

**From:** [Morris, Alexis](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [=yDepartment Directors](#); [Wisinski, Katherine](#); [Elias, Sylvia](#); [Nolthenius, Erik](#)  
**Subject:** Information regarding Agenda Item E.2  
**Date:** Tuesday, March 22, 2022 3:04:59 PM  
**Attachments:** [Response to Council Member Rarey Questions.pdf](#)  
[Approx Vacant Residential Land Inventory Table.pdf](#)

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Dear Honorable Mayor and Council Members,

Good afternoon. Staff received several questions from Council Member Rarey on agenda item E.2. The questions and responses are provided in the attached memo for your reference. Staff also received a request from Council Member Mendoza for a table listing what residential properties are left to be developed in the City. Attached for your reference is a table staff prepared to use in the draft 6<sup>th</sup> Cycle Housing Element analysis. The table lists vacant or undeveloped parcels by their General Plan residential designations and identifies the size of each parcel.

Thank you.



**Alexis Morris, Director of Community Development**  
Community Development  
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City of Brentwood  
 Approximate Vacant Residential Land Inventory (as of 11/21)

<b>APN</b>	<b>General Plan</b>	<b>Acreage</b>	<b>Notes</b>
016-120-020	BBSP (COIR)	12.31	vacant
018-190-018	BBSP (COIR)	9.83	vacant
018-170-003	BBSP (COIR)	6.17	vacant
016-130-007	BBSP (COIR)	5.69	vacant
016-120-024	BBSP (COIR)	5.06	vacant
016-150-114	BBSP (COIR)	1.58	vacant
016-010-019	BBSP (MDR)	1.03	vacant
016-010-020	BBSP (MDR)	0.93	vacant
019-020-055	PA-1 (TV)	4.02	vacant
019-020-073	PA-1 (TV)	19.04	vacant
019-020-059	PA-1 (TV)	5.41	vacant
016-100-002	RE	4.2	1 existing SF
019-100-015	RE	2.29	vacant
019-060-039	RE	1.33	vacant
019-060-038	RE	1.03	vacant
019-060-037	RE	1.03	vacant
016-090-016	RE	3.47	vacant
016-100-026	RE	1.32	vacant
016-100-025	RE	1.13	vacant
016-090-024	RE	1	vacant
019-040-031	R-HD	1.14	vacant
019-040-033	R-HD	1	vacant
017-010-012	R-LD	2.55	1 existing SF
019-390-123	R-LD	0.84	1 existing SF
010-130-070	R-LD	0.67	1 existing SF
018-100-044	R-LD	1.66	1 existing SF
017-010-011	R-LD	3	1 existing SF
019-100-012	R-LD	1.23	1 existing SF
017-010-022	R-LD	3.24	1 existing SF
012-050-018	R-LD	8.21	Bailey Rentals
019-082-007	R-LD	57	Bridle Gate
007-100-097	R-LD	4.59	Deer Ridge Golf
012-300-016	R-LD	2.36	Montessori
017-100-005	R-LD	2.5	Pending app.
017-100-016	R-LD	2.58	Pending app.
018-230-034	R-LD	20.13	Pending app.
017-010-014	R-LD	2.28	vacant
010-010-039	R-LD	4.26	vacant
007-440-018	R-LD	4.55	vacant
010-010-041	R-LD	1.46	vacant
010-400-048	R-LD	1.16	vacant
010-370-043	R-LD	0.65	vacant
010-400-056	R-LD	0.49	vacant
010-400-051	R-LD	0.17	vacant
019-092-013	R-LD	11.48	vacant

APN	General Plan	Acreage	Notes
019-092-034	R-LD	9.35	vacant
019-050-026	R-LD	3.6	vacant
019-050-113	R-LD	1.39	vacant
019-050-038	R-LD	1.14	vacant
012-120-065	R-LD	0.23	vacant
012-030-011	R-LD	1.44	vacant
018-150-024	R-LD	0.38	vacant
017-150-059	R-LD	0.14	vacant
017-150-054	R-LD	0.14	vacant
012-063-013	R-LD	0.12	vacant
012-030-030	R-LD	0.41	vacant
012-030-028	R-LD	0.27	vacant
012-070-031	R-MD	1.02	1 existing SF
012-100-043	R-MD	0.71	1 existing SF
012-070-032	R-MD	0.58	1 existing SF
019-040-052	R-MD	2.17	2 existing SF
019-750-055	R-MD	0.87	vacant
012-100-048	R-MD	0.21	vacant
013-170-006	R-MD	0.11	vacant
010-840-012	R-VHD	7.7	vacant
010-840-010	R-VHD	3.39	vacant
010-840-011	R-VHD	6.81	vacant
018-060-007	R-VLD	4.84	1 existing SF
016-030-011	R-VLD	4.45	1 existing SF
016-100-028	R-VLD	4.15	1 existing SF
018-030-008	R-VLD	4.22	1 existing SF
018-060-051	R-VLD	2.52	1 existing SF
018-050-046	R-VLD	1.65	1 existing SF
018-050-034	R-VLD	1.33	1 existing SF
018-050-035	R-VLD	1.33	1 existing SF
018-060-010	R-VLD	1.32	1 existing SF
018-050-045	R-VLD	1.65	1 existing SF
018-060-042	R-VLD	5.01	1 existing SF
007-100-079	R-VLD	1.51	Deer Ridge Golf
016-040-005	R-VLD	16.32	Pending app.
018-080-022	R-VLD	1.72	Pending app.
018-080-025	R-VLD	1.11	Pending app.
019-680-023	R-VLD	1.21	RV storage
019-130-056	R-VLD	1.02	vacant
007-100-126	R-VLD	8.21	vacant
007-100-091	R-VLD	1.13	vacant
007-100-095	R-VLD	0.56	vacant
007-100-094	R-VLD	0.45	vacant
016-030-006	R-VLD	0.24	vacant
018-080-017	R-VLD	4.6	vacant
018-080-018	R-VLD	4.09	vacant

**343.89**



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**DATE:** March 22, 2022  
**TO:** Brentwood City Council Members  
**FROM:** Alexis Morris, Director of Community Development  
**SUBJECT:** Response to Council Member Rarey's Questions on Agenda Item E.2

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Staff received multiple questions related to Agenda Item E.2 from Council Member Rarey. The questions and responses (*in italics*) are provided below for your reference.

1) On page 75, it states the total units left to build out in the City are:

Single-family 2,416  
Multi-family 6,953  
Total Units 9,369

I'm very confused at the build-out SF/MF unit numbers listed above. For some history, according to the 1993 General Plan, the population of Brentwood at build-out was estimated to be 90,000. In 2001, the General Plan was updated, and the population was lowered to 76,226. Due to rezones by previous councils, by the time I came on the Council in 2016, the build-out population was estimated to be 81,000.

In previous City Council meeting discussions, we were told that there was approximately 2,000 Single Family units left to build and 4,500 Multi-family units or a total of approximately 6,500 units left to build within the current City limits. Extrapolating that number out at approximately 2.5 persons per household, we would expect a build-out population of about 82,000. Which is pretty close to what it was estimated to be in 2016.

Why are we now at 2,416 Single Family units and 6,953 Multi-family units or a build out population of around 90,000? Who approved these increases?

*The numbers in the staff report (totaling 9,369) were provided at a previous Affordable Housing Workshop and Ad-Hoc Committee meeting in 2018/2019 and for the purposes of those discussions used estimates based on development potential at the higher end of the applicable General Plan density ranges. These numbers were used again in this staff report for illustration purposes only and to be consistent with information that was previously provided to Council. The numbers provided in the staff report only to illustrate the differences between the different inclusionary percentages, and are not a part of the City's ordinance.*

*The below projections are based on the Finance projections in the CIP through 6/30/22 and reflect estimates consistent with the General Plan buildout projections. Finance will use these numbers at their upcoming CIP workshop.*



**HOUSING BUILDOUT PROJECTIONS**  
*(Based on CIP through 6/30/22 projections)*

Housing Type	Housing Buildout Projections	Affordable Housing Obligation at 10%	Affordable Housing Obligation at 15%	Affordable Housing Obligation at 20%	Affordable Housing Obligation at 25%
Single Family	1,384	139	208	277	346
Multi-family	5,349	535	802	1,070	1,337
Total Units	6,733	647	1,010	1,347	1,683
Remaining Market Rate Units (not AH)		6,086	5,723	5,386	5,050

*We apologize for any confusion the use of two different estimates has caused and we will use consistent numbers for all staff reports going forward.*

2) On Page 79, it states that Affordable Housing in-lieu fees aid in funding the items below. How many of each of those items have we done over the past 5 years, 10 years and 20 years? And how many of each of those items has been repaid or in the case of City-purchased pre-foreclosed properties – were any not sold again and did we recoup our purchase cost?

- Future affordable housing projects –

*The program started in 2004. Since 2004, the projects funded with affordable housing funds are as follows:*

- Brentwood Senior Commons – \$900,000*
- The Grove at Sunset Apartments – \$4,000,000*
- Villa Amador – \$600,000*
- County Housing Landscape Improvement – \$200,000*

*It is our understanding that all of these are at least 50 year loans; none have been paid back.*

- Purchase of pre-foreclosed deed restricted properties

*Although the City Council has the option to purchase pre-foreclosed homes with housing funds, previous Councils have elected not to do so.*

- Down Payment Assistance Program (what is the maximum amount available in these programs?)

*The program was started in 2005/2006.*

*The maximum budgeted for each year is \$100,000, on a first come, first served basis. Left over funds will be rolled into the next year. The down payment assistance program for affordable buyers offers loans up to \$35,000, with 3% simple interest throughout the life of the loan. 54 down payment assistance loans (28 AH Loans, 26 Market rate) have been granted to date totaling approximately \$1.5M, 22 loans have been paid back totaling approximately \$906,000.*

*The down payment assistance loan for market rate homes has been put on hold pending attorney review due to changing housing/affordable housing laws (using affordable housing funds for market rate homes).*

- Community Outreach/First Time Homebuyer Courses

*These courses have been provided since the start of program.*

*During the time of the last recession 4 foreclosure community workshops were held in the Community Center and Senior Center. The workshops included housing staff, and various non-profit and housing advocate groups. One workshop was held during the week, and the others on the weekend.*

*First Time Homebuyer Courses are provided to all potential affordable housing program buyers; staff provide information and guidelines on the City's program, along with general information on homeownership, and lenders provide on-line First Time Homebuyer courses. To date, staff has provided approximately 200 first time homebuyer/affordable housing program courses with potential buyers and through community meetings. Buyers are required take the 4 hour course and obtain a certificate of completion as a requirement of the City's program. Other courses include preferred lender seminars/training; which are on-going.*

- Affordable Rental Program

*This program was started in 2005.*

*Housing staff, along with the contracted property manager, manages 22 City owned affordable rental units. A replacement fund utilizing the rental stream has been made to aid in the purchase of appliances for the units, and the needed repair of fences, roof, windows, painting, and other ownership maintenance as needed. Since 2005, the replacement of 2 refrigerators, 5 microwaves (overhead), 5 stoves, 4 washer and dryers have been replaced. Costs were approximately \$15,000.*

*In 2020, the replacement of the stairs at the Compaglia four-plex was required. The stairs and upper balconies were considered a safety hazard; the stairs were constructed with sub-standard materials, and over the course of 10 years had shown extreme wear and tear. Cost for the replacement of the stairs and upper balconies was \$40,754, paid from the affordable housing replacement fund. The unit(s) were out of developer warrantees.*

*In 2020, the affordable unit at Arezzo St. was damaged due to a vehicle accident. Fortunately, no one was hurt, and the tenant was moved into an available rental unit in the City's program. Through the insurance process, a claim was filed, and the repairs were completed in 2021. The cost to repair the property was \$24,992 which was paid from the affordable housing replacement/depreciation fund. Housing staff is working with the City's Risk Manager to obtain reimbursement from the insurance carrier.*

3) On Page 79-80, based on our current formula for Affordable Housing in-lieu fees, how does our formula match up to the others in the table? Which formula is higher, ours or the other cities?

*Cities utilizing the per square foot formula would collect more in-lieu fees with large developments; since it is based on total units in the development. However, for smaller developments, the City's in-lieu fee formula could be higher.*

4) On Page 80 regarding HOA dues, can we instead require that the developer provide offsite Affordable units? And, in what way could we require developers to contribute to HOA fees?

*Offsite affordable units can be required. Currently, the City's AH program has approved 3 off-site units; 2 have no HOA fees, one pending (Parkside Villas). Currently, the in-lieu fees developers pay could be used to contribute towards HOA fee increases for lower income homebuyers. The City Council may also direct staff to look into other options to have the HOA fee increases paid by developers, which would require additional research and discussion with outside counsel.*

5) I thought we already approved funding to hire an additional part-time staff member for our Affordable Housing program (I believe it was approved prior to COVID). Was that staff member ever hired? If not, would an additional part-time staff member be needed above the one that we already approved?

*The part-time position was approved and is in the budget. Staff has a requisition in with Human Resources (HR) to fill the position. Staff will be working with HR in the near future to review the current applicable employment lists due to the number of positions currently being filled by HR. Depending on the City Council's decision to change the affordability %, more staff (such as making a part time position full time) could be needed to administer the housing programs.*

6) On Page 81, what does the annual \$717,000 Affordable Housing program cost cover?

*The Housing Administration Fund accounts for the majority of shared Housing expenses (including personnel, internal service and administration) and is reimbursed by the three Housing Program funds. The Housing Administration Fund has annual expenses of approximately \$765,000. Of this amount, \$717,000 is reimbursed from the Housing In-Lieu Fund, with the remainder coming from the other two Housing Program Funds.*

*The majority of the \$765,000 Housing Administration Fund costs are for personnel operating the Housing Program. The personnel budget is approx. \$515,000 (1 FTE, 1 part time), Supplies and Services costs are approx. \$120,000, Internal Service charges (Insurance, Technology, Janitorial,*

*etc.) are approx. \$70,000, and City Administrative charges (City Manager, City Attorney, Finance, Human Resources, etc.) are approx. \$60,000.*

*The projected cash balances at June 30, 2022 for the Housing Program Funds are as follows:*

*First Time Homebuyers Fund – \$1.1 million*

*Affordable Housing In-Lieu Fund – \$4.2 million*

*Housing Rental Trust Fund – \$1.0 million*

7) How much is currently in the Brentwood Rental Housing Trust Fund? Is the cost to administer this fund part of the \$717,000 Affordable Housing program costs or does it also have administration costs

*Please see information above.*

8) On page 98-99, under BMC 17.725.006 Subsection B, over the past 5 years, 10 years and 20 years, how much of the Rental Housing Trust Fund has been used to purchase, construct or repair single- or multi-family units inside the city limits?

*The affordable housing fund has paid out approximately \$5.7M for the construction and repair (County housing landscape) of affordable housing (please refer to second question for Page 79). The rental trust fund (depreciation/replacement fund) has paid approximately \$80,746 for the repair of units and replacement of appliances for the City's affordable rental units. (Please refer to "Affordable Rental Program" section above.)*

9) Have any funds been borrowed from the Rental Housing Trust Fund over the past 5 years, 10 years and 20 years? And if so, have those funds been paid back?

*No funds have been borrowed from the Rental Housing Trust Fund. The fund is to be used for repair of the City's affordable rental units, maintenance, and replacement of appliances only.*

**From:** [Chris Williams](#)  
**To:** [Parks and Recreation Commission](#)  
**Subject:** Blue Dolphin Park  
**Date:** Monday, September 6, 2021 8:28:35 AM

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CAUTION – EXTERNAL SENDER

Absolutely ridiculous that the water feature is shut down on Saturday's. We pay taxes to pay for the upkeep of this park.

Thank you,  
Chris Williams

From: [Jeremy Jones](#)  
To: [Muller, Bruce](#); [Parks and Recreation Commission](#); [Riyant, Joel](#); [Mendoza, Jovita](#)  
Subject: Disturbing Situation at Dolphin Park  
Date: Tuesday, September 7, 2021 11:03:02 AM  
Attachments: [Image0.png](#)

CAUTION – EXTERNAL SENDER

City leaders,

I'd like to inform you of a disturbing situation that occurred at Dolphin Park on Sunday.

As you know, the Parks and Rec Commission voted 4-1 to close the Splash Pad on Saturdays through the remainder of the season in an effort to help discourage large parties, who dominate the park on weekends and ignore all the rules you have in place. Aside from that issue, surrounding residents also face many other unintended consequences that come from the Splash Pad, all of which have been discussed in previous communications.

This past weekend was the first weekend the Saturday closure was in effect. That day was fine. There were families coming and going at the park utilizing the play structure and all was great. There was one large party that arrived that started to set up but saw the signs about the splash pad being closed, then packed up and left (hopefully to Blue Goose Park or City Park so they could still have their party).

Sunday morning was fine. There were families at the splash pad and everything was very reasonable. The afternoon and evening were a different story. A business owner who owns the business Just Jump'n Around Party Rentals went onto social media and blasted the surrounding residents saying that they had the park closed (see attached snapshot - note what he is saying is not accurate at all). He proceeded to organize an event encouraging people to go to the park to "show that the park isn't owned by anyone." He set a start time at 2pm. At 2pm he arrived with a group of people that grew as the afternoon progressed and proceeded to stay at the park well into the evening hours. Music was being played and people at his party were harassing surrounding neighbors throughout the day and evening, pointing at peoples houses, laughing and ultimately trying to intimidate. From around 9pm to midnight people came to the park and set off fireworks and there were cars that would drive around the park multiple times playing loud music and yelling profanities out the window. The fact that the cars did this continuously can only leave an assumption that it was being done to aggravate and harass the neighborhood. This went on until about midnight. Calls were made to Brentwood PD, but were informed that officers were on a higher priority call so unfortunately by the time they arrived, everyone had left.

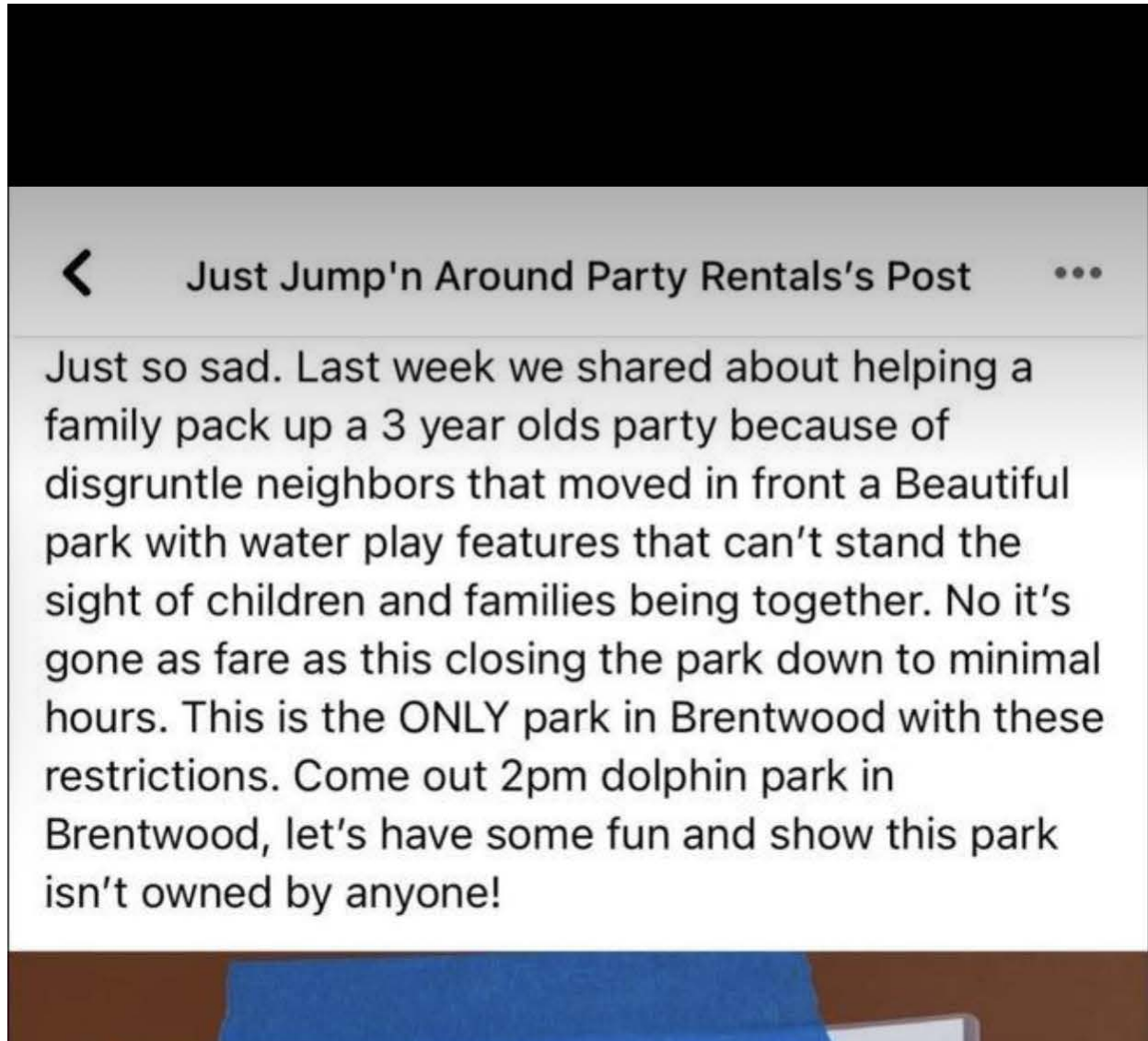
This situation is hitting a boiling point and surrounding residents are feeling the hits from all fronts. Now there is this business owner, who obviously is very immature and childish causing trouble (I'm not even sure if he even lives in Brentwood) and we have neighbors who don't live around the park and see what we see every day saying to calm down and stop complaining, not realizing that there are some pretty serious situations occurring that at some point could effect them if this isn't addressed appropriately. I don't have social media but my neighbors do and from what they showed me the amount of misinformation out there regarding this situation is incredible. People are reacting and basing their actions and opinions off of completely inaccurate or outright false information.

I spoke with some of my neighbors yesterday and they are visibly shaken from the events that occurred on Sunday. They've all said they will no longer be calling the police or publicly speaking up about the issues of this splash pad as they now have genuine fear of retaliation. I echo their concerns and feel the same way but ultimately feel someone still needs to speak up so I'm taking the gamble and saying something. I also want to ensure bad behavior is not rewarded.

My question to you is what do we do from here? I believe we've been very patient and professional with this situation. No one I know is advocating for unreasonable park closures or shutdowns. Personally I (and many other surrounding residents) love seeing the kids playing and enjoying the splash pad when it's not dominated by large parties and people who are disrespectful to the park and neighborhood. We are simply advocating for better processes and enforcement to ensure this park is managed in accordance with the rules and regulations in place set by the city. We want to find a solution where everyone wins, but what happened on Sunday and the after effects of it are completely unacceptable.

Look forward to your response.

Jeremy





**\*\*\* PLEASE NOTE \*\*\***

**DOLPHIN PARK**  
**!WATER FEATURE AREA ONLY!**

**NEW HOURS FOR**  
**WEEKENDS**

**From 9/4/21 thru 10/31/21**

**SATURDAYS –**  
**CLOSED ALL DAY**

**SUNDAYS – OPEN**  
**11:00 a.m. - 5:00 p.m.**

FOR RESERVATIONS AT BLUE GOOSE PARK OR CITY PARK



Write a comment...



**From:** [Stephen Booth](#)  
**To:** [Parks and Recreation Commission](#)  
**Subject:** Dolfin park Saturday  
**Date:** Sunday, September 5, 2021 2:49:59 PM

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CAUTION – EXTERNAL SENDER

Hi,

I saw that Dolfin park's water play area is now closed on Saturday. This seems like a poor schedule as Saturday is a primary day for families to enjoy time together.

Is there any reason for this change?

Thanks!

Stephen

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Stephen Booth





**From:** [Aaron Hatfield](#)  
**To:** [Web Parks and Rec Dist](#)  
**Subject:** Dolphin Park  
**Date:** Wednesday, September 8, 2021 9:45:19 PM

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CAUTION – EXTERNAL SENDER

Hello,

My children and I went to Dolphin Park last Saturday and the water features were not on. I am trying to figure out why the water features would be closed to the children of Brentwood on a hot weekend when families are getting together for outdoor time on a hot day. Please explain and let me know when the water will be turned on for Saturdays.

Thank you,

Aaron Hatfield



**From:** [Baria, Michael](#)  
**To:** [McGurk, Elaine](#); [Santiago, Diva](#)  
**Cc:** [Webmaster](#)  
**Subject:** FW: Dolphin park  
**Date:** Thursday, September 9, 2021 10:48:05 AM

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Good Morning,

Webmaster received the email below.

-----Original Message-----

From: dora gonzalez [REDACTED]  
Sent: Wednesday, September 8, 2021 8:24 PM  
To: Webmaster <Webmaster@brentwoodca.gov>  
Subject: Dolphin park

CAUTION – EXTERNAL SENDER

Hello I am trying to find out about the meeting that may be happening in regards to Dolphin Park and the closing of the water play area.

I would like the information on where, when and whats going to be covered. Is this meeting going to only discuss the fact that its closed on Saturday's now or is it for the people of Brentwood to voice their opinions and keep it open.

We have a baby's 1st party already planned for THIS Saturday, 9/11 and invitations have been out prior to your notice of it being closed.

The reason for the party at that park is for the water play.

Please let me know about this meeting and also if theres anything that you, the city of Brentwood, can do to help if theres no water play available for this Saturday at Dolphin Park.

Thank you

A thirty five year resident of Brentwood

Sent from my iPhone

From: [Jeremy Jones](#)  
To: [Muller, Bruce](#)  
Cc: [Parks and Recreation Commission](#); [Rodriguez, Johnny](#); [Mendoza, Joyda](#)  
Subject: Large Parties - Saturday & Sunday  
Date: Monday, September 13, 2021 8:36:48 AM

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CAUTION – EXTERNAL SENDER

Hi Bruce,

Summary of the weekend.

**Saturday:** Party arrived about 9am. The closure of the splash pad did not deter them. Throughout the morning rental trucks arrived with large tables/chairs and tents being dropped off. Loud music being played throughout afternoon and into evening (brought 3ft tall loud speaker). Park and surrounding neighborhood smelled of marijuana (smoke seen coming from picnic tables by splash pad). Saw police officers arrive in the late afternoon but when they arrived they did not break up the party. Not sure why as this was about as obvious as a violation of the city's rules/municipal codes for the park as you could get, but they must have had their reasons. When the police officers left the party then turned their music back up and continued on, leaving around 8:00pm.

**Sunday:** Similar theme. Parties began arriving about 6:30am. By midday there were approximately 10 to 12 large tents set up around the splash pads hosting large parties with BBQs and music playing. Street Parking was definitely a challenge. They all left when the splash pad closed at 5pm. Quite a bit of litter left behind. This morning due to wind quite a bit of the litter has blown onto surrounding residents properties. No one called the police Sunday (that I'm aware of anyway) and upon speaking to neighbors yesterday evening they all said the same thing. Why call when the city will not enforce the municipal codes and rules of the park anyway? Calling only makes the situation worse as the parties then harass the neighbors in person and online for calling the police and are more emboldened since they then perceive the city is ok with what they are doing and not ok with the neighbors calling the police. Not saying that's the intent, but it is the perception.

A few final thoughts/suggestions:

1. The city should provide clear cut examples of what warrants calls to the police and what will be actively enforced. Also provide examples of what will not be enforced. This may help with neighbors on when and when not to call the police.
2. Police do proactive drive by patrols of the park on Saturdays and Sundays. Once in the morning and once in the afternoon. Easy/quick/proactive way to see if anything needs to be addressed and if there are any violations that should be addressed.
3. Can police officers stop referencing residents when coming to the park for rules/municipal code violation complaints? It's not helpful. Why not just say they are simply at the park enforcing the municipal codes/rules of the park that are set by the city? I get it, no one wants to be the Fun Police/Party Spoilers, but when the police say they are there just because of resident complaints, it creates a perception that the rules are only enforced because the residents are complaining, when it should simply be because these are the city's rules for using the park and those rules are not being followed. This could help with current escalating issues in person and online between residents and patrons of the park and also help neighbors feel more safe when reporting violations.

Thanks for your continued help with this issue.

(Some pictures attached for reference that I received from residents)







**From:** [Toni Duggar](#)  
**To:** [Parks and Recreation Commission](#)  
**Subject:** Dolphin park decision  
**Date:** Tuesday, September 7, 2021 12:16:15 PM

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CAUTION – EXTERNAL SENDER

Hi

As a tax paying homeowner who enjoys our parks I don't see why one park would be closed when it's express interest is to provide water feature to our children.

**Toni Duggar**

**From:** [Bernadette Buchanan](#)  
**To:** [Parks and Recreation Commission](#)  
**Subject:** Dolphin Park restricted hours  
**Date:** Sunday, September 5, 2021 3:12:41 PM

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CAUTION – EXTERNAL SENDER

We are writing in reference to the Saturday closure which the Rec Dept ok'd at the last commission meeting. This is a very popular water park and it's inconceivable to us that it is closed on Saturdays! We are grandparents and can only enjoy our grandchildren at weekends. That limits the water park to just Sunday use. Did you take a survey on this? I'm sure that most families would find this absurd. Or did just one or two neighbors to the park complain? The park belongs to everyone. Please reconsider this ridiculous restriction. Thank you , Robert and Bernadette Buchanan , Brentwood

Sent from my iPad



From: [Anis Shaw](#)  
To: [Web Parks and Rec Dist](#)  
Subject: Dolphin park water feature  
Date: Sunday, September 5, 2021 2:32:11 PM

CAUTION – EXTERNAL SENDER

Hello,

Are the posted hours a temporary thing? Can we let the public know why?



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Anis Shaw



**From:** [REDACTED]  
**To:** [Parks and Recreation Commission](#)  
**Subject:** Dolphin Park  
**Date:** Sunday, September 5, 2021 5:54:40 PM

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**CAUTION – EXTERNAL SENDER**

Hi there City Parks and Rec commissioners- My name is Alicia Kirchner. I am a tax paying resident, and recently learned of your decision to deprive residents of a local park/splash pad on Saturdays, due to the neighborhoods complaints. I'd like to know if it really is the entire neighborhood or simply a few? Why were they not consulted when this park was built? Anyone who has moved into the neighborhood should have been aware of this amenity when they purchased their home. You don't see the city of Oakley shutting down the splash pad located on Laurel and Brown, which is also a densely populated area. I am disappointed in your decision to close a family park on a Saturday due to the features that are available. What's next? ALL parks in a neighborhood are closed on Saturday, Sunday and evenings? It's very disappointing, and reading the minutes from your meeting are also disappointing. Please reconsider your decision to close a city park off from the tax payers, and work to create an understanding for the neighbors who should be ashamed of taking an experience from the young residents who visit the feature.

Respectfully,  
Alicia Kirchner

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Jessica Biskner](#)  
**To:** [Web Parks and Rec Dist](#)  
**Cc:** [Bryant, Joel](#); [Rodriguez, Johnny](#); [Mendoza, Jovita](#); [Meyer, Susannah](#); [Rarey, Karen](#)  
**Subject:** Dolphin park  
**Date:** Monday, September 6, 2021 9:55:46 AM

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CAUTION – EXTERNAL SENDER

As a resident of Brentwood I am appalled that you would close a public Park on a Saturday, with very little transparency, after our children suffered enough with isolation during this pandemic. My children and I frequently visit this park for years and have always enjoyed the fun community feel of the park. I would possibly understand closing a Park at a reasonable time during the week, as it's in a neighborhood, but on a weekend? What is the reason for the public park closing on a Saturday? Would my request to close the park near my house (Heron Park) on the weekends as it attracts outside neighbors and sports teams be treated the same? You opened a can of worms here closing a public park. If all parks are not observed and treated the same you will have a lawsuit on your hands. What data collection have you gathered from park visitors to warrant park closure, I frequent this park and have never seen anyone collect data or observing park goers. How frequent was this data collected? Are all parks treated the same, or are you catering to certain neighborhoods in Brentwood? What data points are considered when closing a neighborhood park? Is it if a certain percentage of park goers are from outside neighborhoods? What is this percentage? How did you collect the data? I assume no data was collected, since there are much busier neighborhood parks still open. Maybe a neighbor is friends with or donated to someone in order for such a ridiculous request be granted.

I would like a response that answers all my requested data in a timely manner from the Brentwood Parks and Rec. Department as well as a statement from the mayor and city council members on their thoughts on the Saturday closure of Dolphin Park in Brentwood. I also think that a public statement is warranted seeing as I am not the only concerned Brentwood resident.

Thank you,

Jessica Erickson

Sent from my iPhone

**From:** [Tammie Macdonald](#)  
**To:** [Web Parks and Rec Dist](#); [Mulder, Bruce](#)  
**Subject:** Dolphin Park  
**Date:** Tuesday, September 7, 2021 8:47:44 AM

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**CAUTION – EXTERNAL SENDER**

I would like some information on why the splash pad hours for Dolphin Park are different than every other park in our city. I am a homeownership taxpayer with children and have the same rights to use that park as any other park in the city. The residents of that neighborhood shouldn't be able to influence what time and days that park is operational.

Please explain.

**Tammie Macdonald**

**From:** [Stadlbauer, Linda](#)  
**To:** [Mulder, Bruce](#); [Wanden, Aaron](#); [Johnson, Brian](#)  
**Cc:** [McGurk, Elaine](#); [Stadlbauer, Linda](#); [Santiago, Diva](#)  
**Subject:** FW: Citizen Input  
**Date:** Tuesday, September 7, 2021 10:06:47 AM

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From PD.

**Linda Stadlbauer**

Parks and Recreation Department  
150 City Park Way  
Brentwood, CA 94513-1164  
Phone: 925.516.5444  
[lstadlbauer@brentwoodca.gov](mailto:lstadlbauer@brentwoodca.gov)



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**From:** Walker, Jaylene <[jawalker@brentwoodca.gov](mailto:jawalker@brentwoodca.gov)>  
**Sent:** Tuesday, September 7, 2021 10:02 AM  
**To:** Stadlbauer, Linda <[lstadlbauer@brentwoodca.gov](mailto:lstadlbauer@brentwoodca.gov)>  
**Subject:** FW: Citizen Input

Good morning Linda,

The below complaint/concern came through our webmail. I confirmed with Sgt. Peart that the closing of the park has nothing to do with us (see below). Who can I send the below request for contact to? I have not seen the social media she is referring to, however maybe she needs to be educated if in fact it is closed for renovations.

**Jaylene Walker, Executive Assistant**  
Police Department  
9100 Brentwood Blvd  
Brentwood, CA 94513-4000  
Phone: 925.809.7701  
Fax: 925.809.7803  
[jawalker@brentwoodca.gov](mailto:jawalker@brentwoodca.gov)

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**From:** Peart, Christopher <[cpeart@brentwoodca.gov](mailto:cpeart@brentwoodca.gov)>  
**Sent:** Tuesday, September 7, 2021 9:20 AM  
**To:** Walker, Jaylene <[jawalker@brentwoodca.gov](mailto:jawalker@brentwoodca.gov)>; Louwerens, Mark <[mlouwerens@brentwoodca.gov](mailto:mlouwerens@brentwoodca.gov)>  
**Subject:** RE: Citizen Input

This is not us Jaylene. From what I've heard. The water park is going to be renovated and closed for an extended period of time while construction is in progress. I would refer this to Park and Rec who can give a better and more informed response

**Christopher Peart, Police Sergeant**

Police Department  
9100 Brentwood Blvd  
Brentwood, CA 94513-4000  
Phone: 925.809.7763  
Fax: 925.809.7799  
[cpeart@brentwoodca.gov](mailto:cpeart@brentwoodca.gov)

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**From:** Walker, Jaylene <[jawalker@brentwoodca.gov](mailto:jawalker@brentwoodca.gov)>  
**Sent:** Tuesday, September 7, 2021 8:45 AM  
**To:** Louwerens, Mark <[mlouwerens@brentwoodca.gov](mailto:mlouwerens@brentwoodca.gov)>; Peart, Christopher <[cpeart@brentwoodca.gov](mailto:cpeart@brentwoodca.gov)>  
**Subject:** FW: Citizen Input

Hi! Happy Tuesday! Please see below that came to the PD webmail complaining about Dolphin Park being closed. Did we have anything to do with it? If not, I will send this to Parks and Rec for them to respond.

**Jaylene Walker, Executive Assistant**  
Police Department  
9100 Brentwood Blvd  
Brentwood, CA 94513-4000  
Phone: 925.809.7701  
Fax: 925.809.7803  
[jawalker@brentwoodca.gov](mailto:jawalker@brentwoodca.gov)

**From:** PD, webmail <[pdwebmail@brentwoodca.gov](mailto:pdwebmail@brentwoodca.gov)>  
**Sent:** Monday, September 6, 2021 9:43 AM  
**To:** PD, webmail <[pdwebmail@brentwoodca.gov](mailto:pdwebmail@brentwoodca.gov)>  
**Subject:** Citizen Input

A citizen has submitted input to your online form. The submitted data is below:

Name Alyssa ambriz

Address [REDACTED]

Phone [REDACTED]

Email [REDACTED]

Concern Comment

Comments Good morning, Saturday I took my daughter to the dolphin park and both her and I were absolutely heartbroken when we saw the sign that stated the water play feature was closed. I then went on Facebook to see if anything had happened. And when I tell you the anger that filled me when I read that it was all because some people who chose to move into a neighborhood with this amazing feature have the power to control you all is ridiculous. I have complained plenty of times for different things and yet nothing. But here we are closing a park because people can't stand other peoplefun? I have lived in the city my whole life and have never seen anything like this. I'm honestly disgusted and how you all are handling this and allowing it to happen. You turn a blind eye to much worse but this you allow to happen. Sad. May we contact you? Yes

**From:** [Baria, Michael](#)  
**To:** [McGurk, Elaine](#); [Santiago, Diva](#)  
**Cc:** [Webmaster](#)  
**Subject:** FW: Dolphin park  
**Date:** Thursday, September 9, 2021 10:48:05 AM

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Good Morning,

Webmaster received the email below.

-----Original Message-----

From: dora gonzalez [REDACTED]  
Sent: Wednesday, September 8, 2021 8:24 PM  
To: Webmaster <Webmaster@brentwoodca.gov>  
Subject: Dolphin park

CAUTION – EXTERNAL SENDER

Hello I am trying to find out about the meeting that may be happening in regards to Dolphin Park and the closing of the water play area.

I would like the information on where, when and whats going to be covered. Is this meeting going to only discuss the fact that its closed on Saturday's now or is it for the people of Brentwood to voice their opinions and keep it open.

We have a baby's 1st party already planned for THIS Saturday, 9/11 and invitations have been out prior to your notice of it being closed.

The reason for the party at that park is for the water play.

Please let me know about this meeting and also if theres anything that you, the city of Brentwood, can do to help if theres no water play available for this Saturday at Dolphin Park.

Thank you

A thirty five year resident of Brentwood

Sent from my iPhone



**From:** [Baria, Michael](#)  
**To:** [McGurk, Elaine](#); [Santiago, Diva](#)  
**Cc:** [Webmaster](#)  
**Subject:** FW: Dolphin park  
**Date:** Tuesday, September 7, 2021 7:48:34 AM

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Good Morning,

Webmaster received the email below.

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**Sent:** Monday, September 6, 2021 10:15 AM  
**To:** Webmaster <Webmaster@brentwoodca.gov>  
**Subject:** Dolphin park

**CAUTION – EXTERNAL SENDER**

As a resident of Brentwood for 15 years who is now raising my own family here, the news of Dolphin Park splash pad being closed on Saturdays is very disappointing. Saturday is a day where traditionally families get together and do something fun. The splash pad isn't a year round operation, its for the warm months and is a great park for kids of all ages. I strongly urge you to reconsider the decision to close the park on Saturdays. Thank you.

**From:** [Jason Gonzales](#)  
**To:** [Web Parks and Rec Dist](#); [Mulder, Bruce](#); [Ogden, Tim](#); [cotycouncil@brentwoodca.gov](mailto:cotycouncil@brentwoodca.gov)  
**Subject:** Neighborhood Park  
**Date:** Tuesday, September 7, 2021 9:51:37 AM

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CAUTION – EXTERNAL SENDER

Good morning, I am writing to find out what is going on with our neighborhood park, Dolphin Park. I am a resident and have lived with my wife and 2 small children since the neighborhood was built. We purchased our home on day one of the model homes opening in Verona. We knew from the beginning that the park and water feature would be built and we were excited as it is a huge bonus to the city and neighborhood. I am saddened that a couple loud voices speak for the majority of us in Verona and now have the water park closed on Saturdays.

About 3 years ago most of the issues were addressed and positive changes were made to help control the crowds. Since then I can't think of any one incident that has had enough negative impact to demand the closure on Saturdays. I also can't find one police report of crime this year at our park.

The complaints that come into the police department and city are done by the same couple houses since our houses were built. They do not have kids and do not enjoy the park like the rest of us. They not only call PD for the water park but also for ice cream trucks, kids playing flag football, cars parked on public streets and even a father playing catch with his kids during the COVID lockdown. They have also been observed having confrontation with those enjoying the park. At what point does the city tell them it's a public park and these are public streets.

Due to the current closure it has brought even more unnecessary exposure. People have taken to social media and have posted times and dates to try and get large crowds to show up along with KRON 4 news being contacted.

I am very disappointed that Parks and Rec has given in to a few loud voices that do not speak for the majority of our neighborhood and community.

I would like to know what the final straw and or how the decision was made, to determine that the water feature needed to close on Saturdays. Thanks for taking the time to read this and I look forward to hearing back and even working with you to come up with better solutions.

Respectfully,  
Jason Gonzales

**From:** [Elias, Sylvia](#)  
**To:** [=yCouncil Members](#)  
**Cc:** [Ogden, Tim](#); [Brower, Damien](#); [Wisinski, Katherine](#); [Morris, Alexis](#); [Wimberly, Margaret](#)  
**Subject:** Affordable Housing Ordinance Discussion - Item E.2  
**Date:** Friday, March 18, 2022 2:45:57 PM  
**Attachments:** [Affordable Housing Ordinance - Reformatted Version - Item E.2.pdf](#)

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Mayor, Vice Mayor, and City Councilmembers

You will have all received the agenda packet for next Tuesday. The staff report for Item E.2, the affordable housing discussion, is long and our agenda software did not incorporate all of the formatting, so we apologize for that. Attached is a version of the staff report with the formatting fixed. If you have particular questions before Tuesday, we welcome you to send them in at your earliest convenience so we can do our best to be prepared for the meeting. Counsel from Goldfarb & Lipmann will be in attendance that night, as well, as a further resource.

Respectfully,



**Sylvia Elias, Senior Housing Analyst**  
Community Development  
150 City Park Way  
Brentwood, CA 94513-1164  
Phone: 925.516.5305  
Fax: 925.516.5407  
[selias@brentwoodca.gov](mailto:selias@brentwoodca.gov)



## **CITY COUNCIL STRATEGIC INITIATIVE**

None.

### **PREVIOUS ACTION**

At its meeting of September 9, 2003, the City Council adopted Ordinance 756 establishing the Affordable Housing Program.

At its meeting of January 11, 2005, the City Council unanimously adopted Ordinance No. 790, amending Chapter 17.725 of the Brentwood Municipal Code pertaining to the Affordable Housing Program.

At its meeting of December 11, 2012, the City Council adopted Ordinance No. 909, amending the Affordable Housing Program. Among other things, the adoption of Ordinance No. 909: excluded multi-family rental development (consistent with the *Palmer/Sixth St. Properties LP v City of Los Angeles* case), reduced the moderate affordable obligation to zero, reduced the overall affordable housing obligation from 10% to 2%, increased the threshold for applicability to 25 units, revised the in-lieu fee calculation methodology, allowed the collection of in-lieu fees when building permits are issued, and, allowed the Finance Director to utilize housing fees to help fund the Council-approved annual operating budget for the Housing Enterprise fund.

At its meeting of April 28, 2020, the City Council adopted Ordinance No. 1014, amending the Affordable Housing Program. Among other things, the adoption of Ordinance No. 1014: included multi-family projects into the affordable housing program, reinstated the moderate income requirement, increased the overall affordable housing obligation from 2% to 10%, decreased the threshold for applicability to 5 units, and revised the in-lieu fee calculation methodology. A copy of the Ordinance is attached to this staff report.

### **BACKGROUND**

The state of California is in a housing crisis. The shortage in housing supply at all income levels has caused a dramatic rise in California property values and housing prices and the lack of median and low income developments has forced many families to spend more than 50% of their income on housing. The Statewide Housing Plan has declared that California needs to build 2.5 million housing units in the next eight years to overcome the state's housing production gap. The shortage of affordable housing, particularly for extremely low and very low income households, has driven up the number of homeless people throughout California. While California has 12% of the nation's population, it has 22% of the nation's homeless.

The State recently enacted a series of new affordable housing laws, and more bills from the State continue to be proposed and work their way through the approval process. The State is strongly encouraging cities to adopt zoning to permit additional housing, including affordable housing by providing new incentives and policies. Staff is in the process of scheduling a workshop in April to discuss the Housing Element Update, which will include a discussion of the City's Regional Housing Needs Allocation (RHNA) and new state mandates.

#### Increasing Affordability Percentage:

At its November 9, 2021 meeting, the City Council directed staff to bring forth a future agenda item to discuss options related to increasing the Inclusionary Housing/Affordable Housing Ordinance's 10% affordable housing obligation and provide information about what other cities are doing. The Council discussed having staff provide information related to an increase to either 15%, or even higher to 20% or 25% affordable housing obligation.

The City's current affordability requirement is 10% (3% Very Low / 4% Low / 3% Moderate for ownership and 5% Very Low / 5% Low for rental housing<sup>1</sup>). The City Council expressed their concern regarding the difficulties in meeting the current Regional Housing Needs Allocation (RHNA) for Brentwood for very low, low and moderate income housing. Brentwood, along with most cities in the State, does not have enough affordable housing for its lower income residents, and is far from meeting its RHNA for very low, low, and moderate income households. The upcoming 6<sup>th</sup> Cycle RHNA has doubled for many cities, including Brentwood. Shown below is Brentwood's previous RHNA (5<sup>th</sup> Cycle) and Brentwood's upcoming RHNA (6<sup>th</sup> Cycle):

Income Level	Previous RHNA (5 <sup>th</sup> Cycle)	Upcoming RHNA (6 <sup>th</sup> Cycle)
Very Low	234	402
Low	124	232
Moderate	123	247
Above Moderate	279	641
TOTAL UNITS	760	1522

The City Council suggested that increasing the affordability obligation to either 15%, 20% or 25% would increase the production of more affordable housing and better meet the City's RHNA obligation. For informational purposes, Table 1 below shows the number of potential residential units left at General Plan build out, and the potential number of affordable units at a 10% affordability obligation and higher.

**Table 1: Potential Affordable Housing Units**

Housing Type	General Plan Housing Buildout Projections	Affordable Housing Obligation at 10%	Affordable Housing Obligation at 15%	Affordable Housing Obligation at 20%	Affordable Housing Obligation at 25%
Single Family	2,416	242	362	483	604
Multi-family	6,953	695	1,043	1,391	1,738
Total Units	9,369	937	1,405	1,874	2,342
Remaining Market Rate/Above Moderate units (not AH)		8,432	7,964	7,495	7,027

<sup>1</sup> Approximate percentage of median incomes: Very Low – 50% of median income, Low - 80% of median income, Moderate - 120% of median income.

Staff also conducted a brief survey on affordable housing inclusionary requirements of other cities, as tabulated below.

**Table 2: Affordable Housing Inclusionary Ordinance Requirement – Other Cities**

City	Population	Current Affordable Housing Requirement
El Cerrito	25,398	12%
Lafayette	26,305	15%
Dublin	61,240	12.5%
Walnut Creek	69,567	10%
Pittsburg	71,422	None. Fed/State Program
San Ramon	75,648	15%
Pleasanton	81,717	15% multifamily, 20% single family
Livermore	89,699	10% in Downtown, 15% outside Downtown
Antioch	111,200	None. Fed/State Program
Concord	129,183	10%
Hayward	159,293	10%
Fremont	235,740	15% ownership, 10% rental
San Francisco	874,961	14% onsite, 20% off-site for 10-24 units, higher % for 25+ unit projects
San Jose	1,028,000	15% on site, 20% off-site

The City Council requested information on possible impacts to active residential projects. Table 3 below lists the current active residential projects. Under state law the City can only apply the version of the City's inclusionary ordinance that was in effect when the application was deemed complete, or when a preliminary application under SB 330 was filed.

**Table 3: Active Residential Projects**

Project	Type	Units	Status	Approved by CC	AH Ordinance	Obligation
<b>Approved Projects</b>						
Cowell Ranch	SF	140	Approved	08.28.18	0 (part of VYs DA)	VY Development Agreement
Parkside Villas	SF	37	Approved	09.12.06	10%	1L off-site/1M ILF
St. James Court	SF	8	Approved	02.28.06	2%	No obligation for projects 24 units and less
<b>Active Development Applications</b>						
Bridle Gate	SF	292	In Process	TBD	10%*	TBD
Hanson Lane	SF	90	In Process	TBD	10%	TBD
Inez Estates	SF	11	In Process	TBD	10%	TBD
Minnesota Avenue	SF	94	In Process	TBD	10%	TBD
Orchard Grove	SF	51	In Process	TBD	10%*	TBD
Windy Springs	SF	22	In Process	TBD	10%	TBD
<b>Projects Under Construction</b>						
2700 Empire	SF	48	Under construction	09.20.16	2%	Paid In-lieu Fee
Amber Lane Apartments	MF	288	Under construction	01.28.20	2%	No obligation for multi-family projects
Bennett Estates	SF	14	Under construction	02.25.20	2%	No obligation for projects 24 units and less
Brentwood Country Club	SF	63	Under construction	02.18.14	2%	Paid In-lieu Fee
Brentwood Country Club	SF	24	Under construction	08.28.18	2%	No obligation for projects 24 units and less
Harper Parc	SF	84	Under construction	03.22.16	2%	Paid In-lieu Fee
Orchard Trails	SF	77	Under construction	04.24.20	2%	2L
Orfanos	SF	160	Under construction	03.14.17	2%	Paid In-lieu Fee
Palermo	SF	96	Under construction	03.15.16	2%	Paid In-lieu Fee
Silvergate	MF	166	Under construction	12.05.17	2%	No obligation for multi-family projects
St. Martin's Place	SF	8	Under construction	12.14.04	10%	Pay In-Lieu Fee
Terrene	SF	326	Under construction	01.12.16	2%	4L, 3 VL Units
Trilogy	SF	1,100	Under construction	03.16.04	DA	Paid In-lieu Fee
2%: 25 or more units, multi-family exempt    10%: 5 or more units, includes multi-family DA = Development Agreement    VL = Very Low    L = Low    M = Moderate *Pending compliance with preliminary application requirements.						

Any increase in the percentage of affordable units required by local ordinance triggers a host of legal considerations and processes that the City Council may wish to consider.

**Constitutional matters.** First, the City's ability to impose affordable housing requirements is subject to state and federal laws, including Constitutional protections. When a city imposes a price control on housing, such as rent control or inclusionary housing, the regulation cannot be such that it would create a regulatory taking. Thus, in the context of inclusionary housing, the required percentage of affordable units cannot be so high as to be "confiscatory." According to the California Supreme Court, that means the ordinance must allow a developer a "fair and reasonable" rate of return. *California Bldg. Industry Ass'n v. City of San Jose (2015) 61 Cal.4th 435*. To date there are no cases that specifically address what is a "fair and reasonable" rate of return in the inclusionary context.

**State housing law issues.** Separate and apart from Constitutional considerations, the City must also examine if the ordinance is a constraint on housing production as part of the City's Housing Element. In recent letters, HCD has required cities to analyze the impacts of inclusionary ordinances on the "cost, supply, and timing of housing." Also, if the City requires more than 15% lower income housing and the production of market-rate housing is lacking, HCD can demand that the City prepare an economic feasibility study, as discussed later. The preparation of such a study, as well as the constraint analysis, would both be items that consultants would need to be retained to complete.

**Feasibility study.** Because of Constitutional takings law and, in particular, HCD's demands when reviewing Housing Elements, cities typically conduct an economic feasibility study before increasing the required percentage of affordable housing. The purpose of the economic feasibility study is to demonstrate that the inclusionary ordinance does not constrain housing production and provides housing developers with a reasonable rate of return, as required by the Constitution. The study would then support the Housing Element, serve as the required feasibility study if HCD demands one, and demonstrate that the ordinance is not confiscatory. A feasibility study is especially important if the City is considering an inclusionary requirement higher than 15%.

As passed in 2017, Assembly Bill 1505 (AB 1505) provides that HCD, among other things, can require that local governments submit an economic feasibility study if specified conditions exist. The proposed changes to the City's inclusionary ordinance could meet several of those conditions:

- **Rental Inclusionary:** AB 1505 only applies to ordinances with rental inclusionary requirements. Ordinances with only ownership housing do not trigger requirements under AB 1505. The City's ordinance contains rental inclusionary requirements.
- **Ordinance adopted or amended post September 15, 2017:** Local governments that adopt or amend ordinances after September 15, 2017 trigger AB 1505 and are required to prepare or submit economic feasibility studies to HCD. Proposed changes to the City's ordinance would be adopted post September 15, 2017.
- **Level of Affordability:** Only inclusionary ordinances that require more than 15% of the total number of units to be rented by households at 80% or less of area median income (AMI) are subject to AB 1505. Inclusionary ordinances that require less than 15% for 80% or less AMI household, or solely target household above 80% of AMI, do not trigger



a submittal or review by HCD under AB 1505. If the overall inclusionary percentage is increased to above 15%, it would likely require at least 15% of the units be below 80% of AMI (Low and Very Low Income).

- HCD Findings: HCD may review any inclusionary rental-housing ordinance if it finds either of the following apply:
  - The jurisdiction failed to meet at least 75% of its share of its above-moderate income RHNA (prorated based on the length of time within the planning period) over at least a five-year period, based on the jurisdiction’s annual Housing Element report. The City has met more than 75% of its above-moderate income RHNA.
  - The jurisdiction failed to submit the annual Housing Element report for at least two consecutive years. The City has submitted its annual Housing Element report in a timely manner, therefore this provision does not apply.

A feasibility study could cost \$30,000 or more depending on the scope of work and take 8-12 weeks to complete.

**Density bonus activation.** Units that meet the local inclusionary requirements can also qualify a project for development incentives. State density bonus law (Government Code § 65915, et seq.) offers developers a host of incentives, concessions, waivers, and other favorable treatment in return for the inclusion of affordable housing units (or other qualifying project features) in development projects. These benefits are triggered once a project includes 5% very low-income units or 10% low or moderate income units.

Depending on how the City's inclusionary requirement is allocated between low-income and very low-income households, projects that are required to provide 15%, 20%, or 25% affordable units could qualify for the following increase in density above what is permitted under local zoning.

**Table 4: State Density Bonus Allowances**

Percentage of Affordable Units	Increase in Allowed Density
5% Very Low or 10% Low	20% Increase
10% Very Low	32.5% Increase
11% Very Low or 20% Low	35% Increase
15% Very Low or 24% Low	50% Increase

Projects that qualify for development incentives under the density bonus law can avoid local development standards that would conflict with the development of the project as designed by requesting waivers. Given the reduction of local land use control over projects qualifying for density bonus processing, the Council should be aware of how the adoption of a greater percentage of affordable units may trigger the application of the state density bonus law. However, currently the inclusionary requirement for rental projects imposes a 10% affordability requirement with 5% being affordable to very low-income households. Thus, these projects would already qualify for development incentives under the density bonus law. Increasing the affordability requirement could result in projects qualifying for greater increases in density.

### Removal of Affordable Housing In-lieu Fee Option:

At the December 14, 2021 meeting, the City Council directed staff to review and provide information on the removal of housing in-lieu fees. The following information is provided to the City Council regarding the collection and use of in-lieu fees, and the potential impact of the removal of in-lieu fees.

The City's affordable housing in-lieu fees are paid by developers as an alternative to building affordable units that would otherwise be required under the Affordable Housing Ordinance.

The current affordable housing ordinance (Ordinance No. 1014) provides several options for developers to meet their affordable housing requirement for their residential development projects, which includes:

- Construction of affordable units on-site
- Construction of affordable units off-site
- Dedication of vacant developable land
- Dedication of units into the City's affordable rental program and
- Collection of in-lieu fees.

The in-lieu fee option may be combined with other options such as the building of units and payment of in-lieu fees (i.e., build half of the number of required units, pay an in-lieu fee for half of the required units, etc.).

The removal of affordable housing in-lieu fees as an obligation fulfillment method may spur the building of more affordable housing on-site, but would also eliminate a funding source for the Inclusionary/Affordable Housing Programs. The City's Affordable Housing in-lieu fees aid in funding:

- Future affordable housing projects;
- Purchase of pre-foreclosed deed restricted properties;
- Down Payment Assistance Program;
- Community Outreach/First Time Homebuyer Courses;
- Affordable Rental Program; and
- Administration of Affordable Housing Programs.

If the development is a rental project, State law requires that the inclusionary ordinance provide alternative means of compliance (Government Code § 65850). Best practice for the inclusionary ordinance (and State Law requirement) is to provide at least two alternative options for rental projects. The City may require on-site construction of affordable units in ownership projects, although typically off-site construction or land dedication have been allowed if more affordable housing will result.

The in-lieu fees are deposited into the affordable housing in-lieu fee fund for future affordable housing projects, and affordable housing program administrative costs. Currently, there is approximately \$4M in the affordable housing in-lieu fee fund from the collection of in-lieu fees paid by developers. In April 2020, the affordable housing ordinance was amended and Ordinance No. 1014 increased the amount of in-lieu fees collected with the current formula of the median sales price for a market rate three bedroom home (1500-1700 square feet), minus the affordable sales price, equaling the in-lieu fee for the fiscal year. Other options are available

to determine how in-lieu fees are calculated. Current in-lieu fees through June 30, 2022 are as follows:

- \$433,000 per very low affordable unit not built
- \$326,000 per low affordable unit not built
- \$16,000 per moderate affordable unit not built

The current annual operational costs of the affordable housing in-lieu fund are approximately \$717,000 per fiscal year. Without additional in-lieu fee income, the affordable housing in-lieu fund would have funds available to continue operations until approximately 2028 without a General Fund subsidy. However, should the Council increase the affordability requirement, it is anticipated that additional resources will be needed and the cost to administer the affordable housing program would increase as the number of affordable units increase in the City's inventory (for sale and rental). Therefore, if the affordability requirement was increased, funds would be exhausted before the 2028 timeline. At that point, the General Fund would be responsible for these costs, instead of developer funds. For informational purposes, staff has provided Table 5, In-lieu Fee Requirements – Other Cities:

**Table 5. In-Lieu Fee Requirements – Other Cities**

City	In-lieu Fee Requirement/Calculation
Antioch	None
Pittsburg	None
Concord	Per sq. ft.*
El Cerrito	Per sq. ft. *
Lafayette	Per sq. ft.*
San Ramon	Per sq. ft.*
Dublin	Greater of CPI or HUD Rents %
Walnut Creek	Per sq. ft.*
Pleasanton	Per sq. ft.*
Livermore	\$39.34 Per sq. ft.
Fremont	\$44.00 Per sq. ft.
Hayward	\$18.18 Per sq. ft.
San Francisco	\$230.91 Per sq. ft.
San Jose	Per sq. ft.*
*of total # of market rates units in development determined by City Council/Annual CAP	

Homeowner's Association (HOA) Fees and the Affordable Housing Program

The Council requested staff research the City's ability to waive or subsidize HOA fees for affordable housing units. Like property taxes and mortgage payments, HOA fees are considered in setting the initial sales price of affordable units. This means that the permitted sales price is reduced so that the homebuyer can, theoretically, afford to pay the HOA dues, as well as all the other costs associated with homeownership. However, increases in HOA fees or special assessments may exceed the homebuyer's ability to pay, especially for lower income buyers. Some cities have set up a fund that lower income homebuyers can access to assist in paying HOA fees if they exceed the homebuyer's ability to pay and may require developers to contribute to the fund or set up a fund with the HOA. The City could explore these options if the Council desires. The City does not have the authority to exempt any homes in a residential project from payment of HOA dues.

## **NEXT STEPS**

Staff is seeking the City Council's direction on the following issues:

1. Whether to increase the affordability percentage requirement to 15% or greater – if the Council is considering a percentage higher than 15%, the Council should consider directing staff to update the ordinance in phases by increasing the percentage in the ordinance to 15% initially while the feasibility study for a higher percentage is conducted;
2. Whether to conduct an economic feasibility study to support an increase in the affordability percentage requirement above 15%;
3. Whether to remove the in-lieu fee option for ownership units;
4. Whether to modify the in-lieu fee option for rental units; and,
5. Whether to assist affordable homebuyers in paying HOA fees either through City funds and/or developer contributions.

Once staff receives the City Council's direction, staff will draft an amended affordable housing ordinance, take the draft ordinance to the Planning Commission for a recommendation, and return to the City Council for adoption of the amended affordable housing ordinance. Depending on the direction received, staff could schedule a draft ordinance for Planning Commission consideration in April without a feasibility study. If Council directs staff to prepare a feasibility study, that would require Council approval of the funds for the study and at least several months to prepare. Staff understands that Council would like changes to the ordinance to be made as quickly as possible; therefore, this task could be undertaken separately from any changes to the in-lieu fee program.

## **FISCAL IMPACT**

Should the City Council decide to amend the Affordable Housing Ordinance and increase the affordability requirement, the City would be able to secure additional housing for its affordable housing rental program, increase affordable housing production, and better meet State mandates. As mentioned above, there would be increased costs to administer the Affordable Housing program if the projected number of units in the program were increased. This is difficult to quantify until the exact percentage increase is known, but it could involve the need for another staff person at least part-time.

Should the City Council decide to remove the affordable housing in-lieu fee option, the Affordable Housing In-Lieu Fund would lose its funding source, and have funds available through approximately 2028. The General Fund would then be responsible for these costs at approximately \$717,000 per year. However, as mentioned above, should the City Council increase the affordability requirement, costs to administer the City's affordable housing program would also increase due to the increase in inventory (for sale units, rental units), thus exhausting the remaining funds before the 2028 timeline.

## Wimberly, Margaret

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**From:** cynthia mahoney [REDACTED]  
**Sent:** Monday, March 21, 2022 1:36 PM  
**To:** webCityClerk  
**Subject:** Comment in SUPPORT of the proposed ban on oil and gas drilling in the City of Brentwood.

CAUTION – EXTERNAL SENDER

March 21, 2022

Dear Councilmembers, City of Brentwood

My name is Cynthia Mahoney MD, a physician here in the East Bay. Speaking from my professional knowledge, I am writing today to express my strong support for a ban on oil and gas drilling in the City of Brentwood.

Oil drilling is dangerous to health and will directly harm the health of our community.

The health hazards to people living, working and going to school in proximity to oil drilling are well-documented. Oil and Gas development (OGD) affects our children's health even before they are born. Oil and gas operations release health-damaging pollutants into the air. A [2019 study](#) found that these hazardous air pollutants are released during drilling of a well and throughout oil and gas production. [Asthma rates](#), rates of [preterm birth](#), and [cancer](#) rates are all elevated in people who live near fossil fuel extraction sites. A [2018 study](#) found that for people living within 500 feet of oil and gas drilling, the risk of developing cancer is 8-fold higher than U.S. EPA threshold for acceptable risk. Especially in the midst of the COVID-19 pandemic, any increase in air pollution is especially hazardous to health. A [new study from Stanford](#) found that oil and gas wells emit fine particulate matter, which another [recent study from Harvard](#) found could lead to an increased likelihood of death from COVID-19.

The most effective way to protect public health from oil and gas operations is to stop drilling and developing new wells, phase out existing oil and gas development activities and associated infrastructure. This is exactly what the CALGEM Public Health Rulemaking Scientific Advisory Panel calls the most health protective strategy.

Additionally, the reason we are drilling for oil and gas is to burn it, which results in greenhouse gas emissions and climate change. [Health care providers around the world](#) recognize the direct link between the burning of fossil fuels, climate change, and the adverse effect of warming on health, especially the health of our kids. Climate Change is a Human Health Emergency. There is only one way to mitigate the worst effects of climate change. We must stop burning fossil fuels. Clearly, new oil and gas drilling is *exactly* a step in the opposite direction. The IPCC says we cannot afford any new fossil fuel infrastructure. We have solutions - let's invest in clean energy at speed. Climate Solutions are Health solutions.

As a physician and a concerned member of our community, I ask that you act in the best interest of all of our health and future by banning oil and gas drilling in the City of Brentwood..

Sincerely,

Cynthia A Mahoney, MD  
Clinical Assoc Professor, Stanford (ret)  
Advocate for the Medical society Consortium on Climate and Health

**From:** [Dipendra Rai](#)  
**To:** [webCityClerk](#)  
**Subject:** Ban drilling operations  
**Date:** Tuesday, March 22, 2022 12:58:53 PM

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**CAUTION – EXTERNAL SENDER**

Hi,

My name is Dipendra Rai resident of Brentwood. I want to add my families' voice to ban drilling operations here in Brentwood.

Fossil fuel should be phased out and as a city we should be working to make our city green and focused on renewable energy. All our effort should be focused on reducing carbon emission, educating ourself and community on green energy and encouraging residents and companies to go green.

Studies have shown negative impacts caused by fossil fuel drilling. All of us have read and seen the environment disasters it has caused. We at Brentwood do not want any part of this. Our residents health and the communities safety should be our top priority. We don't want our ground water and air polluted with chemicals and harmful gas, we don't want to live in fear of potential environmental issues that it may cause to to leaks, fire, eruptions and many more. We don't want the type of jobs that this industry brings.

Please consider a ban on any new drilling operations!

Dipendra Rai and family (6 People)

[REDACTED]  
Brentwood

## Wimberly, Margaret

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**From:** Jeffrey Mann [REDACTED]  
**Sent:** Monday, March 21, 2022 1:17 PM  
**To:** webCityClerk  
**Subject:** Agenda item E.5 - Oil and Gas drilling

CAUTION – EXTERNAL SENDER

March 21, 2022

Dear City Council Members of Brentwood,

My name is Jeffrey Mann and I am an Orthopedic surgeon and long-time resident of Contra Costa County. I have been caring for citizens of Brentwood and all Contra Costa County for the past 25 years.

I am writing today to express my strong support for a ban on oil and gas drilling in the City of Brentwood.

Oil drilling is dangerous to health and will directly harm the health of the community of Brentwood and surrounding areas.

The health hazards to people living, working and going to school in proximity to oil drilling are well-documented. Oil and gas operations release health-damaging pollutants into the air. A [2019 study](#) found that these hazardous air pollutants are released during drilling of a well and throughout oil and gas production. [Asthma rates](#), rates of [preterm birth](#), and [cancer](#) rates are all elevated in people who live near fossil fuel extraction sites. A [2018 study](#) found that for people living within 500 feet of oil and gas drilling, the risk of developing cancer is 8-fold higher than U.S. EPA threshold for acceptable risk. Especially in the midst of the COVID-19 pandemic, any increase in air pollution is especially hazardous to health. A [new study from Stanford](#) found that oil and gas wells emit fine particulate matter, which another [recent study from Harvard](#) found could lead to an increased likelihood of death from COVID-19. In fact, even a single well has been found to emit harmful chemicals and pollutants.

Additionally, the reason we are drilling for oil and gas is to burn it, which results in greenhouse gas emissions and climate change. [Health care providers around the world](#) recognize the direct link between the burning of fossil fuels, climate change, and the adverse effect of warming on health, especially the health of our kids. The climate crisis is a global health emergency. There is only one way to mitigate the worst effects of climate change. We must stop burning fossil fuels. Clearly, new oil and gas drilling is *exactly* a step in the opposite direction.

As a physician, and a concerned, long-time member of our community, I ask that you act in the best interest of all of our health and future by banning oil and gas drilling in the City of Antioch.

Sincerely,  
Jeffrey Mann, MD



**From:** [Ken](#)  
**To:** [webCityClerk](#)  
**Subject:** Oil drilling discussion  
**Date:** Tuesday, March 22, 2022 10:53:04 AM

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**CAUTION – EXTERNAL SENDER**

My name is Ken Ervin and I am a 20 year resident of Brentwood. We purchased a home in Brentwood Hills which we understood to be over “abandoned” wells. We are now learning that there are efforts to begin new drilling operations less than 1000 feet from our home. Such drilling operations may include horizontal drilling operations drilling back under the boundaries of the city of Brentwood. I am a chemist by education and I am convinced that any new drilling for oil or gas should be prohibited for the following reason. There is a plethora of literature documenting the health, safety and especially, the environmental impacts of the drilling and burning of fossil fuels. Perhaps the worst of these is its involvement in accelerating a warming climate. We are killing our planet and poisoning it’s residents. Please consider a ban on any new drilling operations!

Ken Ervin



Sent from my iPad

**From:** [Margaret Chen](#)  
**To:** [webCityClerk](#)  
**Subject:** No drilling in Contra Costa !  
**Date:** Tuesday, March 22, 2022 11:15:52 AM

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**CAUTION – EXTERNAL SENDER**

As a ObGyn physician who has practiced for 36 yrs in SF and a Clinical Professor of ObGyn at UCSF, I am here to address the health harms of climate change for my patients, vulnerable pregnant mothers and their unborn babies. Studies have shown proximity to oil and gas operations increases the odds of preterm birth by 8-14%, alarmingly in the early 20 to 31 wk gestations. Full term pregnancy is defined as over 37 wks of gestation. And babies that are born are smaller than they should be. At the top of the health pyramid are pregnant mothers, unborn babies and children. Exposure to prenatal toxins can cause inflammatory stress and disease in subsequent generations. The newborns have less potential to shape physiologic responses and may have adverse birth outcomes over multiple generations and a poorer developmental trajectory.

It is clear that exposure to the pollutants of oil and gas development endangers the health and lives of my patients thru exposure to particulate matter, ozone, nitrous oxides, carbon monoxide, volatile organic compounds (VOCs) and other air toxins. The most vulnerable are the communities that live closest to the oil and gas operations, particularly Black, LatinX, Asian, Indigenous and low income communities. These communities suffer the most, with higher rates of illness and lower life expectancies. Oil and gas industries are contributing to accelerating climate change, making climate change a health emergency. The IPCC just declared that climate change is causing a “Code Red” for humanity. Warming temperatures and increased extreme weather threatens our health, air, water, food, shelter and economic security, posing an existential threat to humanity.

To protect my patients and your constituents:

- We need to urgently confront the climate health emergency that faces our planet, my patients and your constituents.
- We need to stop drilling and developing new wells, phase out existing oil and gas activities and properly plug legacy wells and ancillary infrastructure.

**KEEP IT IN THE GROUND!**

**TELL CONTRA COSTA COUNTY: NO DRILLING**

Thank you for protecting my patients and your constituents.

Margie Chen MD  
Clinical Professor, emeritus  
Department of Obstetrics, Gynecology and Reproductive Sciences  
UCSF

## Wimberly, Margaret

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**From:** Marjaneh Moini [REDACTED]  
**Sent:** Tuesday, March 22, 2022 7:29 AM  
**To:** webCityClerk  
**Subject:** Fwd: Health harms of oil and gas drilling  
**Attachments:** Health harms of oil and gas drilling.pdf

CAUTION – EXTERNAL SENDER

Dear members of the Brentwood City Council,

We represent physicians, nurses and other health professionals in Brentwood, Antioch and throughout the Bay area dedicated to protecting and improving the health of our patients and our communities.

Enclosed is our letter regarding the health harms of oil and gas drilling.

Dr Millstein and I are both physicians practicing in Contra Costa County and would welcome the chance to discuss this issue further should you wish to.

Sincerely,

Marjaneh Moini, MD  
Board Member and Co-chair of the Environmental Health committee  
SF Bay Physicians for Social Responsibility

Amanda Millstein, MD

Co-Founder, Climate Health Now



Dear members of the Brentwood City Council,

We represent physicians, nurses and other health professionals in Brentwood, Antioch and throughout the Bay area dedicated to protecting and improving the health of our patients and our communities. **We are asking you to pass an ordinance to ban oil and gas drilling in Brentwood to protect the public from the well documented negative health impacts of oil and gas development.** What you can do today as elected officials will save more lives than many of us together can over our entire careers.

Oil and Gas development is associated with many public health hazards. The most effective way to protect public health from oil and gas operations is to **stop drilling and developing new wells, phase out existing oil and gas development activities and associated infrastructure.** This is exactly what the [CALGEM Public Health Rulemaking Scientific Advisory Panel](#), convened by the State of California to evaluate the safety of oil and gas drilling, calls the most health protective strategy.

**Oil and Gas Development (OGD) affects our children's health even before they are born.** The [CALGEM Public Health Rulemaking Scientific Advisory Panel](#) has concluded with "high level of certainty that exposure to OGD (and associated exposures) cause a significant increased risk of **poor birth outcomes.**" Premature birth, low birth weight, and small-for-gestational age births in turn increase **risk of death and long-term developmental problems in newborns as well as illness throughout childhood and adulthood.**

**Children are especially vulnerable** to exposure to toxic chemicals emitted from oil and gas operations. Their brains and bodies are still developing, and exposure to toxicants during critical and sensitive windows of development can lead to illness during childhood, adolescence, adulthood, and across generations. Children also breathe at a faster rate than adults, taking in more toxics per unit of body weight. Children's shorter stature places them closer to the ground where pollutants concentrate. They spend more time outdoors, are more active when outdoors, and are more likely to put their hands in their mouth. **All of these physiologic and behavioral characteristics of children make them highly vulnerable to pollution from OGD.**

The [CALGEM Public Health Rulemaking Scientific Advisory Panel](#) has also concluded that pollution from oil and gas development causes increased risk of development and exacerbation of **lung disease** such as asthma.

**OGD is a leading source of harmful air pollutants.** [A recently published study](#) showed air pollutants, including fine particulate matter or [PM 2.5](#), are increased within 13,000 feet of pre-production wells (defined as the interval between spudding, or initiation of drilling, and completion) and within 6,500 feet of producing wells. Fine Particulate Matter (PM2.5) [increases risk of heart disease and death.](#) Air pollution may have adverse effects on our brains, including associations with [neurodegenerative disease](#),

and may lead to **movement disorders** such as Parkinsons. It may have a negative impact on **cognitive ability**, increasing the rate of [dementia in elderly](#), and may cause **psychological harm**.

Additionally, oil and gas operations contribute to the widening **health disparity gap** and environmental injustice in our state. The dangerous impacts of pollution from oil and gas drilling fall most heavily on the most disadvantaged, particularly Black, Brown, Indigenous, Asian and low-income communities in California.

[Research shows](#) that those who live in areas with poor air quality have a higher risk of severe complications from **COVID-19**.

Some pollutants emitted by OGD (such as benzene, ethylbenzene, and n-hexane) are listed as harmful chemicals that can **harm our reproductive system** or cause **cancer** under [Proposition 65](#) and thus are recognized as such by the State of California.

There is also always the **risk of explosions and fires** in the vicinity of OGD, which can expose the public to high heat, smoke, and air toxins.

[Health professionals across the globe](#) recognize that **climate change is a public health crisis**, impacting the health of people now and posing a threat to our children and all future generations. The oil and natural gas industry is the nation's largest industrial source of methane, a highly potent climate pollutant that is responsible for approximately [one-third of current warming from human activities](#).

On September 15, 2021 Los Angeles County Board of Supervisors voted unanimously to end new permitting of oil and gas drilling and phase out existing drilling, with protective provisions for those fossil fuel workers whose jobs could be impacted. On January 25, 2022, the Antioch City Council approved a permanent ban on oil and gas drilling, production, and exploratory operations within city limits. **Brentwood also can take a leading role in protecting its children and their families from the toxic health impacts of oil and gas development.**

We are health professionals who care for patients and their families in Brentwood and its surrounding communities. **However, the care we provide in our clinics and hospitals can not fix or undo the damage that is caused by oil and gas drilling.** We ask you to do what we cannot, to protect health – ban oil and gas drilling in Brentwood. We would welcome the chance to discuss this issue further should you wish to.

Sincerely,

Marjaneh Moini, MD,  
Board Member and Co-Chair of the Environmental Health Committee  
SF Bay Physicians for Social Responsibility

Amanda Millstein, MD  
Co-founder, Climate Health Now

**From:** [Nigel](#)  
**To:** [webCityClerk](#)  
**Subject:** Tonight City Council Meeting -Public Comments on E5  
**Date:** Tuesday, March 22, 2022 4:42:04 PM

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**CAUTION – EXTERNAL SENDER**

E.5. City Council discussion of, and possible direction to staff, related to oil and gas regulations in the City of Brentwood, including the possibility of strengthening existing regulations, adopting a moratorium, and/or enacting a permanent ban. (Tim Ogden/Damien Brower)

Today I am writing and protesting in the strongest terms possible to this application.

I've lived in Brentwood City since 2001 in the Shadow Lakes Golf course area, on Presidio Drive. I feel I am *qualified* to speak for much of the community. I am involved in many aspects of the community and involved. I care about the community I live in and represent. If you know anything about me, you know I speak the truth!

Being a cancer survivor and facing death, I have asked myself many times the hard questions about how I got to be a victim of this disease. I was 27 years old at that time, having surgery and radiation treatment. It was a tough, lonely road to travel, I would not wish it upon anybody. Today I am a survivor of over 30 years. My journey made me acutely aware of how the environment and everything that we encounter affect the body, some negatively and others positively. The body absorbs everything around it, through the skin, air, and food we eat. The Oil and Gas that we are talking about is a big negative! Even stress plays *a* part in the immune system by compromising it. Now more than ever with COVID19 we are all getting stressed. Why would we want to put more toxic, carcinogenic chemicals around us? I have not mentioned yet what this will be doing to our environment too! No person in the right mind can find this acceptable unless they have no respect for themselves or the environment, they live in. Ask yourself what would you do if tomorrow, you get diagnosed with cancer? I trust you never have to deal with that, but you can help by keeping the toxins down.

Vindictive! Yes, I use this word because Mr. Bob Nunn has become vindictive toward the community of Brentwood City. This plan of his will devalue homes at a significant cost to us (like we really need it now during COVID19) and it's all for his own personal gain. I would like to share a recent event that happen last year. Sunset Exploration (Bob Nunn is the President) funded a Special Election before the City of Brentwood to extend the Urban Limit Line (ULL). It's was called *Measure "L"* on the ballot. During his canvassing he *used* scare tactics ( *not the first time I may add see foot note about Apple Hill*), saying "Antioch would annex the area if Brentwood didn't extend its ULL." Now, after recently *losing* *Measure "L"* he has adopted a new approach to antagonize the local community with oil drilling. FYI, before this current event, his goal was to build 2400 new homes on this land; that's why he needed the ULL *extension*. The result of that Special Ballot was *clear*: the community spoke very loudly, *with* a record number of voters. Brentwood City residents rejected the measure " L" with +70% against. Please see the following article:

<https://www.eastbaytimes.com/2019/11/05/measure-to-move-citys-growth-boundary-trails-in-early-results/>

Mr Nunn is causing unnecessary damage to the neighborhood. Today Brentwood is a farming community, known for *its* fruit picking and organic produce. It also has many local wineries. *In* fact Mr Bob Nunn told me whilst canvassing on measure "L" that he was petitioning the "Contra Costa Region" as a recognized wine-growing area

like Napa County, not an oil and gas drilling area. Do you see oil drilling and pumps in Napa? No, you do not! It would be truly detrimental to the area. It is also going to be detrimental to Contra Costa County if it is allowed. If you ask Mr Nunn today about the neighborhood, he is going to tell you that it has always been an oil drilling community, but he is talking about 30 years ago when very few lived here. Today Brentwood has 65,000 people living in its city. He is 30 years too late to plan another drilling party.

I also question how he was allowed to drill the first test well a few years ago just off of Deer Valley Road. Nobody asked me or notified me, and that is wrong! In addition, he cannot use that to justify moving forward with his current plans, either.

I would like to *highlight* the following, "Contra Costa County's mission statement" it reads:

"Our mission is to care for and improve the health of all people in Contra Costa County with special attention to those who are most vulnerable to health problems".

Ask yourselves, if you grant this request are you living by the mission statement you advertise on the Website? <https://cchealth.org/healthservices/>

Given the situation, I have learned a little more about the processes used when drilling and extracting Oil and Gas, I am forced to educate myself. It is reported this site holds about 9 million barrels of oil and 52 Billion Cubic feet of gas, which is very little in the scheme of things. Ask about fracking and it's denied because it does not fit the label; but adding acid is used in the process, which is fracking. It helps to *break* through limestone and other minerals, this site is no exception. This will affect the water table. Many local folks have spent thousands of dollars drilling wells for clean water, not to mention the City of Brentwood itself relies on well water in conjunction *with* reservoirs. It will affect local olive oil orchards, *and* chemicals will enter the food chain.

I demand that we have Sunset Exploration fund the cost of an extensive EIR before any further considerations on this project. The EIR agency should be totally independent and free from any influence of the *petitioning* parties mentioned above.

I could go on, talking about the constant noise this would create. Also the *pipeline* that *is* planned to channel this oil or gas to the refineries poses a huge risk! Did I mention the hospital and schools that are close by too? I could also expand on the Environmental concerns that prevail here.

At the end of the day, after all this is over, what's the bill going to look like to clean up? Sunset Exploration should be made to post a bond that would cover the cost of clean-up, I expect this would run into \$100's millions. I think they should also demonstrate how they can operate at a clean level too, and who will measure that and hold them accountable.

Finally, my last item to cover is more significant than all the above I've mentioned, because it involves the highest risk. Liquefaction, the Brentwood area, and especially

this area of land *that* has been marked as high risk by the USGS Survey. See attached supporting documents. Drilling in these areas can increase the chances of earthquakes along local fault lines.

It is all unnecessary.

Adding Apple Hill. What happens here you might ask! Follow the link, it will show you how Mr. Bob Nunn intimidates our community to get his own way:

[Noisy Oil Drilling Upsets Neighbors In Brentwood / They say seeing nearby rig was unpleasant surprise \(sfgate.com\)](#)

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Best regards

