

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

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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*

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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.)

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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."]).

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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

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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.

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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.

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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

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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

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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.

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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, flowing style.

Ellis F. Raskin
Senior Counsel

cc: Alexis Morris
Erik Nolthenius
Jennifer Hagen
Katherine Wisinski