

Hagen, Jennifer

From: Hagen, Jennifer
Sent: Thursday, June 22, 2023 9:06 AM
To: Hagen, Jennifer
Subject: FW: Response to accusations

From: Victoria Sandberg <[REDACTED]>
Sent: Thursday, June 15, 2023 7:33 AM
To: Web Planning Division <Planning@brentwoodca.gov>; Gale, Darin <dgale@brentwoodca.gov>; Morris, Alexis <amorris@brentwoodca.gov>; Ogden, Tim <togden@brentwoodca.gov>; Wisinski, Katherine <kwisinski@brentwoodca.gov>; Nolthenius, Erik <enolthenius@brentwoodca.gov>; =yPlanningMembers <PlanningCommission@brentwoodca.gov>
Subject: Response to accusations

CAUTION – EXTERNAL SENDER

Dear Chairperson, Commissioners and To Whom it May Concern,

When speaking with someone in the Planning Department last week, I realized that the recent accusations made against me in an email for public comments (PC meeting June 6) have some legs, so I have reluctantly decided to respond to them. The accusations are in bold and I haven't included the screen shots because I presume you still have access to them.

“The below shows how divisive Victoria is and allows for only two viable options when that is not necessarily true.”

Why would I try to divide a community that is nearly unanimously and enthusiastically supporting a project in our neighborhood? After years of rancorous divisions and discord over different proposals, I'm overjoyed that there is something we can all embrace. The poll question was meant to gauge support for the project and whether it should continue unhindered. The language used at the PC meeting on May 16 sounded like progress COULD be hindered or even that things might need to be torn down and that's why I worded the poll that way. I certainly could have used a more sensational or imprecise word than "hindered" if my goal was to be divisive.

“Here a resident is blaming Rod Flohr when that is inaccurate. Victoria says it is an excellent letter knowing Rod Flohr is not behind stopping the project but doing his job as a Planning Commissioner. By the way, Victoria continues that narrative to our residents by reposting a blog where Rod Flohr is blamed for wanting to stop the restaurant.”

I don't believe Commissioner Flohr's goal is to ultimately stop the restaurant, although his goal in calling for a review of the CUP is still unclear to me. It is an unusual action which I've been told rarely, if ever happens. I was responding to the way the letter writer expressed excitement for the neighborhood improvements and our change of fortune when I said, "another excellent letter!" The "blog" I posted (for literally five minutes) was from a local news outlet. Nowhere in the article did it "blame" Rod Flohr for anything-the article was a straight reporting of what happened in the meeting with a somewhat sensational "headline" for the link to the story -"Odd... Brentwood Planning Commissioner taking a bizarre stance on the Conditional Use Permit on the Deer Ridge Clubhouse, seeks review." I took the link to the article down because I realized the comments section on the posts for the site are frequently intense and contentious.

“A post that, like myself, is wondering about the conditions, but Victoria misinforms the resident. Plus Victoria mentioned an elected official trying to stop the project. Which elected official is trying to stop the project?”

I have always said if more conditions can be added simply, I'm all for it. As I said in public comments to this body, "no one has been able to assure me that in this case a review would be a benign process." In conversations I've had with an elected official or in comments elected and appointed officials have made, they have not been asking whether hours of operation can be added to the CUP. They've been asking if the CUP is sufficient or valid at all and citing various reasons why it isn't or might not be valid. Because of Measure Q, I remain very concerned about anyone looking for reasons that the CUP isn't valid. I always try to speak carefully, honestly and accurately. I have made it my mission to correct misinformation in our groups, not perpetuate it. I don't believe I have ever said that someone is trying to stop the project. This comment is the most pointed I've made, saying, if the CUP is invalid I think it would kill the project entirely. I don't think anyone (except a gentleman who has stated this at several public meetings) is INTENTIONALLY trying to stop or kill the project but I am concerned about unintended consequences.

“Anyone who speaks up to ask legitimate questions about the project is immediately twisted by Victoria or shamed by Sean McCauley. This is why many are staying silent.”

I told this neighbor that it is absolutely okay to have your own or a different opinion. It's possible that a few people may be staying silent, but it has never been difficult to figure out what this neighborhood is thinking. :) There is no evidence or indication that MANY who would like to speak are staying silent.

“That same person who was shamed is now trying to defend herself to be on the good side of Victoria and Sean.”

The neighbor who voiced her opinion is already on my good side. Everyone in the Facebook groups is on my good side no matter what their opinion is! As I’ve stated, I’ve been actively involved in our Deer Ridge Facebook groups for over six years. I’ve always tried very hard to be accurate, truthful and KIND. I’ve tried to build bridges, sometimes meeting with people in person to try and understand their point of view. Even when the groups have been at their lowest point with accusations and attacks, I have gone out of my way to respond with kindness and understanding (and usually more facts :)). Of course, no one is perfect but that’s been my goal and demeanor through all of our neighborhood trials and tribulations.

“Another person asks legitimate questions, but Victoria twists items to her saying we do need to be on the side of the restaurant. Victoria uses scare tactics that it’s either abandoned or a full-scale restaurant with no conditions.”

I don’t understand this accusation because I wouldn’t tell anyone they have to “be on the side of the restaurant.” Not only is the support organic and overwhelming for the restaurant, I fully support people having their own opinions on any projects proposed in the neighborhood. I may try to persuade but I would never bully. I really dislike scare tactics and would never intentionally use them. I don’t see that I’ve ever said “that it’s either abandoned or a full-scale restaurant with no conditions.” I did say in the exchange that is being referenced that the current CUP doesn’t have hours of operation, that is just factual information, but even without amending the CUP, the restaurant isn’t “without conditions.” Besides the conditions in the CUP (admittedly not that specific) there are city noise ordinances, ABC license stipulations (I think these might be stricter and with more teeth than conditions of approval in a CUP), health department regulations, the logic that dictates the restaurant will close at 9:00 or 10:00 like all of the restaurants in town, etc. The clubhouse parking lot is on the other side of my back fence (wall) and I’m not concerned about the conditions in the CUP although if hours of operation can be added simply, without causing a hindrance, I’m for it.

*rereading the email, I realize that the writer of the accusations mistook another resident’s response as mine.

In closing, I have tried to be very careful when I have posted updates about Planning Commission actions in the Deer Ridge Facebook groups. Before the May 16th meeting, I simply informed the group that the project had made it on to the agenda and what Commissioner Flohr was asking for and what the Commission would be voting on. Afterwards, I did not post Commissioner Flohr’s comments from the meeting. Before the June 6th meeting I posted instructions on how to participate and said people **might** want to send an email to let the Planning Commission know how they feel about the restaurant project and possible CUP review. All of the letters you received were from a natural ground swell of support. I was actually surprised at the number and variety of letters you received, much like I was surprised when I started counting unique supporters in the Facebook groups and FYI, I saw new names among the letter writers to add to my list :). It wasn’t because I rallied the troops with a call to arms. The support you are getting wind of isn’t because of the twisting of facts, misinformation, bullying or scare tactics. It is a harmonious, honest outpouring of excitement and gratitude. I think it’s beautiful.

Sincerely,

Victoria Sandberg

Hagen, Jennifer

From: McVey, Amanda
Sent: Tuesday, June 20, 2023 6:34 PM
To: Brand, Kristopher; Flohr, Rod; Roberts, Anita; Sparling, David; Zeigler, Dirk
Cc: Hagen, Jennifer; Nolthenius, Erik
Subject: Public Comment received for Business Item: Costco

Good afternoon Chair and Planning Commissioners,

The City Clerk's office received a call from Steve Navarro who wanted to submit his public comment for this evening's Public Hearing related to Costco:

Steve expressed concerns related to the added traffic Costco will bring. "I love Costco, but I do not love additional traffic".

Steve would like to know if there is any other potential location within the City of Brentwood.

Finally, he stated that if Costco is approved, the roads and road improvements must be done first.

Please let me know if you would like to distribute this comment to the Commission or if you would like me to.

Thank you,
Amanda



Amanda McVey, Assistant City Clerk
City Manager's Office
150 City Park Way
Brentwood, CA 94513-1164
Phone: 925.516.5187
Fax: 925.516.5441
amcvey@brentwoodca.gov



Hagen, Jennifer

From: Timothy Stover <[REDACTED]>
Sent: Thursday, June 15, 2023 9:36 PM
To: Web Planning Division
Subject: Brentwood Costco

CAUTION – EXTERNAL SENDER

Dear City of Brentwood Planning Commission Members,

My spouse and I have been residents of Brentwood, CA since 2017. I am writing you in support of building a Costco warehouse near the Home

Depot location off of Lone Tree way. I think it would be a great addition to the shopping in Brentwood, which is limited. I currently have to drive to Antioch or Concord to shop at Costco and I would prefer to shop closer to home in Brentwood. I hope the planning commission will support building the Costco in Brentwood.

Brentwood needs more shopping including department stores and restaurants. We travel to Concord, Walnut Creek and Livermore multiple times per week to do our shopping because of the lack of choice here in Brentwood. We avoid Antioch/Pittsburgh when possible because of safety concerns.

Regards,

Timothy Stover, Mary Stover
[REDACTED]

Hagen, Jennifer

From: Dale <[REDACTED]>
Sent: Friday, June 16, 2023 8:13 AM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

We are in favor of the proposed Costco store in Brentwood. The company is an asset to the community and a store at that location would be more convenient than Pittsburg/Antioch or Tracy.

Thank you, Dale and Sue Jenlink.

Discovery Bay.

Sent from my iPhone

Hagen, Jennifer

From: chris zahnd <[REDACTED]>
Sent: Friday, June 16, 2023 10:09 AM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

As a 31 year resident of Brentwood I have seen a lot of change. When I moved to Brentwood there was maybe 3 stop lights, Balfour was a rural type 2 lane road, nothing on Lone tree I could go on and on. In my opinion Brentwood has for the most part progressed well. I am a progressively minded person. I voted against the wealthy proposed development for the wealthy at the end of Balfour. I made my opinion known at city council meeting against bring Walmart to Brentwood. Me and my wife shop at Costco maybe 4 to 5 times a year. We are not bulk consumers for the most part. Costco I feel will be a positive for Brentwood. If the location is near the Home Depot that would be the right spot. The traffic in that area is what it is and yes they will get more traffic but better there than in central Brentwood. I really only see an upside for Brentwood. Property values, tax income for Brentwood, and jobs. As I understand Costco treats their employees well, a living wage and benefits. I would hope if Costco comes to Brentwood they would stock their shelves of the items of the higher end Costco's such as in Menlo Park, Livermore and so forth. Any way this is my humble opinion.

Chris Zahnd

Sent from my iPad

Hagen, Jennifer

From: LLOYD & FRANCES KELLY <[REDACTED]>
Sent: Friday, June 16, 2023 2:34 PM
To: Web Planning Division
Subject: COSTCO

CAUTION – EXTERNAL SENDER

Dear Planning Department-

We wish to comment on the possibility of a COSTCO being built in Brentwood.

We see massive New Home and Apartment complex construction taking place in and around Brentwood.

However, what we do not see, is new businesses coming to the area.

It would appear that we should be Encouraging new business to come to the area, not Discouraging them.

As Brentwood residents, we would like to be able do more local shopping.

Why would we spend our money shopping at the Pittsburg or Tracy COSTCO, if we could spend it at a Brentwood COSTCO?

We would indeed, welcome a local COSTCO!

We as residents, would benefit by shopping locally, and the City would receive the benefit of the tax revenue.

We endorse the plan to have a local COSTCO.

Thank you, Mr. and Mrs. Kelly

Hagen, Jennifer

From: Som Bhattacharya [REDACTED]
Sent: Friday, June 16, 2023 3:36 PM
To: Web Planning Division
Subject: Support Costco Moving into the Innovation Center

CAUTION – EXTERNAL SENDER

My wife and I are frequent shoppers at Costco in Antioch. It is a good company and to have it locally with tax dollars and jobs going to local economy is an easy choice for me. More competition is better for consumers as well.

Thank you.

Som and Suzanne Bhattacharya

Hagen, Jennifer

From: SI ZA [REDACTED]
Sent: Friday, June 16, 2023 6:04 PM
To: Web Planning Division
Subject: Brentwood COSTCO

CAUTION – EXTERNAL SENDER

We would really like the Brentwood COSTCO to open as soon as possible. The one in Antioch is too far away.

Thanks, Sam Z.

Hagen, Jennifer

From: sean zarifan [REDACTED]
Sent: Friday, June 16, 2023 6:08 PM
To: Web Planning Division
Subject: COSTCO in Brentwood

CAUTION – EXTERNAL SENDER

Me and family have been waiting for COSTCO to open it's doors in Brentwood and now we hear that it is still being debated. Please expedite. A COSTCO in Brentwood is really needed.

Sean Zarifan

Hagen, Jennifer

From:



Friday, June 16, 2023 9:27 AM

To:

Web Planning Division

Subject:

Costco

CAUTION – EXTERNAL SENDER

As a long-time Brentwood resident I just wanted to put in my two cents re Costco. I think it is a great idea and the taxes generated would be a welcome addition to the city coffers. Why give our hard earned money to Antioch (or in my case, Tracy). I don't see a down side.

Sherrill Zeserson

Hagen, Jennifer

From: Jim Stark [REDACTED]
Sent: Friday, June 16, 2023 10:04 PM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

Dear Planning Commission,

Please accept this email a vote in favor for the new Costco in Brentwood. I understand that you will get plenty of complaining residents, but they will not benefit from the Costco as the rest of the city will. I also hope that it will have a gas station for us as well. Hopefully, Sand Creek will be extended to the location as well.

As a long time resident, I look forward to seeing this being built as soon as possible.

Thank you,

Jim Stark

Sent from my iPhone

Hagen, Jennifer

From: Marilyn Tamura [REDACTED] >
Sent: Saturday, June 17, 2023 10:03 PM
To: Web Planning Division
Subject: Costco in Brentwood

CAUTION – EXTERNAL SENDER

Hi! I saw the editorial in the Brentwood Press and wanted to comment on the Costco coming to Brentwood. My husband and I are all for it as long as the Sand Creek extension is completed. Otherwise, traffic on Lone Tree will be unmanageable.

We have lived in Brentwood for over 20 years.

You have done a great job trying to stay ahead of all the influx and changes.

Please continue your good work and I look forward to having a Costco near us!

Best regards,

Marilyn Tamura

Hagen, Jennifer

From: Michael Towns [REDACTED] >
Sent: Sunday, June 18, 2023 7:53 AM
To: Web Planning Division; =yCouncil Members
Subject: Costco - support

CAUTION – EXTERNAL SENDER

Brentwood Planning department and City Council,

I want to express my support for the building of Costco in Brentwood.

Thanks,
Mike Towns

[REDACTED]
Resident since 1992

Hagen, Jennifer

From: Kay E Nelson [REDACTED] >
Sent: Sunday, June 18, 2023 9:52 AM
To: Web Planning Division
Subject: Possible Costco store

CAUTION – EXTERNAL SENDER

I would like to voice my opinion on the possible building of a Costco store in Brentwood. I live in one of the over 55 communities and would welcome a Costco store close by. As a senior in my 70s, I am driving less far and the speeders on Hwy. 4 make it undesirable to drive to Antioch. Please approve the building of this store which would bring several jobs to Brentwood and increase convenience in shopping for seniors and younger residents alike.

Kay Nelson
Summerset II

Hagen, Jennifer

From: Lai Woudstra <[REDACTED]>
Sent: Sunday, June 18, 2023 6:21 PM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

Dear Planning Commission,

I am writing in support of Costco coming to Brentwood. It would be foolish for the City to miss the tax revenues (\$1 million/ yr.) generated by Costco sales (like you did with Chick-fil-A)! Second, the Lone Tree corridor has gotten too crowded. This project will open up Sand Creek Road. Please do not listen to the vocal minority (NIMBYs). Brentwood already made the mistake with Chick-fil-A, and all the revenues that restaurant could have brought into the City.

Sincerely,

Lai Woudstra
Resident

Sent from my iPhone

Hagen, Jennifer

From: David Stoeffler [REDACTED]
Sent: Sunday, June 18, 2023 8:53 PM
To: Web Planning Division
Subject: COSTCO

CAUTION – EXTERNAL SENDER

I am looking forward to COSTCO being closer, but am also concerned that the ERI may not be conducted. I am interested that pedestrian and bicycle infrastructure in the area be included in the planning. The new bicycle/pedestrian bridge that will soon be completed will bring a lot more people traveling by foot or bicycle and as a nationally recognized Bicycle Friendly Community their safety must be considered.

Dave Stoeffler
[REDACTED]
Brentwood

Hagen, Jennifer

From: Cindy Shehorn [REDACTED]
Sent: Monday, June 19, 2023 10:52 AM
To: Web Planning Division; Cindy Shehorn
Subject: Costco Proposal

CAUTION – EXTERNAL SENDER

Good morning Planning Commission and thank you for the opportunity to voice an opinion on the proposal to build a Costco next to the Home Depot Plaza in Brentwood. As a long time Brentwood resident I want to acknowledge the great work our Planning Commission has done to make Brentwood the beautiful city it is today. Thank you for your hard work and your dedication to our community.

I am mostly in favor of having a Costco in Brentwood but do have a few concerns which I've listed below. Whatever the outcome, I'm sure the city will weigh the benefits and make a decision that leads our city forward.

I do hope we all keep in mind what makes our city so attractive, and why people move here to begin with. Our farming community is our primary superpower and whatever improvements we do make, should keep the farming community in mind.

I am in favor of having a Costco in Brentwood for the following reasons:

- Revenue for the city, parks, police and General fund
- Convenience of having a Costco close to home
- Expanding and/or more car friendly parking/navigating at Home Depot Plaza
- Expanding employment opportunities and shopping in our city
- Fewer cars traveling to Antioch
- Reduced traffic on Lone Tree
- Mitigate Antioch's constant encroachment on the City of Brentwood

Concerns:

- Increased traffic on Sand Creek Road
- Noise in the area
- Inadequate highways and exits to accommodate additional traffic, new housing, shopping and employment in east county
- More crime in that area
- Opening Sand Creek to Hillcrest is worrisome because of the crime ridden city Antioch has become and the lack of an accountable police force to manage crime from an area that will have a direct connection to central Brentwood.
- Gobbling up open space on the outskirts of Brentwood that could be used for recreation, parks, farming, hiking etc.

Thank you again for the opportunity.
Cindy Shehorn
28 Year Brentwood Resident

Hagen, Jennifer

From: S Z <[REDACTED]>
Sent: Monday, June 19, 2023 11:05 AM
To: Web Planning Division
Subject: Please Approve the Construction of COSTCO asap.

CAUTION – EXTERNAL SENDER

I live in oakley and am tired of driving to Antioch to visit COSTCO. I love COSTCO and many other people do as well.

Thanks, Stan Z.

Hagen, Jennifer

From: S Z [REDACTED] >
Sent: Monday, June 19, 2023 11:09 AM
To: Web Planning Division
Subject: New COSTCO store in Brentwood.

CAUTION – EXTERNAL SENDER

Many people are waiting for the new COSTCO store to open up as soon as possible. You have all of our support. Please expedite the opening of this store.

Thanks, Sadiq

Hagen, Jennifer

From: jane garcia <[REDACTED]>
Sent: Tuesday, June 20, 2023 9:41 AM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

I am definitely in favor of Costco coming to Brentwood. It will be a nice to have the Tax revenue for Brentwoodmany years ago I saw San Ramon neighbors fight a Costco and Costco built a store across the street in Danville and SR still got all the traffic & Danville the revenue. Let's not let that happen here!

J. Garcia in SSIV

Sent from my iPad

Hagen, Jennifer

From: [REDACTED]
Sent: Tuesday, June 20, 2023 10:19 AM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

Dear Planning Commissioner,

I want to voice how excited I am about Costco coming to our town Brentwood!
It would be wonderful to have it in our city.
It seems it would also create a lot of job opportunities for residents.
Brentwood would benefit so much from the tax dollars it would generate also for our city.

Thank you
Kim Henson
Brentwood resident

Sent from my iPhone

Hagen, Jennifer

From: Patricia Buchanan [REDACTED] >
Sent: Tuesday, June 20, 2023 10:29 AM
To: Web Planning Division
Subject: Costco for Brentwood

CAUTION – EXTERNAL SENDER

I am in favor of building a Costco in Brentwood. It will bring in more revenue for the city and be much more convenient than going to Antioch or Tracy. In addition it will bring jobs and Brentwood will have a big business here rather than all the 7/11s, gas stations, and car washes that have come into the city.

Patricia Buchanan



June 20, 2023

To the Honorable Brentwood Planning Commission:

We are residents and neighbors who are proud to live in East Contra Costa County and who share concerns about climate change and that we may be growing irresponsibly and too fast as a community, without proper infrastructure to support all the developments our city governments keep approving.

We believe that a prime example of this unbridled growth and “build now, worry about negative impacts later” approach to growth and irresponsible land use, is the proposed Costco development, just south of Lone Tree Plaza Drive, along the Antioch and Brentwood city borders.

While we do not have problems with Costco as a business or employer, we do have concerns that the City of Brentwood appears poised to rush this massive development through their approval process *without* requiring a standard and stand-alone Environmental Impact Report (EIR) on the negative impacts the project will have on traffic, commute and emergency response times, public safety, noise and light pollution, air quality and on our existing businesses and jobs in the area.

For the city to say that this project was properly studied and included as part of a four year old EIR for the even larger Brentwood Innovation Center master planned community, is suspicious and unfair to residents who want to know the true impacts this development will have on their quality of life and property values, for many years to come. Where are the studies that show the specific impacts that a 156,000 sq. ft. Costco warehouse and 32-pump gas station will have on traffic, vehicle miles traveled, air quality, pollution, bike and pedestrian safety and the environment, in the surrounding area?

It also needs to be shared with the Commission that there has been an utter lack of transparency about this project to the public. We have been contacting city planning staff for months to get information about the project and the level of CEQA review that the project would receive. Numerous calls and questions about whether an EIR would be required for the project were, now it seems intentionally, not addressed because “the review was incomplete.” However, it is apparent now that planning staff knew all along that this project was being considered as part of the Brentwood Innovation Center master planned community and that the developer would be relying on the zoning and EIR approvals for that project to avoid having to do a stand-alone EIR, or even an amended EIR, for the proposed Costco project.

Why would staff simply not relay this information early on? Why wait until seven days before this Commission meeting to relay that information in the agenda packet only? One can only assume that this lack of transparency about the project, was an intentional effort to minimize awareness about this hearing and project impacts. The bare minimum legal notice provided is not to be commended. Yes, a sign that you must pull over and get out to read is on one side of the property where few cars drive, and yes, the notice of the hearing probably made it in the small print of a paper that no one reads, and yes, maybe a letter went out to the few businesses that are within a ridiculous 300 feet of the property, but what about notice to the hundreds



of homes across the way on the Antioch side? They will feel the project impacts the most! We hope that the Commission will not take staffs' or the developer's word that residents' silence equates to support for or lack of concern for this project. Most neighbors we talked to simply had no clue this project was moving forward, that it was part of a larger master planned community with an old EIR, or that a hearing was being held tonight. Following are some of our specific concerns about this project.

- **Traffic:** the average Costco warehouse and gas station generate at least 8,000 – 14,000 new daily vehicle trips PER day! Imagine what even just 10,000 new cars per day on our roads will mean for our *commute times, traffic, and emergency response times* in our neighborhood. What is being done to offset this new traffic? An extension of Sand Creek Road is insufficient to offset Costco sized traffic generation.
- **Bike/Pedestrian Safety:** the proposed Costco is located just to the west of the new \$13,000,000 bicycle and pedestrian bridge that is currently being built over Hwy 4, and right alongside the highly trafficked Mokelumne Aqueduct Regional Trail. We are asking for developer paid mitigations to offset project impacts to pedestrians and bicyclists in Brentwood, Antioch, and Oakley.
- **Environment/Pollution:** the Costco warehouse and gas station will generate tons of new CO2 emissions, stormwater runoff, toxic fuel emissions and impact existing wild and plant life. What is being done to deal with these impacts? Are adequate electric vehicle charging stations being required to help meet state goals and requirements?
- **Taxpayers:** the city is planning to spend millions of dollars in taxpayer money to pay for traffic mitigation and road improvements to support the proposed development. Costco is the third largest retailer in the world and should be paying for all improvements needed to support their development and profits. Also, any sales tax revenues to Brentwood should be split with Antioch given that those residents will feel the brunt of the project impacts.

For these reasons, and more, we respectfully ask that the Commission require that a stand-alone EIR, or at least a supplemental EIR, be conducted to assess project specific impacts and meaningful mitigations that should be adopted to minimize those project impacts. And if project impacts cannot be significantly offset or minimized, the Commission should ask that alternative uses that will have less of a detrimental impact on neighbors and the environment be studied and considered.

We will close by reiterating that few people who live near the proposed site are even aware of this project and the impacts that it is going to have on their daily quality of life and the environment. The city of Brentwood needs to slow things down and **require that a stand-alone EIR be conducted** so that we know for sure what impacts this project will have on the community and what Costco needs to do to mitigate and minimize those impacts.

Sincerely,

Contra Costa Climate Action Coalition

Hagen, Jennifer

From: Dave Reed [REDACTED] >
Sent: Tuesday, June 20, 2023 1:25 PM
To: Web Planning Division
Subject: Brentwood Costco

CAUTION – EXTERNAL SENDER

YES, COSTCO needs to come to Brentwood. Brentwood Has grown rapidly and continues to grow, we need the tax dollars that Costco can provide and to have them

stay in Brentwood and not go to Antioch and Tracy as they do now. We need more dollars for the new Sports Field and also to maintain the beauty of Brentwood. The

landscaping around the City is wonderful. Let's not miss this once in a lifetime opportunity.

David & Alice Reed

[REDACTED]
Brentwood, Ca
[REDACTED]

Hagen, Jennifer

From: Cathy Richardson [REDACTED] >
Sent: Tuesday, June 20, 2023 1:46 PM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

Hello,

I would just like to let you know that I'm fully in support of Costco coming to Brentwood. It would be wonderful for our city! Please don't let this opportunity pass us by!

Thanks,

Cathy Richardson

[REDACTED]

Aim for the moon, if you miss, you may hit a star ✨

W. Clement Stone

Hagen, Jennifer

From: craig carson <[REDACTED]>
Sent: Tuesday, June 20, 2023 2:23 PM
To: Web Planning Division
Subject: Costco Project

CAUTION – EXTERNAL SENDER

We have used Costco for much of our business related and personal shopping over the years. Driving to Tracy or Antioch has become a real inconvenience, wasting time on the road, contributing to more traffic and greater fuel consumption.

Please move forward on approval of the Costco store in Brentwood. It will help our City's tax base, take traffic off of our roadways and keep us closer to home.

Sincerely, Craig and Paulette Carson

Hagen, Jennifer

From: Kathi Reed <[REDACTED]>
Sent: Tuesday, June 20, 2023 2:47 PM
To: Web Planning Division
Subject: Supporting Costo Application

CAUTION – EXTERNAL SENDER

Commissioners:

My husband and I submit this email in support of Costo's application to construct a warehouse and gas station in Brentwood.

We moved to Brentwood in 2002 and since then have seen the City grow in population and housing density. During this growth, a common request has been to bring more businesses and job opportunities to Brentwood. The construction of a new Costco warehouse/gas station in Brentwood is a good start. Not only will jobs be created, reducing the need for local residents to commute to their jobs, a thriving Costco can also attract other large businesses to consider Brentwood when looking to expand.

We currently drive to Antioch, Tracy or Livermore to shop at Costco. A Costco in Brentwood eliminates the need to drive to other locations and keeps the taxes we pay on our purchases here in Brentwood.

We encourage the Planning Commission, and ultimately the City Council, to approve Costco's application.

Kathi and Bob Reed
[REDACTED]

ELLIS F. RASKIN
SENIOR COUNSEL
DIRECT DIAL (415) 995-5835
DIRECT FAX (415) 995-3456
E-MAIL eraskin@hansonbridgett.com



June 20, 2023

VIA E-MAIL to planning@brentwoodca.gov

Anita Roberts, Chairperson
Planning Commission
City of Brentwood
150 City Park Way
Brentwood, CA 94513

Re: Agenda Item No. 2 – Public Hearing Regarding the Costco Project (APNs 019-020-073 and 019-020-055); MS 351-22, DR 22-002, CUP 22-001, MSP 22-001, and Proposed California Environmental Quality Act Exemption

Dear Chairperson Roberts and Members of the Planning Commission:

This office represents WCHB, LLC, the owner and developer of the Bridle Gate residential development project located immediately south of the proposed approximately 431-acre Priority Area 1 Specific Plan area. We urge the Planning Commission to **deny** the Tentative Parcel Map (MS 351-22), Design Review (DR 22-002), Conditional Use Permit (CUP 22-001), and Master Sign Program (MSP 22-001) applications for the proposed development of the Costco Project ("Project") at the two vacant parcels located south of Lone Tree Plaza Drive and east of Heidorn Ranch Road (APNs 019-020-073 and 019-020-055).

For the reasons set forth in this letter, the Project does not qualify for an exemption from the California Environmental Quality Act ("CEQA;" Pub. Resources Code, § 21000 et seq.) under Section 15183 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Furthermore, the proposed findings for the above-referenced Project entitlements are not supported by substantial evidence. Accordingly, we urge you to deny the application or, at the very least, to continue this item to allow for further CEQA review.

1. Background Regarding the PA-1 Specific Plan and the Costco Project

As you know, the City of Brentwood ("City") approved the PA-1 Specific Plan and certified the Environmental Impact Report ("EIR") for the PA-1 Specific Plan nearly five years ago, in November 2018. In October 2022, the City adopted a CEQA addendum for the PA-1 Specific Plan EIR and amended the PA-1 Specific Plan by changing the land-use designation for the 19.04-acre parcel in the eastern part of the Project site from Transit Village/Mixed Use (TV/MU) to Regional Commercial (RC).

The Project site is located within the Lone Tree Plaza shopping center in west Brentwood near the Antioch/Brentwood city limits. The Costco Site and the majority of Costco's associated facilities and site improvements would be located exclusively on APN 019-020-073 on the eastern half of the project site. The proposed project would include the development of a new

152,000-square-foot Costco Wholesale warehouse and various site circulation, surface parking, and landscaping improvements. Uses at the Project site will include, among other things: a warehouse retail center, tire sales and installation, and a fuel facility.

2. The Project Does Not Qualify for an Exemption from Further Review Under the California Environmental Quality Act

The City has taken the position that the Project is exempt from CEQA under Guidelines Section 15183 because “[c]umulative impacts associated with full development and buildout of the Specific Plan Area, including the proposed project site, were fully addressed in the PA-1 Specific Plan EIR” and “[n]o additional impacts to on-site resources have been identified beyond what was envisioned in the EIR.” (See Agenda Packet, pp. 23-24.)

The Project does not qualify for an exemption under Section 15183. The Project is not consistent with the development standards in the amended version of the PA-1 Specific Plan that was approved in October 2022. Furthermore, there are project-specific significant effects which are peculiar to the project and its site.

CEQA requires that “[w]hen a program EIR is used to avoid preparing subsequent EIRs, such as here, the public agency must examine site-specific program activities ‘in the light of the program EIR to determine whether an additional environmental document must be prepared.’ ” *Center for Biological Diversity v. Dep’t of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 238. Furthermore, as the Specific Plan EIR states, “[d]evelopment projects in the Specific Plan Area that require further discretionary approvals will be examined in light of this EIR to determine whether additional environmental documentation must be prepared.” (PA-1 Specific Plan Draft EIR, p. ES-1.) Here, substantial evidence shows that further environmental review is necessary.

a. Background Principles Regarding the California Environmental Quality Act

CEQA requires public agencies to disclose and analyze adverse environmental effects of projects before approving those projects. “[I]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.) CEQA is “intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Ibid.*)

When reviewing whether a project will have adverse environmental impacts, public agencies must disclose, analyze and mitigate any environmental effects on “human beings, either directly or indirectly.” (Pub. Resources Code, § 21083, subd. (b)(3); Guidelines, § 15065, subd. (a)(4).) California’s environmental justice statutes require CEQA to be applied in a manner that fairly and equitably considers potential disparate impacts on the basis of age, disability, or other protected characteristics. (Gov. Code, § 11135, subd. (a); *id.* at § 65040.12, subd. (e).)

Fundamentally, the purpose of CEQA is to enable decisionmakers and members of the public to make meaningful and fully-informed decisions about new development and land use planning in their community. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho*

Cordova (2007) 40 Cal.4th 412, 448-450.) As the Court of Appeal explained in *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 704-705, CEQA review procedures generally involve a “three-tiered process.”¹

“The first tier requires an agency to conduct a preliminary review to determine whether CEQA applies to a proposed project. [Citation.] If CEQA applies, the agency must proceed to the second tier of the process by conducting an initial study of the project. [Citation.] Among the purposes of the initial study is to help ‘to inform the choice between a negative declaration and an Environmental Impact Report [“EIR”].’ [Citation.] If there is ‘no substantial evidence that the project or any of its aspects may cause a significant effect on the environment,’ the agency prepares a negative declaration. (Guidelines, § 15063, subd. (b)(2).) Alternatively, if ‘the initial study identifies potentially significant effects on the environment but revisions in the project plans ‘would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur’ and there is no substantial evidence that the project as revised may have a significant effect on the environment, a mitigated negative declaration may be used.’ [Citation.] Finally, if the initial study uncovers ‘substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment’ (CEQA Guidelines, § 15063, subd. (b)(1)), the agency must proceed to the third tier of the review process and prepare a full EIR [Citation.]”

As noted above, CEQA mandates a finding of significant impact, and thus preparation of an EIR, when substantial evidence, in light of the whole record, shows that a project may have a significant cumulative effect, or has “effects [that] will cause substantial adverse effects on human beings, either directly or indirectly.” (Pub. Resources Code, § 21083, subd. (b)(2), (3); Guidelines, § 15065, subd. (a)(3), (4).)

CEQA and the Guidelines require a CEQA analyses to disclose and evaluate a project’s cumulative impacts and lead agencies may not, *ipso jure*, equate individually minor effects with cumulatively minor effects. Rather, CEQA mandates “a finding that a project *may* have ‘a significant effect on the environment’ ” where the “possible effects of a project are individually limited but cumulatively considerable.” (Pub. Resources Code, § 21083, subd. (b), emphasis added; Guidelines, § 15065, subd. (a)(3).) “[C]umulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (Pub. Resources Code, § 21083, subd. (b)(2).)

Cumulative impacts may compound or increase other environmental impacts, and a CEQA analysis must inquire into and discuss the incremental impacts of a project when added to closely related past, present, and reasonably foreseeable probable future development projects taking place over a period of time. (Guidelines, §§ 15130, 15355, 15358; see *North Coast*

¹ “The foremost principle under CEQA is that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’ (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390.)

Rivers Alliance v. Kawamura (2015) 243 Cal.App.4th 647, 682; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.) Even when a combined cumulative impact associated with a project's incremental effect and the effects of other related projects is not significant, the analysis still must "briefly indicate why the cumulative impact is not significant and is not discussed in further detail." (Guidelines, § 15130, subd. (a)(2).) "A Lead Agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant." (*Ibid.*)

b. Further Environmental Review is Required When Projects Will Have Environmental Effects That Were Not Studied in a Program EIR

CEQA Guidelines Section 15168 provides the specific requirements for environmental review of projects undertaken pursuant to a program EIR.² Section 15168(c) specifies that "[l]ater activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared."

Specifically, "[i]f a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration." (Guidelines, § 15168(c)(1).) Here, numerous effects of the Project were not examined in the Specific Plan EIR and therefore an initial study and either an EIR or negative declaration are required. (See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1180 (2005) ["It is now well established, however, that an initial study is the preliminary environmental analysis and its purposes include proving the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration, enabling an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration, and providing documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." Internal alterations and quotations omitted].)

Here, the proposed warehouse retail center, tire sales and installation, fuel facility, and other proposed uses will have environmental effects that were never studied in the PA-1 Specific Plan EIR (or the Addendum). Indeed, the EIR anticipated that the Project Site would be designated as part of the transit Village portion of the PA-1 Specific Plan Area; service stations are prohibited in the Transit Village land use designation. The EIR never evaluated any of the site-specific or use-specific environmental impacts associated with a large-scale retail or gasoline service station at the Project site.

New traffic, GHG, and air quality analyses that were cited in the City's CEQA analysis (prepared by Kittelson & Associates and Ramboll US Consulting, Inc.) confirm that there are project-specific changes that were not examined in the PA-1 Specific Plan EIR or addendum. The findings of this analysis should have been disclosed in an appropriate CEQA document, and the Project therefore cannot rely on outdated environmental disclosures in the PA-1 Specific Plan EIR.

² The PA-1 Specific Plan EIR specifically acknowledges that it is a program EIR. (Draft EIR at p. ES-1 ["This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168."]).

Among other things, additional environmental review is required to evaluate the following impacts.

i. Aesthetics

As noted above, the PA-1 Specific Plan EIR anticipated that the portion of the Project site that will contain the proposed development would be part of the Transit Village land use designation. The Transit Village is described as a land use designation that will allow for a “mix of high-intensity uses” in a “mixed-use district.” Large parking areas are generally not anticipated to be found in the Transit Village, as parking is limited to 40% of the total lot area. (See Table 6.2.) In Regional Commercial areas, such as the proposed Project site, there are large parking areas with substantial outdoor lighting. The lighting associated with the Project will likely contribute to direct, indirect, and cumulative impacts associated with lighting and glare, and there is no evidence in the record to substantiate that the proposed lighting will comply with the design guidelines set forth in Section 3.1 of the PA-1 Specific Plan EIR.

ii. Air Quality

According to the City’s analysis, “[t]he square footage of the proposed Project would be less than the corresponding square footage assumed for retail development for this portion of the PA-1 Specific Plan, and thus, it is expected that the proposed Project would have similar if not lower emissions for this portion of the PA-1 Specific Plan.” (See p. 38.) But a pure volumetric analysis for these land uses does not provide a complete picture of how changes in uses can lead to more significant air quality and GHG impacts.

As noted above, the Project Site was previously designated for mixed-use residential development as part of the transit Village, allowing for residential uses and a small number of limited commercial uses such as “and medical offices, personal services, retail and restaurants, entertainment, and personal hospitality uses.” Now, the site is Regional Commercial, which is for “parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.” Mobile traffic patterns for these two uses are very different, including the potential for more truck hauling and deliveries for Regional Commercial. These changes have not been analyzed. Furthermore, the specific fuel station use creates a larger potential for idling vehicles waiting for available fuel stations – this impact on TAC emissions is not analyzed in the PA-1 EIR and Addendum.

Potential direct, indirect, and cumulative air quality impacts associated with venting fumes, potential spills, and other events at the proposed fuel station are not evaluated in the EIR or the addendum. These impacts must be evaluated in further CEQA review.

iii. Biological Resources

Here, the CEQA analysis does not address the project-specific direct, indirect, or cumulative impacts that could result from the operation of a fuel service station or the other proposed uses at the Project site. Given the substantial amount of traffic and outdoor lighting associated with the proposed Project, further CEQA analysis is needed to understand and mitigate impacts on

wildlife habitat and movement, including potential edge-effects on wildlife movement in areas near the Project site.

iv. Geology and Soils

The PA-1 Specific Plan EIR acknowledges the potential for significant impacts resulting from seismic-related ground failure, including liquefaction. (Draft EIR, p. 3.6-18.) Accordingly, the Specific Plan EIR requires that “[a]ll future projects within the Specific Plan Area would be required to prepare geotechnical soils investigations to address seismic safety issues and provide adequate mitigation for potential hazards identified.” (Draft EIR, p. 3.6-19.) Specifically, the EIR “[r]equire[s] the submission of geologic and soils reports for all new developments” and further provides that “[t]he geologic risk areas that are determined from these studies shall have standards established and recommendations shall be incorporated into development.” (Draft EIR, p. 3.6-19.) Here, the PA-1 Specific Plan EIR never anticipated that a fuel service station would be developed at the Project site, and there is no analysis of heightened risks of geologic impacts (or soil contamination) associated with the operation of the uses proposed by the Project.

v. GHG Emissions

The PA-1 Specific Plan EIR never evaluated site-specific impacts associated with the transportation and sale of gasoline, and it does not evaluate whether these impacts are consistent with the state’s GHG reduction goals and strategies as discussed in the MTC/ABAG’s Plan Bay Area 2050.

The City’s CEQA analysis incorrectly assumes that “[t]he land uses assumed for development of the proposed Project are similar in nature to those assumed in the PA-1 Specific Plan EIR in terms of potential mobile source emissions that may be generated by these land uses.” The new uses proposed by the Project and their associated mobile source emissions are substantially different than those associated with the mixed-use transit village that was studied in the EIR. Further CEQA analysis is needed to analyze and mitigate impacts associated with customer traffic and deliveries. The specific fuel station use creates a larger potential for idling vehicles waiting for available fuel stations – this impact on TAC emissions is not analyzed in the PA-1 EIR and Addendum.

vi. Hazards and Hazardous Materials

Neither the PA-1 EIR nor the Addendum analyze the potential impacts of a fueling station, including the transport of fuel to the site and the potential for contaminated runoff. The exemption analysis essentially admits this and tries to split the difference by including “Project Requirements” calling for permit approvals with third party agencies and preparation of a hazardous materials plan. However, this is essentially an admission of significant impacts and potential mitigation measures that can be imposed, but since the Project is claiming an exemption, these Mitigation Measures are not being included under CEQA. The Project should prepare an appropriate CEQA analysis that includes these “Project Requirements” as mitigation measures.

vii. Hydrology and Water Quality

The PA-1 Specific Plan EIR acknowledges the possible impact of development on stormwater-related violations of water quality standards or waste discharge requirements. To mitigate these potential impacts, Policy IF 4-3 “[r]equire[s] all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the City’s NPDES Municipal Regional Permit.” (Draft EIR, p. 3.9-16.) Furthermore, “Project applicants shall mitigate any drainage impacts as necessary.” (Draft EIR, p. 3.9-16.) Here, however, there is no analysis of potential new significant impacts associated with changes to the area’s surface cover (including a substantial amount of paved areas that will be used for parking) and the new service station. There is no analysis or acknowledgement of potential contamination from automobile-related uses, including potential spills at the service station. Further analysis is needed to determine whether there are additional undisclosed and unmitigated impacts, and whether the Project can be operated in a manner that complies with the EIR’s adopted mitigation measures.

viii. Noise

The PA-1 Specific Plan EIR and Addendum do not analyze or mitigate potential noise impacts associated with changing mobile traffic patterns and operational uses associated with the proposed Project. Direct, indirect, and cumulative noise impacts associated with the changed land uses and traffic patterns must be evaluated in an appropriate CEQA analysis.

ix. Population and Housing

The City asserts that the proposed development would not induce population growth, either directly or indirectly. While it is acknowledged that the Project may create local jobs, the City claims that these employment opportunities would not generate significant growth or expand the job base in a manner that would lead to notable population increase.

However, it is important to consider the specific details and context of the proposed Costco Project. The Project site was originally contemplated as a Transit Village, which would be used for mixed-use residential purposes along with a limited range of commercial activities, such as medical offices and personal services. The current designation of the site is Regional Commercial, which allows bulk retailers, department stores, supermarkets, hardware stores, smaller specialty retailers, and other similar uses. The two land uses result in different personnel intensity levels, and thereby, result in different population and housing needs. Further CEQA review is needed to assess potential impacts on population and housing resulting from the Costco Project.

x. Public Services

The City’s analysis assumes that the Project “would not require the development of a new facility or modifications of an existing facility at this time.” (See p. 104.) Additional CEQA analysis is needed to determine whether the Project’s proposed uses, including the service station, will require new or additional fire or other emergency services in the City.

xi. Transportation and Traffic

As noted above, the Project Site was previously designated for mixed-use residential development as part of the transit Village, allowing for residential uses and a small number of limited commercial uses such as “and medical offices, personal services, retail and restaurants, entertainment, and personal hospitality uses.” Now, the site is Regional Commercial, which is for “parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.” Mobile traffic patterns for these two uses are very different, including the potential for more truck hauling and deliveries for Regional Commercial. These changes have not been analyzed. Furthermore, the specific fuel station use creates a larger potential for idling vehicles waiting for available fuel stations – this impact on TAC emissions is not analyzed in the PA-1 EIR and Addendum.

The 2022 Addendum does not include any significant analysis of the changes to the land use map that were approved in 2022, including changes to the Project site. It concludes that employment generation under the amendments will decrease because of non-residential square footage decreasing overall, and it notes that dwelling unit counts are near identical. The addendum concludes that “none of the minor changes with the Modified Project have the potential to result in new or more severe environmental impacts [...]”, and concludes no further analysis is needed pursuant to Section 15162 of the CEQA Guidelines. But as noted above, there will be substantial changes to the traffic patterns and mobile source emissions associated with the Regional Commercial uses.

The 2018 PA-1 Draft EIR does not specifically analyze circulation with respect to the Project Site, and does not analyze the potential for a fueling station on the site. With respect to operational truck traffic, the only specific analysis is the Draft EIR’s observation that “Currently, Lone Tree Way is designated as a truck route. The City Municipal Code allows truck drivers to use other city streets as well, provided those streets comprise the most direct route between the nearest truck route and the freight origin or destination, unless such movements are expressly prohibited by posted signs.” (3.14-14). Further analysis of impacts associated with these uses is needed.

Furthermore, neither the original EIR nor the Addendum disclose or evaluate whether the Project will comply with the revised circulation plan that was adopted as part of the 2022 amendments to the PA-1 Specific Plan. It also appears that the Project now conflicts with new policies that were adopted as part of the 2022 amendments:

- **Policy C.11** – Require New development Projects that would generate more than 50 employees must implement Transportation Demand Management (TDM) programs to address the impacts on vehicular traffic on streets within and beyond the project area. Here, the Staff Report estimated 250-300 employees at Costco, but there do not appear to be any required TDM programs for the Project.
- **Circulation Design Guideline No. 10** – Commercial and Office development projects should incorporate curbside drop off and pickup areas into their site design and circulation/parking areas to facilitate safe and convenient pickup and drop off

options. The site plans (see, e.g., sheet A-002) do not show curbside drop-off and pickup areas.

Finally, additional CEQA analysis is needed to evaluate the adequacy of emergency ingress and egress for the specific uses proposed by the Project.

xii. Wildfire Hazards

Neither the EIR nor the Addendum contemplated the types of uses proposed by this Project. Further analysis is needed to evaluate (and potentially mitigate) wildfire risks associated with the service station, retail uses, and other proposed activities at the Project site. Analysis is also needed to determine whether changes in the patterns of Project-related vehicle trips (including deliveries) may contribute to increased offsite wildfire risks.

c. The Project is not Consistent with the PA-1 Specific Plan and Project-Specific Significant Effects which are Peculiar to the Project Site Require Further Environmental Review

Guidelines section 15183 provides that exempt classes of projects include, but are not limited to, qualifying projects “consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.” (Guidelines, § 15183, subd. (a).) Such projects “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” (*Ibid.*; see also *id.* § 15183.3, subd. (d)(2)(A).)

For the reasons discussed above, there are project-specific significant effects which are peculiar to the project or its site that require further analysis. Given that the original EIR never contemplated large-scale retail, service stations, or other similar uses at the Project site, the original PA-1 Specific Plan EIR requires substantial updates.

As noted above, it appears that the Project conflicts with new policies that were adopted as part of the 2022 amendments. These conflicts render the Project ineligible for a CEQA exemption under Guidelines Section 15183.

Finally, as noted below, the City cannot make the required conditional use permit findings for the service station. Because service stations in the Regional Commercial land use designation are only authorized as a conditional use when they are accessory to general large format retailers, the Project is not consistent with the applicable PA-1 development standards.

3. The Proposed Tentative Parcel Map Findings Required Pursuant to Brentwood Municipal Code Section 16.05.040 and Government Code Section 66474 are Not Supported by Substantial Evidence

Findings made in support of an agency’s decision must be based on evidence contained in the administrative record, which comprises the entire body of evidence presented for consideration in connection with the project, and provides the basis to judge whether sufficient evidence supports the findings and decision of the agency. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515). A governmental entity “must render

findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis of the board's decision." (*Id.* at 514.) Substantial evidence must support an administrative agency's findings and the findings must support the decision." (*Id.*) The findings must "bridge the analytical gap" between the evidence and the decision. (*Id.* at 521.)

Here, substantial evidence does not support that the Project meets the applicable criteria for approval. As noted above, because the conditional use permit findings cannot be made, and because the Project does not comply with PA-1 Specific Plan policies, the proposed development is not consistent with applicable development standards. Furthermore, there is no substantial evidence to substantiate that the site is suitable for the proposed uses. Given inherent risks associated with the operation of gasoline service stations, substantial evidence shows that the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, as well as create potential public health hazards.

4. The Proposed Conditional Use Permit Findings Required Pursuant to Brentwood Municipal Code Section 17.830.005 are Not Supported by Substantial Evidence

There is no substantial evidence that the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability of appropriate development of abutting properties and the surrounding neighborhood. The evidence of undisclosed and unmitigated project-specific environmental effects, which is discussed at length above, shows that the opposite is likely true.

5. The Proposed Design Review Findings Required Pursuant to Brentwood Municipal Code Section 17.820.007 are Not Supported by Substantial Evidence

There is no substantial evidence that the Project will be harmonious with surrounding development or that it will otherwise meet the required design review findings. Further environmental analysis is needed to substantiate that these findings can be made.

6. The Proposed Master Sign Program Findings Required Pursuant to Brentwood Municipal Code Section 17.640.008.B are Not Supported by Substantial Evidence

There is no evidence that the proposed sign program will comply with applicable code requirements.

7. Conclusion

For the foregoing reasons, the Project is not eligible for a CEQA exemption, and the proposed findings for the above-referenced Project entitlements are not supported by substantial evidence. Accordingly, we urge you to deny the application or, at the very least, to continue this item to allow for further CEQA review.

Anita Roberts, Chairperson
Planning Commission
June 20, 2023
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Please do not hesitate to contact us should you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Ellis Raskin". The signature is written in a cursive style with a large, prominent "E" and "R".

Ellis F. Raskin
Senior Counsel

cc: Alexis Morris
Erik Nolthenius
Jennifer Hagen
Katherine Wisinski

Hagen, Jennifer

From: Annette Beckstrand <[REDACTED]>
Sent: Tuesday, June 20, 2023 4:17 PM
To: Web Planning Division
Subject: June 20 - Agenda Item #2

CAUTION – EXTERNAL SENDER

Dear Planning Commissioners:

As a resident of Brentwood, and an active participant in the economic development, public improvement and land use discussions and projects of this City for more than 25 years, I am delighted to see Costco finally coming to Brentwood. I look forward to the jobs and tax dollars this brings to our community. As a result of this projects and it's relative impacts, we will see many benefits. So many more of our residents will be able to work closer to home, obtain much needed products and services closer to home, spendless time on the Highway 4 parking lot, and ultimately have more time and money for their families. I am also aware that it will bring to our City budget a significant amout of additional revenue to augment our Community in a number of ways.

I urge the Planning Commision to vote yes on the Costco application.

Sincerely,

Annette Beckstrand - Resident

Hagen, Jennifer

From: Renee Reed <[REDACTED]>
Sent: Tuesday, June 20, 2023 5:01 PM
To: Web Planning Division
Subject: Costco

CAUTION – EXTERNAL SENDER

Please build it! It's a win for all!

Thank you,
Renee Reed

Sent from my iPhone

Hagen, Jennifer

From: SHEILA REED <[REDACTED]>
Sent: Tuesday, June 20, 2023 5:02 PM
To: Web Planning Division
Subject: COSTCO

CAUTION – EXTERNAL SENDER

I really can't believe you are still arguing over this subject, since the business was supposed to be up and running by the end of the year. If you can dictate the terms of the entry road,, and avoid the hot mess that is the TJ's/In and Out parking lot why wouldn't you?

This would be a huge tax base for our city. We did a write in campaign for TJ's. Please don't keep the community waiting, put something up other than housing. Thanks a bunch Sheila Reed

Hagen, Jennifer

From: Sarah Buckhout <[REDACTED]>
Sent: Monday, June 19, 2023 9:40 PM
To: Web Planning Division
Subject: Strong Objection to the proposed housing project at 1777 Apricot Lane

CAUTION – EXTERNAL SENDER

Good Evening,

As a homeowner that lives on Cherry Blossom Ct, I strongly wish to voice my objection to any new home construction that is proposed for 1777 Apricot Lane. This lot backs up directly to my home. Many of my neighbors in the Ashford Park neighborhood, share my concern over the proposed 63 new homes. When I purchased my home in 2019, I did so under the guidance that my home backed up to open space that was zoned for farmland and that any new construction would need to go through a re-zoning. Never did I expect in only 4 years I would be fighting this battle.

With the new sports complex off Sand Creek yet to be built, we still do not know what the impacts on traffic and our neighborhood will be. A new home community is already being built further up on Apricot, and again we do not yet know what the impact will be on our quiet neighborhood. I do not believe that we should be moving forward with more new homes that will only bring more cars to the already busy Sand Creek/Apricot/ and Fairview area. At minimum we can expect 126 more cars coming in and out of our quiet neighborhood, with the average Brentwood family having 2 cars.

Adding more homes will impact our dangerously overcrowded schools. The last Freshman Class at Heritage was over 900 students! We already need at least one more high school, middle school, and elementary school in the city to accommodate current students. Schools should come before any new homes are built.

Disturbing the open space will inevitably lead to rodents, ants, and bugs being displaced out of their homes and will end up in my home and backyard. I understand that the environmental review was conducted 9 years ago, but a lot can change in that amount of time. Why is another environmental report not required? As someone who will be directly impacted, I would like to review a copy of that report, as well as request a new one be completed. What will be done for the current homeowners to lessen the rodent and bug impact?

As a nightshift worker, I intentionally picked a quiet court to buy a home so that I could continue to work at night in the hospital and have undisturbed sleep during the day. With this new project being considered my livelihood is being put in jeopardy. Construction noise will completely alter my life and well-being. Construction noise pollution will take place during the middle of the time that I sleep and will directly impact my quality of life.

Adding this many homes to such a small piece of land will only lead to a decrease in my home's value. Cherry Blossom Ct has large lot sizes and high square footages. Anything less than what these homes offer is unacceptable. Our homes were built with an ample amount of space in between them, and not built right on

top of each other. It's part of what brings value to our neighborhood. Our home values should not go down because lesser homes are being built with so many being forced on such a small piece of land.

Another wonderful reason our court is great is our current unobstructed view of the gorgeous Mt. Diablo. Location brings value to a home. Having multiple two-story homes built behind my home will lead to a decrease in the value of my home. I will lose my view of the gorgeous sunsets that were a large reason why I bought the home that I did. I will no longer have privacy when using my pool, because with this proposal there will now be two-story homes peering into my backyard. My home will now have the afternoon sun blocked by two-story homes, limiting the sunbathing that we currently enjoy during summer afternoons.

I urge the city council to deny this proposed new home development. With so many unknowns on the impacts to the local neighborhood this project should not be allowed to move forward. I feel like we were tricked into believing that the land was zoned for farmland, and not housing. There are already so many new home construction sites in Brentwood, we simply do not need to develop every open space of land. Highway 4 is already a nightmare racetrack; we do not need any more cars brought to the area with new home builds.

Again, I wish to appeal moving forward with the new proposed construction at 1777 Apricot Lane. I love my city of Brentwood, but I do not love the direction it is going.

Sarah Buckhout
Resident on Cherry Blossom Ct

Hagen, Jennifer

From: Sinziana Todor [REDACTED]
Sent: Tuesday, June 20, 2023 3:07 PM
To: Web Planning Division
Subject: Trumark Trailside project

CAUTION – EXTERNAL SENDER

Hello,

In reading the packet for tonight's meeting and asking questions of city staff, I realized that the Trumark Trailside project is NOT following the established process. This project should go to Design review committee before it comes to Planning Commission. I understand that the Director of Community Development and the City Manager are flip flopping when it comes to the right process and course of action for design review. Not sure what their intent is, but looking from outside in, regular residents can conclude that the city staff (their leaders in particular) wants to push thru projects without proper review. Please bring this up and get clarification, and ensure there is no confusion on the process going forward.

Since staff failed to review this project with the design committee, it is your responsibility to go line by line and make sure all criteria outlined

in <https://www.brentwoodca.gov/home/showpublisheddocument/3578/637808560644070000?fbclid=IwAR3V77wBNhI1cfCWhhIXvRWrvzYhLEFr6AVdojzvWyoOC1KNzHJh7Doh8M> is met.

The design for Trumark Trailside development does NOT meet the criteria outlined on page 22 of the Residential Design Guidelines, and this is just one aspect that comes to mind.



Houses without porches should still have a strongly articulated entry



Avoid blank side walls visible from the street



Avoid abrupt material changes on visible side walls

2.7.5 Side and Rear Treatment

- Avoid tall blank walls.
- A minimum of 50% of all two-story houses should have a minimum 3-foot horizontal offset in plan.
- Add variety to second floors with varied eave heights, windows and ridge line variations.
- Where visible, articulate elevation and roof planes to minimize the visual impact of repetitious flat planes.
- Provide variations in ridge lines to avoid repeating elements such as continuous gable ends, identical building silhouettes, eave heights and ridge heights.
- Provide windows on street-facing facades.
- Avoid sharp changes in wall materials from front to side walls when side walls are visible from streets or open spaces.

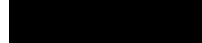
2.7.6 Windows and Doors

- Window and door types and proportions should generally be consistent throughout a development and sensitive to those of adjacent neighborhoods.
- Window and door types and proportions should be consistent with the architectural style.
- High-quality window and door trim and detailing should be provided and used on all facades of the dwelling.
- Window trim styles used on the front elevation shall be consistent on all other elevations.
- Window dividing grids are encouraged and when used, the grids should have some visual depth (i.e., not flat snap in grids). When utilized, they should be continued on all windows visible from the street and adjoining homes, not just on the front facade.

Also, I would like to point out the lack of design features for the duets to be built as affordable units. Do we need to really make them look and stand out as low income? I thought we are subscribing to the concept of inclusionary affordable units, so please make sure the design for the affordable integrates with the rest of the subdivision.

Thank you,

Sinziana Todor



Hagen, Jennifer

From: Annette Beckstrand <[REDACTED]>
Sent: Tuesday, June 20, 2023 4:40 PM
To: Web Planning Division
Subject: June 20 - Agenda Item #4 CUP's

CAUTION – EXTERNAL SENDER

Dear Planning Commissioners:

As a resident of Brentwood for over 25 years, and an active participant in the economic development, public improvement and land use discussions and projects of this City for most of those years, I am pleased to see this topic has been requested as a future agenda item and hope to see a comprehensive and helpful exploration, presentation and discussion take place.

I wish to express a concern to be added for consideration as this topic moves forward. In the past, the Police Department has had a place at the table in the approval of residential and commercial map approval to better insure safety matters are covered. Their recommendations were heavily weighted. I hope they are still being utilized as a valuable resource in the planning and safety of our community.

Also, in the past few years, residents have been concerned over the safety impacts of a drive-through lane at a local food chain, that almost daily encroaches into the public right-of-way, on a major thoroughfare between us and a neighboring City. It appeared that the cue was sometimes as many as 40 vehicles blocking traffic lanes, beyond the shopping center blockage and confusion. Not only has this been a safety issue for vehicles following traffic signal cues and trying to navigate through an already overly congested convergence of major shopping areas, the area of concern is also very near the Caltrans Right of Way for a major freeway on-ramp, adding to traffic confusion and potential accidents.

My understanding of a CUP is that it can be revoked at any time, in the case of violation. Can the City and Planning Commission please take a close look at such COA's for such CUP's and can the City be more diligent in implementing and enforcing the COA's to the safety of our residents?

I look forward to following this matter as you move forward with the requested agenda item.

Sincerely,

Annette Beckstrand - Resident