has determined that the proposed project is consistent with the General Plan EIR. All project impacts have been determined to be less than significant, or can be mitigated to a less-than-significant level given required compliance with General Plan policies or mitigation measures included in the General Plan EIR.

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

F. DETERMINATION

On the basis of this Modified Initial Study/15183 Checklist:

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

Signature

Jennifer Hagen, Senior Planner

Printed Name

Date

City of Brentwood

For

G. ENVIRONMENTAL CHECKLIST

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

Significant Impact Peculiar to the Project or Project Site: An impact that could be significant due to something peculiar to the proposed project or the project site that was not previously identified in the General Plan EIR. If any potentially significant peculiar impacts are identified, an additional CEQA document must be prepared to analyze such impacts.

Significant Impact due to New Information: Any impact that would be considered significant based on new information which was not known at the time the prior EIR was prepared. If any significant impacts are identified, an additional CEQA document must be prepared to analyze such impacts.

Impact Adequately Addressed in General Plan EIR: Impacts previously evaluated in the City's General Plan EIR that would not change from what was evaluated previously. This designation applies in cases where implementation of the proposed project would not result in a new significant impact, a substantially increased significant impact, or a peculiar impact that was not analyzed in the General Plan EIR.

I. AESTHETICS.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site is currently undeveloped and is surrounded by existing single-family residential development to the north and east; Sand Creek and Sand Creek Trail to the south; and vacant land planned for development to the west and further south, passed Sand Creek Trail. Because the project site is currently undeveloped and vacant, existing light sources or development are not present on-site. However, other existing sources of light in the project vicinity include exterior lighting from the surrounding existing development, as well as headlights associated with vehicles travelling along Montclair Place and Strathaven Place.

Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project’s impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The Brentwood General Plan does not designate official scenic view corridors or vistas. The General Plan includes relevant goals and policies, listed below, that would preserve scenic views within the City, including policies requiring protection of the City’s scenic resources, including Mount Diablo, local hills and ridgelines, and open space areas surrounding Brentwood. According to the California Scenic Highway Mapping System, the project site is not located within the vicinity of an officially designated State Scenic Highway.³

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to aesthetics that are relevant to the proposed project:

Policy COS 1-4 Where possible, integrate open space and stream corridors with trails and other recreational open space in an environmentally sustainable manner.

Policy COS 7-3 Preserve and protect prominent community views of scenic resources, including Mount Diablo, local hills and ridgelines, and open space areas

³ California Department of Transportation. *California State Scenic Highway System Map*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed March 2023.

surrounding Brentwood, and consider community visual access and view corridors when reviewing development proposals.

Policy COS 3-5: Avoid removal of large, mature trees that provide wildlife habitat or contribute to the visual quality of the environment to the greatest extent feasible through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations.

Policy LU 6-6: Encourage quality landscape and design.

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

Policy LU 6-2: Maintain the character of existing neighborhoods by ensuring new development is compatible in style, size, color, and footprint with the existing residences in the neighborhood.

Discussion

a,b. The City's General Plan EIR describes scenic vistas throughout the City, including views of Mt. Diablo, riparian vegetation, and expanses of agricultural lands surrounding the City. The General Plan EIR determined that potential development under the General Plan could result in an additional loss of scenic resources that are visible from locations within the community, from the highway overpasses, and from the nearby unincorporated agricultural areas, specifically, new development would impact the current views of open space, primarily vistas of agricultural fields and Mt. Diablo. Thus, the General Plan EIR concluded that even with adherence to applicable General Plan policies impacts to scenic vistas and resources as well as visual character and quality of the surrounding area would be significant and unavoidable.

Distant views of Mt. Diablo to the west of the City are visible to motorists, bicyclists, and pedestrians travelling along Strathaven Place and Montclair Place; however, development of the proposed project would not substantially affect views of Mt. Diablo in the surrounding environs. As noted in the General Plan EIR, much of the naturally occurring riparian vegetation along the creeks within the City has been reduced or eliminated due to flood control measures or agricultural encroachment in the past. Much of the riparian vegetation along the portion of Sand Creek adjacent to the project site has been eliminated, and therefore scenic views of riparian vegetation would not be affected. The project site is not located within an agriculturally designated area. The surrounding vacant areas are planned for future development. As such, scenic views would not be subject to substantial adverse effects as a result of the proposed project.

Given that the proposed project is consistent with the project site's General Plan land use designations, the buildout of the project site and associated impacts to scenic vistas have been anticipated by the City and evaluated in the General Plan EIR. According to the General Plan EIR, officially designated State Scenic Highways do not exist within the vicinity of Brentwood. Furthermore, the California Scenic Highway Mapping System does

not identify an officially designated State Scenic Highway within the project vicinity.⁴ Additionally, surrounding land uses, specifically the residential developments located to the north and east of the project site are similar to the proposed project, and thus, the project site is not subject to any peculiar circumstances that would result in new impacts related to scenic vistas and State Scenic Highways relative to what has been analyzed in the General Plan EIR. In addition, the proposed project would be required to comply with the General Plan policies and goals listed above.

Based on the above, the project would not result in more severe impacts related to resulting in a substantial adverse effect on a scenic vista and substantially damaging scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway, beyond what was anticipated in the General Plan EIR, and effects peculiar to the project or parcels on which it would be located would not occur. Thus, the criteria for requiring further CEQA review are not met and the impact was **adequately addressed in the General Plan EIR.**

- c. As described in the General Plan EIR, the visual character and quality of agricultural open space would be impacted if the development proposed in the City's General Plan occurs. The General Plan EIR noted that residential development throughout the City would be similar in character to existing residences in the immediate vicinity. Nonetheless, even with the implementation of General Plan policies, the General Plan EIR concluded that buildout of the General Plan would result in a significant and unavoidable impact on visual character and quality.

Currently, the project site consists of vacant undeveloped land. The site is surrounded by land that is zoned Estate Residential (RE) or PD, and the proposed project is consistent with existing development in the project site vicinity. Public views of the project site are available to pedestrians and motorists traveling on adjacent roadways and Sand Creek Trail.

The proposed project would subdivide the project site into a total of 63 lots, including 57 detached single-family residential lots and six duet lots. Additional site improvements would include new internal roadways, landscaping, utility installation, and new street lighting. As discussed above, the General Plan EIR concluded that residential development throughout the City would be similar in character to existing residences in the immediate vicinity. Thus, the proposed project would be visually compatible with the existing residential developments to the north and east of the project site.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and associated changes to the visual character and quality of the site have been anticipated by the City and analyzed in the General Plan EIR. Because the project site does not contain any unique features, and is surrounded by existing urban development, the project site is not subject to any peculiar circumstances that would result in new impacts related to the existing visual character or scenic quality relative to what has been analyzed in the General Plan EIR. Furthermore, the proposed project would comply with applicable General Plan Policies. Compliance with such policies would help ensure that the proposed project would not substantially degrade the character or quality of the site or its surroundings, including views of the site from the roadways.

⁴ California Department of Transportation. *California Scenic Highway Mapping System*. Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed March 2023.

Based on the above, the project would not result in more severe impacts related to conflicting with applicable zoning and other regulations governing scenic quality beyond what was identified in the General Plan EIR. Thus, the criteria requiring further CEQA review are not met and the impact was **adequately addressed in the General Plan EIR**.

- d. According to the City's General Plan EIR, nighttime uses associated with General Plan development may increase light intensity levels in development areas and may have the potential to affect existing and future nearby sensitive receptors. If lighting in new development is not designed to reduce upwardly directed light, nighttime lighting could obscure views of the night sky or intrude into neighboring properties. Future development allowed by the proposed General Plan would also incrementally increase glare due to the new building surfaces and parked cars.

However, development allowed under the City's General Plan is subject to the City's Design Review process, which requires projects be reviewed for consistency with the City's Residential Design Guidelines, which includes standards and guidelines regarding the appropriate use of lighting and avoidance of glare from lighting and other sources. Development within the City is also required to be consistent with the California Building Code standards for outdoor lighting, which are intended to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls. Pursuant to CEQA Guidelines Section 15183(c), "If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards [...] then an additional EIR need not be prepared for the project solely on the basis of that impact." The City's General Plan EIR concluded that adherence to the aforementioned standards and guidelines would ensure that lighting is shielded to avoid glare and light spillage and incorporates technologies such as timers to avoid excessive lighting, and a less-than-significant impact would occur.

As discussed above, the project site is mostly surrounded by existing residential development. As such, sources of existing lights and glare are already present within the project vicinity. Other existing sources of light in the project vicinity include exterior lighting from the surrounding existing development, as well as headlights associated with vehicles travelling along Montclair Place and Strathaven Place. The proposed project would be required to comply with the uniformly applied development standards and guidelines included within the City's Residential Design Guidelines and the California Building Code standards for outdoor lighting, as prescribed by the City's General Plan EIR. Compliance with the aforementioned provisions would ensure that the light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted in the surrounding environment.

Based on the above, the proposed project would not result in any peculiar effects related to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Thus, the criteria for requiring further CEQA review are not met and the impact was **adequately addressed in the General Plan EIR**.

II. AGRICULTURE AND FOREST RESOURCES.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site is currently vacant and undeveloped, and has been subject to previous agricultural disturbance, including regular discing. The site is currently surrounded by existing development to the north and east, and development is planned to the west and south. According to the Department of Conservation’s California Important Farmland Finder, the project site is currently designated as “Farmland of Local Importance.”⁵ Farmland of Local Importance is defined by the Department of Conservation as land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. The project site does not contain, and is not located adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to agricultural resources that are relevant to the proposed project:

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 LU1), 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 5-2 Protect agricultural land from urban development except where the General Plan Land Use Map has designated the land for urban uses.

⁵ California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed March 2023.

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

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

Discussion

a,e. According to the General Plan EIR, approximately 2,223 acres of Important Farmland may be converted to urban land uses upon implementation of the General Plan. Therefore, the General Plan EIR concluded that buildout of the City's General Plan could result in a significant and unavoidable impact related to the conversion of Farmland, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance.

According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the project site is characterized as Farmland of Local Importance. PRC Section 21060.1 defines "agricultural land" as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Therefore, the project site does not constitute Farmland under CEQA, and development of the site would not result in the conversion of Farmland to a non-agricultural use. In addition, the proposed project is consistent with the land use and zoning designations for the project site. As such, the General Plan and associated General Plan EIR have taken into consideration the conversion of Farmland of Local significance. Although the General Plan EIR concluded that the impact of converting designated farmland to a non-agricultural use is significant and unavoidable, General Plan policies are provided in the General Plan EIR to lessen the conversion of agricultural resources to some extent. In addition, pursuant to CCR Section 15093, when the General Plan was adopted, the City also adopted a Statement of Overriding Considerations which established that the significant and unavoidable impacts associated with buildout of the General Plan to be considered "acceptable" given the economic, legal, social, technological, or other benefits that would also occur.

Based on the above, effects peculiar to the proposed project or the project site do not exist. Thus, per CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met. Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise resulting in the loss of Farmland to non-agricultural use, were ***adequately addressed in the General Plan EIR.***

b. According to the General Plan EIR, 1,344.46 acres of land located within the Brentwood Planning Area are currently under Williamson Act Contracts. Within the City limits, one 37.53-acre parcel is currently under a Williamson Act Contract and is designated as Residential-Very Low Density. Because the land use designation may lead to the urbanization of the parcel, the General Plan EIR determined that buildout of the General Plan would result in a significant and unavoidable impact to existing Williamson Act contracts. However, the project site is not under a Williamson Act contract and is not zoned for agricultural uses. The site is currently zoned PD-35. Therefore, buildout of the proposed project would not conflict with an agricultural use or a Williamson Act contract. As such, the proposed project would not result in any peculiar effects, and the criteria for requiring further CEQA review are not met. Impacts related to conflicting with a Williamson Contract were ***adequately addressed in the General Plan EIR.***

c,d. As noted in the General Plan EIR, forest lands or timber lands are not located within the Brentwood planning area. The project site is not considered forest land (as defined in PRC

Section 12220[g]), timberland (as defined by PRC Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). As noted above, the project site is currently zoned PD-35. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production, and the project would not otherwise result in the loss of forest land or conversion of forest land to non-forest use. As such, the proposed project would not result in any peculiar effects, and the criteria for requiring further CEQA review are not met. Impacts related to forest lands or timber lands were **adequately addressed in the General Plan EIR**.

III. AIR QUALITY.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The City of Brentwood is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter (PM_{2.5}), and State respirable particulate matter 10 microns in diameter (PM₁₀) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM_{2.5} federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM_{2.5} AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour PM_{2.5}.

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

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

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. For development projects, BAAQMD establishes significance thresholds for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM₁₀, and PM_{2.5}, expressed in pounds per day

(lbs/day) and tons per year (tons/yr). The thresholds are listed in Table 2. Thus, by exceeding the BAAQMD’s mass emission thresholds for operational emissions of ROG, NO_x, or PM₁₀, a project would be considered to conflict with or obstruct implementation of the BAAQMD’s air quality planning efforts.

| Table 2 BAAQMD Thresholds of Significance | | | |
|--|--|--|---|
| Pollutant | Construction | Operational | |
| | Average Daily Emissions (lbs/day) | Average Daily Emissions (lbs/day) | Maximum Annual Emissions (tons/year) |
| ROG | 54 | 54 | 10 |
| NO _x | 54 | 54 | 10 |
| PM ₁₀ (exhaust) | 82 | 82 | 15 |
| PM _{2.5} (exhaust) | 54 | 54 | 10 |

Source: BAAQMD, CEQA Guidelines, May 2017.

Emissions of particulate matter can be split into two categories: fugitive emissions and exhaust emissions. The BAAQMD thresholds of significance for exhaust PM emissions are presented in Table 2. The BAAQMD does not maintain quantitative thresholds for fugitive emissions of PM₁₀ or PM_{2.5}; rather, BAAQMD requires all projects within the district’s jurisdiction to implement Basic Construction Mitigation Measures (BCMMS) related to dust suppression.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to air quality that are relevant to the proposed project:

- Policy COS 8-1:** Improve air quality through continuing to require a development pattern that focuses growth in and around existing urbanized areas, locating new housing near places of employment, encouraging alternative modes of transportation, and requiring projects to mitigate significant air quality impacts.
- Policy COS 8-2:** Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.
- Policy COS 8-4:** Encourage new development or significant remodels to install fireplaces, wood stoves, and/or heaters which meet Bay Area Air Quality Management District (BAAQMD) standards.
- Policy COS 8-5:** Continue to require all construction projects and ground disturbing activities to implement BAAQMD dust control and abatement measures.
- Policy COS 8-10:** Encourage public transit, ridesharing and van pooling, shortened and combined motor vehicle trips to work and services, use of bicycles, and walking. Minimize single passenger motor vehicle use.
- Policy COS 8-11:** Encourage new construction to incorporate passive solar features.
- Policy COS 9-1:** Require all new public and privately constructed buildings to meet and comply with the most current “green” development standards in the California Code of Regulations (CCR), Title 24.

- Policy COS 9-2:** Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, if feasible.
- Policy COS 9-3:** Promote the use of alternative energy sources in new development.
- Action COS 8b:** Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD and General Plan requirements, which include analysis and identification of:
1. Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions.
 2. Potential exposure of sensitive receptors to toxic air contaminants.
 3. Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions.
 4. Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

Discussion

a,b. The General Plan EIR concluded that because future projects allowed under the General Plan would be required to comply with General Plan policies and actions, implementation of the General Plan would not conflict with or obstruct implementation of the applicable air quality plan, and a less-than-significant impact would occur. Additionally, the General Plan EIR concluded that the policies and actions included throughout the General Plan, most specifically within the Conservation and Open Space, Land Use, and Circulation Elements, cover the full breadth of air quality issues as recommended by BAAQMD. As such, buildout of the General Plan would not result in cumulatively considerable net increase of any criteria pollutant.

It should be noted that since the preparation of the General Plan EIR, regulations pertaining to air quality emissions have become much more stringent. Therefore, the operational emissions from buildout of the proposed project (especially related to energy) are anticipated to be less than what was included in the General Plan EIR.

Consistent with General Plan action COS 8b, the proposed project’s construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2020.4.0 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates, vehicle mix, trip length, average speed, etc. Where project-specific information is available, such information should be applied in the model. Accordingly, the proposed project’s modeling assumes the following project and/or site-specific information:

- Construction would commence in June of 2024 and occur over an approximately one-year period;
- Approximately 13,000 cubic yards of soils/materials would be imported during grading;

- Each haul truck would travel 35 miles per trip;
- The trip generation rates were updated, consistent with the project-specific Traffic Impact Study;⁶ and
- Hearths/fireplaces would not be included in the proposed units.

The proposed project’s estimated emissions associated with construction and operation are provided below. All CalEEMod results are included as Appendix A to this Modified Initial Study.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 3.

| Pollutant | Proposed Project Emissions | Threshold of Significance | Exceeds Threshold? |
|--|----------------------------|---------------------------|--------------------|
| ROG | 9.76 | 54 | NO |
| NO _x | 53.02 | 54 | NO |
| PM ₁₀ * | 1.51 | 82 | NO |
| PM _{2.5} * | 0.40 | 54 | NO |
| Note: * Denotes emissions from exhaust only. BAAQMD does not have adopted PM thresholds for fugitive emissions. | | | |
| Source: CalEEMod, March 2023 (see Appendix A). | | | |

As shown in the table, the construction of the proposed project would generate criteria pollutant emissions below all applicable thresholds of significance.

All projects within the jurisdiction of the BAAQMD are required to implement all of the BAAQMD’s BCMs, which would be included in the project approval as Conditions of Approval:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of

⁶ TJKM Transportation Consultants. *Traffic Impact Study Apricot Residential Development City of Brentwood, California*. November 11, 2022.

- Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

General Plan policy COS8-5 requires the proposed project to implement the BAAQMD’s BCMMs listed above for the project’s construction activities, which would help to further minimize construction-related emissions. Even without consideration of BAAQMD’s BCMMs, as shown in Table 3, construction of the proposed project would result in emissions of criteria air pollutants below BAAQMD’s thresholds of significance. Consequently, the proposed project would not conflict with or obstruct implementation of the applicable air quality plans during project construction.

Operational Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated operational criteria air pollutant emissions as shown in Table 4.

| Table 4 Unmitigated Maximum Operational Emissions | | | | | |
|--|-----------------------------------|----------------|----------------------------------|----------------|---------------------------|
| Pollutant | Proposed Project Emissions | | Threshold of Significance | | Exceeds Threshold? |
| | lbs/day | tons/yr | lbs/day | tons/yr | |
| ROG | 4.59 | 0.79 | 54 | 10 | NO |
| NO _x | 2.03 | 0.34 | 54 | 10 | NO |
| PM ₁₀ * | 0.08 | 0.01 | 82 | 15 | NO |
| PM _{2.5} * | 0.08 | 0.01 | 54 | 10 | NO |

Note:
 * Denotes emissions from exhaust only. BAAQMD has not yet adopted PM thresholds for fugitive emissions.

Source: CalEEMod, March 2023 (see Appendix A).

As shown in the table, the proposed project’s operational emissions would be below the applicable thresholds of significance. Because the proposed project’s operational emissions would be below the applicable thresholds of significance, the proposed project would not be considered to conflict with air quality plans during project operation.

Cumulative Emissions

Past, present, and future development projects contribute to the region’s adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project’s individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project’s contribution to the cumulative impact is considerable, then the project’s impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project’s individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 2 represent the levels at which a project’s

individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 2, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would result in emissions below the applicable thresholds of significance, the proposed project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

Conclusion

The General Plan EIR concluded that implementation of the General Plan would not cause the disruption, delay, or otherwise hinder the implementation of any air quality plan control measure and is therefore consistent with the 2017 Clean Air Plan. Thus, the General Plan EIR determined a less than significant impact would occur. Additionally, the General Plan EIR concluded that with implementation of applicable General Plan policies, criteria air pollutant emissions associated with buildout of the General Plan would not cause a substantial net increase in emissions that exceeds the BAAQMD regional significance thresholds, and impacts would be less than significant.

Because the proposed project would result in emissions below the applicable thresholds of significance during both construction and operations, the proposed project would not be considered to conflict with or obstruct implementation of regional air quality plans. In addition, the proposed project would not result in a cumulatively considerable net increase in any criteria air pollutant. Therefore, the proposed project would not result in any peculiar effects related to the generation of criteria pollutants, and requirements for additional CEQA review are not met and the impacts were ***adequately addressed in the General Plan EIR.***

- c. Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest sensitive receptors to the project site are the residents of the existing residential development to the north and east of the project site.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of 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. According to the General Plan EIR,

localized air quality impacts related to pollutant concentrations from mobile-source emissions generated by buildout of the General Plan would be less than significant.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected 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.).

Given that the proposed project is consistent with the site's current land use and zoning designations, the proposed project would not conflict with the Contra Costa Transportation Authority (CCTA) Congestion Management Program.⁷ According to the project-specific Traffic Impact Study, the busiest study intersection in the project area (Fairview Avenue and Sand Creek Road) accommodates up to 2,858 vehicles per peak hour under existing conditions. Considering the proposed project is expected to generate up to 44 AM peak hour trips and 59 PM peak hour trips, traffic associated with the proposed development would not increase traffic volumes at any affected intersection to more than 44,000 vehicles per hour. Furthermore, areas where vertical and/or horizontal mixing is limited due to tunnels, underpasses, or similar features do not exist in the project area. Therefore, based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

Another category of environmental concern is TACs. Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations would correlate to a higher health risk. The CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. 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.

According to the General Plan EIR, implementation of General Plan policies and actions would minimize impacts from community risk and hazards. These General Plan policies

⁷ Contra Costa Transportation Authority. *2019 Congestion Management Program for Contra Costa*. December, 2019.

and actions are consistent with the BAAQMD CEQA Guidelines and are intended to reduce health risks associated with TACs. Therefore, the General Plan EIR concluded that implementation of the General Plan, including the policies and actions that are intended to mitigate TAC impacts, would ensure that the impact is reduced to a less than significant level.

Operation of the proposed residential uses is not anticipated to result in substantial emissions of TACs. However, implementation of the proposed project would result in emissions of DPM related to project construction, which could influence the existing receptors surrounding the project site.

Construction Emissions

Construction-related activities would result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. Consequently, the operation of heavy equipment within the project site during project construction could result in exposure of nearby residents to DPM.

To analyze potential health risks to nearby residents that could result from DPM emissions from heavy off-road equipment at the project site, total DPM emissions from construction of the proposed project were estimated. DPM is considered a subset of PM_{2.5}. Thus, the CalEEMod estimated PM_{2.5} emissions from exhaust during construction was conservatively assumed to represent all DPM emitted on-site. The CalEEMod estimated PM_{2.5} exhaust emissions were then used to calculate the concentration of DPM at the maximally exposed sensitive receptor near the project site.

DPM concentrations resulting from project implementation were estimated using the American Meteorological Society/Environmental Protection Agency (AMS/EPA) Regulatory Model (AERMOD). The associated cancer risk and non-cancer hazard index were calculated using the CARB's Hotspot Analysis Reporting Program Version 2 (HARP 2) Risk Assessment Standalone Tool (RAST), which calculates the cancer and non-cancer health impacts using the risk assessment guidelines of the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments.⁸ The modeling was performed in accordance with the USEPA's User's Guide for the AERMOD⁹ and the 2015 OEHHA Guidance Manual. The AERMOD results are presented in Figure 8. As shown therein, the maximally exposed receptor, represented by a white "X," is located east of the project site.

Based on the foregoing methodology, and the methodology presented above regarding the estimation of construction emissions, the cancer risk and non-cancer hazard indices were estimated and are presented in Table 5.

⁸ Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments* [pg. 8-18]. February 2015.

⁹ U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. December 2016.

| Table 5 Maximum Cancer Risk and Hazard Index Associated with Construction DPM | | | |
|--|--|-------------------------------|---------------------------------|
| | Cancer Risk (per million persons) | Acute Hazard Index | Chronic Hazard Index |
| At Maximally Exposed Receptor | 7.21 | 0.00 | 0.008 |
| <i>Thresholds of Significance</i> | 10.00 | 1.00 | 1.00 |
| Exceed Thresholds? | NO | NO | NO |
| <i>Sources: AERMOD and HARP 2 RAST, March 2023 (see Appendix A).</i> | | | |

As shown in Table 5, DPM emissions related to construction of the proposed project would not result in health risks to the maximally exposed receptor in excess of the BAAQMD's thresholds for cancer risk and/or non-cancer hazard index.

Conclusion

The above analysis of the proposed project's consistency with BAAQMD requirements is consistent with General Plan action COS 8.b In addition, based on the above, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs during construction or operation, either on a project-level or cumulative level. Therefore, the proposed project would not result in any peculiar effects, and further CEQA review would not be required for this topic. As a result, the impact was **adequately addressed in the General Plan EIR.**

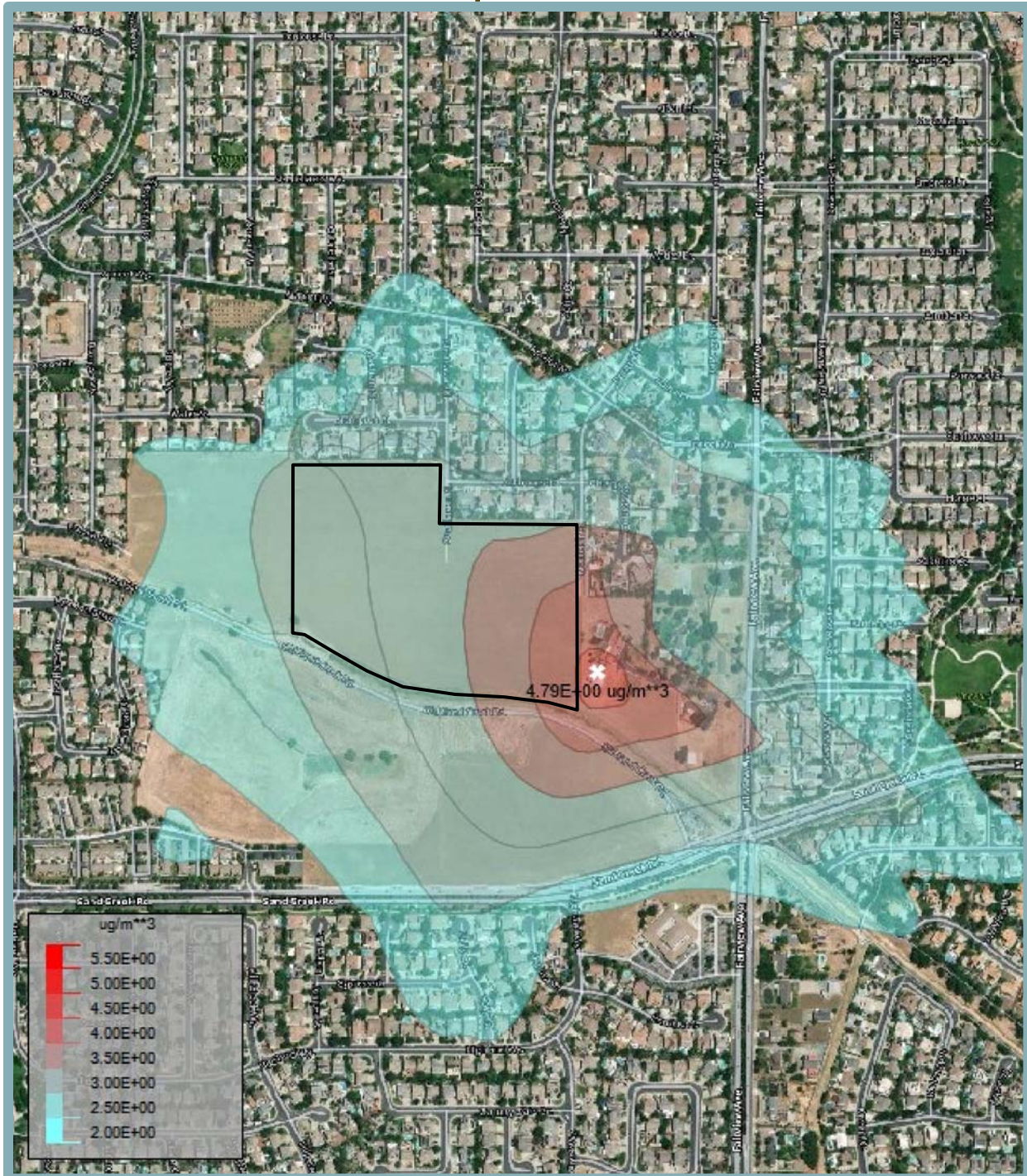
- d. Emissions such as those leading to odors have the potential to adversely affect sensitive receptors within the project area. Pollutants of principal concern include emissions leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections 'a' through 'c' above. Therefore, the following discussion focuses on emissions of odors and dust.

Pursuant to the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.¹⁰ Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on several variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantification of significant odor impacts is relatively difficult.

¹⁰ Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1]. May 2017.

Figure 8
AERMOD Results – Dispersion of Construction DPM



Source: AERMOD, March 2023 (see Appendix A).

Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses.

Construction activities often include diesel-fueled equipment and heavy-duty diesel trucks, which can create odors associated with diesel fumes, which could be found to be objectionable. However, as discussed above, construction activities would be temporary, and operation of construction equipment would be regulated and intermittent. Project construction would also be required to comply with all applicable BAAQMD rules and regulations, particularly associated with permitting of air pollutant sources. The aforementioned regulations would help to minimize air pollutant emissions, as well as any associated odors. Accordingly, substantial objectionable odors would not occur during construction activities or affect a substantial number of people.

In addition, the BAAQMD rules and regulations would act to reduce construction related dust, which would ensure that construction of the proposed project does not result in substantial emissions of dust. Following project construction, the project site would not include any exposed topsoil. Thus, project operations would not include any substantial sources of dust.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, the proposed project would not result in any peculiar effects, and further CEQA review would not be required for this topic. As a result, the impact was ***adequately addressed in the General Plan EIR.***

IV. BIOLOGICAL RESOURCES.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site is located within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP/NCCP)¹¹. The project site is currently vacant and undeveloped, and is surrounded by existing development to the north and east. Two American Elm trees are located in the southwestern portion of the site. The project site’s land cover consists of Non-Native Woodland and Ruderal land cover types. According to the ECCCHCP/NCCP, Non-Native Woodland land cover is described as areas where ornamental and other introduced species of trees have been planted or naturalized and dominate to form a dense canopy. Non-Native Woodland land cover may provide suitable habitat for raptors, and is primarily found in areas surrounded by development, where the signatures and locations did not meet the requirements for oak or riparian woodlands. The Ruderal land cover is described as disturbed areas characterized by sparse non-native, typically weedy vegetation. Most ruderal areas are vacant parcels surrounded by developed areas.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to biological resources that are relevant to the proposed project:

Policy COS 1-4: Where possible, integrate open space and stream corridors with trails and other recreational open space in an environmentally sustainable manner.

¹¹ East Contra Costa County Habitat Conservation Plan Association. *Final East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan*. October 10, 2007.

- Policy COS 1-9:** Encourage the protection and incorporation of existing, native, mature, non-orchard trees and areas of natural vegetation as part of new development.
- Policy COS 3-2:** Preserve and enhance those biological communities that contribute to Brentwood's and the region's biodiversity including, but not limited to, wetlands, riparian areas, aquatic habitat, and agricultural lands.
- Action COS 3a:** Require new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan to ensure that potentially significant impacts to special-status species and sensitive resources are adequately addressed.
- Policy COS 3-3:** Focus conservation efforts on high priority conservation areas that contain suitable habitat for endangered, threatened, migratory, or special-status species and that can be managed with minimal interference with nearby urban land uses.
- Policy COS 3-4:** Conserve existing native vegetation where possible and integrate regionally native plant species into development and infrastructure projects where appropriate.
- Policy COS 3-5:** Avoid removal of large, mature trees that provide wildlife habitat or contribute to the visual quality of the environment to the greatest extent feasible through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations.
- Policy COS 4-8:** Conserve riparian habitat along local creeks, including but not limited to Marsh Creek, Deer Creek, Dry Creek, and Sand Creek, in order to maintain water quality and provide suitable habitat for native fish and plant species.
- Policy LU 4-1:** Protect those environmental features that make Brentwood an attractive and desirable place to live, work, play, and visit.

Discussion

a.f. The General Plan EIR concluded that applicable federal, state, regional, and local regulations, together with the goals, policies, and actions included in the General Plan would reduce potential impacts to special-status species that could result from buildout of the Plan to a less-than-significant level. Applicable federal state, regional, and local regulations include, but are not limited to, the Clean Water Act (CWA), Federal Endangered Species Act (FESA), Migratory Bird Treaty Act (MBTA), California Endangered Species Act (CESA), California Department of Fish and Wildlife (CDFW) Code, Oak Woodlands Conservation Act, California Native Plant Protection Act, ECCCHCP/NCCP, Contra Costa County General Plan, and the Brentwood Municipal Code.

Special-status species include those species that are:

- Listed as endangered or threatened under the FESA (or formally proposed for, or candidates for, listing);
- Listed as endangered or threatened under the CESA (or proposed for listing);
- Designated as endangered or rare, pursuant to CDFW Code(Section 1901);
- Designated as fully-protected, pursuant to CDFW Code (Section 3511, Section 4700, or Section 5050);
- Designated as species of special concern by the CDFW; or
- Defined as rare or endangered under CEQA [California Rare Plant Rank (CRPR) 1, 2, and 3].

Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the MBTA of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal.

The ECCCHCP/NCCP provides take authorization for 28 listed and non-listed species (i.e., covered species). In addition, the ECCCHCP/NCCP includes conservation measures to protect the 28 covered species, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of the species in the study area.

A Planning Survey Report (PSR) was prepared for the proposed project by Johnson Marigot Consulting, LLC (Appendix B). The PSR included a field survey conducted on April 28, 2022 to evaluate the site for evidence of special-status species, potential habitat for special-status species, and to evaluate the existing habitat types. In addition, the PSR included a search for special-status species previously recorded within the general vicinity of the project site through use of the California Natural Diversity Database (CNDDDB) and a U.S. Fish and Wildlife Service (USFWS) Information Planning and Conservation Report (IPAC).

The project site is located within the boundaries of the ECCCHCP/NCCP, which is intended to provide an effective framework to protect natural resources in the County, including special-status species. In February 2015, the East Contra Costa County Habitat Conservancy prepared an ECCCHCP/NCCP Assessment of Plan Effects on CEQA Species.¹² The purpose of the assessment was to provide a programmatic, cumulative CEQA effects analysis for CEQA species not covered by the HCP/NCCP. The 2015 ECCCHCP/NCCP Assessment of Plan Effects on CEQA Species concluded that mitigation measures required in the ECCCHCP/NCCP also provide mitigation for non-covered species; therefore, projects consistent with the ECCCHCP/NCCP would have a less-than-significant impact on other potential special-status species.

According to the 2015 ECCCHCP/NCCP Assessment of Plan Effects on CEQA Species, for all but two of the potential special-status species addressed (Lime Ridge navarretia [*Navarretia gowenii*] and the Lime Ridge eriastrum [*Eriastrum ertterae*]), impacts would be less than significant under CEQA. Because of uncertainty regarding the distribution of the Lime Ridge navarretia and the Lime Ridge eriastrum, the 2015 ECCCHCP/NCCP Assessment of Plan Effects on CEQA Species concluded that a potentially significant impact could occur related to the two aforementioned species. Johnson Marigot

¹² H.T. Harvey & Associates. *East Contra Costa County Habitat Conservation Plan – Assessment of Plan Effects on CEQA Species*. February 17, 2015.

Consulting did not identify any known occurrences of Lime Ridge navarretia or Lime Ridge eriastrum within the project site or immediate vicinity. Therefore, implementation of the proposed project would not impact the species. Based on the conclusions of the 2015 ECCCHCP/NCCP Assessment of Plan Effects on CEQA Species and the absence of the Lime Ridge navarretia and Lime Ridge eriastrum in the vicinity of the project site, the proposed project would have a less-than-significant impact on any potential special-status wildlife species and potential special-status plant species not covered by the ECCCHCP/NCCP that could occur within the vicinity of the project site because the proposed project would be required to comply with the ECCCHCP/NCCP.

The potential for species covered by the ECCCHCP/NCCP and other special-status species to occur on the project site is discussed in further detail below.

Special-Status Plants

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

Given the previous disturbance of the project site, special-status plant species are not anticipated on-site, as the project site is occasionally disced and surrounded by existing development, lessening the possibility of the site offering suitable habitat capable of supporting special-status species. According to the PSR prepared for the project, the CNDDDB and IPAC research did not identify any observations of special-status plant species within one mile of the project site. Furthermore, the field survey conducted did not observe any special-status plant species. Therefore, Johnson Marigot Consulting concluded that the proposed project would not result in impacts to special-status species.

Special-Status Wildlife

Based on the CNDDDB search conducted for the project area, a total of three special-status wildlife species are known to occur within the project site vicinity. The three species that may occur on-site include the San Joaquin kit fox (*Vulpes macrotis mutica*), western burrowing owl (*Athene cunicularia*), and Swainson's hawk (*Buteo swainsonii*), as well as other nesting birds and raptors protected by the MBTA. Each species is discussed in further detail below.

San Joaquin Kit Fox

The San Joaquin kit fox is a Federally-listed endangered species protected pursuant to the FESA and is a State-listed threatened species protected pursuant to the CESA. San Joaquin kit fox habitat is usually found in open grassland and shrub land communities but has also been observed in ruderal plant communities. The San Joaquin kit fox relies on dens for breeding, and to provide escape cover from potential predators. Dens are excavated in loose-textured soils, generally in areas with low to moderate relief. Kit fox will also utilize existing burrows dug by other small mammals.

The project site is located within the identified range of San Joaquin kit fox. However, according to the PSR prepared for the project, evidence of kit fox, dens, or foraging was not found within the project site, and a very limited potential for denning habitat as identified within the project site or within a 250-foot radius due to routine discing of the site and surrounding residential development. Nonetheless, because suitable habitat for San

Joaquin kit fox exists on the project site, pre-construction surveys for San Joaquin kit fox would be required by the ECCCHCP/NCCP to confirm presence or absence of the species. Compliance with the General Plan policies and actions, and the mitigation measures included in the ECCHCP/NCCP would ensure peculiar impacts to San Joaquin kit fox would not occur from implementation of the proposed project.

Western Burrowing Owl

The western burrowing owl is a California Species of Special Concern. Burrowing owl habitat is usually found in annual and perennial grasslands, characterized by low- growing vegetation. The primary habitat requirement for western burrowing owls is small mammal burrows that the species uses for nesting. Typically, the species uses abandoned ground squirrel burrows, but western burrowing owls have been known to dig burrows in softer soils. In urban areas, western burrowing owls may use pipes, culverts, and piles of material as artificial burrows. Western burrowing owls breed semi-colonially from March through August.

The project site is located within the identified range of western burrowing owl. The project site consists of disced field; however, a limited number of burrows exist on-site that could provide potentially suitable habitat for western burrowing owl. Because suitable habitat for western burrowing owl exists on the project site, pre-construction surveys for burrowing owls would be required by the ECCCHCP/NCCP to confirm presence or absence of the species. Compliance with the General Plan policies and actions, and the mitigation measures included in the ECCHCP/NCCP would ensure peculiar impacts to western burrowing owl would not occur from implementation of the proposed project.

Swainson's Hawk

The Swainson's hawk is a state-listed threatened species under the CESA. The Swainson's hawk is generally a summer visitor to California; however, a small population of Swainson's hawks remain residents in California year-round. The Swainson's hawk inhabits open to semi-open areas at low to middle elevations in valleys, dry meadows, foothills, and level uplands. The species nests almost exclusively in trees and will nest in almost any tree species that is at least 10 feet tall. Swainson's hawks also occasionally nest in shrubs, on telephone poles, and on the ground. Foraging habitats include alfalfa fields, fallow fields, beet, tomato, and other low-growing row or field crops, dry-land and irrigated pasture, and rice land when not flooded. In addition, agricultural practices allow for access to prey, and very likely increases foraging success of Swainson's hawks when farm equipment flushes prey during harvesting.

The field survey did not observe Swainson's hawk or nests at the project site. However, the project site and surrounding undeveloped land provide suitable foraging habitat for Swainson's hawk and the trees located along Sand Creek and the immediate vicinity of the site provide suitable nesting habitat. The CNDDDB search conducted as part of the PSR included a record of Swainson's Hawk along Sand Creek, one mile west of the project site. Pre-construction surveys for Swainson's hawk are required by the ECCCHCP/NCCP to confirm the presence or absence of the species. Compliance with the General Plan policies and actions, and the mitigation measures included in the ECCHCP/NCCP would ensure peculiar impacts to Swainson's hawk would not occur from implementation of the proposed project.

Other Nesting Migratory Birds and Raptors

Existing trees near the project site could provide potential nesting habitat for nesting migratory birds and raptors protected by the MBTA. Therefore, project construction activities, including initial site grading, soil excavation, associated improvements, and/or tree and vegetation removal occurring during the nesting period for migratory birds (typically between February 1 to August 31) could have the potential to result in nest abandonment or death of any live eggs or young, should migratory birds or their nests be present within or near the project site. However, given the disturbed nature of the project site and surrounding development, and the fact that habitat for nesting birds and raptors is not uncommon within the project area, the site does not include any peculiar conditions from a biological perspective. Furthermore, as discussed above, compliance with the General Plan policies and actions, and the mitigation measures included in the ECCCHCP/NCCP would ensure peculiar impacts to nesting migratory birds and raptors would not occur from implementation of the proposed project.

ECCCHCP/NCCP Requirements

Procedures for pre-construction surveys, best management practices, and construction monitoring, as well as Applicable Avoidance and Minimization Measures for species covered by the ECCCHCP/NCCP are outlined in Section 6.3.3 Surveys for Construction Monitoring and Section 6.4.3 Species-Level Measures of the ECCCHCP/NCCP.¹³ The project would be required to comply with all ECCCHCP/NCCP requirements, including conducting pre-construction surveys prior to ground disturbance activities to establish whether nests or burrows of San Joaquin kit fox, western burrowing owl, and Swainson's hawk are occupied. If nests or burrows are occupied, the project would be required to comply with the minimization requirements and construction monitoring in the ECCCHCP/NCCP. In compliance with the ECCCHCP/NCCP, the project would also be required to follow Applicable Avoidance and Minimization Measures if nests are located within 1,000 feet of the project site.

All birds covered by the ECCCHCP/NCCP are also considered migratory birds and subject to the prohibitions of the MBTA. Therefore, actions conducted under the ECCCHCP/NCCP comply with the provisions of the MBTA. Because the project would comply with all ECCCHCP/NCCP requirements, the project would also comply with the provisions of the MBTA.

Furthermore, the proposed project would be subject to pay all applicable fees according to the Fee Zone Map of the ECCCHCP/NCCP prior to construction. The contractor would be required to pay the appropriate fees based on the applicable fee calculator at the time of development.

¹³ East Contra Coast County Habitat Conservation Plan Association. *Final East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan*. October 2006.

Conclusion

Pursuant to CEQA Guidelines Section 15183(f), “An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. [...]” The General Plan EIR concluded that applicable Federal, State, regional, and local regulations, together with General Plan goals, policies, and actions would reduce potential impacts to special-status species that could result from buildout of the General Plan. In addition, as part of the City’s standard Conditions of Approval, a preconstruction survey for migratory birds would be required prior to the removal of any trees located along the project site boundaries.

Based on the above, impacts the proposed project would not result in any peculiar effects to species identified as special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS given required compliance with applicable federal, state, regional, and local regulations, together with the goals, policies, and actions included in the General Plan, which the General Plan EIR found would substantially mitigate potential environmental effects. Additionally, the proposed project would comply with all applicable ECCCHCP/NCCP requirements. Thus, impacts related to having a substantial adverse effect on any species identified as a candidate, sensitive, or special status species or conflicting with the provisions of an adopted HCP/NCCP were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

- b,c. The General Plan EIR concluded that applicable federal, state, regional, and local regulations, together with the goals, policies, and actions included in the General Plan would reduce potential impacts to riparian habitat, wetlands, and other sensitive natural communities that could result from buildout of the Plan to a less-than-significant level. 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. 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 gently sloping plains of grasslands.

Johnson Marigot Consulting, LLC assessed potential presence of jurisdictional Waters of the U.S. or wetlands on the site during the site survey conducted on April 6, 2022¹⁴. The assessment found that jurisdictional Waters of the U.S. or wetlands of any type are not present on the site, and that the reach of Sand Creek bordering the project site would not be impacted. Nonetheless, the proposed project would be required to comply with ECCHCP/NCCP Conservation Measure 2.12, Wetland, Pond, And Stream Avoidance and Minimization, and Conservation Measure 1.7, Establish Stream Setbacks. Conservation Measure 2.12 would ensure the proposed project results in minimal impacts to Sand Creek through erosion control, proper disposal of trash, and limiting construction activities and herbicide use near Sand Creek. In addition, Conservation Measure 1.7 would establish

¹⁴ Johnson Marigot Consulting, LLC. *Application Form and Planning Survey Report*. July 2022.

stream setbacks in order protect existing habitat and water quality, and hydrologic processes through buffering.

The proposed development area does not contain any wetlands or aquatic features. Therefore, the site does not include any sensitive natural communities, and impacts related to having a substantial adverse effect on riparian habitat, sensitive natural communities, or federally protected wetlands were **adequately addressed in the General Plan EIR**. The proposed project would not result in any peculiar effects that would require further CEQA review related to effects on any riparian habitat, protected wetlands, or other sensitive natural communities.

- d. According to the General Plan EIR, the most prominent species using movement corridors through Brentwood are the Chinook salmon and steelhead trout, who used Marsh Creek and its tributaries (Sand Creek, Deer Creek, and Dry Creek). The General Plan EIR concluded that applicable existing laws and regulations, together with General Plan goals, policies, and actions would reduce potential impacts that could result from buildout of the General Plan, and a less-than-significant impact would occur.

As discussed previously, the project site is surrounded by existing development to the north and east. Therefore, the potential for use of the site as a wildlife corridor or native wildlife nursery site is limited. Sand Creek may currently serve as a limited migration corridor for wildlife. However, as discussed above, the reach of Sand Creek bordering the project site would not be impacted. In addition, the proposed project would be subject to applicable local, state, and federal regulations and General Plan policies regarding construction and operational activities near Sand Creek.

Based on the above, impacts related to interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

- e. The General Plan EIR concluded that with compliance with existing regulations and adherence to the goals, policies, and actions included in the General Plan, which serve to minimize potential impacts related to the protection of biological resources, impacts related to conflicting with local policies or ordinance protecting biological resources would be considered less than significant.

The project site contains non-native woodland consisting of two American elms (*Bromus diandrus*). The City of Brentwood has not adopted a tree preservation ordinance that would govern the project site. However, should the trees be proposed for removal, planting of replacement trees on-site should be prioritized over off-site locations, consistent with General Plan policy COS 3-5.

Based on the above, impacts related to conflicting with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

V. CULTURAL RESOURCES.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Disturb any human remains, including those interred outside of dedicated cemeteries. | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site is located within a suburban area of the City of Brentwood, and is bordered by existing development to the north and east. Currently, the project site is undeveloped, and has been subject to previous agricultural disturbance, including regular discing.

Historical resources are features that are associated with the lives of historically-important persons and/or historically-significant events, that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. Historical properties within the City of Brentwood are summarized in Table 3.5-1 of the EIR. Table 3.5-1 of the General Plan EIR does not identify any known historical resources on or adjacent to the project site. However, as noted in the General Plan EIR, 44 prehistoric archeological sites have been discovered within the City of Brentwood.

A Cultural Resources Inventory Report was prepared for the proposed by ECORP Consulting, Inc.¹⁵ Based on the results of the Cultural Resources Inventory Report, 23 previous cultural resource investigations have been conducted in or within a 0.5 radius of the project site.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to cultural resources that are relevant to the proposed project:

Policy COS 6-1: Protect important historic resources and use these resources to promote a sense of place and history in Brentwood.

Policy COS 6-2: Encourage the voluntary identification, conservation, and reuse of historical structures, properties, and sites with special and recognized historic, architectural, or aesthetic value.

Policy COS 6-3: Encourage historic resources to remain in their original use whenever possible. The adaptive use of historic resources is preferred, particularly as museums, educational facilities, or visitor-serving uses, when the original use can no longer be sustained. Older residences may be converted to office/retail use in commercial areas and to tourist or business use, so long as their historical authenticity is maintained or enhanced.

¹⁵ ECORP Consulting, Inc. *Cultural Resources Inventory Report 1777 Apricot Way*. April 2022.

- Policy COS 6-7:** Review new development projects and work in conjunction with the California Historical Resources Information System to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
- Policy COS 6-8:** Ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- Policy COS 6-9:** Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.
- Action COS 6d:** Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.
- Action COS 6e:** Require all new development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:
1. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director; and
 2. If human remains are discovered during any ground disturbing activity, work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Community Development Director.

Discussion

- a-c. The General Plan EIR determined that future development allowed under the General Plan could affect known historical and archaeological resources or unknown historical and archaeological resources which have not yet been identified. However, the General Plan EIR concluded that compliance with existing regulations, including the above General Plan policies and actions, would ensure that potential impacts to historical and archaeological resources would be less than significant.

The following discussion is based primarily on the Cultural Resources Inventory Report prepared by ECORP Consulting, Inc. for the proposed project.¹⁶ As part of the Cultural Resources Inventory, a records search of the California Historic Resources Information System (CHRIS) was performed by the Northwest Information Center (NWIC) for cultural resource site records and survey reports within the project area on March 15, 2022. The records search indicated that cultural resources have not been documented within the project area or within a 0.5-mile radius of the project site. In addition, a search of the Native American Heritage Commission (NAHC) Sacred Lands File did not yield any information regarding the presence of Tribal Cultural Resources within the project site. The Cultural Resources Inventory Report also included a field survey of the project site, and determined that Historic Properties under Section 106 of the National Historic Preservation Act (NHPA) or Historical Resources under CEQA were not present within the project site.

The proposed project would be required to adhere to all applicable General Plan policies and actions presented above, including Action COS 6e, which requires that if ground disturbing activities result in the discovery of significant historic or archeological resources, all work within 100 feet of the discovery shall cease, and the Community Development Director shall be notified, the resources shall be examined by a qualified professional for appropriate protection and preservation measures. Work may only resume when appropriate protections are in place and have been approved by the Community Development Director. Should human remains be discovered during ground disturbing activities, Action COS 6e requires that work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted. If the human remains are determined to be of Native American origin, the Native American Heritage Commission and the most likely descendants shall be consulted and work may only resume when appropriate measures have been taken and approved by the Community Development Director. Compliance with all applicable standards would ensue that the proposed project would not cause a substantial adverse change in the significance of a historic or archeological resource, or disturb human remains, in the case that such resources are discovered during ground disturbing activities.

As previously discussed, pursuant to CEQA Guidelines Section 15183(f), “An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. [...]” In the case of the proposed project, compliance with the City’s General Plan policies would substantially mitigate potential project impacts to cultural resources.

Based on the above, impacts related to causing a substantial adverse change in the significance of a historic or archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturbing human remains, including those interred outside of formal cemeteries, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

¹⁶ ECORP Consulting, Inc. *Cultural Resources inventory Report 1777 Apricot Way*. April 2022.

VI. ENERGY.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The main forms of available energy supply are electricity, natural gas, and oil. A description of the California Green Building Standards Code and the Building Energy Efficiency Standards, with which the proposed project would be required to comply, as well as discussions regarding the proposed project’s potential effects related to energy demand during construction and operations are provided below.

California Green Building Standards Code

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

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Incentives for installation of electric heat pumps, which use less energy than traditional heating, ventilation, and air conditioning (HVAC) systems and water heaters;
- Required solar PV system and battery storage standards for certain buildings; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

Building Energy Efficiency Standards

The 2022 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy-efficiency measures from the 2019 Building Energy Efficiency Standards, went into effect starting January 1, 2023. The 2022 standards provide for additional efficiency improvements beyond the 2019 standards. The proposed project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to energy that are relevant to the proposed project:

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

Policy COS 9-3: Promote the use of alternative energy sources in new development.

Discussion

a,b. Discussions regarding the proposed project's potential effects related to energy demand during construction and operations are provided below.

Construction Energy Use

The General Plan EIR concluded that in accordance with the applicable regulations and General Plan policies, construction energy impacts for future development under the General Plan would be addressed in project-specific analysis, and as a result, General Plan impacts would be less-than-significant. The following includes a project specific analysis of the proposed project's construction energy use.

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

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site, rather than a single location. In addition, all construction equipment and operation thereof would be regulated pursuant to the CARB In-Use Off-Road Diesel Vehicle Regulation, which is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

Based on the above, the temporary increase in energy use during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. The proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

With regard to operational energy use, including energy use associated with new development, transportation, and renewable energy, the General Plan EIR concluded that with the implementation of General Plan policies and actions, and in accordance with applicable State and local energy efficiency measures, significant energy conservation and savings would be realized from future development under the proposed General Plan, and energy impacts from development would be less than significant.

Energy use associated with operation of the proposed project would be typical of residential uses, requiring electricity for interior and exterior building lighting, operation of stoves, kitchen and cleaning appliances, and more. As discussed further in Section VIII, Greenhouse Gas Emissions, of this Modified Initial Study, the proposed project is not anticipated to include the use of natural gas. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes, residents, and the movement of goods.

The proposed project would be subject to all relevant provisions of the most recent CBCS, including the CALGreen Code and the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures consume energy efficiently through the incorporation of such features as efficient water heating systems, high-performance attics and walls, and high-efficacy lighting. The CALGreen Code requires that new residential buildings use a combination of energy efficiency and distributed renewable energy generation to meet all annual energy needs. Required compliance with the standards and regulations noted above would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary.

In regards to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as discussed in Section XVII, Transportation, of this Modified Initial Study, the project site is located within close proximity to existing residential neighborhoods, bicycle infrastructure, and transit infrastructure. The availability of such transit, bicycle, and pedestrian infrastructure in the project vicinity would help to reduce VMT associated with the project and reduce fuel consumption.

Based on the above, compliance with the State's latest Energy Efficiency Standards would ensure that the proposed project would implement all necessary energy efficiency regulations, and compliance with local regulations which prohibit the use of natural gas would contribute to the efficient use of energy resources. Additionally, the inclusion of sustainable features by the proposed project would further reduce any impacts associated with energy consumption.

Conclusion

Based on the above, the proposed project would involve energy use associated with construction activities and operations; however, given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and associated energy demands have been anticipated by the City and analyzed in the General Plan EIR. In addition, the project would comply with applicable General Plan policies, as well as other State energy standards, which would ensure that construction

and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Based on the above, impacts related to energy use were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

VII. GEOLOGY AND SOILS.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

According to the General Plan EIR, Brentwood, like most of California, is vulnerable to seismic activity due to the presence of several active earthquake faults in the region. According to the United States Geological Survey (USGS), faults that have moved in Holocene time (the last 11,500 years) are considered the most active and dangerous faults. Active or potentially active faults are not known to be located within the Planning Area. However, numerous active faults are located in the regional vicinity of Brentwood. Based on age and historic movement, the most active seismic sources in the vicinity of Brentwood include the Calaveras, Coast Range-Sierran Block Boundary Zone, Concord-Green Valley, and San Andreas faults. The California Geological Survey does not include Brentwood on its list of cities that are affected by Alquist-Priolo Fault Zones. In addition, development within the City is required to comply with the CBSC. The CBSC provides minimum standards to ensure that the proposed structure would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project site is located. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the proposed structure would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

A Geotechnical Exploration was prepared for the proposed project by ENGEO Incorporated (see Appendix C).¹⁷ According to the Geotechnical Exploration, the project site is generally level and is underlain with soft to hard clay and silt, interbedded with sand at various depths. The high groundwater is indicated to be between 18 and 21 feet below the existing ground surface of the site.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to geology and soils that are relevant to the proposed project:

- Policy SA 1-1:** Regulate development in areas of seismic and geologic hazards to reduce risks to life and property associated with earthquakes, liquefaction, erosion, landslides, and expansive soils.
- Policy SA 1-2:** Where feasible, require new development to avoid unreasonable exposure to geologic hazards, including earthquake damage, subsidence, liquefaction, and expansive soils.
- Policy SA 1-3:** Ensure that all new development and construction is reviewed by the City to ensure conformance with applicable building standards related to geologic and seismic safety.
- Policy SA 1-4:** Require geotechnical investigations to be completed prior to approval of any public safety facilities, such as fire stations, in order to ensure that these critical facilities are constructed in a way that mitigates site specific seismic and/or geologic hazards.
- Policy SA 1-5:** Ensure that critical facilities in Brentwood's Planning Area are designed and constructed to withstand the "maximum probable" earthquake and remain in service. Critical facilities include police stations, fire stations, hospitals, and other public or semi-public buildings that house critical first-responders or emergency management personnel.
- Policy SA 1-6:** Development in areas subject to liquefaction shall be reviewed by qualified soils engineers and geologists prior to development in order to ensure the safety and stability of all construction.
- Policy SA 1-11:** All structures and building foundations located within areas containing expansive soils shall be designed and engineered to comply with the most current version of the California Code of Regulations (CCR), Title 24.
- Action SA 1a:** Require 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.
- Action SA 1b:** All building code requirements shall be adhered to so as to provide for maximum safety requirements. Inspections for compliance shall be made by the Community Development Department prior to approval for occupancy.

¹⁷ ENGEO Incorporated. *Apricot Brentwood, California Geotechnical Exploration*. December 10, 2021.

Action SA 1c: Require strict adherence to the requirements of the California Code of Regulations (CCR), Title 24 in all areas of the city and, during the development review process, ensure that public and critical use buildings shall not be located in areas susceptible to potential natural hazards.

Action COS 6e: Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:

1. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director.

Discussion

ai-aii. The General Plan EIR concluded that compliance with applicable General Plan policies, the CBSC, and Chapter 15 (Buildings and Construction) of the Brentwood Municipal Code, would ensure impacts related to fault rupture hazards and seismic ground shaking would be less than significant. Given that the proposed project would be consistent with the site's General Plan land use designation, potential fault rupture and seismic ground shaking hazards associated with buildout of the project site have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would be constructed in accordance with the seismic design parameters established by the most recent requirements of the CBSC. According to the Geotechnical Exploration prepared by ENGEIO Inc., the site is not located within an Alquist-Priolo Earthquake Fault Zone. Therefore, impacts related to seismic rupture of a known earthquake fault or strong seismic ground shaking were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

aiii,aiv. The proposed project's potential effects related to liquefaction, landslides, lateral spreading, and subsidence/settlement are discussed in detail below.

Liquefaction

Liquefaction is a phenomenon in which granular material is transformed from a solid state to a liquefied state as a consequence of increased pore-water pressure and reduced effective stress. Increased pore-water pressure is induced by the tendency of granular materials to densify when subjected to cyclic shear stresses associated with earthquakes. According to Figure 3.6-2 of the General Plan EIR, the project site is located in an area of moderate liquefaction potential. As part of the Geotechnical Exploration, a liquefaction analysis was performed to estimate the liquefaction susceptibility using samples collected at the site. The analysis determined that up to approximately one inch of total settlement may occur as a result of liquefaction-induced densification and differential settlement was determined to be negligible.

The Safety Element of the General Plan acknowledges the hazards associated with seismically induced liquefaction in the planning area, and includes a number of policies (SA 1-1 through SA 1-6) that are relevant to the potential hazards. Furthermore, the CBSC and Chapter 15 (Buildings and Construction) of the Brentwood Municipal Code provide standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements, which would further reduce the potential for seismic-related ground failure, including liquefaction. Compliance with the aforementioned uniformly applicable development regulations would ensure that the potential for risks related to liquefaction would be less than significant.

Landslides

Seismically-induced landslides are triggered by earthquake ground shaking. The risk of landslide hazard is greatest in areas with steep, unstable slopes. Given the relatively level slopes throughout Brentwood, the General Plan EIR determined that landslides are not a significant constraint within the planning area. Within Contra Costa County, the hillsides have some susceptibility for landslides, while the valleys have a low susceptibility. Figure 3.6-5 of the General Plan EIR shows the landslide potential for the planning area, and identified the project site as an area with little to no potential for landslides. Furthermore, the topography of the project site is considered level terrain and, thus, impacts related to landslides would be less than significant.

Lateral Spreading

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The Geotechnical Exploration does not cite concerns related to lateral spreading. The project site is located on level terrain and the Geotechnical Exploration observed varying sand layers indicating the sand is not acting in a continuous layer. Therefore, the potential for lateral spreading to pose a risk to the proposed project is relatively low. Furthermore, the General Plan EIR concludes that impacts related to lateral spreading would be reduced to a less-than-significant level with compliance with the CBSC, General Plan, and the Municipal Code.

Subsidence/Settlement

Subsidence is the settlement of soils of very low density generally from either oxidation of organic material, or desiccation and shrinkage, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The proposed project would comply with the CBSC, which would reduce the potential risk for subsidence. Additionally, the General Plan EIR concluded that impacts related to subsidence/settlement would be reduced with compliance with the CBSC, the General Plan, and the Municipal Code. The proposed project would be required to comply with all applicable policies, regulations, and standards set forth by the State and the City of Brentwood. Therefore, impacts related to subsidence/settlement would be less than significant.

Conclusion

Based on the above, the proposed project would not be subject to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement. In addition, as noted in the General Plan EIR, the CBSC and Chapter 15 (Buildings and Construction) of the Brentwood Municipal Code provide standards to protect property and public safety by

regulating the design and construction of excavations, foundations, building frames, and other building elements. Compliance with standard construction regulations included in the CBSC and Chapter 15 (Buildings and Construction) of the Brentwood Municipal Code would ensure that the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving subsidence or settlement. Furthermore, final building design and construction at the project site would be completed in conformance with the recommendations of the Geotechnical Exploration. The City of Brentwood Building Section would review all improvement plans to ensure that all recommendations from the Geotechnical Exploration are incorporated. Therefore, impacts related to substantial risks related to liquefaction, landslides, lateral spreading, and subsidence/settlement were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- b. Issues related to erosion are discussed in Section X, Hydrology and Water Quality, of this Modified Initial Study. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. Therefore, the proposed project would not result in any effects that would require further CEQA review for this topic, and the impact was **adequately addressed in the General Plan EIR**.
- d. Expansive soils increase in volume when they absorb water and have the potential to crack or otherwise compromise the integrity of building foundations. Consistency with the General Plan policies and actions would require a site-specific design-level geotechnical investigation be prepared and submitted to the City for approval. The General Plan EIR determined that compliance with General Plan policies and actions, as well as design criteria and specifications set forth in the design level geotechnical investigations would ensure impacts from expansive soils are less than significant.

According to the Geotechnical Exploration, the results of laboratory testing indicate that the surface clay soils on-site were characterized with moderate to high expansion potential. Additionally, Figure 3.6-4 of the General Plan EIR shows the shrink-swell potential of soils throughout the planning area, and identifies the site as having high shrink-swell potential. However, the Geotechnical Exploration determined that the site is suitable for the proposed project, provided the geotechnical recommendations are properly incorporated into the design plans and development. In addition, the proposed project would be required to comply with all applicable CBSC standards to ensure the structural integrity of the proposed structures. Given required compliance with the CBSC and the recommendations of the Geotechnical Exploration, the proposed project would not be subject to substantial risks related to expansive soils. The City of Brentwood Building Section would review all improvement plans to ensure that all recommendations from the Geotechnical Investigation are incorporated.

Based on the above, impacts related to substantial direct or indirect risks to life or property related to being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- e. As noted in the General Plan EIR, new development will not use septic tanks or alternative wastewater disposal systems. All new wastewater generated from General Plan land uses

would be collected and transmitted to the City's wastewater treatment plant for treatment. Therefore, the General Plan EIR concluded a less than significant impact would occur.

The proposed project would connect to existing City sewer services. Thus, the construction or operation of septic tanks or other alternative wastewater disposal systems is not included as part of the project. Therefore, the proposed project would not result in any effects that would require further CEQA review for this topic and the impact was **adequately addressed in the General Plan EIR**.

- f. Paleontological resources or fossils are the remains of prehistoric plant and animal life. As noted in the General Plan EIR, significant fossil deposits are not known to exist in the Planning Area. However, the geologic conditions within the City provide suitable conditions for the possibility of fossils to exist at depths of five to 10 feet below ground surface. As noted in the General Plan EIR, the General Plan provides guidance regarding the conservation of paleontological resources, ensuring that any unique paleontological resources discovered during the implementation of the General Plan are conserved appropriately. The proposed project is consistent with the project site's General Plan land use designation and, thus, impacts of build out of the site have been considered in the General Plan EIR. Furthermore, the proposed project would be subject to General Plan Action COS 6e, as presented in Section V, Cultural Resources, of this Modified Initial Study, which, as noted in the General Plan EIR, would ensure that impacts to paleontological resources are less than significant.

Based on the above, the project site does not contain any peculiar conditions that would result in increased potential for subsurface paleontological resources. The proposed project would be required to comply with the aforementioned measures to avoid potential adverse effects to paleontological resources if such resources are discovered during ground-disturbing activities on the site. Therefore, impacts related to resulting in the direct or indirect destruction of a unique paleontological resource were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

VIII. GREENHOUSE GAS EMISSIONS.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

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

Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO₂e/yr).

The proposed project is located within the jurisdictional boundaries of BAAQMD. While updated CEQA Guidelines have not yet been released, on April 20, 2022, the BAAQMD Board of Directors held a public meeting and adopted proposed CEQA Thresholds for Evaluating the Significance of Climate Change Impacts from Land Use Projects and Plans.¹⁸ The updated GHG thresholds address more recent climate change legislation, including Senate Bill (SB) 32, and provide qualitative thresholds related to Buildings and Transportation.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to GHG emissions that are applicable to the proposed project:

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.

¹⁸ Bay Area Air Quality Management District. *CEQA Thresholds and Guidelines Update*. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed March 2023.

- Policy COS 8-2:** Minimize exposure of sensitive receptors to concentrations of air pollutant emissions and toxic air contaminants.
- Policy COS 8-4:** Encourage new development or significant remodels to install fireplaces, wood stoves, and/or heaters which meet Bay Area Air Quality Management District (BAAQMD) standards.
- Policy COS 8-5:** Continue to require all construction projects and ground disturbing activities to implement BAAQMD dust control and abatement measures.
- Policy COS 8-10:** Encourage public transit, ridesharing and van pooling, shortened and combined motor vehicle trips to work and services, use of bicycles, and walking. Minimize single passenger motor vehicle use.
- Policy COS 8-11:** Encourage new construction to incorporate passive solar features.
- Policy COS 9-1:** Require all new public and privately constructed buildings to meet and comply with the most current “green” development standards in the California Code of Regulations (CCR), Title 24.
- Policy COS 9-2:** Support innovative and green building best management practices including, but not limited to, LEED certification for all new development, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, if feasible.
- Policy COS 9-3:** Promote the use of alternative energy sources in new development.
- Policy COS 9-4:** Incorporate innovative green building techniques and best management practices in the site design, construction, and renovation of all public projects.

Discussion

a,b. The General Plan EIR analyzed the potential for implementation of the General Plan to result in the generation of levels of GHGs that could either directly or indirectly cause significant impacts to the environment. According to the General Plan EIR, the General Plan is consistent with the policy guidance provided by the California Air Pollution Control Officers Association (CAPCOA) and the BAAQMD, and would assist the State in meeting GHG reduction goals established in AB 32. Therefore, the General Plan EIR determined a less than significant impact would occur.

In addition, the General Plan EIR analyzed whether implementation of the General Plan would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. According to the General Plan EIR, the General Plan includes policies to reduce GHG emissions and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the General Plan EIR determined that impacts would be less than significant.

It should be noted that since the preparation of the General Plan EIR, regulations pertaining to GHG emissions have become much more stringent. Therefore, emissions from buildout of the proposed project are anticipated to be less than what was included in the General Plan EIR. Based on the modeling conducted for the proposed project, as discussed in Section III, Air Quality, of this Modified Initial Study operational GHG emissions are presented in Table 6.

| Table 6 | |
|---|---|
| Unmitigated Operational GHG Emissions | |
| Source | GHG Emissions (MTCO₂e/yr) |
| <i>Area</i> | <i>0.82</i> |
| <i>Energy</i> | <i>137.96</i> |
| <i>Mobile</i> | <i>422.25</i> |
| <i>Waste</i> | <i>37.72</i> |
| <i>Water</i> | <i>8.91</i> |
| Total Operational GHG Emissions | 607.66 |
| <i>Source: CalEEMod, March 2023 (see Appendix A).</i> | |

However, as noted previously, the BAAQMD’s applicable threshold of significance for GHG emissions are qualitative, and the foregoing information is provided for disclosure purposes only. Potential impacts related to GHG emissions resulting from implementation of the proposed project are considered in comparison with BAAQMD’s adopted thresholds of significance below.

BAAQMD Thresholds of Significance

As discussed above, on April 20, 2022, the BAAQMD Board of Directors held a public meeting and adopted proposed CEQA Thresholds for Evaluating the Significance of Climate Change Impacts from Land Use Projects and Plans. According to the new thresholds of significance, a project must either include specific project design elements (e.g., exclude use of natural gas, achieve a specific reduction in project-generated VMT below the regional average) or be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).¹⁹

According to the BAAQMD’s thresholds of significance, in order to find a less-than-significant GHG impact, projects must include, at a minimum, the following project design elements:

- The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development);
- The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines;
- The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in

¹⁹ Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April 2022.

the Governor's Office of Planning and Research's (OPR's) Technical Advisory on Evaluating Transportation Impacts in CEQA; and

- The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

In order to be consistent with the first criterion, the proposed project is required to include all electric appliances and plumbing. The proposed project is not anticipated to include the use of natural gas appliances or natural gas plumbing. Nonetheless, compliance with the first criterion, would be ensured through the following condition of approval:

Prior to building permit issuance, the project applicant shall submit improvement plans to the City of Brentwood Community Development Department for review and approval which indicate (via notation on the improvement plans) that the proposed project shall be designed such that the project is built all-electric, and natural gas infrastructure shall be prohibited on-site.

Regarding the second criterion, as discussed in Section VI, Energy, of this Modified Initial Study, the proposed project would comply with all applicable federal, State, and local regulations regarding energy use during both project construction and project operations. Required compliance with applicable standards and regulations ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary.

With respect to the third criterion, as discussed in Section XVII, Transportation, the Citywide VMT was calculated to be 29.6. Therefore, the OPR recommended impact threshold of 15 percent below the Citywide average VMT per capita equates to 25.16 VMT per capita. The project is projected to generate VMT per capita of 22.28, which would not exceed 25.16 VMT per capita. Therefore, the project would achieve a 15 percent reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan.

With respect to the fourth criterion, the proposed project would be subject to the residential requirements set forth in the CALGreen standards. For single-family homes, duplexes, and townhomes with private garages, the CALGreen Code requires that all units shall include an electrical raceway that is EV capable, and space for future installation of a service panel. The Tier 2 requirements are not different from the mandatory requirements for the proposed land use. As a result, the proposed project would comply with the measures through the requirement compliance with the State building code.

Conclusion

As discussed above, the General Plan EIR concluded that GHG emissions associated with buildout of the General Plan would result in a less than significant impact. Given that the proposed project is consistent with the City's General Plan land use designation for the project site, GHG emissions associated with buildout of the site have been anticipated by the City and analyzed in the General Plan EIR. Therefore, impacts related to GHG emissions were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

In addition, because the proposed project would not be considered to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses, the proposed project would not result in any peculiar effects related

to the generation of GHG emissions, and requirements for additional CEQA review are not met.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

According to the General Plan, a hazardous material is a substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating irreversible illness; or (2) pose a substantial present or potential hazard to human health and safety, or the environment when improperly treated, stored, transported, or disposed of. Hazardous materials and hazardous wastes are heavily regulated by federal, State and local agencies including the California Environmental Protection Agency (CALEPA) and the Department of Toxic Substances Control (DTSC). A total of 18 locations with a Brentwood address are listed in the Envirostor database. Thirteen sites are listed as school investigation sites with no action required, one site is a certified school cleanup site, one site is an inactive school cleanup site, two sites were referred to the Regional Water Quality Control Board (RWQCB), and one site is a voluntary cleanup site that has land use restrictions (see Table 3.8-2 of the General Plan EIR).

A Modified Phase I Environmental Site Assessment (Phase I ESA) was prepared for the proposed project by ENGEO Incorporated for the purpose of identifying potential recognized environmental conditions (RECs) associated with the project site (see Appendix D).²⁰ The Phase I ESA included a reconnaissance of the site and a review of regulatory agency database reports of public records for the site area, aerial photography, historic maps, and various other documentation.

²⁰ ENGEO Incorporated. *Apricot Brentwood, California Modified Phase I Environmental Site Assessment*. December 3, 2021.

Sources reviewed as part of the Phase I ESA indicate that the project site has been cultivated with walnut orchards and fallow cultivation was early as 1939. Structures have not been recorded on the project site. Aerial photographs in 1993 indicate cultivation of row crops. By 2006, residential communities are shown as being fully developed north and east of the project site. The project site and surrounding area has remained relatively unchanged since 2006.

General Plan Policies

Listed below are actions and policies from the City of Brentwood General Plan related to hazards and hazardous materials that are relevant to the proposed project:

- Policy SA 3-3:** Keep emergency access routes free of traffic impediments.
- Policy SA 3-5:** Ensure that all areas of the city are accessible to emergency response providers.
- Policy SA 4-1:** Encourage producers and users of hazardous materials to reduce the amounts of hazardous materials generated.
- Policy SA 4-2:** Require hazardous waste generated within the city limits of Brentwood to be disposed of in a safe manner, consistent with all applicable local, State, and Federal laws.
- Policy SA 4-3:** Hazardous materials shall be stored in a safe manner, consistent with all applicable local, State, and Federal laws.
- Policy CSF 4-5:** Ensure that new development is designed, constructed, and equipped consistent with the requirements of the California Fire Code in order to minimize the risk of fire.

Discussion

- a. As noted in the General Plan EIR, construction and operation of new development pursuant to the City's General Plan could involve the routine use and handling of hazardous materials for research, manufacturing, cleaning, or other commercial uses, and the General Plan would allow agricultural uses within the General Plan area that may also use or transport hazardous materials such as pesticides. However, the General Plan EIR concluded that given compliance with applicable General Plan policies, as well as local, State, and federal regulations related to hazardous waste, impacts would be less than significant.

Residential uses are not typically associated with the routine transport, use, disposal, or generation of hazardous materials. Operations would likely involve use of common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount utilized on the site, occasional use of such products would not represent a substantial risk to public health or the environment during project operation. Therefore, impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- b,d. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions. The analysis is primarily based on a Modified Phase I ESA prepared for the proposed project by ENGEO Incorporated.²¹

According to the General Plan EIR, the construction and operation of new development allowed by the General Plan could involve the transport, use, and disposal of hazardous materials. However, the General Plan EIR concluded that given compliance with applicable General Plan policies, as well as local, State, and federal regulations related to hazardous waste, impacts would be less than significant.

Construction Activities

Construction activities associated with the proposed project would involve the use of various products such as concrete, paints, and adhesives. In addition, heavy-duty construction equipment would contain hydraulic fluid, diesel fuel, and other petroleum products. Small quantities of such potentially toxic substances would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials.

Pursuant to California Health and Safety Code Section 25510(a), except as provided in subdivision (b),²² the handler or an employee, authorized representative, agent, or designee of a handler, shall, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency (in the case of the proposed project, the Contra Costa Environmental Health Division [CCCEHD]) in accordance with the regulations. The handler or an employee, authorized representative, agent, or designee of the handler shall provide all State, City, or County fire or public health or safety personnel and emergency response personnel with access to the handler's facilities. In the case of the proposed project, the contractor is required to notify the CCCEHD in the event of an accidental release of a hazardous material, who would then monitor the conditions and recommend appropriate remediation measures.

Existing On-Site Hazardous Conditions

The purpose of the Modified Phase I ESA was to review past and present land use practices and activities at and near the project site for evidence of RECs that could result in impacts to soil, soil vapor, surface water, and/or groundwater at, beneath, or originating from the project site. As part of the process, the Phase I ESA included review of historical documentation, aerial photography, regulatory agency files, environmental sites radius reports, and site reconnaissance. According to the American Society for Testing and Materials (ASTM), RECs are defined as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to a release to the environment; under conditions indicative of a release to the environment or under conditions that pose a material threat of future release.”

The CALEPA provides a list of data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, pursuant to

²¹ ENGEO Incorporated. *Modified Phase I Environmental Site Assessment Apricot Brentwood, California*. December 3, 2021.

²² Subdivision (a) does not apply to a person engaged in the transportation of a hazardous material on a highway that is subject to, and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

Government Code 65962.5. The project site is not located on DTSC's Hazardous Waste and Substances Site List, which is a component of the Cortese List.²³ The other components of the Cortese List include the list of leaking underground storage tank sites from the State Water Board's GeoTracker database, the list of solid waste disposal sites identified by the Water Board, and the list of active Cease and Desist Orders (CDOs) and Cleanup and Abatement Orders (CAOs) from the Water Board. The project site is not located on any of the aforementioned components of the Cortese List.²⁴

The Phase I ESA that was prepared for the proposed project included a review of regulatory agency records and a mapped database records search for other databases not included on the Cortese List. According to the Phase I ESA, the project site was not identified in any additional databases. Eleven database sites were identified within the appropriate ASTM search distance of the project site. However, the Phase I ESA concluded that due to the distances of the database sites and regional topographic gradient, it is unlikely that the identified database sites pose an environmental risk to the project site.

Reconnaissance of the project site was conducted by ENGEO Incorporated on November 16, 2021. The reconnaissance did not identify any potentially hazardous exterior features such as storage tanks, solid waste, or fill material.

The Modified Phase I ESA also included review of previous uses of the project site through historical USGS topographic maps and aerial photographs. The photographs indicate that the site has been used for the cultivation of walnut orchards, fallow or hay production, and row crops since 1939. The project site has remained relatively unchanged since 2006. Because the project site was historically used for agricultural activities, the Modified Phase I ESA included an agrichemical assessment of the surface soil to evaluate the potential presence of residual concentrations of organochlorine pesticides (OCPs), arsenic, and lead. Soil samples were collected on November 16, 2021, from 32 locations across the project site. Soil samples were collected from zero to six inches below the ground surface. The reported concentrations for OCPs, arsenic, and lead are below the applicable USEPA and CAL-EPA screening levels for residential soil. Overall, according to the Phase I ESA, RECs, historical RECs, and controlled RECs are not present within the project site.

Conclusion

Based on the above, the proposed project would not result in any peculiar effects that would require further CEQA review related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, or through being located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5, and impacts were **adequately addressed in the General Plan EIR**.

- c. The General Plan EIR concluded that impacts related to the release of hazardous materials within one-quarter mile of existing or proposed schools would be less than significant. The nearest school relative to the project site is Loma Vista Elementary School, located approximately 0.4-mile southwest of the site. Impacts related to hazardous

²³ Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed March 2023.

²⁴ CalEPA. *Cortese List Data Resources*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed March 2023.

emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- e. The General Plan EIR concluded that impacts related to interfering with any airport land use plan or otherwise creating an airport-related safety hazard and risk to people residing or working in the General Plan area would be less than significant. The public airport nearest to the project site is the Byron Airport, which is located approximately nine miles southeast of the project site. Brentwood does not lie within the Runway Protection Zone, Inner/Outer Safety Zones, Inner Turning Zone, Sideline Safety Zone, or Traffic Pattern Zone for Byron Airport. In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not result in an airport-related safety hazard for people residing or working in the project area. As a result, the proposed project would not result in any effects that would require further CEQA review for this topic and impacts were **adequately addressed in the General Plan EIR**.
- f. The General Plan EIR concluded that compliance with applicable federal, state, and local laws and regulations as well as General Plan policies and strategies, would ensure that impacts related to interfering with an adopted emergency response plan, or emergency evacuation plan would be less than significant.

Implementation of the proposed project would not result in any substantial modifications to the City's existing roadway system. The project would not interfere with potential evacuation or response routes used by emergency response teams. Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site with residential uses would not conflict with the City's emergency planning efforts. Therefore, impacts related to interfering with an emergency evacuation or response plan were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- g. The General Plan EIR concluded that compliance with applicable federal, state, and local laws and regulations as well as General Plan policies and strategies, would ensure that impacts from wildland hazards would be less than significant.

According to CAL FIRE, the project site is located in a local responsibility area and is not within a Very High Fire Hazard Severity Zone (FHSZ).²⁵ While the nearest High or Very High FHSZ is located approximately two miles to the southwest, the project site is separated from such areas by State Route (SR) 4, Sand Creek, and existing urban development, which serve as a fire break to the project site. In addition, the proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.06 of the City's Municipal Code, including installation of fire sprinkler systems. The project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for future residents, workers, or visitors. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the project would not result in substantial fire risks related to installation or maintenance of such infrastructure.

²⁵ California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed March 2023.

Based on the above, impacts related to wildfire risks were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

X. HYDROLOGY AND WATER QUALITY.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | | | |
| i. Result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| iv. Impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

Currently, the project site is undeveloped and covered in ruderal grasses. Existing residential development is located north and east of the site. The site generally slopes from northwest to southwest. Stormwater drain infrastructure does not exist on-site, however existing stormwater drain infrastructure is present in the existing residential development immediately to the north and east of the project site.

The southeastern portion of the site is located in Zone X, 0.2 percent annual chance flood, and the southern boundary of the site is located in Zone AE, with a base flood elevation between 115 and 103 feet as identified on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 06013C0353F. The remainder of the site is located in an area of minimal flood hazard.

General Plan Policies

Listed below are policies and actions from the City of Brentwood General Plan related to hydrology and water quality that are relevant to the proposed project:

Policy SA 1-10: An erosion and sediment control plan prepared by a civil engineer, or other professional who is qualified to prepare such a plan, shall be submitted as part of any grading permit application for new development. The erosion and sediment control plan shall delineate measures to appropriately and effectively minimize soil erosion and sedimentation, and shall comply with

the design standards and construction site control measures contained in Chapter 15.52 (Grading, Erosion and Sediment Control) of the Brentwood Municipal Code.

- Policy SA 2-2:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.
- Policy SA 2-3:** Ensure that construction activities will not result in adverse impacts to existing flood control and drainage structures.
- Policy SA 2-6:** Unless otherwise mitigated, require new structures to be located outside of the 100-year floodplain to the greatest extent feasible.
- Policy SA 2-12:** Ensure that adequate drainage and erosion control measures are provided during construction of all new development.
- Policy COS 4-5:** Encourage the use of natural features such as bio swales, vegetation, retention ponds, and other measures to remove storm water pollutants prior to discharge, subject to State regulations.
- Policy COS 4-8:** Conserve riparian habitat along local creeks, including but not limited to Marsh Creek, Deer Creek, Dry Creek, and Sand Creek, in order to maintain water quality and provide suitable habitat for native fish and plant species.
- Policy COS 4-9:** Consider the effects of development on ground and surface water quality, and implement measures to reduce water contamination.
- Policy COS 4-10:** Where feasible, encourage and support multipurpose detention basins that provide water quality protection, storm water detention, open space amenities, and recreational amenities.
- Policy IF 1-2:** Require development, infrastructure, and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.
- Policy IF 1-2:** Require development, infrastructure, and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.
- Policy IF 1-3:** Require all development projects to mitigate their infrastructure service impacts or demonstrate that the City's infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be degraded or impaired.

- Policy IF 1-4:** Require new development projects to develop comprehensive infrastructure plans for City review and approval as part of an application submittal.
- Policy IF 1-7:** Require the payment of impact fees for all new development.
- Policy IF 2-1:** Ensure the water system and supply is adequate to meet the needs of existing and future development.
- Policy IF 4-2:** Incorporate recreational trails and parkway vegetation design in channel improvements, and explore utilizing detention basins for parks, ball fields, and equestrian areas.
- Policy IF 4-3:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the City's NPDES Municipal Regional Permit. Project applicants shall mitigate any drainage impacts as necessary.
- Policy SA 2-2:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for off-site flooding.
- Action IF 1c:** As part of the development review process, determine the potential impacts of development and infrastructure projects on public infrastructure, and ensure that new development contributes its fair share toward necessary on and off-site infrastructure, as described in the Growth Management Element of the General Plan.
- Action IF 1d:** Through development review, ensure that infrastructure is adequately sized to accommodate the proposed development and, if applicable, allow for extensions to future developments.

Discussion

- a. The General Plan EIR concluded that with implementation of General Plan policies and actions, as well as compliance with federal, State, and local regulations, implementation of the General Plan would result in a less than significant impact to water quality standards. The proposed project's potential to result in water quality impacts during construction and operations is discussed in detail separately below.

Construction

Project construction activities such as grading, excavation, and trenching for site improvements would result in the disturbance of on-site soils. The exposed soils have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints,

solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities. Impacts from construction-related activities would generally be short-term.

Water quality degradation is regulated by the federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board (SWRCB) through nine RWQCBs. New development within the City that disturbs one or more acres of land is required to comply with the NPDES Construction General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) incorporating best management practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The proposed project would disturb 20.92 acres, and thus, would be subject to the State NPDES General Permit conditions.

Compliance with the SWRCB NPDES General Construction Permit through preparation of a SWPPP that specifies site management activities to be implemented during site development, such as construction stormwater BMPs, erosion and sedimentation controls, dewatering, runoff controls, and construction equipment maintenance, would ensure that construction of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Post-Construction Operations

After project completion, impervious surfaces on the project site could contribute incrementally to the degradation of downstream water quality during storm events. During the dry season, vehicles and other urban activities may release contaminants onto the impervious surfaces, where they would accumulate until the first storm event. During the initial storm event, or first flush, the concentrated pollutants would be transported through stormwater runoff from the site to the stormwater drainage system and eventually a downstream waterway. Typical urban pollutants that would likely be associated with the proposed project include sediment, pesticides, oil and grease, nutrients, metals, bacteria, and trash. In addition, stormwater runoff could cause soil erosion if not properly addressed and provide a more lucrative means of transport for pollutants to enter the waterways.

Stormwater runoff generated on-site would be collected in inlets and flow into a new on-site storm drain system consisting of 24-inch, 18-inch, and 8-inch storm drain pipes. The storm drains would flow towards the southeast portion of the site where a bio-retention area is proposed. The bio-retention area would be located above a common open space area and walking path. The proposed bio-retention area would capture and treat stormwater from all on-site impervious surfaces.

In addition, the proposed project would be required to comply with the stormwater pollution prevention measures set forth in Chapter 14.20 (Stormwater Management and Discharge Control) of the City's Municipal Code. In accordance with Chapter 14.20.050, the proposed project would be required to prepare a stormwater control plan that meets the criteria in

the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook, and implement BMPs to the satisfaction of the City.

The final design of the proposed drainage system would be reviewed and approved by the City of Brentwood Engineering Division, which would ensure that the proposed drainage system complies with all applicable regional and local standards, including those set forth in Chapter 14.20 of the Brentwood Municipal Code, as well as requirements pertaining to the incorporation of sufficient permanent stormwater treatment control BMPs. Therefore, water quality standards or waste discharge requirements would not be violated, and water quality would not be degraded as a result of operations of the proposed project.

Conclusion

The General Plan EIR concluded that required compliance with the RWQCB's permit requirements; implementation of site design, source control, and treatment control measures for new development or redevelopment projects within the City; and adherence to General Plan policies and actions would render any potential construction and operational impacts to water quality less than significant. As discussed above, the proposed project would comply with the aforementioned requirements. Therefore, impacts related to violation of water quality standards or degradation of water quality during construction or operation were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- b,e The General Plan EIR concluded that through implementation of General Plan policies and actions combined with the City continuing to obtain surface water and reducing the consumption of ground water, impacts related to groundwater recharge would be less than significant. Water supplies for the project site are supplied by the City of Brentwood. According to the City's 2020 Urban Water Management Plan (UWMP), the City's current water supply consists of both surface water from the Delta and groundwater which is pumped from the East Contra Costa (ECC) Subbasin underlying the City through nine wells within the service area, five of which are active.²⁶ While the proposed 20.92-acre project would create new impervious surfaces within the site, the ECC Subbasin has a total surface area of approximately 168 square miles; therefore, the groundwater basin within which the project site is located would be recharged from many sources over a large area. Except for seasonal variations resulting from recharge and pumping, the General Plan EIR anticipates the City will pump a relatively stable amount of groundwater through the year 2045. Therefore, any new impervious surfaces associated with the project would not interfere substantially with groundwater recharge within the ECC Subbasin.

Given that the proposed project is consistent with the site's current land use and zoning designations residential development of the project site has generally been anticipated by the City. As such, the project would not result in increased use of groundwater supplies beyond what has been anticipated by the City and accounted for in the UWMP. Additionally, the proposed project would be subject to the specific regulations on water use imposed by the UWMP.

As discussed in further detail in Section XIX, Utilities and Service Systems, of this Modified Initial Study, the proposed project would not result in substantial adverse effects related to groundwater use or water supply. Thus, impacts related to substantially decreasing

²⁶ City of Brentwood. 2020 Urban Water Management Plan. June 2021.

groundwater supplies or interfering substantially with groundwater recharge were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- c.i-iii. According to the General Plan EIR, during the life of any development project allowed under the General Plan, the increase in impervious surfaces could result in a change in drainage patterns that could increase the rate and/or volume of stormwater runoff, contributing to on-site or off-site flooding. However, the General Plan EIR concluded that with implementation of General Plan policies, and compliance with all applicable regulations, impacts related to changes to drainage patterns would be reduced to a less-than-significant level.

All municipalities within Contra Costa County are required to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide NPDES permit. Known as the “C.3 Standards,” new development and redevelopment projects that create or replace 10,000 or more square feet of impervious surface area must contain and treat stormwater runoff from the site. The proposed project would result in approximately 9.92 acres (431,951 sf) of impervious surfaces. Because the proposed project would create more than 10,000 sf of impervious surface area, the proposed project would be considered a C.3 regulated project and is required to include appropriate site design measures, source controls, and hydraulically-sized stormwater treatment measures. In addition, the project site is within Drainage Area 30c, and would be required to pay the applicable Contra Costa County Flood Control and Water Conservation District (CCCFCWCD) drainage fees.²⁷

The on-site stormwater treatment facilities would incorporate the most recent Stormwater C.3 Guidebook and Contra Costa Clean Water Program requirements,²⁸ as well as all applicable City stormwater requirements. Stormwater draining off impervious surfaces such as roofs, parking areas, and drive aisles within the project site would be captured and routed to the bio-retention basin located in the southeast corner of the site. The bio-retention basin would include layers of cobbles, soil mix, gravel, and plants to provide for on-site treatment of runoff. The bio-retention basin would be sized to provide for adequate treatment and management of all stormwater runoff. Furthermore, because the proposed project is consistent with the site’s current General Plan land use designations, the surrounding infrastructure has been designed and built to accommodate stormwater runoff associated with the proposed project, in addition to stormwater flows associated with existing development in the area. The final drainage system design for the project would be subject to review and approval by the City of Brentwood Engineering Division to ensure that the proposed drainage system for the project is consistent with the City’s General Plan policies and standard stormwater-related Conditions of Approval.

Based on the above, impacts related to substantially altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, 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, were **adequately addressed in the**

²⁷ Contra Costa County Flood Control District. *Contra Costa County Formed Drainage Areas*. February 7, 2008.

²⁸ Contra Costa County Clean Water Program. *Stormwater C.3 Guidebook*. May 17, 2017.

General Plan EIR, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- c.iv. The General Plan EIR included an analysis of flood risks associated with implementation of the General Plan, including identification of flood hazard areas within the City. The General Plan EIR concluded that compliance with federal and local regulatory requirements regarding construction of new development within 100-year floodplains to reduce potential risk from flooding, and General Plan policies and actions to address concerns, impacts would be reduced to a less-than-significant level. As shown in Figure 3.9-4 of the General Plan EIR, the southern portion of the project site is located within the 500-year Flood Zone, which is not considered a Special Flood Hazard Zone (SFHA). As discussed above, according to FEMA FIRM Panel Number 06013C0353F, the southeastern portion of the site is located in Zone X, 0.2 percent annual flood chance, and the southern boundary of the site is located in Zone AE, with a base flood elevation between 115 and 103 feet. The remainder of the site is located in Zone X, area of minimal flood hazard. The proposed project does not include development at the southern boundary of the site, and, therefore, all development would take place within Zone X. The City of Brentwood does not have any specific requirements for projects located in Flood Zone X.

The policies and actions contained in the Safety Element of the General Plan represent a comprehensive approach by the City of Brentwood to reduce the risks of flooding to City residents and properties. Thus, impacts related to impeding or redirecting flood flows were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

- d. As discussed under question 'c.iv' above, the project site is not located within a flood hazard zone. Thus, the proposed development would not be subject to substantial flooding risks. As noted in the General Plan EIR, the City of Brentwood is not subject to substantial risks related to tsunamis, and with implementation of General Plan policies and actions as well as compliance with the City's Municipal Code regarding hillside construction, the impacts due to seiches and mudflows would be less than significant. Therefore, impacts related to flooding, tsunamis, and seiches were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic.

XI. LAND USE AND PLANNING.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site currently consists of undeveloped ruderal vegetation, and is surrounded by existing residential development to the north and east. Vacant land planned for residential development is located to the west. Sand Creek and Sand Creek Trail are located to the south of the project site, with vacant land planned for development beyond Sand Creek.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to land use and planning that are relevant to the proposed project:

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.

Discussion

- a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. Surrounding existing uses include residential development to the east and north, and Sand Creek to the east. The proposed project would connect to the surrounding existing communities through connections to Montclair Place and Strathaven Place to the north. Therefore, the proposed project would be a continuation of the surrounding development and would not isolate an existing land use. Furthermore, the proposed project is consistent with the site’s existing land use and zoning designations and, thus, is consistent with the type and intensity of development that has previously been anticipated for the site by the City and analyzed in the General Plan EIR. The EIR concluded that the General Plan would not result in new development or features that would divide existing residential neighborhoods or communities, and impacts were determined to be less than significant. As such, impacts related to physically dividing an established community were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.
- b. The proposed project is consistent with the site’s current General Plan land use and zoning designation of R-LD. As discussed throughout this Modified Initial Study, the proposed project would not result in any new significant environmental effects that were not previously identified in the General Plan EIR and could not be substantially mitigated by uniformly applicable development policies and standards, pursuant to CEQA Guidelines

Section 15183. In addition, the proposed project would not conflict with City policies and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including, but not limited to, the City's noise standards, applicable regulations related to stormwater, and development standards included in the Brentwood Municipal Code. Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact, and the impact has been ***adequately addressed in the General Plan EIR.***

XII. MINERAL RESOURCES.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

According to the City’s General Plan EIR, within the City limits, documented mineral resources include sand, gravel, coal, oil, and gas.²⁹ Sediments throughout most of the City consist of young alluvial deposits. Historically, large amounts of sand were mined from the dune sands of the northern portion of the City; however, competition from sand and gravel pits in the Tracy and Livermore areas caused a gradual decline in production. As of January 1, 2013, three aggregate mines exist within Contra Costa County: the Byron Plant, Clayton Quarry, and Clayton Mine. However, none of the three mines are located within the City of Brentwood planning area.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to mineral resources that are relevant to the proposed project:

Policy COS 5-1: Ensure that areas of mineral resources can be mined while productive and are ultimately reused for urbanization or open space.

Policy COS 5-2: Allow resource extraction of gas, oil, and mineral resources as an interim use.

Discussion

a,b. As discussed above, documented mineral resources within the City limits include sand, gravel, coal, oil, and gas. However, while three aggregate mines exist within Contra Costa County none of the three mines are located within the City of Brentwood planning area. In addition, the General Plan EIR concluded that with implementation of General Plan policies and actions, impacts to mineral resources would be less than significant. Given that mineral resources have not been identified on-site, the proposed project would not result in any peculiar effects to mineral resources such that further CEQA review for this topic would be required, and impacts have been **adequately addressed in the General Plan EIR.**

²⁹ City of Brentwood. 2014 Brentwood General Plan Draft Environmental Impact Report. April 2014.

XIII. NOISE.

Would the project result in:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | × |
| b. Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | × |
| c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | × |

Environmental Setting

The following description of the existing environmental setting is based primarily on the Exterior Noise Analysis prepared for the proposed project by Veneklasen Associates (see Appendix E).³⁰ The following terms are referenced in this discussion:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to dB in this discussion will be A-weighted unless noted otherwise.
- Day-Night Average Level (DNL): The average sound level over a 24-hour period, with a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Community Noise Equivalent Level (CNEL): The average sound level over a 24-hour period, with a penalty of 5 dB applied to noise occurring during daytime hours (7:00 AM to 10:00 PM) and a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Equivalent Sound Level (L_{eq}): The average sound level over a given time-period.
- Maximum Sound Level (L_{max}): The maximum sound level over a given time-period.

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. In the vicinity of the project site, the nearest existing noise sensitive land uses are the residential uses located adjacent to the northern project site boundary, and the residential uses located west of the project site, across Montclair Place. The adjacent residential units are all oriented so that the rear yards abut the project site.

According to the Noise Analysis, the existing ambient noise environment within the project area is defined primarily by noise from traffic on Monterey Road and condensing units associated with residential uses. To generally quantify the existing ambient noise environment within the project area, short-term ambient noise level measurements were conducted on September 21, 2022. The short-term noise survey locations are shown on Figure 9, identified as sites S1, S2, and S3. The ambient noise level survey results are summarized below in Table 7.

³⁰ Veneklasen Associates. *Trumark Trailside Brentwood, California Exterior Noise Analysis*. October 20, 2022.

| Site Description | Start Time | Duration (minutes) | LA _{eq} | LAF _{max} |
|--|------------|--------------------|------------------|--------------------|
| Site 1: Southeast corner of project area | 3:25 PM | 5:00 | 38 | 49 |
| | 3:35 PM | 30:00 | 42 | 64 |
| | 4:00 PM | 30:00 | 42 | 55 |
| | 4:30 PM | 30:00 | 43 | 64 |
| | 5:00 PM | 30:00 | 44 | 68 |
| Site 2: Adjacent to Strathaven Place | 3:30 PM | 20:00 | 40 | 54 |
| | 4:00 PM | 30:00 | 40 | 58 |
| | 4:30 PM | 10:00 | 38 | 51 |
| Site 3: Western boundary of project area | 4:45 PM | 15:00 | 40 | 55 |
| | 5:00 PM | 30:00 | 42 | 55 |
| | 5:30 PM | 10:00 | 45 | 60 |

Source: Veneklasen Associates, 2022.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to noise that are relevant to the proposed project:

Policy N 1-2: Require development and infrastructure projects to be consistent with the Land Use Compatibility for Community Noise Environments standards indicated in Table N-1 (see Table 8 of this Modified Initial Study) to ensure acceptable noise levels for existing and future development.

| Land Use | Normally Acceptable | Conditionally Acceptable | Clearly Unacceptable |
|--|---------------------|--------------------------|----------------------|
| Single-Family Residential | ≤60 | 60-75 | >75 |
| Multi-Family Residential, Hotels, and Motels | ≤65 | 65-75 | >75 |
| Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds | ≤65 | 65-80 | >80 |
| Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches | ≤65 | 65-75 | >75 |
| Office Buildings, Business Commercial, and Professional | ≤67 | 70-80 | >77 |
| Industrial | ≤70 | 70-80 | >80 |

Source: City of Brentwood General Plan (Table N-1), July 2014.

Policy N 1-7: For projects that are required by the California Environmental Quality Act (CEQA) to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:

Figure 9
Noise Measurement Locations



Stationary and Non-Transportation Noise Sources

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

Transportation Noise Sources

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

Policy N 1-11: Ensure that existing development is protected, to the greatest extent feasible, from noise impacts due to construction on adjacent or nearby properties.

Policy N 1-13: Control non-transportation related noise from site specific noise sources to the standards shown in Table N-2 (see Table 9 of this Modified Initial Study).

| Table 9 | | | |
|--|--------------------------------------|--|-----------------------------|
| Stationary (Non-Transportation) Noise Sources Standards | | | |
| Land Use Receiving the Noise | Hourly Noise Level Descriptor | Exterior Noise-Level Standard (dBA) | |
| | | Daytime (7am-10pm) | Nighttime (10pm-7am) |
| Residential | L _{eq} | 55 | 45 |
| | L _{max} | 70 | 65 |

Notes:

a) *The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area (at the discretion of the Community Development Director) of the new development. For mixed-use projects, the exterior noise level standard may be waived (at the discretion of the Community Development Director) if the project does not include a designated activity area and mitigation of property line noise is not practical. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings). The City can impose standards that are more restrictive than specified above based upon determination of existing low ambient noise levels.*

b) *Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.*

c) *In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.*

d) *Exterior noise exposure level not exceeding 65 dB L_{dn} is allowed along the State Route 4 corridor, the Union Pacific Railroad corridor, and arterial roadways.*

Source: City of Brentwood General Plan (Table N-2), 2014.

Policy N 1-14: Ensure that new development does not result in indoor noise levels exceeding 45 dBA Ldn for residential uses.

Policy N 1-15: Require construction activities to comply with standard best practices (see Action N 1e).

Action N 1e: During the environmental review process, determine if proposed construction will constitute a significant impact on nearby residents and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:

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.

City Noise Standards

Both the City’s Municipal Code and General Plan include regulations related to the generation of noise. With regard to temporary construction noise, the City restricts grading, site-improvement,

and heavy construction equipment activities to the daytime hours between 7:00 AM and 3:30 PM Monday through Friday or until 5:30 PM with the express written approval of the City Engineer or designee. Work shall not be performed on Saturday or Sunday or City holidays, except that such work may be performed on Saturday between 8:00 AM and 5:00 PM with the express written approval of the City Engineer or designee. Furthermore, as described above, Policy N 1-15 of the Noise Element requires construction activities to comply with standard best practices as outlined in Action N 1E.

The Noise Element of the City's General Plan establishes a land use compatibility criterion of 60 dB L_{dn} or less within outdoor activity areas of residential land uses impacted by transportation noise sources (e.g., traffic noise). As presented above, General Plan Policy N I-2 requires that new development and infrastructure projects be consistent with the Land Use Compatibility for Community Noise Environments standards (reproduced in Table 8 above) to ensure acceptable noise levels for existing and future development. Furthermore, General Plan Policy N1-13 requires stationary (non-transportation) noise sources to be below 55 L_{eq} during daytime hours, and 45 L_{eq} during nighttime hours at residential land uses.

In addition to the noise level standards described above, the City also provides the following criteria to determine the significance of transportation noise impacts:

- Where existing traffic noise levels are less than 60 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a 5.0 dB L_{dn} increase in roadway noise levels would be considered significant;
- Where existing traffic noise levels range between 60 and 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a 3.0 dB L_{dn} increase in roadway noise levels would be considered significant; and
- Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a 1.5 dB L_{dn} increase in roadway noise levels would be considered significant.

Discussion

- a. The General Plan EIR included an analysis of potential noise impacts associated with construction and operation of new development occurring pursuant to the General Plan. The General Plan EIR concluded that new development within the City would avoid significant impacts by conforming with requirements of the General Plan policies. Through adherence to the requirements, policies, and strategies in the General Plan and in the current Brentwood Municipal Code, the City of Brentwood would prevent the development of land uses in areas with inappropriately high ambient noise levels; would ensure that any development of noise sensitive land uses include the study and adequate mitigation of noise impacts; and would prevent activities or new uses that generate excessive levels of noise at sensitive receptors. Therefore, the General Plan EIR determined that noise impacts would be less than significant.

The following discussion provides an analysis of potential construction and operational noise effects which may be peculiar to the proposed development.

Project Construction Noise

The General Plan EIR determined that development facilitated by the General Plan would temporarily increase ambient noise levels on and adjacent to individual construction sites, including noise from construction traffic. The General Plan EIR concluded that implementation of the policies and actions of the General Plan, specifically Policy N1-15

and Action N-1e, would reduce noise impacts from construction noise to a less-than-significant level.

During construction of the proposed project and off-site improvements, heavy-duty equipment would be used for grading, excavation, paving, and building construction, which would result in temporary noise level increases while in operation. Noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project site would vary depending on the proximity of construction activities to that point. Standard construction equipment, such as graders, backhoes, loaders, and haul trucks would be used on-site.

Table 10 shows maximum noise levels associated with typical construction equipment. Based on the table, activities involved in typical construction would generate maximum noise levels up to 85 dB at a distance of 50 feet.

| Table 10 | |
|---|-------------------------------------|
| Construction Equipment Noise | |
| Type of Equipment | Maximum Level, dB at 50 feet |
| Backhoe | 78 |
| Compactor | 83 |
| Compressor (air) | 78 |
| Dozer | 82 |
| Dump Truck | 76 |
| Excavator | 81 |
| Generator | 81 |
| Pneumatic Tools | 85 |
| <i>Source: Federal Highway Administration, Roadway Construction Noise Model User's Guide, January 2006.</i> | |

Noise would also be generated during the construction phase by increased truck traffic on area roadways, including truck traffic associated with heavy material and equipment transport to and from the construction site. Noise increases from truck traffic related to the material movement would be short duration, and likely occur during daytime hours.

Pursuant to Section 9.32.050 of the Brentwood Municipal Code, noise generating construction activities, including truck traffic coming to and from the construction site, are conditionally exempt from the Noise Ordinance during certain hours. Specifically, such activities are limited to the hours of 7:00 AM and 3:30 PM on weekdays, or until 5:30 PM with the express written approval of the city engineer or designee. No such work shall be performed on Saturday or Sunday or city holidays, except that such work may be performed on Saturday between 8:00 AM and 5:00 PM with the express written approval of the city engineer or designee.

Given required compliance with City standards and General Plan policies, construction activities associated with the proposed project would not result in new significant noise impacts relative to what was analyzed in the General Plan EIR.

Project Operational Noise

The General Plan EIR concluded that buildout of the General Plan would increase traffic noise along local roadways and result in the exposure of residents to the impacts of future industrial/commercial, emergency, and outdoor activity noise. The General Plan EIR also

concluded that buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. While implementation of the proposed policies and actions of the General Plan were determined to reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating features, the General Plan concluded that some traffic noise impacts cannot be mitigated to a less-than-significant level due the proximity of sensitive receptors to major roadways, and because noise attenuation may not be feasible in all circumstances. Thus, impacts to ambient noise associated with General Plan buildout were determined to be significant and unavoidable.

As noted previously, in the vicinity of the project site, the nearest existing noise sensitive land uses are the existing single-family residential developments to the north and east of the project site. The primary noise source associated with the proposed project would be traffic noise along local roadways generated by future residents. As discussed in Section XVII, Transportation, of this Modified Initial Study, increased vehicle traffic associated with buildout of the General Plan, including the project site, has been analyzed in the General Plan EIR. Similarly, vehicle traffic noise associated with buildout of the site has been analyzed in the General Plan EIR. The proposed project would be consistent with the General Plan land use designations for the site, and would not include unique features that would result in substantial increases in traffic noise beyond what was analyzed in the General Plan EIR. As such, the General Plan and associated General Plan EIR have taken into consideration the increase in traffic noise levels significance. Although the General Plan EIR concludes that the impact of traffic noise is significant and unavoidable, General Plan policies are provided in the General Plan EIR to lessen the impact to some extent. In addition, pursuant to CCR Section 15093, when the General Plan was adopted, the City also adopted a Statement of Overriding Considerations which established that the significant and unavoidable impacts associated with buildout of the General Plan to be considered "acceptable" given the economic, legal, social, technological, or other benefits that would also occur. Furthermore, the proposed project consists of the development of 63 new single-family units, and thus, is consistent with the surrounding land uses in the project area so the operational noise in the project area would not be peculiar to the proposed project.

Conclusion

Based on the above, construction and operation of the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the City's General Plan and the Municipal Code. Thus, impacts related to noise level increases and conflicts with the City's noise level standards were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review for this topic.

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

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 11, which was developed by the California Department of Transportation (Caltrans), shows the vibration levels that would normally be required to result in damage to structures.

| Table 11 | | | |
|--|----------------|---|--|
| Effects of Vibration on People and Buildings | | | |
| PPV | | Human Reaction | Effect on Buildings |
| mm/sec | in/sec | | |
| 0.15 to 0.30 | 0.006 to 0.019 | Threshold of perception; possibility of intrusion | Vibrations unlikely to cause damage of any type |
| 2.0 | 0.08 | Vibrations readily perceptible | Recommended upper level of the vibration to which ruins and ancient monuments should be subjected |
| 2.5 | 0.10 | Level at which continuous vibrations begin to annoy people | Virtually no risk of “architectural” damage to normal buildings |
| 5.0 | 0.20 | Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations) | Threshold at which there is a risk of “architectural” damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize “architectural” damage |
| 10 to 15 | 0.4 to 0.6 | Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges | Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage |
| Source: Caltrans. Transportation Related Earthborne Vibrations. TAV-02-01-R9601. February 20, 2002. | | | |

As shown in the table, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

The primary vibration-generating activities associated with the proposed project would occur during grading, paving and placement of utilities. Table 12 shows the typical vibration levels produced by construction equipment at various distances. The most substantial source of groundborne vibrations associated with project construction would be the use of vibratory compactors.

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

The proposed project would only cause elevated vibration levels during construction, as the proposed project would not involve any uses or operations that would generate substantial groundborne vibration. Although noise and vibration associated with the construction phases of the project would add to the noise and vibration environment in the immediate project vicinity, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours. In addition, the nearest existing structure is approximately 40 feet from the project boundary. Furthermore, construction of the proposed project would not result in any peculiar effects associated with vibration beyond what would occur with development of typical residential uses, which have been previously anticipated for development within the project site.

The General Plan EIR determined that through compliance with General Plan policies and action, implementation of the General Plan would result in a less than significant impact to vibration. Specifically, the General Plan concludes compliance with Action N 1e, described above, would ensure that perceptible vibration can be kept to a minimum. Given required compliance with General Plan Policy N1-15 and Action N-1e and Section 9.32.050 of the City of Brentwood Municipal Code effects peculiar to the proposed project or the project site related to vibration do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met. Impacts related to excessive groundborne vibration or groundborne noise levels were **adequately addressed in the General Plan EIR.**

- c. As noted in the General Plan EIR, the public airport nearest to the project site is the Byron Airport, which is located approximately 9 miles southeast of the project site. Brentwood does not lie within the Runway Protection Zone, Inner/Outer Safety Zones, Inner Turning Zone, Sideline Safety Zone, or Traffic Pattern Zone for Byron Airport. In addition, the project site is not located within the vicinity of a private airstrip. Therefore, according to the General Plan EIR impacts related to excessive noise levels from private airstrips or heliports would not occur during buildout of the General Plan, and further discussion of noise-related impacts from aviation facilities was not included in the General Plan EIR.

Based on the above, impacts related to aircraft noise were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review for this topic.

XIV. POPULATION AND HOUSING.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | × |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | × |

Environmental Setting

The project site is currently undeveloped with ruderal vegetation, and is surrounded by existing residential development to the north and east. Vacant land planned for residential development is located to the west. Sand Creek and Sand Creek Trail are located to the south of the project site, with vacant land planned for development located further south, beyond Sand Creek.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to population and housing that are relevant to the proposed project:

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 2-4: Locate residences away from areas of excessive noise, smoke, or dust, and ensure that adequate provisions, including buffers or transitional uses, are made to ensure the health and well-being of existing and future residents.

Discussion

a. The General Plan EIR concluded that with implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan and infrastructure anticipated to accommodate proposed land uses would not induce growth that would exceed adopted thresholds. Thus, impacts related to population growth were determined to be less than significant.

Given that the proposed project is consistent with the site’s current land use and zoning designations, potential growth associated with development of the site has been anticipated by the City and analyzed in the City of Brentwood General Plan EIR.

Based on the above, impacts related to inducing substantial unplanned population growth in an area, either directly or indirectly, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

b. The General Plan EIR concluded that buildout of the General Plan would result in a net increase in housing units and would not have direct physical impacts related to the

displacement of housing units, and a less-than-significant impact would result. The project site does not currently include existing housing or other habitable structures. As such, the proposed project would not displace existing housing or people and would not necessitate the construction of replacement housing elsewhere. Therefore, impacts related to displacement of substantial housing or people were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XV. PUBLIC SERVICES.

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

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|-----------------------------|--|---|---|
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | ✗ |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | ✗ |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | ✗ |
| d. Parks? | <input type="checkbox"/> | <input type="checkbox"/> | ✗ |
| e. Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | ✗ |

Environmental Setting

The Contra Costa County Fire Protection District (CCCFFPD) provides fire protection services to the City. The CCCFFPD operates out of 36 fire stations located throughout the jurisdictional area. The project site is located approximately 2.5-miles from the nearest fire station, located at 530 O’Hara Avenue. The proposed project would be serviced by the Brentwood Police Department, located at 9100 Brentwood Boulevard, approximately three miles southeast of the project site. The project site is located within the Brentwood Union School District and Liberty Union High School District. The City of Brentwood is served by eight elementary schools, three middle schools, four high schools, one continuation school, and one community adult school.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to public services that are relevant to the proposed project:

- Policy CSF 1-1:** Ensure that new growth and development participates in the provision and expansion of community services and facilities, and does not exceed the City’s ability to provide them.
- Policy CSF 1-2:** Require new development to demonstrate that the City’s community services and facilities can accommodate the increased demand for said services and facilities associated with the project.
- Policy CSF 1-3:** Require new development to offset or mitigate impacts to community services and facilities to ensure that service levels for existing users are not degraded or impaired by new development, to the satisfaction of the City.
- Policy CSF 2-2:** Achieve and maintain a minimum overall citywide ratio of 5 acres of park land per 1,000 residents.
- Policy CSF 2-5:** Develop and maintain a system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
- Policy CSF 2-8:** Consider the effects of new development on parks, trails, and recreation facilities, programs, and services, and condition new development appropriately to ensure that the City maintains an adequate inventory and network of facilities and resources.

- Policy CSF 2-9:** Continue to collect development impact fees in order to fund the acquisition of parkland, construction of new facilities and resources, and maintenance of City parks, trails, and recreation facilities. The City shall ensure that park facility impact fees are collected for new development that increases demand for parks, trails, and recreation facilities.
- Policy CSF 2-13:** Promote the development of a diverse network of parks, trails, and recreation facilities that support traditional and non-traditional recreational uses.
- Policy CSF 3-1:** Ensure that the Police Department has adequate funding, staff, and equipment to accommodate existing and future growth in Brentwood.
- Policy CSF 3-2:** The City shall strive to maintain a police force level of 1.5 to 2.5 officers per 1,000 population.
- Policy CSF 4-2:** Encourage, and work cooperatively with, the East Contra Costa Fire Protection District and providers of emergency medical services to maintain a three to five minute response time for all emergency response calls within Brentwood.
- Policy CSF 4-4:** Design and maintain roadways in such a way so as to maintain acceptable emergency vehicle response times.
- Policy CSF 4-5:** Ensure that new development is designed, constructed, and equipped consistent with the requirements of the California Fire Code in order to minimize the risk of fire.
- Policy CSF 4-6:** Ensure that new development is served with adequate water volumes and water pressure for fire protection.
- Policy CSF 5-1:** Continue to work cooperatively with the local school districts in order to ensure that adequate facilities and educational opportunities for all students are provided in a timely manner in accordance with the pace of residential development.

Discussion

- a,b. The General Plan EIR concluded that plan review by applicable city departments, development impact fees, consistency with General Plan policies, and compliance with all applicable regulations would ensure that public services are provided at acceptable levels, and development and growth would not outpace the provision of public services. While the General Plan EIR noted the buildout allowed by the General Plan would require new or expanded police and fire protection facilities, such facilities would be located at sites with the Public Facility (PF) and Park (P) land use designations. Because the future facilities would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the governmental facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan. Therefore, according to the General Plan EIR, buildout of the General Plan would result in a less-than-significant impact related to fire and police protection services.

While the proposed project would result in increased demands on fire and police protection services, such demands would be consistent with what has been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the project would comply with all applicable State and local requirements related to fire safety and security, including installation of fire sprinklers. Compliance with such standards would minimize fire and police protection demands associated with the project. In addition, the project would be subject to payment of applicable fire and police development impact fees. Therefore, impacts related to the need for new or physically altered fire or police protection facilities, the construction of which could cause significant environmental impacts, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

- c-e. The General Plan EIR concluded that with implementation of applicable General Plan policies, implementation of the General Plan would result in a less-than-significant impact to schools, parks, and recreation facilities, as well as other public facilities such as libraries. The proposed project is anticipated to potentially generate an estimated 203 additional residents (63 units x 3.22 persons per household = 202.86) in the City. The project site is located within the Brentwood Union School District and Liberty Union High School District. Development of the proposed project would generate additional students in the area. However, the developer is required to pay development impact fees to help pay for public services that include public schools.

The City collects development impact fees to help pay for public services that include public schools. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act involving the planning, use, or development of real property.” (Government Code 65996(b).) Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be “full and complete mitigation.” Therefore, according to SB 50, the payment of the necessary school impact fees for the project would be full and satisfactory CEQA mitigation.

The City is served by the Contra Costa County Library, the Brentwood branch of which is approximately 20,000 sf and is located at 104 Oak Street, 1.7 miles south of the project site. Implementation of the proposed project would create an increased demand for public facilities, such as libraries. However, the proposed project would not be anticipated to result in a substantial increase in demand for library services, or other public facilities, such that expanded facilities would be required.

While the proposed project would result in increased demands on schools, parks, and recreation facilities, as well as other public facilities such as libraries, such demands would be consistent with what has been anticipated by the City and analyzed in the General Plan EIR. In addition, as discussed in Section XVI, Recreation, below, the proposed project would be required to comply with Brentwood Municipal Code Chapter 17.485.016, which would ensure impacts to recreation facilities are less than significant through compliance with the City’s Parkland Dedication and Parkland Fee In-Lieu requirements.

Based on the above, impacts related to the need for new or physically altered schools, parks, or other public facilities, the construction of which could cause significant environmental impacts, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XVI. RECREATION.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The City of Brentwood is currently served by a variety of parks and recreational facilities including the following: neighborhood parks, community parks, accessible open space, special purpose facilities, bikeways, and trails. The nearest recreational facility to the project site is Almond Park, located approximately 1,150 feet west of the site.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to recreation that are relevant to the proposed project:

Policy CSF 2-2: Achieve and maintain a minimum overall citywide ratio of 5 acres of park land per 1,000 residents.

Policy CSF 2-8: Consider the effects of new development on parks, trails, and recreation facilities, programs, and services, and condition new development appropriately to ensure that the City maintains an adequate inventory and network of facilities and resources.

Policy CSF 2-9: Continue to collect development impact fees in order to fund the acquisition of parkland, construction of new facilities and resources, and maintenance of City parks, trails, and recreation facilities. The City shall ensure that park facility impact fees are collected for new development that increases demand for parks, trails, and recreation facilities.

Discussion

a,b. The General Plan EIR concluded that with implementation of applicable General Plan policies, development of the General Plan would result in a less-than-significant impact to parks and recreation facilities.

The proposed project is anticipated to generate approximately 203 additional residents (based on 3.22 persons per household, pursuant to the City of Brentwood General Plan) in the City of Brentwood. Given the City’s parkland standard of five acres per 1,000 residents, the proposed project’s 203 additional residents would equate to a demand of approximately 1.01 acres of additional parkland. Pursuant to Brentwood Municipal Code Chapter 17.485.016, open space areas may be required to be offered for dedication as part of the public open space or park system. The proposed project includes 1.98 acres of open space that may be dedicated to the park system, and would exceed the additional demand for 1.01 acres of parkland.

Should the offer of dedication of the 1.98 acres of open land not be accepted, the proposed project would be subject to applicable development impacts fees. As discussed above, pursuant to Chapter 16.130 (Development Impact Fees) of the City's Municipal Code, development impact fees are established and imposed on the issuance of all building permits for development within the City to finance the cost of various categories of public facilities and improvements required by new development, including park and recreation facilities.

In addition, pursuant to Brentwood Municipal Code Chapter 17.485.016, the proposed project would be subject to the City's Parkland Dedication and Parkland Fee In-Lieu requirements. The project would be required to pay fees in lieu of parkland dedication to meet the parkland obligation. Such fees would be calculated using the most recent version of the City's Development Impact Fee Report, with the fees due at the time of filing of the project's Final Map.

Given that the proposed project would include 1.98 acres of open space, the additional demand for parkland generated by implementation of the project would be met. However, should the proposed open space not be accepted as a dedication to the City's park system, the proposed project would be required to comply with Chapter 16.130 and Chapter 17.485.016 of the Municipal Code, and park fees imposed by the City would generate revenue to acquire necessary land to develop new parks or rehabilitate existing neighborhood parks and recreation facilities reasonably related to serve the subdivision.

In addition, the proposed project is consistent with the site land use designation. Therefore, impacts associated with buildout of the site with residential uses have been anticipated by the City and addressed in the General Plan EIR.

Based on the above, impacts related parks and recreation facilities were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XVII. TRANSPORTATION.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

A Traffic Impact Study³¹ was prepared by TJKM Transportation Consultants for the proposed project (see Appendix F).

The Traffic Impact Study includes a discussion of the proposed project’s potential impacts on transit, bicycle, and pedestrian facilities, which are discussed in further detail below. A LOS evaluation is also included in the Traffic Impact Study; however, LOS analysis is not required as part of CEQA review for the reason described below. As such, the proposed project’s consistency with the City’s applicable LOS standards will be reviewed by the City in order to determine if the project should be conditioned to implement any transportation operation enhancements.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to transportation that are relevant to the proposed project:

Policy CIR 1-1: Ensure that the City’s circulation network is maintained and improved over time to support buildout of the General Plan in a manner that is consistent with the General Plan Roadways Map.

Policy CIR 1-2: Ensure that the City’s circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.

Policy 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 2-1: Establish and maintain a system of interconnected bicycle, pedestrian, and equestrian facilities that facilitate commuter and recreational travel, and that are consistent with the City’s parks, trails, and recreation goals and policies in this General Plan and the Contra Costa County Countywide Bicycle and Pedestrian Plan.

³¹ TJKM Transportation Consultants. *Traffic Impact Study Apricot Residential Development City of Brentwood, California*. November 11, 2022.

Policy CIR 2-2: Routinely incorporate sidewalks and enhanced pedestrian crossing facilities as part of new street construction, and incorporate bicycle facilities on new collector and arterial streets (including bicycle lanes where appropriate, bicycle route and destination signs, and bicycle detection at signals).

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

Policy CIR 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.

Action CIR 1d: As part of the development review process, the Community Development Department and the Public Works Department shall review development projects to ensure that developers:

1. Construct transportation improvements along property frontages when appropriate.
2. Address the project's proportional share of impacts to the City's circulation network through payment of traffic mitigation and other fees.
3. For local project-related circulation impacts requiring improvements that are not included in an adopted impact fee program, either complete the necessary improvements or pay a proportional-share of the cost.
4. Provide for complete streets to the extent feasible, facilitating walking, biking, and transit modes.
5. Fund traffic impact studies that identify on-site and off-site project effects and mitigation measures.
6. Provide adequate emergency vehicle access.

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.

Discussion

- a. Since the release of the General Plan EIR, the law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used LOS to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological resources). Depending on circumstances, and an agency's tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects. In 2013, however, the Legislature passed legislation with the intention of ultimately removing LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of SB 743 (2013), PRC Section 21099, subdivision (b)(1), directed the Governor's OPR to prepare, develop, and

transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing “criteria for determining the significance of transportation impacts of projects within transit priority areas. Those criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the criteria, [OPR] shall recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. The office may also establish criteria for models used to analyze transportation impacts to ensure the models are accurate, reliable, and consistent with the intent of this section.”

Subdivision (b)(2) of Section 21099 further provides that “[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any.”

Pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018. It became effective in early 2019. Subdivision (a) of that section provides that “[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.”

Please refer to Question ‘b’ for a discussion of VMT.

Pedestrian, Bicycle, and Transit Facilities

The General Plan includes policies that provide for an integrated network of bicycle facilities, as well as for the needs of transit users. Specifically, Policy CR 1-2 calls for the City to establish and maintain a circulation network that accommodates both vehicular and non-vehicular modes of transportation, and Policy CIR 2-1 requires the City to establish and maintain a bicycle and pedestrian network that is consistent with the Countywide Bicycle and Pedestrian Plan. Policies CIR 2-3 and CIR 3-3, as well as Action CIR 3a, require development projects to construct pedestrian and bicycle improvements that encourage walking, bicycling, and transit use and are consistent with the Countywide Bicycle and Pedestrian Plan. As such, the General Plan EIR concluded that implementation of the General Plan would not conflict with plans, programs and policies regarding bicycle, pedestrian, or transit facilities, or decrease the performance and safety of such facilities, and a less-than-significant impact would occur.

Near the project site, the approximate width of the sidewalk on both sides of Strathaven Place and Montclair Place is five feet. Additionally, five-foot sidewalks currently exist along both sides of Apricot Way and Sand Creek Road near the project vicinity. A five-foot sidewalk also exists on the eastern frontage of Fairview Avenue between Apricot Way and Sand Creek Road. Multiple intersections near the project site provide marked crosswalks. The signalized intersection of Fairview Avenue and Sand Creek Road additionally provides pedestrian push buttons and signal heads.

The project includes a five-foot-wide sidewalk along the project site's Strathaven Place and Montclair Place frontages and throughout the new internal roadway system. Pedestrian access would also be provided from Sand Creek Trail by means of a foot bridge near the southwest portion of the site. Based on the above, the proposed project would construct sidewalks along project frontages, as required, and would not conflict with an adopted plan related to the City's pedestrian facilities.

In the project vicinity, Class II bike lanes are located along both sides of Sand Creek Road and one side of Fairview Avenue. The project is not expected to generate a significant number of bicycle trips such that the demand generated by the proposed project could not be accommodated by the existing bicycle facilities in the project vicinity.

The project site is served by the Bay Area Rapid Transit (BART) and Tri Delta Transit. The closest BART station is located in Antioch, approximately six miles from the project site. The Antioch BART terminus station can be accessed from the project site through Tri Delta Transit bus route 385 on weekdays. Bus routes do not run near the project vicinity on weekends. Tri Delta Transit provides bus service to northeastern Contra Costa County, including Antioch, Pittsburg, Brentwood, Oakley, and Bay Point, with limited service in Concord and Martinez. Tri Delta Transit operates local bus routes on weekdays, with reduced service on weekends and holidays. Route 385 services stops within the study area along Sand Creek Road and Fairview Avenue on weekends. The nearest Tri Delta Transit bus stop is located west of the intersection of Fairview Avenue and Sand Creek Road, approximately a 0.6-mile walking distance from the project site. The transit service within the immediate project site operates within capacity, and additional trips generated by the proposed project could be accommodated by existing bus services. Therefore, transit access to the project site is adequate and would not result in any significant impacts to the nearby transit network.

Conclusion

Based on the above, the proposed project would not conflict with any existing or proposed pedestrian, bicycle, or transit facilities. Impacts related to conflicting with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities were **adequately addressed in the General Plan EIR**, and effects peculiar to the proposed project would not occur. Thus, the proposed project would not require further CEQA review for this topic.

- b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Determination of impacts based on VMT have been required by law Statewide since July 1, 2020.

The City of Brentwood has not yet established any standards or thresholds regarding VMT, thus the Traffic Impact Study prepared for the proposed project evaluated the project-related VMT using the adopted CCTA VMT methodology. The Governor's OPR Technical Advisory also provides guidance for implementing VMT as a metric for determining the transportation impact for land use projects.

The CCTA guidelines include a screening process that describes five scenarios in which a project would be exempt from a VMT analysis requirement: 1) projects exempt from

CEQA analysis, 2) small projects, 3) local serving projects, 4) projects in transit priority areas, and 5) projects in low VMT areas. It should be noted that even if a project satisfies one or more of the screening criteria, lead agencies may still require a VMT analysis if evidence exists that the project has characteristics that might lead to a significant amount of VMT. The project does not satisfy the requirements for screening criteria one through four.

Under the CCTA VMT methodology, a low VMT area is defined as a City or unincorporated area within one of the CCTA subregions where home-based VMT per resident is at least 15 percent below the countywide home-based VMT per resident, or where the commute VMT per employee is at least 15 percent below the regional average commute VMT per employee. Conservatively, when the citywide average VMT per resident is above the countywide average, projects cannot be screened out based on location, and a VMT analysis must be completed. In such cases, the appropriate significance thresholds based on countywide or regional average would be applied. The methodology also permits the applicable average VMT for the subject municipality or unincorporated CCTA subregion to be used instead of the countywide or regional average, if the average VMT is less stringent. For baseline year 2020, the Contra Costa countywide home-based VMT per capita is 19.78. The City of Brentwood has an average home-based VMT per capita higher than the countywide average; thus, a VMT analysis is required for this project.

For residential projects, CCTA establishes a significance threshold of 15 percent below the subject municipality average residential VMT, or below the countywide average VMT, whichever is less stringent. As discussed above, the Contra Costa County average home-based VMT per capita generated by the CCTA travel demand model was calculated to be 19.78. The City of Brentwood average VMT per capita was calculated to be 29.6, and, thus, less stringent. The corresponding significance threshold, 15 percent below the citywide average, was calculated to be 25.16. According to the Traffic Impact Study, the proposed project is projected to generate an average home-based VMT per capita of 22.28, which is below the aforementioned impact threshold. Therefore, based on CCTA significance thresholds, the project would produce a less-than-significant impact on VMT.

Based on the above, the proposed project would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b). As such, impacts were **adequately addressed in the General Plan EIR**, and effects peculiar to the proposed project would not occur. Thus, the proposed project would not require further CEQA review for this topic.

- c,d. As noted in the General Plan EIR, future developments and roadway improvements would be designed in accordance with City standards and would be subject to all applicable General Plan policies. Compliance with the City standards and policies would ensure that the future project would not significantly increase hazards due to design features or incompatible uses. In addition, the City's Residential Design Guidelines would ensure that adequate emergency access is provided in Brentwood. Therefore, the General Plan concluded that impacts associated with the implementation of the proposed General Plan would be less than significant.

Vehicular access to the project site would be provided by Strathaven Place and Montclair Place. The proposed driveways along Strathaven Place and Montclair Place would connect to a new internal roadway system provided throughout the project site. Development of the proposed project would also include new curb, gutter, sidewalk, and

landscaping improvements along the portions of Strathaven Place and Montclair Place located within the project site.

The proposed circulation system would be designed consistent with applicable City of Brentwood design standards and would provide adequate width and turn radii at and along all driveways and parking aisles to allow for two-way circulations, including circulation of larger vehicles such as emergency trucks, garbage trucks, and delivery trucks. Emergency vehicles would have sufficient maneuvering space to turn around at the proposed turnaround included in the eastern portion of the project site. Given compliance with required roadway design standards, adequate emergency vehicle access would be provided at the project site.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and the potential for associated roadway design hazards has been anticipated by the City and analyzed in the General Plan EIR. In addition, all roadway/circulation system improvements included in the proposed project would be consistent with applicable City engineering standards.

Based on the above, impacts related to substantially increasing hazards due to design features or incompatible uses were **adequately addressed in the General Plan EIR**, and effects peculiar to the proposed project would not occur. Thus, the proposed project would not require further CEQA review for this topic.

XVIII. TRIBAL CULTURAL RESOURCES.

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

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). | <input type="checkbox"/> | <input type="checkbox"/> | × |
| b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | × |

Environmental Setting

The project site currently consists of undeveloped ruderal vegetation, and has been subject to past agricultural disturbance. Surrounding uses include existing residential development to the north and east. Vacant land planned for residential development is located to the west. Sand Creek and Sand Creek Trail are located to the south of the project site, with vacant land planned for development beyond Sand Creek. Historical properties within the City of Brentwood are summarized in Table 3.5-1 of the EIR. Table 3.5-1 of the General Plan EIR does not identify any known historical resources on or adjacent to the project site. However, as noted in the General Plan EIR, 44 prehistoric archeological sites have been discovered within the City.

General Plan Policies

Listed below are policies from the City of Brentwood General Plan related to tribal cultural resources that are relevant to the proposed project:

Policy COS 6-7: Review new development projects and work in conjunction with the California Historical Resources Information System to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.

Policy COS 6-8: Ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.

Policy COS 6-9: Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.

Action COS 6d: Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological

resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.

Action COS 6e: Require all new development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:

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

Discussion

a,b. As discussed previously, the General Plan EIR concluded that compliance with existing regulations, including the General Plan policies and actions, would ensure that potential impacts to archaeological resources would be less than significant.

It should be noted that AB 52 (PRC Section 21080.3.1) notification to tribes is not required for the proposed project given that this checklist determines no additional environmental review is required for the project, consistent with CEQA Guidelines Section 15183.

As discussed in Section V, Cultural Resources, of this Modified Initial Study, the project-specific CHRIS search indicated that cultural resources have not been documented within the project area or within a 0.5-mile radius. In addition, a search of the NAHC Sacred Lands File did not yield any information regarding the presence of Tribal Cultural Resources within the project site.³²

The proposed project would be required to adhere to all applicable General Plan policies and actions represented above, including Action COS 6e, which requires that if ground disturbing activities result in the discovery of human remains be discovered during ground disturbing activities, work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted. If the human remains are determined to be of Native American origin, the Native American Heritage Commission and the most likely descendants shall be consulted and work may only resume when appropriate measures have been taken and approved by the Community Development Director.

Compliance with all applicable standards would ensure that the proposed project would not cause a substantial adverse change in the significance of a tribal resource, in the case that such resources are discovered during ground disturbing activities.

Given that the proposed project would be consistent with the site's General Plan land use designation, buildout of the project site and potential disturbance of buried tribal cultural resources has been anticipated by the City and analyzed in the General Plan EIR. In addition, as previously discussed, pursuant to CEQA Guidelines Section 15183(f), "An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. [...]" In the case of the proposed project, compliance with General Plan policies, as well as State and local regulations, would substantially mitigate potential project impacts to cultural resources.

Based on the above, the proposed project is not expected to adversely impact tribal cultural resources. The project applicant would be required to comply with General Plan action COS 6e related to cultural resource discovery, as discussed in Section V, Cultural Resources, of this Modified Initial Study. Therefore, impacts related to resulting in a substantial adverse change in the significance of a tribal cultural resource were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|---|--|---|---|
| a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site is located within an urban area of the City of Brentwood, and is bordered by existing development to the north and east. Currently, the project site consists of undeveloped ruderal vegetation. The project site does not currently contain utility infrastructure, However existing water, wastewater, stormwater, electricity, and telecommunications infrastructure is available in the site vicinity.

General Plan Policies

Listed below are relevant policies from the City of Brentwood General Plan related to utilities and service systems that may be applicable to the proposed project:

Policy IF 1-2: Require development, infrastructure, and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, the Wastewater Master Plan, and the Capital Improvement Program.

Policy IF 1-3: Require all development projects to mitigate their infrastructure service impacts or demonstrate that the City's infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be degraded or impaired.

Policy IF 1-4: Require new development projects to develop comprehensive infrastructure plans for City review and approval as part of an application submittal.

Policy IF 4-3: Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage

facility as part of the development review process and as required by the City's NPDES Municipal Regional Permit. Project applicants shall mitigate any drainage impacts as necessary.

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

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

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

Discussion

a-c. Brief discussions of the water, wastewater, stormwater drainage, electrical, and telecommunications facilities that would serve the proposed project are included below.

Water

The primary source of raw water supply to the City of Brentwood is provided by the Sacramento/San Joaquin Rivers Delta, and is then treated at the City of Brentwood Water Treatment Plant. Buildout of the City's planning area, including the project site, is accounted for in the City's UWMP, which provides a detailed analysis of the City's water distribution system. The City also has an adopted Capital Improvement Program (CIP) that includes improvements necessary to provide safe and reliable water delivery throughout the City based on projected growth and associated increases in demand on the City's distribution system. According to the General Plan EIR, in accordance with General Plan policies and applicable regulations, impacts related to the construction or expansion of water facilities or infrastructure would be less than significant.

The proposed project would be provided water service by the City through connections to the existing eight-inch water mains in Montclair Place and Strathaven Place. From the points of connection, the eight-inch water lines would be extended throughout the site and would connect to each of the proposed buildings.

According to the General Plan EIR, sufficient water supplies would be available to serve buildout of the General Plan from existing entitlements and resources, and new or expanded entitlements would not be required during single- and multiple-dry years. Therefore, the General Plan EIR concluded that in accordance with applicable regulations and water conservation policies, as well as applicable General Plan policies, impacts under normal, single-dry and multiple-dry years would be less than significant.

The City of Brentwood has adopted the 2020 UWMP, which analyzes the City's water supply and demand. Because the information presented in the 2020 UWMP provides an updated analysis of the City's water supply and demand, compared to what was included in the City's General Plan EIR, the following analysis uses the numbers presented in the 2020 UWMP.

Table 14 presents the potable water supply and demand for a single dry year and multiple dry years for the City of Brentwood.

| Table 13 | | | | | | |
|--|------------|-------------|-------------|-------------|-------------|-------------|
| Multiple Dry Years Supply and Demand Comparison | | | | | | |
| (Million Gallons per Year [MGY]) | | | | | | |
| | | 2025 | 2030 | 2035 | 2040 | 2045 |
| First Year | Supply | 7,012 | 7,060 | 7,108 | 7,156 | 7,156 |
| | Demand | 4,181 | 4,442 | 4,715 | 5,001 | 5,252 |
| | Difference | 2,831 | 2,618 | 2,393 | 2,156 | 1,905 |
| Second Year | Supply | 7,012 | 7,060 | 7,108 | 7,156 | 7,156 |
| | Demand | 4,181 | 4,442 | 4,715 | 4,715 | 5,252 |
| | Difference | 2,831 | 2,618 | 2,393 | 2,393 | 1,905 |
| Third Year | Supply | 7,012 | 7,060 | 7,108 | 7,108 | 7,156 |
| | Demand | 4,181 | 4,442 | 4,715 | 4,715 | 5,252 |
| | Difference | 2,831 | 2,618 | 2,393 | 2,393 | 1,905 |

Source: City of Brentwood 2020 UWMP, 2021.

As shown in the table, even after a three-year drought period, a surplus of 1,905 MGY of water would be available. Thus, according to the City’s UWMP, the projected water supply exceeds the water demand for normal, single-dry, and multiple-dry years until at least 2045.

Given that the proposed project is consistent with the site’s current land use and zoning designations, the type and intensity of growth that would be induced by the proposed project was generally considered in the General Plan and associated water use has been analyzed in the General Plan EIR and the City’s updated 2020 UWMP. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or expansion of existing facilities, and sufficient water supplies would be available to serve the project from existing entitlements and resources.

Wastewater

The Public Works Department’s Wastewater Division operates and maintains the City’s Wastewater Treatment Plant (WWTP), a tertiary treatment plant that provides recycled water for a variety of landscape and industrial uses. According to the City of Brentwood General Plan EIR, the WWTP has an average dry weather flow capacity of 5 million gallons per day (mgd) and was designed to be expandable to an average dry weather flow capacity of 10 mgd. The WWTP is also currently being expanded to accommodate an average dry weather flow capacity of 6.4 mgd. The expansion is expected to be completed in 2023.³³ After being treated, wastewater is normally discharged into Marsh Creek or recycled for irrigation.

The General Plan EIR bases anticipated wastewater demand on a generation rate of 243 gallons per day (gpd) per residence. The proposed project would include the construction of 63 residential units. Therefore, the proposed project would be anticipated to generate a total of 16,038 gpd of wastewater. Wastewater services would be provided to the project site through connections to existing eight-inch pipes in Montclair Place and Strathaven Place, and would extend throughout the site to each residence.

³³ City of Brentwood. 2020 Urban Water Management Plan. June 2021, revised December 2021.

An increase of 16,038 gpd is relatively minor compared to the 3.4 mgd of average dry weather flow currently treated by the WWTP, and would not have a substantial impact on the available capacity of the WWTP. However, the General Plan EIR states that buildout of the General Plan within the city limits would result in the generation of 10.2 to 12.5 mgd, which is above the projected treatment capacity of the City's WWTP, following completion of the capacity expansion improvements. Therefore, additional development would require expansions to the WWTP in order to accommodate full buildout of the General Plan. While full buildout of the proposed General Plan would slightly exceed the existing treatment capacity of the WWTP, the General Plan includes provisions to ensure that new development cannot be approved until it can be demonstrated that adequate capacity is available to serve it. The General Plan determined that through implementation of the goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system included in the General Plan, impacts associated with wastewater treatment and compliance with waste discharge requirements are less than significant. Because the proposed project is consistent with the project site's current General Plan land use and zoning designations, construction and operation of the proposed project would not result in increased wastewater generation beyond what has been previously anticipated for the site by the City and analyzed in the General Plan EIR.

Stormwater

The General Plan EIR determined that compliance with the General Plan policies and action listed above would ensure that adequate stormwater drainage and flood control infrastructure exists to serve future developed under the General Plan, and a less than significant impact would occur to stormwater facilities. The project site is currently undeveloped, vacant land consisting primarily of ruderal vegetation. Completion of the proposed project would increase site runoff due to the introduction of impervious surfaces to the site. As discussed in further detail in Section X, Hydrology and Water Quality, of this Modified Initial Study, the proposed project would comply with the most recent Contra Costa Clean Water Program Stormwater C.3 Guidebook, as well as all City stormwater requirements. In compliance with the C.3 Guidebook, the proposed project would include on-site bio-retention facilities sized to exceed the minimum volume requirement necessary to adequately manage all runoff from the proposed impervious surfaces. Therefore, the proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Electricity and Telecommunications

Electricity service for the proposed project would be provided by PG&E by way of existing electrical infrastructure in the project vicinity. The proposed project would not use natural gas. The project would not require major upgrades to, or extension of, existing infrastructure. Thus, impacts to electricity and telecommunications infrastructure would be less than significant.

Conclusion

Based on the above, impacts related to the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects, as well as impacts related to sufficient water supplies being available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and the availability of adequate capacity to serve the

wastewater demand projected for the proposed project in addition to the City's existing commitments, were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

- d,e. The City of Brentwood provides solid waste collection, disposal, recycling, and yard waste services to the City, including the project site. Solid waste and recyclables from the City are taken to the Solid Waste Transfer Station located at 2301 Elkins Way, in the northeastern area of the City. Solid waste is transferred from the Transfer Station to the Keller Canyon Landfill in Pittsburg. Keller Canyon Landfill covers 2,600 acres of land; 244 acres are permitted for disposal. The site currently manages 2,500 tons of waste per day, although the permit for the site allows up to 3,500 tons of waste per day to be managed at the facility. According to the California Department of Resources Recycling and Recovery (CalRecycle), the Keller Canyon Landfill has a remaining capacity of 63,408,410 cubic yards out of a total permitted capacity of 75,018,280 or 85 percent remaining capacity.³⁴

The General Plan EIR determined that development associated with implementation of the General Plan would increase solid waste generation by less than the landfill's permitted daily capacity. As such, adequate capacity exists to accommodate the solid waste disposal needs of new development under the General Plan, and the General Plan EIR determined that a less-than-significant impact would occur.

Pursuant to the CALGreen Code, at least 65 percent diversion of construction waste is required for projects permitted after January 1, 2017. Because the project would only create a temporary increase in the amount of waste during construction activities, the proposed project would not result in a significant impact related to solid waste generation during construction.

The proposed residences would involve the generation of typical solid waste types and would not require specialized solid waste disposal needs. Because the proposed project is consistent with the project site's current General Plan land use and zoning designations, construction and operation of the proposed project would not result in increased solid waste generation beyond what has been previously anticipated for the site by the City and analyzed in the General Plan EIR. In addition, during project construction, as required by CBSC Section 4.408, the proposed project would be required to submit a Waste Management Plan to the City detailing on-site sorting of construction debris. Implementation of the Waste Management Plan would ensure that the proposed project meets established diversion requirements for reused or recycled construction waste.

Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, impacts related to solid waste were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

³⁴ California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: Keller Canyon Landfill (07-AA-0032)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228>. Accessed March 2023.

XX. WILDFIRE.

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

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Environmental Setting

The project site currently consists of undeveloped ruderal vegetation, and is surrounded by existing residential development to the north and east. Vacant land planned for residential development is located to the west. Sand Creek and Sand Creek Trail are located to the south of the project site, with vacant land planned for development further south, beyond Sand Creek.

State Responsibility Areas (SRAs) are not located within the vicinity of the Brentwood Planning Area. According to CAL FIRE, the project site is not located within a Very High FHSZ.³⁵

General Plan Policies

The City of Brentwood General Plan does not include any policies related to wildfire that apply to the proposed project.

Discussion

a-d. The General Plan EIR concluded that compliance with applicable federal, state, and local laws and regulations as well as General Plan policies and strategies, would ensure that impacts from wildland hazards would be less than significant.

According to CAL FIRE, the project site is located in a local responsibility area and is not located within a Very High FHSZ.³⁶ While the nearest High or Very High FHSZ is located approximately two miles to the southwest, the project site is separated from such areas by Highway 4, Sand Creek, as well as existing urban development, which serve as a fire break to the project site. In addition, the proposed project would be required to comply with all applicable requirements of the California Fire Code, as adopted by Chapter 15.06 of the City’s Municipal Code, including installation of fire sprinkler systems.

In addition, the project is not located on a substantial slope, and the project area does not include any existing features that would substantially increase fire risk for future residents,

³⁵ California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed March 2023.

³⁶ *Ibid.*

workers, or visitors. Given that the project site is located within a developed urban area and is situated adjacent to existing roads, water lines, and other utilities, the project would not result in substantial fire risks related to installation or maintenance of such infrastructure. Lastly, as discussed in Section VII, Geology and Soils, and Section X, Hydrology and Water Quality, of this Modified Initial Study, development of the proposed project would not expose people or structures to significant risks related to flooding or landslides.

Based on the above, impacts related to wildfire risks were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review related to such.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

| | Significant Impact Peculiar to the Project or the Project Site | Significant Impact due to New Information | Impact Adequately Addressed in the General Plan EIR |
|--|--|---|---|
| a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | ✘ |

Discussion

a. As discussed in Section IV, Biological Resources, of this Modified Initial Study, the potential exists for San Joaquin kit fox, western burrowing owl, Swainson’s Hawk, and other nesting migratory bird and raptor species to occur on or adjacent to the project site. However, the City would require, as Conditions of Approval, compliance with standard measures to ensure that potential adverse effects to such species would be minimized, consistent with the ECCHCP/NCCP. In addition, because the project site does not contain any known historic or prehistoric resources, implementation of the proposed project is not anticipated to have the potential to result in impacts related to historic or prehistoric resources. Nonetheless, the proposed project would comply with General Plan Action COS 6e related to preservation of archaeological resources and human remains if such resources are discovered within the project site during construction activities, consistent with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Impacts associated with such resources have been **adequately addressed in the General Plan EIR** and would not change from what was identified in the General Plan EIR, and the criteria for requiring further CEQA review are not met.

b. The proposed project, in conjunction with other development within the City of Brentwood, could incrementally contribute to cumulative impacts in the area. However, the proposed project was included in the future development assumptions evaluated in the General Plan EIR. The General Plan EIR concluded that cumulative impacts to aesthetics, agricultural resources, biological resources, and noise would be significant and unavoidable. For those impacts determined to be significant in a General Plan EIR, CEQA Section 15183 allows for future environmental documents to limit examination of environmental effects to

those impacts which were not already analyzed as a significant effect in the prior EIR, provided that the proposed project is consistent with the General Plan. Given that the proposed project is consistent with the City's General Plan land use designation for the project site, cumulative impacts associated with buildout of the site have been anticipated by the City and were analyzed in the General Plan EIR. Cumulative effects peculiar to the project or project site do not exist. Additionally, the proposed project does not include cumulative impacts that were not analyzed or discussed in the previous EIR. Furthermore, as discussed throughout this Modified Initial Study, all impacts associated with the proposed project were **adequately addressed in the General Plan EIR**, and the proposed project would not result in any peculiar effects that would require further CEQA review. As such, this Modified Initial Study does not include any substantial new information that shows impacts are more severe than previously discussed, and further analysis is not required.

- c. As described in this Modified Initial Study, the proposed project would comply with all applicable General Plan policies, Municipal Code standards, other applicable federal, State, and local regulations. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, and Noise sections of this Modified Initial Study, the proposed project would not cause substantial effects to human beings, including effects related to exposure to air pollutants, geologic hazards, hazardous materials, and excessive noise, beyond the effects previously analyzed as part of the General Plan EIR. Therefore, such impacts were **adequately addressed in the General Plan EIR**, and further analysis is not required in this Modified Initial Study.