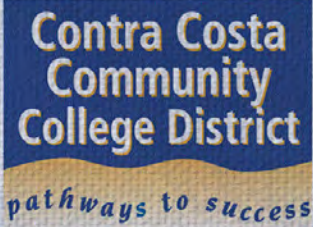


May 2011



# Final Supplemental Environmental Impact Report Response to Comments

## **New Brentwood Center** (State Clearinghouse No. 2010112046)

Lead Agency:

**Contra Costa Community College District**

Prepared by:





**NEW BRENTWOOD CENTER**

**FINAL SUPPLEMENTAL  
ENVIRONMENTAL IMPACT REPORT**  
(State Clearinghouse No. 2010112046)

**May 2011**

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## TABLE OF CONTENTS

<b>9.0</b>	<b>RESPONSE TO COMMENTS</b>	<b>PAGE NO.</b>
9.1	Introduction .....	9-1
9.2	Contents of Final EIR .....	9-1
9.3	Certification of Final EIR and Approval Process .....	9-2
9.4	List of Commentors .....	9-2
9.5	Responses to Individual Comments .....	9-3
<b>10.0</b>	<b>REVISIONS TO DRAFT SEIR</b>	
10.1	List of Errata Pages .....	10-1
<b>11.0</b>	<b>MITIGATION MONITORING AND REPORTING PROGRAM</b>	
11.1	Introduction .....	11-1
<b>LIST OF TABLES</b>		
11-1	Mitigation Monitoring and Reporting Program – New Brentwood Center Project .....	11-3
11-2	Mitigation Monitoring and Reporting Program – Vineyard Project .....	11-5



## 9.0 RESPONSES TO COMMENTS

### 9.1 INTRODUCTION

The New Brentwood Center Draft Supplemental Environmental Impact Report (Draft SEIR) was circulated for a 45-day public review period beginning February 1, 2011, and ending March 17, 2011, as assigned by the State of California Governor's Office of Planning and Research State Clearinghouse and consistent with the California Environmental Quality Act Guidelines (*CEQA Guidelines*). Copies of the document were distributed to state, regional and local agencies, as well as organizations and individuals, for their review and comment.

Section 15088(a) of the *CEQA Guidelines* states that:

“The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments.”

In accordance with Section 15088(a) of the *CEQA Guidelines*, the Contra Costa Community College District (District), as the lead agency, has evaluated the comments received on the Draft SEIR for the New Brentwood Center and has prepared written responses to the comments received.

All comments on the Draft SEIR, and the responses thereto, are presented in this document. Section 9.4 provides a list of all those who submitted comments on the Draft SEIR during the public review period. Section 9.5 contains all of the comments received on the Draft SEIR along with responses to each. These responses include identifying text revisions to the Draft SEIR. Text changes resulting from comments on the Draft SEIR, as well as staff-initiated text changes, are presented in Chapter 10 (Revisions to the Draft SEIR). Revisions to the Draft SEIR text are indicated by underline text (underline) for text additions and strike out (~~strike out~~) for deleted text. Revised figures and tables are identified with the word “revised” in front of the figure or table number. The text changes included in Chapter 10 do not add significant new information to the Draft SEIR but merely provide clarification or make minor modifications to the text of an adequate SEIR. Therefore, recirculation is not required pursuant to *CEQA Guidelines* Section 15088.5 (b).

### 9.2 CONTENTS OF FINAL SEIR

The Final SEIR is composed of the following elements:

- Draft SEIR and Appendices
- List of persons, organizations and public agencies that commented on the Draft SEIR
- Copies of all comments received
- Written responses to those comments
- Revisions to the Draft SEIR resulting from comments

### **9.3 CERTIFICATION OF FINAL SEIR AND APPROVAL PROCESS**

For a period of at least ten days prior to any public hearing during which a lead agency will take action to certify an EIR, the Final EIR will be made available to, at a minimum, the trustee and responsible agencies that provided written comments on the Draft EIR. Pursuant to Section 15090(a) of the *CEQA Guidelines*, the Final EIR must be certified before the lead agency can take action on the project.

Following Final EIR certification, but prior to the public agency taking action on the project, the lead agency will prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the lead agency must prepare written CEQA findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the *CEQA Guidelines*. If significant environmental impacts that cannot be reduced to a less-than-significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the *CEQA Guidelines*. Three significant and unavoidable impacts in the area of Air Quality and one significant and unavoidable impact in the area of Transportation/Traffic were identified in the Draft SEIR for the New Brentwood Center.

Certification of the Final EIR may occur at a public hearing independent of project approval or during the same hearing. Prior to approval of the project, the District must adopt CEQA findings, a Statement of Overriding Considerations, and an MMRP. Certification of the Final EIR must be the first in this sequence of approvals.

### **9.4 LIST OF COMMENTORS**

The following public agencies provided comment letters on the Draft SEIR:

- Comment Letter #1: Stephen Bachman, California Department of Parks and Recreation
- Comment Letter #2: Lisa Carboni, California Department of Transportation
- Comment Letter #3: Rob Wood, California Native American Heritage Commission
- Comment Letter # 4: Michael Machado, California Resources Agency, Delta Protection Commission
- Comment Letter #5: Jamar Stamps, Contra Costa County, Department of Conservation and Development
- Comment Letter #6: Mary Halle, Contra Costa County, Public Works Department
- Comment Letter #7: Dale Dennis, State Route 4 Bypass Authority
- Comment Letter #8: John Cunningham, TRANSPLAN Committee, East Contra Costa County Transportation Planning
- Comment Letter #9: Joseph G. Doser, Contra Costa Environmental Health Department, Contra Costa Health Services
- Comment Letter #10: Mark A. Seedall, Contra Costa Water District
- Comment Letter #11: Erik Nolthenius, City of Brentwood



## 9.5 RESPONSES TO INDIVIDUAL COMMENTS

Each of the comment letters submitted on the Draft SEIR and responses to the comments in the letters are provided on the following pages. Each comment is identified with a two part numbering system. The first number corresponds to the number assigned to the comment letter. The second number corresponds to the order of the comment within the letter identified. For example, Comment 1-1 refers to the first comment letter and the first comment identified in the letter, and Comment 5-4 refers to the fifth comment letter and the fourth comment identified in the letter.

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Comment Letter #1



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

Ruth Coleman, Director

**New Brentwood Center  
Draft Supplemental EIR  
February 2011  
SCH # 20101102046**

**Review period: Feb. 1 - Mar. 17, 2011**

Thank you for the opportunity to comment on the Supplemental EIR for the New Brentwood Center. State Parks owns and operates the Cowell Ranch/John Marsh State Historic Park which is immediately to the south and west of the New Brentwood Center/Vineyards Trilogy development.

The supplemental EIR for the New Brentwood Center is tiering off of "The Vineyards at Marsh Creek and Annexation Sites EIR," November 2003, SCH # 2003062019. The Vineyards EIR was certified by the City of Brentwood in 2004.

The Vineyards at Marsh Creek is a residential and mixed use development. An area specified as a mixed use business park in the Vineyards EIR (know as the Village site or Pioneer Square) is now proposed for a community college site in the Draft Supplemental EIR. The SEIR modifies uses from an entirely mixed use business park to mixed use and community college use – 17 acres, 5,000 students, approximately 280 staff, two 2-story buildings, and two parking lots with a total of 1,366 parking spaces.

California State Parks has substantial property (Cowell Ranch/John Marsh State Historic Park, approximately 3,600 acres) located adjacent to the Vineyards development. A Preliminary General Plan and Draft EIR has been completed for the state park and was circulated for CEQA public review from October 25 through December 9, 2010.

Most of the impact analysis in the New Brentwood Center SEIR refers back to the 2003 Vineyards EIR. The justification is noted on page 1-1 of the SEIR: "The Supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised." The New Brentwood Center SEIR discussed the following issues: air quality, greenhouse gas emissions and transportation/traffic.

The previous Vineyards EIR and the New Brentwood Center SEIR does not evaluate the adjacent State Parks property, with the exception of the John Marsh house site, which is a small area (approximately 13 acres) within the entire State Parks property of approximately 3,600 acres. At the time the Vineyards EIR was prepared the John Marsh house site was considered a potential annexation site. It is now part of the State Parks property and is not considered for annexation. Since the State Parks property was not thoroughly considered in the Vineyards EIR impacts analysis, this SEIR is inadequate

since it does not include an impact evaluation for all topics, especially noise impacts and the potential impacts to aesthetics/visual resources and cultural resources affecting the adjacent state park.

There have been substantial changes since the 2003 Vineyards EIR was certified. These include:

- The adjacent State Parks property was classified as a state historic park by the State Park and Recreation Commission in April 2007.
- The Preliminary General Plan and Draft EIR for Cowell Ranch/John Marsh State Historic Park was completed. CEQA public review occurred October 25, 2010 – December 9, 2010. The Preliminary General Plan was prepared prior to completion of the New Brentwood Center Supplemental EIR; therefore a complete impact analysis is required for this changed use development proposal since the entire state park area was not evaluated for potential impacts in the Vineyards EIR.
- There have been additional cultural resource investigations, findings and significance determinations within the Vineyards project site and adjacent State Parks property since the Vineyards EIR was completed.

1-1

Specific comments:

Pg. 1-3, paragraph two: states that “The scope of this SEIR is limited to specific topics necessary to make the Vineyards EIR adequately apply to the proposed project in the changed circumstances. Based on this statement, the Community College District determined that the following issues should be addressed in the SEIR: Air Quality, Greenhouse Gas Emissions, and Transportation/Traffic.”

This SEIR must also evaluate potential impacts to the entire adjacent State Parks property, the Cowell Ranch/ John Marsh State Historic Park, because this was not evaluated in the previous EIR for the Vineyards project. The impact analysis in this SEIR should include the items mentioned above (air quality, greenhouse gas emissions, transportation/traffic) as well as aesthetics/visual resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology, drainage and water quality, land use and planning, noise, population and housing, public services, utilities and service systems.

1-2

Pg. 1-4, Section 1.4.1 Aesthetics/Visual Resources, paragraph 1: The impact analysis must consider the entire adjacent State Parks property within the view corridor/viewshed of the proposed New Brentwood Center. As stated in this section, only the John Marsh house site was considered in the impacts analysis in the Vineyards Project EIR.

1-3

Pg. 1-5, Section 1.4.4, Cultural Resources: Since the Vineyards project EIR was completed there have been additional cultural resource investigations and evaluations on the significant archaeological site (CCO-548) within the State Parks and Vineyards project properties. This is new information that must be considered in the New Brentwood Center SEIR cultural resource impacts evaluation.

1-4

Pg. 1-9, Section 1.5, Additional Alternative: The first sentence states that "CEQA requires that a reasonable range of alternatives be discussed in an EIR." However, the alternatives evaluated in the Vineyards EIR were a much larger and a different scope than this specific proposed project. The New Brentwood Center SEIR should evaluate a range of alternatives to this particular project. Evaluation of the no project alternative, a CEQA requirement, must also be evaluated for this project. 1-5

Pg. 2-1, Section 2.0, Description of Project Changes, Changed Circumstances and New Information: This section should also discuss the completion of the Preliminary General Plan for Cowell Ranch/John Marsh State Historic Park, including the planned visitor use and recreation facilities proposed for this adjacent property. This section should also discuss the recent cultural resource investigations and new information regarding the significant archaeological site within the Vineyards project and the State Parks property. 1-6

Pg. 2-2, Section 2.4, New Cumulative Traffic Conditions: This discussion must also consider the traffic that would be generated from visitor use to the new state park, and the potential impacts to this adjacent property, including the main entrance to the park off of Marsh Creek Road. 1-7

Pg. 3-1, Section 3.3, Surrounding Land Uses: The first sentence should be revised to indicate that the project site is primarily surrounded by State Parks property, the Cowell Ranch/John Marsh State Historic Park, and not "undeveloped land." This section should also indicate that the John Marsh house is part of the Cowell Ranch/John Marsh State Historic Park. 1-8

Figure 3-2, noted in this section, should delineate the property line/boundary of the adjacent State Parks property and label it as Cowell Ranch/John Marsh State Historic Park. 1-9

Pg. 3-2, Section 3.4.1, Site Characteristics: This section should indicate the percent slope of the project site rather than stating that there is a "gentle slope that drops down into the site from... the Marsh Creek corridor." This specific information is critical for the visual impact assessment with regard to the adjacent State Parks property. 1-10

Pg. 3-2, Section 3.5.1, Classroom/Office Buildings: The information in this section states that there will be two approximately 42,000 square foot buildings. This is inconsistent with Figure 3-3, Conceptual Site Plan, which indicates that the buildings will be 44,000 square feet. 1-11

Figure 3-3, Conceptual Site Plan: This site plan indicates parking lot development up to the property line. There does not appear to be any buffer area for visual screening, as discussed in section 3.5.2 and in the mitigation section. This site plan should be revised to show a buffer area with appropriate screening. 1-12

Pg. 4.2-7, Sensitive Receptors: The adjacent Cowell Ranch/John Marsh State Historic Park is considered a significant sensitive receptor and should be discussed in this section and listed in Table 4.2-2, Sensitive Receptors. This discussion and table are inadequate as they do not consider the state park. 1-13

Pg. 4.2-15, last paragraph: The third sentence regarding sensitive receptors is inaccurate and should be revised because it does not consider the adjacent state park. 1-14

Pg. 4.2-19, Risk and Health Hazards. The second sentence should be revised to indicate that the project site is surrounded primarily by a state park and residential uses (rather than surrounded by "open space"). 1-15

Pg. 4.4-7, Project Transportation Characteristics, paragraph one: The first sentence is not consistent with previous discussions of the project scope. This sentence indicates that the two two-story buildings are each 22,000 square feet; however, the project characteristics and conceptual site plan indicate 42,000 sq. feet and 44, 000 sq. feet, respectively. 1-16

Pg. 4.4-11, Potential Impacts and Mitigation Measures, Near Term Traffic Impacts, 4.4-1, states: "These four intersections would continue to operate acceptable levels of service." However, this sentence is inaccurate and should be revised because only three intersections were evaluated (not four). The intersection that was not evaluated is the intersection nearest the main park entrance and an intersection that would be heavily used as a main access to the New Brentwood Center project site. This intersection is noted on Figure 4.4-2, Existing Lane Geometry and Traffic Control, as a "Future Study Intersection." 1-17

Pg. 5-1, Alternatives, Section 5.1, Introduction, paragraph one: This SEIR should evaluate a range of alternatives to this specific project (the New Brentwood Center). The alternatives analysis must also evaluate the no project alternative. 1-18

#### Appendix B – Applicable Mitigation Measures

Pg. 1, Aesthetics, Mitigation 3.7-A.1, Degradation of Visual Character – Vineyards Project, second paragraph: Emphasis should be placed on the requirement to screen unsightly views. The second sentence should be revised to read: "The plan shall be prepared by a licensed landscape architect and shall ~~pay special attention to screening portions of the development, including buildings and parking lots,~~ that may be considered visually unappealing and disharmonious from view of the John Marsh Home and surrounding State Park. 1-19

The fourth sentence should be revised to include the State Parks property: "Equipment storage areas shall be screened from the view of offsite residences, the state park, the John Marsh Home, and roadways."

Pg. 1, Mitigation 3.7-G.1, Light and Glare – Vineyards Project: The second bullet should be revised to include the state park. "All lighting shall be shielded from abutting properties, including the state park." 1-20

Pg. 1, Mitigation 3.7-G-2, Light and Glare – Vineyards Project: This mitigation discussion should include mitigation to avoid or reduce glare generated by vehicles in the parking lots, as seen from surrounding properties, including the state park. 1-21

Pg. 6, Cultural Resources, Mitigation 3.12-A, Substantial Adverse Change in the Significance of Archaeological Site CCO-548 – Vineyards Project: This is not an 1-22

adequate mitigation measure because it calls for the development of a program to mitigate impacts to CCO-548. Adequate mitigation can not be to develop a mitigation program at a later date.

1-22  
Cont'd

Pg. 8, Noise, Mitigation 3.6-A.1, Short Term Construction Noise Impacts – Vineyards Project: The adjacent state park is considered a sensitive receptor with regard to noise impacts and mitigation must be included for potential impacts to state park property. The third sentence should be revised to: "Specifically, construction activities adjacent to residential uses and the state park shall be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. through 4:00 p.m. on Saturdays and prohibited on Sundays and federal holidays.

1-23

Thanks you for the opportunity to comment on the Supplemental EIR for the New Brentwood Center.

Sincerely,



Stephen Bachman  
District Superintendent (Acting)  
Diablo Vista District  
845 Casa Grande Road  
Petaluma, CA 94954  
(707) 769-5652 x 212

Cc: dprplandiv

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## Response to Comment Letter # 1, California Department of Parks and Recreation

1-1 This comment, and the response thereto, underscore the fundamental rule that further CEQA review is necessary only when the changes in a project or in the circumstances surrounding a project are related to new significant environmental impacts not considered in a previous EIR. Unless there is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, no further CEQA review is necessary. Therefore, the following overview of controlling CEQA law set forth in this Response 1-1 relates to comments not only by the California Department of Parks and Recreation (State Parks), but also to the other comment letters included in this Final SEIR that raise similar issues regarding whether or not further CEQA review is necessary. Where appropriate, this Response 1-1 is, therefore, referenced in such other responses provided herein.

This comment states that substantial changes have occurred since the Vineyards at Marsh Creek and Annexation Sites EIR (Vineyards EIR) was certified in 2004 and identifies three circumstances: 1) the adjacent State Parks property was classified a state historic park in 2007; 2) a Preliminary General Plan and Draft Program EIR for Cowell Ranch/John Marsh State Historic Park were completed; and 3) there have been additional cultural resources investigations, findings and significance determinations within the Vineyards Project and adjacent State Parks property.

The substantial changes referenced in the comment do not trigger the need for further CEQA review beyond the scope of the Draft SEIR. In *Fund for Envi'l Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, the petitioner argued that the expansion of a wilderness park to surround the challenged project was a "substantial change" under CEQA, requiring the County of Orange to prepare an SEIR rather than an Addendum EIR. (*Id.* at 1550.) The appellate court rejected this argument, holding that the change must result in new adverse environmental effects that were not analyzed in the original EIR:

The effects are all matters of degree. Problems that had already been analyzed and reviewed were expanded or increased by the change in circumstances. But the record supports a finding that the increase in effects was not "cumulatively considerable" (Cal. Code Regs., tit. 14, § 15065, subd.(c)), and hence deserving of a mandatory finding of significant effect. [Citation] No new protected or rare habitat or species of flora or fauna were discovered or found to be impacted that had not been discovered when the EIR was prepared. Even though the land bordering three sides of the site to the northeast and south of the site had changed hands from Rancho Mission Viejo to the county and had changed designation from open agricultural land to part of Caspers Wilderness Park, the land itself did not suddenly spring into a verdant forest. It was precisely the same land as considered in the 1981 EIR, and the Nichols Institute project had the same impact on the land whether it was designated open agricultural land or wilderness park. (*Id.* at 1550-1551.)

In order to trigger preparation of further CEQA review, "there must be subsequent changes in the project or in the circumstances surrounding the project which 'require important revisions of the previous EIR . . . due to the involvement of *new significant environmental* impacts not considered in a previous EIR.'" (*Id.* at 1552, italics in original [quoting CEQA Guidelines Section 15162(a)].) This requires "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project...." (CEQA Guidelines Section 15382.) In *Fund for Envi'l Defense*, the appellate court found that the "record does not reflect an

*adverse change* in any of the *physical conditions* within the area of the [project] site." (204 Cal.App.3d at 1552; italics in original.) To the contrary, "the only real change is the fact that the site is now surrounded by, rather than adjacent to, a wilderness park." (*Id.*)

The Vineyards EIR considered the John Marsh house as well as the surrounding undeveloped lands owned by State Parks in its analysis of environmental impacts associated with the Vineyards Project. The Project Description contained in the Vineyards EIR described the conveyance of Cowell Ranch from the Trust for Public Land to State Parks and acknowledged plans to develop a Master Plan for Cowell Ranch for the protection of wildlife habitat, scenic open space and recreation opportunities for residents of Contra Costa County. Furthermore, exhibits contained in the Vineyards EIR clearly illustrate the State Parks land that surrounds the Vineyards Project.

Classification of the adjacent State Parks land as a historic state park and preparation of a Preliminary General Plan and Draft Program EIR in late 2010 (Park Plan) does not change the analysis in the Vineyards EIR. The Park Plan is the implementation of administrative and management protocols by State Parks, including the delineation of the park into four management zones. (Park Plan, ES-1 to ES-2, 4-5.) "The management zones are strategically located and sized to allow for a large portion of the Park to remain undeveloped as open space to maximize natural and cultural resource protection." (Park Plan, ES-2, 3-5.) The primary purpose of each management zone is as follows: Visitor Facility – provide recreational facilities and services to park visitors (Park Plan, 3-11); Natural Resource – protect and enhance the sensitive natural resources of the park (Park Plan, 3-14); Primary Historic Zone – protect and enhance cultural resources within the park (Park Plan, 3-16); and Operations and Maintenance – provide an area for park operations and maintenance needs and facilities (Park Plan, 3-18.) Currently, no public use facilities exist on the State Parks property. (Park Plan, 2-1.) The development envisioned by the Park Plan is minor and focused on recreational facilities within the Visitor Facility zone, and within this zone, the bulk of the development (visitor center, campsites, restrooms, etc.) would be concentrated in the "Eastern Area" along Walnut Boulevard, approximately two miles from the New Brentwood Center project site. The Park Plan recognizes that enhancements to the park may increase visitor traffic and implementation of the Park Plan would minimize any such impacts to a less than significant level. (Park Plan, 4-27.) In its discussion of cumulative impacts, the Park Plan identifies the Vineyards Project and its proposed business park, but provides that implementation of the Park Plan should avoid or minimize impacts on resources in the region. (Park Plan, 4-33).

With regard to the cultural resource investigations conducted since completion of the Vineyards EIR, they do not present substantial changes or new information of substantial importance requiring further CEQA review. The comment references investigations of a "significant archeological site (CCO-548) within the State Parks and Vineyards Project properties." The comment does not address the significance of this information or its importance to the proposed project. New information triggers further environmental review only if it is of substantial importance to the project. (CEQA Guidelines Section 15162(a)(3).) As noted by the Park Plan, archeological testing of CCO-548 "began in the 1940s and has continued on and off to the present day." (Park Plan, 4-25.)

As documented in Section 1.4.4 (Cultural Resources) of the Draft SEIR, the Vineyards EIR found that with implementation of mitigation measures, impacts to cultural resources, including CCO-548, would be less than significant. No further analysis of cultural resources was included in the Draft SEIR because both the New Brentwood Center and the Mixed-Use Business Park uses analyzed in the Vineyards EIR would disturb the same area. Because that particular area contains

a portion of a recorded pre-historic archaeological site (CCO-548) and could potentially contain previously unrecorded cultural resources, applicable mitigation measures presented in the Vineyards EIR to reduce impacts to cultural resources at the project site were included in Appendix B of the Draft SEIR.

Since certification of the Vineyards EIR in 2004 and in furtherance of mitigation measures contained therein, an Archaeological Properties Treatment Plan (AFTP) was prepared by Holman & Associates (April 2005) in accordance with a Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers (ACOE) and the California State Historic Preservation Officer (SHPO) for the Vineyards Project. Thus, the further investigation referenced by State Parks in their comment resulted from implementation of mitigation measures contained in the Vineyards EIR.

Therefore, the events referenced by State Parks, none of which result in an adverse change in the area's physical conditions, do not rise to the level requiring further CEQA review.

- 1-2 This comment states that the Draft SEIR must evaluate potential impacts to the entire adjacent State Parks property, the Cowell Ranch/John Marsh State Historic Park, because it was not evaluated in the Vineyards EIR. Furthermore, the comment states that the impact analysis should include the full range of environmental topics in addition to those studied in the Draft SEIR. Potential impacts to the entire adjacent State Parks property were evaluated in the Vineyards EIR. There have been no substantial changes or new information of substantial importance presented since certification of the Vineyards EIR in 2004 that would require further CEQA review beyond the scope of the Draft SEIR. Please also refer to Response 1-1.
- 1-3 This comment states that the analysis of aesthetic impacts must consider the entire adjacent State Parks property within the view corridor/view shed of the proposed project. As documented in Section 1.1.1 (Aesthetics/Visual Resources), development of the proposed New Brentwood Center would not result in significantly different aesthetic concerns when compared to development of the Mixed-Use Business Park uses analyzed in the Vineyards EIR because both uses would result in a permanent change in the visual character of the site that would be similar in scale and intensity of development. Mitigation measures presented in the Vineyards EIR to reduce aesthetic/visual resources impacts would be applicable to the proposed project and address views from “the John Marsh Home and surrounding State Park.” Please also refer to Response 1-1.
- 1-4 This comment states that new information about cultural resources must be considered in the Draft SEIR. As noted in Response 1-1, cultural resource investigations conducted since the completion of the Vineyards EIR do not present substantial changes or new information of substantial importance requiring further CEQA review. Please also refer to Response 3-1, which addresses comments from the California Native American Heritage Commission.
- 1-5 This comment states that the Draft SEIR should evaluate a range of alternatives to the proposed project, including the no project alternative. As described in Chapter 5 (Alternatives) of the Draft SEIR, the Vineyards EIR analyzed a reasonable range of alternatives to the Vineyards Project, as required by CEQA. The Draft SEIR further expanded the reasonable range of alternatives in the Vineyards EIR by analyzing an alternative land use for the Cowell Property (presently designated Community College by the City of Brentwood General Plan), given that the project proposes to relocate the community college use to a portion of the Pioneer Square site and 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 Draft SEIR to compare the impacts of the proposed project with those that might result if the land use on the Cowell Property were changed by the City in the future and how such changed use would potentially avoid or substantially lessen the significant impacts of the project analyzed in the Draft SEIR. As described in Response 1-1, there have been no substantial changes or new information of substantial importance presented since certification of the Vineyards EIR in 2004 that would require further analysis of alternatives beyond those studied in the Vineyards EIR and the Draft SEIR.

- 1-6 This comment states that Chapter 2.0 (Description of Project Changes, Changed Circumstances and New Information) of the Draft SEIR should also discuss completion of the Preliminary General Plan for Cowell Ranch/John Marsh State Historic Park, including the planned visitor use and recreation facilities proposed on the adjacent property. In addition, the comment states that Chapter 2.0 should discuss the recent cultural resources investigations and new information regarding the significant archaeological site within the Vineyards Project and State Parks property. The Preliminary General Plan for Cowell Ranch/John Marsh State Historic and recent cultural resources investigations do not present substantial changes or new information of substantial importance requiring inclusion in Chapter 2.0 of the Draft SEIR. Please also refer to Response 1-1.
- 1-7 This comment states that the discussion in Section 2.4 (New Cumulative Traffic Conditions) of the Draft SEIR must also discuss traffic that would be generated by the proposed visitor use to the Cowell Ranch/John Marsh State Historic Park and potential impacts to this adjacent property, including the main entrance to the park off Marsh Creek Road. As noted in the Preliminary General Plan for Cowell Ranch/John Marsh State Historic Park and Draft Program EIR, traffic to and from the Cowell Ranch/John Marsh Historic Park is expected to occur primarily outside of the weekday peak hours and would be dispersed among several park entrances and staging areas. The regional growth assumed in the Draft SEIR cumulative traffic forecasts is adequate to include the level of peak hour trip generation associated with park improvements. The new park entrance on Marsh Creek Road, which did not merit analysis in the Preliminary General Plan for Cowell Ranch John Marsh State Historic Park and Draft Program EIR, would be located south of Vineyards Parkway. The proposed project would not add vehicle trips to this segment of Marsh Creek Road and, thus, would not degrade operations or safety at this future driveway or warrant further analysis.
- 1-8 This comment suggests that the first sentence under Section 3.3 (Surrounding Land Uses) of the Draft SEIR be revised to indicate that the project site is primarily surrounded by State Parks property, the Cowell Ranch/John Marsh State Historic Park, not “undeveloped land.” The reference in this sentence to undeveloped land pertains to properties that are located northwest of the project site. Section 3.3 has been revised to indicate that the historic John Marsh house and State Parks property are located to the east and northwest of the project site. Please refer to Chapter 10 (Revisions to Draft SEIR) of this Final SEIR for the text change, and also refer to Response 1-1.
- 1-9 This comment requests that Figure 3-2 (Vicinity Map) of the Draft SEIR delineate the property boundary of the adjacent State Parks property and label it Cowell Property/John Marsh State Historic Park. Figure 3-2 has been revised to address this comment and is included in Chapter 10 of this Final SEIR.

- 1-10 This comment suggests that Section 3.4.1 (Site Characteristics) of the Draft SEIR indicate the percent slope of the project site. Section 3.4.1 has been revised to indicate that the average slope of the project site is one to two percent. Refer to Chapter 10 of this Final EIR for the text change.
- 1-11 This comment points out an inconsistency between the text of the Draft SEIR contained in Section 3.5.1 (Classroom/Office Buildings) and Figure 3-3 (Conceptual Site Plan). The text indicates that the two proposed buildings would each be 42,000 square feet and Figure 3-3 shows two 44,000-square-foot buildings. The text of the Draft SEIR has been corrected to indicate that the proposed project would include two, 44,000-square-foot buildings for a total of 88,000 square feet of classroom/office space. Please refer to Chapter 10 of this Final SEIR for the text change.
- 1-12 This comment suggests that Figure 3-3 (Conceptual Site Plan) of the Draft SEIR be revised to show a buffer area around the perimeter of parking lots for landscape screening. The conceptual site plan for the proposed project was prepared at a general or conceptual level. As more detailed plans for the project are developed, landscape areas would be provided within parking lots and along the perimeter of the site as indicated in Section 3.5.2 (Access, Parking and Landscaping) of the Draft SEIR. Furthermore, Mitigation Measure 3.7-A.1 of the Vineyards EIR would be applicable to the project and requires preparation of a landscape plan that provides screening of portions of the development that would be unappealing and disharmonious from views of the John Marsh house and surrounding State Parks property.
- 1-13 This comment states that the adjacent Cowell Ranch/John Marsh State Historic Park is considered a significant sensitive receptor and should be discussed on page 4.2-7 under Sensitive Receptors and listed in Table 4.2-2 (Sensitive Receptors). Table 4.2-2 has been revised to include this state park. Please refer to Chapter 10 of the Final SEIR for revised table.
- 1-14 This comment states that information regarding sensitive receptors is inaccurate and should be revised because it does not consider the adjacent state park. The Cowell Ranch/John Marsh State Historic Park is located approximately 400 feet to the south of the project boundary and the John Marsh house is located approximately 692 feet to the south. Construction of the proposed project would not occur within the most southerly portion of the project site (closest to the state park), and would be set back more than 200 feet due to the location of Marsh Creek. Additionally, sensitive receptors would be located closer to the John Marsh house and not along the northern boundary of the state park for extended periods of time. However, the text in the Draft SEIR has been revised to include the state park as a sensitive receptor. Please refer to Chapter 10 of the Final SEIR for the text change.
- 1-15 This comment states that the Draft SEIR should be revised to indicate that the project site is surrounded primarily by a state park and residential uses, rather than open space. The text on page 4.2-19 of the Draft SEIR has been amended to reflect this revision. Please refer to Chapter 10 of the Final SEIR for the text change, and also refer to Response 1-1.
- 1-16 This comment states that the project scope described in Section 4.4 (Transportation/Traffic) in the Draft SEIR is inconsistent with previous discussions of the project. The text of the Draft SEIR has been corrected to indicate that the proposed project would include two, 44,000-square-foot buildings. Please refer to Chapter 10 of this Final SEIR for the text change.
- 1-17 This comment states that the text of Impact 4.4-1 is inaccurate because three intersections were evaluated in the Draft SEIR not four as indicated in the impact statement. The impact statement is correct as written, as four intersections were evaluated for the Near-Term scenario; one

- intersection was under construction at the time of the analysis and will be operational in the near-term condition. Please refer to Table 4.4-5 (Near-Term No Project Peak Hour Traffic Volumes) in the Draft SEIR for the near-term level of service (LOS) results at the four study intersections.
- 1-18 This comment states that the Draft SEIR should evaluate a range of alternatives to the proposed project, including a “no project” alternative. Please refer to Response 1-5.
- 1-19 This comment states that Mitigation Measure 3.7-A.1 from the Vineyards EIR and applicable to the proposed project should be revised to emphasize the requirement to screen unsightly views. Mitigation Measure 3.7-A.1 requires the preparation of a landscape plan that includes screening of portions of the project, including equipment storage areas, that may be considered visually unappealing and disharmonious with the John Marsh house and surrounding State Park lands. This mitigation is adequate and will ensure that unsightly views are screened.
- 1-20 This comment states that Mitigation Measure 3.7-G.1 should be revised to include the state park. Mitigation Measure 3.7-G.1 requires the preparation of a lighting plan that includes standards for outdoor lighting to minimize potential disturbance and avoid excessive contributions to atmospheric nightsky conditions. This mitigation is adequate and will ensure that impacts to adjacent State Parks land are minimized.
- 1-21 This comment states that Mitigation Measure 3.7-G.2 should be revised to include mitigation to avoid or reduce glare generated by vehicles in parking lots, as seen from surrounding properties, including the state park. This mitigation measure addresses impacts from reflective building materials. No impact from vehicles in parking lots was previously identified in the Vineyards EIR that would be applicable to the proposed project.
- 1-22 This comment states that Mitigation Measure 3.12-A is inadequate. Please refer to Responses 1-1 and 1-4. Also, refer to Responses 3-1, 3-2, 3-3 and 3-4, which address comments from the California Native American Heritage Commission.
- 1-23 This comment states that Mitigation Measure 3.6-A.1 should be revised to reference the state park as an adjacent sensitive receptor. Mitigation Measure 3.6-A.1 has been amended to address this comment. Please refer to Chapter 10 of this Final SEIR for the text change.

Comment Letter #2

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Mar-17-11 10:27AM;

Page 1/2

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Edmund G. Brown Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

March 17, 2011

CC004061  
CC-004-R38.77  
SCH #2010112046

Mr. Ray Pyle  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

Dear Mr. Pyle:

**New Brentwood Center Project – Draft Supplemental Environmental Impact Report (SEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the New Brentwood Center Project. The following comments are based on the Draft SEIR.

***Forecasting***

Page 4.4-11 indicates the proposed project would replace 57 percent of the Pioneer Square area trips. The Department recommends that the report include the Vineyard Project Trip Generation detailing the specific scale down of individual land use, generated trips, and subtotal of all generated trips.

2-1

***Encroachment Permit***

Any work or traffic control within the State right of way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

2-2

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

*"Caltrans improves mobility across California"*

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;


Mar-17-11 10:27AM;

Page 2/2

Mr. Ray Pyle/ Contra Costa Community College District  
March 17, 2011  
Page 2

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or  
[Luis\\_Melendez@dot.ca.gov](mailto:Luis_Melendez@dot.ca.gov) with any questions regarding this letter.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

*"Caltrans improves mobility across California"*



## **Response to Comment Letter # 2, California Department of Transportation**

- 2-1 This comment recommends that the Draft SEIR include the Vineyards Project trip generation detailing the specific scale down of individual land use, generated trips, and subtotal of all generated trips. It is unclear from the comment the purpose of preparing separate trip assignment figures for each individual land use. The subtotal of all generated trips is shown in Figure 4.4-4 (Project Buildout Peak Hour Traffic Volumes), and the preparation of additional figures would not provide any new information or otherwise alter the overall conclusions of the Draft SEIR.
- 2-2 This comment states that any work or traffic control with the state right-of-way requires an encroachment permit that is issued by the California Department of Transportation (Caltrans). This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers. The project would comply with any and all required Caltrans review and/or permitting procedures for work or traffic control within the state right-of-way.

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Comment Letter #3

REC'D MAR 14 2011

STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION  
915 CAPITOL MALL, ROOM 384  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax

Edmond G. Brown, Jr., Governor



March 10, 2011

Ray Pyle  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

RE: SCH #2010112046 – New Brentwood Center Draft EIR, Brentwood, Contra Costa County

Dear Mr. Pyle:

The Native American Heritage Commission (NAHC) is the only state agency dealing with the protection of Native American traditional cultural places and is considered a *Trustee Agency* in state government for that purpose. As such, under Public Resources Code (PRC) it is delegated certain *Powers and Duties*. Those *Powers and Duties* extend to the protecting inadvertently discovered Native American human remains and associated grave items. In light of the numerous discoveries of Native American cultural items and human remains caused by projects in this area, 500 Native American burials were disturbed as a result of the previous Vineyard project alone. Other burials have been disturbed by virtue of the Marsh House stabilization on the adjacent State Parks' property. For that reason, the NAHC is very concerned regarding the lack of attention to detail regarding the Cultural Resources mitigation measures proposed for this project.

Specifically, the Draft EIR:

1. Lacks definitive language regarding compliance with State Laws dealing with the inadvertent discovery of Native American human remains. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and PRC §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. For example, PRC §5097.98 contains specific measures to be taken to protect the site of a discovery. The mitigation measure in the document regarding discoveries of human remains only states that work within the area will shall stop and the County Coroner is to be notified. 3-1
2. Discusses "Controlled Data Recovery", if resources in CCO-548 cannot be avoided. There is no provision for the involvement of culturally affiliated Native Americans in this activity. 3-2
3. Lacks the involvement of culturally affiliated Native Americans in "Archaeological Monitoring/Recordation/Removal." 3-3
4. Lacks provisions for the disposition of non-burial related artifacts in consultation with culturally affiliated Native Americans. 3-4

I understand a Memorandum of Agreement (MOA) was developed involving the Army Corps of Engineers, State Parks, and the developer for the previous Vineyards Project, as well as a agreement with 3-5

the Most Likely Descendent, designated by the NAHC pursuant to Public Resources Code 5097.98. Mitigation measures for this project should follow the lead of these documents.

3-5  
Cont'd

Thank you for the opportunity to comment on the New Brentwood Center Draft EIR, if you have any questions, please email me at [rw\\_nahc@pacbell.net](mailto:rw_nahc@pacbell.net).

Sincerely,



Rob Wood  
Associate Government Program Analyst  
Native American Heritage Commission

*cc: State Clearinghouse*

### Response to Comment Letter # 3, California Native American Heritage Commission

- 3-1 This comment states that the Draft SEIR lacks language in the mitigation measures for cultural resources regarding compliance with state laws addressing inadvertent discovery of Native American human remains. As documented in Section 1.4.4 (Cultural Resources) of the Draft SEIR, the Vineyards EIR found that with implementation of mitigation measures, impacts on historical, archaeological and paleontological resources, and human remains would be less than significant. No further analysis of cultural resources was included in the Draft SEIR because both the New Brentwood Center and the Mixed-Use Business Park uses analyzed in the Vineyards EIR would disturb the same area. Because that particular area contains a portion of a recorded pre-historic archaeological site (CCO-548) and could potentially contain previously unrecorded cultural resources, applicable mitigation measures presented in the Vineyards EIR to reduce impacts to cultural resources at the project site were included in Appendix B of the Draft SEIR.

As noted in Response 1-1, since certification of the Vineyards EIR in 2004 and in furtherance of mitigation measures contained therein, an APTP was prepared by Holman & Associates (April 2005) in accordance with an MOA between the ACOE and SHPO for the Vineyards Project. The APTP stipulates measures to be used to resolve adverse effects of the Vineyards Project on prehistoric archaeological sites CA-CCO-548 and “Fairview East.” Because the project involved wetland habitat, an ACOE Section 404 permit was required; the permit was issued on April 6, 2005. The implementing regulations of Section 106 of the National Historic Preservation Act (NHPA) found at 36 CFR 800.4 (c)(1) require the ACOE to inventory historic properties within a project’s defined Area of Potential Effects (APE) and determine whether any historic properties identified are eligible for inclusion on the National Register of Historic Places (NRHP).

The APTP included guiding research issues, data recovery methods, construction monitoring, and documentation efforts to be employed to resolve construction impacts at the two NRHP properties that qualified for Section 106 treatment. Additionally, measures were recommended to address the potential for adverse effects on unknown but potentially NRHP-eligible properties encountered during project construction within the project APE. Because construction of the Vineyard Project would adversely affect (if not completely remove) CCO-548 archaeological deposits within the project area, and all deposits at “Fairview East” within the Vineyards Parkway (referred to in the APTP as Fairview Avenue) right-of-way, the mitigation plan for these properties emphasized controlled data recovery as the most appropriate mitigation measure.

The APTP for CCO-548 and “Fairview East,” including controlled data recovery, were implemented during construction of Vineyards Parkway and the Marsh Creek bridge crossing. Measures included in the APTP to address impacts to unknown resources would be implemented during construction of the proposed New Brentwood Center. Mitigation Measure 3.12-A from the Vineyards EIR has been amended to include this requirement. In addition, Mitigation Measure 3.12-A has been amended to ensure compliance with state laws addressing inadvertent discovery of Native American human remains. Please refer to Chapter 10 of this Final SEIR for the text change.

- 3-2 This comment states that there is no provision in the mitigation measures for cultural resources for the involvement of culturally affiliated Native Americans in “controlled data recovery,” if resources in CCO-548 cannot be avoided. Mitigation Measure 3.12-A has been amended to ensure that culturally affiliated Native Americans are consulted during “controlled data recovery,” if such recovery is required and to the extent required by law. Please refer to Chapter 10 of this Final SEIR for the text change.

- 3-3 This comment states that mitigation measures for cultural resources lack the involvement of culturally affiliated Native American in “archaeological monitoring/recordation/removal.” Mitigation Measure 3.12-A has been amended to ensure that culturally affiliated Native Americans are consulted during “archaeological monitoring/recordation/removal,” if such activities are required and to the extent required by law. Please refer to Chapter 10 of this Final SEIR for the text change.
- 3-4 This comment states that mitigation measures for cultural resources lack provisions for the disposition of non-burial artifacts in consultation with culturally affiliated Native Americans. Mitigation Measure 3.12-A has been amended to ensure that culturally affiliated Native Americans are consulted regarding the disposition of non-burial artifacts, if discovered. Please refer to Chapter 10 of this Final SEIR for the text change.
- 3-5 This comment states that the mitigation measures for the proposed project should be consistent with the language contained in the MOA between the ACOE, California State Parks and the developer of the Vineyards Project, as well as an agreement with the Most Likely Descendent, designated by the Native American Heritage Commission (NAHC). Please refer to Responses 3-1 through 3-4.

Comment Letter #4

REC'D MAR 17 2011

STATE OF CALIFORNIA – THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**DELTA PROTECTION COMMISSION**  
14215 RIVER ROAD, P.O. BOX 530  
WALNUT GROVE, CA 95690  
Phone (916) 776-2290 / FAX (916) 776-2293  
Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)



Contra Costa County Board of  
Supervisors

Sacramento County Board of  
Supervisors

San Joaquin County Board of  
Supervisors

Solano County Board of  
Supervisors

Yolo County Board of  
Supervisors

Cities of San Joaquin County

Cities of Contra Costa and  
Solano Counties

Cities of Sacramento and  
Yolo Counties

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and  
Housing

Department of Food and  
Agriculture

Natural Resources Agency

State Lands Commission

March 15, 2011

State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

Subject: New Brentwood Center – SCH #2010112046

The Delta Protection Commission (Commission) is responding to the request for comments on the New Brentwood Center project. While this project falls outside the Primary Zone, and is within the Secondary Zone, the project may potentially impact the resources of the Primary Zone and therefore should be consistent with the Land Use and Resource Management Plan (Management Plan). 4-1

The Delta Protection Act (Johnston 1992), Public Resources Code Section 29709, states the Commission must protect the local, state, and national interests in the long-term agricultural productivity, economic vitality, and ecological health of Delta resources, and it is important that there be a coordination and integration of activities by the various agencies whose land use activities and decisions cumulatively impact the Delta. The Management Plan's Agricultural Policy P-5 requires adequate buffers between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone. 4-2

The Secondary Zone must serve as a buffer between urban areas and the Primary Zone within the Legal Delta. Development trends and urban encroachments within the Secondary Zone take away from the "buffer" effect of the Secondary Zone and add to stressors already impacting the Legal Delta. These stressors include loss of farmland, wildlife habitat, degradation of water quality, impairment of fisheries, population growth, and demands on infrastructure. This new education center will potentially lessen this buffer. 4-3

Although the Commission has no jurisdiction over local action in the Secondary Zone, this project should be evaluated on its potential and actual impacts to the Primary Zone and those impacts should be mitigated as part of permitting and zoning authorization. 4-4

Sincerely,

Michael Machado  
Executive Director

cc: Ray Pyle, Contra Costa Community College District

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#### **Response to Comment Letter # 4, California Resources Agency, Delta Protection Commission**

- 4-1 This comment states that the project site falls outside the Primary Zone of the Sacramento-San Joaquin Delta (Delta) but within the Secondary Zone and may potentially impact resources within the Primary Zone. Thus, the project should be consistent with the Delta Protection Commission Land Use and Resources Management Plan (Management Plan). As described in the Management Plan, the Primary Zone includes approximately 500,000 acres of waterways, levees and farmed lands extending over portions of five counties: Solano, Yolo, Sacramento, San Joaquin and Contra Costa. The rich peat soil in the central Delta and the mineral soils in the higher elevations support a strong agricultural economy.

According to Delta Protection Commission staff, a small portion of the project site (Assessor's Parcel Number 007-570-003) falls within the Secondary Zone (personal communication, April 7, 2011). Therefore, the majority of the site lies outside of the Delta Boundary. As documented in the Draft SEIR, the Vineyards EIR found that impacts to agricultural resources would be less than significant. Development of the proposed project would not result in significantly different agricultural concerns when compared to development of the Mixed-Use Business Park uses analyzed in the Vineyards EIR because both uses would occur in the same area, and that particular area was identified as Farmland of Local Importance, which has not changed since certification of the Vineyards EIR. Furthermore, the project site was not zoned for agricultural uses, nor was it under a Williamson Act contract at the time the Vineyards EIR was certified and that circumstance has not changed. Finally, both uses would be limited to construction on the project site and would not extend infrastructure into nearby agricultural land or cause other physical changes that would result in the conversion of farmland to non-agricultural uses. Thus, the proposed project does not present a significant change in circumstances requiring revisions or updates to the analysis of agricultural resources in the Draft SEIR. Please also refer to Response 1-1.

- 4-2 This comment states that adequate buffers are required between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone pursuant to policies contained in the Management Plan. Only a small portion of the project site is within the Secondary Zone and, thus, is not adjacent to the Primary Zone. In addition, the site is not adjacent to agricultural land uses nor is residential development proposed by the project. Furthermore, development of the project site was approved by the City of Brentwood in 2004 as part of the Vineyards Project, which was evaluated in the certified Vineyards EIR. As described in the Draft SEIR, the proposed project represents the relocation of the approved community college use from the Cowell Property to the Pioneer Square site.
- 4-3 This comment states that the proposed project would potentially lessen the buffer provided by the Secondary Zone between an urban area and the Primary Zone. As noted above, only a small portion of the project site is within the Secondary Zone; the majority of the site lies outside the Delta Boundary. Development of the project site was approved as part of the Vineyards Project. Thus, the proposed project would not lessen the buffer provided by the Secondary Zone any more than the Vineyards Project, an approved project that was the subject of the Vineyards EIR certified by the City of Brentwood in 2004.
- 4-4 This comment states that the Delta Protection Commission has no jurisdiction over local action in the Secondary Zone. However, the comment suggests that the project be evaluated to determine potential and actual impacts to the Primary Zone and provide mitigation as part of the permitting and/or zoning authorization. Please refer to Responses 4-1 through 4-3.

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Comment Letter #5

Department of  
Conservation &  
Development

Community Development Division

County Administration Building  
651 Pine Street  
North Wing, Fourth Floor  
Martinez, CA 94553-1229

Phone: (925) 335-1220

March 15, 2011

Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553  
Attention: Ray Pyle, Chief Facilities Planner

**RE: Comments on Draft Supplemental Environmental Impact Report – Contra  
Costa Community College District, New Brentwood Center Project.**

Dear Mr. Pyle:

Thank you for providing the Department of Conservation and Development, Contra Costa County an opportunity to comment on the above captioned project. After reviewing the draft supplemental environmental impact report (DSEIR), the Transportation Planning Section would like to provide the following comments on the *Transportation/Traffic* section and analysis presented in the DSEIR:

1. **Page 4.4-1 and 4.4-2:** The description for Marsh Creek Road on page 4.4-2 indicates that it is Route of Regional Significance. The East County Action Plan also lists the State Route 4 Bypass and Vasco Road as Routes of Regional Significance. 5-1
2. **Page 4.4-5:** In the third paragraph under *Analysis Methodology* the DSEIR makes reference to the *East County Action Plan Final 2000 Update*. It is not immediately clear as to why this document is being mentioned, seeing as how it has been superseded by the *East County Action Plan for Routes of Regional Significance, 2008*. If the information in this document makes no relevant contribution to the analysis then this reference should be removed. 5-2
3. **Page 4.4-6:** The East Contra Costa Trail Master Plan indicates there are proposed trail facilities adjacent to the project site, one of which includes the Marsh Creek Trail. The Marsh Creek Trail runs from the Delta and Oakley area to Southeast County and areas just east of Mt. Diablo State Park. The proposed project will construct a new intersection at Fairview Ave (Vineyards Parkway)/Marsh Creek Road. Marsh Creek trail would traverse this intersection. However at this time the trail is unimproved and a gap exists in this area. The project needs to confirm that 5-3

Contra REC'D MAR 21 2011  
Costa  
County



Catherine O. Kutsuris  
Director

Aruna Bhat  
Deputy Director  
Community Development Division

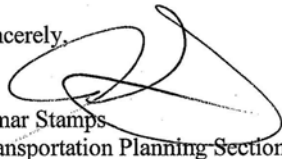
future closure and improvement of this trail gap would not be compromised as a result of future roadway and intersection improvements, thus leaving the proposed project in conflict with the East Contra Costa Trail Master Plan. County staff would also recommend consulting with the East Bay Regional Park District if this discussion has not already taken place. The East Contra Costa Trail Master Plan can be found here: <http://www.co.contra-costa.ca.us/index.aspx?NID=1883>.

5-3  
Cont'd

Attached to this letter are comments from the County Public Works Department (PWD). If you have any questions or concerns regarding the above comments, please do not hesitate to contact me at the above telephone number, or e-mail me at [jstam@cd.cccounty.us](mailto:jstam@cd.cccounty.us). Again, thank you for the opportunity to respond to the SDEIR.

5-4

Sincerely,



Jamar Stamps  
Transportation Planning Section

att: Comments from County PWD

cc: S. Goetz, DCD  
P. Roche, DCD  
M. Carlson, PWD

*\* Nothing attached  
only 2 revised comments  
the PWD comments  
separately. JS*

## **Response to Comment Letter # 5, Contra Costa County, Department of Conservation and Development**

- 5-1 This comment states that the East County Action Plan identifies the State Route 4 (SR 4) Bypass and Vasco Road as Routes of Regional Significance in addition to Marsh Creek Road. The description of Vasco Road on page 4.4-2 of the Draft SEIR has been revised to include its status as a Route of Regional Significance. Please refer to Chapter 10 of this Final SEIR for the text change. The description of the SR 4 Bypass on page 4.4-1 remains unchanged, as it was already described as a Route of Regional Significance.
- 5-2 This comment states that the East County Action Plan Final 2000 Update has been superseded by the East County Action Plan for Routes of Regional Significance 2008. It is noted that the Final East County Action Plan for Routes of Regional Significance, adopted in 2009, is the applicable planning document for the study area. The references in Section 4.4.2 (Analysis Methodology) of the Draft SEIR have been revised. Please refer to Chapter 10 of this Final SEIR for the text change.
- 5-3 This comment states that confirmation is needed that the project would not compromise improvements to the Marsh Creek Trail gap adjacent to the site as the result of roadway and intersection improvements at the Marsh Creek Road/Fairview Avenue intersection. The comment incorrectly states that the proposed project would construct a new intersection at Fairview Avenue (Vineyards Parkway)/Marsh Creek Road. This intersection has recently been constructed, although not yet open to traffic, as part of the previously approved Vineyards Project. The proposed project does not include modifications to this intersection and would not hinder construction of a crossing for a future extension of the Marsh Creek Trail. At the commentor's suggestion, the East Bay Regional Park District will be consulted regarding the extension of the Marsh Creek Trail in the vicinity of the project.
- 5-4 This comment states that attached to the letter are comments from the County Public Works Department. Please refer to Comment Letter #6.

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Comment Letter #6



Julia R. Bueren, Director

Deputy Directors

R. Mitch Avalon

Brian M. Balbas

Stephen Kowalewski

**Memo**

**DATE:** March 15, 2011

**TO :** Jamar Stamps, Department of Conservation and Development

**FROM :** Mary Halle, Transportation Engineering *Mary*

**SUBJECT :** SEIR New Brentwood Center, Contra Costa Community College

The Transportation Engineering Division has reviewed the Draft Supplemental EIR for the New Brentwood Center (document prepared by RBF Consulting, February 2011). The project includes construction of a new 17 acre community college within Pioneer Square located in the Vineyards Development, Brentwood. The site is located on Miwok Drive just west of the SR4 Bypass/Marsh Creek Road intersection. The Transportation Engineering Division of the Public Works Department provides the following comments:

1. The SEIR identifies a project impact at the SR4 Bypass/Marsh Creek Road intersection under cumulative conditions in the year 2035. The study indicates that the Level of Service will degrade from LOS D to LOS F during the AM peak hour and from LOS D to LOS E during the pm peak hour as a result of the cumulative plus project condition. The SEIR indicates that no feasible mitigation measures are identified and thus the impact is significant and unavoidable. This conclusion is unacceptable as there are feasible mitigations to ease congestion which would include improvements to the intersection. The applicant should revise the traffic impact study to identify what improvements are required to mitigate the impact of the additional trips generated by their project. This is a requirement under the County's General Plan and Growth Management Program as well as the Contra Costa Transportation Authority's Congestion Management Program which both require that certain Performance Standards be met. 6-1
2. The applicant must address impacts to the SR4 Bypass and Marsh Creek Road, recognizing that it will become part of the State Highway System within the next year, prior to completion of the proposed project. Any degradation of level of service on a state highway must be addressed with Caltrans. 6-2
3. The primary traffic impact as a result of the project was identified at the intersection of Marsh Creek Road and the SR4 Bypass. This intersection is currently within unincorporated Contra Costa County which is identified as a semi-rural area with a performance standard of high LOS C. The study indicates that the LOS 6-3

*"Accredited by the American Public Works Association"*  
255 Glacier Drive Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333  
[www.cccpublicworks.org](http://www.cccpublicworks.org)

Jamar Stamps  
 March 15, 2011  
 Page 2 of 3

- objective is level D. This should be corrected for locations within the unincorporated area. 6-3  
Cont'd
4. The study analyzed intersection performance at four locations (one in unincorporated Contra Costa and three within the City of Brentwood): Marsh Creek Road/SR4 Bypass, John Muir Parkway/Fairview, Fairview/Concord Ave, and Marsh Creek Road/Vineyards Parkway. The study intersections should also include Walnut/Concord Avenue, Walnut/Marsh Creek Road, Marsh Creek Road/Vasco Road, and Marsh Creek Road/Sellers Avenue. Any project impacts identified at these locations should include a proposed mitigation. The study should also analyze road segments to include capacity of Marsh Creek Road in the cumulative plus project condition. 6-4
  5. The traffic analysis should include information that indicates when the LOS will degrade below an acceptable level. Will the community college be phased in or will the Vineyards projects be phased such that the time frame for the improvements can be predicted? 6-5
  6. Any mitigation measures related to SR4 Bypass or Marsh Creek Road should be coordinated with East Contra Costa Fee and Financing Authority (ECCRFFA) and the County Public Works Department. 6-6
  7. The analysis depends on the construction of the future intersection at Marsh Creek Road and Vineyards Parkway with the first phase of construction for the college. This road extension and connection at Marsh Creek Road should be identified as a mitigation measure for the project if not yet constructed by the Vineyards. 6-7
  8. Further explanation should be provided for a couple items provided in the SEIR. The trip distribution identified on Figure 4.4-3 for commercial and residential trips total 143%. How does this occur? Also, some of the traffic counts from the model represent negative numbers. Is this intended to model the difference in trip generation? Typically, we would anticipate traffic volume for existing condition and a pure comparison to the build out scenario so that the change in traffic volume is determined by a comparison of existing and proposed, but the model would never provide negative traffic volume. Please explain how this is determined. 6-8
  9. It is understood that the addition of the trip generated from the proposed Community College within the Vineyards project is unlikely to occur in addition to a community college within Cowell Ranch; however, the County does not have authority to determine land use within the City of Brentwood nor the ability to determine what land use would replace the community college in Cowell Ranch. If the City determines that the Alternative presented in Section 5 is acceptable and will be revising the zoning, then the County may consider this scenario as well. 6-9
  10. **Traffic Mitigation Fees:** The project site is located within the City of Brentwood and must pay mitigation fees according to the local jurisdiction requirements. The current project list for ECCRFFA does not include improvements at Marsh Creek Road and SR4 Bypass beyond what currently exists, thus, paying into the ECCRFFA 6-10



Jamar Stamps  
March 15, 2011  
Page 3 of 3

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fee program does not mitigate for the impacts or provide the necessary improvements. 6-10  
Cont'd

If you should have any questions, please feel free to contact me at (925) 313-2327.

MH: jcb  
G:\transeng\EIR\Brentwood\contra costa community college new brentwood center.docx  
c : Chris Lau, TE  
Mike Carlson, TE  
Jerry Fahy, TE  
Monish Sen, ES

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## Response to Comment Letter # 6, Contra Costa County, Public Works Department

- 6-1 The comment raises certain issues concerning the impact of the proposed project on the intersection of SR 4 Bypass and Marsh Creek Road. The Draft SEIR concluded that the proposed project would add traffic to the intersection of SR 4 Bypass and Marsh Creek Road that would cause cumulative (2035) traffic conditions to degrade from an acceptable LOS D to an unacceptable LOS F in the AM peak hour and from an unacceptable LOS D (v/c ratio greater than 0.85) to LOS E in the PM peak hour. The traffic analysis in the Draft SEIR is conservative as it includes future traffic associated with the development of a second community college on the Cowell Property. The development of a second community college is highly unlikely, as noted in the comment letter from the City of Brentwood (please refer to Comment Letter #11) and, thus, the impact is not expected to occur. However, the District does not have the authority to revise the zoning of the Cowell Property and, thus, the existing General Plan designation of Community College is assumed in the traffic study for the Cowell Property. The Draft SEIR pointed out that construction of an overpass at this location is included in the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Plan, which would fully mitigate the significant impact. The project would pay the ECCRFFA fee for regional improvements, if required by law and if a second community college is constructed on the Cowell Property, thus contributing to the implementation of the overpass. However, the fee program does not identify funding sources to fully fund all of the projects in the ECCRFFA Plan, including the SR 4 Bypass/Marsh Creek Road overpass. Therefore, by law, this mitigation must be considered infeasible, and no other feasible mitigation exists for this intersection. Because there is no feasible mitigation, the Draft SEIR concluded that the impact would be significant and unavoidable. The comment states that this conclusion is unacceptable as there is feasible mitigation to ease congestion, but does not identify any such feasible mitigation.
- 6-2 This comment states that the impacts to SR 4 Bypass and Marsh Creek Road must be addressed recognizing that it will become part of the State Highway System within the next year, and that any degradation of LOS on a state highway must be addressed with Caltrans. This has been accomplished as Caltrans reviewed the Draft SEIR and provided comments (please refer to Comment Letter #2).
- 6-3 This comment states that the LOS standard for the intersection of SR 4 Bypass and Marsh Creek Road is high LOS C not LOS D as identified in the Draft SEIR because the intersection is currently within unincorporated Contra Costa County. The significance criteria of mid-LOS D was selected for the SR 4 Bypass/Marsh Creek Road intersection for use in evaluating the impacts of the proposed project in the near-term and cumulative condition as the intersection is within the City of Brentwood Sphere of influence and is planned to ultimately be annexed into the City. However, in recognition that the intersection is currently in unincorporated Contra Costa County and the timing of annexation into the City is uncertain, the thresholds of significance in Section 4.4.3 (Impact Analysis) of the Draft SEIR have been revised to reflect a standard of LOS C for the intersection of SR 4 Bypass and Marsh Creek Road. The discussion of Impact 4.4-2 on page 4.4-18 has been also revised to reflect this change. This revision does not result in any new significant impacts and does not change the overall conclusions presented in the Draft SEIR. Please refer to Chapter 10 of this Final EIR for these text changes, and also refer to Response 1-1.
- 6-4 This comment states that in addition to the intersections studied in the Draft SEIR, four additional intersections should be studied. These include: Walnut Boulevard/Concord Avenue; Walnut Boulevard/Marsh Creek Road; Marsh Creek Road/Vasco Road; and Marsh Creek Road/Sellers Avenue. The comment also states that road segments should be analyzed to include capacity of

Marsh Creek Road in the cumulative plus project condition. The Marsh Creek Road/Vasco Road intersection was included in the Draft SEIR as the SR 4 Bypass/Marsh Creek Road intersection. The additional locations were not selected for inclusion in the Draft SEIR as the analysis presented indicated that these intersections are projected to operate at acceptable service levels in the cumulative condition with the buildout of the Vineyards Project and one community college campus in the area. Therefore, no additional analysis was conducted.

- 6-5 This comment states that the traffic analysis should include information that indicates when the LOS would degrade below acceptable levels. The comment also asks if the community college would be phased or would the Vineyards Project be phased such that the time frame for improvements can be predicted. The projected LOS deficiencies at the SR 4 Bypass/Marsh Creek Road intersection are projected to occur by 2035 with buildout of the City of Brentwood General Plan and increased development in other jurisdictions that would add traffic to these regional roadways. As the SR 4 Bypass/Marsh Creek Road intersection is projected to operate at acceptable service levels in the near-term condition with buildout of both the New Brentwood Center and the Vineyards Project, the deficient operations are caused by other planned developments, over which the District does not have any control. Therefore, a specific year for the occurrence of the significant traffic impact cannot be predicted.
- 6-6 This comment states that any mitigation measures related to SR 4 Bypass or Marsh Creek Road should be coordinated with the East Contra Costa Fee and Financing Authority (ECCRFFA) and the County Public Works Department. The mitigation measure identified for the SR 4 Bypass or Marsh Creek Road is the construction of an interchange at the intersection of those two roadways, which is consistent with the most recently adopted ECCRFFA project list, found in the East Contra Costa Regional Fee Program Update Final Report published in June 2005. The District does not plan to construct any improvements on the SR 4 Bypass or Marsh Creek Road.
- 6-7 This comment states that the analysis contained in the Draft SEIR depends on the construction of the future intersection of Marsh Creek Road and Vineyards Parkway with the first phase of project development. The comment further states that this road extension and connection to Marsh Creek Road should be identified as a mitigation measure for the project if not yet constructed by the Vineyards Project. This intersection has recently been constructed as part of the Vineyards Project and will be operational before the first phase of the proposed project is completed. Therefore, it does not need to be identified as a mitigation measure.
- 6-8 This comment asks for an explanation of trip distribution and traffic counts. The AM peak trip distribution on Marsh Creek Road south of the project site has been corrected on Figure 4.4-3 (Trip Distribution) of the Draft SEIR, as the percentage of traffic on Marsh Creek Road, south of Vineyards Parkway, was incorrectly noted as 47 percent instead of four percent for the commercial and residential uses. This typographical error does not impact the trip assignment or resulting traffic analysis. Please refer to Chapter 10 of this Final SEIR for the revised figure.

The project trip assignment on Figure 4.4-4 (Project Buildout Peak Hour Traffic Volumes) represents the change in traffic due to the proposed project, which includes the replacement of a portion of the previously approved mixed-use development on the Pioneer Square site with a community college use. The negative assignment numbers are the result of trips that were previously projected to occur as part of the Vineyards Project that would not occur as planned with the proposed New Brentwood Center.

- 6-9 This comment states that it is understood that the addition of trips from the New Brentwood Center is unlikely to occur in addition to a community college on the Cowell Property. If the City of Brentwood determines that the alternative presented in Chapter 5 of the Draft SEIR is acceptable and will be revising the zoning, the commentor states that the County may consider this scenario as well. The City of Brentwood submitted a comment letter on the Draft SEIR (Comment Letter #11) that states that while the analysis of two community colleges under cumulative conditions is conservative, it is reasonable to assume that a community college would not be built on the Cowell Property. Since the District has chosen a new location for its college campus, the City states that there should be no need to analyze a second campus.
- 6-10 This comment states that the project must pay traffic mitigation fees in accordance with local jurisdictional requirements. The comment further states that the current project list for ECCRFFA does not include improvements at SR 4 Bypass and Marsh Creek Road beyond what currently exists and, thus, paying into the fee program would not mitigate the impacts at this intersection nor provide necessary improvements. Please refer to Response 6-1. Also, as a state educational institution, the District is not subject to other local land use regulations or ordinances, including the payment of impact fees.

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Comment Letter #7



## Joint Exercise of Powers Agency

City of Antioch City of Brentwood City of Oakley County of Contra Costa

March 10, 2011

Ray Pyle, Chief Facilities Planner  
Contra Costa Community College District  
500 Court Street, Martinez, CA 94553,

Dear Mr. Pyle,

We have reviewed the Draft Supplemental Environmental Impact Report for the New Brentwood Center dated February 2011 and have the following comments.

The SEIR identifies a Project impact at the SR4 Bypass and Marsh Creek Road intersection under cumulative traffic conditions at the year 2035. Section 4.4-2 states:

“... Under Cumulative Traffic Conditions this intersection is expected to degrade from an acceptable LOS D to an unacceptable LOS F during the AM peak hour and from an unacceptable LOS D (V/C ration greater than 0.85) to LOS E during the PM Peak hour with the proposed project.”

The SEIR further states (Page 4.4-21) that no feasible mitigation measures have been identified and the Level of Significance After Mitigation is significant and unavoidable.

The SR4 Bypass Authority finds this unacceptable and the methodology to arrive at this conclusion flawed. The SR4 Bypass will be transferred to Caltrans within the next year and become the new SR4. The community college cannot be allowed to build a facility that causes a state highway to become so congested the level of service at an intersection degrades to LOS F. This will have regional impacts, as well as local, especially as this will be a major truck route between Alameda and Solano and Contra Costa Counties.

7-1

On page 4.4-18 the SEIR discusses that an overpass (grade separation) at this location would provide acceptable levels of service and incorrectly states “...that construction of an overpass at this location is included in the East Contra Costa Regional Fee and Finance Authority (ECCRFFA) Plan” but that the fee program does not include funds for its construction. The most recent project list approved by the ECCRFFA Board and upon which the fee schedule is based, does not include a grade separation at the SR4 Bypass/Marsh Creek intersection.

7-2

More importantly, traffic forecasts for the SR4 Bypass show that the section of roadway south of Balfour Road will operate at acceptable levels of services as a two-lane expressway through the year 2035 including an at grade intersection at Marsh Creek Road.

7-3

Board of Directors:  
Jim Frazier, Chair  
Robert Taylor, Vice Chair  
Federal Glover  
Brian Kalinowski

Authority Staff Office:  
Contra Costa County  
255 Glacier Drive  
Martinez, CA 94553  
(925) 686-0619

SEIR Comments – New Brentwood Center  
March 10, 2011  
Page 2

The SEIR should evaluate what improvements can be constructed at this intersection to improve it to acceptable levels of service for both the AM and PM peaks as an *at-grade intersection* in the year 2035 with the community college constructed. The year in which the intersection first fails needs to also be determined and any required improvements constructed before this point. The community college would then be responsible for constructing or funding these improvements to mitigate its impacts to this intersection. The intersection improvements or funding for their construction would be enforced and implemented by the City of Brentwood with assistance provided by ECCRFFA staff.

7-4

If it is determined that no feasible improvements can be constructed to improve the intersection to acceptable levels of service, then the community college needs to be conditioned to pay "its fair share" towards the construction of a grade separation. This discussion and verification that intersection improvements are not "feasible" needs to occur with City of Brentwood, Caltrans and ECCRFFA staff.

7-5

Please contact me at 925-686-0619 or Nancy C Wein at 925-313-2275 if you have any questions or wish to discuss.

Sincerely,



Dale Dennis  
Program Manager

DD:nw  
G:\transeng\2011\SR4BPA\Correspondence\SR4BA Letter comments on New Brentwood Center SEIR.doc

cc: Bailey Grewal, City of Brentwood, City Engineer, City of Brentwood Public Works, 118 Oak Street, Brentwood, CA 94513  
Casey McCann, Community Development Director  
City of Brentwood Community Development Department  
118 Oak Street, Brentwood, CA 94513  
Erik Nolthenius, Principal Planner,  
City of Brentwood Community Development Department  
118 Oak Street, Brentwood, CA 94513  
Jamar I. Stamps, Planner, Community Development  
S. Goetz, Community Development  
P. Roche, Community Development  
M. Carlson, TE  
Chris Lau, TE  
Mary Halle, TE



## Response to Comment Letter # 7, State Route 4 Bypass Authority

- 7-1 This comment raises certain issues concerning the impact of the proposed project on the intersection of SR 4 Bypass and Marsh Creek Road. The Draft SEIR concluded that the proposed project would add traffic to the intersection of SR 4 Bypass and Marsh Creek Road that would cause cumulative (2035) traffic conditions to degrade from an acceptable level LOS D to an unacceptable LOS F in the AM peak hour and from an unacceptable LOS D (v/c ratio greater than 0.85) to LOS E in the PM peak hour. Because there is no feasible mitigation, the Draft SEIR concluded that the impact would be significant and unavoidable. The commentor states that this is unacceptable and the methodology that arrived at this conclusion flawed. The commentor does not indicate how the analysis methodology is flawed. The analysis was conducted based on standard engineering practices for transportation impact studies in the region. It should also be noted that the traffic analysis is conservative in assuming the development of a second community college on the Cowell Property. The development of a second community college is highly unlikely, as noted in the comment letter from the City of Brentwood (please refer Comment Letter #11) and, thus, the impact is not expected to occur. However, the District does not have the authority to revise the zoning of the Cowell Property and, thus, the existing General Plan designation of Community College is assumed in the traffic study. Moreover, the Draft SEIR pointed out that construction of an overpass at this location is included in the ECCRFFA Plan, which would fully mitigate the significant impact. The project would pay the ECCRFFA fee for regional improvements, if required by law and if a second community college is constructed on the Cowell Property, thus contributing to the implementation of the overpass. However, the fee program does not identify funding sources to fully fund all of the projects in the ECCRFFA Plan, including the SR 4 Bypass/Marsh Creek Road overpass. Therefore, by law, this mitigation must be considered infeasible, and no other feasible mitigation exists for this intersection. Because there is no feasible mitigation, the Draft SEIR concluded that the impact would be significant and unavoidable.
- 7-2 This comment states that reference in the Draft SEIR to construction of an overpass at SR 4 and Marsh Creek Road as part of the ECCRFFA Plan is incorrect. According to the comment, the most recent project list approved by the ECCRFFA Board does not include a grade separation at this intersection. County staff has confirmed that an interchange at the SR 4 Bypass/Marsh Creek Road intersection is included on the fee schedule project list, as documented in the East Contra Costa Regional Fee Program Update Final Report published in June 2005.
- 7-3 This comment states that traffic forecasts for the SR 4 Bypass show that the section of roadway south of Balfour Road would operate at acceptable levels of service as a two-way expressway through the year 2035 including an at-grade intersection at Marsh Creek Road. The commentor is correct in stating that the roadway segment of SR 4 Bypass south of Balfour Road would operate acceptably; operations would degrade at the Marsh Creek Road intersection with SR 4 Bypass.
- 7-4 This comment states that the Draft SEIR should evaluate what improvements can be constructed at the intersection of SR 4 and Marsh Creek Road to improve it to acceptable levels of service in both the AM and PM peak hour as an at-grade intersection in the year 2035 with the community college constructed. The comment also states that the year in which the intersection first fails needs to be determined and any required improvements constructed before this point. As noted in the Draft SEIR, the project would only have a significant impact at this location with the construction of a second community college on the Cowell Property assumed under buildout of the General Plan in 2035. Because construction of the New Brentwood Center would make construction of an adjacent community college on the Cowell Property highly improbable, this

impact is not expected to occur. For this reason, and because an interchange at this location has already been identified in the ECCRFFA project list and the City of Brentwood General Plan as an improvement required to achieve acceptable operations under future conditions, alternative improvements for this location have not been identified. Please refer also to Response 6-5.

- 7-5 This comment states that if it is determined that no feasible improvements can be constructed to improve the intersection to acceptable levels of service, the District would need to pay “its fair share” toward the construction of a grade separation. As stated previously, the project would pay the ECCRFFA fee for regional improvements, if required by law and if a second community college is constructed on the Cowell Property, thus contributing to the implementation of the overpass. As a state educational institution, the District is not subject to other local land use regulations or ordinances, including the payment of impact fees.

## Comment Letter #8

### TRANSPLAN COMMITTEE

#### EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
651 Pine Street -- North Wing 4<sup>TH</sup> Floor, Martinez, CA 94553-0095

March 17, 2011

Ray Pyle  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

Dear Mr. Pyle:

TRANSPLAN appreciates the opportunity to comment on the Contra Costa Community College District's (District) February 2011 Draft Supplemental Environmental Impact Report (SEIR) for the New Brentwood Center Project.

The guiding policy document that TRANSPLAN uses in the review of the impact of projects is the *East County Action Plan For Routes of Regional Significance* (Action Plan). As noted in the SEIR, the Action Plan defines the Routes of Regional Significance and level of service thresholds for facilities which are critical to the mobility not just of the project area, but the entire region.

The SEIR identifies a project impact<sup>1</sup> at the State Route 4 (SR4) & Marsh Creek Road intersection under cumulative conditions (2035). The SEIR goes on to note that there is a mitigation in the East Contra Costa Regional Fee and Financing Authority project list and that the project<sup>2</sup> is not fully funded. The SEIR also notes that no other feasible mitigation has been identified for this intersection.

1. That no *other feasible mitigation measure has been identified* does not free the District from its obligations under the California Environmental Quality Act for developing a mitigation measures for project impacts. Please revise the EIR to include a mitigation measure for this impact and an implementation plan for the same. 8-1
2. Impacts to SR4 must be disclosed to and addressed by Caltrans as it will be adopted in to the State Highway system. 8-2
3. The LOS for the SR4 Bypass & Marsh Creek Road is LOS C<sup>3</sup>, not LOS as noted in the SEIR. This should be corrected in a revised EIR and any impacts disclosed. 8-3

Thank you for the opportunity to comment. Please contact me if you have any questions.

Sincerely,



John Cunningham  
TRANSPLAN Staff

Copy:  
TRANSPLAN IAC

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<sup>1</sup> LOS D to LOS F during the AM peak hour and LOS D to LOS E during the PM peak hour

<sup>2</sup> Grade separation

<sup>3</sup> Contra Costa County General Plan

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**Response to Comment Letter # 8, TRANSPLAN Committee, East County Transportation Planning**

- 8-1 This comment states that the determination in the Draft SEIR that no feasible mitigation is available for the impact at SR 4 and Marsh Creek Road does not free the District from its obligation under CEQA to develop mitigation measures for project impacts. Please refer to Response 6-1.
- 8-2 This comment states that impacts to SR 4 must be disclosed to and addressed by Caltrans. Caltrans received a copy of the Draft SEIR and provided comments. Please refer to Comment Letter #2.
- 8-3 This comment states that the LOS at the intersection of SR 4 and Marsh Creek Road is LOS C, “not LOS as noted in the SEIR.” Please refer to Response 6-3.

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Comment Letter #9

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR  
RANDALL L. SAWYER  
INTERIM ENVIRONMENTAL HEALTH DIRECTOR



REC'D FEB 23 2011

CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cocoeh.org

February 10, 2011

Ray Pyle, Chief Facilities Planner  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

RE: New Brentwood Center Project  
State Route 4 Bypass and Marsh Creek Rd., Brentwood  
APN 007-570-001, 002, 003, 004, 006, and 007; 007-580-001, 003, and 004

Dear Mr. Pyle:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments assuming the project is served by public sewer and water:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation. 9-1
  
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements. 9-2
  
3. A health permit is required for retail food facilities and public swimming pool/spas. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Public swimming pools/spas include those found at health clubs, municipals pools, apartments, condominiums, and swim clubs; these facilities also include water parks, spray parks, and interactive water features. 9-3

Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff



is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

9-3  
Cont'd

4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.
5. All retail food and swimming pool/spa facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.
6. Medical waste generators include hospitals, clinics, doctors' offices, veterinarians, and laboratories. These facilities must register with CCEHD and meet the requirements of the Medical Waste Management Act.

9-4

9-5

9-6

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely



Joseph G. Doser, REHS  
Supervising Environmental Health Specialist

cc: Salvador Ruiz, Environmental Health Specialist II  
Souheil Ben Salha, Environmental Health Specialist II

JGD:lj



**Response to Comment Letter # 9, Contra Costa Environmental Health Department, Contra Costa Health Services**

- 9-1 This comment states that a permit is required for any well or soil boring prior to commencing drilling activities and does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the decisions makers.
- 9-2 This comment states that any wells or septic tanks must be destroyed under permit from the Contra Costa Environmental Health Department (CCEHD) and does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the decisions makers.
- 9-3 This comment states that a health permit is required for retail food facilities and public swimming pools/spas. This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers.
- 9-4 This comment states that dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with hot/cold water supply. This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers.
- 9-5 This comment states that all retail food and swimming pool/spa facilities must have approved restrooms. This includes kiosks located at transit sites. This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers.
- 9-6 This comment states that medical waste generators include hospitals, clinics, doctor's offices, veterinarians, and laboratories. These facilities must register with CCEHD and meet the requirements of the Medical Waste Management Act. This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers.

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Comment Letter #10



CONTRA COSTA  
WATER DISTRICT

1331 Concord Avenue  
P.O. Box H20  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

REC'D MAR 04 2011

March 1, 2011

**Directors**  
Joseph L. Campbell  
President

Karl L. Wandry  
Vice President

Bette Boatman  
Lisa M. Borba  
John A. Burgh

Jerry Brown  
General Manager

Mr. Ray Pyle, Chief Facilities Planner  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

VIA FACSIMILE (925) 335-9697  
Hard Copy to Follow

**Subject: Request for Project Review – Draft Supplemental Environmental Impact Report  
for the proposed New Brentwood Center**

Dear Mr. Pyle:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the Draft Supplemental Environmental Impact Report for the proposed New Brentwood Center, a satellite site of Los Mendanos College in the City of Brentwood in eastern Contra Costa County.

CCWD has previously commented on the project (see attached letter dated December 21, 2010). CCWD reiterates the same concerns regarding the project. CCWD recommends that the following comments be made conditions of approval for the project.

- CCWD should be consulted prior to any improvements to the existing sewer pipeline which crosses CCWD's Los Vaqueros pipeline easement. 10-1
- Heavy equipment used in construction shall be prevented from traveling on the pipeline within the easement without CCWD approval. 10-2
- CCWD would need to issue an encroachment permit should access to CCWD's easement be required during construction. 10-3

Please contact Richard Broad at (925) 688-8013 or I may be contacted at (925) 688-8119 should you have further questions. 10-4

Sincerely,

Mark A. Seedall  
Principal Planner

MAS/jmt

Attachment



CONTRA COSTA  
WATER DISTRICT

1331 Concord Avenue  
P.O. Box H20  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

REC'D JAN 03 2011

Directors  
Joseph L. Campbell  
President

Karl L. Wandry  
Vice President

Bette Boatman  
Lisa M. Borba  
John A. Burgh

Jerry Brown  
General Manager

December 21, 2010

VIA FACSIMILE (925) 335-9697  
Hard Copy to Follow

Mr. Ray Pyle, Chief Facilities Planner  
Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553

**Subject: Request for Project Review – Notice of Preparation for a  
Supplemental Environmental Impact Report for the proposed New  
Brentwood Center**

Dear Mr. Pyle:

The Contra Costa Water District (CCWD) is in receipt of a Notice of Preparation for the proposed New Brentwood Center, a satellite site of Los Mendanos College in the City of Brentwood in eastern Contra Costa County. The project is outside CCWD's treated water service area. The applicant should consult with the local water purveyor having jurisdiction over this area. An existing sewer pipeline crosses CCWD's Los Vaqueros pipeline easement which has within it a large diameter water transmission pipeline.

CCWD has the following comments on the project which should be comprehensively evaluated in the Supplemental Environmental Impact Report.

- CCWD should be consulted prior to any improvements to the sewer.
- Heavy equipment used in construction shall be prevented from traveling on the pipeline within the easement without CCWD approval.
- CCWC would need to issue an encroachment permit should access to CCWD's easement be required during construction.

Ray Pyle  
Contra Costa Community College District  
12.21.10

Please contact Richard Broad at (925) 688-8013 or I may be contacted at (925)  
688-8119 should you have further questions.

Sincerely,



Mark A. Seedall  
Principal Planner

MAS/jmt



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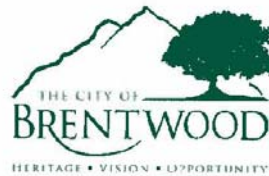
### **Response to Comment Letter # 10, Contra Costa Water District**

- 10-1 This comment states that the Contra Costa Water District (CCWD) provided comments on the proposed project in a letter dated December 21, 2010, and reiterates the same concerns regarding the project. Table 1-1 (Summary of NOP Comments and Responses) on page 1-3 of the Draft SEIR summarizes the CCWD letter and indicates that the comments do not address environmental issues that require analysis in the Draft SEIR.
- 10-2 This comment states that the CCWD should be consulted prior to any improvements to the existing sewer line which crosses CCWD's Los Vaqueros pipeline easement and does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the decisions makers.
- 10-3 This comment states that heavy equipment used in construction shall be prevented from traveling on the pipeline within the easement without CCWD approval and does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the decisions makers.
- 10-4 This comment states that CCWD would need to issue an encroachment permit should access to CCWD's easement be required during construction and does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the decisions makers.

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Comment Letter #11



March 17, 2011

Contra Costa Community College District  
500 Court Street  
Martinez, CA 94553  
Attn: Ray Pyle, Chief Facilities Planner

Re: Draft Supplemental Environmental Impact Report (SEIR) – New Brentwood Center project

Dear Mr. Pyle:

Thank you very much for the opportunity to review the Draft SEIR for this important project. City staff has reviewed it and offers the following comments for your consideration:

1. Section 2.4 (New Cumulative Traffic Conditions – page 2-2) references the existing “Community College” land use designation on the Cowell Property as the basis for analyzing two community colleges under cumulative conditions. While this analysis is conservative from a traffic generation standpoint, it would seem reasonable to assume that a community college would not be built on the Cowell Property. In fact, the original EIR for The Vineyards at Marsh Creek states on page 2-6 that “...the Cowell Foundation entered into an agreement to donate 30 acres to the Contra Costa Community College District (CCCCD) for the creation of a college campus that would serve the far east County.” Since the District has chosen a new location for the campus, there should be no need to analyze a second campus. Staff realizes that this will fundamentally change the results of the analysis. 11-1
2. Table 4.2-2 (page 4.2-7) should be revised to accurately reflect the nearby sensitive receptors. For example, while the area is currently undeveloped, single-family homes will be built directly west of the project site. In addition, Krey Elementary School and Adams Middle School should be added to the list of schools. Finally, there are other parks closer to the project site than Cortona Park, including Oak Meadow Park and the future Summerset Commons park. 11-2
3. On page 4.4-7, in the second paragraph from the bottom, the building square footage should be changed from 22,000 to 42,000. 11-3
4. The cumulative traffic impacts analyzed on pages 4.4-17 through 4.4-21 should be revised to reflect the assumption that only one community college (the proposed project) will be built. This would result in less than significant impacts related to cumulative traffic conditions. 11-4

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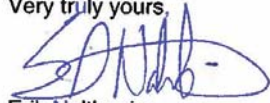
COMMUNITY DEVELOPMENT  
118 Oak Street • Brentwood, California 94513  
Phone: 925-516-5405 • Fax: 925-516-5407  
e-mail: dept-comdev@ci.brentwood.ca.us

5. Section 5.0 (Alternatives) should be revised to reflect a community college built on the Cowell Property under cumulative conditions, in addition to the one that will be built with the proposed project. This would essentially result in a reversal of the analysis that is currently provided in the Draft SEIR. Since the original EIR for The Vineyards at Marsh Creek notes that it provides only a conceptual (i.e. programmatic) level of evaluation for the Cowell Property, additional environmental review will need to be prepared when development of the property is proposed.

11-5

Thank you again for the opportunity to review and comment on the Draft SEIR. If you have any questions, please feel free to contact me by phone (925-516-5137) or by e-mail ([enolthenius@ci.brentwood.ca.us](mailto:enolthenius@ci.brentwood.ca.us)). The City looks forward to construction of the project.

Very truly yours,



Erik Nolthenius  
Principal Planner

Cc: Paul Eldredge, Assistant City Manager  
Bailey Grewal, Director of Public Works / City Engineer  
Steve Kersevan, Engineering Manager  
Casey McCann, Community Development Director  
Karen Murphy, Assistant City Attorney



### **Response to Comment Letter # 11, City of Brentwood, Community Development Department**

- 11-1 This comment states that while the analysis of two community colleges under cumulative traffic conditions is conservative, it is reasonable to assume that a community college would not be built on the Cowell Property. Since the District has chosen a new location for its college campus, the comment further states that there should be no need to analyze a second campus. This comment does not address the adequacy of the Draft SEIR or otherwise raise an environmental concern but is noted and included in the record for review by decision makers.
- 11-2 This comment states that Table 4.2-2 (Sensitive Receptors) should be revised to accurately reflect nearby sensitive receptors. Table 4.2-2 has been revised to reflect this comment. Please refer to Chapter 10 of the Final SEIR for the revised table.
- 11-3 This comment states that the building square footage on page 4.4-7 should be revised from 22,000 to 42,000. The text of the Draft SEIR has been corrected to indicate that the proposed project would include two, 44,000-square-foot buildings. This typographical error does not change the analysis and/or conclusions in the Draft SEIR. Please refer to Chapter 10 of this Final SEIR for the text change.
- 11-4 This comment states that the cumulative traffic impacts should be revised to reflect the assumption that only one community college (the proposed project) would be built. The District does not have the authority to amend the zoning of the Cowell Property, which would be required to remove the second community college from the cumulative traffic analysis. It is noted, however, that construction of a second community college adjacent to the proposed project is highly unlikely, and that the traffic analysis is, therefore, conservative.
- 11-5 This comment states that Chapter 5 should be revised to reflect a community college built on the Cowell Property under cumulative conditions, in addition to the community college that is proposed by the project on the Pioneer Square site. The commentor acknowledges that this would essentially reverse the analysis provided in the Draft SEIR. The Alternative Land Use Designation presented in Chapter 5 of the Draft SEIR was included because the District believes that a second community college would never be developed on the Cowell Property if one is developed on the Pioneer Square site. Furthermore, it was presented to show that the significant and unavoidable impacts related to traffic and air quality would not realistically occur. Because the District does not have the authority to change the land use designation on the Cowell Property, the analysis was presented in this way to meet the legal requirements of CEQA. The requested analysis would not alter the overall conclusions presented in the Draft SEIR.

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## **10.0 REVISIONS TO DRAFT SEIR**

### **10.1 LIST OF ERRATA PAGES**

Subsequent to the public release of the Draft Supplemental Environmental Impact Report (SEIR), revisions have been made to the as a result of comments received. Those pages with revisions are identified below and follow this list of errata pages.

- Page 3-1 Text revised to include reference to the historic John Marsh house and State Parks property located to the east and southwest of the project site.
- Page 3-2 Text revised to provide average slope of the project site.
- Page 3-2 Text revised to indicate that the two proposed buildings would each be 44,000 square feet.
- Page 3-4 Figure 3-2 (Vicinity Map) revised to delineate the boundary of the adjacent State Parks property and label it Cowell Ranch/John Marsh Historic Park.
- Page 4.2-7 Table 4.2-2 (Sensitive Receptors) revised to indicate that the Cowell Ranch/John Marsh State Historic Park is a sensitive receptor. Table 4.2-2 also revised to add two additional schools and two additional parks.
- Page 4.2-15 Text revised to correct information regarding the adjacent State Park lands.
- Page 4.2-19 Text revised to indicate that project site is surrounded primarily by State Park lands.
- Page 4.4-2 Text revised to indicate that Vasco Road is a Route of Regional Significance.
- Page 4.4-5 Text revised regarding reference to the East County Action Plan. Text also revised to reflect a standard level of service (LOS) C for the intersection of State Route 4 (SR 4) Bypass and Marsh Creek Road.
- Page 4.4-7 Text revised to indicate that the two proposed buildings would each be 44,000 square feet.
- Page 4.4-12 Figure 4.4-3 (Trip Distribution) revised to correct trip assigned south of Vineyards Parkway.
- Page 4.4-18 Text revised to reflect change in LOS standard.
- Appendix B Text of Mitigation Measures 3.6-A.1 and 3.12-A amended to provide clarifying language.

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## 3.0 PROJECT DESCRIPTION

### 3.1 PROJECT BACKGROUND

As stated in Chapter 1 (Introduction), as part of the Vineyards Project, the Vineyards EIR analyzed approximately 27 acres of mixed-use development on what was then referred to as the "Village Center" and what was later renamed "Pioneer Square." Approved Mixed-Use Business Park uses at Pioneer Square include commercial, office, senior apartments, hotel and conference center, and assisted care facilities. Additionally, the Vineyards EIR analyzed approximately 29 acres of nearby land proposed for annexation to the City and development of a future community college by the Contra Costa Community College District (District) for a maximum of 5,000 students. This land, referred to as the "Cowell Property," was one of two annexation sites studied in the Vineyards EIR and was later annexed into the City.

The project (described in greater detail below) that this SEIR analyzes is that earlier community college proposal by the District in a new location: 17 acres of the 27-acre Pioneer Square site. Although the project represents the relocation of the Community College land use from the Cowell Property to the Pioneer Square site, no change in land use on the Cowell Property is proposed at this time. The proposed New Brentwood Center (project) would use 17 acres of the 27-acre Pioneer Square site for community college use instead of the Mixed-Use Business Park uses for which the 17 acres is designated.

### 3.2 PROJECT LOCATION

The project site is located in the southern portion of Brentwood in eastern Contra Costa County (County), and is generally west of the intersection of the State Route 4 (SR 4) Bypass and Marsh Creek Road. The City is approximately 45 miles northeast of San Francisco and 65 miles southwest of Sacramento. Figure 3-1 (Regional Location Map) illustrates the regional location of the project site. As noted above, the site is within the larger Vineyards Project area, and is a portion of Pioneer Square. As shown in Figure 3-2 (Local Vicinity), Pioneer Square is located northeast of Vineyards Parkway.

### 3.3 SURROUNDING LAND USES

The project site is surrounded by undeveloped land with some residential development and a private athletic and resort club located to the northwest, and the historic John Marsh house [and California Department of Parks and Recreation \(State Parks\) land](#) located to the [east and](#) southwest. Immediately north and west of the project site is relatively flat, undeveloped grassland that has been graded. Further north and west, the topography transitions to grass covered rolling hills. Single-family homes and Club Los Meganos, which includes tennis courts, swimming pools, exercise equipment, a full-service spa and banquet/meeting facilities, are located in this area. Vineyards Parkway (which is still under construction near the project site) and a vehicular bridge crossing over Marsh Creek about the site to the south and further south of Vineyards Parkway is vacant land that is part of the Vineyards Project area (future winery site), as well as state park land and the historic John Marsh house. The land immediately south of the project site is relatively flat and transitions to rolling hills further south. A stormwater detention basin is generally located adjacent to the eastern side of the project site. Marsh Creek is located further east of the stormwater detention basin and also borders the project site to the north and south of the stormwater detention basin. Figure 3-2 depicts the land uses surrounding the project site.

## 3.4 PROJECT SETTING

### 3.4.1 SITE CHARACTERISTICS

The project site is vacant land ~~and that~~ has been graded ~~for future development with a one to two percent slope toward the existing stormwater detention basin for future development. Although the site is relatively flat, there is a gentle slope that drops down into the site from Vineyards Parkway and from the site into the stormwater detention basin and the Marsh Creek corridor.~~ The site is covered with non-native annual grasses and scattered valley oak (*Quercus lobata*) trees. A portion of a remnant concrete-lined irrigation canal is located in the northern portion of the site.

### 3.4.2 LAND USE REGULATIONS

The project site has a City of Brentwood General Plan (General Plan) land use designation of Mixed-Use Business Park and a zoning designation of Planned Development 64 (PD 64) District. The project site is comprised of the following ten Assessor's Parcel Nos.: 007-570-001, -003, -004, -005, -006, -007, and 007-580-001, 003, -004 and -005. Under controlling law, the District, as a public educational institution, is exempt from local planning regulations when using property in furtherance of its educational purposes. Therefore, no amendments to the General Plan, Zoning, or other City regulations are needed for the proposed project. Nonetheless, the District chose this site because of the compatibility of its proposed community college use with the surrounding mixed-use business and residential uses (refer to Section 3.6, Project Objectives, below, for greater detail on the goals and objectives of the proposed project). The project will need approvals from other agencies, as further described under Section 3.7 (Intended Uses of SEIR) below.

## 3.5 PROJECT CHARACTERISTICS

The project proposes the construction of a new education center, a satellite site of Los Medanos College, that would serve a maximum of 5,000 full- and part-time students. The center would have a total of 80 full-time employees and 200 part-time employees, including faculty and staff. Refer to Figure 3-3 (Conceptual Site Plan).

As an education center, the proposed project would offer general education curriculum, but would not function as a full-service community college campus. Consequently, it would be limited to classrooms, laboratories and administrative and faculty offices, but would not have other uses typically associated with a community college campus, such as a library, gymnasium, athletic fields, auditorium/theatre, cafeteria, bookstore, student union or other student services and facilities.

### 3.5.1 CLASSROOM/OFFICE BUILDINGS

Two, approximately ~~42,000~~44,000-square-foot buildings would be located in the center of the site for a total of approximately ~~84,000~~88,000 square feet of classroom/office space. Each building would be two-stories and approximately 35 feet in height.

### 3.5.2 ACCESS, PARKING AND LANDSCAPING

As shown in Figure 3-3, a new circular roadway would provide access to the site from future Miwok Avenue, which would intersect Vineyards Parkway. A total of approximately 1,366 parking spaces would be provided in two surface lots.





Source: Google Maps, 2010, Cowell Ranch / John Marsh State Historic Park Preliminary General Plan, 2010



Not to Scale

JN 35-101065

New Brentwood Center Supplemental EIR

## Vicinity Map

Revised Figure 3-2



potential hazard to human health. Health effects of TACs may include cancer, birth defects, and immune system and neurological damage.

TACs can be separated into carcinogens and noncarcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts would not occur. Noncarcinogenic TACs differ in that there is a safe level in which it is generally assumed that no negative health impacts would occur. These levels are determined on a pollutant-by-pollutant basis.

TACs are not considered criteria air pollutants and, thus, are not specifically addressed through the setting of ambient air quality standards. Instead, the EPA and CARB regulate HAPs and TACs, respectively, through statutes and regulations that generally require the use of the maximum or best available control technology (MACT and BACT) to limit emissions. These in conjunction with additional rules set forth by the BAAQMD establish the regulatory framework for TACs.

### SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of air pollution than is the general population. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools and parks. Existing sensitive receptors located in the project vicinity include single and multi-family residential homes, schools, parks, places of worship, and a hospital. Sensitive receptors are depicted in Table 4.2-2 (Sensitive Receptors).

**Revised Table 4.2-2**  
**Sensitive Receptors**

Type	Name	Distance from Project Site (feet)	Direction from Project Site
Residential	Residential Uses	2,400	North
		<del>1,062</del>	<del>South</del>
		<del>1,000</del>	<del>East</del>
		1,700	West
Schools	<u>Krey Elementary School</u>	<u>8,576 (1.6 miles)</u>	<u>North</u>
	<u>Adams Middle School</u>	<u>12,329 (2.3 miles)<sup>1</sup></u>	<u>Northwest</u>
	Heritage High School	12,600 (2.4 miles) <sup>1</sup>	Northwest
	Celebration Christian School	11,800 (2.2 miles) <sup>1</sup>	Northeast
Parks	<u>Cowell Ranch/John Marsh State Historic Park</u>	<u>692</u>	<u>Southwest</u>
	<u>Summerset Commons Park</u>	<u>4,477</u>	<u>North</u>
	<u>Oak Meadow Park</u>	<u>8,786 (1.7 miles)</u>	<u>North</u>
	Cortona Park	11,780 (2.2 miles) <sup>1</sup>	North
Notes:			
1. Although these uses are located more than two miles away from the project site, they are listed here to indicate the closest schools and parks to the project site.			
Source: Google Earth 2010.			



within the URBEMIS 2007 model.<sup>1</sup> As indicated in Table 4.2-5, construction-related impacts would be less than significant with the implementation of the BAAQMD's Basic Mitigation Measures (Mitigation Measure 4.2-1).

### Construction Toxic Air Contaminants

Construction-related activities could result in the generation of TACs, specifically diesel particulate matter (DPM), from on-road haul trucks and off-road equipment exhaust emissions. Due to the variable nature of the proposed construction activity, the generation of TAC emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations.

The construction period would occur for approximately 18 months and would require various types of heavy equipment throughout each construction phase. Specifically, grading activities would require two tractors, one grader, one rubber tired dozer and one water truck. Trenching activities would require two excavators. Paving activities would include four cement and mortar mixers, one paver, one roller and two other pieces of paving equipment. The building phase would require one crane, two forklifts, one tractor, three welders and one generator set. As indicated in the URBEMIS2007 model outputs for the proposed project (refer to Table 4.2-5), construction activities would generate 1.30 pounds of diesel PM<sub>2.5</sub> exhaust per day in 2013 and 0.90 pounds of diesel PM<sub>2.5</sub> exhaust per day in 2014. Additionally, the project would include implementation of the BAAQMD's Basic Construction Mitigation Measures (Mitigation Measure 4.2-1), which is recommended for all proposed projects, and would also reduce DPM exhaust emissions.

As depicted in Table 4.2-2, the closest sensitive receptors to the project site would be the John Marsh house within the Cowell Ranch/John Marsh State Historic Park approximately 692 feet (210 meters). residential uses approximately 1,000 feet (305 meters) to the east. Additional sensitive receptors include residential uses 1,062 feet (324 meters) to the south, 1,700 feet (518 meters) to the west, and 2,400 feet (732 meters) to the north.

BAAQMD has developed guidance for estimating risk and hazards impacts entitled *Recommended Methods for Screening and Modeling Local Risks and Hazards* (May 2010), which also includes recommendations for mitigation of significant risk and hazards impacts. BAAQMD guidance provides a screening approach to conduct initial evaluations of potential health risks from exposure to TACs (including DPM and PM<sub>2.5</sub>) from construction activities. Table 2 of the BAAQMD *Recommended Methods for Screening and Modeling Local Risks and Hazards* provides the minimum distance required between the fence line of a construction site and a nearby sensitive receptor to ensure that cancer and non-cancer risks associated with the project are less than significant per BAAQMD significance thresholds.

Based on the approach recommended by BAAQMD guidance, the minimum offset distance (screening distance) required for the proposed project would be 492 feet (150 meters). This is the minimum distance necessary between sensitive receptors and the project site to avoid significant impacts. As noted above, the closest sensitive receptors are the residential uses the John Marsh house within the Cowell Ranch/John Marsh State Historic Park located approximately 1,000/692 feet (305-210 meters) to the east/southwest. As the closest receptors are not located within 150 meters of the project site, impacts from construction TACs would be less than significant.

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<sup>1</sup> Jones and Stokes Associates, *Software User's Guide: URBEMIS2007 for Windows User's Guide Appendices*, November 2007.



related emissions by 99 percent, and natural gas related emissions by ten percent.<sup>3</sup> Also, refer to Section 4.3 (Greenhouse Gas Emissions) for additional discussion of the project's emissions reducing design features. It should be noted that these measures primarily apply to energy efficiency and would not reduce ROG and PM<sub>10</sub> emissions due to vehicle trips. As depicted in Table 4.2-6, ROG and PM<sub>10</sub> emissions would remain above BAAQMD thresholds, despite the implementation of Non-URBEMIS reduction measures.

Table 4.2-6 depicts both the unmitigated and mitigated operational emissions associated with the proposed project. As indicated in Table 4.2-6, despite the implementation of operational mitigation measures, ROG and PM<sub>10</sub> emissions would remain above BAAQMD thresholds. According to the BAAQMD *CEQA Air Quality Guidelines* (June 2010), if mitigated levels of any criteria air pollutant or precursor would still exceed the applicable threshold of significance, the impact to air quality would remain significant and unavoidable.

### Localized Carbon Monoxide Hotspots

The Basin is designated as attainment for carbon monoxide (CO). As indicated in the BAAQMD *CEQA Air Quality Guidelines*, emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991.<sup>4</sup> As a result, the screening criteria in the BAAQMD *CEQA Air Quality Guidelines* note that CO impacts may be determined to be less than significant if a project is consistent with the applicable congestion management plan and would not increase traffic volumes at local intersections to more than 24,000 vehicles per hour. The project would be consistent with applicable congestion management planning, as it would not significantly increase the delay or level of service at the study intersections, and the greatest volume at any of the study intersections is less than 5,000 vehicles per hour (this includes project buildout and cumulative volumes). Therefore, impacts related to CO concentrations would be less than significant.

### Risk and Health Hazards

BAAQMD recommends that all TAC and particulate PM<sub>2.5</sub> sources be identified within a 1,000 foot radius of the proposed project site to determine any risk and health hazards. As described above, the project site is surrounded primarily by open space, [state park land](#), and residential uses. There are no TAC and PM<sub>2.5</sub> sources located within 1,000 feet of the project site.<sup>5</sup> State Route 4 Bypass is located to the northeast; however, peak hour vehicle volumes are less than 2,000 and would not be considered a health hazard source.<sup>6</sup> Therefore, any impacts associated with risk and health hazards would be less than significant.

**Mitigation Measures:** No feasible mitigation is available.

**Level of Significance After Mitigation:** Significant and Unavoidable Impact.

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<sup>3</sup> Ibid.

<sup>4</sup> Bay Area Air Quality Management District, *BAAQMD CEQA Air Quality Guidelines* (page 6-1), June 2010.

<sup>5</sup> Bay Area Air Quality Management District, *Stationary Source Risk & Hazard Analysis Tool, Contra Costa Permitted Sources*, May 3, 2010. <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>

<sup>6</sup> California Department of Transportation, Traffic and Vehicle Data Systems Unit, *All Traffic Volumes on California State Highways*, 2009. <http://traffic-counts.dot.ca.gov/2009all/Route2-4i.htm>.





**Concord Avenue** is a curving north-south/east-west oriented rural roadway that connects Fairview Avenue to Walnut Avenue. This roadway provides one lane per direction with a speed limit of 45 MPH. The portion of Concord Avenue north of Fairview Avenue has been replaced by John Muir Parkway.

**John Muir Parkway** is a developing north-south arterial connection between Fairview Avenue and Balfour Road, generally paralleling SR 4 Bypass and replacing the northern portion of Concord Avenue. John Muir Parkway provides one travel lane in each direction, and has a speed limit of 35 MPH.

**Marsh Creek Road** is an east-west oriented rural roadway connecting far East Contra Costa County (i.e., Discovery Bay) with Central County (i.e., Clayton and Concord). It parallels Balfour Road for much of its length through Brentwood. The roadway currently provides one lane per direction. Marsh Creek Road is a designated Route of Regional Significance.

**Vasco Road** is a two-lane rural roadway connecting the East County area to Livermore and other elements of the regional freeway system. The posted speed limit on Vasco Road is 45 to 55 MPH. Vasco Road is a designated Route of Regional Significance.

**Vineyards Parkway** is a developing continuation of Fairview Avenue which will extend to a signalized intersection with Marsh Creek Road. Vineyards Parkway provides one traffic lane in each direction, and will act as the main collector roadway through the Vineyards Project.

## EXISTING BICYCLE, PEDESTRIAN AND TRANSIT NETWORKS

Class II bicycle lanes are provided on Fairview Parkway and Vineyards Parkway in the study area. Sidewalks are generally provided on roadways in the study area. There is currently no regular transit service in the study area. The nearest transit stop is the Tri-Delta Transit Route 384 bus stop at Balfour Road and John Muir Parkway, approximately 2.5 miles north of the project site.

## STUDY INTERSECTIONS

The Vineyards EIR assessed the near-term and long-term operations of 18 intersections. In the near-term condition, impacts were identified at four intersections. The improvements identified in the Vineyards EIR have been constructed at those locations. In the long-term scenario, the 18 study intersections were projected to operate at acceptable service levels with planned roadway improvements. Therefore, this assessment focuses on intersections in the immediate vicinity of the project site that could potentially be impacted with the proposed changes in traffic patterns in the area due to the relocation of the community college land use from the Cowell Property to Pioneer Square. The following intersections have been identified for inclusion in this assessment:

- John Muir Parkway/Fairview Avenue
- Fairview Avenue/Concord Avenue
- SR 4 Bypass/Marsh Creek Road
- Marsh Creek Road/Vineyards Parkway (future intersection)

The location of the intersections in relation to the project site is shown on Figure 4.4-1 (Project Study Area and Existing Peak Hour Traffic Volumes). The three existing intersections are signalized. The study intersections were analyzed using the methodology presented in the Contra Costa Transportation Authority's (CCTA) Technical Procedures Update (July 2006). This methodology is described below.



## 4.4.2 ANALYSIS METHODOLOGY

Transportation engineers and planners use the term level of service (LOS) to qualitatively describe the operations of transportation facilities. Level of service ranges from LOS A, indicating free-flow conditions with little or no delay) to LOS F (representing oversaturated conditions with excessive delays). LOS E describes conditions at capacity. The CCTA method uses various intersection characteristics (such as traffic volumes, lane geometry, and signal phasing) to estimate an intersection's volume-to-capacity (V/C) ratio. Table D-1 in Appendix D summarizes the relationship between the V/C ratio and LOS for signalized intersections.

For unsignalized (all-way stop-controlled and side-street stop-controlled) intersections, the *Highway Capacity Manual* (Transportation Research Board, 2000) methodology for unsignalized intersections was utilized. With this methodology, operations are defined by the average control delay per vehicle (measured in seconds) for each stop-controlled movement. This incorporates delay associated with deceleration, acceleration, stopping and moving up in the queue. For side-street stop-controlled intersections, the delay is presented for the worst stop-controlled movement. The relationship between average vehicle delay and LOS at unsignalized intersections is summarized in Table D-2 in Appendix D.

The CCTA's *Technical Procedures Update* (July 2006) ~~and the East County Action Plan Final 2000 Update~~ provides LOS standards for signalized intersections on Non-Regional Routes. The study area is categorized as a Special Planning Area in the City General Plan (updated March 2009), with a planned mix of land uses consistent with suburban development. Acceptable LOS for suburban, Non-Regional Routes is a mid-LOS D, or a V/C ratio of 0.85 or lower. The John Muir Parkway/Fairview Avenue and Fairview Avenue/Concord Avenue intersections are located on Non-Regional Routes and are, therefore, subject to this standard.

~~The 2009 East County Action Plan Update identifies Marsh Creek Road as a Route of Regional Significance. Marsh Creek Road is currently classified as a Non-Signalized Rural Road, and with the completion of the signalized intersection with Vineyards Parkway, would likely be reclassified as a Signalized Suburban Arterial Route in the project vicinity. The minimum acceptable peak hour level of service for both classifications is mid-LOS D, or a V/C ratio of 0.85 or lower. This standard applies to the The SR 4 Bypass/Marsh Creek Road intersection is located within unincorporated Contra Costa County, and is classified as semi-rural. The Contra Costa County General Plan specifies an LOS standard of high-C, or a V/C ratio of 0.79 or lower, for semi-rural areas. This standard applies to the SR 4 Bypass/Marsh Creek Road intersection.~~

## 4.4.3 IMPACT ANALYSIS

### THRESHOLDS OF SIGNIFICANCE

The thresholds of significance identified in the Vineyards EIR are applied to this SEIR. According to the City and the CCTA, a significant traffic-related impact would occur under any of the following conditions:

- The addition of project traffic causes a signalized intersection to deteriorate from an acceptable level (~~LOS D or better with a V/C ratio equal to or less than 0.85~~) to an unacceptable level (~~LOS D or worse with a V/C ratio greater than 0.85~~).
- The addition of project traffic causes the V/C ratio at a signalized intersection operating at an unacceptable level (~~greater than 0.85 V/C ratio~~) to increase by more than 0.01.



## Transit Access

The proposed project would not conflict with any transit policies, plans, or programs. As a more detailed site plan is developed, the District should meet with Tri Delta Transit staff to determine whether transit service is likely to be extended to the project site and to provide appropriate amenities to encourage transit use. No significant project impacts to the transit system would result.

## EXISTING CONDITIONS

Traffic counts were conducted at the three existing study intersections during the morning (7:00 AM to 9:00 AM) and evening (4:00 PM to 6:00 PM) periods in February 2010 on a typical weekday with schools in normal session. Based on the observed traffic volumes, a morning (AM) and evening (PM) peak hour was identified for each of the study intersections. The AM and PM peak hour traffic volumes for the study intersections are shown on Figure 4.4-1. The existing intersection lane geometries and type of traffic control are shown on Figure 4.4-2 (Existing Lane Geometry and Traffic Control).

The peak hour traffic volumes and existing lane geometry and signal timings were used to analyze the existing LOS at the study intersections. The peak hour LOS results are shown in Table 4.4-1 (Existing (2010) Peak Hour Level of Service). All of the study intersections currently operate at acceptable LOS A during both the AM and PM peak hours.

**Table 4.4-1  
Existing (2010) Peak Hour Level of Service**

Location	Control	Peak Hour	V/C Ratio <sup>1</sup>	LOS
1. John Muir Parkway/Fairview Avenue	Signal	AM	0.11	A
		PM	0.04	A
2. Fairview Avenue/Concord Avenue	Signal	AM	0.09	A
		PM	0.11	A
3. SR 4 Bypass/Marsh Creek Road	Signal	AM	0.39	A
		PM	0.43	A

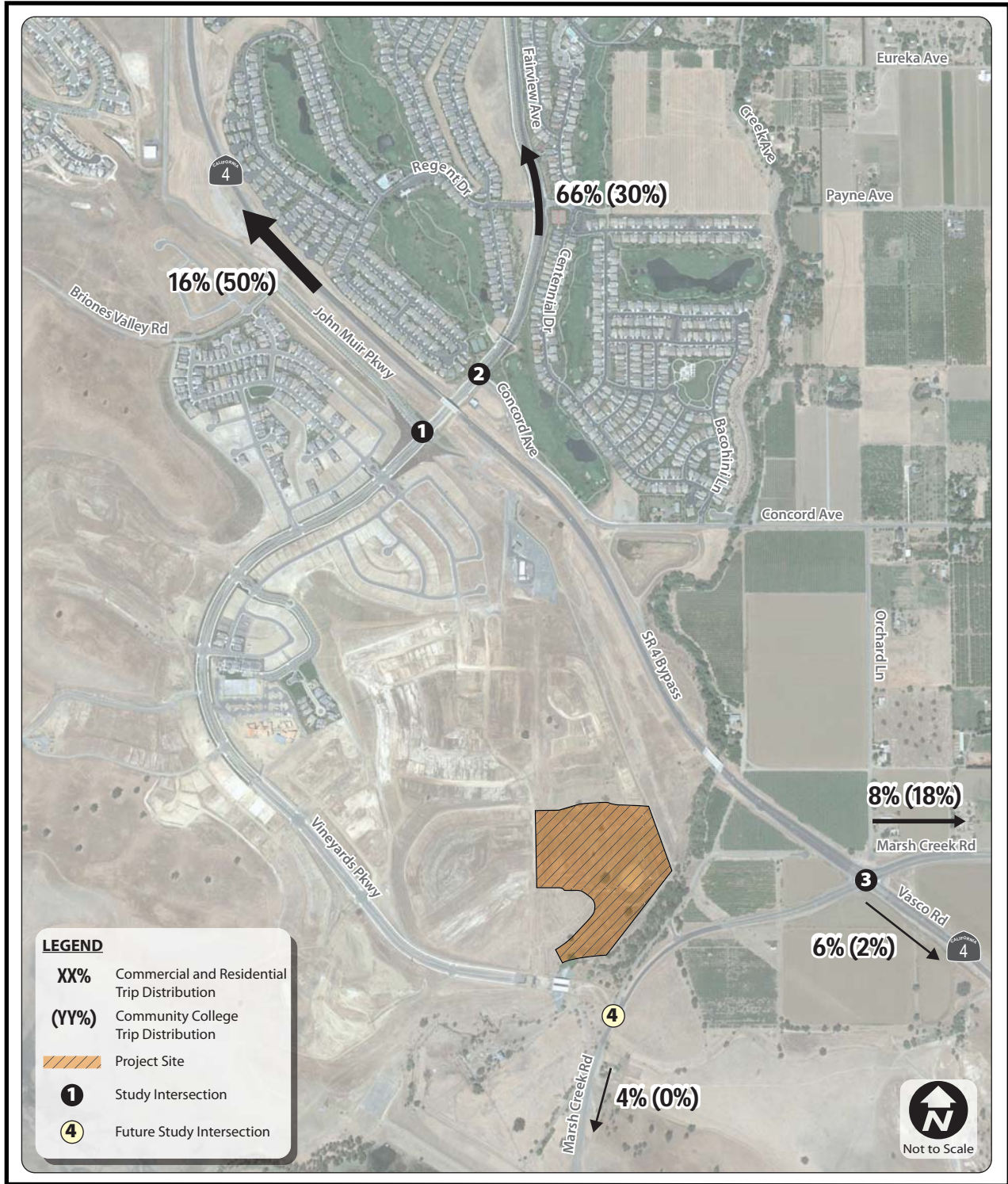
1. Volume-to-Capacity ratio determined for all signalized intersections using the CCTA LOS methodology.  
Source: Fehr & Peers, 2010

## PROJECT TRANSPORTATION CHARACTERISTICS

The proposed project would be comprised of two two-story buildings (each with ~~22,000~~44,000 square feet) north of Marsh Creek Road on a portion of the Pioneer Square site. Figure 3-3 shows the conceptual project site plan. The project would be constructed in two phases, with one building completed in Phase 1, and the second in Phase 2. Planned enrollment for Phase 1 is 2,500 full-time equivalent (FTE) students and 5,000 FTE students at buildout. The project site is currently approved for 17 acres of mixed-use development.

Trip generation for the proposed project was based on the planned enrollment for each phase. Fehr & Peers has conducted trip generation studies of five community colleges across California since 2002. These rates were averaged to produce estimated AM and PM peak hour rates per FTE student, as presented in Table 4.4-2 (Community College Trip Generation Rates Comparison). These rates are compared to the junior college trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation*, 6<sup>th</sup> and 8<sup>th</sup> Editions. The 6<sup>th</sup> Edition ITE rate was assumed in the program-level analysis in the Vineyards EIR.





Fehr & Peers, April 2011





- Completion of John Muir Parkway from Balfour Road to Fairview Avenue.
- Extension of Foothill Boulevard to intersect with John Muir Parkway with traffic signal installation.

Under Cumulative conditions, access to the Cowell Property, which was previously proposed for a community college campus, was assumed as a fourth leg of the future Marsh Creek Road/Vineyards Parkway intersection. This assumption was made because the Cowell Property still has an approved community college land use and this was the access location studied in the Vineyards EIR. No other roadway changes from the Near-Term conditions were assumed. The lane geometry and traffic control at the study intersections under Cumulative conditions are shown in Figure 4.4-8 (Cumulative (2035) Lane Geometry and Traffic Control). The LOS results for Cumulative conditions are shown in Table 4.4-6 (Cumulative (2035) Plus Project Buildout Peak Hour Level of Service).

**Table 4.4-6  
Cumulative (2035) Plus Project Buildout Peak Hour Level of Service**

Location	Control	Peak Hour	Cumulative No Project		Cumulative Plus Project Build Out	
			V/C Ratio 1	LOS	V/C Ratio 1	LOS
1. John Muir Parkway/Fairview Avenue	Signal	AM	0.51	A	0.60	A
		PM	0.49	A	0.44	A
2. Fairview Avenue/Concord Avenue	Signal	AM	0.47	A	0.56	A
		PM	0.55	A	0.54	A
3. SR 4 Bypass/Marsh Creek Road	Signal	AM	<b>0.83</b>	D	<b>1.10</b>	F
		PM	<b>0.88</b>	D	<b>0.98</b>	E
4. Marsh Creek Road/Vineyards Parkway	Signal	AM	0.67	B	0.67	B
		PM	0.71	C	0.71	C

Notes:  
 Bold indicates Level of Service standard is exceeded.  
 1. Volume-to-Capacity ratio determined for all signalized intersections using the CCTA LOS methodology.  
 Source: Fehr & Peers, 2010

Under Cumulative conditions, three of the four study intersections are projected to operate at an acceptable LOS with or without the project, assuming development of a community college land use on both the Pioneer Square site and the Cowell Property.

The intersection of ~~the~~ SR 4 Bypass and Marsh Creek Road, ~~however,~~ is expected to ~~degrade from an operate at an unacceptable LOS D to an unacceptable LOS F during the AM peak hour and from an unacceptable LOS D (v/c ratio greater than 0.85) to LOS E during the PM peak hour with the addition of the project. during both peak hours under Cumulative No Project conditions. The addition of project traffic would increase the V/C ratio by more than 0.1.~~ This impact is considered potentially significant based on significance criteria used in the Vineyards EIR.

Construction of an overpass at this location is included in the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Plan. Construction of the SR 4 Bypass/Marsh Creek Road overpass would provide acceptable operations at this location. However, the fee program does not identify funding sources to fully fund all of the projects in the ECCRFFA Plan, including the SR 4 Bypass/Marsh Creek Road overpass. No other feasible mitigation has been identified for this intersection. Thus, the impact is considered significant and unavoidable.



## APPENDIX B – Applicable Mitigation Measures

- To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
- All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity.
- All food related trash items; such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site.

Mitigation 3.8-R. Encroachment Upon the Great Valley Mixed Riparian Forest of Marsh Creek – Vineyards Project: If encroachment into the riparian setback is necessary, then a commensurate amount of riparian habitat along Marsh Creek will be enhanced to compensate for the loss of habitat caused by the encroachment. Part of the enhancement area may be the restoration of the area previously affected by the ECCID irrigation canal. The ratio of enhancement habitat will vary depending upon the extent of encroachment into the 100 foot setback buffer: encroachment into the first 50% shall be mitigated at a ratio of 1:1 (mitigation:impacts); encroachment into the remaining 50% shall be mitigated at a ratio of 2:1 (mitigation:impacts).

### Cultural Resources

Mitigation 3.12-A. Substantial Adverse Change in the Significance of Archaeological Site CCO-548 – Vineyards Project. Prior to the construction of the Village Center area, the proposed Marsh Creek Trail Segment, and other improvements and construction activities within the southeastern section of the Vineyards site, a program to mitigate impacts to CCO-548 shall be developed and implemented. The mitigation program shall include (but not be limited to) the following actions:

- Avoidance: Consultation with a qualified archaeologist during design of projects in the vicinity of CCO-548. To the extent feasible, construction activity shall avoid resources within CCO-548.
- Controlled Data Recovery: If avoidance of resources in CCO-548 is not feasible, a qualified archaeologist shall conduct controlled data recovery of resources. Resources shall be catalogued and analyzed and a final report of findings of mitigation data shall be submitted to the Northwest Information Center to demonstrate that mitigation has been completed. **To the extent required by law, culturally affiliated Native Americans shall be consulted during “controlled data recovery,” if resources in CCO-548 cannot be avoided. The disposition of non-burial artifacts shall be determined in consultation with the culturally affiliated Native Americans.**

## APPENDIX B – Applicable Mitigation Measures

- Archaeological Monitoring/Recordation/Removal: A qualified archaeologist shall monitor all construction related grading and earthmoving activities in the southeastern portion of the Vineyards site. If cultural resources are encountered during construction, all work within the vicinity of the find shall stop immediately. The cultural resource shall be identified, recorded, and/or removed by a qualified archaeologist before grading and trenching activities can recommence in the area of discovery. **To the extent required by law, culturally affiliated Native Americans shall be consulted during “archaeological monitoring/recordation/removal,” if such activities are required.**
- If any human remains are discovered, all work within the vicinity of the discovery shall stop immediately and the County Coroner will be notified. **If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the Native American human remains and associated grave goods shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD’s recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).**
- Human remains that are encountered shall be sensitively treated under the professional guidance of a qualified archaeologist. Any human remains that are identified in areas that will be impacted by construction activities shall be exposed utilizing standard archaeological procedures. All skeletal material and associated grave goods shall be carefully removed for reburial in an area as close to their original location as possible. This area shall be protected from future disturbance. Burial inventories shall be completed and made available for inspection at the completion of burial removal.
- **Measures to address the treatment of unknown archaeological properties included in the Archaeological Properties Treatment Plan (APTP) prepared by Holman & Associates (April 2005) shall be implemented with project construction.**

### Geology and Soils

Mitigation 3.9-C. Strong Seismic Ground-Shaking - Vineyards Project: Prior to issuance of grading permits a qualified engineering geologist shall be retained to prepare a detailed geotechnical engineering design study for proposed building sites. Any recommended design and engineering solutions to ensure sufficient foundation stability shall be incorporated into the project’s design plans. Prior to the issuance of the first building permit, the ~~Brentwood Building Official~~ **State Architect** shall verify that the project conforms to the seismic requirements stipulated in the Uniform Building Code (UBC) for Seismic Zone 4, the zone of highest seismic risk.

Mitigation 3.9-K. Expansive Soil - Vineyards Project: As required by the UBC, site-specific detailed design studies shall be prepared by a licensed engineering geologist

## APPENDIX B – Applicable Mitigation Measures

and reviewed by the ~~Brentwood Building Official~~ **State Architect** prior to the issuance of grading permits for any development on the Vineyards at Marsh Creek project site. The evaluation of expansive soils and the formulation and implementation of design criteria for foundation and pavement design in expansive soils shall be addressed. Such criteria shall include one or more of the following:

- Minimize the use of expansive soil as fill within upper portions of building pads.
- Compact expansive soil fill wetter than optimum moisture content.
- Extend shallow foundations below the zone of seasonal moisture fluctuations.
- Use deep foundations such as drilled piers, or stiff grid or mat foundations that can move without cracking, in areas of expansive soil or rock.
- Control site drainage to minimize seasonal wetting and drying of expansive materials.
- Provide non-expansive fill layers under foundations, slabs, and pavements.
- Treat expansive soils with lime or cement in the area of improvements to reduce the effects of expansive materials.

All recommendations of the ~~Building Official~~, and the engineering geologist, shall be incorporated in the proposed construction plan, prior to approval of the grading permit. The engineering geologist services shall be retained throughout site grading and s/he shall be contacted prior to grading and when onsite conditions necessitate deviations from the approved plan. The engineering geologist shall conduct assessments on a regular basis during site grading and initial construction phases.

### Hazards or Hazardous Materials

Mitigation 3.11-C. Reasonably Foreseeable Upset and Accident Involving Hazardous Materials Release – Vineyards Project. Prior to the issuance of the first grading permit, the applicant will be required to obtain “as built” drawings or otherwise validate the location, size and depth of underground crude oil and natural gas pipelines. No construction shall occur within 10 feet of the pipelines, except for pipelines below new roadways. For these pipelines, the contractor shall employ safety and containment policies and procedures to avoid the potential of risk or upset of the pipelines.

### Noise

Mitigation 3.6-A.1. Short Term Construction Noise Impacts – Vineyards Project. The following mitigation measure is required. All construction activities shall abide by the provisions as set forth within the City of Brentwood Municipal Code Section 9.32.050, *Prohibited Special Noise Sources*. Specifically, construction activities adjacent to residential uses **and State Parks land** shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. through 4:00 p.m. on Saturdays and prohibited on Sundays and federal holidays.



## **11.0 MITIGATION MONITORING AND REPORTING PROGRAM**

### **11.1 INTRODUCTION**

The California Environmental Quality Act (CEQA) requires public agencies to adopt mitigation monitoring and reporting programs for any project that requires mitigation measures as an outcome of a CEQA analysis. This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process.

Table 11-1 (Mitigation Monitoring and Reporting Program – New Brentwood Center Project) has been prepared for the New Brentwood Center Supplemental Environmental Impact Report (SEIR) in accordance with Public Resources Code § 21081.6 and Section 15097 of the *CEQA Guidelines*. Table 11-2 (Mitigation Monitoring and Reporting Program – Vineyards Project) presents the mitigation measures applicable to the proposed project that were included in the Vineyards at Marsh Creek and Annexation Sites Environmental Impact Report (Vineyards EIR) certified by the City of Brentwood (City) in 2004 for the Vineyards at Marsh Creek development (Vineyards Project).

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**Table 11-1  
Mitigation Monitoring and Reporting Program – New Brentwood Center Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<b>Air Quality</b>					
<p>4.2-1 - Grading plans, building plans and specifications shall stipulate that, in compliance with the BAAQMD <i>CEQA Air Quality Guidelines</i>, the following basic construction mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> <li>▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas and unpaved access roads) shall be watered two times per day.</li> <li>▪ All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>▪ All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>▪ All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> <li>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of</li> </ul>	<p>Implement all control measures listed in Mitigation Measure 4.2-1 during construction</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading, review final construction specifications to ensure that all requirements listed in Mitigation Measure 4.2-1 are included</p> <p>Conduct periodic site visits during grading and construction to verify that control measures are being implemented</p>	<p>Halt grading and/or construction until control measures are implemented</p>	

**Table 11-1  
Mitigation Monitoring and Reporting Program – New Brentwood Center Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> <li>▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>▪ A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>					
<b>Transportation/Traffic</b>					
<p>4.4-3 - Prior to start of construction, the prime contractor shall prepare a Construction Traffic Management Plan, which shall include the following items:</p> <ul style="list-style-type: none"> <li>▪ Proposed truck routes to be used</li> <li>▪ Construction hours, including limits on the number of truck trips during the AM and PM peak traffic periods (6:00 to 9:00 AM and 4:00 to 6:00 PM), if conditions demonstrate the need</li> <li>▪ Proposed employee parking plan (number</li> </ul>	<p>Prepare and implement Construction Traffic Management Plan, including the items listed in Mitigation Measure 4.4-3</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of construction, review Construction Traffic Management Plan to ensure that all requirements listed in Mitigation Measure 4.4-3 are included</p>	<p>Postpone the start of construction until plan has been prepared and requirements have been included</p>	

**Table 11-1  
Mitigation Monitoring and Reporting Program – New Brentwood Center Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>of spaces and planned locations) to be accommodated within the site</p> <ul style="list-style-type: none"> <li>▪ Proposed construction equipment and materials staging areas, showing minimal conflicts with traffic, pedestrian and bicycle circulation patterns</li> <li>▪ Expected traffic detours needed, planned duration, and traffic control plans including potential sidewalk closures and plans to accommodate vehicular, pedestrian and bicycle detours.</li> </ul>					

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<b>Aesthetics</b>					
3.7-A.1 - The project proponent shall prepare a landscaping plan. The plan shall be prepared by a licensed landscape architect and shall pay special attention to screening portions of the development that may be considered visually unappealing and disharmonious from view of the John Marsh Home and surrounding State Park. Equipment storage areas shall be screened from the view of offsite residences, the John Marsh Home, and	Prepare landscape plan that provides required screening	Contra Costa Community College District	Prior to the start of construction, review landscape plan to ensure that it meets the requirements of Mitigation Measure 3.7-A.1	Postpone the start of construction until landscape plan has been prepared	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>roadways.</p> <p>3.7-G.1 - The project proponent shall prepare a lighting plan. To minimize potential disturbance that may be caused by outdoor lighting to the maximum extent possible, and to avoid excessive contributions to atmospheric nightsky conditions, outdoor lighting shall include the following standards:</p> <ul style="list-style-type: none"> <li>▪ Parking lot and exterior building lighting shall be installed to the approval of the Community Development and Police Departments.</li> <li>▪ All lighting shall be shielded from abutting properties.</li> <li>▪ No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets.</li> <li>▪ The spacing and height of the standards and luminars shall be such that a maximum of seven foot candles and a minimum of one foot candle of illumination are obtained on all vehicle access ways and parking areas.</li> <li>▪ The height of light standards shall not exceed 20 feet.</li> <li>▪ To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.</li> <li>▪ Under canopy lighting elements shall be</li> </ul>	<p>Prepare lighting plan that includes the standards listed in Mitigation Measure 3.7-G.1</p>	<p>Contra Costa Community College District</p>	<p>Prior to the start of construction, review lighting plan to ensure that it meets the requirements of Mitigation Measure 3.7-G.1</p>	<p>Postpone the start of construction until lighting plan has been prepared</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>recessed or concealed in such a manner as not to be directly visible from a public street.</p> <ul style="list-style-type: none"> <li>Lighting shall be installed around the perimeter of the building and be vandal resistant.</li> </ul>					
<p>3.7-G.2 - To minimize glare generated by the proposed project, the project proponent shall design the project with non-reflective glass and construction materials to the extent feasible.</p>	<p>Prepare architectural plans that use non-reflective glass and construction materials</p>	<p>Contra Costa Community College District</p>	<p>Prior to the start of construction, review architectural plans to ensure that it meets the requirements of Mitigation Measure 3.7-G.2</p>	<p>Postpone the start of construction until plans have been prepared</p>	
<b>Biological Resources</b>					
<p>3.8-E.1 - A qualified biologist will conduct pre-construction surveys for CRLF in all construction areas located within 300 feet of Marsh Creek. Following preconstruction surveys with negative results, all vegetation within the project impact area adjacent to and in the creek (or other relevant wetland habitats) will be removed and exclusion fencing will be established around the perimeter of the project impact area.</p> <p>If CRLF are found at or near the site then the project proponent shall implement all conditions pertaining to CRLF which are included in the incidental take authorization issued by USFWS for the Vineyards at Marsh Creek project.</p>	<p>Conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-E.1</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading or construction, conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-E.1</p>	<p>Postpone the start of grading and/or construction until surveys have been completed</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>Once exclusion fencing has been erected between the project construction zone and Marsh Creek, a qualified biologist will then survey the construction zone to confirm that no CRLF are present. In addition, the applicant shall take appropriate measures to ensure that CRLF are not affected by project activities. Such measures may include minimization of disturbance within the banks of the creek, minimization of construction and staging impacts within riparian habitat, additional pre-construction surveys for CRLF, and periodic monitoring of the site for this species during construction.</p>					
<p>3.8-E.2 - A qualified biologist will provide project contractors and construction crews with a worker-awareness program before any work within Marsh Creek or adjacent upland habitats that are appropriate for CRLF. This program will be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</p>	<p>Provide construction contractors and crews with a worker-awareness program</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading and/or construction, provide a worker-awareness program</p>	<p>Postpone the start of grading and/or construction until program has been provided</p>	
<p>3.8-F.1 - A qualified biologist will conduct pre-construction surveys for western pond turtles in all construction areas located within 300 feet of Marsh Creek or stock ponds. If a western pond turtle is found during pre-construction surveys, it will be relocated as necessary to a location in Marsh Creek deemed suitable by the biologist (i.e., at a location in Marsh Creek which is a sufficient distance from construction activities).</p>	<p>Conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-F.1</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading and/or construction, conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-F.1</p>	<p>Postpone the start of grading and/or construction until surveys have been completed</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>Because attempting to locate pond turtle nests will not result in a realistic probability of detection, if a western pond turtle is found in Marsh Creek adjacent to the site, exclusion fencing will be used to eliminate the possibility of nest establishment in uplands adjacent to that portion of Marsh Creek. This measure may be required for other species (see mitigation for California red-legged frog).</p>					
<p>3.8-F.2 - A qualified biologist will provide project contractors and construction crews with a worker-awareness program before any work within Marsh Creek or adjacent upland habitats that are appropriate for western pond turtles. This program will be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.</p>	<p>Provide construction contractors and crews with a worker-awareness program</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading or construction, provide a worker-awareness program</p>	<p>Postpone the start of grading and/or construction until a program has been provided</p>	
<p>3.8-G.1 - Demolition and construction should be scheduled, to the extent feasible, to avoid the nesting season, which extends from February through August. If it is not possible to schedule demolition and construction between September and January, then one of the following options (Mitigation 3.8-G.2 or 3.8-G.3) shall be implemented.</p> <p>AND</p> <p>3.8-G.2 - Trees containing known or potential raptor nest sites may be removed during the non-breeding season to discourage future</p>	<p>Schedule demolition and construction to avoid nesting season</p> <p>If nesting season cannot be avoided, implement Mitigation Measure 3.8-G.2 or 3.8-G.3</p> <p>Conduct pre-construction surveys and comply with the requirements of</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>If demolition and construction would occur during nesting season, conduct pre-construction surveys and comply with the requirements of Mitigation Measure 3.8-G.2</p>	<p>Postpone the start of demolition and construction until surveys have been completed</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>nesting attempts on the condition that no raptor pair is currently utilizing the nest site. Monitoring evidence that any nests in trees planned for early removal are unattended by reproductive-aged birds must be provided. Alternatively, Mitigation 3.8-G.3 may be used.</p> <p>OR</p> <p>3.8-G.3 - Pre-construction surveys for nesting raptors shall be conducted by a qualified biologist to ensure that no raptor nests will be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by these activities, the qualified biologist shall determine a construction-free buffer zone to be established around the nest.</p>	<p>Mitigation Measure 3.8-G.3</p>				
<p>3.8-I - In order to ensure that nesting Swainson's Hawks will not be affected by construction in the project area, a qualified</p>	<p>Conduct pre-construction surveys and comply with the</p>	<p>Contra Costa Community College and District</p>	<p>Prior to the start of grading and/or construction, conduct</p>	<p>Postpone the start of grading and/or construction until</p>	



**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>biologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V is from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project’s initiation. If a nest site is found, then, similar to Mitigation Measures 3.8-G.2 and G.3, above, either of the following procedures must be followed:</p> <ol style="list-style-type: none"> <li>1. Trees containing known or potential raptor nest sites may be removed during the non-breeding season to discourage future nesting attempts on the condition that no Swainson’s Hawk pair is currently utilizing the nest site. Monitoring evidence that any nests in trees planned for early removal are unattended by reproductive-aged birds must be provided; or</li> <li>2. If an active Swainson’s Hawk nest is found on or sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest and an incidental take permit (2081 permit) shall</li> </ol>	<p>requirements listed in Mitigation Measure 3.8-I</p>	<p>construction contractor</p>	<p>pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-I</p>	<p>surveys have been completed</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
be obtained from California Department of Fish and Game prior to impacting the tree or initiating project construction.					
3.8-H.1 - Numbers and locations of burrowing owls will be periodically monitored until project implementation in order to determine the number and location of burrowing owls on the project site.	Periodically monitor site	Contra Costa Community College District and construction contractor	Until project implementation, periodically monitor site	None	
3.8-H.3 - Passive relocation techniques, following CDFG (1995) guidelines, involve the placement of one-way exclusion devices on occupied and potentially occupied burrows. This is done to 'evict' owls from sites, to preclude nest establishment and/or the probability of killing owls. However, because the Vineyards Project area is 481 acres, and occupied by California ground squirrels which continually create new burrows, monitoring of the owl population on site will be necessary in addition to implementation of this method.  Given the size of this project, the applicant shall employ the following approach. Monitoring should be conducted at a level of effort appropriate to the season and apparent owl population to identify specific locations within the project site that are occupied by owls (i.e., if initial observations detect numerous owls, more survey and monitoring effort is indicated. Conversely, a paucity of owl observations may indicate that little monitoring is required to achieve the requisite	Monitor the site and exclude owls from all occupied burrows  Complete any eviction outside the breeding season	Contra Costa Community College District and construction contractor	Prior to the start of grading and/or construction, monitor site	Postpone the start of grading and/or construction until monitoring has been completed	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
level of confidence that no owls will be harmed). Owls shall be excluded from all occupied burrows within the project area. Any owl eviction must be completed outside the Burrowing Owl breeding season.					
3.8-H.4 - Ground squirrels create and maintain burrows used by Burrowing Owls. However, as explained above, successfully excluding owls from large sites with extant squirrel populations, using only one-way doors, is difficult to implement with a reasonable probability of success. Accordingly, habitat management, in addition to passive eviction and monitoring will be used. In areas where construction is proposed during the nesting season (February – August), habitat management measures shall be performed outside of the nesting season designed to reduce burrow availability and habitat quality. This measure must be preceded by surveys (see Mitigations H.1 and H.3), to ensure that this activity does not result in loss of individual burrowing owls.	Conduct surveys and implement habitat management measures consistent with the requirements of Mitigation Measure 3.8-H.4	Contra Costa Community College District and construction contractor	Prior to the start of grading and/or construction, conduct surveys and perform habitat management measures consistent with Mitigation Measure 3.8-H.4	Postpone the start of grading and/or construction until surveys have been completed and habitat management measures have been implemented	
3.8-J - If construction is to occur during the breeding season (February – August), pre-construction surveys in habitats appropriate for the Loggerhead Shrike, California Horned Lark, and California Yellow Warbler should be conducted by a qualified biologist no more than 15 days prior to the initiation of construction in any given area. Pre-construction surveys should be used to ensure that no nests will be disturbed during project	Conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-J	Contra Costa Community College District and construction contractor	Prior to the start of grading and/or construction, conduct pre-construction surveys and comply with the requirements listed in Mitigation Measure 3.8-J	Postpone the start of grading and/or construction until surveys have been completed	

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Mitigation Monitoring and Reporting Program – Vineyards Project**

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<p>implementation. If nests are found during these surveys, the preferred mitigation will be to determine whether the nest will become complete before the onset of construction activities. In this event, the nest will be allowed to remain undisturbed. Alternatively, if the status of the nest at the time of detection, coupled with the species' specific egg-laying, incubation, and chick-rearing interval indicates that the nest will not be completed prior to the onset of otherwise approved construction, arrangements will be made to transport the nest to a CDFG-approved wildlife rehabilitation facility. The nest will be protected by a construction and disturbance-free buffer of sufficient size until the eggs hatch. Following hatch and a sufficient interval for any chicks to become capable of self-thermoregulation, the entire nest and contents will be transported to the approved facility for rearing.</p>					
<p>3.8-K.1 - A pre-demolition survey for roosting bats should be conducted prior to any removal of trees. The survey should be conducted by a qualified biologist (i.e., a biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts would proceed prior to completion of the surveys. If no active roosts are found, then no further action would be warranted. If either a maternity</p>	<p>Conduct pre-demolition surveys and comply with the requirements listed in Mitigation Measure 3.8-K.1</p>	<p>Contra Costa Community College and District construction contractor</p>	<p>Prior to the start of demolition, conduct pre-demolition surveys and comply with the requirements listed in Mitigation Measure 3.8-K.1</p>	<p>Postpone the start of demolition until surveys have been completed</p>	

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<p>roost or hibernacula is present, the following mitigation measure shall be implemented.</p>					
<p>3.8-K.2 - If active maternity roosts or hibernacula are found in trees which will be removed as part of project construction, demolition of that tree should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified bat biologist should be observed during the maternity roost season (March 1 - July 31).</p> <p>If a non-breeding bat hibernacula is found in a tree scheduled to be removed, the individuals should be safely evicted, under the direction of a qualified bat biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition should then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.</p> <p>Trees with roosts that need to be removed should first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.</p>	<p>If active maternity roosts or hibernacula are found, implement the measures listed in Mitigation Measure 3.8-K.2</p>	<p>Contra Costa Community College District and contractor</p>	<p>Prior to the start of demolition, implement the measures listed in Mitigation Measure 3.8-K.2</p>	<p>Postpone the start of demolition until measures have been implemented</p>	
<p>Mitigation 3.8-M - The following mitigation measures would result in less than significant</p>	<p>Conduct pre-construction surveys</p>	<p>Contra Costa Community College</p>	<p>Prior to the start of grading and/or</p>	<p>Postpone the start of grading and/or</p>	

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

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<p>impacts to the potential loss of individual kit foxes during Vineyards project construction:</p> <ul style="list-style-type: none"> <li>▪ Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above.</li> <li>▪ An employee education program shall be conducted. A qualified biologist will provide project contractors and construction crews with a worker-awareness program before any grading or construction work occurs on the Vineyards project site. This program will be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures</li> <li>▪ Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.</li> <li>▪ To the extent practicable, nighttime construction shall be minimized.</li> </ul>	<p>and comply with the requirements listed in Mitigation Measure 3.8-J</p> <p>Conduct employee education program and comply with the requirements listed in Mitigation Measure 3.8-M</p>	<p>District and construction contractor</p>	<p>construction, conduct pre-construction surveys and employee education program</p> <p>During construction, comply with the requirements listed in Mitigation Measure 3.8-M</p>	<p>construction until surveys and education program have been completed and the requirements have been met</p>	

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Mitigation Monitoring and Reporting Program – Vineyards Project**

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<ul style="list-style-type: none"> <li>▪ Off-road traffic outside of designated project areas shall be prohibited.</li> <li>▪ To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.</li> <li>▪ All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity.</li> <li>▪ All food related trash items; such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container</li> </ul>					

**Table 11-2  
Mitigation Monitoring and Reporting Program – Vineyards Project**

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and removed at least once a week from a construction or project site.					
3.8-R - If encroachment into the riparian setback is necessary, then a commensurate amount of riparian habitat along Marsh Creek will be enhanced to compensate for the loss of habitat caused by the encroachment. Part of the enhancement area may be the restoration of the area previously affected by the ECCID irrigation canal. The ratio of enhancement habitat will vary depending upon the extent of encroachment into the 100 foot setback buffer: encroachment into the first 50% shall be mitigated at a ratio of 1:1 (mitigation:impacts); encroachment into the remaining 50% shall be mitigated at a ratio of 2:1 (mitigation:impacts).	Compensate for the loss of riparian habitat, if encroachment is necessary and comply with the requirements listed in Mitigation Measure 3.8-R	Contra Costa Community College District and construction contractor	Prior to start of grading and/or construction, determine if the project will encroach into riparian setback  If encroachment is necessary, provide compensation that complies with the items listed Mitigation Measure 3.8-R	Postpone the start of grading and/or construction if encroachment into setback is necessary to determine required compensation	
<b>Cultural Resources</b>					
3.12-A - Prior to the construction of the Village Center area, the proposed Marsh Creek Trail Segment, and other improvements and construction activities within the southeastern section of the Vineyards site, a program to mitigate impacts to CCO-548 shall be developed and implemented. The mitigation program shall include (but not be limited to) the following actions:  <ul style="list-style-type: none"> <li>▪ Avoidance: Consultation with a qualified archaeologist during design of projects in the vicinity of CCO-548. To the extent feasible, construction activity shall avoid</li> </ul>	Implement APTP prepared by Holman & Associates for Vineyards Project and comply with the actions listed in Mitigation Measure 3.12-A	Contra Costa Community College District and construction contractor	During grading and construction, implement APTP and comply with the actions listed in Mitigation Measure 3.12-A	Halt grading and construction until the actions have been implemented	



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Mitigation Monitoring and Reporting Program – Vineyards Project**

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<p>resources within CCO-548.</p> <ul style="list-style-type: none"> <li>▪ <b>Controlled Data Recovery:</b> If avoidance of resources in CCO-548 is not feasible, a qualified archaeologist shall conduct controlled data recovery of resources. Resources shall be catalogued and analyzed and a final report of findings of mitigation data shall be submitted to the Northwest Information Center to demonstrate that mitigation has been completed. To the extent required by law, culturally affiliated Native Americans shall be consulted during “controlled data recovery,” if resources in CCO-548 cannot be avoided. The disposition of non-burial artifacts shall be determined in consultation with the culturally affiliated Native Americans.</li> <li>▪ <b>Archaeological Monitoring/Recordation/Removal:</b> A qualified archaeologist shall monitor all construction related grading and earthmoving activities in the southeastern portion of the Vineyards site. If cultural resources are encountered during construction, all work within the vicinity of the find shall stop immediately. The cultural resource shall be identified, recorded, and/or removed by a qualified archaeologist before grading and trenching activities can recommence in the area of discovery. To the extent required by law, culturally</li> </ul>					

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<p>affiliated Native Americans shall be consulted during “archaeological monitoring/recordation/removal,” if such activities are required.</p> <ul style="list-style-type: none"> <li>▪ If any human remains are discovered, all work within the vicinity of the discovery shall stop immediately and the County Coroner will be notified. If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the Native American human remains and associated grave goods shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD’s recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).</li> <li>▪ Human remains that are encountered</li> </ul>					

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<p>shall be sensitively treated under the professional guidance of a qualified archaeologist. Any human remains that are identified in areas that will be impacted by construction activities shall be exposed utilizing standard archaeological procedures. All skeletal material and associated grave goods shall be carefully removed for reburial in an area as close to their original location as possible. This area shall be protected from future disturbance. Burial inventories shall be completed and made available for inspection at the completion of burial removal.</p> <ul style="list-style-type: none"> <li>Measures to address the treatment of unknown archaeological properties included in the Archaeological Properties Treatment Plan (AFTP) prepared by Holman &amp; Associates (April 2005) shall be implemented with project construction.</li> </ul>					
<b>Geology and Soils</b>					
<p>3.9-C - Prior to issuance of grading permits a qualified engineering geologist shall be retained to prepare a detailed geotechnical engineering design study for proposed building sites. Any recommended design and engineering solutions to ensure sufficient foundation stability shall be incorporated into the project's design plans. Prior to the issuance of the first building permit, the State</p>	<p>Prepare a detailed geotechnical study</p> <p>Incorporate any recommended design and engineering solutions in project plans</p>	<p>Contra Costa Community College District</p>	<p>Prior to the start of grading, review detailed geotechnical study and ensure that recommendations are incorporated in project plans</p>	<p>Postpone grading until study has been completed and recommendations have been incorporated in plans</p>	

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<p>Architect shall verify that the project conforms to the seismic requirements stipulated in the Uniform Building Code (UBC) for Seismic Zone 4, the zone of highest seismic risk.</p>					
<p>3.9-K - As required by the UBC, site-specific detailed design studies shall be prepared by a licensed engineering geologist and reviewed by the State Architect prior to the issuance of grading permits for any development on the Vineyards at Marsh Creek project site. The evaluation of expansive soils and the formulation and implementation of design criteria for foundation and pavement design in expansive soils shall be addressed. Such criteria shall include one or more of the following:</p> <ul style="list-style-type: none"> <li>▪ Minimize the use of expansive soil as fill within upper portions of building pads.</li> <li>▪ Compact expansive soil fill wetter than optimum moisture content.</li> <li>▪ Extend shallow foundations below the zone of seasonal moisture fluctuations.</li> <li>▪ Use deep foundations such as drilled piers, or stiff grid or mat foundations that can move without cracking, in areas of expansive soil or rock.</li> <li>▪ Control site drainage to minimize seasonal wetting and drying of expansive materials.</li> </ul>	<p>Prepare study that evaluates expansive soils that includes one or more of the design criteria listed in Mitigation Measure 3.9-K</p> <p>Incorporate all recommendations of engineering geologist in project plans</p>	<p>Contra Costa Community College District</p>	<p>Prior to the start of grading, review evaluation to ensure that the criteria listed in Mitigation Measure 3.9-K are included and incorporated in project plans</p>	<p>Postpone the start of grading until evaluation has been completed and recommendations have been incorporated in plans</p>	

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<ul style="list-style-type: none"> <li>▪ Provide non-expansive fill layers under foundations, slabs, and pavements.</li> <li>▪ Treat expansive soils with lime or cement in the area of improvements to reduce the effects of expansive materials.</li> </ul> <p>All recommendations of the engineering geologist, shall be incorporated in the proposed construction plan, prior to approval of the grading permit. The engineering geologist services shall be retained throughout site grading and s/he shall be contacted prior to grading and when onsite conditions necessitate deviations from the approved plan. The engineering geologist shall conduct assessments on a regular basis during site grading and initial construction phases.</p>					
<b>Hazards or Hazardous Materials</b>					
<p>3.11-C - Prior to the issuance of the first grading permit, the applicant will be required to obtain “as built” drawings or otherwise validate the location, size and depth of underground crude oil and natural gas pipelines. No construction shall occur within 10 feet of the pipelines, except for pipelines below new roadways. For these pipelines, the contractor shall employ safety and containment policies and procedures to avoid the potential of risk or upset of the pipelines.</p>	<p>Prepare “as built” drawings or otherwise validate location, size and depth of pipelines and comply with the requirements of Mitigation Measure 3.11-C</p>	<p>Contra Costa Community College District and construction contractor</p>	<p>Prior to the start of grading, validate location, size and depth of pipelines</p> <p>During construction, implement the requirements listed in Mitigation Measure 3.11-C</p>	<p>Postpone the start of grading until validation is complete</p> <p>Halt grading until the requirements are met</p>	
<b>Noise</b>					
<p>3.6-A.1 - The following mitigation measure is</p>	<p>Limit construction to</p>	<p>Contra Costa</p>	<p>During construction,</p>	<p>Halt construction</p>	

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<p>required. All construction activities shall abide by the provisions as set forth within the City of Brentwood Municipal Code Section 9.32.050, <i>Prohibited Special Noise Sources</i>. Specifically, construction activities adjacent to residential uses and State Parks land shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. through 4:00 p.m. on Saturdays and prohibited on Sundays and federal holidays.</p>	<p>the hours listed in Mitigation Measure 3.6-A.1</p>	<p>Community College District and construction contractor</p>	<p>comply with the hours listed in Mitigation Measure 3.6-A.1</p>		



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