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A California State Agency

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May 22, 2014

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Erik Nolthenius
City of Brentwood Community Development Department
150 City Park Way
Brentwood, CA 94513
Email: enolthenius@brentwoodca.gov

RE: 2014 Brentwood General Plan Update, Draft EIR, SCH# 2014022058

Dear Mr. Nolthenius:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the 2014 Brentwood General Plan Update. The Delta Stewardship Council (Council) staff supports the general plan update's guiding principle of preserving surrounding agricultural lands and Brentwood's agricultural heritage as well as the land use element that provides for a development and resource conservation pattern that preserves and protects those agricultural lands throughout the City's planning area. These guiding principles are consistent with several of the Delta Plan's objectives.

Council staff has reviewed the general plan update and Draft EIR. State law specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). As such the Delta Plan, including its policies and recommendations, should be acknowledged in the Final EIR's description of the project's environmental setting of each section to which it applies.

Comments

Based our review of the Draft EIR for the Brentwood General Plan Update, we recommend the following matters be discussed or included in the Final EIR:

- **Inconsistencies with the Delta Plan.** The Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Land Use and Population.** The urban boundaries identified in the Brentwood general plan update should be consistent with the Delta Plan for the areas in which the Council

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (May 16, 2013).

Council staff has identified an area of concern located within the secondary zone of the Delta. The area is outside of the City of Brentwood's sphere of influence but within the planning area for the City's general plan update. It is located immediately east of the city limits, north of Chestnut Street, south of Delta Road, and west of Sellers Avenue. This area is outside the 2006 voter-approved Contra Costa County Urban Limit Line. The Draft Brentwood General Plan Update has designated this area as "Special Planning Area 1", "Residential-Low Density", and "School", while the Contra Costa County general plan, and therefore the Delta Plan, designates it as agriculture. Therefore, residential, commercial, or industrial development in this area would be inconsistent with Delta Plan Policy DP P1.

Council staff further notes that this area is not included among the growth areas identified by Plan Bay Area, the regional transportation plan and sustainable communities strategy adopted by the Metropolitan Transportation Commission and the Association of Bay Area Governments in 2013. The plan states,

Plan Bay Area aims to protect open space and agricultural land by directing 100 percent of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines. As the plan assumes that all urban growth boundaries/urban limit lines are held fixed through the year 2040, no sprawl-style development is expected to occur on the region's scenic or agricultural lands.

In the Final EIR, please cite Delta Plan Policy DP P1, provide an analysis of potential conflict with the policy due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or mitigated.

- **Agricultural and Forest Resources.** The proposed project would result in significant and unavoidable impacts to these resources. Specifically, it would result in the conversion of farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance as well as create conflicts with existing Williamson Act contracts. Council staff appreciates the inclusion of mitigation measures to offset potential impacts to Agricultural and Forest Resources. We also recommend adding the following mitigation measures, which are drawn from the Delta Plan's Final Programmatic EIR, to ensure that farmlands are protected to the greatest extent possible:
 - "Design proposed projects to minimize, to the greatest extent feasible, the loss of the highest valued agricultural land.

- Redesign project features to minimize fragmenting or isolating farmland. Where a project involves acquiring land or easements, ensure that the remaining non-project area is of a size sufficient to allow viable farming operations. The project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.
- Reconnect utilities or infrastructure that serve agricultural uses if these are disturbed by project construction. If a project temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, the project proponents shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted.
- Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land.
- Design proposed projects to minimize, to the greatest extent feasible, conflicts and inconsistencies with land protected by agricultural zoning or a Williamson Act contract and the terms of the applicable zoning/contract"

Conclusion

The Draft EIR states on Page 2.0-16 that full buildout of the proposed general plan land use map within the city limits would result in a total population of 80,917 residents, which is lower than the population projection of the existing general plan land use map. Please include in the Final EIR an analysis of why the above-mentioned agricultural land that would be converted to urban land would be necessary if the population projection has decreased. The proposed project would also result in the conversion of agricultural lands to industrial, commercial, and residential land uses, which are considered significant, irreversible changes. Any conversion of agricultural lands located in the Delta would need to be consistent with the above-mentioned Delta Plan policy.

Council staff looks forward to working with you to ensure that the Brentwood General Plan Update moves forward as quickly as possible while protecting and enhancing agricultural lands located the Delta. I encourage you to contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,



Cindy Messer
Deputy Executive Officer