

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE SAND CREEK SPORTS COMPLEX PROJECT, CIP PROJECT NO. 352-42446

WHEREAS, on February 26, 2019, the City Council adopted Resolution No. 2019-21, adopting the Parks, Trails and Recreation Master Plan Update; and

WHEREAS, on February 22, 2022, the City Council adopted Resolution No. 2022-25, 1) receiving the people, time & financial analysis of the draft Strategic Plan FY 2022/23 – FY 2023/24; 2) adopting the draft Strategic Plan FY 2022/23 – FY 2023/24; 3) directing staff to incorporate Strategic Plan FY 2022/23 – FY 2023/24 costs into the Operating and CIP Budgets, as well as in the City’s Ten-Year General Fund Fiscal Model; 4) approving the addition of six new full-time positions; and 5) directing staff to incorporate the costs associated with new positions into the FY 2022/23 – FY 2023/24 Operating Budgets, and authorize commencement of the recruitment for the new positions in FY 2021/22, to allow for filing of the positions no earlier than July 1, 2022; and

WHEREAS, on June 28, 2022, by Resolution 2022-85, the City Council adopted the City’s 2022/23 – 2026/27 Capital Improvement Program (“CIP”), which included the Sand Creek Sports Complex, CIP Project No. 352-52446; and

WHEREAS, on April 11, 2023, by Resolution 2023-41, the City Council approved and authorized the City Manager or designee to execute an Agreement for Environmental Services and necessary documents, including amendments, for the Sand Creek Sports Complex, CIP Project No. 352-52446 with Raney Planning & Management, Inc. in the amount of \$88,932, plus a 10% contingency amount of \$8,894 for additional services, for a not to exceed amount of \$97,826; and

WHEREAS, on May 28, 2024, by Resolution 2024-56, the City Council adopted the City’s 2024/25 – 2028/29 Capital Improvement Program (“CIP”), which included the Sand Creek Sports Complex, CIP Project No. 352-52446; and

WHEREAS, the project site is located at the intersection of Sand Creek Road and Fairview Avenue in the City of Brentwood, and is identified by Assessor’s Parcel Numbers (APNs) 019-110-030, 019-110-032, and 019-110-046. APNs 019-110-032 and 019-110-046 consist of the eastern portion of the project site, which is undeveloped, is regularly disced, and consists of ruderal vegetation; APN 019-110-030 consists of the Lower Sand Creek Basin. Surrounding existing land uses include Sand Creek, the Sand Creek Trail, undeveloped land, and single-family residences to the north; single-family residences to the east; single-family residences and a church/daycare to the south; and an apartment complex and single-family residences to the west. The City of Brentwood designates the Lower Sand Creek Basin portion of the site as Public Facility (PF) and the rest of the site is designated as Park (P).

The Lower Sand Creek Basin portion of the site is zoned Public Facility (PF) and the rest of the project site is zoned Planned Development (PD-6); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA," codified at Public Resources Code §§ 21000, *et seq.*) and its implementing regulations (the "CEQA Guidelines," found at 14 CCR §§ 15000, *et seq.*), the City of Brentwood is the lead agency for the proposed Project; and

WHEREAS, the City reviewed the Project plans and prepared an initial study for the Project in accordance with Section 15063 of the CEQA Guidelines; and

WHEREAS, on the basis of the Initial Study, and pursuant to Section 15170 of the CEQA Guidelines, the City prepared a Mitigated Negative Declaration ("MND") for the Project, which MND is attached hereto, along with the Initial Study, attached as Exhibit 'A' and incorporated herein by this reference; and

WHEREAS, pursuant to Section 15097 of the CEQA Guidelines, the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP") to accompany the Initial Study and MND, in which is attached hereto as a component part of Exhibit 'B'; and

WHEREAS, the City has prepared an Errata Sheet to accompany the Initial Study and MND, which is attached hereto as Exhibit 'C'; and

WHEREAS, pursuant to Section 15072 of the CEQA Guidelines, the City provided notice of its intent to adopt the MND, and pursuant to Public Resources Code section 20191(b) and Section 15073 of the CEQA Guidelines, the City circulated the MND for public review and comments from May 31, 2024, to July 1, 2024; and

WHEREAS, the City distributed a Notice of Public Hearing to 276 property owners of record adjacent to the project site and published it in the Brentwood Press in accordance with City policies and Government Code Section 65090; and

WHEREAS, comments were received from the California Department of Transportation, Central Valley Regional Water Quality Control Board, Chevron Pipe Line Company, and Contra Costa County Flood Control and Water Conservation District and all comments received have been reviewed and addressed; and

WHEREAS, the City Council considered the Initial Study and the Mitigated Negative Declaration at a public hearing at its regular meeting of August 13, 2024 and considered the staff report, all accompanying information, and testimony received from interested parties.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood finds:

- A. The recitals set forth above are true and correct and are incorporated herein by this reference.

- B. The City Council has reviewed and considered the Initial Study, MND, Errata Sheet, and MMRP, together with all comments received during the public review process, as well as the written responses prepared to such comments, the staff report, testimony by staff and the public, and all other materials and evidence submitted to the City relating to the Project.
- C. The City Council hereby finds, on the basis of the whole record before it, that:
 - 1. The Initial Study, the MND, Errata Sheet, and the MMRP have been prepared and completed in accordance with the requirements of CEQA and the CEQA Guidelines;
 - 2. There is no substantial evidence that the Project will have a significant effect on the environment; and
 - 3. The information, analyses, findings and conclusions set forth in the Initial Study, MND, Errata Sheet, and MMRP reflect the City's independent judgment and analysis.
- D. Based on the information, analyses and conclusions in the Initial Study, and on the whole record before it, the City Council approves and adopts the Initial Study and Mitigated Negative Declaration for the Sand Creek Sports Complex project, dated May 2024, attached hereto as Exhibit 'A', including the Mitigation Monitoring and Reporting Program attached hereto as Exhibit 'B', and the Errata Sheet, attached hereto as Exhibit 'C'.
- E. Hereby directs staff to file a Notice of Determination within five (5) working days of adopting the Mitigated Negative Declaration.
- F. The City's custodian for the record of proceedings for the Project is the Planning Manager and the record of proceedings is maintained in the City's files at 150 City Park Way, Brentwood, California.

The above actions are subject to any appeal filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following City Council action.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of August 13, 2024, by the following vote: