CITY COUNCIL RESOLUTION NO. 24-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD CERTIFYING THE REVISED ENVIRONMENTAL IMPACT REPORT FOR THE BRIDLE GATE PROJECT AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of Brentwood ("City") received an application from WCHB Development, LLC ("Permittee") seeking City approval of a Vesting Tentative Subdivision Map (VTSM) and Design Review for a residential development; and

WHEREAS, the Project site consists of approximately 135 acres located at the western terminus of Sand Creek Road, to the west of State Route (SR) 4 in the City of Brentwood, California. The site is identified by Assessor's Parcel Numbers (APNs) 019-082-009 and 019-082-010; and

WHEREAS, the Project would include subdivision of the site for development of 272 single-family homes, as well as associated improvements within the Project site, including parks, open space, stormwater detention and treatment areas, utility connections, and construction of an internal roadway network on approximately 92.96 acres. The 36.82 acres of land located north of the future Sand Creek Road extension would be designated a remainder and remain undeveloped; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Final Revised Environmental Impact Report ("Final REIR" or "REIR") for the Project. The Final REIR has State Clearinghouse No. 2022120683; and

WHEREAS, a Draft Revised Environmental Impact Report ("Draft REIR") was released for public and agency review on May 26, 2023. The Draft REIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project; and

WHEREAS, the City received 53 comments on the Draft REIR during the public review period, and one comment after the close of the public review period. Responses to each comment letter were prepared, and are available in Chapter 2, Responses to Comments, of the Final REIR; and

WHEREAS, the Final REIR comprises the Draft REIR together with one additional volume that includes the comments on the Draft REIR submitted by interested public agencies and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft REIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft REIR. The Final REIR is hereby incorporated in this document by reference; and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of September 5, 2023, to consider the Project, including the Final REIR; and

WHEREAS, the Planning Commission continued the item to a date uncertain and directed staff to work with the applicant to evaluate the intersection of St. Regis Avenue/San Jose Avenue for a possible gate or emergency vehicle access only, with the understanding that staff will evaluate any other viable solution that would lessen the impact of traffic on the existing residential areas to the south (i.e., Brentwood Hills and Shadow Lakes); and

WHEREAS, on behalf of the Applicant, Abrams Associates reviewed five potential options for minimizing additional traffic on St. Regis Avenue, which involve various turn restrictions and circulation modifications; and

WHEREAS, DKS Associates analyzed the potential impact of the options on the Vehicle Miles Traveled (VMT) discussion in the REIR, which analysis was peer reviewed by Kimley-Horn and ultimately analyzed by the City's environmental consultant ("Raney"), who determined that none of the options would create a new significant environmental impact or increase in the severity of previously identified impacts; and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of July 16, 2024, and denied the Project, taking no action related to CEQA; and

WHEREAS, the Applicant appealed the Planning Commission's decision to the City Council on July 24, 2024, in accordance with Chapter 17.880 of the Brentwood Municipal Code; and

WHEREAS, the City Council held a public hearing on this project at its regular meeting of August 27, 2024, to consider the Project, including the Final REIR.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, by the City Council of the City of Brentwood as follows:

I. CERTIFICATION OF THE FINAL REIR

The City Council of the City of Brentwood (the "City Council") certifies that it has been presented with the Final REIR and that it has reviewed and considered the information contained in the Final REIR prior to making the following findings in Section II, below.

Pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090) the City Council certifies that the Final REIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council certifies the Final REIR for the Project as described above.

The City Council further certifies that the Final REIR reflects its independent judgment and analysis.

II. FINDINGS

Having received, reviewed, and considered the Final REIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Part A: Findings regarding the environmental review process and the contents of the Final REIR.

Part B: Findings regarding the significant environmental impacts of the Project and the mitigation measures for those impacts identified in the Final REIR and adopted as conditions of approval.

Part C: Findings regarding the reasonableness of the range of alternatives evaluated in the Final REIR.

The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final REIR. The City Council adopts the findings in Parts A, B, and C for the Project.

In addition to the findings regarding environmental impacts and mitigation measures, Part D, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part E describes the Mitigation Monitoring and Reporting Program for the Project. As described in Part E, the City Council hereby adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit A to these findings.

Part A. Environmental Review Process

Notice of Preparation and Scoping Meeting

On December 29, 2022, the City issued a Notice of Preparation announcing the intended preparation of the Draft REIR and describing its proposed scope. The Notice of Preparation had a 30-day review period until January 30, 2023. The City held a public scoping meeting for the Draft REIR on January 17, 2023, for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the Project. The scoping meeting was held at the City of Brentwood Council Chambers located at 150 City Park Way, Brentwood, California, 94513.

The City received seven comment letters during the comment period on the Notice of Preparation, from state, regional, and local agencies and organizations. In addition, verbal comments were received at the public scoping meeting held on January 17, 2023.

Preparation of the EIR

The City completed the Draft REIR for the Project and, beginning on May 26, 2023, the City made the Draft REIR available for review and comment. A notice of availability was published and the period for receipt of comments on the Draft EIR remained open for 45 days. The Draft REIR was available for public review on the City's website at: https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents. During the comment period, the City received 53 comment letters, including three from State and local agencies and 50 from members of the public. In addition, one comment letter was received after the close of the public comment period.

The Final REIR was completed and available to commenting public agencies on August 25, 2023.

The Final REIR contains all of the comments received during and immediately after the public comment period, together with written responses to significant environmental issues raised in those comments, which were prepared in accordance with CEQA and the CEQA Guidelines.

The City Council finds and determines that the Final REIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes:

1. A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.

2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.

4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Having reviewed all the information in the record, the City Council finds as follows. No new or substantial changes to the Draft REIR were proposed as a result of the public comment process. The Final REIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft REIR. The minor changes, clarifications, or additions to the Draft REIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, the City Council finds that recirculation of the REIR is not required.

Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final REIR and to approve the Project, the City Council recognizes that a range of technical and scientific opinions exist with respect to certain environmental issues. The City Council acknowledges that it has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft REIR, the comments received on the Draft REIR and the responses to those comments in the Final REIR, as well as testimony, letters, and reports regarding the Final REIR and its own experience and expertise in these environmental issues. The City Council acknowledges that it has reviewed and considered, as a whole, the evidence and analysis presented in the Draft REIR, the evidence and analysis presented in the comments on the Draft REIR, the evidence and analysis presented in the Final REIR, the information submitted on the Final REIR, and the reports prepared by the experts who prepared the REIR, by the City's consultants, and by staff, addressing those comments. The City Council acknowledges that it has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. The City Council acknowledges that in turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The City Council accordingly certifies that its findings are based on full appraisal of all the evidence contained in the Final REIR, as well as the evidence and other information in the record addressing the Final REIR.

Part B. Impacts and Mitigation Measures

The City Council acknowledges that these findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures identified by the Final REIR and adopted by the City Council as conditions of approval for the Project.

1. Significant or Potentially Significant Impacts Mitigated to a Less-than-Significant Level.

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less-than-significant level and are set out below. Pursuant to Section 21081(a)(1) of CEQA and Section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or

substantially lessen these significant or potentially significant environmental impacts of the Project to a less-than-significant level. The basis for the finding for each identified impact is set forth below.

Air Quality, Greenhouse Gas Emissions (GHG), and Energy

Impact 4.1-7 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.1-7(a) *Implement Mitigation Measure 4.5-3.*

4.1-7(b) *Prior to the approval of project improvement plans, the applicant shall implement the following measure:*

- *Consistent with the BAAQMD's Buildings standard a., natural gas shall be prohibited in proposed structures.*

Compliance with the foregoing measure shall be ensured by the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measures 4.1-7(a) and (b) would reduce GHG emissions sufficient to achieve the thresholds of significance and minimize conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs through the inclusion of a full intersection on a revised tentative map and by prohibiting natural gas use in the proposed structures.

Biological Resources

Impact 4.2-3 Impacts to California red legged frog either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-3(a) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to the commencement of construction activities, the project proponent shall provide written notification to the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the East Contra Costa County Habitat*

Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP) Implementing Entity, including site photos and California red-legged frog (CRLF) habitat assessment. The project proponent shall also notify these parties of the approximate date of removal of the CRLF breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate CRLF within 14 days of receiving notice from the project proponent. The applicant must allow USFWS or CDFW access to the site prior to construction if they request it.

In accordance with the ECCC HCP/NCCP, restrictions on the nature of the disturbance or the date of the disturbance shall not be assessed on the project, unless CDFW or USFWS notify the project proponent of their intent to translocate individuals within the required time period. In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals. USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW). A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

4.2-3(b) *ECCC HCP/NCCP Section 6.3.3 Measure: Prior to implementation of a covered activity, the project applicant shall develop and submit a Construction Monitoring Plan to the City of Brentwood Community Development Department and the East Contra Costa County Habitat Conservancy for review and approval, detailing the methods in which the proposed project would avoid potential impacts to Covered Species during project construction, including CRLF, Swainson's hawk, golden eagle, western burrowing owl, tricolored blackbird, and San Joaquin kit fox. Elements of the Construction Monitoring Plan shall include the following:*

- *Results of planning and preconstruction surveys;*
- *Description of avoidance and minimization measures to be implemented, including a description of project-specific refinements to the measures or additional measures not included in the ECCC HCP/NCCP;*
- *Description of monitoring activities, including monitoring frequency and duration, and specific activities to be monitored; and*
- *Description of the on-site authority of the construction monitor to modify implementation of the activity.*

Finding: Implementation of Mitigation Measures 4.2-3(a) and (b) would reduce impacts to California red legged frog either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications to a less-than-significant level through ensuring consistency with the ECCC HCP/NCCP by requiring a habitat assessment and a Construction Monitoring Plan.

Impact 4.2-4 Impacts to Swainson's hawk either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-4(a) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to any ground disturbance related to covered activities associated with the proposed project during the nesting season (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey, at most, one month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy shall be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring shall be required, as set forth in Mitigation Measure 4.2-4(b). A report detailing the methodology and results of the survey shall be submitted for review and approval to the City of Brentwood Community Development Department.*

4.2-4(b) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: During the nesting season (March 15 to September 15), covered activities associated with the proposed project within 1,000 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the ECCC HCP/NCCP Implementing Entity shall coordinate with CDFW/USFWS to determine the appropriate buffer size.*

If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or

other features, the project applicant can apply to the Implementing Entity for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place. A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

All active nest trees shall be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities shall be mitigated by the project proponent, in accordance with the requirements set forth in Mitigation Measure 4.2-4(c).

4.2-4(c) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to submittal of the of the final improvement plans, the project applicant shall demonstrate that the final project design will not result in the loss of non-riparian trees in areas proposed for disturbance. If the final project design results in the loss of non-riparian Swainson's hawk nest trees, such trees shall be mitigated by the project proponent by:*

- *If feasible on-site, planting 15 saplings for every nest tree lost with the objective of having at least five mature trees established for every nest tree lost according to the requirements listed below.*

  AND either

  1) *Pay the Implementing Entity an additional fee to purchase, plant, maintain, and monitor 15 saplings on the HCP/NCCP Preserve System for every tree lost according to the requirements listed below, OR*
  2) *The project proponent shall plant, maintain, and monitor 15 saplings for every tree lost on-site or in off-site areas, which shall be approved by the Implementing Entity (e.g., within an HCP/NCCP Preserve or existing open space linked to HCP/NCCP preserves), according to the requirements listed below.*

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

- *Irrigation and fencing to protect from deer and other herbivores may be needed for the first several years to ensure maximum tree survival.*
- *Native trees suitable for the project site shall be planted. When site conditions permit, a variety of native trees shall be planted for each tree lost to provide trees with different growth rates, maturation, and lifespan, and to provide a variety of tree canopy structures for Swainson's hawk. The variety shall help to ensure that nest trees are available in the short term (five to 10 years for cottonwoods and willows) and in the long term (e.g., valley oak, sycamore) and shall also minimize the temporal loss of nest trees.*
- *Riparian woodland restoration conducted as a result of covered activities (i.e., loss of riparian woodland) can be used to offset the nest tree planting requirement above, if the nest trees are riparian species.*
- *Whenever feasible and when site conditions permit, trees shall be planted in clumps together or with existing trees to provide larger areas of suitable nesting habitat and to create a natural buffer between nest trees and adjacent development (if plantings occur on the development site).*
- *Whenever feasible, plantings in the project site shall occur closest to suitable foraging habitat outside the ECCC HCP/NCCP Urban Development Area (UDA).*
- *Trees planted in the HCP/NCCP Preserves or other approved offsite location shall occur within the known range of Swainson's hawk in the inventory area and as close as possible to high-quality foraging habitat.*

A decrease of the number of years that newly planted nest trees must be monitored shall be at the discretion of the East Contra Costa County Habitat Conservancy and City of Brentwood. A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measure 4.2-4(a) through (c) would reduce impacts to Swainson's hawk either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications to less-than-significant levels by requiring

compliance with the applicable ECCC HCP/NCCP measures. Such measures include a preconstruction survey conducted by a qualified biologist to identify nests, and appropriate buffers around such nests, as well as measures to maintain trees or plant replacement trees.

Impact 4.2-5 Impacts to golden eagle either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-5(a) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to implementation of covered activities, a qualified biologist shall conduct a preconstruction survey to establish whether nests of golden eagles are occupied in accordance with the applicable criteria set forth in Section 6.3.1, Planning Surveys, of the ECCC HCP/NCCP. If nests are occupied, minimization requirements and construction monitoring shall be required, as set forth in Mitigation Measures 4.2-5(b) and 4.2-5(c). A report detailing the methodology and results of the survey shall be submitted for review and approval to the City of Brentwood Community Development Department.*

4.2-5(b) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: If active golden eagle nests are identified by the qualified biologist that could be impacted by the proposed project, during project construction, covered activities shall be prohibited within 0.5-mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs from late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity shall coordinate with CDFG/USFWS to determine the appropriate buffer size. A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.*

4.2-5(c) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: During project construction, a qualified biologist shall provide on-site construction monitoring to ensure that covered activities do not occur within the non-disturbance buffer zone established around an active golden eagle nest. Although known golden eagle nest sites do not occur within or near the ECCC HCP/NCCP Urban Limit*

Line (ULL), covered activities inside and outside of the Preserve System have the potential to disturb golden eagle nest sites. Construction monitoring shall ensure that direct effects to golden eagles are minimized. A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measures 4.2-5(a) through (c) would reduce impacts to golden eagle either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications to less-than-significant levels by requiring compliance with the applicable ECCC HCP/NCCP measures. Such measures are associated with occupied nests, appropriate buffer zones around identified nests, and on-site construction monitoring.

Impact 4.2-6 Impacts to western burrowing owl either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-6(a) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys completed for the proposed project as having potential burrowing owl habitat. The preconstruction surveys shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls, in accordance with CDFW survey guidelines.*

On areas where activities are proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be surveyed. Surveys shall take place near sunrise or sunset, in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place, at most, 30 days prior to construction. During the breeding season (February 1 to August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1 to January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey

results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted. A report detailing the methodology and results of the survey shall be submitted for review and approval to the City of Brentwood Community Development Department.

4.2-6(b) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: If burrowing owls are found during the breeding season (February 1 to August 31), in accordance with the CDFW's Staff Report on Burrowing Owl Mitigation, the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (as described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 to January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (as described below).*

During the breeding season, buffer zones of at least 250 feet in which construction activities cannot occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. The doors shall be in place for 48 hours, prior to excavation. The project area shall be monitored daily for one week to confirm that the owl has abandoned the burrow. Whenever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measures 4.2-6(a) and (b) would reduce impacts to western burrowing owl either directly (e.g., cause a wildlife population to drop below self-sustaining levels,

threaten to eliminate an animal community) or through substantial habitat modifications to less-than-significant levels by requiring compliance with the applicable ECCC HCP/NCCP measures. The measures require a preconstruction survey conducted by an approved biologist, and any appropriate buffer zones around identified burrows.

Impact 4.2-7 Impacts to white-tailed kite, tricolored blackbird, and nesting birds and raptors protected under the MBTA and CFGC either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-7(a) *Prior to any ground disturbance related to covered activities that occur during the nesting season for white-tailed kite (March 15 to August 31), a qualified biologist shall conduct a preconstruction survey, at most, one month prior to construction to establish whether white-tailed kite is nesting in trees within or visible from the site. In the event active nests are found, an initial 300-foot buffer shall be established around the nest tree. Ground disturbance related to covered activities within the buffer shall either be delayed until a qualified biologist determines nesting is complete, or until the applicant consults with the ECCC HCP/NCCP Implementing Entity and CDFW and implements CDFW-approved measures to minimize potential disturbance. A report detailing the methodology and results of the survey and, if applicable, compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.*

4.2-7(b) *If possible, any ground disturbance related to covered activities shall occur outside of the general bird nesting season (February 1 to August 31). Alternately, a qualified biologist shall conduct a preconstruction survey, at most, two weeks prior to any ground disturbance related to covered activities. In the event active raptors or tricolored blackbird nests are found, an initial 300-foot buffer shall be established around the nests. In the event nests of other birds are found, an initial 50-foot buffer shall be established around the nest. Ground disturbance related to covered activities within the buffers shall either be delayed until a qualified biologist determines nesting is complete, or until the applicant consults with the ECCC HCP/NCCP Implementing Entity and CDFW and implements CDFW-approved measures to minimize potential disturbance. A report detailing the methodology and results of the survey and, if applicable,*

compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measures 4.2-7(a) and (b) would reduce impacts to white-tailed kite, tricolored blackbird, and nesting birds and raptors protected under the MBTA and CFGC either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications to less-than-significant levels by requiring compliance with the applicable ECCC HCP/NCCP measures concerning a preconstruction survey conducted by a qualified biologist to identify any on-site nests and applying appropriate buffers.

Impact 4.2-8 Impacts to San Joaquin kit fox either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-8(a) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: Prior to any ground disturbance related to covered activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys conducted for the proposed project as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines. Preconstruction surveys shall be conducted within 30 days of ground disturbance. On areas where activities are proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership shall not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS and the City of Brentwood Community Development Department within five working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.*

4.2-8(b) *ECCC HCP/NCCP Section 6.4.3 Species-Level Measure: If San Joaquin kit foxes and/or suitable dens are identified in the survey*

area, the following measures shall be implemented, prior to the commencement of project construction:

- *If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for three days by a USFWS/CDFW-approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used;*
- *Unoccupied dens shall be destroyed immediately to prevent subsequent use;*
- *If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated, and then, only after further consultation with USFWS and CDFW;*
- *If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil, such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after five or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).*

A report detailing compliance with the provisions established herein shall be submitted for review and approval to the City of Brentwood Community Development Department.

Finding: Implementation of Mitigation Measures 4.2-8(a) and (b) would reduce impacts to San Joaquin kit fox either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications to less-than-significant levels by requiring compliance with the applicable ECCC HCP/NCCP measures. In turn, the ECCC HCP/NCCP measures require an approved biologist to conduct a preconstruction survey to identify breeding or denning habitat for the San Joaquin kit fox. Should any habitat be identified, the mitigation measures would require appropriate monitoring and steps to avoid disturbance to the den.

Impact 4.2-9 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-9(a) *Implement Mitigation Measure 4.2-10(c).*

4.2-9(b) *ECCC HCP/NCCP Conservation Measure 1.7: Prior to submittal of the of the final improvement plans, the project applicant shall ensure that a minimum 75-foot setback from the top of the bank of Sand Creek has been incorporated into the final project design. Incorporation of the foregoing setback shall be subject to review and approval by the City of Brentwood Community Development Department.*

Finding: Implementation of Mitigation Measures 4.2-9(a) and (b) would reduce impacts that have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS to less-than-significant levels by requiring a setback in the final project design in accordance with the ECCC HCP/NCCP.

Impact 4.2-10 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.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-10(a) *ECCC HCP/NCCP Conservation Measure 1.10: Prior to submittal of the of the final improvement plans, the project applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) to be implemented to minimize the introduction of foreign material into waterbodies, control stormwater runoff, minimize erosion and sedimentation, and limit the amount of surface disturbance to the area.*

Standard construction BMPs shall be employed during construction to minimize the potential for erosion and off-site transport of fines. BMPs shall include use of water trucks, appropriate compaction of soil, and installation of straw wattles, silt fences or other technologies along the perimeter of the site during construction, and stabilization of bare soils as appropriate with seeding, straw, and/or hydromulch.

The SWPPP shall be submitted for review and approval to the City Engineer.

4.2-10(b) *ECCC HCP/NCCP Conservation Measure 2.12: Prior to submittal of the final improvement plans, the project applicant shall incorporate the following measures into the final project design, which shall be submitted for review and approval to the City of Brentwood Community Development Department:*

- *The project shall comply with the stream setback requirements in Conservation Measure 1.7;*
- *The project shall comply with the guidelines in Conservation Measure 1.10 to minimize the effects of urban development on downstream hydrology, streams, and wetlands;*
- *All wetlands to be avoided by covered activities shall be temporarily staked in the field by a qualified biologist;*
- *The project shall establish a buffer zone between Sand Creek and development, as described in Conservation Measure 1.7;*
- *Personnel conducting ground-disturbing activities adjacent to the seasonal wetland in the western portion of the site or the buffer zone along Sand Creek shall be trained by a qualified biologist in the avoidance and minimization requirements and the permit obligations of project proponents working under the ECCC HCP/NCCP. Vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas;*
- *Trash generated during project construction shall be promptly and properly removed from the site;*
- *Construction or maintenance vehicles shall not be refueled within 200 feet of Sand Creek or the seasonal wetland unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill;*
- *Appropriate erosion-control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on-site to reduce siltation and runoff of contaminants into Sand Creek or the seasonal wetland. Filter fences and mesh shall be of material that will not entrap reptiles and amphibians. Erosion-control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians;*
- *Fiber rolls used for erosion-control shall be certified as free of noxious weed seed;*
- *Seed mixtures applied for erosion-control shall not contain invasive non-native species, and shall be composed of native species or sterile nonnative species; and*

- *Herbicides shall not be applied within the buffer area along Sand Creek unless needed to control serious invasive plants. In such case, herbicides that have been approved for use by U.S. Environmental Protection Agency (USEPA) in or adjacent to aquatic habitats may be used, as long as label instructions are followed and applications avoid or minimize impacts on Covered Species and their habitats. Appropriate herbicides may be applied to the ruderal grassland within the buffer area during the dry season to control nonnative invasive species, such as yellow star-thistle. Herbicide drift shall be minimized by applying the herbicide as close to the target area as possible.*

4.2-10(c) *If a Clean Water Act (CWA) Section 404 permit is determined to be necessary, prior to the issuance of grading permits, the project applicant shall apply for a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Waters that would be lost or disturbed shall be restored, replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. In the event that a Section 404 permit is required, the project applicant shall also apply for a Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB) prior to the issuance of grading permits and adhere to the certification conditions therein.*

Finding: Implementation of Mitigation Measures 4.2-10(a) through (c) would reduce impacts that 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 to a less-than-significant level. The mitigation measures would require compliance with ECCC HCP/NCCP measures associated with development of a SWPPP and the included BMPs, as well as project design specifics. An additional measure addresses potential circumstances requiring Section 401 and Section 404 permits.

Impact 4.2-13 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.2-13 *Implement Mitigation Measures 4.2-3(a), 4.2-3(b), 4.2-4(a), 4.2-4(b), 4.2-4(c), 4.2-5(a), 4.2-5(b), 4.2-5(c), 4.2-6(a), 4.2-6(b),*

4.2-7(a), 4.2-7(b), 4.2-8(a), 4.2-8(b), 4.2-9(c), 4.2-10(a), and 4.2-10(b).

Finding: Implementation of Mitigation Measure 4.2-13 would reduce impacts that conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan to a less-than-significant level by requiring compliance with all applicable measures found in the ECCC HCP/NCCP.

Hazards and Hazardous Materials

Impact 4.3-2 Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.3-2(a) *Prior to recordation of any final map for the proposed project, the applicant shall submit proof to the satisfaction of the City Engineer that all planned development on-site is at least 10 feet (10') from any abandoned oil wells. Precise locations of all oil well sites shall be depicted on the final map.*

If abandoned oil/gas well infrastructure is encountered during grading, grading shall cease and the well shall be removed to the satisfaction of City prior to resuming any grading.

4.3-2(b) *Prior to the first building permit issuance for the proposed project, the applicant shall confirm, to the satisfaction of the City Engineer and the Community Development Director, the lot locations of all on-site oil wells, and shall confirm that subject oil well locations are incorporated into all subject lot deeds, and shall confirm that all proposed development on the project site is at least 10 feet from any abandoned oil well locations.*

4.3-2(c) *Prior to issuance of a grading permit, California Geologic Energy Management Department (CalGEM) shall be consulted to determine if the abandoned wells shall require modification in casing height, where grading is proposed proximate to these well locations. Proof of compliance shall be submitted to the City Community Development Department for review and approval.*

4.3-2(d) *During construction activities, any abandoned oil pipelines within the project site shall be removed in consultation with the Contra Costa County Environmental Health Department. Proof of removal*

shall be provided to the City Community Development Department and City Engineer.

Finding: Implementation of Mitigation Measures 4.3-2(a) through (d) would reduce impacts that create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment to a less-than-significant level by requiring City and County officials to confirm the proposed project's avoidance of potential hazards.

Noise

Impact 4.4-1 Generation of a substantial temporary 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.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.4-1 Prior to the issuance of any permits, the following criteria shall be included on grading, improvement, and construction plans, and submitted for review and approval by the City of Brentwood Community Development Director.

- *Construction activities shall be limited to the hours set forth below:*
  - *Monday through Friday 8:00 AM to 5:00 PM;*
  - *Saturday 9:00 AM to 4:00 PM; and*
  - *Construction shall be prohibited on Sundays and City holidays. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the Chief Building Official and/or City Engineer.*
- *The project contractor shall ensure that the following construction noise Best Management Practices (BMPs) are met on-site during all phases of construction:*
  - *All equipment driven by internal combustion engines shall be equipped with mufflers, air- inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise- control features that are readily available for that type of equipment.*

- *All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.*
- *The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.*
- *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.*
- *Unnecessary idling of internal combustion engines shall be prohibited.*
- *Construction staging areas shall be established at locations that would 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.*
- *Construction site and access road speed limits shall be established and enforced during the construction period.*
- *The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.*
- *Project-related public address or music systems shall not be audible at any adjacent receptor.*
- *Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.*
- *The construction contractor shall designate a "noise disturbance coordinator" who would 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.*

Finding: Implementation of Mitigation Measure 4.4-1 would reduce impacts related to the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project by requiring the City's Community Development Director to confirm the hours of construction and all BMPs involved in construction of

the proposed project. Therefore, noise levels would not be in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, resulting in a less-than-significant impact.

Impact 4.4-3 Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.4-3 Prior to the issuance of grading permits, the following criteria shall be included on project grading plans, and submitted for review and approval by the City of Brentwood Community Development Director:

Any compaction required less than 26 feet from the adjacent residential structures to the south of the project site shall be accomplished by using static drum rollers which use weight instead of vibrations to achieve soil compaction. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring could be conducted for residential structures less than 26 feet from the project's property line to ensure that construction vibrations do not cause damage to any adjacent structures.

Finding: Implementation of Mitigation Measure 4.4-3 would reduce impacts related to the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels to a less-than-significant level by requiring the use of static drum rollers for compaction occurring less than 26 feet from residences.

<u>Transportation</u>

Impact 4.5-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities.

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.5-1 Prior to grading permit issuance, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City Engineer. The plan shall include the following:

- *A project staging plan to maximize on-site storage of materials and equipment;*

- *A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones and other warning devices for drivers; and designation of construction access routes;*
- *Provisions for maintaining adequate emergency access to the project site;*
- *Permitted construction hours, per City of Brentwood standards;*
- *Designated locations for construction staging areas;*
- *Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and*
- *Provisions for street sweeping to remove construction-related debris on public streets.*

Finding: Implementation of Mitigation Measure 4.5-1 and the required Construction Traffic Management Plan would reduce impacts that conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities to a less-than-significant level.

Impact 4.5-3 Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

4.5-3 *Prior to improvement plan approval, the proposed tentative map shall be revised to include an additional full intersection to achieve a project-wide intersection density of 61.5. The revised map shall be submitted to the City Engineer for review and approval. A potential intersection location is included as an Appendix to the VMT Assessment prepared for the proposed project by DKS.*

Finding: Implementation of Mitigation Measure 4.5-3 and buildout of the required full intersection in the tentative map would reduce impacts that conflict or are inconsistent with CEQA Guidelines section 15064.3, subdivision (b) to a less-than-significant level.

<u>Initial Study</u>

Impact I-d Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

I-1. *In conjunction with development of the proposed project, the developer shall shield all on-site lighting so that nighttime lighting is directed within the project site and does not illuminate adjacent properties. A detailed lighting plan shall be submitted for the review and approval by the Community Development Department and the Public Works Department in conjunction with the project improvement plans. The lighting plan shall indicate the locations and design of the shielded light fixtures.*

Finding: Implementation of Mitigation Measure I-1 would reduce impacts related to the generation of light and glare to a less-than-significant level by requiring the shielding of all on-site lighting and submitting a detailed lighting plan to the City.

Impact II-a Would the project 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?

Impact II-e Would the project 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?

Mitigation Measures: The following mitigation measure has been adopted to address these impacts:

II-1. *Prior to recordation of any final map or issuance of any grading permit, the developer shall comply with Chapter 17.730 (Agricultural Preservation Program) of the Brentwood Municipal Code in order to mitigate the project's conversion of agricultural land, as defined in Section 17.730.020, by granting an agricultural conservation easement or paying the current agricultural conservation City fee in effect at that time to provide funds to purchase conservation easements to mitigate the loss of farmland.*

Finding: Implementation of Mitigation Measure II-1 would reduce impacts related to the conversion of Farmland to a less-than-significant level by granting an agricultural conservation easement or paying the equivalent fee to the City.

Impact V-b Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?

Impact V-c Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

V-1. *Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate (via notation on the improvement plans) that a qualified archaeologist shall conduct a Cultural Resources Worker Environmental Awareness Program (WEAP) training for all personnel involved in ground-disturbing, site preparation construction activities on the project site prior to construction and ground-disturbing activities. The training shall include basic information about the types of artifacts that might be encountered during construction activities, and procedures to follow in the event of a discovery. The training shall be provided for any additional personnel added to the project even after the initiation of construction and ground disturbing activities.*

V-2. *Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet and the contractor shall immediately notify the Community Development Department of the discovery. In such case, a qualified archaeological monitor shall be retained by the developer, at its own expense, and shall evaluate any potentially important discovery. Significance determinations shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Comments on the report shall be submitted by the Native American tribes within 30 days of receipt of the report. Further grading or site work within the area of discovery shall not be allowed until the preceding work has occurred.*

V-3. *Prior to grading permit issuance, the developer shall submit plans to the Community Development Department for review and approval which indicate (via notation on the improvement plans) that if human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the*

discovery from disturbance. The archaeologist shall notify the Contra Costa County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the project contractor does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.94 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or MLD must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Finding: Implementation of Mitigation Measures V-1 through V-3 would reduce impacts related to the disturbance of archaeological resources and human remains to a less-than-significant level by requiring the submission of plans to the City's Community Development Department indicating completion of training from qualified archaeologist and immediate action upon discovery of historical/cultural resources and/or human remains.

Impact VII-ai Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Impact VII-aii Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

VII-1. *All project buildings shall be designed in conformance with the current edition of the California Building Standards Code (CBSC).*

VII-2. *Prior to grading permit issuance, the applicant shall submit a final geotechnical evaluation of the project site that analyzes soil stability including soil expansion, and the potential for lateral spreading, subsidence, liquefaction or collapse. The report shall identify any on site soil and seismic hazards and provide design recommendations for onsite soil and seismic conditions. The geotechnical evaluation shall be reviewed and approved by the City Engineer, Chief Building Official, and a qualified Geotechnical Engineer to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design in order to adhere to all geotechnical requirements contained in the California Building Code.*

VII-3. *All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified Geotechnical Engineer prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design in order to adhere to all geotechnical requirements contained in the California Building Code.*

Finding: Implementation of Mitigation Measures VII-1 through VII-3 would reduce impacts related to rupture of a known earthquake fault or strong seismic ground shaking to a less-than-significant level by requiring compliance with the CBSC, requiring a geotechnical evaluation, and review and approval of all grading and foundation plans.

Impact VII-aiii Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Impact VII-aiv Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Impact VII-c Would the project 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?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

VII-4. *During construction, the project contractor shall completely remove and recompact any existing non-engineered fill on-site under the supervision of a registered geotechnical engineer, according to the recommendations presented in the Geotechnical Exploration Report and to the satisfaction of City. A written summary of the operations shall be submitted to the City Engineer.*

VII-5. *All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City Engineer, Chief Building Official, and a qualified Geotechnical Engineer, or through the state approval process for the school, prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in the project design. In addition, prior to issuance of a building permit for any lot, the applicant shall submit to the City a letter from a qualified Geotechnical Engineer and Civil Engineer stating that the lot has been constructed in conformance with the approved Grading Plan and recommendations in the Geotechnical Report. The Geotechnical Exploration Report provides feasible measures including, but not limited to: demolition and stripping design grades be cleaned to a firm undisturbed soil surface; specification of backfill materials and procedure; slope gradient guidelines; creek bank and bed protection proper foundation design; reinforced structural mat foundations; and post-tensioned slabs.*

Finding: Implementation of Mitigation Measures VII-4 and VII-5, which require the removal and recompaction of non-engineered fill as well as requiring approval of all grading and foundation plans, would reduce impacts related to seismic-related ground failure, including off-site landslides, lateral spreading, subsidence or liquefaction to a less-than-significant level.

Impact VII-b Would the project result in substantial soil erosion or the loss of topsoil?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

VII-6. *Prior to grading permit issuance, the applicant shall submit a final grading plan to the City Engineer for review and approval. If the grading plan differs significantly from the proposed grading illustrated on the approved project plans, plans that are consistent with the new revised grading plan shall be provided for review and approval by the City Engineer.*

VII-7. *Any applicant for a grading permit shall submit an erosion control plan to the City Engineer for review and approval. The plan shall identify protective measures to be taken during construction, supplemental measures to be taken during the rainy season, the sequenced timing of grading and construction, and subsequent revegetation and landscaping work to ensure water quality in creeks and tributaries in the General Plan Area is not degraded from its present level. All protective measures shall be shown on the grading plans and specify the entity responsible for completing and/or monitoring the measure and include the circumstances and/or timing for implementation.*

VII-8. *Grading, soil disturbance, or compaction shall not occur during periods of rain or on ground that contains freestanding water. Soil that has been soaked and wetted by rain or any other cause shall not be compacted until completely drained and until the moisture content is within the limit approved by a Soils Engineer. Approval by a Soils Engineer shall be obtained prior to the continuance of grading operations. Confirmation of this approval shall be provided to the City Engineer prior to commencement of grading.*

Finding: Implementation of Mitigation Measures VII-6 through VII-8 would reduce impacts related to substantial soil erosion or the loss of topsoil to a less-than-significant level by requiring submission of a final grading plan, an erosion control plan, and by requiring soils to be completely drained before being graded, disturbed, or compacted.

Impact VII-d Would the project 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?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

VII-9. *Implement Mitigation Measure VII-5.*

Finding: Implementation of Mitigation Measure VII-9 would reduce impacts related to expansive soil to a less-than-significant level by requiring an approved grading and foundation plan.

Impact VII-f Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

VII-10. *Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. The Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred. The language of this mitigation shall be included via notation on the project improvement plans.*

Finding: Implementation of Mitigation Measure VII-10 would reduce impacts related to the destruction of a unique paleontological resource, site, or unique geologic feature to a less-than-significant level by requiring project activity to halt upon the discovery of such resources and establishing a method of curation or protection.

Impact X-a Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

X-1. *Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The Developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges consistent with the requirements established in 15.52.60(F): Erosion and Sediment Control of the City's Municipal Code. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.*

X-2. *Prior to the completion of construction, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site, the applicant*

shall be responsible for paying for the long-term maintenance of treatment facilities, and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Brentwood. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

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

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

X-3. *Design of on-site drainage facilities shall meet with the approval of both the City Engineer and the Contra Costa County Flood Control and Water Conservation District prior to the issuance of grading permits.*

X-4. *Contra Costa County Flood Control and Water Conservation District drainage fees for the Drainage Area shall be paid prior to issuance of grading permits to the satisfaction of the City Engineer.*

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

X-6. *The construction plans shall indicate roof drains emptying into a pipe leading to the project bioswale areas for the review and approval of the City Engineer prior to the issuance of building permits.*

X-7. *The improvement plans shall indicate concentrated drainage flows not crossing sidewalks or driveways for the review and approval of the City Engineer prior to the issuance of grading permits.*

Finding: Implementation of Mitigation Measures X-1 through X-7 would reduce impacts related to surface or ground water quality to a less-than-significant level by requiring payment of fees and compliance with all approved plans, such as the required SWPPP and Stormwater Control Operation and Maintenance Plan.

Impact X-ci Would the project 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 result in substantial erosion or siltation on- or off-site?

Impact X-cii Would the project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Impact X-ciii Would the project 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 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?

Mitigation Measures: The following mitigation measures have been adopted to address these impacts:

X-8. *Prior to the completion of construction activities, the applicant shall prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities, and executing a Stormwater Management Facilities Operation and Maintenance Agreement*

and Right of Entry in the form provided by the City of Brentwood. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

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

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

X-9. *Contra Costa County Flood Control & Water Conservation District drainage fees for the Drainage Areas shall be paid by the applicant prior to issuance of building permits.*

Finding: Implementation of Mitigation Measures X-8 and X-9 would reduce impacts related to substantially altering the existing drainage pattern to a less-than-significant level by requiring development and approval of a Stormwater Control Operation and Maintenance Plan.

Impact XV-a 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 fire protection?

Mitigation Measures: The following mitigation measures have been adopted to address this impact:

XV-1. *Prior to building permit issuance, the developer shall cause the project to be annexed into the most current Community Facilities District established for Emergency Medical and Fire Protection Service Funding, per Brentwood Municipal Code Chapter 17.635.*

XV-2. *The project applicant shall participate in a Community Facilities District, which has been established by the Fire District and will include annual assessments in an amount sufficient to cover the service costs associated with the new residences.*

Finding: Implementation of Mitigation Measures XV-1 and XV-2 would reduce impacts related to governmental facilities for fire protection to a less-than-significant level by requiring the project site be incorporated into the most current Community Facilities District.

Impact XV-b 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 police protection?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XV-3. *Prior to approval of the final map, the developer shall cause the project to be annexed into the most current City Community Facilities District, per Brentwood Municipal Code Chapter 17.636.*

Finding: Implementation of Mitigation Measure XV-3 would reduce impacts related to governmental facilities for police protection to a less-than-significant level by requiring the project site be incorporated into the most current Community Facilities District.

Impact XV-c 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 schools?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XV-4. *Prior to building permit issuance, the developer shall submit to the Community Development Department written proof from the Liberty Union High School District and the Brentwood Union School District that appropriate school mitigation fees have been paid.*

Finding: Implementation of Mitigation Measure XV-4 requires proof of payment for school mitigation fees, which would reduce impacts related to governmental facilities for schools to a less-than-significant level.

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

Impact XVIII-b 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 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?

Mitigation Measures: The following mitigation measure has been adopted to address this impact:

XVIII-1. *If tribal cultural resources are discovered during project-related construction activities, all ground disturbances within a minimum of 50 feet of the find shall be halted until a qualified professional archaeologist can evaluate the discovery. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to the lead agency to either further investigate or mitigate adverse impacts. If the find is determined*

by the lead agency in consultation with the Native American tribe traditionally and culturally affiliated with the geographic area of the project site to be a tribal cultural resource and the discovered archaeological resource cannot be avoided, then applicable mitigation measures for the resource shall be discussed with the geographically affiliated tribe. Applicable mitigation measures that also take into account the cultural values and meaning of the discovered tribal cultural resource, including confidentiality if requested by the tribe, shall be completed (e.g., preservation in place, data recovery program pursuant to Public Resources Code §21083.2[i]). During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project site.

Finding: Implementation of Mitigation Measure XVIII-1 would reduce impacts related to tribal cultural resources to a less-than-significant level by requiring construction of the proposed project to cease and involve a qualified archaeologist upon discovery of any tribal cultural resources.

The City Council acknowledges that in making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the REIR. The City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the REIR are supported by substantial evidence in the record, including the expert opinion of the REIR preparers and City staff; and the significance thresholds used in the REIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

In particular, the REIR relied on significance criteria for evaluating impacts that are tailored to this type of project. The criteria used in this REIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance" listed in CEQA Guidelines section 15065; (b) the relationship of the Project effect to the adopted policies, ordinances and standards of the City and of responsible agencies; and (c) commonly accepted practice and the professional judgment of the REIR authors and City staff.

A full explanation of the environmental findings and conclusions can be found in the Final REIR and these findings hereby incorporate by reference the discussion and analysis in the Final REIR supporting the Final REIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts, and incorporates the analysis and explanation in the Final REIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final REIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program attached to these findings as Exhibit A to reduce or avoid the potentially significant and significant impacts of the Project. The City Council acknowledges that in adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures recommended for approval by the Final REIR. Accordingly, in the event a mitigation measure recommended in the Final REIR has inadvertently been omitted from Exhibit A, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit A fails to accurately reflect the mitigation measures in the Final REIR due to a clerical error, the language of the mitigation measure as set forth in the Final REIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

The City Council hereby finds that the adopted mitigation measures are changes or alterations that have been required in, or incorporated into, the Project which reduce or avoid significant effects on the environment to the maximum extent feasible.

Several commenters raised concerns related to components of the proposed project that do not address environmental impacts subject to CEQA review, or they did not specifically address the adequacy of the Draft REIR. Comments regarding safety, existing current circulation concerns, or existing roadway Level of Service (LOS) conditions are not within the scope of environmental review required for the Draft REIR. These comments have been noted for the record and will be forwarded to decision-makers as part of their consideration of the proposed project. Additionally, several commenters raised concerns related to the transportation and circulation analysis, including the congestion of roadways in the vicinity of the project site, the methods employed in evaluating transportation-related impacts under CEQA, traffic volumes, vehicle cut-through, and the lack of mitigation measures prepared to address potentially increased traffic. Any modifications that were made to mitigation measures in response to such comments are denoted in Chapter 3, Revisions to Draft REIR Text, of the Final REIR.

In addition, as noted above, at the request of the City Council, Abrams Associates reviewed five potential options for minimizing additional traffic on St. Regis Avenue, which involve various turn restrictions and circulation modifications. DKS Associates analyzed the potential impact of the options on the Vehicle Miles Traveled VMT discussion in the REIR, which analysis was peer reviewed by Kimley-Horn and ultimately analyzed by the City's environmental consultant, who determined that none of the options would create a new significant environmental impact or increase in the severity of previously identified impacts.

With respect to the additional measures suggested by commenters that were not added to the Final REIR, the City Council hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final REIR as its grounds for rejecting adoption of these mitigation measures.

Part C. Alternatives

Summary of Discussion of Alternatives in the Final EIR

The Draft REIR evaluates three potential alternatives to the Project. The Draft REIR examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy project objectives.

Findings Relating to Alternatives

In making these findings, the City Council certifies that it has independently reviewed and considered the information on alternatives provided in the Draft REIR, including the information provided in comments on the Draft REIR and the responses to those comments in the Final REIR. The Draft REIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Draft REIR is incorporated in these findings by reference.

The Draft REIR describes and evaluates in detail three alternatives to the Project. The City Council acknowledges that the reasons for the City Council's decision to approve the Project instead of the remaining alternatives are presented below. The City Council finds that the Project would satisfy the Project Objectives, and the remaining alternatives, excluding the Clustered Development Alternative, are unable to satisfy the project objectives to the same degree as the Project. The City Council further finds that, on balance, none of the remaining alternatives has economic or housing supply advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project. Accordingly, the City Council determines to approve the Project instead of approving one of the remaining alternatives.

Description of Project Objectives

The project objectives are as follows:

- Maximize development of much-needed housing in the City of Brentwood, providing for a diversity of housing types to suit the demands of homebuyers with different socioeconomic statuses on a site that is close to main transportation corridors (e.g., SR 4) and which may be practically and efficiently connected to existing infrastructure, and which otherwise can be practically developed to facilitate achievement of state housing goals.
- Provide parks and open space for residences in the region, in close proximity to project housing in order to minimize vehicle mile trips and associated air emissions.

- Facilitate the extension of a portion of Sand Creek Road to the project entrance, which will help fulfill a critical need for the City of Brentwood and the region and Planning Area 1 to the north of the site.

Discussion and Findings Relating to the Alternatives Evaluated in the Draft REIR

Chapter 7, Alternatives Analysis, of the Draft REIR evaluates the following three alternatives, which are summarized below:

- No Project (No Build) Alternative;
- Clustered Development Alternative; and
- Reduced Intensity Alternative.

No Project (No Build) Alternative.

Under CEQA, a "No-Project Alternative" compares the impacts of proceeding with a proposed Project with the impacts of not proceeding with the proposed Project. A No-Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

The City has decided to evaluate a No Project (No Build) Alternative, which assumes that the current conditions of the Project site would remain, and the site would not be developed. As described in the REIR, the Project site consists primarily of undeveloped grassland and weedy vegetation, with Sand Creek flowing west to east through the northern portion of the Project site. The extension of Sand Creek Road in the Project vicinity would move forward consistent with the Sand Creek Roadway Extension Project Initial Study/Mitigated Negative Declaration. The No Project (No Build) Alternative would not meet any of the Project objectives and would not meet the overall intent of the General Plan land use designations for the site. Because implementation of the No Project (No Build) Alternative would result in the site remaining under current conditions, physical environmental impacts related to air quality, GHG emissions, and energy; biological resources; hazards and hazardous materials; noise; and transportation would not occur. Therefore, implementation of the No Project (No Build) Alternative would result in fewer overall impacts compared to that of the Project. However, the No Project (No Build) Alternative would not meet any of the Project objectives.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve any of the Project objectives, and the City Council rejects this alternative.

Clustered Development Alternative.

The Clustered Development Alternative would be designed to reduce the total amount of proposed development acreage, while still resulting in a residential density within the allowable range presented in the City's General Plan. According to the City's General Plan, the R-LD land use designation permits a density range of 1.1 to five dwelling units per acre (du/ac), with a mid-range of three du/ac. The proposed

Project is anticipated to result in the development of 272 units on 67.96 acres, which would result in a density of approximately 4.0 du/ac. If 67.96 acres of the Project site were to be developed using the mid-range of three du/ac, a total of 186 units would be anticipated. However, in order to cluster the development and increase the amount of open space on-site, while still keeping in the range of allowed density, under the Clustered Development Alternative 186 units would be built on 37.2 acres, which would result in a density of five du/ac, the maximum allowable density within the R-LD land use designation.

As a result, the Clustered Development Alternative would include an additional 24.76 acres to be designated as permanent open space. The additional permanent open space would be located along the eastern portion of the site to allow for a buffer between the proposed residences and SR 4.

Generally, all other site improvements required under the proposed Project would still be developed under the Clustered Development Alternative, and the Alternative would still require a potential Rezone to amend the PD-36 Zoning District, Vesting Tentative Subdivision Map, and Design Review. In addition, because the Clustered Development Alternative would generally result in similar development of the proposed Project, all Project objectives would be met.

Physical environmental impacts identified for the proposed Project related to biological resources and hazards and hazardous materials would be similar under the Clustered Development Alternative. In addition, from a CEQA perspective, the impacts identified for the proposed Project related to noise would be similar under the Clustered Development Alternative. However, it is noted that, with regard to impacts of the existing environment onto a project, the Clustered Development Alternative would reduce noise impacts upon residents from SR 4 and would result in a reduction in sound wall height. Additionally, because the Clustered Development Alternative would result in a reduction of air pollutants and GHG emissions generated through construction and operation of the proposed Project, as well as a reduction in construction and operational traffic, the Alternative's impacts related to air quality, GHGs, and energy and transportation would be fewer than the proposed Project.

The Clustered Development Alternative would fully meet all of the Project objectives; result in similar impacts to the proposed Project related to three of the five issue areas for which Project impacts were identified; and result in fewer impacts than the proposed Project for the remaining two issue areas. Thus, the Clustered Development Alternative would be considered the environmentally superior alternative to the proposed Project.

However, because fewer residential units would be developed, the economic benefit to the City through property and sales taxes and other Project fees would be greatly reduced. Furthermore, the Clustered Development Alternative would provide only 50 percent of the housing that the proposed Project would create, and, thus, would not provide needed housing supply for the State or the City to the same extent as the proposed Project.

Accordingly, the environmental benefits that might be achieved with this alternative are outweighed by its reduced economic benefit and housing supply. Therefore, the City Council has determined that the aforementioned considerations render the Clustered Development Alternative infeasible (See CEQA Guidelines Section 15091, subdivision [a][3].).

Reduced Density Alternative.

According to the City's General Plan, the R-LD land use designation permits a density range of 1.1 to five du/ac, with a mid-range of three du/ac. The proposed Project is anticipated to result in the development of 272 units on 67.96 acres, which would result in a density of approximately 4.0 du/ac. The Reduced Density Alternative would result in the development of single-family residential uses on the same amount of acreage as the proposed Project (67.96 acres), at the minimum density allowed for the R-LD land use designation. As a result, the Reduced Density Alternative would develop a total of 68 dwelling units on-site.

Generally, all other site improvements required under the proposed Project would still be developed under the Reduced Density Alternative, including the development of 8.49 acres of parks and 25 acres of open space. As such, the Alternative would still require a potential Rezone to amend the PD-36 Zoning District, Vesting Tentative Subdivision Map, and Design Review.

Because the Reduced Density Alternative would still provide parks and open space in the region, and would facilitate the extension of a portion of Sand Creek Road, Project Objectives #2 and #3 would be fully met under the Alternative. However, although the Reduced Density Alternative would result in the development on-site, because development would be at a reduced density as compared to the proposed Project, the Alternative would not maximize development of housing, and Project Objective #1 would only be partially met.

Implementation of the Reduced Density Alternative would result in a similar area of disturbance as the proposed Project. As such, physical environmental impacts related to biological resources; hazards and hazardous materials; and noise would be similar to those of the proposed Project. However, because the Reduced Density Alternative would result in a reduction of air pollutants and GHG emissions generated through construction and operation of the proposed Project, as well as a reduction in construction and operational traffic, the Alternative's impacts related to air quality, GHGs, and energy and transportation would be fewer than the proposed Project.

The Reduced Density Alternative would only partially meet Project Objective #1; result in similar impacts to the proposed Project related to three of the five issue areas for which Project impacts were identified; and result in fewer impacts than the proposed Project for the remaining two issue areas. However, because fewer residential units would be developed, the economic benefit to the City through property and sales taxes and other Project fees would be greatly reduced. Furthermore, the Reduced Density Alternative would provide only 23 percent of the housing that the proposed Project would create, and, thus, would not provide needed housing supply for the State or the City to the same extent as the proposed Project.

Accordingly, the environmental benefits that might be achieved with this alternative are outweighed by its reduced economic benefit; reduced housing supply; and failure to achieve all of the Project objectives. Therefore, the City Council has determined that the aforementioned considerations render the Reduced Density Alternative infeasible (See CEQA Guidelines Section 15091, subdivision [a][3].).

Findings Regarding Reasonable Range of Alternatives

The City Council finds that the range of alternatives evaluated in the Draft REIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the project objectives. The City Council finds that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve the project objectives.

Part D. Record of Proceedings

Various documents and other materials constitute the record upon which the City Council bases these findings and the approvals contained herein. The location and custodian of these documents and materials is Erik Nolthenius, Planning Manager, City of Brentwood, 150 City Park Way, Brentwood, CA 94513.

Part E. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as Exhibit A.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Revised Environmental Impact Report for the Bridle Gate Project is hereby certified pursuant to the California Environmental Quality Act. All feasible mitigation measures for the Project identified in the Revised Environmental Impact Report and accompanying studies are hereby incorporated into this approval.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of August 27, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

_____
Joel Bryant
Mayor

ATTEST:

_____
Margaret Wimberly
City Clerk

EXHIBIT A
TO CITY COUNCIL RESOLUTION NO. 24-XX

The Mitigation Monitoring and Reporting Program, Draft and Final REIR and associated documents for the Bridle Gate project can be found listed under "Bridle Gate" on the City's website at the following link:
https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents