

GOVERNING BOARD
CONTRA COSTA COMMUNITY COLLEGE DISTRICT
OF
CONTRA COSTA COUNTY
MARTINEZ, CALIFORNIA

REPORT NO. 82-E

DATE May 25, 2011

PURPOSE Resolution Approving the New Brentwood Center Project and Adopting Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program – ROLL CALL VOTE REQUIRED

TO MEMBERS OF THE GOVERNING BOARD

RECOMMENDATION

It is recommended that the attached Resolution Approving the New Brentwood Center Project and Adopting Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, be adopted.

FUNDING SOURCE

Funding for this environmental impact analysis and for the new Brentwood Center project will come from Measure A 2006 local bond funds.

BACKGROUND

The District prepared the New Brentwood Center Supplemental Environmental Impact Report (SEIR) to supplement the Vineyards at Marsh Creek and Annexation Sites Environmental Impact Report (Vineyards EIR) certified by the City of Brentwood in 2004 for the Vineyards at Marsh Creek development (Vineyards Project). The SEIR was prepared to analyze the potential environmental effects that may result from the new Brentwood Center community college use proposed on a portion of the Pioneer Square site within the Vineyards Project. The community college use would replace the Mixed-Use Business Park uses for which the Pioneer Square site is designated.

Although the project relocates the planned Brentwood center from the Cowell site to the Pioneer Square site, the District does not have the authority to change the zoning of the Cowell site which is presently designated Community College by the City's General Plan. California Environmental Quality Act (CEQA) conventions direct impact analysis to consider current land uses. Accordingly, the analysis in the supplemental EIR analyzes the impact of a college center located on the Cowell site and a new college center on the Pioneer Square site, both operating at the same time.

However, the SEIR further expanded the reasonable range of alternatives in the Vineyards EIR by analyzing an alternative land use for the Cowell Property, given that the project proposes to relocate the community college use to a portion of the Pioneer Square site and given that it is not likely that two community college campuses would ever be developed in close proximity to one another.

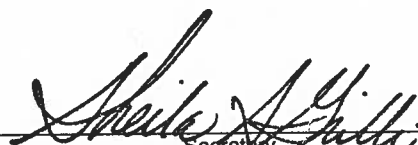
The alternative was presented in the SEIR to compare the impact of the proposed project with those that might result if the land use on the Cowell Property was changed by the City in the future. Analysis of this alternative allows the greater community to discern what could take place on the Cowell Property if the City, in concert with the owners of the Cowell Property, later decide to consider alternative uses for the Cowell Property, and how such changed use would potentially avoid or substantially lessen all significant impacts of the project analyzed in the SEIR.

As stated earlier, however, the final analysis has to be based on current and proposed land use plans. As a result, the final EIR finds four potentially significant and unavoidable impacts when two college sites are analyzed. The alternative land use plan, and the potentially significant and unavoidable impacts are discussed in attached Exhibit A, CEQA Findings of Fact.

Because the analysis finds significant and unavoidable impacts (but only if two college sites were operating), the Board will adopt Exhibit B to the resolution, a statement of overriding considerations, which finds that all feasible mitigation measures identified in the final SEIR will be implemented with the project, and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable due to specific overriding economic, legal, social, technological and/or other benefits based upon the facts set forth in attached Exhibit A, the final SEIR, and the administrative record.

The attached Exhibit C lists the mitigation, monitoring, and reporting efforts the project will undertake in order to reduce the potentially significant impact to less than significant.

Disposition **APPROVED** Date **MAY 25 2011**
Governing Board


Secretary

presented in the certified Final EIR and/or other information in the record. This statement must be supported by substantial evidence in the record. Exhibit B, attached to this Resolution and incorporated herein by this reference as if set forth in full, presents the Statement of Overriding Considerations for the New Brentwood Center; and

WHEREAS, pursuant to CEQA, including without limitation Section 15097 of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program ("MMRP") has been prepared, which outlines the procedures/steps and requirements for implementing all mitigation measures identified in the Final SEIR. Exhibit C, attached to this Resolution and incorporated herein by this reference as if set forth in full, presents the MMRP for the New Brentwood Center; and

WHEREAS, on May 25, 2011, the Board held a duly-noticed public hearing to consider project approval, and adoption of the CEQA Findings of Fact, Statement of Overriding Considerations and MMRP, accepting all public testimony and the written report of District staff; and

WHEREAS, the location and custodian of records with respect to all relevant documents which constitutes the administrative record are as follows: Chief Facilities Planner, Contra Costa Community College District, 500 Court Street, Martinez, CA 94553.

NOW, THEREFORE, THE BOARD HEREBY ADOPTS, FINDS AND RESOLVES as follows, in the following order:

1. The CEQA Findings of Fact, the Statement of Overriding Considerations and the MMRP are hereby adopted.
2. The Mitigation Measures set forth in the Final SEIR and the MMRP are incorporated herein by this reference as if set forth herein in full and are hereby made a part of the New Brentwood Center Project.
3. The New Brentwood Center project is hereby adopted and approved.
4. The District shall cause to be filed and posted a Notice of Determination, compliant with CEQA and reflecting the actions taken by the Board through this Resolution.
5. Additionally, the District is hereby authorized to take or to direct others to take such actions necessary and/or desirable to effectuate the Board's action taken by this Resolution and to bring the New Brentwood Center to fruition, including without limitation processing, securing, filing and posting all District, local, regional, state and federal permits, other grants of approval, notices and the like.

ADOPTED, SIGNED AND APPROVED this 25th day of May, 2011.



John T. Nejedly, President, Governing Board,
Contra Costa Community College District

**RESOLUTION NO. 82-E OF THE GOVERNING BOARD OF THE
CONTRA COSTA COMMUNITY COLLEGE DISTRICT ADOPTING
CEQA FINDINGS OF FACT, A STATEMENT OF OVERRIDING
CONSIDERATIONS AND A MITIGATION MONITORING AND
REPORTING PROGRAM, AND APPROVING THE NEW
BRENTWOOD CENTER PROJECT**

WHEREAS, the Contra Costa Community College District ("District") proposes to construct a new education center ("New Brentwood Center" or "Project") on a 17-acre site ("Project Site") located in the City of Brentwood in eastern Contra Costa County, generally west of the intersection of the State Route 4 (SR 4) Bypass and Marsh Creek Road. The Project Site is within the larger Vineyards at Marsh Creek Project ("Vineyards Project"), and is a portion of the 27-acre Pioneer Square site, located northeast of Vineyards Parkway. The Project Site is comprised of the following Assessor's Parcel Nos.: 007-570-001, -003, -004, -005, -006 and -007, 007-580-001, -002, -003, and-004; and

WHEREAS, the New Brentwood Center would construct two approximately 44,000-square-foot buildings for a total of approximately 88,000 square feet of classroom/office space and would serve a maximum of 5,000 full- and part-time students. Each building would be a maximum of 35 feet in height. Two surface parking lots, landscaping and other site improvements would also be constructed; and

WHEREAS, the District prepared a Supplemental Environmental Impact Report ("SEIR") pursuant to the California Environmental Quality Act and the CEQA Guidelines (collectively "CEQA") to supplement the Vineyards at Marsh Creek and Annexation Sites Environmental Impact Report and analyze the potential environmental effects that may result from the New Brentwood Center; and

WHEREAS, on May 25, 2011, the Board adopted Resolution No. 82-D certifying the New Brentwood Center Final SEIR pursuant to Section 15090 of the CEQA Guidelines based on and supported by findings, which are incorporated herein by reference; and

WHEREAS, the Final SEIR identified one or more significant environmental effects and concluded that all but four of such impacts can be mitigated with "Mitigation Measures" to a less-than-significant level; and

WHEREAS, pursuant to CEQA, including without limitation Section 15091 of the CEQA Guidelines, prior to project approval for which an EIR has been certified, written findings must be made for each significant effect identified in the EIR accompanied with a brief explanation of the rationale for each finding. Exhibit A, attached to this Resolution and incorporated herein by this reference as if set forth in full, presents such required findings ("CEQA Findings of Fact") for the New Brentwood Center; and

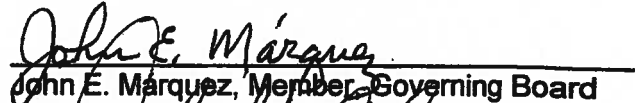
WHEREAS, pursuant to CEQA, including without limitation Section 15093 of the CEQA Guidelines, the decision-making agency must balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits outweigh the unavoidable adverse environmental effects, they may be considered acceptable. The decision-making agency must state, in writing, the specific reasons to support its action based on information




Tomi Van de Brooke, Vice President,
Governing Board



Sheila A. Grilli, Secretary, Governing Board



John E. Marquez, Member, Governing Board




Robert Calone, Member, Governing Board

I, John T. Nejedly, President of the Governing Board of the Contra Costa Community College District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 25th day of May 2011, and that it was so adopted by the following vote:

AYES: John E. Marquez, Sheila A. Grilli, John T. Nejedly,
NOES: Tomi Van de Brooke, Robert Calone, (Student Trustee
Advisory Vote)

ABSENT: _____

ABSTAIN: _____


John T. Nejedly, President, Governing Board,
Contra Costa Community College District

Attested to:



Sheila A. Grilli, Secretary, Governing Board