

Response to Comments in CCCAC Comment Letter

Comment 1 (Increased Traffic Makes Brentwood Less Livable)

Commenter contends that the environmental analysis underlying the Project approvals does not adequately account for adverse impacts related to GHGs and toxic air contaminants (TACs) caused by Project traffic. Commenter further contends that existing area traffic conditions can only exacerbate the Project traffic impacts and that the fuel station will make things worse due to emissions from the pumps and idling cars.

The comment includes general statements and the commenter does not provide any substantial evidence to support its claim that the environmental analysis (“Environmental Analysis”) completed for the Project is deficient. To the extent the commenter is concerned about traffic congestion, the City notes that on September 27, 2013, SB 743 was signed into law, initiating a process to change transportation impact analyses completed in support of CEQA documentation. As of July 1, 2020, SB 743 eliminated level of service (LOS) as a basis for determining significant transportation impacts under CEQA and provides a new performance metric, vehicle miles traveled (VMT). As a result, the State is shifting from measuring a project’s impact to drivers (LOS) to measuring the impact of driving (VMT) as it relates to achieving State goals of reducing greenhouse gas (GHG) emissions, encouraging infill development, and improving public health through active transportation.

The Environmental Analysis, as supported by detailed technical reports related to traffic, air quality, and GHGs, found that with the Project, overall regional VMT will be net-negative. As stated above, VMT is the metric to determine whether there will be an environmental impact under CEQA, and here impacts would be less than significant. However, to address congestion concerns and evaluate General Plan compliance, the Traffic Impact Analysis prepared by Kittleson & Associates also analyzed LOS relative to the Project. (See EA, Attachment G.)

Regarding air quality, the land uses assumed for development of the proposed Project are consistent with those assumed in the PA-1 Specific Plan in terms of potential mobile source emissions that may be generated by these land uses. The square footage of the proposed Project would be less than the corresponding square footage assumed for retail development for this portion of the PA-1 Specific Plan, and thus, it is expected that the proposed Project would have similar if not lower emissions for this portion of the PA-1 Specific Plan. (Environmental Analysis “EA”, p. 38.)

Specifically related to toxic air contaminants (TACs), the Environmental Analysis found the Project would not generate significant emissions of toxic air contaminants and would not result in substantial pollutant concentrations. Additionally, the Project would be subject to BAAQMD Rules and Regulations related to Gasoline Dispensing Facilities as required by Requirement AQ-2. (EA, p. 42.) The Project’s GHG emissions, including mobile emissions, are also below those presented in the PA-1 Specific Plan EIR. (EA, p. 74.)

Comment 2 (The Gas Station Will Impact Sensitive Receptors)

The commenter raises concerns regarding the location of the proposed fuel station and requests more studies be done to address potential health risks to sensitive receptors.

A health risk assessment (HRA) was performed as part of the Air Quality/Health Risk technical report to address any Project-specific impacts related to the service station. (EA, Attachment A.) The Air Quality/Health Risk technical report analyzed cancer risk, chronic non-cancer hazards, and acute hazards analysis for the Project operation are based on TAC emissions from on-road traffic and gasoline dispensing operation. The chemicals evaluated in the HRA include PM_{2.5} emissions (assumed to be engine exhaust from vehicles, and brake wear, tire wear, and entrained dust from vehicles), speciated VOC emissions from gasoline dispensing, speciated evaporative and exhaust TOGs from on-road emissions from gasoline vehicles, and DPM emissions from diesel-powered delivery trucks and TRUs. (Air Quality/Health Risk Technical Report, p. 27.)

As identified in the HRA, the health risks and chronic and acute hazard index, and annual PM_{2.5} concentration increases associated with Project operation are less than the BAAQMD significance thresholds. The cumulative health risk impacts are less than significant for cancer and the non-cancer chronic hazard index. The cumulative annual PM_{2.5} concentration is also less than the cumulative threshold. (Air Quality/Health Risk Technical Report, p. 39.) Accordingly, the fuel station would not result in significant impacts on any nearby sensitive receptors and mitigation measures are not necessary.

Comment 3 (Urban Decay Is Likely to Occur)

The commenter claims that the Project is likely to cause urban decay in Brentwood, as there would be an unhealthy concentration of big box stores and another Costco located 15 minutes away, placing economic pressure on nearby existing small businesses.

Urban decay is a relatively extreme economic condition. The commenter has not provided any evidence that urban decay would occur as a result of the Project. The Project is a permitted use in the RC zone and the Environmental Analysis supports that there are no impacts that are unique to the Project that were not already examined in the PA-1 Specific Plan EIR and 2022 Addendum. Large format retail development does not create a presumption of urban decay, and there is no evidence in the record to suggest urban decay would occur here. (See *Melom v. City of Madera* (2010) 183 Cal.App.4th 41.)

The commenter also claims that the anticipated jobs created by the Project will go to people who cannot afford to live in Brentwood, leading to more traffic and commute times.

The commenter has not provided any evidence that future Project employees would not be able to afford living in Brentwood. The Project would create new jobs, and is located less than 0.5 miles away from multiple Tri Delta transit bus stops. Therefore, the Project will create jobs that are accessible via public transit. Additionally, the Project is located adjacent to homes, therefore providing jobs near transit and current housing developments. (GHG Technical Report, Table C-2.) Employee VMT was accounted for in the traffic analysis prepared for the Project,

which found a total net-negative change in VMT with the addition of the Project. (EA, pp. 111-112.)

Finally, the commenter claims that the Project does not have sufficient reciprocal landscaping to replace the lost open space caused by the Project.

Commercial development has long been planned for the Project site through the PA-1 Specific Plan. The Project landscape design features a planting layout consisting of colorful accent trees, diverse shade tree species and sweeping drifts (massing) of understory plant species at vehicular and pedestrian entryways, parking lot islands, and street frontages. The overall intent is to create a unifying landscape appearance to the site, as well as achieving a supportive relationship between building and landscape. In addition, the proposed landscape design will comply with the City's approved plant list. The Project, as designed and conditioned, incorporates all required landscape areas along the Project boundaries. Additionally, the landscape design incorporates trees and screening along the Lone Tree Plaza Drive and Highway 4 frontages, and the site plan is designed to insulate the visual effects of the development from the public street.

Comment 4 (Ambient Noise and Light Levels Will Unduly Disturb the Community)

The commenter states that mitigation measures must be mandated to ensure construction and operations cumulative ambient noise levels are within acceptable levels. The commenter also expresses concern that noise, traffic, air quality, and other impacts will disrupt nearby residents and impact property values. Finally, commenter alleges the light to be emitted from the Project will negatively impact the community at night and blinders should be installed on the light fixtures.

The Environmental Analysis, supported by an Acoustical Analysis prepared by Kimley-Horn and Associates, Inc., found that based on the short-lived nature of the noise levels associated with construction and consistency with General Plan Policy N- 1.15 and Action N-1e (which provide guidance and standards to reduce construction noise impacts), construction noise would result in a less- than- significant impact, which is consistent with the findings in the PA- 1 Specific Plan EIR. (EA, p. 93.) The Environmental Analysis also found that receptors near the Project site would either remain below the allowable noise threshold of 55 dBA for residential uses and 72 dBA for commercial uses and would not increase ambient noise levels by more than 3 dBA when the existing ambient noise levels are already in exceedance of the City's noise standards. Therefore, the Project's operational noise levels would also not result in a significant increase over existing ambient noise levels at the nearest noise- sensitive uses in the City of Brentwood. Impacts would be less than significant in this regard. (EA, pp. 94-95.) Similarly, cumulative construction and operational noise impacts were found to be less than significant. (EA, pp. 99-101.)

All impacts analyzed in the Environmental Analysis were found to be less than significant or consistent with impacts analyzed in the PA-1 Specific Plan EIR. There are no impacts peculiar to the proposed Project, and as such, the Project would not cause disruption to nearby residents, particularly in the areas of traffic, noise, and air quality. To the extent the

commenter raises concerns regarding property values, this is an economic or social impact which is outside the purview of CEQA.

As to lighting, the site's parking lot will be illuminated with standard downward LED fixtures affixed to a 36.5-foot-tall light pole. The lighting fixtures are of a "shoe-box" style. The parking lot lights will be timer controlled to limit lighting after the warehouse has closed and most employees are gone from the warehouse. Parking lot lighting will only remain on to provide security and emergency lighting only along the main driveways. Downward facing security lighting will be located on the exterior of the building on all sides. Lighting fixtures will also be located on the building approximately every 40 feet around the exterior of the building to provide safety and security. Parking and site lighting will incorporate the use of cutoff lenses to keep light from overflowing beyond the Costco site boundaries. (EA, pp. 7-8.) The Project would also be subject to the City's lighting and design guidelines, including any requirements regarding light shielding features, which are verified via the City's design review and approval process. (EA, p. 26.) Impacts related to lighting are less than significant, consistent with the PA-1 Specific Plan EIR, and as such, no additional measures are required.

Comment 5 (Several More Stringent Mitigation Measures Are Necessary to Ensure Citizen Safety)

The commenter argues that the Project should be required to install an adequate number of charging stations for electric vehicles and electronic bicycles, construct additional bicycle and pedestrian infrastructure, and better coordinate traffic lights in the area. The commenter includes a list of proposed mitigation measures to address bicycle and pedestrian safety and requests appropriate mitigation measures to address air quality and GHG impacts after further studies are performed.

The transportation analysis prepared for the Project identifies updates to signal timing. Regarding commenter's request for electric vehicle infrastructure, parking for the Project would surround the western and southern sides of the building, with a total of 850 parking stalls including 17 Americans with Disabilities Act (ADA) accessible stalls, 85 electric vehicle stalls (EV), and 17 clean air stalls. Further, the design of the proposed internal drive aisles, access driveways, and other on-site circulation improvements would be required to adhere to the Contra Costa County Fire Protection District's standards, which are imposed on project developments during the building plan check and development review process. Compliance with established design standards and implementation would ensure hazards due to design features would not occur and that the placement of circulation improvements would not create conflicts for motorists, pedestrians, or bicyclists traveling within or around the Project site. (EA, p. 113) As such, additional improvements are not required.

The commenter's concerns regarding air quality and GHG impacts are addressed in response to Comments 1 and 2 above. There will be no impacts peculiar to the Project in these areas and as such, no additional mitigation is required. Further, the Environmental Analysis concluded that there would not be impacts related to pedestrian or bicycle safety. As such, mitigation is not required. However, the commenter's list of measures will be provided to the City Council for consideration.

Finally, CEQA provides that “a public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.” (Pub. Resources Code, § 21081.6(b).) “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines, § 15126.4 (a)(2).) Under Public Resources Code section 21004, “in mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than [CEQA].” The City does not have the independent authority to require improvements to be made outside of its own jurisdiction. Thus, to the extent many of the mitigation measures the commenter requests would need to be undertaken in Antioch and Oakley, the City of Brentwood has no legal authority in this context to impose such obligations.