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July 19, 2023

Mayor Joel R. Bryant and Members of the City Council
City of Brentwood
Brentwood City Hall
150 City Park Way
Brentwood, CA 94513

Re: July 25, 2023 City Council Hearing on Appeal of Planning Commission Decisions Regarding Costco Project (MS 351-22, DR 22-002, CUP 22-001, MSP 22-001)

Dear Mayor Bryant and Honorable City Councilmembers:

Our firm represents Costco Wholesale (“**Costco**”) in connection with its application to the City of Brentwood (“**City**”) for approval to develop an approximately 154,000-square-foot wholesale Costco warehouse, a fuel facility (classified as a “service station” in City regulations), and other site improvements (collectively, the “**Project**”) at Lone Tree Plaza Drive within the Lone Tree Plaza shopping center in the City (“**Project Site**”).¹

On June 20, 2023, the Planning Commission approved a Tentative Parcel Map, Design Review, a Conditional Use Permit, and a Master Sign Program for the Project, subject to specified conditions (the “**Project Approvals**”). On June 28, 2023, WCHB, LLC filed an appeal of the Project Approvals (the “**Appeal**”).² Accordingly, on July 25, 2023, the City Council will hold a public hearing to consider the Appeal.

As you review the Project, we ask that you consider the following framework and context:

- The Project is entirely consistent with the Priority Area 1 Specific Plan (“**PA-1 Specific Plan**”), the City’s primary regulatory document governing development of the Project Site.

¹ Note that the Project includes a Tentative Parcel Map to create four parcels from two existing vacant parcels. The Project Site includes the easternmost two resultant parcels, which cover approximately 19.04 acres and are proposed to include the Costco Warehouse and the fuel facility.

² The Appeal comprises a resubmittal of a letter sent to the Planning Commission the evening of the Planning Commission hearing on the Project.

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- The City prepared and certified a comprehensive Environmental Impact Report (“**EIR**”) for the PA-1 Specific Plan in full compliance with the California Environmental Quality Act (“**CEQA**”).³
- The City and Costco commissioned multiple technical experts to analyze any potential Project-specific environmental effects and to gauge whether the Project would result in significant effects not already analyzed in and mitigated through the PA-1 Specific Plan EIR. Because the studies found that the Project would not result in any new or more severe environmental effects than the EIR identified, Section 21083.3 of the Public Resources Code and Section 15183 of the CEQA Guidelines (collectively, the “**Community Plan Exemption**”) provide that the Project is exempt from further CEQA review.

Each of these points is discussed further below. As explained in detail, the Appeal is entirely without merit, as are the assertions in the June 30, 2023 Project opposition letter from the Contra Costa Climate Action Coalition (the “**CCCAC Letter**”). We urge you to reject the Appeal in its entirety and uphold the Project Approvals so that Costco may proceed to bring the Project to the City, providing Costco members within Brentwood the wide array of reasonably-priced, high quality goods and services offered by Costco and desired by the community.

I. The Project is Consistent with the PA-1 Specific Plan.

The Planning Commission’s unanimous decision to adopt the Project Approvals followed years of City planning efforts to encourage economic development within the PA-1 Specific Plan area. The City Council adopted the PA-1 Specific Plan on November 13, 2018 to create one of the City’s primary future employment centers, offering individuals and businesses access and opportunities to create high-quality jobs across a diverse array of industries.

Under the 2018 version of the Specific Plan, the Project Site was designated “Transit Village” (“**TV**”). The TV designation allowed development of large format commercial retail uses such as a Costco Warehouse, but service station uses were not permitted. However, in 2022, the City amended the PA-1 Specific Plan. Among other changes, the City redesignated the Project Site from TV to “Regional Commercial” (“**RC**”), a designation that allows both large format commercial retail and service stations. (PA-1 Specific Plan, Table 4.2.)

³ The statutory elements of CEQA are found at Pub. Res. Code § 21000 et seq. and the adopted regulations pertaining to CEQA implementation (“**CEQA Guidelines**”) are located at 14 Cal. Code Regs § 15000 et seq.

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The RC designation allows commercial development up to a maximum floor area ratio of 0.6, with a maximum 40% lot coverage and a maximum height of 45 feet. The Project floor area ratio is 0.2, with 20% lot coverage and a maximum height of 36 feet, 6 inches. (PA-1 Specific Plan, p. 4-1; Table 6.3.) The Project is therefore well within the development limitations established in the PA-1 Specific Plan.

Prior to the 2022 amendments, the RC zone allowed an unlimited number of service stations without a use permit, but under the amendments, future service stations are permitted only with a conditional use permit and as an accessory to a large format retail business. (PA-1 Specific Plan, Table 4.2.) In other words, the amendments narrowed the circumstances under which service stations are allowed in the PA-1 Specific Plan area, likely reducing the number of potential service stations within the Specific Plan area.⁴ The Project is fully consistent with the uses and development intensities allowed on the Project Site under the PA-1 Specific Plan.

II. The City Prepared and Recently Updated an EIR for the PA-1 Specific Plan.

Prior to adopting the PA-1 Specific Plan, the City Council certified an EIR (the “**PA-1 Specific Plan EIR**”) (State Clearinghouse (SCH) #2018042064) in accordance with CEQA. The EIR comprehensively analyzed the environmental effects of developing in accordance with the PA-1 Specific Plan, and included mitigation measures to reduce those effects to the extent feasible. The City Council adopted a mitigation monitoring and reporting program to ensure that the EIR’s mitigation measures would be enforced against subsequent development. In addition, the City Council adopted detailed findings, including a statement of overriding considerations concluding that while it was not feasible to reduce all environmental impacts to less than significant levels, the benefits of development pursuant to the PA-1 Specific Plan would outweigh the significant and unavoidable environmental effects.

On October 11, 2022, prior to adopting the PA-1 Specific Plan amendments discussed above, the City Council approved an Addendum to the PA-1 Specific Plan EIR (“**Addendum**”). The Addendum analyzed the effects of the PA-1 Specific Plan amendments and concluded that no new or more severe environmental effects would occur as a result of (among other amendments) redesignating the Project Site from TV to RC or from allowing service stations with a use permit as an accessory use to large format retail on RC lands.

No one opposed the PA-1 Specific Plan amendments or the Addendum, and the time to challenge those actions has long since passed. These amendments and Addendum are therefore

⁴ With one exception, the RC-designated lands within the Specific Plan area are now developed with commercial uses, making it unlikely that another large format retail user with associated service station would seek approval to locate within the area covered by the EIR.

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final and conclusively valid. For the remainder of this letter, references to the PA-1 Specific Plan shall mean the 2018 Specific Plan as amended in 2022, and references to the PA-1 Specific Plan EIR shall mean the EIR as certified in 2018 and updated via the Addendum in 2022.

III. The City's Project-Specific Analysis Complies with CEQA.

CEQA includes a mandate to avoid “repetitive discussions of the same issues in successive environmental impact reports” and to “exclude duplicative analysis of environmental effects examined in previous environmental impact reports.” (Pub. Res. Code, § 21093(a).) The Community Plan Exemption implements this requirement by reducing environmental review at the project level if an agency has already prepared an EIR for a community plan (such as the Specific Plan). (*See, e.g.,* Pub. Res. Code § 21080.3; CEQA Guidelines § 15183.) Specifically, the Community Plan Exemption provides:

If a parcel has been zoned to accommodate a particular density of development . . . and an environmental impact report was certified for that zoning or planning action, the application of [CEQA] to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report. (Pub. Res. Code § 21083.3(a).)

Further, “if an impact is not peculiar to the parcel or to the proposed Project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.” (CEQA Guidelines § 15183(c).)

The Court of Appeal recently considered the Community Plan Exemption’s application and held that if a project “falls within one of several statutory exemptions to CEQA — [including] Guidelines section 15183,” then such a project does “not require additional environmental review” and is exempt from CEQA. (*Lucas v. City of Pomona* (2023) 92 Cal.App.5th 508, 309 Cal.Rptr.3d 605, 623.) Moreover, “[a]n agency’s finding that a statutory exemption [such as the Community Plan Exemption] applies to a project will be upheld if substantial evidence supports the finding of exemption.” (*Id.* at 626.) A mere fair argument that a project may result in a significant impact is not sufficient to require an EIR – or any further CEQA review – when the project qualifies for the Community Plan Exemption. (*Id.*)

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To be eligible for the Community Plan Exemption, a project must be “consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.” (CEQA Guidelines § 15183(a).) “Consistent” is defined as “the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning.” (*Id.* at § 15183(i)(2).) Density regulations applicable to non-residential uses can include metrics related to development intensity, such as floor area ratio limitations. (*See, e.g., Lucas*, 309 Cal.Rptr.3d at 628-629.)

As discussed in Section I above, the PA-1 Specific Plan serves as the Project Site’s zoning, and the proposed Project is well within the established floor area limitation that establishes the Project Site’s maximum “development density.” As discussed in Section II above, the City certified an EIR for the PA-1 Specific Plan. Therefore, the Project plainly is eligible for the Community Plan Exemption. Accordingly, any subsequent environmental review is limited to those impacts that the City, through an “initial study or other analysis, determines” are peculiar to the project or the parcel on which the project would be located and that were not analyzed as significant effects in a prior EIR or that are determined to have a more severe adverse impact than discussed in the prior EIR. (*Lucas*, 309 Cal.Rptr.3d at 625; see also Pub. Res. Code § 21080.3(a); CEQA Guidelines § 15183(b).)

Here, the City hired an expert environmental planning firm, De Novo Planning Group,⁵ to prepare the necessary CEQA analysis for the Project (the “**Costco CEQA Analysis**”). The Costco CEQA Analysis analyzes whether the Project would result in any impacts peculiar to it or the Project Site that were not previously analyzed as significant or that would be more severe than shown in the PA-1 Specific Plan EIR. The Costco CEQA Analysis concludes that the Project would not result in any new or more severe environmental effects than were disclosed in the PA-1 Specific Plan EIR, and therefore no additional CEQA review is required or even allowed.

Prior to reaching its conclusions, the City required Costco to provide a series of technical studies analyzing the Project’s potential impacts. The technical studies (each of which supplies the same level of detail and scientific analysis as they would had they been prepared for a new EIR) include: an Air Quality/Health Risk Technical Report (prepared by Ramboll US Consulting, Inc.); a Geotechnical Study (prepared by Kleinfelder); a Greenhouse Gas Emissions Technical Report (prepared by Ramboll US Consulting, Inc.); a Phase I Environmental Site

⁵ Note that De Novo Planning Group also prepared the PA-1 Specific Plan EIR and the 2022 Addendum. It is therefore extremely familiar with the environmental impacts associated with development allowed in accordance with the PA-1 Specific Plan.

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Assessment (prepared by Kleinfelder); a Limited Phase II Environmental Site Assessment Report (prepared by Kleinfelder); an Acoustical Assessment (prepared by Kimley-Horn & Associates, Inc.); and a Traffic Impact Analysis (prepared by Kittelson & Associates, Inc.).⁶ Following the completion of the reports, City staff and the De Novo Planning Group peer-reviewed each study to confirm the results' validity and requested certain changes in the reports before they were made final. As confirmed by two sets of technical experts, these reports provide substantial evidence in the record that fully supports the City's conclusion presented in the Costco CEQA Analysis that the Project is eligible for the Community Plan Exemption and would not result in any impacts peculiar to the Project or the Project Site that were not addressed in PA-1 Specific Plan EIR or that impacts would be more significant than analyzed in that EIR. Therefore, no further environmental review is warranted.

IV. The Appeal and CCCAC's Project Opposition Are Entirely Without Merit.

The Appeal claims that there are significant project-specific effects that are peculiar to the project and its site, and that "substantial evidence shows that further environmental review is necessary." (Appeal, p. 2.) Likewise, the CCCAC Letter claims the Project would result in new significant impacts necessitating further mitigation. Both claims are incorrect for multiple reasons.

First, neither the Appeal nor the CCCAC Letter identify any impacts that are peculiar to the Project or the Project Site. The claimed impacts are all commonly associated with any commercial development that would be permitted to occur under the PA-1 Specific Plan. Likewise, the claims fail to identify any peculiar effects that result from the Project's location on the Project Site, in comparison with a hypothetical situation where the same Project is located on a different site.

Second, the claims fail to overcome the substantial evidence in the record that supports the City's CEQA conclusions. As discussed in Section III above, the City's determination that the Community Plan Exemption applies and that further review is not required will be upheld "if substantial evidence supports the finding of exemption." (*Lucas*, 309 Cal.Rptr.3d at 626.) Here, the record is replete with evidence supporting the City's conclusion that the Project is exempt. Therefore, there is no basis to overturn the City's reliance on the Community Plan Exemption. Moreover, the claims themselves are *not* correct, and neither the Appeal nor the CCCAC Letter provide evidence of any circumstance that precludes use of the Community Plan Exemption. A point-by-point response to each claim in the Appeal and the CCCAC Letter is included as Attachment B to this letter.

⁶ Professional resumes summarizing the qualifications of the technical experts who prepared the Air Quality, Greenhouse Gas Emissions, Noise, and Transportation studies are included with this letter as Attachment A.

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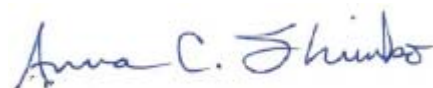
Finally, we note that courts are unkind to plaintiffs who subvert CEQA into an “instrument for the oppression and delay of social, economic, or recreational development and advancement.” (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 253 (citations omitted).) Admonishing a city that had used CEQA litigation to delay a project for years, the First District Court of Appeal recognized that “CEQA was meant to serve noble purposes, but it can be manipulated to be a formidable tool of obstruction.” (*Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, 782.) The Court of Appeal has observed that something is “very wrong” when CEQA is used to prevent beneficial development while completely divorced from any actual concerns about protecting the environment. (*Id.*) Here, the Appeal has been brought by a developer that appears to be weaponizing CEQA as a delay tactic to injure the City’s interests and exert leverage for an unrelated development sponsored by the group’s principals. A summary of this developer’s history of litigation and claims against the City is included as Attachment C to this letter.

V. Conclusion

In sum, the decision before the City Council on July 25 is straightforward. The City has designated the Project Site to allow for large-format retail uses, and it permits a service station in conjunction with large-format retail and approval of a Conditional Use Permit. The Project fully complies with the PA-1 Specific Plan, and it is consistent with the designated use, density, and design standards applicable to the Project Site. As the Costco CEQA Analysis specifies on an impact-by-impact basis and per the Project Approvals, all pertinent mitigation measures from the PA-1 Specific Plan EIR have been imposed upon and required of the Project. The Costco CEQA Analysis, prepared by the City’s expert environmental consultant and supported by peer-reviewed expert technical studies, demonstrate that the Project would not result in any impacts peculiar to the Project or the Project Site that were not addressed in the previous EIR, nor would any more severe impacts occur. Therefore, the Project is eligible for the Community Plan Exemption, and no further CEQA review is required or permitted.

We respectfully request that you uphold the action of the Planning Commission, deny the Appeal, and approve the Project on July 25.

Very truly yours,



Anna C. Shimko

cc: Pari Holliday, Costco Wholesale Real Estate Development Director

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Attachment A Professional Resumes
Attachment B Applicant Response to Project Objections
Attachment C Project Opposition Overview
Attachment D Costco Wholesale Fueling Facility Program General Information

Attachment A
Professional Resumes

The following pages include professional resumes for the following technical experts that contributed to the preparation of technical studies in support of the Costco CEQA Analysis:

- Kimley-Horn and Associates, Inc. (Noemi Wyss and Ryan Chiene)
- Kittelson & Associates, Inc. (Amy Lopez)
- Ramboll US Consulting, Inc. (Eric Lu and Gwen Pelletier)



Professional Credentials

- B.S., City and Regional Planning, California Polytechnic State University, San Luis Obispo
- A.A., General Education, Cuesta College

Ryan Chiene

Ryan Chiene has over 10 years of experience as an environmental analyst with a specialty in acoustics, air quality, and climate change. Ryan is responsible for preparing and managing environmental and planning studies for public and private sector clients, under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for a variety of environmental planning projects involving redevelopment, infrastructure, residential, mixed use, institutional, industrial, and commercial uses. Mr. Chiene also has experience preparing Visual Impact Assessments and Hazardous Materials analyses for various environmental planning projects.

Ryan is experienced in applying a full analysis methodology per EPA, CARB, Air Pollution Control District/Air Quality Management District, and Caltrans/FHWA guidelines. His expertise in Air Quality/Greenhouse Gas Assessments includes technical modeling experience using various state and federally approved programs including the California Emissions Estimator Model (CalEEMod), AERMOD, CALINE4, EMFAC, and RCEM. He also provides a full range of noise impact analyses for public and private sector clients. Ryan utilizes his experience with noise monitoring using Type I rated instruments, as well as sophisticated noise modeling using FHWA-RD-77-108, Traffic Noise Model 2.5, and SoundPLAN to develop noise attenuation recommendations where necessary.

Relevant Experience (* = prior to joining Kimley-Horn)

- University of California, Irvine, Center for Child Health Project, Air Quality and Greenhouse Gas Emissions, and Noise Assessments, Irvine, CA – Technical Studies Manager.
- 995 South Fair Oaks Residential Care Facility Project, Air Quality and Greenhouse Gas Emissions, and Noise Assessments Pasadena, California – Technical Studies Manager
- 845 El Centro Mixed Use Project, Air Quality and Greenhouse Gas Emissions, and Noise Assessments South Pasadena, California – Technical Studies Manager
- Berry DLV4 Delivery Station, Henderson, Nevada, Noise Assessment – Technical Studies Manager
- Southern California Hospital at Culver City – Emergency Department Relocation Noise Analysis, Culver City, CA – Technical Studies Manager
- Rockefeller Heritage Industrial Center, Chula Vista, CA, Noise Assessment – Technical Studies Manager
- Sobrato Residential Development Project, Fontana, CA, Air Quality and Greenhouse Gas Emissions, Health Risk, Energy, and Noise Assessments – Technical Studies Manager
- Palm Villas at Millennium Project, Palm Desert, CA, Noise Assessment – Technical Studies Manager
- Bellflower Convenience Center Project, Bellflower, CA, Air Quality and Greenhouse Gas Emissions, and Noise Assessments – Technical Studies Manager
- 14201 Paxton Street Self-Storage Project, Los Angeles, CA, Air Quality and Greenhouse Gas Emissions, and Noise Assessments – Technical Studies Manager
- 1560 E Grand Avenue 7-Eleven, Escondido, CA, Air Quality and Greenhouse Gas Emissions, Health Risk, Energy, and Noise Assessments – Technical Studies Manager
- Thrifty 84 Lumber Project, La Mirada, CA, Noise Assessment – Technical Studies Manager
- Speedway Commerce Center II Specific Plan Project, San Bernardino County, CA, Air Quality and Greenhouse Gas Emissions, Health Risk, Energy, and Noise Assessments – Technical Studies Manager

NOEMI WYSS, AICP | NOISE



Noemi has over eight years of experience in preparing numerous environmental documents in accordance with the California Environmental Quality Act (CEQA). She has project managed some of the largest industrial projects in the City of San Jose. Additionally, she provides subject matter expertise for Air Quality, Greenhouse Gas, Health Risk Assessments, Noise and Vibration, and Energy as part of environmental documents for private and public improvement projects. Her expertise in Air Quality/Greenhouse Gas Assessments includes technical modeling experience using various state and federally approved programs including the California Emissions Estimator Model (CalEEMod), AERMOD, and EMFAC. She also provides a full range of noise impact analyses for public and private sector clients, in accordance with local, State, and federal impact assessment criteria.

She is an experienced project and program manager with a keen ability to lead multidisciplinary teams, track multiple activities concurrently, and ensure contract compliance by employing exceptional technical, organizational, and interpersonal communication skills.

Relevant Experience

Education

Master of Science in Urban and Regional Planning, University of California Irvine

Bachelor of Arts, International Relations, Boston University

Professional Credentials

American Institute of Certified Planners, No. 31863

Member, American Planning Association

- Bridge Industrial, Qume and Commerce Environmental Impact Report (EIR), San Jose, CA – Project Manager and Air Quality/Noise (AQN) Manager
- Prologis, 6750 Central Avenue Noise Study, Newark, CA – Noise Manager
- Metropolitan Transportation Commission (MTC), BATA, I-580 HOV Lane Extension, Oakland, CA – AQ Manager
- Xebec, 469 Piercy Warehouse IS/MND (Initial Study/Mitigated Negative Declaration), San Jose, CA – AQN Manager
- Server Farm, 444 North Nash Street Data Center Project, El Segundo, CA – AQN Manager
- Prologis, 5977 & 6001 Silver Creek Valley Road Warehouse, San Jose, CA - AQN Manager
- Costco, Westgate Costco EIR, San Jose, CA – Noise Manager
- Prologis, 880 Doolittle ISMND, San Leandro, CA - AQN Manager
- Link Logistics, Kato Road Development Warehouse, Fremont, CA - AQN Manager
- Maverik, The Crossings ISMND, Manteca, CA - AQN Manager
- Monterey-Salinas Transit, SURF! Busway and BRT EIR, Monterey, CA – AQN Manager
- City of Pacific Grove, American Tin Cannery Hotel and Commercial Project EIR, Pacific Grove, CA – AQN Manager
- Fortinet, Fortinet Industrial, Sunnyvale, CA – AQN analyst
- Panattoni, Citation Business Park, Hollister, CA - AQN planner
- Artesia Boulevard Corridor Specific Plan Amendment, Artesia, CA – Air Quality Planner
- City of Fontana, Almond Truck Parking Project, Fontana, CA - AQN analyst
- GBN Partners LLC., Vineyards at Deer Creek Specific Plan and EIR, Brentwood, CA – Project Planner

AMY LOPEZ | ASSOCIATE PLANNER



Amy Lopez is an associate planner managing traffic operations, planning, and design projects that improve safety, mobility, and access for all roadway users, especially more vulnerable users. The cross section of Amy's projects center on CEQA and transportation impact analysis, complete streets planning, designing facilities to improve safety for all users, and identifying neighborhood traffic solutions. She brings expertise in the thoughtful analysis of project issues, using an approach that considers owner and stakeholder needs, and community engagement objectives—with the goal of achieving consensus around proposed transportation improvements. Amy is skilled at conveying technical information clearly to different audiences. She is adept at collaborating with organizations and agencies to determine the questions that need to be answered through analysis and listening to community members' experiences.

EDUCATION

- MS Engineering and Transportation Planning, California Polytechnic State University, SLO
- Master of City and Regional Planning, California Polytechnic State University, San Luis Obispo
- BA Architectural Studies, University of Kansas

YEARS OF EXPERIENCE

10

PROJECT EXPERIENCE

Transportation Impact Analysis and Traffic Engineering. Amy has led transportation impact analysis and/or CEQA analysis for public and private developments in California. She has performed and overseen analysis of vehicle-miles traveled (VMT) and multimodal impacts for projects in several California cities, working with agency staff to implement CEQA standards and evaluate the tradeoffs between making improvements and potentially causing secondary impacts to other modes. She also peer reviews transportation impact analyses prepared by other organizations. Such projects include:

- Costco Wholesale Warehouses in:
 - Brentwood, CA
 - Fresno, CA
 - Newark, CA
 - San Jose, CA
- Costco Wholesale Fuel Station Additions/Expansions in:
 - Fremont, CA
 - Hayward, CA
 - Novato, CA
 - La Habra, CA
 - Laguna Niguel, CA
 - Livermore, CA
 - San Jose, CA
 - San Ramon, CA
 - Sand City, CA
 - Torrance, CA
 - Tracy, CA
- Costco Wholesale Distribution Warehouses in:
 - Fresno, CA
 - Torrance, CA
- Alameda Point Redevelopment TIA & EIR Circulation Section; Alameda, CA
- Hayward General Plan EIR Circulation Section, Hayward, CA
- Summit Charter School TIA, El Cerrito, CA
- Hayward High School TIA, Hayward, CA
- Cherryland Elementary School TIA, Hayward, CA
- Harder Elementary School TIA, Hayward, CA
- Lighthouse School TIA, Oakland, CA
- Making Waves Academy TIA, Richmond, CA
- Richmond Charter Elementary School TIA, Richmond, CA
- Mollie Stone's Market TIA, San Francisco, CA
- Whole Foods 365 TIA, San Francisco, CA

City of Oakland Traffic Engineering and Planning On-Call Services; Oakland, CA

Grand Avenue Corridor Conceptual Design. Amy is project manager for the development of conceptual design plans and supporting traffic operations analyses to reconfigure 1.7 miles of Grand Avenue. Improvements to the corridor include constructing parking-protected bike lanes, a two-way cycle-track, transit boarding islands, ADA access upgrades, commercial loading zones, slip-lane closures, and signing and striping. The Kittelson team developed the design plans and conducted traffic operations analysis to inform decisions regarding trade-offs between improvements to meet City of Oakland priorities and community interests.

14th Street Safe Routes in the City. Amy was project manager for a complete street concept design and implementation plan for 14th Street from Brush Street to Lake Merritt. Project concepts addressed commercial and passenger loading to meet the demands of businesses along the corridor, and pedestrian/bicyclist safety and comfort and transit performance to contribute to greater corridor mobility. The Kittelson team prepared an existing conditions analysis of transit and traffic operations, pedestrian "walkability," parking and loading activity, and equity/disparity, and then worked with the City to develop a final corridor concept with planning-level cost estimates and a phasing plan. Kittelson also supported the City in community outreach.

Foothill Blvd Pedestrian Safety Study. Amy led a study of pedestrian safety along 1.5 miles of this priority multimodal corridor in Oakland. Kittelson analyzed existing conditions and identified near-term improvements to address uncontrolled crossings and lighting conditions. This involved analyzing crash data; field evaluations of sightlines, lighting, and driver behavior; feasibility of pedestrian hybrid beacon and rectangular rapid-flashing beacon treatments; recommending different street cross sections; prioritizing recommended improvements; and supporting City staff in community outreach activities.

Active Transportation Program + Safe Routes to School Grant Applications. Amy has led and currently is leading the development of Active Transportation Program funding applications for OakDOT. Amy collaborates with engineers and planners to identify candidate project locations, screen the locations and projects to identify the most competitive SRTS projects. She leads the development of conceptual design plans and cost estimates. Under her leadership, the Kittelson team prepares the full application, incorporating key information from City staff to prepare competitive benefit-cost ratios and compelling applications.

Road Diet Feasibility Studies. Amy was previously part of the Kittelson team that developed Oakland's methodology for evaluating road diets and roadway reconfigurations and created the City's report templates for roadway reconfiguration studies to increase efficiency in producing and reviewing the studies. Since then, Amy has led a team applying the methodology for nine road diet feasibility studies in Oakland. Her team analyzed crash patterns and bicyclist and pedestrian comfort. The team also provided design guidance for restriping the streets with bicycle facilities and pedestrian safety improvements.

San Francisco Municipal Transportation Agency (SFMTA) On-Call Services; San Francisco Area, CA.

Traffic Calming Evaluation. Amy led the team analyzing and evaluating over 100 traffic calming devices installed throughout San Francisco to provide a framework for evaluating traffic calming projects and weighing benefits and tradeoffs. Factors under consideration included speeds, daily volumes, and environmental data related to traffic calming devices through the city (speed humps, speed cushions, rubber speed humps, speed tables, raised crosswalks, and intersection "thumbnail" islands). The evaluation also included development and analysis of a survey of residents who have traffic calming devices on their street.

Safe Streets Project Evaluation Handbook. Kittelson developed the Safe Streets Project Evaluation Handbook for the San Francisco Municipal Transportation Agency (SFMTA). Amy coordinated directly with SFMTA staff to identify data types and methods for data collection, specialized analysis methodologies, and visualization of results for evaluating multimodal projects. Amy also led interviews with several agencies across the country to identify best practices and develop SFMTA's standard operating procedures and technical materials to evaluate projects going forward.

Tenderloin High-Injury Network Planning Gap Analysis and Corridor Pre-Development. Amy was project manager for an analysis of gaps in the Tenderloin high-injury network. Tasks included feasibility and low-cost treatment selection for enhancing safety throughout the neighborhood.

Alameda County Transportation Commission (Alameda CTC) East 14th Street/Mission Boulevard and Fremont Boulevard Multimodal Corridor; Alameda County, CA. Amy served as a technical lead for this effort for the Alameda CTC to identify implementable near-term, mid-term, and long-term improvements to regional mobility along a 25-mile corridor through five jurisdictions, including the cities of San Leandro, Hayward, and Fremont. The corridor connects to multiple Priority Development Areas around downtown neighborhoods and BART stations. The project combined analyses of transit, bicycle, pedestrian, and traffic circulation systems with stakeholder engagement that led to the development of improvement concepts to address anticipated projected growth along the entire corridor.

San Luis Ranch Development; San Luis Obispo, CA. In coordination with a partner civil engineering firm, Kittelson provided transportation engineering services for the San Luis Ranch development in San Luis Obispo. Amy managed Kittelson design team, coordinating technical work, which included: 1) intersection analysis of alternatives to support biking facilities along a mile-long stretch of Madonna Road; 2) roundabout design; 3) intersection geometry improvements; 4) pedestrian hybrid beacon signal design; and 5) protected intersection design.

ERIC CHEN LU

Managing Principal

Eric Lu has more than 20 years of experience in air quality management and climate change issues. He has expertise with air quality and GHG emissions inventory and reporting, permitting, health risk assessment, climate action plan development, CEQA, and agency/public stakeholder outreach and communication. He has assisted a variety of clients and entities on complex air quality, GHG, and energy issues including, municipal entities, utilities, and regulatory agencies (e.g., SCAQMD, CARB). He has worked with many private sector clients including oil and gas, manufacturing, landfills, commercial and residential land use development, and renewable energy facilities. Mr. Lu's experience highlights include numerous projects to perform health risk assessments to assess mobile and stationary sources. Mr. Lu is a Registered Professional Engineer (PE), a Certified Permitting Professional (CPP), and an Accredited Greenhouse Gas Lead Verifier in California. He has a Bachelor's degree in Chemical Engineering from Brown University and a Master's degree in Chemical Engineering from the University of California, Berkeley.



CONTACT INFORMATION

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Suite 500
Irvine, 92614
United States of America

EDUCATION

1996-1999
MS, Chemical Engineering
University of California
Berkeley, Berkeley

1992-1996
**BS, Chemical Engineering
(Honors)**
Brown University, Providence

COURSES/CERTIFICATIONS

Professional Engineer (Chemical) - California (CH6248), 2015
Certified Permitting Professional - South Coast Air Quality Management District (M6053), 2015
Accredited Greenhouse Gas Lead Verifier with sector specialty in Oil and Gas and Process (ARB Executive Order H-18-087), 2018

MEMBERSHIPS

Air and Waste Management Association (AWMA)

PROJECTS

- Evaluated air quality and climate change impacts including the preparation of complex air emissions inventories (criteria pollutant, toxics, GHGs), air dispersion models and health risk assessments in support of California Environmental Quality Act (CEQA) requirements. Projects have included mixed-use developments, warehouses, oil and gas production facilities, commercial developments, and airports. This has included evaluation of construction and operational conditions.
- Evaluated the air quality and GHG emissions from a landfill in support of technical studies for CEQA. This included the development of emissions inventories for all sources at the landfill and related operations, air dispersion modelling to evaluate near site impacts, and health risk assessment from facility operations.

Supported the project in the development of the EIR from the technical reports, assisted with responses to public comments on the EIR.

- Prepared and reviewed air quality and greenhouse gas CEQA evaluations as required by various air districts, including, but not limited to, the San Joaquin Valley Air Pollution Control District (SJVACPD), Bay Area Air Quality Management District (BAAQMD), South Coast Air Quality Management District (SCAQMD).
- Directed the efforts to prepare technical reports as required by CEQA for an oil and gas production facility and a renewable energy facility. This included the preparation of geology/soils, biological resources, cultural resources, air quality, greenhouse gas, noise, hazards, hydrology and water quality, and traffic analyses. Provided strategic assistance and coordinated with lead agency and lead agency consultants in the preparation of the EIRs based on our technical reports.
- Prepared health risk assessments to evaluate the cancer and noncancer impacts from construction, operational, and freeway emission sources in support of CEQA requirements.
- Studied California's Scoping Plan and research evaluating how California can achieve the GHG reduction goals to evaluate and develop significance thresholds for GHG evaluations as required for CEQA. Incorporated evaluation of the Newhall Ranch Supreme Court Decision to inform the pros and cons of potential significance thresholds.
- Assisted various manufacturing and industrial facilities to assess potential air quality emissions including criteria pollutants and toxic air emissions. Assisted various facilities in maintaining compliance with South Coast Air Quality Management District (SCAQMD) and San Diego Air Pollution Control District (SDAPCD) Rule and Regulations. These facilities have included pet food manufacturers, airport/airline facilities, gas production facilities, universities, coatings manufacturers, compost and waste transfer facilities, and pharmaceutical companies. These facilities have encountered issues related to the Regional Clean Air Incentives Market rules (RECLAIM) and Title V. Assisted with annual emissions reporting and permitting.
- Evaluated the odor impacts and SCAQMD air permitting requirements for a plastics recovery and recycling process and an organic waste recycling process. The scope of work included evaluating the process for rule applicability and emission evaluation, emissions evaluation, health risk assessment. Worked with the project engineers to evaluate process design changes to identify emission reduction approaches. Performed odor sampling to assess odor impacts based on a test facility.
- Designed and implemented ambient air monitors for inorganics and organic compounds. The monitoring was in support of various applications including perimeter monitoring during remediation, operational impact evaluation, air permit compliance requirements, as well as for litigation support.
- Directed the ongoing compliance work at a hazardous waste management facility. This includes the maintain of an ambient air monitoring program, health risk assessment preparation, and other compliance evaluations. Assisting with responses to DTSC comments regarding an ambient air monitoring plan and human health risk assessment workplan.
- Managed and participated in large litigation support teams to complete complex technical analysis including source testing, emissions estimation, health risk assessment, meteorological data evaluation and air dispersion modeling. Provided litigation support in regards to toxic court cases involving oil and gas production facilities, hydrogen sulfide emissions in a city-wide area, mining facilities, paint burn-off ovens, RECLAIM requirements, indoor air quality and cooling tower emissions.

Gwen Pelletier

Managing Consultant

Ms. Pelletier has over 20 years of experience with air dispersion modeling (including odor studies), emission inventories, California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) analyses, general conformity, transportation conformity, permitting, and risk assessment. She is experienced in numerous emissions inventory and air dispersion models including AEDT, AERMOD, EMFAC, MOVES, OFFROAD, CalEEMod, CALINE4, and CAL3QHC; she also experience with legacy models EDMS, NONROAD, and URBEMIS. She has prepared various air quality and greenhouse gas (GHG) assessments for a multitude of public and private industries and agencies including, airports, light rail transit, bus rapid transit, wastewater treatment plants, and water resources (e.g., dam safety projects and river restoration). She is a current member of the FAA's User Review Group for AEDT, allowing her to beta test future improvements to the model and to recommend new model features. She is also an appointed member and Committee Research Coordinator with the Transportation Research Board's Environmental Issues in Aviation (AV030) Committee.



CAREER

2003-2022

Principal Environmental Scientist, CDM Smith

Senior air quality specialist responsible for preparing or overseeing technical work related to air quality, greenhouse gases (GHGs), and energy. Experienced with various CEQA/NEPA studies for aviation, dam safety, river restoration, land use development, and others. Responsible for completing general conformity and transportation conformity evaluations for projects located in nonattainment or maintenance areas. Air permitting experience primarily in the SCAQMD.

2000-2003

Associate, JE Compliance Services, Inc.

Program manager for the USEPA Toxic Chemical Release Inventory (TRI) program, SCAQMD Emissions Reporting, and RECLAIM. Primarily responsible for air dispersion modeling using ISCST3 and other models, which were used for the preparation of health risk or air emissions exposure assessments.

COURSES/CERTIFICATIONS

HMMH Airport Noise Course, 2021

U.S. EPA Completing Quantitative PM Hot-Spots Analyses, 2018

FAA Aviation Environmental Design Tool (AEDT) Databases and Data Input, 2017

FHWA Traffic Noise Model 2.5 and Traffic Noise Fundamentals, 2016

AEDT 2b Hands-On Training, 2016

U.S. EPA MOVES2014 Hands-On Training, 2014

CONTACT INFORMATION

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EDUCATION

2002-2005

MS, Environmental Studies

California State University, Fullerton, California, USA

1997-2000

BS, Biochemistry (Cum Laude)

California State University, Fullerton, California, USA

SELECT EXPERIENCE

- **NEPA and CEQA Impact Assessments:** Completed the technical air quality and greenhouse gas (GHG) analyses for several large environmental projects, including those for aviation, land use development, light rail transit, dam safety and removal, and river restoration. Developed criteria pollutant and GHG emission inventories using a variety of tools for aircraft and auxiliary power unit emissions (AEDT and EDMS), on-road motor vehicles (MOVES and EMFAC), and off-road construction equipment and ground support equipment (OFFROAD, NONROAD, and ACEIT). Completed carbon monoxide (CO) hot spots evaluations using CALINE4 or CAL3QHC(R). Completed air dispersion modeling using AERMOD and subsequently compared results to the NAAQS and CAAQS to determine if a project could cause or contribute to the nonattainment of a criteria air pollutant. When applicable, compared project emissions to quantitative thresholds to determine significance.
- **AEDT Software Beta Testing:** Served a lead beta tester during development of the FAA's Aviation Environmental Design Tool Version 2b (AEDT 2b) software. Worked closely with the FAA and Volpe to test the emissions inventory and dispersion modeling subroutines in AEDT 2b. Various scenarios were tested, including importing previous modeling efforts from EDMS, and identified bugs were communicated to the FAA for correction in subsequent software "sprints." Ms. Pelletier also formally presented the team's beta testing results to the FAA in April 2015. She is currently continuing work as a beta tester for the development future iterations of AEDT, including AEDT 4, to be released later in 2023.
- **General Conformity Evaluations:** Evaluated combined indirect and direct emission inventories to the *de minimis* thresholds in the general conformity regulation (40 CFR 93, Subpart B) for multiple airports located in areas designated nonattainment or maintenance for a NAAQS to evaluate applicability. Assisted with the preparation of general conformity determinations for projects with emissions that exceeded the *de minimis* thresholds.
- **Greenhouse Gas Emission Inventories:** Prepared GHG emission inventories for major airports using protocols and methods from the California Climate Action Registry and The Climate Registry. Developed GHG emission inventories for reporting to ACI's Airport Carbon Accreditation (ACA) Program and recently began assisting with ACA verification reports.

MEMBERSHIPS

Transportation Research Board (TRB) Environmental Issues in Aviation (AV030) Committee
 Air & Waste Management Association
 ACI-NA Environmental Affairs Committee

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As discussed in our letter, WCHB, LLC filed an appeal of the Project Approvals and the Contra Costa Climate Action Coalition submitted a letter dated June 30, 2023 opposing the Project. The Appeal and the CCCAC Letter are mistaken on the facts and the law applicable to the Project. Both claim that CEQA requires the City to conduct additional environmental review prior to approving the Project, when in fact the City has already conducted the necessary CEQA review. The following Section A responds to each point in the Appeal, and Section B responds to each point in the CCCAC Letter.

A. Responses to Appeal.

The Appeal opens with a summary of the Project's background and the PA-1 Specific Plan. As described in Sections I and II of our letter above, the PA-1 Specific Plan designates the Project Site for Regional Commercial uses, which allows large format retail uses, and, with approval of a conditional use permit, service stations as accessory to such uses. The City prepared and certified an EIR for the PA-1 Specific Plan, which includes the 2022 Addendum analyzing the effects of PA-1 Specific Plan amendments to, among other changes, update the Project Site's zoning designation from Transit Village to Regional Commercial. The Project includes a 154,000-square-foot wholesale Costco warehouse, a fuel facility (classified as a "service station" in City regulations), and other site improvements, which is consistent with the PA-1 Specific Plan's use and density requirements applicable to the Project Site.

The Appeal incorrectly asserts that the Project does not qualify for the Community Plan Exemption because it is not consistent with the PA-1 Specific Plan's development standards. As discussed in Section III of our letter above, the Community Plan Exemption requires that the Project be "consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified." (CEQA Guidelines § 15183(a).) The PA-1 Specific Plan designates a maximum 0.6 floor area ratio for projects in the Regional Commercial zone, and the Project represents a floor area ratio of approximately 0.2, well within the PA-1 Specific Plan's development density. Therefore, the Project is eligible for the Community Plan Exemption.

Further, the Appeal claims that because the PA-1 Specific Plan EIR is a "program EIR," CEQA Guidelines § 15168 requires that later activities must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. However, the Appeal ignores the fact that the Costco CEQA Analysis serves precisely this function. The Costco CEQA Analysis examines the Project's potential environmental effects for each topic area addressed in the PA-1 Specific Plan EIR, compares the Project's specific impacts to the impacts analyzed in the PA-1 Specific Plan EIR, and concludes that no further CEQA review is required. Therefore, the Costco CEQA Analysis not only demonstrates the Project's eligibility for the Community Plan Exemption, but it also provides the analysis contemplated in CEQA Guidelines § 15168.

Throughout its analysis, the Appeal incorrectly asserts that the PA-1 Specific Plan EIR never evaluated the site-specific or use-specific impacts of developing large format retail stores and service stations at the Project Site. The PA-1 Specific Plan EIR, as updated by the 2022 Addendum, analyzed the environmental effects associated with zoning the Project Site as Regional Commercial, which allows both large format retail uses and, with approval of a

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conditional use permit, a service station. Therefore, contrary to the Appeal's claim, the PA-1 Specific Plan EIR did address the specific impacts associated with the Project's zoning-compliant buildings and uses. Moreover, the City's Costco CEQA Analysis includes additional Project-specific technical analyses (performed at an EIR level of detail) that confirmed the Project would not result in any significant impacts not already analyzed by the PA-1 Specific Plan EIR.

Sections III and IV of our letter above provide additional information about the Project's eligibility for the Community Plan Exemption and explain why CEQA dictates that no further environmental review be undertaken to support Project approval.

1. *Aesthetics.*

The Appeal asserts that a change from Transit Village to Regional Commercial zoning would result in new impacts, particularly in connection with the lighting used in the Project's parking lot. The Appeal is fundamentally flawed in that it treats the Project as changing the Specific Plan designation of the Project Site, and chooses to ignore the applicable Regional Commercial designation for the Project Site. The Project requires no zone changes. The Project is consistent with the PA-1 Specific Plan's land use designations, which were fully analyzed in the PA-1 Specific Plan EIR. To the extent the Appeal believes the 2022 Addendum employed to redesignate the Project Site to Regional Commercial was inadequate, such claims are untimely and thus wholly impermissible.

Moreover, the record demonstrates the Project would comply with Section 3.1 of the PA-1 Specific Plan. Pages 26 and 27 of the Costco CEQA Analysis discuss the Project's lighting plans in detail and describe how the Project complies with applicable lighting standards. Therefore, there is substantial evidence to support the City's conclusion that the Project would not result in new or increased aesthetics impacts as compared with the conclusions in the PA-1 Specific Plan EIR.

2. *Air Quality.*

The Appeal claims that the Project Site's change in presumed use from Transit Village to Regional Commercial would result in new air quality impacts because the mobile traffic patterns for the two uses are different. Again, the Project does not require any zone changes. The Project is consistent with the PA-1 Specific Plan's land use designations, which were fully analyzed in the PA-1 Specific Plan EIR. To the extent the Appeal believes the 2022 Addendum did not capture the effects of the 2022 designation change, such claims are untimely. In any event, the Appeal ignores the fact that the Transit Village designation *allowed* large format retail uses such as the proposed Costco warehouse store on the Project Site prior to the 2022 amendments. Thus, the claim that the introduction of large format retail uses would affect the traffic patterns and associated air quality emissions is patently incorrect.

Putting firmly to rest the Appeal's critique of the Project with respect to air quality and health risk effects, the air quality experts from Ramboll completed a thorough and comprehensive Project-specific analysis of the Project's potential construction and operation air quality impacts. Such analysis not only evaluated consistency between the Project effects and

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those studied in the EIR, but it quantified the effects of the Project as set against the existing environment, overlaying all Project effects on the vacant Project Site and judging them by Bay Area Air Quality Management District (“BAAQMD”) suggested CEQA significance criteria. The air quality technical report thereby contained all information as if no prior CEQA review had been conducted and the Project were being judged from scratch. Hence, nothing more could be done, and the complaints within the Appeal ring hollow.

The Appeal’s claim that a “volumetric analysis” that compares the square footage of the proposed Project to the corresponding square footage for retail development in the PA-1 Specific Plan is inadequate is thus flawed because the Appeal ignores the separate air quality impact technical analysis that is part of the Costco CEQA Analysis. This comprehensive air quality analysis estimated the mass emissions from motor vehicles that would occur during operation of the proposed Project, including any emissions associated with truck hauling and deliveries.

As shown in Table B-1 of the Air Quality Technical Report, emissions from member vehicles, employee trips, and fuel, warehouse, and tire center delivery trucks were estimated. The analysis captured all phases of vehicle operation, including exhaust emissions (including running, startup, and idling), evaporative emissions, and fugitive dust emissions from tires, brakes, and roads.

As shown in the analysis, regional vehicle miles traveled (VMT) would decrease because some trips to the Antioch or Tracy Costco warehouses would be replaced with trips to the new Brentwood warehouse. As such, criteria air pollutant emissions would decrease compared to existing conditions (see Table B-7 of the Air Quality Technical Report). The net emissions difference (i.e., the difference between the proposed Project and existing conditions) was then compared to the BAAQMD suggested CEQA significance thresholds; all Project pollutant emissions were found to be less than significant.

The Appeal also claims that the fuel station creates new air quality impacts associated with vehicle idling, venting fumes, and potential spills. The Air Quality Technical Report includes a full health risk assessment (HRA) to analyze impacts associated with operation of the proposed Project, including the fuel facility. As shown in Appendix E of the Air Quality Technical Report, emission sources associated with the proposed fuel facility (including tank loading and breathing, refueling and hose permeation, and spillage) were specifically evaluated in the HRA (see Tables E-1 and E-2). Idling emissions from fuel, warehouse, and tire delivery trucks, as well as fuel station passenger vehicles (see Table E-3) and truck and passenger vehicle travel (see Table E-4) were also included in the HRA. Table 5-4 of the Air Quality Technical Report shows that health risk impacts from operation of the proposed warehouse would not exceed the BAAQMD recommended CEQA significance thresholds.

Furthermore, Costco employs myriad operational and design features to prevent environmental impacts from and ensure safe operations of its fuel facilities. Specific and proven technological, regulatory, design, and operational measures that are part of the Project are described in detail in Attachment D to this letter.

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Therefore, substantial evidence amply supports the City's conclusion that the Project would not result in new or increased air quality impacts as compared with those found in the PA-1 Specific Plan EIR.

3. *Biological Resources.*

The Appeal claims that the existing CEQA analysis does not address the project-specific direct, indirect, or cumulative impacts that could result from operating a fuel station or other proposed uses on site, in particular that increased traffic and lighting would affect wildlife habitat and movement. As noted in Section A.2 above, VMT associated with the Project would decrease, meaning there would be reduced impacts overall from traffic to wildlife movement. As discussed in Section A.1 above, the Project would comply with lighting requirements and minimize light and glare impacts, avoiding spill beyond the Project Site and preserving dark skies. The Appeal's comments are simply speculation, and do not provide evidence of an impact. Therefore, there is substantial evidence to support the City's conclusion that the Project would not result in new or increased biological resource impacts as compared with impacts identified in the PA-1 Specific Plan EIR.

4. *Geology and Soils.*

The Appeal points out that the PA-1 Specific Plan EIR requires all future projects within the Specific Plan Area to prepare geotechnical soils investigations to address seismic safety issues and implement adequate mitigation strategies to offset potential hazards identified. Here, the expert consultant Kleinfelder prepared a geotechnical study for the Project that includes recommendations that have been incorporated into the Project's design. Furthermore, Costco employs a considerable number of operational and design features to prevent any environmental impacts associated with the fuel facility, including impacts from geological events. Specific technological, regulatory, design, and operational measures that are included within the Project are described in detail in Attachment D to this letter. Therefore, there is substantial evidence to support the City's conclusion that the Project would not result in new or increased geology and soils impacts as compared with the PA-1 Specific Plan EIR's findings.

5. *Greenhouse Gas Emissions.*

The Appeal claims that additional environmental review is required because of site-specific impacts associated with the transportation and sale of gasoline, but it fails to name a single site-specific impact. The Appeal incorrectly assumes that the Project would result in greenhouse gas ("GHG") impacts due to new uses as compared with uses studied in the Specific Plan EIR. The PA-1 Specific Plan EIR (which includes the 2022 Addendum) already addressed the potential impacts of allowing fuel stations in the Regional Commercial zone within the PA-1 Specific Plan, so additional review is not required. Furthermore, as pointed out in our letter above, the possibility of new fuel facilities locating within the PA-1 Specific Plan area likely diminished with the 2022 changes to the PA-1 Specific Plan.

In addition, the Costco CEQA Analysis does indeed include Project-specific determinations regarding the impacts from the proposed large format retail store and the associated fuel facility. As described for air quality impacts in Section A.2 above, impacts from

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mobile sources, including idling from the fuel facility, were analyzed for the Project consistent with BAAQMD recommendations and CEQA standards.

Mass emissions from the proposed Project were compared to existing conditions to evaluate how motor vehicle traffic patterns associated with the Project would affect the region. Specific emission sources analyzed in the GHG assessment include landscaping equipment, electricity usage, natural gas combustion, motor vehicle emissions, water usage and solid waste disposal (Table 4-4 and Appendix A of the Greenhouse Gas Emissions Technical Report). Appendix B of the GHG Technical Report specifically estimates GHG emissions from motor vehicles, including member vehicles, employee trips, and fuel, warehouse, and tire center delivery trucks (Table B-1 of the Greenhouse Gas Emissions Technical Report). In addition to GHG emissions from idling, as requested in the Appeal, exhaust emissions from running and starting were also estimated (Tables B-3 through B-5 of the Greenhouse Gas Emissions Technical Report). Table B-6 shows that net GHG emissions would decrease compared to existing conditions because of decreased VMT as Costco members change their shopping habits to visit the proposed Brentwood warehouse instead of the Antioch or Tracy warehouses. Furthermore, Appendix C of the Greenhouse Gas Emissions Technical Report shows that the Project would be consistent with the 2017 CARB Scoping Plan and the MTC/ABAG Regional Transportation Plan/Sustainable Communities Strategy.

As described above in Section A.1 with respect to air quality analysis, the Greenhouse Gas Emissions Technical Report evaluated both consistency between the Project effects and those studied in the EIR as well as the effects of the Project as set against the existing environment. Accordingly, the GHG analysis demonstrates that the Project would result in a less than significant impact even if no prior CEQA review had been conducted and the Project were being judged from scratch. Therefore, substantial evidence supports the City's conclusion that the Project would not result in new or increased impacts associated with GHG emissions as compared with the PA-1 Specific Plan EIR.

6. *Hazards and Hazardous Materials.*

The Appeal claims that the City has “essentially [made] an admission of significant impacts” regarding hazards and hazardous materials by acknowledging that the Project would be subject to a number of specific regulatory requirements that address the transport and use of gasoline. The Appeal incorrectly asserts that these regulatory requirements are mitigation measures that should be imposed via an EIR; however, the Appeal ignores the Community Plan Exemption's provisions stating that an impact “*shall not* be considered peculiar to the project or the parcel” if “uniformly applied development policies or standards” will substantially mitigate environmental effects. (CEQA Guidelines § 15183(f).) The Costco CEQA Analysis's discussion of uniform regulatory requirements that apply to the Project to minimize potential impacts is therefore consistent with reliance on the Community Plan Exemption.

Furthermore, Costco employs myriad operational and design features to prevent environmental impacts associated with the fuel facility, each of which are designed to minimize hazardous conditions. Such specific technological, regulatory, design, and operational measures (all of which are part of the Project) are described in detail in Attachment D to our letter. Plainly, substantial evidence fully supports the City's conclusion that the Project would not result

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in new or increased hazards or hazardous materials impacts as compared with impacts identified in the PA-1 Specific Plan EIR.

7. *Hydrology and Water Quality.*

The Appeal claims that there is no analysis of potential new significant impacts associated with changes to the area's surface cover, including paved surfaces, and no analysis or acknowledgement of potential contamination from automobile-related uses, including potential spills at the fuel station. This assertion ignores the fact that the Costco CEQA Analysis includes a Hydrology and Water Quality Report that specifically acknowledged that the development of the Project would "potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff," including "heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons" typical of fuel stations. (Costco CEQA Analysis, p. 85.) The report concluded that the impacts from developments like the Project were adequately addressed in the Specific Plan EIR, and that complying with the mitigation measures in the PA-1 Specific Plan EIR and Addendum would result in no new or more severe impacts than those that were previously analyzed. No evidence undermines this conclusion.

8. *Noise.*

The Appeal claims that the PA-1 Specific Plan EIR does not analyze or mitigate the potential noise impacts associated with changing mobile traffic patterns and operational uses associated with the Project. This is not correct. As described above, the Project is consistent with the PA-1 Specific Plan, and no land use changes are proposed. Therefore, the PA-1 Specific Plan EIR's analysis is applicable to the Project. Moreover, the Costco CEQA Analysis includes an Acoustical Assessment prepared for the Project by Kimley-Horn and Associates, Inc. The Acoustical Assessment demonstrates that noise associated with Project construction and operation, including noise from traffic coming to and from the Project Site, would be below the City's noise standards. Therefore, the record contains substantial evidence to support the City's conclusion that the Project would not result in new or increased noise impacts as compared with impacts studied in the PA-1 Specific Plan EIR.

9. *Population and Housing.*

The Appeal claims that the PA-1 Specific Plan's Regional Commercial designation applicable to the Project Site would have different effects than the Project Site's former Transit Village designation. As an initial matter, the Project does not propose any change in permissible land uses, and to the extent the Appeal objects to the PA-1 Specific Plan designations and analysis in the associated EIR as modified by the 2022 Addendum, such claims are untimely and barred.

Moreover, the 2022 Addendum did address this specific change; it specified that the estimated population under the original Specific Plan was 4,569 persons, while the estimated population under the modified Specific Plan is 4,579 persons – a total increase of only 10 persons. (2022 Addendum, p. 6.) The Costco CEQA Analysis demonstrates how the Project is consistent with this assumption. Furthermore, the prior TV designation allowed development of the Costco warehouse; the change to the RC designation only facilitated approval of the fuel

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facility, which is staffed by a single employee at any time. Therefore, there is substantial evidence to support the City's conclusion that the Project would not result in new or increased population and housing impacts as compared with those analyzed in the PA-1 Specific Plan EIR.

10. *Public Services.*

The Appeal claims that the Costco CEQA Analysis "assumes that the Project "would not require the development of a new facility or modifications of an existing facility at this time," and that additional analysis is needed to determine whether the Project's proposed uses would require new or additional fire or emergency services in the City. (Appeal, p. 7.) This mischaracterizes the level of analysis included on pages 104 through 107 of the Costco CEQA Analysis. As discussed therein, the General Plan EIR policies and actions, which apply to this project, require the Brentwood Police Department and the East Contra Costa Fire Protection District to evaluate proposed projects' impacts on services and requires the City to impose conditions of approval, if needed. The City reviewed the Project in accordance with these General Plan policies and actions; neither the Police Department nor the Fire Protection District determined that additional facilities are needed. Therefore, substantial evidence supports the City's conclusion that the Project would not result in new or increased public services impacts as compared with impacts shown in the PA-1 Specific Plan EIR.

11. *Transportation and Traffic.*

The Appeal claims that mobile vehicle traffic patterns for uses allowed under the Regional Commercial designation are different than what would have occurred under the Transit Village designation. As noted above, the Project does not propose any land uses changes, and to the extent the Appeal's comment relates to the adequacy of the 2022 Addendum adopted in connection with PA-1 Specific Plan amendments, such comments are submitted far too late. In any event, as also explained above, the Costco warehouse could have been constructed consistent with the prior TV designation. The Appeal also ignores the fact that the Costco CEQA Analysis relies on a Project-specific Transportation Impact Analysis (TIA) prepared by Kittelson & Associates, Inc. The TIA analyzed all traffic associated with the Project, including truck traffic, and this analysis was used to support the Project-specific air quality analysis discussed in Section A.2 above.

The Appeal claims that the PA-1 Specific Plan EIR did not adequately analyze truck and other traffic that would be generated by the Project. In fact, the TIA includes the very analysis that the Appeal claims is lacking. The TIA evaluates the difference in travel patterns with the Project as compared to travel patterns envisioned at the time the PA-1 Specific Plan was developed. The TIA specifically analyzes Project-related truck traffic and truck access to the Project site. Moreover, the City's design review process involves evaluating site access and circulation (including emergency ingress and egress) for all anticipated vehicle types to ensure access is feasible and well-designed. The City will further require that the Project construct transportation infrastructure improvements near the Project site based on the findings of the TIA. Accordingly, the TIA provides evidence in support of the conclusions presented in the Costco CEQA Analysis that documents there are no site-specific or cumulative impacts associated with the Project that have not been fully addressed in the prior EIR or that cannot be reduced to a less-

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than-significant level through the application of uniformly applied development polices and/or standards.

Notably, the Costco CEQA Analysis concludes that the vehicle miles traveled (the current measure of transportation impacts under CEQA) will decrease with the Project, representing an environmental benefit not envisioned when the EIR was prepared and the Specific Plan approved.

The Appeal also incorrectly claims that the Project is inconsistent with two policies in the PA-1 Specific Plan. In particular, PA-1 Specific Plan Policy C.11 requires new development projects that generate more than 50 employees to implement a Transportation Demand Management (“**TDM**”) program. The City requires all Projects to comply with Specific Plan policies, and Costco is prepared to demonstrate its full compliance with this measure prior to commencing operations. Costco has experience implementing TDM Plans at other warehouses. Costco understands that here the City will need to sign off on a TDM Plan before Project operations commence and Costco will be obligated thereafter to implement such plan. Accordingly, Costco will prepare and submit a TDM Plan in coordination with the Planning Department as part of its on-going work with the City to secure permits for construction and occupancy. The Appeal further claims that the Project is inconsistent with PA-1 Specific Plan Circulation Design Guideline No. 10, which requires commercial projects to incorporate curbside drop-off and pick-up areas. As is the common practice at other Costco warehouses, the perimeter of the building entrance area is available for drop-off and pick-up. Sheet A-002 of the Project Plans depicts a curbside pick-up and drop-off area that wraps around the entrance area, satisfying this standard. (Project Plans, Sheet A-002.) Therefore, the Project complies with both cited policies.

Finally, the Appeal claims that additional CEQA review is required to study the Project’s emergency ingress and egress. Evaluation of emergency access is a standard step in the City’s design review process. This Project site plan has been evaluated for emergency access and meets City standards.

In light of the above, the City’s conclusion that the Project would not result in new or increased transportation impacts as compared with impacts identified in the PA-1 Specific Plan EIR is supported by substantial evidence.

12. *Wildfire Hazards.*

The Appeal incorrectly asserts that the PA-1 Specific Plan EIR did not contemplate the uses proposed by the Project. As discussed above, the Project is consistent with the uses allowed by the PA-1 Specific Plan, and challenges to that document or its associated environmental review are time-barred. Moreover, the Costco CEQA Analysis found that the project would have no impacts related to wildfire risks because the Project Site is not located in or near any state responsibility areas or any lands classified as very high fire hazard severity zones. Therefore, there is substantial evidence to support the City’s conclusion that the Project would not result in new or increased wildfire hazard impacts as compared impacts studied in with the PA-1 Specific Plan EIR.

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With regard to all of the environmental topics addressed above, the Appeal contains mere suppositions, argument, speculation and notions, but is devoid of any evidence that the Project will actually result in significant impacts peculiar to the Project or the Project Site that were not addressed in the EIR or that the Project will result in more severe impacts than identified in the EIR. On the other side of the scale, the Costco CEQA Analysis addresses every CEQA impact topic and employs detailed and thorough Project-specific technical reports to demonstrate that the Community Plan Exemption criteria are met.

13. *The Project is Consistent with the PA-1 Specific Plan and Further CEQA Review is Not Required.*

The Appeal incorrectly asserts that the PA-1 Specific Plan EIR inadequately addressed impacts associated with the uses allowed by the Specific Plan. See Sections A.1 through A.12 above for an explanation of why those claims are incorrect. Sections III and IV of our letter further explain how and why the Project is consistent with the PA-1 Specific Plan for purposes of the Community Plan Exemption and that further CEQA review is not required.

14. *The Proposed Tentative Parcel Map Findings Required by Brentwood Municipal Code Section 16.050.040 and Government Code Section 66474 Are Supported by Substantial Evidence.*

Substantial evidence supports the City's findings made in connection with Tentative Parcel Map approval as explained in Resolution 23-020. Brentwood Municipal Code Section 16.050.040 and Government Code Section 66474 require denial of a tentative parcel map application under certain conditions. The Appeal claims that the City was required to deny the tentative parcel map application because (1) the Project does not comply with Specific Plan policies, (2) the Project is not consistent with the Specific Plan, and (3) there is not evidence that the site is suitable for the proposed uses. Regarding (1) and (2), as described above, the record is replete with substantial evidence that the Project complies with Specific Plan policies and is consistent with the Specific Plan. Regarding (3), the Appeal misstates the law. Brentwood Municipal Code Section 16.050.040 and Government Code Section 66474 require denial of a tentative parcel map if the site is not *physically* suitable for the proposed type of development. No part of the Municipal or Government Code addresses general suitability for a site's proposed purposes. Physical suitability has to do with the characteristics of a particular piece of land. For example, a parcel fully covered by a tar pit would not be physically suitable for development of a building, and a parcel with a particularly steep grade would not be physically suitable for development of a public school. Nothing about the Project Site makes it physically unsuitable for the proposed Project. The City was not required to deny the tentative parcel map application, and approval was proper.

15. *The Proposed Conditional Use Permit Findings Required by Brentwood Municipal Code Section 17.830.005 Are Supported by Substantial Evidence.*

The Planning Staff Report for the June 20, 2023 Planning Commission Meeting outlines the many reasons that the location, size, design, and operating characteristics of the Project fuel facility will be compatible with and will not adversely affect the livability of abutting properties

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and the surrounding neighborhood. (June 20, 2023 Staff Report, “Conditional Use Permit Analysis”.) This explanation was incorporated by reference into Resolution 23-021, which further sets forth the basis for the City’s actions with specific findings consistent with Brentwood Municipal Code section 18.830.005. Collectively, this constitutes substantial evidence in support of the City’s conclusion that the conditions to approve a conditional use permit for the fuel center have been satisfied.

16. *The Proposed Design Review Findings Required Pursuant to Brentwood Municipal Code Section 17.820.007 Are Supported by Substantial Evidence.*

The Planning Staff Report for the June 20, 2023 Planning Commission Meeting outlines the reasons that the project will be harmonious with surrounding development and meet the required design review findings. (June 20, 2023 Staff Report, “Design Review Analysis”.) This explanation was incorporated by reference into Resolution 21-022, which further sets forth the basis for the City’s actions with specific findings consistent with Brentwood Municipal Code section 17.820.007. Collectively, this constitutes substantial evidence in support of the City’s conclusion that the conditions to approve design review have been satisfied.

17. *The Proposed Master Sign Program Findings Required Pursuant to Brentwood Municipal Code Section 17.640.008.B Are Supported by Substantial Evidence*

The Planning Staff Report for the June 20, 2023 Planning Commission Meeting outlines the evidence demonstrating that the proposed sign program will comply with applicable code requirements. (June 20, 2023 Staff Report, “Master Sign Program Analysis”.) This reasoning was incorporated by reference into Resolution 21-023, which further sets forth the basis for the City’s actions with specific findings consistent with Brentwood Municipal Code section 17.650.008.B. Collectively, this constitutes substantial evidence in support of the City’s conclusion that the conditions to approve the master sign program have been satisfied.

B. Responses to CCCAC Letter.

The CCCAC Letter makes unsubstantiated assertions with respect to the Project’s effect on air quality, noise and health impacts caused by Project construction and traffic, and urban decay. As explained above, the Costco CEQA Analysis includes Project-specific evaluations of applicable environmental topics and provides substantial evidence to support the conclusion that the Project would not result in impacts that differ from those analyzed in the PA-1 Specific Plan EIR. Specific responses to the CCCAC Letter’s claims follow below.

1. *The PA-1 Specific Plan EIR and Costco CEQA Analysis Fully Address the Project’s Air Quality and Greenhouse Gas Impacts.*

The CCCAC Letter asserts that because the Project will generate traffic and idling cars waiting to use the fuel facility, additional environmental analysis is required related to air quality, greenhouse gas emissions, and toxic air contaminants caused by Project traffic.

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See responses provided above in Sections A.2 (Air Quality), A.4 (GHG Emissions), and A.11 (Transportation and Traffic). As explained above, increased GHG and toxic air contaminant (TAC) emissions were thoroughly analyzed in the GHG and Air Quality Technical Reports prepared by Ramboll in support of the Costco CEQA Analysis. The analysis captured all phases of vehicle operation, including exhaust emissions (including running, startup, and idling), evaporative emissions, and fugitive dust emissions from tires, brakes, and roads. Additionally, all facets of the fuel facility operation, including loading, breathing, refueling, hose permeation, and spillage, were included in the air quality and TAC assessment (Table 4-3 of Air Quality Technical Report). Consistent with BAAQMD recommendations and CEQA standards, criteria pollutant, GHG, and TAC emissions from the construction and operation from the Project were compared to existing conditions to determine whether the Project would generate significant impacts. Project emissions were compared to CEQA significance thresholds developed by the BAAQMD. All impacts associated with criteria pollutants, GHG emissions and TAC emissions were found to be below significance thresholds.

Specifically, a health risk assessment was undertaken to assess potential impacts to nearby sensitive receptors from operational and construction emissions, including those from the fuel facility. The technical analysis concluded that the Project will not cause health risks of concern. Furthermore, the fuel facility would operate in compliance with BAAQMD Regulation 8, Rule 7 and state regulations, further ensuring that the local community would not experience health risks due to operation of the fuel station.

As shown in Table B-6 of the GHG Technical Report, there would be a net negative of GHG emissions due to reduced VMT as Costco members would travel fewer miles to shop at the Brentwood warehouse instead of Tracy and/or Antioch. The BAAQMD does not have a mass emissions significance threshold for GHG emissions; however, significance was determined by evaluating consistency with the PA-1 Specific Plan EIR. As shown in Table 5-1 of the GHG Technical Report, mass emissions from the proposed warehouse would be less than those estimated for the PA-1 Specific Plan. Therefore, all proposed Project impacts were found to be less than significant.

Finally, as discussed in Section A.11, the TIA analyzed both VMT, a factor for evaluating GHG emissions, and traffic operations for projected Project traffic. The analysis found that the Project would result in a reduction in overall VMT and identified infrastructure improvements to reduce the effects of Project traffic on traffic operations on the surrounding roadway network. Therefore, it is clear that substantial evidence supports the City's conclusion that the Project would not result in new or increased air quality, greenhouse gas, or transportation impacts as compared with the analysis in the PA-1 Specific Plan EIR.

2. The Fuel Facility will not Significantly Impact Sensitive Receptors.

The CCCAC Letter asserts that the Project's fuel facility is located too close to residential areas and that it would result in health impacts to nearby residents. The CCCAC Letter ignores the Project-specific analysis in the record that was prepared to evaluate these precise concerns. As demonstrated in the technical studies prepared by Ramboll Consulting and peer reviewed by De Novo Planning Group, the fuel facility would not result in significant impacts to any sensitive receptors, including nearby residences.

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The air quality, GHG, and TAC assessments followed guidance from BAAQMD and CEQA for determining project significance. Emissions of the afore-mentioned pollutants from operation and construction of the proposed Project were compared to existing conditions to determine Project impacts. As explained above, all impacts would fall below significance thresholds.

In addition, a comprehensive HRA was completed to evaluate potential impacts from operation of the proposed Costco warehouse, including the fuel facility. Figure 4 of the Air Quality Technical Report shows the extensive receptor grid that covers surrounding residential, sensitive, and commercial land uses up to 2,000 meters from the Project property line. This coverage meets BAAQMD recommendations and would capture all nearby potential sensitive receptors. The HRA was prepared in a manner consistent with the scientific and regulatory guidelines developed by the BAAQMD and the California Office of Environmental Health Hazard Assessment (OEHHA). Detailed information concerning the HRA methodology is provided in Chapter 5 and Appendices C through F of the Air Quality Technical Report. All impacts to nearby sensitive receptors were found to be less than significant and thus no additional mitigation measures are required.

As described in the Costco CEQA Analysis, the Project would incorporate many sustainability features that would reduce impacts. Key features that would directly or indirectly reduce criteria pollutant, GHG, or TAC emissions include:

- LED fixtures in parking lots
- High-efficiency restroom fixtures
- No-VOC floor sealants
- Deliveries made in full trucks
- All Costco trucks equipped with engine idle shutoff timers

This list of measures does not preclude additional project design features that could be used by Costco to reduce emissions during warehouse operation. Beyond Costco's corporate sustainability initiatives, the Project would also comply with all rules and regulations of the BAAQMD, including best available control technology for the fuel facility and any other stationary sources.

Plainly, there is substantial evidence to support the City's conclusion that the Project would not result in new or increased health risk impacts to sensitive receptors as compared with impacts studied in the PA-1 Specific Plan EIR.

3. *There is No Evidence of Urban Decay Impacts.*

The CCCAC Letter asserts without evidence that the Project would result in urban decay impacts in Brentwood. There is nothing in the record to support the CCCAC Letter's bald assertion that local businesses would fail as a result of the Project, nor does the CCCAC Letter make any effort to link this speculative outcome to any physical environmental effects. Costco is expected to generate economic benefits for the City, including a new shopping destination in a location where existing Costco members are underserved.

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In addition, the Project would generate up to 300 new high-quality jobs, further creating economic opportunity. The CCAC Letter asserts, again without evidence, that such workers would not live in the City, which would lead to increased commute times. The data simply does not support this claim. The Project's TIA analyzed both VMT, a factor for evaluating GHG emissions, and traffic operations for projected Project traffic. The analysis found a less than significant VMT impact and identified infrastructure improvements to reduce the effects of Project traffic on traffic operations on the surrounding roadway network. Therefore, the claim that commuting workers would cause significant traffic impacts is incorrect.

4. *Project Noise and Light Levels Would Not Result in Significant Impacts.*

The CCCAC Letter asserts that that “exposure to high noise levels affects the entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, thereby affecting blood pressure and functions of the heart and the nervous system” with “extended periods of noise exposure above 90 dBA result[ing] in permanent cell damage [. . .]” It claims that the Project's construction will result in new significant noise impacts. As an initial matter, once construction is complete and Costco operations begin, noise levels will remain below the allowable noise threshold of 55 dBA in residential areas and below 72 dBA in commercial areas. (Costco CEQA Analysis, p. 91-95.) During construction, there would be periods of time that noise levels exceed 75 dBA; however, such exceedances are consistent with City noise standards and would not be peculiar to the Project or the Project Site. Noise impacts would not deviate from the conclusions presented in the PA-1 Specific Plan EIR.

For additional discussion of Project noise and light impacts, see Sections A.1 and A.8, above.

5. *The Project Does Not Trigger the Need for Additional Mitigation Measures or Traffic Improvements.*

The CCCAC Letter asserts that Project traffic would create unsafe conditions triggering the need for additional bicycle and pedestrian improvements in Brentwood, Antioch, and Oakley. As an initial matter, the CCCAC Letter fails to establish a nexus between any of the Project's impacts and the requested improvements. Therefore, there is no legal basis to require the improvements outlined in the CCCAC Letter. The Project's TIA analyzed the transportation impacts associated with the Project. The report identifies infrastructure improvements that would minimize the effect of the Project on the circulation network. The Project is a regional commercial development, specifically a Costco warehouse. Due to Costco's business model to sell bulk goods and large, bulky goods, its warehouses do not attract or generate substantial bicycle or pedestrian traffic, beyond pedestrian activity within the parking lot. Therefore, the bicycling and walking circulation improvements described in the CCCAC Letter do not address any Project effects on the circulation network.

Regardless, Costco has worked with the City (and the neighboring City of Antioch) to identify and implement transportation system improvements, some of which align with comments in the CCCAC Letter. For example, the TIA analyzed traffic operations at the intersection of Cañada Valley Road and Lone Tree Way. The TIA provided suggested signal timing and infrastructure improvements. The Project applicant has agreed with the City of

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Antioch to make improvements at this intersection, including modifying the signal timing as informed by the TIA, and extending the westbound left-turn lanes within the road segment between Cañada Valley Rd and the southbound SR 4 ramp terminals to provide more queue storage. For additional discussion of Project transportation impacts, see Section A.11, above.

As explained throughout this letter, the City has fully complied with CEQA, and the Costco CEQA Analysis demonstrates that the Project would not result in new or more severe impacts as compared with the conclusions in the PA-1 Specific Plan EIR. Therefore, no further analysis is required to comply with CEQA, and the CCCAC Letter's claims do not provide a basis to deny, delay, or further condition the Project.

Attachment C Project Opposition Overview

On June 28, 2023, the City received an appeal of the Planning Commission's unanimous adoption of the Costco Project Approvals from Ellis Raskin of the law firm Hanson Bridgett on behalf of WCHB, LLC. The Appeal represents that WCHB, LLC is the "owner and developer of the Bridle Gate residential development project" located south of the PA-1 Specific Plan area that includes the Project Site.

As the owner of the Bridle Gate project, WCHB, LLC and affiliated entities under common ownership and control (e.g. West Coast Home Builders, Inc., WCHB Development, LLC and Discovery Builders, Inc. and collectively, "**WCHB**") have a long and contentious history with the City regarding the Bridle Gate project. WCHB has in the past challenged the City's actions related to the Bridle Gate project and other unrelated projects in an apparent effort to persuade the City to approve the Bridle Gate project. WCHB's late-breaking and current interest in the Costco Project may reflect a similar tactic, appealing the City's approval of Costco in anticipation of upcoming City actions related to the Bridle Gate project.

As summarized below, WCHB has been attempting to secure City approval of its Bridle Gate project since 2001. Although the City approved a version of the Bridle Gate project in 2006, WCHB substantially revised its proposal and reapplied for new approvals. Due to the perception that the City's review was moving too slowly, WCHB filed a lawsuit against the City regarding the pace of the City's preparation of the EIR for the Bridle Gate project. WCHB filed a second lawsuit against the City challenging the City's approval of an unrelated residential project on the grounds that the City had not complied with CEQA in approving such project.

The City and WCHB entered into a settlement agreement under which the City agreed to complete processing WCHB's Bridle Gate project and WCHB agreed to abandon its claim against the unrelated project. The City subsequently denied WCHB's revised Bridle Gate project application in 2021, and WCHB sued the City a third time to challenge the denial.

WCHB submitted a third application for a version of the Bridle Gate project in late 2021. WCHB filed a fourth lawsuit against the City, again alleging that the City's review of the Bridle Gate project was not progressing quickly enough. The City prepared a Revised EIR for this version of the project, which it circulated for public review earlier in 2023. The City Planning Commission is scheduled to review and act on WCHB's revised Bridle Gate application in August of 2023, with Council action expected to follow later in the year.

In the meantime, WCHB has appealed to the City Council the Planning Commission's approval of the Costco Project. WCHB has not asserted that the Costco Project would impact its property or its Bridle Gate project.

A specific timeline of these events follows below.

Attachment C
Project Opposition Overview

Date	Action
1. March 2001	WCHB submits first application to develop Bridle Gate residential project (Bridle Gate I)
2. June 6, 2006	City approves Bridle Gate I subdivision map and Initial Study/Mitigated Negative Declaration
3. June 12, 2017	WCHB submits revised Bridle Gate application (Bridle Gate II)
4. September 2, 2019	City releases Notice of Preparation for Bridle Gate II EIR
5. January 31, 2020	WCHB files lawsuit against the City alleging that the City violated CEQA by failing to timely process the Bridle Gate II EIR (Contra Costa Superior Court, case no. N20-0210)
6. February 26, 2020	WCHB files lawsuit against the City alleging that the City failed to comply with CEQA prior to approving unrelated residential development project (Contra Costa Superior Court, case no. N20-0357)
7. May 21, 2020	WCHB and City enter into Settlement Agreement for City to process and act on Bridle Gate II application in exchange for WCHB staying and ultimately dismissing its two lawsuits
8. Late 2019 - 2020	City prepares EIR for Bridle Gate II
9. March 9, 2021	City Council denies Bridle Gate II application and declines to certify EIR
10. June 7, 2021	WCHB files lawsuit against the City challenging the City's denial of Bridle Gate II project (Contra Costa Superior Court, case no. N21-0980)
11. October 2021	WCHB submits another revised Bridle Gate application (Bridle Gate III)
12. August 31, 2022	WCHB files lawsuit against the City alleging that the City violated the Permit Streamlining Act and various state housing laws by failing to timely process the Bridle Gate III application (Contra Costa Superior Court, case no. N22-1738)
13. December 29, 2022	City releases Notice of Preparation for Bridle Gate III Revised EIR
14. Early 2023	City prepares Revised EIR for Bridle Gate III
15. August 2023	Expected Planning Commission action on Bridle Gate III Revised EIR and application
16. Fall 2023	Expected City Council action on Bridle Gate III Revised EIR and application

Attachment D

GENERAL INFORMATION

**Costco Wholesale
Fueling Facility Program**

Lone Tree Plaza Drive
Brentwood, California

Prepared for:
Costco Wholesale
999 Lake Drive
Issaquah, WA 98027

July 2023
Our Job No. 21247

Introduction

The Costco Gasoline fueling facility component to this Costco Wholesale development will include equipment of the latest technology, with many safety features to prevent potential environmental impacts, designed in accordance with local, state, and federal requirements, and will be installed by State Certified Installation Contractors according to specific construction guidelines and requirements. Below are some of the operational and design features that provide exceptional environmental safeguards.

Operational Features

1. The Costco Gasoline fueling facility is designed to operate as an unattended self-serve facility. However, Costco Wholesale's policy is to provide a Costco Gasoline Program trained employee and supervisor at the site during all hours of operation. The Costco Gasoline training program includes an interactive test that all gasoline employees must pass before working at a Costco Gasoline facility.
2. In addition to the above-mentioned employee, the facility is supported by senior management in the Warehouse during all gasoline station operation hours. The supervisor will be equipped with a roam telephone programmed to receive calls from the fueling facility and Warehouse. Every gasoline facility is equipped with a "911" telephone that automatically contacts emergency dispatch in addition to a regular telephone line and roam phones.
3. Employees are trained to identify maintenance requirements and physically inspect the fuel islands regularly during operating hours. Their training includes the proper spill clean up and emergency response procedures. Trained employees check for leaking hoses, malfunctioning nozzles, fuel spills, and physical damage to the dispensers and controller enclosure. During non-operating hours, the power to the dispensers is turned off and each nozzle pad is locked. Should the system require attention beyond what the trained site person could handle, the local authorized and certified service contractor would be contacted and dispatched to repair the equipment.
4. Emergency shutoff switches are installed next to the controller enclosure and in locations near the dispensers, as dictated by the fire code.
5. Closed circuit television monitor cameras aimed to show all fueling positions, the tank slab, and equipment enclosure are mounted on canopy columns adjacent to the fuel islands. A split screen monitor located in the Costco Warehouse allows for full-time monitoring of the fueling operation. All images are recorded by the camera system.
6. The tank and piping monitoring system is programmed to activate visual/audible alarms in the event of an alarm condition. A visual/audible alarm is also located on the outside of the controller enclosure. Further, the monitoring system is designed so that if power is lost to the monitoring console the facility is shut down and will not operate.
7. An independent security company monitors the Costco Warehouse alarm system. The alarm system acknowledges an alarm condition at the fueling facility and notifies Costco Wholesale management staff of an alarm condition should it occur after operating hours.

Design Features

1. Costco Wholesale's tank and piping system is certified to meet the Federal UST leak detection standards of 95 percent probability of detection and five percent probability of false alarm. California State Water Resources Control Board also certifies the system under LG-113.

2. Costco Wholesale utilizes one of the most durable joint sealers available today to seal the concrete control joints. PTi sealer is a petroleum-resistant sealant developed by Prevention Technologies, Inc (PTi). The sealer is used to prevent petroleum products from entering the underlying soil at the concrete joints. This product is used for its superior elasticity and user-friendly application. The elasticity allows the product to maintain a tight seal even with concrete expansion. The easy application ensures a proper seal whether it is applied by a contractor or maintenance personnel. Costco Wholesale is one of the few, if not only companies, to have a nationwide standard to seal control joints and other areas to prevent product spills from reaching the soil.
3. The storm drainage system for the fueling facility area will be designed in accordance with State of California Best Management Practices for water quality treatment standards. Stormwater from the fueling area will be isolated and will be directed to a catch basin and processed through an oil/water separator prior to discharge to the downstream system.
4. The underground tank and piping control units are housed inside the controller enclosure. The enclosure will contain the power console, the dispenser interface unit, the submersible pump variable speed controllers, and the monitoring system console. An air conditioner mounted on the side of the enclosure will have a preset thermostat to maintain a safe operating temperature.
5. The USTs and all containment sumps, including the dispenser sumps are all double-walled fiberglass. Fiberglass is used for its corrosion resistance and plasticity. The double-walled storage tank system includes a hydrostatic interstitial space sensor that monitors the primary and secondary tank walls. If a tank wall is compromised, the interstitial sensor will immediately shut down the product delivery system and activate a visual/audible alarm.
6. The tanks are secured in place with anchoring straps (tie-downs) connected to concrete hold down deadmen. The entire tank excavation hole is backfilled with pea gravel and capped with an 8-inch-thick reinforced concrete slab (overburden). The tie-downs, together with the overburden, overcome any possible buoyancy factors and resist buckling under hydrostatic pressures. Please see the attached exhibit illustrating the anchoring system.
7. All product, vapor and vent piping is non-corrosive and provides three levels of protection. First, all product piping is monitored with pressure line leak detection. Second, all piping is double wall to provide secondary containment. Third, all fiberglass piping is additionally monitored under vacuum per California 2481 regulations such that if a breach is detected in the vacuum, the product delivery system will shut down and system will sound audible alarm.
8. All piping connections to the tanks and dispensers are flexible. Flexible connectors are used to prevent rupture from any form of ground movement.
9. All piping slopes to the sumps at the USTs. If a piping leak occurs, the gasoline will flow through the secondary pipe to the sump, where a sensor is triggered to immediately shut down the system and activate an audible/visual alarm.
10. All tanks and dispensers are equipped with latest Phase I and Phase II Enhanced Vapor Recovery (EVR) vapor recovery air pollution control equipment technology per CARB regulations and associated Executive Orders. The Phase I EVR equipment controls the vapors in the return path from the tanks back to the tanker truck during offloading filling operations. The Stage I EVR systems are 98 percent effective in controlling fugitive emissions from escaping into the environment. The Phase II EVR equipment controls the vapors in the return path from the vehicles back to the tanks and are 95 percent effective in controlling fugitive emissions from escaping into the environment.

11. The UST monitoring system incorporates automatic shutoffs. If gasoline is detected in the sump at the fuel dispenser, the dispenser shuts down automatically and an alarm is sounded. If a problem is detected with a tank, the tank is automatically shut down and an alarm is sounded. If the product piping system detects a failure of the 0.1 gallons per hour (GPH) test, the line is automatically shut down and the alarm is sounded. Pursuant to federal requirements, monitoring equipment must be able to detect a minimum leak of 3 GPH (equivalent to the accuracy of a mechanical leak detector). By providing monitoring to a higher standard (0.1 vs. 3), Costco maintains a higher degree of safety than required by current federal requirements.
12. Each fuel dispenser includes several safety devices. Specifically, each dispenser sump is equipped with an automatic shutoff valve to protect against vehicle impact. In addition, each fuel hose includes a poppeted breakaway device that will stop the flow of fuel at both ends of the hose in the event of an accidental drive-off. Also, each dispenser is equipped with internal fire extinguishers. Lastly, all dispensers include leak detection sensors connected to the alarm console inside the controller enclosure.

Regulatory Agencies and Regulations

As described above, the Costco Wholesale retail fueling facility provides a significant number of features to reduce and control the potential for environmental health hazards. All systems to be installed are of the latest technology and meet or exceed all local, state, and federal regulations.

The following is a list of regulations and agencies that govern gasoline facilities and require specific permits or approvals. This list shows the magnitude of the regulatory environment that governs this industry.

1. California Fire Code, Chapters 22 and 34
2. California Code of Regulations Title 23, Division 3, Chapter 16 ("California Underground Storage Tank Regulations")
3. California Health and Safety Code, Chapter 6.7 ("Underground Storage of Hazardous Substances")
4. Environmental Protection Agency (EPA) Underground Storage Tank Regulations (Subpart D, 40 Code of Federal Regulations (CFR) Part 280)
5. Underwriters Laboratories, Inc. (UL)
6. National Fire Protection Agency (NFPA) Articles 30 and 30A, regarding Flammable and Combustible Liquids Code
7. American Petroleum Institute (API) Recommended Practices for Installation of Underground Storage Systems
8. California Air Resources Board (CARB) Executive Orders and Procedures and Local Air Quality Management District Regulations
9. Local County Environmental Health Hazardous Materials Division, CUPA, which provides enforcement of the State Water Resources Control Board (SWRCB) Regulations