
1. INTRODUCTION

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The Brentwood Downtown Specific Plan Draft Environmental Impact Report (Draft EIR) was prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) as amended. The City of Brentwood is the lead agency for the environmental review of the Downtown Specific Plan evaluated herein and has the principal responsibility for approving the project. As required by Section 15121 of the CEQA Guidelines, this EIR will (a) inform public agency decision-makers, and the public generally, of the significant environmental effects of the project, (b) identify possible ways to minimize the significant adverse environmental effects, and (c) describe reasonable and feasible project alternatives which reduce environmental effects. The public agency shall consider the information in the Draft EIR along with other information that may be presented to the agency.

PROJECT DESCRIPTION

Proposed Project

The “project” is the umbrella term for all of the anticipated developments within the Downtown Specific Plan. The project area is located within the City of Brentwood, Contra Costa County, California (See Figure 1, Regional Location Map), and consists of approximately 205 acres around the City’s historic center at the intersection of Oak Street and Union Pacific Railway. In general, the project area includes all of Downtown Brentwood, defined loosely as the area bordered by Brentwood Boulevard to the north, Fir Street to the south, a Public Facilities area to the east, and Walnut Boulevard to the west.

The Downtown Specific Plan is a district-wide plan and includes plans to convert existing land to new uses, as well as the new development on vacant parcels. The majority of the developments proposed include converting existing land uses to office, retail, and restaurant uses. Freedman, Tung, and Bottomley (FTB) developed the Short and Long-Term Envisioned Town Pattern Scenarios, which outline the proposed developments in Downtown Brentwood. These developments are primarily residential and mixed-use transitional land uses (office and retail), with a proposed a multi-plex movie theater and multi-level parking garage to be constructed upon approval of the Specific Plan. In addition, development could include a future transit access point within the Downtown area. These developments are considered in the analysis of the Downtown Specific Plan EIR.

PURPOSE OF THE EIR

As provided in the CEQA Guidelines Section 15021, public agencies are charged with the duty to avoid or minimize environmental damage where feasible. The public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social issues.

CEQA requires the preparation of an EIR prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term *project* refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed Brentwood Downtown Specific Plan, the City has determined that the proposed development is a *project* within the definition of CEQA, which has the potential for resulting in significant environmental effects.

The EIR is an informational document that appraises decision makers and the general public of the potential significant environmental effects of a proposed project. An EIR must describe a reasonable range of feasible alternatives to the project and identify possible means to minimize the significant effects. The lead agency, which is the City of Brentwood for this project, is required to consider the information in the EIR along with any other available information in deciding whether to approve the application. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, alternatives, growth inducing impacts, and cumulative impacts.

TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a *Program EIR* pursuant to CEQA guidelines Section 15168. A Program EIR is an EIR, which may be prepared on a series of actions that can be characterized as one large project and are related either:

- (1) Geographically,
- (2) As logical parts in the chain of contemplated actions,
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally environmental effects which can be mitigated in similar ways.

According to CEQA Guidelines Section 15168(c)(5), a Program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as

specifically and comprehensively as possible. With a detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the Program EIR, and no further environmental documents would be required.

EIR PROCESS

The EIR process begins with the decision by the lead agency to prepare an EIR, either during a preliminary review of a project or at the conclusion of an Initial Study. Once the decision is made to prepare an EIR, the lead agency sends a Notice of Preparation (NOP) to appropriate government agencies, and when required, to the State Clearinghouse (SCH) in the Office of Planning and Research (OPR), which will ensure that responsible State agencies reply within the required time. The SCH assigns an identification number to the project, which then becomes the identification number for all subsequent environmental documents on the project. Applicable agencies have 30 days to respond to the NOP, indicating, at a minimum, reasonable alternatives and mitigation measures they wish to have explored in the Draft EIR and whether the agency will be a responsible agency or a trustee agency for the project. An NOP (see Appendix A) was prepared and circulated for the Brentwood Downtown Specific Plan from January 14, 2005 to February 14, 2005. A public scoping meeting was held on February 3, 2005.

As soon as the Draft EIR is completed, a notice of completion is filed with the OPR and public notice is published to inform interested parties that a Draft EIR is available for agency and/or public review and providing information regarding location of drafts and any public meetings or hearings that are scheduled. The Draft EIR is circulated for a period of 45 days, during which time reviewers may make comments. The lead agency must evaluate and respond to comments in writing, describing the disposition of any significant environmental issues raised and explaining in detail the reasons for not accepting any specific comments concerning major environmental issues. If comments received result in the addition of significant new information to an EIR, after public notice is given, the revised EIR or affected chapters must be recirculated for another public review period with related comments and responses.

Once the lead agency is satisfied that the EIR has adequately addressed the pertinent issues in compliance with CEQA, a Final EIR will be prepared, which is made available for review by the public or commenting agencies. Before approving a project, the lead agency shall certify that the Final EIR has been completed in compliance with CEQA and has been presented to the decision-making body of the lead agency and has been reviewed and considered by that body, and that the Final EIR reflects the lead agency's independent judgment and analysis.

The findings of fact prepared by the lead agency must be based on substantial evidence in the administrative record and must include an explanation that bridges the gap between evidence in the record and the conclusions required by CEQA.

Based on these findings, the lead agency may also prepare a Statement of Overriding Considerations (Statement) as part of the project approval process. If the decision-making

body elects to proceed with a project that would have unavoidable significant impacts, then a statement explaining the decision to balance the benefits of the project against unavoidable environmental impacts must be prepared.

SCOPE OF THE DRAFT EIR

State CEQA Guidelines § 15126.2(a) states, in pertinent part:

An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.

Pursuant to these guidelines, the scope of this Draft EIR addresses specific issues and concerns identified as potentially significant. These were determined based on the preparation of an Initial Study, review of comments received on the NOP and review of testimony received at the scoping hearing. The Initial Study prepared for the proposed project concluded that several environmental issues would result in a less-than-significant impact. The complete text of the Initial Study is contained in Appendix C.

Resources identified for study in this Draft EIR include:

- Land Use;
- Aesthetics;
- Transportation and Circulation; and
- Air Quality.

The evaluation of effects is presented on a resource-by-resource basis in Subchapters 4.1 through 4.4. Each subchapter is divided into four sections: Introduction, Environmental Setting, Regulatory Context, and Impacts and Mitigation Measures.

Impacts that are determined to be significant in Chapter 4, and for which no feasible mitigation measures are available to reduce those impacts to a less-than-significant level are identified as *significant and unavoidable*. Chapter 6 in the Administrative Draft EIR presents a discussion and comprehensive list of all significant and unavoidable impacts identified in Chapter 4.

COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City of Brentwood received three comment letters during the open comment period on the Notice of Preparation (see Appendix A) for the Brentwood Downtown Specific Plan. A copy of each letter is provided in Appendix B of this EIR. The letters were authored by representatives of State and local agencies and other interested parties:

- Broadbent, Jack – Bay Area Air Quality Management District

- Jensen, Tim – Contra Costa County Flood Control & Water Conservation District
- Sable, Timothy – Department of Transportation

The following list, categorized by issue, summarizes the concerns in these letters:

<u>Air Quality</u> (c.f. Chapter 4.4)	<p>Concerns related to:</p> <ul style="list-style-type: none"> • The proposed project’s potential health effects, as they relate to the ambient air quality standards and the contribution of mobile and stationary sources to air pollution emissions. • Assessment of potential nuisance impacts, such as odors and dust that could result from plan implementation. • Potential land use conflicts as they relate to criteria pollutant, diesel particulate matter and other toxic air contaminant emissions resulting from the Southern Pacific Railroad. • The District strongly recommends that the plan require housing densities of at least 15 units per acre to ensure that transit is well supported. • Provision of additional policies and programs that will implement smart growth strategies such as neighborhood-serving commercial uses and projects that enhance pedestrian and bicycle safety and access. • Analysis of the Downtown Specific Plan’s consistency with the Bay Area 2000 Clean Air Plan (CAP). • Implementation of transportation control measures from the Bay Area 2000 Clean Air Plan (CAP). • Calculation of air quality impacts, as well as reviewing possible air pollution mitigation measures. • Execution of pollution mitigation measures such as improved transit, shuttles, bicycle/pedestrian measures, parking strategies, convenient access to local services, and ridesharing. • A holistic approach to the parking policy that treats parking as a resource, particularly at new developments, but also in existing commercial districts and neighborhoods. Recommendations are for shared-use parking provisions, “park-once” policies, parking cash-out policies, and pricing strategies (both on-street and off-street). • Permitting only natural gas fireplaces in the residential units (thus reducing particulate pollution) as one of the conditions of the future project approval.
<u>Hydrology</u> (c.f. Initial Study)	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Drainage fees, which should be collected prior to filing the final map. • Delaying expansion in DA 52C until the necessary

	<p>downstream facilities are operational.</p> <ul style="list-style-type: none"> • Designing and constructing storm drain facilities to adequately collect and convey stormwater runoff, without diversion of the watershed entering or originating within the development to nearest adequate man-made drainage facility. • Condition to construct DA 52B Line A1 approximately between Oak Street and Pine Street. Future development in this vicinity should be conditioned to construct this remaining portion of Line A1.
<p><u>Transportation and Circulation:</u> (c.f. Chapter 4.3)</p>	<p>Concerns related to:</p> <ul style="list-style-type: none"> • Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets and highways, including crossroads and controlling intersection. • Schematic illustrations of the traffic conditions for existing, existing plus project, and cumulative conditions for the intersections in the project area. • Calculation of cumulative traffic volumes, which should consider all traffic-generating development, both existing and future, that would affect the State Highway facilities being evaluated. • Mitigation measures, which should consider highway and non-highway improvements and services. Special attention should be given to the development of alternate solutions that do not rely on increased highway construction. • Mitigation measures being fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring. • Using Caltrans' <i>Guide for the Preparation of Traffic Impact Studies</i>.

All of these issues are addressed in this DEIR, in the relevant sections identified in the first column.

ORGANIZATION OF THE DRAFT EIR

The Brentwood Downtown Specific Plan Administrative Draft EIR is organized into the following sections:

Chapter 1 – Introduction

Provides an introduction and overview describing the intended use of the Administrative Draft EIR and the review and certification process, as well as summaries of the chapters included in the Draft EIR and summaries of the environmental resources that would be impacted by the project.

Chapter 2 – Summary of Impacts and Mitigation Measures

Summarizes the elements of the project and the environmental impacts that would result from implementation of the proposed project, describes proposed mitigation measures and indicates the level of significance of impacts after mitigation. Acknowledges alternatives that would reduce or avoid significant impacts.

Chapter 3 – Project Description

Provides a detailed description of the proposed project, including its location, background information, major objectives, and technical characteristics.

Chapter 4 – Environmental Setting, Impacts and Mitigation

Contains a project-level and cumulative analysis of environmental issue areas associated with the Proposed Project. The subsection for each environmental issue contains an introduction and description of the setting of the project area, identifies impacts and recommends appropriate mitigation measures.

Chapter 5 – Alternatives Analysis

Describes the alternatives to the proposed project, their respective environmental effects, and a determination of the environmentally superior alternative.

Chapter 6 – Statutorily Required Sections

Provides discussions required by CEQA regarding impacts that would result from the proposed project, including a summary of cumulative impacts, potential growth-inducing impacts, significant and unavoidable impacts, and significant irreversible changes to the environment.

Chapter 7 – EIR Authors / Persons Consulted

Lists report authors who provided technical assistance in the preparation and review of the Draft EIR.

Chapter 8 – References

Provides bibliographic information for all references and resources cited.

Appendices

Includes the NOP, responses to the NOP, the Initial Study, and additional technical information.