

**AUGUST 9, 2022**  
**CITY COUNCIL/SUCCESSOR AGENCY/BIFA AGENDA**

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\***  
**UPDATED APRIL 21, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this City Council meeting will be held exclusively via teleconference, using the Zoom video conferencing system. At this time, public participation will be available exclusively via telephone or teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the City Council meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council) using any of the following methods:

1. **Zoom:** [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc) or **Zoom Webinar ID:** 760 1397 0037

Phone Numbers:

**Dial (for higher quality, dial a number based on your current location):**

**US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free)**

As the City Council Chamber will not be open to the public, individuals may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the “Raise Hand” feature on Zoom to request to speak. The meeting host will call on you, by name, and enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) or 925.516.5182.)*

**The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas’ link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)**

1. **Telephone**

If you wish to comment during the meeting via telephone, you may “raise your hand” virtually on most devices by pressing \*9, and you will be called upon when it is your time to speak. After speaking, please press \*9 again to remove the “raise your hand” feature. If that feature does not work on your device, please email [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line “Request to Speak – Agenda Item #” and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

1. **E-mail**

Public comments can also be submitted via e-mail to [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:

- distributed to the Council via email before the meeting,
- posted online for public inspection at <https://www.brentwoodca.gov/councilmeetingonline>, and
- later summarized in the meeting minutes.

**Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the City Council, posted online within one day following the meeting, and will be summarized in the meeting minutes.** The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based options listed above, the City Council will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the City Council receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 3:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

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Pursuant to Section 54956 of the California Government Code,  
a special meeting of the City Council is hereby called for  
**AUGUST 9, 2022, at 5:30 p.m.** or as soon thereafter as possible.

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**Following the staff presentation of the agenda item, and before direction is provided, public comment will be taken.**

**CALL TO ORDER/ROLL CALL:** A special meeting of the City Council

- A. A Workshop of the City Council for the Priority Area One (PA-1) Specific Plan to Consider Incorporating Land Use and Related Specific Plan Policy Recommendations Resulting from the Innovation Center Master Plan Process (Darin Gale/Joshua Ewen)

## **ADJOURNMENT**

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**7:00 PM – CITY COUNCIL/SUCCESSOR AGENCY/BRENTWOOD INFRASTRUCTURE  
FINANCING AUTHORITY (BIFA) MEETING**

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## **CALL TO ORDER & ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC COMMENTS**

The public is permitted to speak on items that are listed under Presentations; Informational Reports from Council Members, Committee, Liaisons, and Staff; on the Consent Calendar; Requests for Future Agenda Items, new items; or items not on the agenda. Public comments for scheduled agenda items should wait until that time.

Persons are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Mayor subject to approval of the City Council/Successor Agency/BIFA. Please use the Raise Your Hand feature in Zoom during this item to speak under Public Comments. Speakers desiring answers to questions should direct them to the City Council/Successor Agency/BIFA and, if relevant, the City Council/Successor Agency/BIFA may direct them to the appropriate staff member

**A. INFORMATIONAL REPORTS FROM COUNCIL MEMBERS, COMMITTEES, LIAISONS AND STAFF**

This portion of the agenda is to provide an opportunity for Council Members to report on attendance at events, subcommittee meetings, and entities on which the Council Member has been appointed as a liaison and for staff to provide brief updates and/or information to the City Council.

**B. CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

- B.1. Minutes of the Joint City Council/Planning Commission meeting of June 1, 2022, the Special City Council meeting of June 1, 2022, the City Council/Successor Agency/Brentwood Infrastructure Financing Authority meeting of June 14, 2022, and the City Council/Successor Agency meeting of June 28, 2022. (Margaret Wimberly)
- B.2. A Resolution amending Council/Administrative Policy No. 10-12, Policy and Procedures for Requests for Use of City Funds, to include an ineligibility period to reapply for City Funds for failure to abide by the rules and procedures set forth in the policy, add a new section to provide limits for City Council members and their families in regards to Donations, Fee Waivers, and/or Fee Reduction requests, and minor revisions for clarity and consistency (Kerry Breen/Wilton Alderman)
- B.3. A Resolution approving and authorizing the City Manager or designee to execute a Professional Services Agreement with HF&H Consultants, LLC for a Comprehensive Solid Waste Rate and User Fee Study, in the amount of \$56,780, plus a 10% contingency of \$5,678, for a total not-to-exceed amount of \$62,458. (Miki Tsubota/Debra Galey)
- B.4. Resolutions approving the continued use of teleconferencing for meetings of (1) the City Council and all subsidiary City legislative bodies, (2) the Successor Agency to the Brentwood Redevelopment Agency, and (3) the Brentwood Infrastructure Financing Authority, from August 9, 2022 through September 8, 2022, per AB 361 (2021) (Tim Ogden/Margaret Wimberly)

**C. PUBLIC HEARINGS**

Persons addressing the City Council are asked to raise their hands using the Zoom feature. The Council may adopt reasonable regulations at the onset of the public hearing to facilitate public testimony. These regulations may include time limits. In the absence of such regulations, the public hearing shall follow the protocol for Public Comments

- C.1. A Resolution adopting the 2022 Public Health Goal Report on drinking water to satisfy requirements of California Health and Safety Code Section 116470(b). (Miki Tsubota/Casey Wichert/James Wolfe)
- C.2. A Resolution to Adopt 1) an Addendum to the Environmental Impact Report for the Priority Area One Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and First Reading of Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone (Darin Gale/Joshua Ewen)

**D. BUSINESS ITEMS**

- D.1. A Resolution approving the purchase of an Armored Rescue Vehicle (ARV), as required by City of Brentwood Ordinance 1037, Brentwood Police Department Policy 708; approving and authorizing the City Manager or designee to execute a purchase order and necessary documents to purchase an ARV, MedEvac G2, from Lenco Industries, Inc. in an amount not to exceed \$367,907.05; and amend the FY 2022/23 Operating Budget (Thomas Hansen/Tim Herbert/David Schroer)
- D.2. A Resolution Designating the Mayor and an alternate as the City's Voting Delegate for the 2022 League of California Cities Annual Conference. (Tim Ogden/Diane Williams)

**E. REQUEST FOR FUTURE AGENDA ITEMS**

- E.1. NEW REQUEST(S)  
Council Members wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for the next Council meeting.

**ADJOURNMENT**

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Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the City Council less than 72 hours before this meeting is available for inspection at City Hall, located at 150 City Park Way, during normal business hours. These writings will also be available for review at the City Council meeting in the public access binder in the entrance of the City Council Chambers.

If you challenge the any of the matters listed under 'Public Hearings' in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Brentwood City Council at, or prior to, the public hearing

**NOTICE**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the City Hall parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

**POSTING STATEMENT**

On August 4, 2022, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## CITY COUNCIL AGENDA ITEM NO. 1

**Meeting Date:** August 9, 2022

**Subject/Title:** A Workshop of the City Council for the Priority Area One (PA-1) Specific Plan to Consider Incorporating Land Use and Related Specific Plan Policy Recommendations Resulting from the Innovation Center Master Plan Process

**Prepared by:** Joshua Ewen, Senior Analyst

**Submitted by:** Darin Gale, Assistant City Manager

### **PURPOSE AND RECOMMENDATION**

The Priority Area One (PA-1) Specific Plan governs approximately 431 acres in the northwest area of the City along the Highway 4 corridor and allows for future development to support an employment center that would create new economic development opportunities and future jobs growth within Brentwood. In November 2018, the City Council approved the PA-1 Specific Plan and certified the Environmental Impact Report (EIR) for that specific plan.

At this workshop, the City Council will consider land use and related plan policy recommendations to incorporate changes resulting from the Innovation Center Master Plan process. Two alternate land use maps will be shown, and based on BART staff and property owner feedback, staff recommends City Council approval of Land Use Plan Alternative B as the preferred land use model.

### **CITY COUNCIL STRATEGIC INITIATIVE**

City of Brentwood Strategic Plan, FY 2020/21 – 2021/22, Focus Area 3: Economic Development, Goal 3: Facilitate development and encourage investment and Focus Area 5: Implement the Economic Development Action Plan, including Action Item 1.5.1, creation of a strategically located next generation business park.

### **PREVIOUS ACTION**

On February 27, 2018, the City Council adopted Resolution No. 2018-21, approving the FY 2018-20 City of Brentwood Strategic Plan, which included a goal to implement the Economic Development Action Plan, including the “Game Changers” and economic development programs.

On October 16, 2018, the Planning Commission held a public hearing in regard to the Priority Area 1 Specific Plan, and recommended that the City Council approve 1) certification of an Environmental Impact Report (EIR), 2) adoption of a General Plan amendment (GPA 18-002), 3) adoption of the Priority Area 1 Specific Plan (SPA 18-001), and 4) adoption of a rezone (RZ 18-003) to implement a zoning text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 (PA-1 (Priority Area One) Zone).

On November 13, 2018, the City Council adopted Resolution No. 2018-159, 1) certifying the Environmental Impact Report (EIR), 2) adopting the General Plan amendment (GPA 18-002), 3) approving the Priority Area 1 (PA-1) Specific Plan, and 4) adopting a rezone (RZ 18-003) to implement a zoning text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 (PA-1 (Priority Area One) Zone).

On October 22, 2019, the City Council and Planning Commission held a joint special meeting to receive a report and provide feedback related to the Urban Land Institute (ULI) Technical Assistance Panel's Findings and Recommendations related to PA-1.

On March 24, 2020, the City Council received and filed the Urban Land Institute Priority Area 1 Technical Assistance Panel Report and approved the PA-1 Action Plan.

On June 9, 2020, the Council adopted the 2020/21 – 2024/25 Capital Improvement Program (CIP) including roadway, parks and trails, water, wastewater and community facilities improvements to be constructed during the next five years. The adopted CIP included the Priority Area 1 Infrastructure Improvements, CIP Project No. 336-31695.

On July 28, 2020, the City Council adopted Resolution No. 2020-104, approving and authorizing the City Manager or designee to execute a Professional Services Agreement with ELS Architecture and Urban Design for The Innovation Center Master Plan in an amount not to exceed \$348,500.

On January 13, 2021, at a Special Joint Workshop with the Planning Commission, the City Council received a report and provided feedback related to master planning for The Innovation Center presented by ELS Architecture and Urban Design.

On May 11, 2021, the City Council adopted Resolution No. 2021-50, approving the concept design for The Innovation Center Master Plan and directed staff to proceed to the next phases of the Master Plan Project, which included updating the Priority Area 1 Specific Plan to reflect the Innovation Center Master Plan and to finalize a marketing plan.

On June 21, 2022, the Planning Commission adopted Resolution 22-015 recommending the City Council approve 1) an Addendum to the Environmental Impact Report (EIR) prepared for the PA-1 Specific Plan; 2) a Specific Plan Amendment (SPA 22-001) for the Priority Area One (PA-1) Specific Plan; and 3) a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone).

On July 12, 2022, the City Council conducted a Public Hearing to consider actions relating to the PA-1 Specific Plan including a Resolution to Adopt 1) an Addendum to the Environmental Impact Report for the Priority Area One Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and 3) an Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone); and continued the Public Hearing and directed city staff to return with further analysis in a special workshop.

## **DISCUSSION**

The City Council Agenda Item and PA-1 Specific Plan proposed changes of the Public Hearing of July 12, 2022 are found here: [\(link\)](#)

City Council direction on policy goals for the PA-1 Specific Plan Amendment received at the public hearing of July 12<sup>th</sup> include the following:

1. Additional analysis on the amount of acreage allocated for the Transit Station (TS) Overlay to accommodate a multi-modal transit station, surface parking lots and structured parking requirements for BART.
2. Additional analysis of the proposed Land Use Plan change to accommodate 19

- acres of Regional Commercial (RC) land uses in lieu of 19 acres of Transit Village Mixed Use (TV/MU), located south of Lone Tree Plaza Shopping Center, north of Mokelumne Trail and West of Highway 4; and additional analysis on the strategy to offset the loss of transit village housing units with adjacency to the Transit Station.
3. Further discussion and development of policy guidance on the Transit Village/Mixed Use concept, including maintaining the TV/MU mixed use development concept with close adjacencies to a future BART/Transit station.
  4. Prioritize recreational amenities, including Parks and Trails, with an emphasis on larger, community, and/or neighborhood parks, in lieu of linear park configurations.
  5. Further discussion on the proposed relocation of approximately 20 acres of Multifamily Very High Density Residential (MFVHDR) from east of Highway 4 to west of Highway 4 to capture infrastructure implementation strategies identified in the Innovation Center Master Plan process and a land use strategy to replace it with approximately 20 acres of Employment Center Light Industrial (ECLI) to create a commercial, jobs campus just north of Streets of Brentwood.
  6. Review proposed changes to the Land Use Table, Table 4.2 and Definitions, Appendix A – Glossary.

At this PA-1 Workshop, the City Council will be provided alternative PA-1 land use plans, with additional analysis relating to land use policies, infrastructure cost and potential fiscal impacts of adoption of each alternative land use plan. Two PA-1 Land Use Plan Alternatives are provided for additional consideration and further direction by the City Council.

Staff recommends City Council approval of Land Use Plan Alternative B as the preferred land use model.

### **1. Transit Station (TS) Overlay**

The Transit Station (TS) Overlay land use designation is intended to provide space for a multi-modal transit station with bus terminal, vehicle drop-off, surface parking lots and structured parking, if so required, with the potential for a BART platform to be located in the center median of Highway 4 and connected to the parking areas via a Mokelumne Trail Overpass pedestrian bridge.

The 2018 PA-1 Land Use Plan included 20 acres for these uses in a surface parking configuration with a proposed 1,000 parking spaces. On August 2, 2022, City staff held a meeting with BART to discuss station planning and parking requirements for an end of line station. Based on input and agreement from BART representatives, a 13.5 acre TS Overlay is recommended (Attachment 2) to accommodate 1,000 surface parking spaces consistent with the parking stall count originally envisioned in the PA-1 Specific Plan EIR. Staff will present examples of BART station parking facilities and feedback gained from BART regarding their concurrence of the City's presented plan at the workshop.

### **2. Land Use Designation Change – Regional Commercial (RC) Site**

Staff recommends City Council approve a change to the PA-1 Land Use Plan to increase 19 acres Regional Commercial (RC) located south of Lone Tree Plaza Shopping Center, north of Mokelumne Trail and West of Highway 4. This action will substitute for 19 acres of Transit Village/Mixed Use (TV/MU) currently designated at this location. TV/MU will be made up in a location south of Mokelumne Trail to be discussed in the next section of this report.

Regional commercial uses are of high economic development importance to the City as they will potentially induce new capital investment, capture sales tax leakage leaving Brentwood, attract customers from a larger regional market to encourage spending within the city limits, fill gaps in the retail market, and provide a variety of new jobs. The recommendation to increase RC land use designations by 19 acres within PA-1 is consistent with the adopted General Plan policies:

- Policy ED 2-5: Ensure that an adequate inventory of vacant industrial, commercial, office, and business park land is designated, zoned, and maintained for targeted employment-generating uses.
- Policy ED 2-8: Encourage regional-serving retail uses, including higher end department stores and discount department stores.

Regional commercial users, based on the City's economic development attraction targets in this large format retailer segment, may provide the following fiscal and community benefits to the City (estimated):

- A potential \$50 million capital investment into the site resulting in an estimated City property tax share allocation annually of \$60,000 annually.
- New sales tax generation of over \$1 million annually into the City's General Fund.
- \$3.2 million in City Development Impact and Building Permit Fees.
- 250 – 300 jobs full time jobs upon opening.
- Construction industry jobs for development of a regional commercial/large format retailer (TBD), and related benefits of an ongoing major commercial construction project within Brentwood.
- Attraction of a major national level retailer resulting in new interest in locating in Brentwood by the national retail and commercial market.
- Ensures the City can receive the positive benefit from regional commercial development, rather than that development being realized in an adjacent community.

Additionally, regional commercial, large format, users result in the highest, positive net annual fiscal impact to the City when compared to all other development types contemplated within PA-1. As stated earlier, a Regional Commercial user may generate significant revenue for a city and is generally a low demand user for those city services routinely covered by the city general fund.

The following "Net Fiscal Impact Analysis to City" shows various development types that are planned for the PA-1 Specific Plan area and their estimated net fiscal impact:

**Overview of Fiscal Impacts - Brentwood Innovation Center**

	<b>Estimated Fiscal Revenues</b>	<b>Estimated Fiscal Expenditures</b>	<b>Estimated Net Fiscal Impact to City</b>
One Unit - High Density Residential	\$2,200	\$1,200	\$1,000
One Unit - Very High Density Housing	\$1,200	\$1,200	\$0
One Unit - TOD Housing	\$1,200	\$1,200	\$0
1,000 SF - Office	\$1,500	\$900	\$600
1,000 SF - Neighborhood Retail	\$4,800	\$400	\$4,400
1,000 SF - Regional Commercial Warehouse	\$11,200	\$400	\$10,800
1,000 SF - Business Park	\$1,000	\$500	\$500
1,000 SF - Light Industrial / R&D	\$600	\$100	\$500

The City Council’s approval of this recommended land use designation change to the PA-1 Specific Plan does not constitute approval of any proposed project at this location. A proposed project at this location, and as typical with any proposed project within PA-1, will be reviewed independently for its consistency with City’s planning requirements and potential impacts under CEQA.

**3. Transit Village – Mixed Use Land Use Designation**

This designation is intended to provide for an integrated mix of high intensity pedestrian-oriented residential and mixed commercial uses with connectivity to the planned transit/BART station and jobs-generating uses. TV/MU is the highest density residential zoning in PA-1 at a range of 25-40 units per acre and requires a mixed use configuration over 1<sup>st</sup> floor non-residential. The PA-1 Specific Plan EIR projected that commercial uses would be developed at a capacity of 50%, with residential uses above retail at a capacity of 50%.

Following the City Council’s discussion on July 12, 2022, staff and the consulting team have reviewed the PA-1 Specific Plan as written and are recommending City Council policy direction on the implementation of the TV/MU land use. As written, the TV/MU policies are highly flexible to encourage mixed-use development, but do not provide enough clear direction for future interpretation by the City and the development community. Staff recommends the following policies to be included in the PA-1 Specific Plan:

- Target a 20% commercial, and 80% residential development mix on TV/MU development sites, consistent with the City Council’s direction on TV/MU sites within the City Housing Element discussion in July 2022.
- Include policy guidance of how to incorporate 1<sup>st</sup> floor, mixed commercial into development projects by requiring commercial with key mixed-use development characteristics such as first floor commercial on corners, along pedestrian corridors, alongside park or amenity spaces, and locations of interest such as Innovation Drive.
- Target a depth of ground-floor commercial use types within development projects located along street frontages with a commercial depth of 80 feet.
- Allow first floor residential as part of the TV/MU development mix when appropriately scaled to planned commercial, and encourage first floor accessory office uses in a live-work residential format along the public street.

Land Use Plan Alternative A reflects these policy considerations to consider a 20% commercial and 80% residential build-out scenario for the TV/MU projects, within the existing TV/MU density range of 25-40 dwelling units per acre. Based on the policies above, TV/MU land use designated area in both alternatives is projected at 28.2 acres, a reduction from 39.5 acres (- 11.3 acres) included the 2018 PA-1 Specific Plan. The smaller acreage footprint is generated by 80% residential capacity projection, in lieu of a 50% capacity projection contained in the 2018

PA-1 Specific Plan EIR. Therefore, less acreage is required and still meets the goals and policies of Transit Village, with no net loss of housing units. The continuity of the Transit Village is also maintained adjacent to the Mokelumne Trail and potential BART platform.

#### **4. Recreational Amenities**

The adopted 2018 PA-1 Specific Plan did not identify publicly accessible parks land as it was envisioned at that time that parks, trails, and public amenity spaces would be created as development occurred on individual properties. The Recreational Amenity (RA) land use designation creates a unique opportunity for the PA-1 Specific Plan to provide a cohesive vision for a well-connected, integrated parks, trails and amenities plan that benefits PA-1 residents, new Innovation Center businesses and the entire community.

City Council discussion and direction on July 12, 2022 indicated a preference for traditional format parks to serve new residential populations and employees within PA-1. The residential population is estimated at approximately 4,500, which amounts to 22.5 acres of recreational amenities, parks and open space based on a requirement of 5 acres per 1,000 resident population contained in the Quimby Act and the Parks Master Plan. Both presented alternatives with this report include 31 acres of publicly accessible RA land uses. After consultation with the Parks and Recreation Department, staff is recommending the west side of Highway 4 be planned for up to a 5 acre park, and the east side of Highway 4 be planned for a 10 acre park. Additionally, the proposed RA land use designation plan would include a bicycle and pedestrian trail loop to enhance the working and living environment in PA-1.

Parks, trails and other amenities within PA-1 would be developed consistent with the City policies governing parks development and Development Impact Fee Program.

#### **5. Relocating Residential to West of Highway 4 to Implement Infrastructure Strategy**

At the meeting of July 12, 2022, City Council received additional information on the proposed relocation of 21 acres of Multifamily Very High Density Residential (MFVHDR) from the east side of Highway 4 to the west side of Highway 4, with no net increase in housing unit production or acreage dedicated to residential only uses. The previously contemplated residential location will then be replaced with 21 acres of Employment Center Light Industrial (ECLI) to create land planning opportunities for a jobs generating campus just north of Streets of Brentwood and Sand Creek. This is shown as Land Use Plan Alternative B in the attachments.

This land use implementation strategy was initially identified in the Innovation Center Master Plan process at a Joint City Council and Planning Commission Workshop of January 13, 2021 and subsequently reviewed with the City Council's approval of the Innovation Center Master Plan concept of May 11, 2021. The City's hired economics and infrastructure consultants calculated the total land and infrastructure costs of PA-1 at \$175 million, and predicted a funding capacity of \$102 million of investment resulting from private development of the area, with an unidentified funding capacity gap of \$73 million that would result in the infrastructure build-out of PA-1. The consultants advised the City to consider infrastructure strategies that capitalize on leveraging private investment, including leveraging the already planned development of 2,041 housing units in PA-1, to offset horizontal build-out costs of PA-1 when possible and to reduce infrastructure burdens on commercial development.

Most importantly to understanding the success of jump starting PA-1 as a commercial employment center, the consultants provided the City with a feasibility analysis for private development to carry the burden of upfront development costs across use types. The estimated baseline cost per acre for land and infrastructure only within PA-1 was \$1.1M. Residential use types, including townhomes and apartments, were estimated to provide private funding capacity of \$1.3M and \$1.0M per acre respectively, and we considered capable of carry the cost of land

and infrastructure connections for new development. Meanwhile, the consultants estimated that office development can provide funding capacity of \$500,000 per acre, with an unmet feasibility gap of \$600,000 per acre compared to the real cost of development for land and infrastructure with PA-1.

This high level costing model illustrated that new commercial and office development types locating in PA-1 will require the lowest cost options available for land and infrastructure on shovel ready sites. Currently, the west side of PA-1, located south of Mokelumne Trail, is not shovel ready and requires a catalyst, infrastructure intensive development project internal to PA-1 to lead the way for future ECLI development types to create local jobs. This infrastructure development would be internal to the jobs campus and does not include the \$14.5 million already allocated in City funding for the Sand Creek Road extension to Heidorn Ranch Road, and approximately \$2M in roadway only extension improvements for northbound Heidorn Ranch Road under an existing agreement with City of Antioch.

The benefit to the city of the Land Use Plan Alternative B is to kick start development on the west side of highway 4 and to leverage private residential investment to offset costs of future commercial and office development. There is also no net increase in residential units created in PA-1 and no net increase in density with this proposed land use alternative. Of the two alternatives included in this report, Land Use Plan Alternative B is the preferred land use plan for the property owners of the west side of Highway 4 and is the most consistent with the overall guiding vision of the Innovation Center Master Plan as a next-generation, mixed-use business park.

#### **6. Land Use Table, Table 4.2 and Definitions, Appendix A – Glossary**

This report includes in redline format, land use tables, definitions and appendix A of the PA-1 Specific Plan for further City Council discussion and direction, as a follow-up to City Council discussion and direction on July 12, 2022.

#### **Next Steps**

The City Council will hold a Public Hearing on August 9, 2022, at 7:00pm, or as soon thereafter as the normal course of business permits to consider further actions on the PA-1 Specific Plan.

#### Attachments:

PA-1 Specific Plan Land Use Plan Alt A and Alt B

BART Preferred Layout - TS Overlay 13.5 Acres

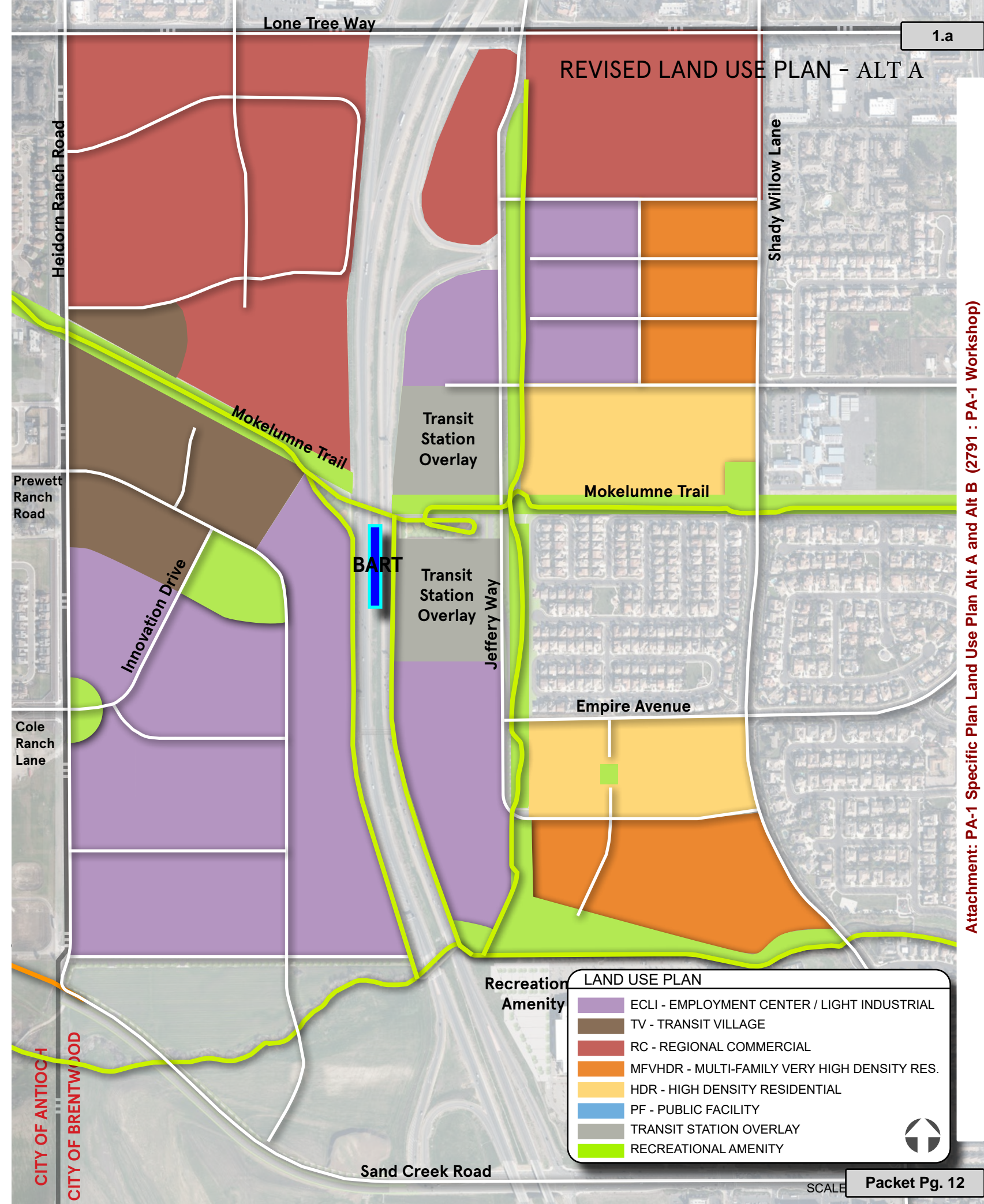
2018 PA-1 EIR Projections

Addendum to EIR - Capacity Projection Alternatives

Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH

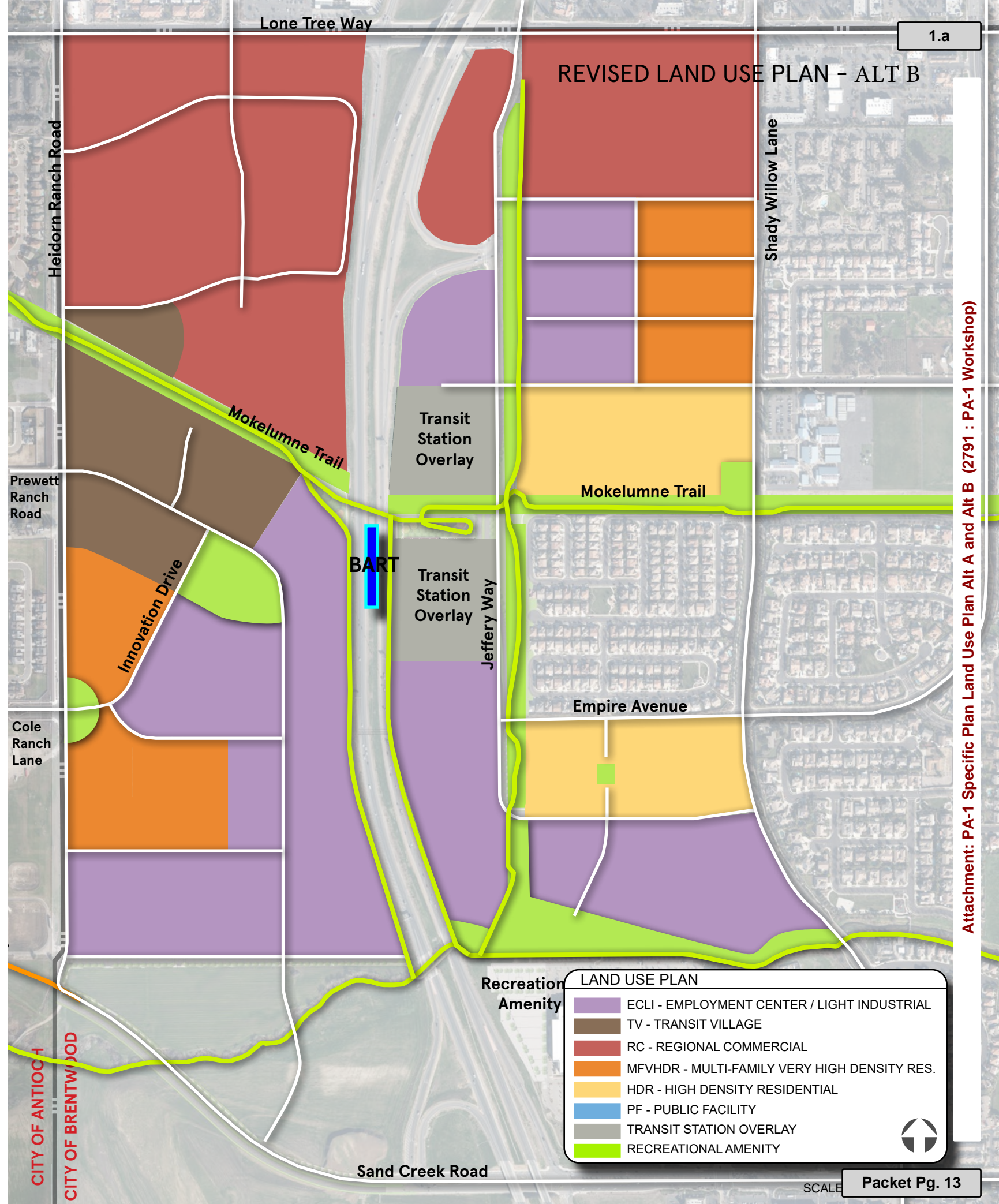


# 2018 Land Use Plan





# 2018 Land Use Plan





**Transit Station Split Site**

**6.6 acres North of trail**

**6.9 acres South of trail**

**Surface Parking Spaces: 1,000 spaces**

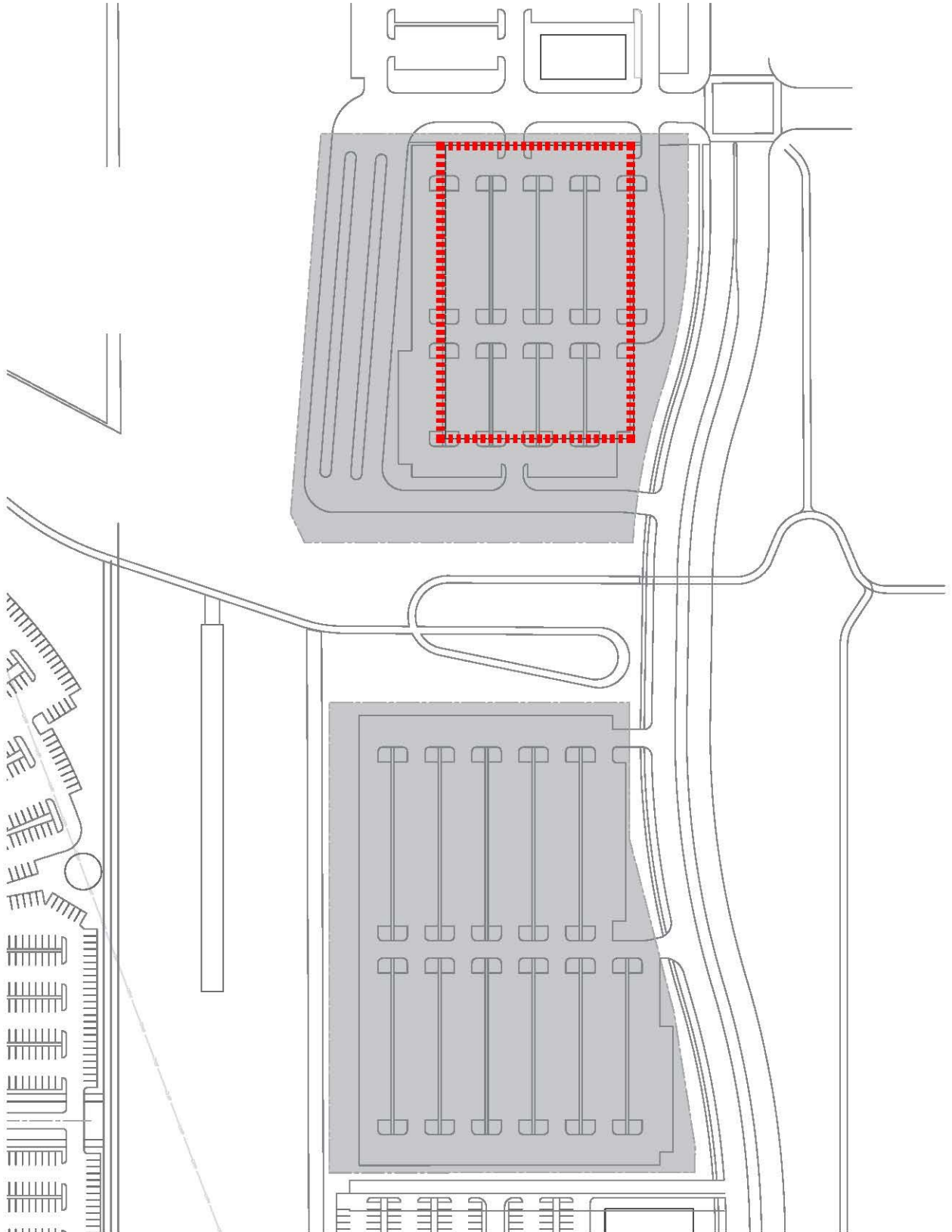
**North of Trail: 350 spaces approx.**

**South of Trail: 650 spaces approx.**

**Garage Option North of Trail**

**Grade + 3 = Approx. 1,100 cars**

**(275 / level)**



Attachment: BART Preferred Layout - TS Overlay 13.5 Acres (2791 : PA-1 Workshop)

**TABLE 1: APPROVED PROJECT GROWTH PROJECTIONS**

<i>LAND USE</i>	<i>ACRES</i>	<i>DU</i>	<i>NON-RES. SF</i>	<i>RES. POP.</i>	<i>EMP. POP.</i>	<i>OFFICE SF</i>	<i>NRC SF</i>	<i>RC SF</i>	<i>BP SF</i>	<i>LI SF</i>
<b>HDR</b>	27.02	405	-	1,297	-	-	-	-	-	-
<b>MFVHDR</b>	40.19	1,005	-	2,010	-	-	-	-	-	-
<b>TV</b>	39.44	631	644,252	1,262	1,933	322,126	322,126	-	-	-
<b>RC</b>	8.40	-	164,657	-	299	-	-	164,657	-	-
<b>ECLI</b>	154.33	-	3,025,177	-	6,151	-	-	-	1,815,106	1,210,071
<b>PF</b>	0.99	-	-	-	-	-	-	-	-	-
<b>Transit Station</b>	20.00	-	-	-	-	-	-	-	-	-
<i>Total</i>	290.37 <i>Acres</i>	2,041 <i>DU</i>	3,834,086 <i>SF</i>	4,569 <i>Persons</i>	8,383 <i>Employees</i>	322,126 <i>SF</i>	322,126 <i>SF</i>	164,657 <i>SF</i>	1,815,106 <i>SF</i>	1,210,071 <i>SF</i>

NOTES: THE PA-1 SPECIFIC PLAN PROPOSES 86.36 ACRES OF REGIONAL COMMERCIAL (RC) USES. HOWEVER, 77.95 ACRES OF THIS AREA ARE CURRENTLY DEVELOPED. THEREFORE, THE RC GROWTH PROJECTIONS ARE APPLIED TO THE 8.40 ACRES OF UNDEVELOPED RC.

DU = DWELLING UNITS; NON-RES SF = NON RESIDENTIAL SQUARE FEET; RES POP= RESIDENTIAL POPULATION; EMP POP= EMPLOYEE POPULATION; NRC = NEIGHBORHOOD RETAIL COMMERCIAL; RC= REGIONAL COMMERCIAL; BP = BUSINESS PARK; LI = LIGHT INDUSTRIAL

Land Use	Acreeage	Housing Units	Non-Residential SF	Residential Population	Employee Generation	Office (SF)	Neighborhood Retail Commercial (SF)	Regional Commercial (SF)	Business Park (SF)	Live/Work Units (# of res units)	Light Industrial (SF)
<b>ALT A</b>											
HDR(MFVHDR)	28.1	422	-	1,349	0	-	-	-	-	-	-
MFVHDR	35.8	895	-	1,790	-	-	-	-	-	-	-
TV/MU	28.2	722	196,543	1,444	590	98,271	98,271				
RC (excludes developed)	27.6	-	541,015	0	984			541,015	-	-	-
ECLI	119.7	-	2,346,359	0	4,771				1,407,816		938,544
PF	0	-	-	-	-	-	-	-	-	-	-
RA	33										
Transit Station	13.5	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>285.9</b>	<b>2,038</b>	<b>3,083,917</b>	<b>4,583</b>	<b>6,344</b>	<b>98,271</b>	<b>98,271</b>	<b>541,015</b>	<b>1,407,816</b>	<b>0</b>	<b>938,544</b>

	Original	ALT A	Difference
ECLI	154.33	119.7	-34.63
TV	39.44	28.2	-11.24
RC	8.4	27.6	19.2
MFVHDR	40.19	35.8	-4.39
HDR	27.02	28.1	1.08
PF	0.99	0	-0.99
Transit	20	13.5	-6.5
RA	0	33	33
<b>total</b>	<b>290.37</b>	<b>285.9</b>	<b>-4.47</b>

Land Use	Acreeage	Housing Units	Non-Residential SF	Residential Population	Employee Generation	Office (SF)	Neighborhood Retail Commercial (SF)	Regional Commercial (SF)	Business Park (SF)	Light Industrial (SF)
<b>ALT B</b>										
HDR(MFVHDR)	28.1	422	-	1,349	0	-	-	-	-	-
MFVHDR	36.1	903	-	1,805	-	-	-	-	-	-
TV/MU	28.2	722	196,543	1,444	590	98,271	98,271			
RC (excludes developed)	27.6	-	541,015	0	984			541,015	-	-
ECLI	119.4	-	2,340,479	0	4,759				1,404,287	936,192
PF	0	-	-	-	-	-	-	-	-	-
RA	33									
Transit Station	13.5	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>285.9</b>	<b>2,046</b>	<b>3,078,037</b>	<b>4,598</b>	<b>6,332</b>	<b>98,271</b>	<b>98,271</b>	<b>541,015</b>	<b>1,404,287</b>	<b>936,192</b>

	Original	ALT B	Difference
ECLI	154.33	119.4	-34.93
TV	39.44	28.2	-11.24
RC	8.4	27.6	19.2
MFVHDR	40.19	36.1	-4.09
HDR	27.02	28.1	1.08
PF	0.99	0	-0.99
Transit	20	13.5	-6.5
RA	0	33	33
<b>total</b>	<b>290.37</b>	<b>285.9</b>	<b>-4.47</b>

## CHAPTER 4: LAND USE PLAN

This chapter describes the land use plan, which is the guide for developing and using land within the PA-1 Specific Plan area (Specific Plan area or planning area). The land use plan provides the framework necessary to achieve the mixture of uses that will fulfill the City of Brentwood's vision and priorities for the Specific Plan area. The framework identifies the project area's land use designations and allowed uses. The land use plan comprises the text in this chapter and the land use diagram, which is a map that illustrates the locations of the land use designations in the planning area. This chapter also includes goals and policies necessary to achieve and implement the land use vision for the Specific Plan area.

This chapter is organized into the following sections:

- 4.1. Land Use Plan
- 4.2. Land Use Designations
- 4.3. Allowed Uses
- 4.4. Land Use Plan Goals and Policies

#### 4.1: LAND USE PLAN

The land use plan implements the Specific Plan’s vision and goals through the application of specified land use designations to all properties in the Specific Plan area. The locations of these designations are illustrated in Figure 4.1, Land Use Plan. The land use designations form the basis of the Specific Plan’s land use framework. The designations are described in Section 4.2, Land Use Designations. The corresponding allowed use provisions for each designation are listed in Section 4.3, Allowed Uses. Development standards for each land use designation are included in Chapter 6, Private Realm Development.

#### 4.2: LAND USE DESIGNATIONS

Table 4.1, Land Use Designations, establishes the seven land use designations and one overlay designation that apply within the Specific Plan area. These designations implement both the PA-1 Specific Plan and the City’s General Plan vision, policies, and land use classifications for the planning area. The designations replace the application of the City’s conventional zoning districts and planned developments in the planning area. See Figure 4.1, Land Use Plan, for specific parcel designations within the project area.

Densities specified in this Specific Plan are expressed in units per gross acre. Gross acreage shall include land dedicated for any public use (including but not limited to streets, schools, parks, fire stations and detention basins). Land set aside for public facilities and for which reimbursement will be received is not to be included in density calculations (i.e. schools and detention basins). The extent to which facilities are provided will help determine the actual number of units per acre that will be allowed.



Table 4.1: Land Use Designations

**Employment Center/Light Industrial (ECLI)**  
 0.6 Maximum FAR

The Employment Center/Light Industrial designation accommodates a wide range of jobs-generating uses, including business parks; clean light industrial; research and development (R&D); science, technology, engineering, and math (STEM); tech/biotech manufacturing; high-tech services that incorporate some combination of assembly, warehousing, and/or sales, hospitals and other health care-related uses, and professional offices. This designation also allows for a regional destination resort hotel and conference center on approximately 45 acres within PA-1.



**Transit Village / Mixed Use (TV / MU)**  
 0.5 - 1.5 FAR  
 25-40 du/acre

The Transit Village / Mixed Use designation provides for an integrated mix of high-intensity uses in the area surrounding the planned transit station, and encourages the development of a high-quality, pedestrian and bicycle friendly mixed-use district that will define the Specific Plan area's core. Allowed uses include professional and medical offices, personal services, retail and restaurants, entertainment- and hospitality-related uses, and upper floor multiple-family residences.



**Regional Commercial (RC)**  
 0.6 Maximum FAR

The Regional Commercial designation accommodates retail and service uses that serve the general needs of the community and the region. The designation applies to parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.



**Multiple-Family Very-High Density Residential (MFVHDR)**  
 15-35 du/acre

The Multiple-Family Very-High Density Residential designation supports multiple-family residential development within walking distance to the transit station. The designation is primarily intended to accommodate multiple story condominium and/or apartment buildings.



Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)



**High Density Residential (HDR)**  
10-20 du/acre

The High Density Residential designation supports residential development at densities and configurations, compatible with the neighborhoods that surround the Specific Plan area, while providing housing within walking distance to the transit station. The designation accommodates a wide variety of housing types, including duplexes, triplexes, townhouses, condominium and/or apartment buildings, and small-lot detached single-family houses.



**Transit Station Overlay (TS)**

The Transit Station overlay applies to the areas associated with the proposed transit station and associated facilities, including a potential bus terminal, rail platform, ticketing areas, customer amenities, access and parking areas, and a pedestrian overcrossing over State Route 4.

The locations of the Transit Station Overlay on the Land Use Map are approximate. The overlay is approximately 13.5-acres located northeast of the corner of the Mokelumne Trail and State Route 4.

In the event that ultimate development of the Transit Station and associated facilities moves or shifts, the underlying land use designation shall be ECLI.



**Recreational Amenity (RA)**

The Recreational Amenity (RA) designation includes trail corridors, linear parks, and social spaces. These features can be natural spaces that enhance commercial environments such as Innovation Parkway, Mokelumne Trail, and Sand Creek Trail. Approximately 22.5 acres of public parkland is needed to meet the 5-acre of parks per 1,000 resident standard in the General Plan.



Figure 4.1- Land Use Plan  
TBD PH of 8-9-22

#### 4.3: ALLOWED USES

Table 4.2, Allowed Uses, establishes land use and corresponding entitlement requirements for the Specific Plan's seven land use designations and one overlay designation. Allowed use provisions herein are generally consistent with and implement corresponding land use designations in the City's General Plan. Within the Specific Plan area, all land area and structures/facilities therein may only be developed, divided, and/or used for those activities listed in Table 4.2. The table also includes references to Brentwood Municipal Code (BMC) sections and other ordinances that the City uses to regulate development that may impact certain sensitive uses.

Land uses in the table are grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called "use classifications." Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For more information on the purpose, applicability, and the City's definition of use descriptions, refer to Appendix A: Glossary. The following rules apply to use classifications:

- ▷ **Similar Uses.** When a use is not specifically listed in Table 4.2, it shall be understood that the use may be permitted or conditionally permitted if the City of Brentwood Community Development Director determines that the use is substantially similar to a use listed in Table 4.2. Residential uses are not similar to and will not be permitted in any designation where such uses are not explicitly permitted in Table 4.2 below. It is further recognized that every conceivable use cannot be identified in Table 4.2. Anticipating that new uses will evolve over time, the Community Development Director may make a formal similar use determination (in writing) based on the proposed use's impacts and its compatibility with uses allowed in the given district.
- ▷ **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any land use designation within the planning area.

Use regulations in Table 4.2 are shown using the following symbols:

- ▷ P – land use permitted by right
- ▷ C – land use allowed with the approval of a conditional use permit. For the City's conditional use permit requirements and process, refer to BMC Chapter 17.830.
- ▷ -- land use not allowed



Table 4.2: Allowed Uses										
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation	
<b>Residential Use Listings</b>										
Dwelling – Accessory	-	P	-	P	P	-	-	-		
Dwelling – Multiple-Family	-	P	-	P	P	-	-	-		
Dwelling – Single-Family	-	-	-	-	P	-	-	-		
Home Occupation	-	P	-	P	P	-	-	-	BMC Chapter 17.840	
Live-Work Unit	-	P	-	-	-	-	-	-		
Supportive Housing	-	P	-	P	P	-	-	-		
Transitional Housing	-	P	-	P	P	-	-	-		
<b>Human Services Use Listings</b>										
Day Care Center, Adults	C	C	-	C	C	-	-	-	Subject to compliance with State law	
Day Care Center, Children	C	C	-	C	C	-	-	-	Subject to compliance with State law including Health & Safety Code § 1597.45(a)	
Medical Services – Ambulance Service	C	-	-	-	-	-	-	-		
Medical Services – Extended Care	P	-	-	P	P	-	-	-		
Medical Services – General	P	P	P	-	-	-	-	-		
Medical Services – Hospital	C	-	-	-	-	-	-	-		
Residential Care Facility, Small	-	-	-	-	-	-	-	-		
Residential Care Facility, Large	-	-	-	-	-	-	-	-		
<b>Urban Agriculture and Animal-Related Use Listings</b>										
Community Garden	-	-	-	C	C	-	C	-		
Kennel	-	-	C	-	-	-	-	-		
Market Garden	P	P	P	-	-	-	-	-		
Private Garden	-	P	P	P	P	-	-	-		
Urban Agriculture Stand	-	P	P	-	-	C	-	-		
Veterinary Clinic (Without Kennel)	-	C	C	-	-	-	-	-		
<b>Institutional Use Listings</b>										
College Campus	C	C	C	-	-	-	-	-		
Farmers’ Market	P	P	-	-	-	C	-	-		
Indoor Fitness and Sports Facility	C	P	P	-	-	-	-	-		

Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
Indoor Recreational/ Entertainment Facilities	C	P	P	-	-	-	-	-	
Outdoor Recreation/Entertainment Facilities	C	C	C	C	C	C	C	-	
Parks and Plazas	P	P	P	P	P	P	P	P	
Private Educational Facilities	C	C	C	-	-	-	-	-	
Public-School Facilities	P	C	C	C	C	C	-	-	
Public Safety Facilities	C	C	C	C	C	-	P	C	
Religious Institutions	-	-	-	-	-	-	-	-	
Social, Fraternal, and Recreational Clubs	-	-	-	C	C	-	-	-	
<b>Utility, Transportation, and Communication Use Listings</b>									
Broadcasting and Recording Studio	P	P	-	-	-	-	-	-	
Bus and Transit Shelter	P	P	P	P	P	-	P	P	
Park and Ride Facility	P	P	C	-	-	-	-	P	
Parking Facility	P	P	P	P	-	-	-	P	
Transit Facility	P	C	C	C	C	-	C	P	
Utility Facilities and Infrastructure	C	C	C	C	C	-	C	C	
Wireless Telecommunication Facility	C	C	C	C	C	-	C	C	BMC Chapter 17.795
<b>Commercial Use Listings</b>									
Adult Oriented Business	-	-	-	-	-	-	-	-	
Animal Sales and Grooming	-	P	P	-	-	-	-	-	
Business Support Services	P	P	P	-	-	-	-	-	
Call Center	P	-	-	-	-	-	-	-	
Card and Gaming Room	-	-	-	-	-	-	-	-	
Check Cashing Business	-	-	-	-	-	-	-	-	
Commercial Lodging – Hotels	P	P	P	-	-	-	-	-	
Commercial Lodging – Hotels Extended Stay	P	P	P	-	-	-	-	-	
Commercial Lodging – Short-Term Rentals	-	-	-	-	-	-	-	-	
Drive-In and Drive-Thru Facilities	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Bars and Nightclubs	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Restaurant	P	P	P	-	-	-	-	-	

Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)

Table 4.2: Allowed Uses										
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation	
Eating and Drinking Establishments – Tasting Room, Off-site	C	C	C	-	-	-	-	-		
Financial Institutions	P	P	P	-	-	-	-	-		
Food and Beverage Stores – Convenience Store	C	C	C	-	-	-	-	C		
Food and Beverage Stores – Grocery Store	-	C	P	-	-	-	-	-		
Food and Beverage Stores – Liquor Store	-	-	-	-	-	-	-	-		
Food and Beverage Stores – Neighborhood Market	-	C	C	-	-	-	-	-		
Garden Centers and Retail/Wholesale Nurseries	-	-	P	-	-	-	-	-		
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	-		
Offices – Accessory	P	P	P	P	P	-	P	P		
Offices – Building Trade Contractors	P	-	-	-	-	-	-	-		
Offices – Business and Professional	P	P	P	-	-	-	-	-		
Personal Services	-	P	P	-	-	-	-	-		
Retail – Accessory	P	P	P	-	-	-	-	C		
Retail – General	C	P	P	-	-	-	-	-		
Retail – General, Large Format	-C	C	P	-	-	-	-	-		
Specialized Retail – Artisan Shop	P	P	P	-	-	-	-	-		
Specialized Retail – Building Materials Stores and Yards	-	-	P	-	-	-	-	-		
Specialized Retail – Equipment Sales and Rentals	-	-	C	-	-	-	-	-		
Specialized Retail – Furniture, Furnishings, and Appliance Stores	-	P	P	-	-	-	-	-		
Specialized Retail – Smoke Shop	-	-	-	-	-	-	-	-		
Tattoo Parlors	-	-	-	-	-	-	-	-		
<b>Automobile-Related Use Listings</b>										
Auto and Vehicle Sales Showroom	C	-	-C	-	-		-	-		
Auto Parts Sales	-	-	P	-	-	-	-	-		
Car Washing and Detailing	-	-	-	-	-	-	-	-		
Ride Share Services	C	C	-	-	-	-	-	-		

Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
Service Station, Stand Alone	-	-	-	-	-	-	-	-	
Service Station, Accessory to General - Large Format Retailer	-	-	C	-	-	-	-	-	
Vehicle Services, Major	-	-	-	-	-	-	-	-	
Vehicle Services, Minor	C	-	P	-	-	-	-	-	
<b>Industrial, Manufacturing, and Processing Use Listings</b>									
Agricultural Products Processing	C	-	-	-	-	-	-	-	
Artisanal and Specialty Manufacture, Display, and Sales	C	C	C	-	-	-	-	-	
Breweries, Distilleries, and Wineries	C	-	-	-	-	-	-	-	
Freight Yard/Truck Terminal	-	-	-	-	-	-	-	-	
Manufacturing – Major	C	-	-	-	-	-	-	-	
Manufacturing – Minor	P	-	-	-	-	-	-	-	
Manufacturing – Small Scale	P	-	-	-	-	-	-	-	
Printing and Publishing	P	-	-	-	-	-	-	-	
Recycling Facility – Collection	-	-	-	-	-	-	-	-	
Research and Development	P	C	-	-	-	-	-	-	
Storage – Warehouse	C	-	-	-	-	-	-	-	
Storage – Yard	-	-	-	-	-	-	-	-	
Wholesale and Distribution	-	-	-	-	-	-	-	-	
<b>Accessory Uses</b>									
Accessory Facilities or Buildings	-	-	-	P	P	-	-	-	BMC Chapter 17.660
<b>Temporary Uses</b>									
See BMC Section 17.850									
<b>Signs</b>									
See BMC Section 17.640									

Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)



#### 4.4: LEGAL NONCONFORMING STATUS

The following requirements apply to legal nonconforming land uses, buildings, and structures.

##### Land Uses

1. A legal nonconforming land use is one that was permitted within the zone in which it was located at the time it was established, but became disallowed upon the adoption of the PA-1 Specific Plan. Notwithstanding any other language in the Municipal Code to the contrary, such use may continue as long as it does so in accordance with these provisions and without any interruption lasting more than one year. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms both the legal nonconforming status of a land use and the duration of any interruption in that land use. Legal nonconforming uses include development projects that were approved prior to adoption of the PA-1 Specific Plan, have not yet been constructed, have been subject to substantial investment, and retain their approval status.
2. Except as provided herein, a legal nonconforming land use shall not be changed to or replaced by any other use except a conforming one. A legal nonconforming land use may, however, be changed to or replaced by another similar use when all of the following criteria are met:
  - ▷ The change or replacement does not increase the extent or intensity of the nonconformity within the site area occupied by the nonconforming use on the site.
  - ▷ The building or portion of a building, presently occupied by the legal nonconforming land use, is not reasonably capable of conversion to accommodate use and occupancy by a conforming use, without substantial reconstruction or remodeling as determined by the Chief Building Official.
  - ▷ All proper building permits are obtained.

A subsequent purchaser cannot replace a nonconforming use established or operated by a prior owner with a new nonconforming use similar in nature.
3. Any legal nonconforming use of a site that is vacant for a period of one year or longer, or is discontinued or otherwise ceases operation and use of the site for a period of one year or longer, shall not be resumed, reestablished, continued or substituted, and all subsequent use of such site shall conform to the requirements of the PA-1 Specific Plan.

A one-time six-month extension to the one-year use period may be granted by the Community Development Director if requested in writing. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms the period of vacancy or discontinuance of a legal nonconforming land use.

4. A legal nonconforming land use that occupies a portion of a building may be expanded to include additional floor area within the same building provided that all proper building permits are obtained. Prior to any expansion within the same building, however, the property owner shall demonstrate to the satisfaction of the Chief Building Official that without substantial remodeling or reconstruction, the portion of the building into which expansion is proposed may not reasonably be used or occupied by a conforming use. The Chief Building Official shall consider whether any required remodeling or reconstruction would involve structural alterations prior to allowing expansion of a legal nonconforming land use. A legal nonconforming use can also be expanded in accordance with Buildings and Structures section below.
5. A legal nonconforming land use that is changed to or replaced by a conforming use shall not be reestablished.

#### Buildings and Structures

1. Normal and routine maintenance of any existing building or structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, or complying with health and safety requirements, shall be permitted and encouraged.
2. Exterior improvements and renovations and/or structural additions to legal nonconforming buildings or structures that increase the size or scale of nonconforming conditions are not permitted, except as specified below:
  - ▷ One-time minor additions involving a maximum of 25% of the gross floor area or 500 total square feet, whichever is less.
  - ▷ Significant exterior alterations or changes in the exterior façade or architectural design consistent with the applicable City-adopted design guidelines.
  - ▷ Owner-occupied residential buildings used for residential purposes shall be permitted to add accessory structures and outdoor amenities consistent with the applicable development standards for the property.

#### 4.4: LAND USE PLAN GOALS AND POLICIES

Goal LU-1. Promote Economic Activity That Creates High Quality Jobs.

Policy LU-1.1. Prioritize the attraction of businesses to the Employment Center/Light Industrial, Transit Village / Mixed Use, and Regional Commercial designations that provide high quality employment opportunities.

Policy LU-1.2. Provide retail, dining, entertainment, and personal service uses to accommodate the needs of residents, employees, commuters, and visitors.

Policy LU-1.3. Encourage unique local retail, restaurant, and service businesses to locate within the Specific Plan area.

Policy LU-1.4. Support the intensification of commercial development, such as infill development on parking lots, in the Regional Commercial designation, provided that parking requirements continue to be met.

Policy LU-1.5. New stand-alone automobile service stations (gas stations) are not permitted within the PA-1 Plan Area. Legal pre-existing service stations within the PA-1 Plan Area may seek expansions and/or modifications through the Conditional Use Permit process.

Goal LU-2. Provide for a Comprehensive Mix of Transit-Supportive Land Uses.

Policy LU-2.1. Encourage land uses at intensities and densities to support future transit improvements and ridership.

Policy LU-2.2. Support multiple-level transit-oriented development in the project area by encouraging a suitably intense mixture of uses.

Policy LU-2.3. Allow for flexibility in the final location of the Transit Station Overlay. The total area within PA-1 allocated for Transit Station uses shall be approximately 13.5 acres, in the northeast corner of the intersection of the Mokelumne Trail and SR 4.

Policy LU-2.4: If a local-serving public school district determines that there is a suitable site for a new school within the PA-1 Specific Plan Area, encourage property owners to work collaboratively with the District to facilitate a land sale for the purposes of building a public school, if feasible.

Policy LU-2.5: Encourage property owners within PA-1 to sell their land to a local school district for the development of a new public school site in Brentwood. If a parcel in PA-1 designated for urban uses (residential or non-residential) is ultimately developed as a public school, then the PA-1 Land Use Map may be revised to ensure no net loss of residential or jobs-generating land use acreage.

Goal LU-3. Develop a Vibrant Mixed-Use, Transit-Oriented Environment by Encouraging Activity Along Streetscapes and in Public Spaces.

Policy LU-3.1. Require activity-generating ground floor uses, such as retail stores, restaurants, and coffee shops, along streets and public spaces, such as plazas, in the Transit Village / Mixed Use designation, and on the ground floor of any parking garages.

Policy LU-3.2. Encourage activity-generating uses at prominent intersections, adjacent to public spaces, and within proximity to the future Transit Station in the Employment Center/Light Industrial and Regional Commercial designations.

Policy LU-3.3. Create urban public spaces, such as plazas and courtyards, in the Transit Village / Mixed Use and residential designations that are bounded by activity-generating uses, such as outdoor dining, retail, seating areas, and/or recreation.

Goal LU-4. Provide a Variety of Housing Types that Meet Residents' Needs, Complement the Surrounding Residential Neighborhoods, and Support the Specific Plan Area's Transit-Oriented Development Pattern.

Policy LU-4.1. Encourage the development of housing for a range of income categories.

Policy LU-4.2. Utilize existing City programs and policies to encourage and facilitate the development of affordable housing within the Specific Plan area.

Policy LU-4.3. A total of 2,041 dwelling units in PA-1 was the upper limit of residential development analyzed in the Final EIR. Additional residential development within PA-1 beyond this level would require further environmental review.

Goal LU-5. Enhance Quality of Life in the Specific Plan Area by Providing Parks, Trails, and Recreational and Cultural Activities.

Policy LU-5.1. Expand the Specific Plan area's system of public spaces, trails, and recreational opportunities.

Policy LU-5.2. Establish a network of Recreational Amenities (RA) consisting of linear parks along streetscapes, trail corridors, and social gathering spaces to enhance the urban environment.

Policy LU-5.3. Meet the 5-acre per 1,000 residents park requirement outlined in the General Plan through a combination of the following:

- a. Providing park land commensurate with park land requirements within residential developments;
- b. Administer park impact fees for developments earmarked to provide park improvements within PA-1;
- c. Collaborate with residential project developers to identify and provide fair share funding for the purchase of a public park.
- d. Coordinate with the local school districts to ensure that any new public school site developed within PA-1 includes joint-use provisions that ensure Brentwood residents can access and utilize open space and parks resources developed in conjunction with a new school site.

Policy LU-5.4. Require new development to provide public open spaces and pedestrian connections to the Specific Plan area's pedestrian network.

Policy LU-5.5. Encourage enhancements to the Mokelumne Trail that connect the trail across State Route 4 and reflect the character of the surrounding development (e.g. urban design through the Transit Village / Mixed Use Designation, suburban design through the residential designations, etc.)

Policy LU-5.6. Encourage development along Sand Creek to interface with and provide a continuous open space network, including passive and active recreational uses, along the waterway.

Policy LU-5.7. Encourage the development of community gardens in the Transit Village / Mixed Use and residential designations.

Policy LU-5.8. Promote youth and cultural activities within the Specific Plan area.

## CHAPTER 4: LAND USE PLAN

This chapter describes the land use plan, which is the guide for developing and using land within the PA-1 Specific Plan area (Specific Plan area or planning area). The land use plan provides the framework necessary to achieve the mixture of uses that will fulfill the City of Brentwood's vision and priorities for the Specific Plan area. The framework identifies the project area's land use designations and allowed uses. The land use plan comprises the text in this chapter and the land use diagram, which is a map that illustrates the locations of the land use designations in the planning area. This chapter also includes goals and policies necessary to achieve and implement the land use vision for the Specific Plan area.

This chapter is organized into the following sections:

- 4.1. Land Use Plan
- 4.2. Land Use ClassificationsDesignations
- 4.3. Allowed Uses
- 4.4. Land Use Plan Goals and Policies

#### 4.1: LAND USE PLAN




The land use plan implements the Specific Plan's vision and goals through the application of ~~the project's six specified~~ land use designations to all properties in the Specific Plan area. The locations of these designations are illustrated in Figure 4.1, Land Use Plan. The land use designations form the basis of the Specific Plan's land use framework. The designations are described in Section 4.2, Land Use ~~Classifications~~Designations. The corresponding allowed use provisions for each designation are listed in Section 4.3, Allowed Uses. Development standards for each land use designation are included in Chapter 6, Private Realm Development.

#### 4.2: LAND USE ~~CLASSIFICATIONS~~DESIGNATIONS

Table 4.1, Land Use Designations, establishes the ~~six-seven~~ land use designations and one overlay designation that apply within the Specific Plan area. These designations implement both the PA-1 Specific Plan and the City's General Plan vision, policies, and land use classifications for the planning area. The designations replace the application of the City's conventional zoning districts and planned developments in the planning area. See Figure 4.1, Land Use Plan, for specific parcel designations within the project area.

Densities specified in this Specific Plan are expressed in units per gross acre. Gross acreage shall include land dedicated for any public use (including but not limited to streets, schools, parks, fire stations and detention basins). Land set aside for public facilities and for which reimbursement will be received is not to be included in density calculations (i.e. schools and detention basins). The extent to which facilities are provided will help determine the actual number of units per acre that will be allowed.

Table 4.1: Land Use Designations

<p>Employment Center/Light Industrial (ECLI) 0.6 Maximum FAR</p> <p>The Employment Center/Light Industrial designation accommodates a wide range of jobs-generating uses, including business parks; clean light industrial; research and development (R&amp;D); science, technology, engineering, and math (STEM); tech/biotech manufacturing; high-tech services that incorporate some combination of assembly, warehousing, and/or sales, hospitals and other health care-related uses, and professional offices. This designation also allows for a regional destination resort hotel and conference center on approximately 45 acres within PA-1.</p>	
<p>Transit Village <del>(TV)</del> / Mixed Use (TV / MU) 0.5 - 1.5 FAR 25-40 du/acre</p> <p>The Transit Village / Mixed Use designation provides for an integrated mix of high-intensity uses in the area surrounding the planned transit station, and encourages the development of a high-quality, pedestrian and bicycle friendly mixed-use district that will define the Specific Plan area's core. Allowed uses include professional and medical offices, personal services, retail and restaurants, entertainment- and hospitality-related uses, and upper floor multiple-family residences.</p>	
<p>Regional Commercial (RC) 0.6 Maximum FAR</p> <p>The Regional Commercial designation accommodates retail and service uses that serve the general needs of the community and the region. The designation applies to parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.</p>	

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Attachment: Chapter 4 Land Use and Appendix A - Revisions to July 12, 2022 PH (2791 : PA-1 Workshop)



**Multiple-Family Very-High Density Residential (MFVHDR)**

15-35 du/acre

The ~~Multiple-Family~~ Very-High Density Residential designation supports multiple-family residential development within walking distance to the transit station. The designation is primarily intended to accommodate multiple story condominium and/or apartment buildings.



**High Density Residential (HDR)**

10-20 du/acre

The High Density Residential designation supports residential development at densities and configurations, compatible with the neighborhoods that surround the Specific Plan area, while providing housing within walking distance to the transit station. The designation accommodates a wide variety of housing types, including ~~inge~~ duplexes, triplexes, townhouses, condominium and/or apartment buildings, and small-lot detached single-family houses.



~~Public Facility (PF)~~

~~The Public Facility designation applies to parcels reserved for government and public agency offices and facilities and public utility facilities. A single parcel within PA 1 is designated as PF, and is the site of a planned future fire station.~~



**Transit Station Overlay (TS)**

The Transit Station overlay applies to the areas associated with the proposed transit station and associated facilities, including a potential bus terminal, rail platform, ticketing areas, customer amenities, access and parking areas, and a pedestrian overcrossing over State Route 4.

The locations of the Transit Station Overlay on the Land Use Map are approximate. The overlay ~~must apply is~~ approximately 13.56.6 net ~~6 acres to 20 acres, including at least 5 acres on properties~~ located north east of the corner of the Mokelumne Trail and State Route 4.

In the event that ultimate development of the Transit Station and associated facilities moves or shifts, the underlying land use designation shall be ECLI.



Recreational Amenity (RA)

The Recreational Amenity (RA) designation includes trail corridors, linear parks, and social spaces. These features can be natural spaces that enhance commercial environments such as Innovation Parkway, Mokelumne Trail, and Sand Creek Trail. Approximately 22.50 acres of public parkland is needed to meet the 5-acre of parks per 1,000 resident standard in the General Plan.



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Figure 4.1- Land Use Plan



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#### 4.3: ALLOWED USES

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Table 4.2, Allowed Uses, establishes land use and corresponding entitlement requirements for the Specific Plan's ~~six~~-seven land use designations and one overlay designation. Allowed use provisions herein are generally consistent with and implement corresponding land use designations in the City's General Plan. Within the Specific Plan area, all land area and structures/facilities therein may only be developed, divided, and/or used for those activities listed in Table 4.2. The table also includes references to Brentwood Municipal Code (BMC) sections and other ordinances that the City uses to regulate development that may impact certain sensitive uses.

Land uses in the table are grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called "use classifications." Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For more information on the purpose, applicability, and the City's definition of use descriptions, refer to Appendix A: Glossary. The following rules apply to use classifications:

- ▷ **Similar Uses.** When a use is not specifically listed in Table 4.2, it shall be understood that the use may be permitted or conditionally permitted if the City of Brentwood Community Development Director determines that the use is substantially similar to a use listed in Table 4.2. Residential uses are not similar to and will not be permitted in any designation where such uses are not explicitly permitted in Table 4.2 below. It is further recognized that every conceivable use cannot be identified in Table 4.2. Anticipating that new uses will evolve over time, the Community Development Director may make a formal similar use determination (in writing) based on the proposed use's impacts and its compatibility with uses allowed in the given district.
- ▷ **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any land use designation within the planning area.

Use regulations in Table 4.2 are shown using the following symbols:

- ▷ P – land use permitted by right
- ▷ C – land use allowed with the approval of a conditional use permit. For the City's conditional use permit requirements and process, refer to BMC Chapter 17.830.
- ▷ -- land use not allowed



Table 4.2: Allowed Uses

	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
<b>Residential Use Listings</b>									
Dwelling – Accessory	-	P	-	P	P	==	-	-	
Dwelling – Multiple-Family	-	P	-	P	P	==	-	-	
Dwelling – Single-Family	-	-	-	-	P	==	-	-	
Home Occupation	-	P	-	P	P	==	-	-	BMC Chapter 17.840
Live-Work Unit	-	P	-	-	-	==	-	-	
Supportive Housing	-	P	-	P	P	==	-	-	
Transitional Housing	-	P	-	P	P	==	-	-	
<b>Human Services Use Listings</b>									
Day Care Center, Adults	C	C	-	C	C	==	-	-	Subject to compliance with State law
Day Care Center, Children	C	C	-	C	C	==	-	-	Subject to compliance with State law, including Health & Safety Code § 1597.45(a)
Medical Services – Ambulance Service	C	-	-	-	-	==	-	-	
Medical Services – Extended Care	P	-	-	P	P	==	-	-	
Medical Services – General	P	P	P	-	-	==	-	-	
Medical Services – Hospital	C	-	-	-	-	==	-	-	
Residential Care Facility, Small	-	<del>P</del>	<del>P</del>	-	<del>P</del>	==	-	-	
Residential Care Facility, Large	-	<del>C</del>	<del>C</del>	-	<del>C</del>	==	-	-	
<b>Urban Agriculture and Animal-Related Use Listings</b>									
Community Garden	-	<del>C</del>	<del>C</del>	C	C	==	C	-	
Domestic Animal Keeping	-	P	-	P	P	==	-	-	BMC Chapter 17.670
Kennel	-	-	C	-	-	==	-	-	
Market Garden	P	P	P	-	-	==	-	-	
Private Garden	-	P	P	P	P	==	-	-	
Urban Agriculture Stand	-	P	P	-	-	<u>C</u>	-	-	
Veterinary Clinic (Without Kennel)	-	<u>PC</u>	<u>PC</u>	-	-	==	-	-	
<b>Institutional Use Listings</b>									
College Campus	C	C	C	-	-	==	-	-	
Farmers’ Market	<u>P-</u>	P	-	-	-	<u>C</u>	-	-	

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Indoor Fitness and Sports Facility	C	P	P	-	-	-	-	-	
Indoor Recreational/ Entertainment Facilities	C	P	P	-	-	-	-	-	
Outdoor Recreation/Entertainment Facilities	C	C	C	C	C	C	C	-	
Parks and Plazas	P	P	P	P	P	P	P	P	
Private Educational Facilities	C	C	C	-	-	-	-	-	
Public-School Facilities	P	C	C	C	C	C	-	-	
Public Safety Facilities	C	C	C	C	C	-	P	C	
Religious Institutions	-	-	-	-	-	-	-	-	
Social, Fraternal, and Recreational Clubs	-	-	-	C	C	-	-	-	
<b>Utility, Transportation, and Communication Use Listings</b>									
Broadcasting and Recording Studio	P	P	-	-	-	-	-	-	
Bus and Transit Shelter	P	P	P	P	P	-	P	P	
Park and Ride Facility	P	P	C	-	-	-	-	P	
Parking Facility	P	P	P	P	-	-	-	P	
Transit Facility	P	C	C	C	C	-	C	P	
Utility Facilities and Infrastructure	C	C	C	C	C	-	C	C	
Wireless Telecommunication Facility	C	C	C	C	C	-	C	C	BMC Chapter 17.795
<b>Commercial Use Listings</b>									
Adult Oriented Business	-	-	-	-	-	-	-	-	
Animal Sales and Grooming	-	P	P	-	-	-	-	-	
Business Support Services	P	P	P	-	-	-	-	-	
Call Center	P	-	-	-	-	-	-	-	
Card and Gaming Room	-	-	-	-	-	-	-	-	
Check Cashing Business	-	-	-	-	-	-	-	-	
Commercial Lodging – Hotels and Motels	-	-	-	-	-	-	-	-	
Commercial Lodging – Hotels and Motels, Extended Stay	-	-	-	-	-	-	-	-	
Commercial Lodging – Short-Term Rentals	-	-	-	-	-	-	-	-	
Drive-In and Drive-Thru Facilities	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Bars and Nightclubs	C	C	C	-	-	-	-	-	

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Eating and Drinking Establishments – Restaurant	P	P	P	-	-	-	-	-	
Eating and Drinking Establishments – Tasting Room, Off-site	C	C	C	-	-	-	-	-	
Financial Institutions	P	P	P	-	-	-	-	-	
Food and Beverage Stores – Convenience Store	<del>PC</del>	<del>PC</del>	<del>PC</del>	-	-	-	-	C	
Food and Beverage Stores – Grocery Store	-	C	P	-	-	-	-	-	
Food and Beverage Stores – Liquor Store	-	<del>P</del>	<del>P</del>	-	-	-	-	-	
Food and Beverage Stores – Neighborhood Market	-	<del>PC</del>	<del>PC</del>	-	-	-	-	-	
Garden Centers and Retail/Wholesale Nurseries	-	-	P	-	-	-	-	-	
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	-	
Offices – Accessory	P	P	P	P	P	-	P	P	
Offices – Building Trade Contractors	P	-	-	-	-	-	-	-	
Offices – Business and Professional	P	P	P	-	-	-	-	-	
Personal Services	-	P	P	-	-	-	-	-	
Retail – Accessory	P	P	P	-	-	-	-	C	
Retail – General	C	P	P	-	-	-	-	-	
Retail – General, Large Format	<del>C</del>	C	<del>CP</del>	-	-	-	-	-	BMC Chapter 17.750
Specialized Retail – Artisan Shop	P	P	P	-	-	-	-	-	
Specialized Retail – Building Materials Stores and Yards	-	-	P	-	-	-	-	-	
Specialized Retail – Equipment Sales and Rentals	-	-	C	-	-	-	-	-	
Specialized Retail – Furniture, Furnishings, and Appliance Stores	-	P	P	-	-	-	-	-	
Specialized Retail – Smoke Shop	-	<del>E</del>	<del>E</del>	-	-	-	-	-	
Tattoo Parlors	-	<del>E</del>	<del>E</del>	-	-	-	-	-	
<b>Automobile-Related Use Listings</b>									
Auto and Vehicle Sales Showroom	<del>C</del>	-	<del>C</del>	-	-	-	-	-	
Auto Parts Sales	-	-	P	-	-	-	-	-	
Car Washing and Detailing	-	-	<del>E</del>	-	-	-	-	-	



Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Ride Share Services	C	C	-	-	-	-	-	-	
Service Station, <u>Stand Alone</u>	-	-	<u>P</u>	-	-	-	-	-	
Service Station, Accessory to General - Large Format Retailer	-	-	C	-	-	-	-	-	
Vehicle Services, Major	-	-	-	-	-	-	-	-	
Vehicle Services, Minor	<u>C</u>	-	P	-	-	-	-	-	
<b>Industrial, Manufacturing, and Processing Use Listings</b>									
Agricultural Products Processing	C	-	-	-	-	-	-	-	
Artisanal and Specialty Manufacture, Display, and Sales	C	C	C	-	-	-	-	-	
Breweries, Distilleries, and Wineries	C	-	-	-	-	-	-	-	
Freight Yard/Truck Terminal	<u>P</u>	-	-	-	-	-	-	-	
Manufacturing – Major	C	-	-	-	-	-	-	-	
Manufacturing – Minor	P	-	-	-	-	-	-	-	
Manufacturing – Small Scale	P	-	-	-	-	-	-	-	
Printing and Publishing	P	-	-	-	-	-	-	-	
Recycling Facility – Collection	<u>P</u>	-	-	-	-	-	-	-	
Research and Development	P	C	-	-	-	-	-	-	
Storage – Warehouse	<u>P</u>	-	-	-	-	-	-	-	
Storage – Yard	-	-	-	-	-	-	-	-	
Wholesale and Distribution	<u>P</u>	-	-	-	-	-	-	-	
<b>Accessory Uses</b>									
Accessory Facilities or Buildings	-	-	-	P	P	-	-	-	BMC Chapter 17.660
<b>Temporary Uses</b>									
See BMC Section 17.850									
<b>Signs</b>									
See BMC Section 17.640									

4.4: LEGAL NONCONFORMING STATUS

The following requirements apply to legal nonconforming land uses, buildings, and structures.

Land Uses

1. A legal nonconforming land use is one that was permitted within the zone in which it was located at the time it was established, but became disallowed upon the adoption of the PA-1 Specific Plan. Notwithstanding any other language in the Municipal Code to the contrary, sSuch use may continue as long as it does so in accordance with these provisions and without any interruption lasting more than one year. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms both the legal nonconforming status of a land use and the duration of any interruption in that land use. Legal nonconforming uses include development projects that were approved prior to adoption of the PA-1 Specific Plan, have not yet been constructed, have been subject to substantial investment, and retain their approval status.
2. Except as provided herein, a legal nonconforming land use shall not be changed to or replaced by any other use except a conforming one. A legal nonconforming land use may, however, be changed to or replaced by another similar use when all of the following criteria are met:
  - ▷ The change or replacement does not increase the extent or intensity of the nonconformity within the site area occupied by the nonconforming use on the site.
  - ▷ The building or portion of a building, presently occupied by the legal nonconforming land use, is not reasonably capable of conversion to accommodate use and occupancy by a conforming use, without substantial reconstruction or remodeling as determined by the Chief Building Official.
  - ▷ All proper building permits are obtained.

A subsequent purchaser cannot replace a nonconforming use established or operated by a prior owner with a new nonconforming use similar in nature.
3. Any legal nonconforming use of a site that is vacant for a period of one year or longer, or is discontinued or otherwise ceases operation and use of the site for a period of one year or longer, shall not be resumed, reestablished, continued or substituted, and all subsequent use of such site shall conform to the requirements of the PA-1 Specific Plan. A one-time six-month extension to the one-year use period may be granted by the Community Development Director if requested in writing. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community

Development Director that confirms the period of vacancy or discontinuance of a legal nonconforming land use.

4. A legal nonconforming land use that occupies a portion of a building may be expanded to include additional floor area within the same building provided that all proper building permits are obtained. Prior to any expansion within the same building, however, the property owner shall demonstrate to the satisfaction of the Chief Building Official that without substantial remodeling or reconstruction, the portion of the building into which expansion is proposed may not reasonably be used or occupied by a conforming use. The Chief Building Official shall consider whether any required remodeling or reconstruction would involve structural alterations prior to allowing expansion of a legal nonconforming land use. A legal nonconforming use can also be expanded in accordance with Buildings and Structures section below.
5. A legal nonconforming land use that is changed to or replaced by a conforming use shall not be reestablished.

#### Buildings and Structures

1. Normal and routine maintenance of any existing building or structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, or complying with health and safety requirements, shall be permitted and encouraged.
2. Exterior improvements and renovations and/or structural additions to legal nonconforming buildings or structures that increase the size or scale of nonconforming conditions are not permitted, except as specified below:
  - ▷ One-time minor additions involving a maximum of 25% of the gross floor area or 500 total square feet, whichever is less.
  - ▷ Significant exterior alterations or changes in the exterior façade or architectural design consistent with the applicable City-adopted design guidelines.
  - ▷ Owner-occupied residential buildings used for residential purposes shall be permitted to add accessory structures and outdoor amenities consistent with the applicable development standards for the property.

#### 4.4: LAND USE PLAN GOALS AND POLICIES

Goal LU-1. Promote Economic Activity That Creates High Quality Jobs.

Policy LU-1.1. Prioritize the attraction of businesses to the Employment Center/Light Industrial, Transit Village / Mixed Use, and Regional Commercial designations that provide high quality employment opportunities.

Policy LU-1.2. Provide retail, dining, entertainment, and personal service uses to accommodate the needs of residents, employees, commuters, and visitors.

Policy LU-1.3. Encourage unique local retail, restaurant, and service businesses to locate within the Specific Plan area.

Policy LU-1.4. Support the intensification of commercial development, such as infill development on parking lots, in the Regional Commercial designation, provided that parking requirements continue to be met.

Policy LU-1.5. New stand-alone automobile service stations (gas stations) are not permitted within the PA-1 Plan Area. Legal pre-existing service stations within the PA-1 Plan Area may seek expansions and/or modifications through the Conditional Use Permit process.

~~Policy LU-1.5. Allow the development and operation of a regional destination resort hotel and conference center on approximately 45 acres of land designated ECL within PA-1.~~

Goal LU-2. Provide for a Comprehensive Mix of Transit-Supportive Land Uses.

Policy LU-2.1. Encourage land uses at intensities and densities to support future transit improvements and ridership.

Policy LU-2.2. Support multiple-level transit-oriented development in the project area by encouraging a suitably intense mixture of uses.

Policy LU-2.3. Allow for flexibility in the final location of the Transit Station Overlay. The total area within PA-1 allocated for Transit Station uses shall be approximately ~~20 acres~~ 13.5 acres, ~~consisting of approximately 10 acres on both the west and east sides of SR 4, in the northeast corner of very close proximity to~~ the intersection of the ~~Mokeylumne~~ Mokolumne Trail and SR 4.

Policy LU-2.4: If a local-serving public school district determines that there is a suitable site for a new school within the PA-1 Specific Plan Area, encourage property owners to work collaboratively with the District to facilitate a land sale for the purposes of building a public school, if feasible.

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Land Use Map may be revised to ensure no net loss of residential or jobs-generating land use acreage.

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Policy LU-4.3. A total of 2,041 dwelling units in PA-1 was the upper limit of residential development analyzed in the Final EIR. Additional residential development within PA-1 beyond this level would require further environmental review.

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Policy LU-5.3. Meet the 5-acre per 1,000 residents park requirement outlined in the General Plan through a combination of the following:

- a. Providing park land commensurate with park land requirements within residential developments;
- b. Administer park impact fees for developments earmarked to provide park improvements within PA-1;
- c. Collaborate with residential project developers to identify and provide fair share funding for the purchase of a public park.
- d. Coordinate with the local school districts to ensure that any new public school site developed within PA-1 includes joint-use provisions that ensure Brentwood residents can access and utilize open space and parks resources developed in conjunction with a new school site.

Policy LU-5.24. Require new development to provide public open spaces and pedestrian connections to the Specific Plan area's pedestrian network.

Policy LU-5.35. Encourage enhancements to the Mokelumne Trail that connect the trail across State Route 4 and reflect the character of the surrounding development (e.g. urban design through the Transit Village / Mixed Use Designation, suburban design through the residential designations, etc.)

Policy LU-5.6. Encourage development along Sand Creek to interface with and provide a continuous open space network, including passive and active recreational uses, along the waterway.

Policy LU-5.57. Encourage the development of community gardens in the Transit Village / Mixed Use and residential designations.

Policy LU-5.78. Promote youth and cultural activities within the Specific Plan area.

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## USE DEFINITIONS

### RESIDENTIAL USE LISTINGS

**Dwelling – Accessory** or “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the California [Health and Safety Code](#); and
- b. A manufactured home, as defined in Section 18007 of the California [Health and Safety Code](#).

The definition of an accessory dwelling unit is established by Brentwood Municipal Code (BMC) Section 17.100.005. In the event that BMC Section 17.100.005 is updated or revised, that revised language shall govern and dictate the definition of accessory dwelling unit.

**Dwelling – Multiple-Family** means a building or portion thereof designed for and/or used exclusively for residence purposes by two or more households living independently of one another to include the terms duplex, triplex, fourplex, apartment, and condominium.

**Dwelling – Single-Family** means an attached or detached building designed for and/or used exclusively for residence purposes by one household.

**Home Occupation** means a commercial or other activity conducted in a home by the resident thereof which activity is clearly incidental and secondary to the use of the home as a residence and which exhibits no external evidence of the activity and will not change the residential character of the dwelling.

**Live-Work Unit** means a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**Supportive Housing** means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same designation. Examples of supportive housing include single site apartment buildings and/or townhouses owned by nonprofit landlords, subsidized units within market rate apartment complexes, and apartments leased from private landlords using a rental subsidy.

**Transitional Housing** means temporary housing for the certain segments of the homeless population, including working homeless making insufficient wages who have trouble affording long-term housing, and

is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

#### HUMAN SERVICES USE LISTINGS

**Day Care Center, Adults** means a facility of any capacity that provides care and other services in a group setting to adults during a portion of the day.

**Day Care Center, Children** means a facility of any capacity that provides care and other services in a group setting during a portion of the day for children and licensed as such by the state of California.

**Helipad** means a landing area or platform for helicopters and powered lift aircraft. While helicopters and powered lift aircraft are able to operate on a variety of relatively flat surfaces, a fabricated helipad provides a clearly marked hard surface away from obstacles where such aircraft can land safely.

**Medical Services – Ambulance Service** means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Medical Services – Extended Care** means residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential Care Facility, Large or Small.”

**Medical Services – General** means facilities primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “Offices – Business or Professional.”

**Medical Services – Hospitals** means hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of “Retail – Accessory”), and emergency heliports.

**Residential Care Facility – Large** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical Services – Extended Care.”

**Residential Care Facility – Small** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.



Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services – Extended Care.”

#### URBAN AGRICULTURE AND ANIMAL-RELATED USE LISTINGS

**Community Garden** means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.

**Domestic Animal Keeping** - See BMC 17.670 et seq.

**Kennel** means a facility that provides boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities.

**Market Garden** means the cultivation of fruits, vegetables, flowers, fiber, nuts, seeds in an urban location (unlike traditional agricultural uses that occur in rural areas) that involves the sale or donation of its produce to the public.

**Private Garden** means a private food-producing garden located in the front, side, or rear yard, courtyard, balcony, fence, wall, window sill or basement that is accessory to the primary use of a site. This definition does not include incidental fruit and vegetable plants as part of an ornamental garden for individual, rather than resale, use.

**Urban Agriculture Stand** means a temporary produce stand that is accessory to a Market Garden.

**Veterinary Clinic** means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming of animals is allowed only if accessory to the facility use.

#### INSTITUTIONAL USE LISTINGS

**Churches and Religious Institutions** means facilities operated by religious organizations for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

**College Campus** means any public or privately-owned college or university, including medical schools, law schools, and other institution of higher education, including dorms, offices, facility maintenance yards, and similar supportive functions pursuant to the California Education Code.

**Conference Center** means an assembly facility within a structure which is devoted exclusively to public assembly for the purpose of meetings and conferences where such a facility can be subdivided into multi conference or meeting areas.

**Cultural Institutions** means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

**Farmers’ Market** means a periodic or weekly event where fresh produce, flowers, crafts, and other items are sold by independent vendors. Typically held outside.

**Indoor Fitness and Sports Facility** means predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.).

**Indoor Recreational/Entertainment Facilities** means establishments providing indoor amusement, entertainment, and recreation for a fee or admission charge (e.g., ball rooms and dance halls, billiard parlors, bowling alleys, and electronic game arcades).

**Outdoor Recreation/Entertainment Facilities** means facilities for various outdoor participant sports and types of recreation that charge a fee or admission charge (e.g., amphitheatres, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

**Parks and Plazas** means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of “Outdoor Recreation/Entertainment Facilities.”

**Private Educational Facilities** means any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public School Facilities** means any publicly owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public Safety Facilities** means a facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

**Social, Fraternal, and Recreational Clubs** means an establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

**Theaters and Auditoriums** means indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for “live” theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see “Outdoor Recreation/Entertainment Facilities.”

#### UTILITY, TRANSPORTATION, AND COMMUNICATION USE LISTINGS

**Broadcasting and Recording Studio** means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunication facility.”

**Bus and Transit Shelter** means a small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

**Park and Ride Facility** means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

**Parking Facility** means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

**Transit Facility** means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

**Utility Facilities and Infrastructure** includes the following:

1. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in “Offices - Accessory”) or equipment and material storage yards.
2. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

**Wireless Telecommunication Facility** means the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

#### COMMERCIAL USE LISTINGS

**Adult Oriented Business** means any business establishment or concern which, as a regular and substantial course of conduct, operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which, as a regular and substantial course of conduct, sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which, as a regular and substantial course of conduct, offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by state law.

**Animal Sales and Grooming** means retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of 72 hours, conducted entirely within an enclosed building with no outdoor use.

**Business Support Services** means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair; see “Vehicle services”);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as “Printing and publishing”);
5. Equipment rental businesses within buildings (rental yards are “storage yards”);
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

**Call Center** means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

**Card and Gaming Room** means a gambling establishment that offer card games for play by the public.

**Check Cashing Business** means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, title cashing, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “Financial Institutions”).

**Commercial Lodging – Bed and Breakfast Inn** means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “Hotels and motels.”

**Commercial Lodging – Hotels and Motels** means facilities with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Hotels and Motels, Extended Stay** means facilities with guest rooms or suites, provided with kitchen facilities, rented to the general public for transient lodging (less than 30 days) or for longer periods of time. Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels are prohibited and provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Short-Term Rentals** means any lodging unit that is occupied or intended or designed to be occupied on a short-term basis other than a hotel, motel, or bed-and-breakfast inn.

**Drive-In and Drive-Thru Facilities** means facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy products, photo stores, etc.

**Eating and Drinking Establishments – Bars and Nightclubs** means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars and nightclubs may include outdoor food and beverage areas.

**Eating and Drinking Establishments – Restaurant** means a retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. May include the subordinate sale of alcoholic beverages for on-premises consumption. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

**Eating and Drinking Establishments – Off-Site Tasting Room** means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Pre-packaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Tasting rooms must comply with the retail hours of operation of 10:00 a.m. to 10:00 p.m. On-site tasting rooms are included as an accessory use in “Artisanal and specialty manufacture, display and sales” or “Brewery, Distillery, Winery.” Any facilities not operating with these standards are considered “Eat and Drinking Establishments – Bars and Nightclubs.”

**Financial Institutions** means banks, savings and loans, and similar businesses which offer a wide range of services including the deposit and withdrawal of money, loans, and other financial transactions. Check cashing services, pawnshops, automatic teller machines and other similar uses which conduct limited types of financial transactions are not defined as financial institutions.

**Food and Beverage Stores – Convenience Store** means easy-access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see “Food and Beverage Stores – Neighborhood Market” and “Food and Beverage Stores – Grocery Store” for larger stores or stores oriented toward the daily shopping needs of residents.

**Food and Beverage Stores – Grocery Store** means a retail business of more than 15,000 square feet in size, where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listings for “Food and Beverage Store – Neighborhood market” and “Food and Beverage – Convenience store.”

**Food and Beverage Stores – Liquor Store** means a retail establishment which has fifty (50%) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

**Food and Beverage Stores – Neighborhood Market** means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than 5,000 square feet and less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Food and Beverage Store – Grocery Store.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

**Garden Centers and Retail/Wholesale Nurseries** means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

**Mortuaries and Funeral Homes** means funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

**Offices - Accessory** means offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or leasable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

**Offices - Building Trade Contractors** means the business offices of a contractor whose principal business is in connection with any structure built, being built, or to be built (general contractors, etc.).

**Offices - Business and Professional** means offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “Medical Services – General”) or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Offices – Accessory”). Outdoor storage of materials is prohibited.

**Personal Services** means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

**Retail – Accessory** means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site.

**Retail – General** means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and



sewing supplies, florists and houseplant stores (indoor sales only; outdoor sales are plant nurseries and included in the definition of “Garden Centers and Retail/Wholesale Nurseries”), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

**Retail – General, Large Format** means stores that are one hundred fifty thousand (150,000) square feet or larger with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods.

**Specialized Retail – Artisan Shop** means retail stores selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Specialized Retail – Building Material Stores and Yards** means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesale and Distribution.” Hardware stores are listed in the definition of “Retail – General,” even if they sell some building materials. Also see “Home improvement supplies” for smaller specialty stores.

**Specialized Retail – Consignment Store** means an exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

**Specialized Retail – Equipment Sales and Rentals** means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

**Specialized Retail – Furniture, Furnishings, and Appliance Stores** means stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, lawn furniture, moveable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

**Specialized Retail – Pawn Shop** means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

**Specialized Retail – Smoke Shop** means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where 15 percent or more of the total floor or shelf area is devoted to selling tobacco products. Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition. Smoking shall be prohibited within all smoke shops, unless the establishment has been formally permitted to operate a private smokers’ lounge under applicable state and local laws.

**Specialized Retail – Thrift Store** means a retail establishment selling secondhand goods donated by members of the public.



**Tattoo Parlor** means an establishment that engages in the business of tattooing and/or branding human beings.

#### AUTOMOBILE-RELATED USE LISTINGS

**Auto and Vehicle Sales Showroom** means retail establishments offering auto and vehicle showroom services in an indoor setting. May also include minor repair shops and the sales of parts and accessories, incidental to vehicle showroom. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see “Auto Parts Sales”), bicycle and moped sales (see “Retail – General”), tire recapping establishments (see “Vehicle Services – Major”), or “Service Station,” all of which are separately defined.

**Auto Parts Sales** means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see “Vehicle services – Minor”). Does not include tire recapping establishments, which are found under “Vehicle services – major” or businesses dealing exclusively in used parts.

**Car Washing and Detailing** means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

**Ride Share Services** means a company or service that, via websites and mobile apps, matches passengers with drivers of private vehicles for hire that, unlike taxicabs, cannot legally be hailed from the street. This may also be referred to as a transportation network company (TNC) or ride-hailing service. Common examples include, but are not limited to, Uber and Lyft.

**Service Station- Stand Alone** means a retail business selling gasoline or other motor vehicle fuels as the primary onsite activity, and not attached to or otherwise part of a large-format retail establishment. Vehicle services which are incidental to fuel services are included under “Vehicle services – Minor.”

**Service Station- Accessory to General - Large Format Retailer** means a retail business selling gasoline or other motor vehicle fuels as a secondary operation at a business whose primary operations include large format retail sales. For the purposes of this definition, Large Format Retail means stores that are fifty thousand (50,000) square feet or larger.

**Vehicle Services – Major** means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

**Vehicle Services – Minor** means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site or automobile dismantling yards.

#### INDUSTRIAL, MANUFACTURING, AND PROCESSING USE LISTINGS

**Agricultural Products Processing** means the act of changing an agricultural crop, subsequent to its harvest, from its natural state to the initial stage of processing of that crop in order to prepare it for market or further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean

cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

**Artisanal and Specialty Manufacture, Display, and Sales** means the manufacture, display, and sales of specialty food and goods requiring the transformation of raw materials into products that may be edible, useful, or decorative. Outdoor display, sales and consumption on premises may be included subject to zoning and accessibility requirements, and any other state or local regulations such as, but not limited to, the California Uniform Food Facilities Law (CURFFL). This listing includes craft breweries, small scale winery production facilities, and craft distilleries. Such facilities manufacture alcoholic beverages with an annual production of less than 15,000 barrels of beer or 15,000 gallons of wine or spirits respectively. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control (ABC). All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also “Tasting room, off-site.”

**Breweries, Distilleries, and Wineries** means a facility where specific alcoholic beverages are manufactured, with an annual production of 15,000 barrels or more of beer or 15,000 gallons or more of wine or spirits. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits.

**Freight Yard/Truck Terminal** means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, and trucking facilities including transfer and storage.

**Manufacturing – Major** means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.

**Manufacturing – Minor** means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to cabinetry and furniture manufacturing, food and beverage manufacturing,

machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly.

**Manufacturing – Small Scale** means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Printing and Publishing** means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing which are included in “Business Support Services.”

**Recycling Facility – Collection** means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.

**Research and Development** means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – General”). Does not include medical or recreational marijuana (cannabis) research facilities.

**Storage – Warehouse** means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage, Self-Service (Personal)”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesale and Distribution”).

**Storage – Yard** means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

**Wholesale and Distribution** means a building or premises in which the primary purpose is to store, receive, ship, or wholesale goods, merchandise or equipment for eventual distribution and may include office and maintenance areas. A warehouse or distribution center includes 3 or more loading bays, or is expected to have more than 150 truck trips per day. For the purpose of these Guidelines, a warehouse and distribution center is not intended to include warehouse stores that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or lease to the general public. Wholesale and distribution may also be known as “Fulfillment and/or Logistics.”

## GENERAL DEFINITIONS

**Bike Box** refers to a designated area at the head of a traffic lane at a signalized intersection that provides bicyclists with a safe and visible way to get ahead of queuing traffic during the red signal phase.

**Bike Share Program** refers to a service that provides users with the ability to pick up a bicycle at any self-serve bike-station, typically for a rental fee, and return it to any other bike station located within the system's service area. Bike share programs differ from traditional bicycle rental services in that they are typically used for short, spontaneous trips that are often combined with other transportation modes (e.g. transit).

**Bollard** refers to a sturdy, short, vertical post that is installed, typically in combination with other bollards, to define pedestrian spaces and control road traffic.

**Bulbout** refers to a raised curb extension that narrow the travel lane at intersections or midblock locations and reduces the curb radii at intersections. The device increases pedestrian safety and comfort by reducing the street crossing distance and vehicle speeds, and by making pedestrians approaching street crossing more visible to drivers.

**Building Frontage** refers to the requirement that some portion of a project's primary building's (or buildings') front and street side yard facades be placed along the corresponding property lines to ensure that the building(s) frame the adjoining street and/or pedestrian spaces, creating a pedestrian-scaled urban form.

**Building Separation** refers to the separation of multiple buildings on a single parcel to achieve pedestrian-scaled streets (paseos) and public spaces on larger parcels that feature consolidated development.

**Building Height** is measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade. Building heights convey the intensity and scale of structures and impact the feeling of enclosure within the streetscape.

**Chicanes** refers to a series of curb extensions, typically landscaped, that alternate from one side of the street to the other, forming S-shaped curves that require vehicles to slow down.

**Circulation System, Conceptual** refers to the roadways that will be constructed by private development to provide motorists, bicyclists, and pedestrians with access from the primary circulation system's roadways and the existing roadways that boarder the Specific Plan area to individual parcels and sites. It is anticipated that the system will be constructed incrementally overtime as development occurs.

**Circulation System, Primary** refers to the arterial- and collector-level roadways that will be constructed by the City to provide motorists, bicyclists, and pedestrians with access into greenfield portions of the Specific Plan area.

**Dark Sky** is the practice of limiting night-time lighting, or light pollution, to make stars more visible at night, reduce the effects of unnatural lighting on the environment, and cut down on energy usage.

**Density** refers to the intensity of residential development. It is obtained by dividing the number of dwelling units on a parcel or within a project by the gross acreage.

**Encroachment** is where a portion of a building extends beyond the required setbacks. Encroachments can occur within and in some cases in the public right-of-way beyond a parcel's property lines.

**Energy Dissipater** refers to a device that is designed to protect downstream areas from erosion by reducing the velocity of flow to acceptable limits.

**Fenestration** refers to the arrangement of openings, comprising of doors and windows, on the walls of a building.

**Floor Area Ratio (FAR)** refers to the intensity of non-residential development. FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot. FAR is usually expressed as a decimal fraction (for example, 0.5 or 2.0).

**Ground Floor Façade Transparency** refers to the arrangement of fenestration on ground floor building elevations facing streets and public spaces, expressed as a percentage of the elevation's area, to achieve a "storefront" design that provides visual access through the building and activates the surrounding streetscape.

**Ground Floor Tenant Depth** refers to the tenant space depth required to achieve desirable retail, restaurant, and commercial spaces that support vertical mixed-use development. The standard is measured as the horizontal distance from the front of the space, usually coinciding with an elevation that faces a street or public space, to the rear of the space.

**Infrastructure System, Conceptual** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the conceptual circulation system's roadway rights-of-way.

**Infrastructure System, Primary** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the primary circulation system's roadway rights-of-way.

**Intelligent Transportation System (ITS)** refers to an advanced application which, without embodying intelligence as such, aims to provide innovative services relating to different modes of transport and traffic management and enable various users to be better informed and make safer, more coordinated, and 'smarter' use of transport networks.

**Low Impact Development** refers to site planning and design that manages stormwater runoff as part of green infrastructure.

**Modified Grid System:** A layout of streets that are curved slightly to produce the illusion of varied setbacks while maintaining the integrated grid pattern. This form of street layout also narrows the line-of-sight for drivers and encourages them to slow down.

**Parklet** refers to a sidewalk extension that provides more space and amenities for people using the street. Usually parklets are installed on parking lanes and use several parking spaces. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space.

**Passive Ventilation** is a natural ventilation system that makes use of natural forces, such as wind and thermal buoyancy, to circulate air to and from indoor spaces

**Pedestrian Scale** refers to the use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional

to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

**Projections** refer to portion of a building that may extend above the maximum building height.

**Setback** refer to the mandatory distance from the property line that the wall of a building must be constructed. Setbacks directly impact the character and activity along the adjacent sidewalk. A consistent front setback is desirable in pedestrian-oriented environments. Rear and side setbacks vary according to land use district.

**Solar Orientation** refers to siting and orientation of a building and the positioning of its windows, rooflines, and other architectural elements to take advantage of passive and active solar strategies. Passive solar strategies use energy from the sun to heat and illuminate buildings. Building orientation and building materials also facilitate temperature moderation and natural daylighting. Active solar systems use solar collectors and additional electricity to power pumps or fans to distribute the sun's energy.

**Stepback** refers to the receding of a building's upper story facades from its lower story facades. The concept reduces the perceived height of multiple story buildings, creating a more intimate, pedestrian-scaled development pattern, provides opportunities for balconies, and limits the presence of wind corridors.

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USE DEFINITIONS

RESIDENTIAL USE LISTINGS

**Dwelling – Accessory** ~~means or~~ “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and
- b. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

~~an additional dwelling unit constructed or adapted within, onto or detached from an existing dwelling unit on a single-family residential lot. A secondary housing unit must have complete independent living facilities for living, sleeping, eating, cooking and sanitation, and be developed in accordance with The definition of an accessory dwelling unit is established by Brentwood Municipal Code (BMC) Section 17.100.005. In the event that BMC Section 17.100.005 is updated or revised, that revised language shall govern and dictate the definition of accessory dwelling unit.~~

**Dwelling – Multiple-Family** means a building or portion thereof designed for and/or used exclusively for residence purposes by two or more ~~families-households~~ living independently of one another to include the terms duplex, triplex, fourplex, apartment, and condominium.

**Dwelling – Single-Family** means an attached or detached building designed for and/or used exclusively for residence purposes by one ~~family-household~~.

**Home Occupation** means a commercial or other activity conducted in a home by the resident thereof which activity is clearly incidental and secondary to the use of the home as a residence and which exhibits no external evidence of the activity and will not change the residential character of the dwelling.

**Live-Work Unit** means a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**Supportive Housing** means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving ~~his or her~~their health status, and maximizing ~~his or her~~their ability to live and, when possible, work in the community. Supportive housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same designation. Examples of supportive housing include single site apartment buildings and/or townhouses owned by nonprofit landlords, subsidized units within market rate apartment complexes, and apartments leased from private landlords using a rental subsidy.

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**Transitional Housing** means temporary housing for the certain segments of the homeless population, including working homeless making insufficient wages who have trouble affording long-term housing, and is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

#### HUMAN SERVICES USE LISTINGS

**Day Care Center, Adults** means a facility of any capacity that provides care and other services in a group setting to adults during a portion of the day.

**Day Care Center, Children** means a facility of any capacity that provides care and other services in a group setting during a portion of the day for children and licensed as such by the state of California.

Helipad means a landing area or platform for helicopters and powered lift aircraft. While helicopters and powered lift aircraft are able to operate on a variety of relatively flat surfaces, a fabricated helipad provides a clearly marked hard surface away from obstacles where such aircraft can land safely.

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**Medical Services – Ambulance Service** means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Medical Services – Extended Care** means residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential Care Facility, Large or Small.”

**Medical Services – General** means facilities primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “Offices – Business or Professional.”

**Medical Services – Hospitals** means hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of “Retail – Accessory”), and emergency heliports.

**Residential Care Facility – Large** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical Services – Extended Care.”

**Residential Care Facility – Small** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This

classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services – Extended Care.”

#### URBAN AGRICULTURE AND ANIMAL-RELATED USE LISTINGS

**Community Garden** means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.

**Domestic Animal Keeping** ~~means small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry). See BMC 17.670 et seq.~~

**Kennel** means a facility that provides boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities.

**Market Garden** means the cultivation of fruits, vegetables, flowers, fiber, nuts, seeds in an urban location (unlike traditional agricultural uses that occur in rural areas) that involves the sale or donation of its produce to the public.

**Private Garden** means a private food-producing garden located in the front, side, or rear yard, courtyard, balcony, fence, wall, window sill or basement that is accessory to the primary use of a site. This definition does not include incidental fruit and vegetable plants as part of an ornamental garden for individual, rather than resale, use.

**Urban Agriculture Stand** means a temporary produce stand that is accessory to a Market Garden.

**Veterinary Clinic** means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming of animals is allowed only if accessory to the facility use.

#### INSTITUTIONAL USE LISTINGS

**Churches and Religious Institutions** means facilities operated by religious organizations for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

**College Campus** means any public or privately-owned college or university, including medical schools, law schools, and other institution of higher education, including dorms, offices, facility maintenance yards, and similar supportive functions pursuant to the California Education Code.

**Conference Center** means an assembly facility within a structure which is devoted exclusively to public assembly for the purpose of meetings and conferences where such a facility can be subdivided into multi conference or meeting areas.

**Cultural Institutions** means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

**Farmers' Market** means a periodic or weekly event where fresh produce, flowers, crafts, and other items are sold by independent vendors. Typically held outside.

**Indoor Fitness and Sports Facility** means predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.).

**Indoor Recreational/Entertainment Facilities** means establishments providing indoor amusement, entertainment, and recreation for a fee or admission charge (e.g., ball rooms and dance halls, billiard parlors, bowling alleys, and electronic game arcades).

**Outdoor Recreation/Entertainment Facilities** means facilities for various outdoor participant sports and types of recreation that charge a fee or admission charge (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

**Parks and Plazas** means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of "Outdoor Recreation/Entertainment Facilities."

**Private Educational Facilities** means any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public School Facilities** means any publicly owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

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**Public Safety Facilities** means a facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

**Social, Fraternal, and Recreational Clubs** means an establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

**Theaters and Auditoriums** means indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Recreation/Entertainment Facilities."

#### UTILITY, TRANSPORTATION, AND COMMUNICATION USE LISTINGS

**Broadcasting and Recording Studio** means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunication facility.”

**Bus and Transit Shelter** means a small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

**Park and Ride Facility** means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

**Parking Facility** means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

**Transit Facility** means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

**Utility Facilities and Infrastructure** includes the following:

1. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in “Offices - Accessory”) or equipment and material storage yards.
2. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

**Wireless Telecommunication Facility** means the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

#### COMMERCIAL USE LISTINGS

**Adult Oriented Business** means any business establishment or concern which, as a regular and substantial course of conduct, operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which, as a regular and substantial course of conduct, sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which, as a regular and substantial course of conduct, offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified

sexual activities or specified anatomical areas. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by state law.

**Animal Sales and Grooming** means retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of 72 hours, conducted entirely within an enclosed building with no outdoor use.

**Business Support Services** means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair; see “Vehicle services”);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as “Printing and publishing”);
5. Equipment rental businesses within buildings (rental yards are “storage yards”);
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

**Call Center** means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

**Card and Gaming Room** means a gambling establishment that offer card games for play by the public.

**Check Cashing Business** means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, title cashing, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “Financial Institutions”).

**Commercial Lodging – Bed and Breakfast Inn** means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “Hotels and motels.”

**Commercial Lodging – Hotels and Motels** means facilities with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Hotels and Motels, Extended Stay** means facilities with guest rooms or suites, provided with kitchen facilities, rented to the general public for transient lodging (less than 30 days) or for longer periods of time. Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels are prohibited and provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Short-Term Rentals** means any lodging unit that is occupied or intended or designed to be occupied on a short-term basis other than a hotel, motel, or bed-and-breakfast inn.

**Drive-In and Drive-Thru Facilities** means facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy products, photo stores, etc.

**Eating and Drinking Establishments – Bars and Nightclubs** means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars and nightclubs may include outdoor food and beverage areas.

**Eating and Drinking Establishments – Restaurant** means a retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. May include the subordinate sale of alcoholic beverages for on-premises consumption. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

**Eating and Drinking Establishments – Off-Site Tasting Room** means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Pre-packaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Tasting rooms must comply with the retail hours of operation of 10:00 a.m. to 10:00 p.m. On-site tasting rooms are included as an accessory use in “Artisanal and specialty manufacture, display and sales” or “Brewery, Distillery, Winery.” Any facilities not operating with these standards are considered “Eat and Drinking Establishments – Bars and Nightclubs.”

**Financial Institutions** means banks, savings and loans, and similar businesses which offer a wide range of services including the deposit and withdrawal of money, loans, and other financial transactions. Check cashing services, pawnshops, automatic teller machines and other similar uses which conduct limited types of financial transactions are not defined as financial institutions.

**Food and Beverage Stores – Convenience Store** means easy-access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see “Food and Beverage



Stores – Neighborhood Market” and “Food and Beverage Stores – Grocery Store” for larger stores or stores oriented toward the daily shopping needs of residents.

**Food and Beverage Stores – Grocery Store** means a retail business of more than 15,000 square feet in size, where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listings for “Food and Beverage Store – Neighborhood market” and “Food and Beverage – Convenience store.”

**Food and Beverage Stores – Liquor Store** means a retail establishment which has fifty (50%) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

**Food and Beverage Stores – Neighborhood Market** means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than 5,000 square feet and less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Food and Beverage Store – Grocery Store.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

**Garden Centers and Retail/Wholesale Nurseries** means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

**Mortuaries and Funeral Homes** means funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

**Offices - Accessory** means offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or ~~leaseable~~leasable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

**Offices - Building Trade Contractors** means the business offices of a contractor whose principal business is in connection with any structure built, being built, or to be built (general contractors, etc.).

**Offices - Business and Professional** means offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “Medical Services – General”) or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Offices – Accessory”). Outdoor storage of materials is prohibited.

**Personal Services** means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

**Retail – Accessory** means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site.

**Retail – General** means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales only; outdoor sales are plant nurseries and included in the definition of “Garden Centers and Retail/Wholesale Nurseries”), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

**Retail – General, Large Format** means stores that are one hundred fifty thousand (150,000) square feet or larger with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods.

**Specialized Retail – Artisan Shop** means retail stores selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Specialized Retail – Building Material Stores and Yards** means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesale and Distribution.” Hardware stores are listed in the definition of “Retail – General,” even if they sell some building materials. Also see “Home improvement supplies” for smaller specialty stores.

**Specialized Retail – Consignment Store** means an exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

**Specialized Retail – Equipment Sales and Rentals** means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

**Specialized Retail – Furniture, Furnishings, and Appliance Stores** means stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, lawn furniture, moveable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

**Specialized Retail – Pawn Shop** means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

**Specialized Retail – Smoke Shop** means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where 15 percent or more of the total floor or shelf area is

devoted to selling tobacco products. Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition. Smoking shall be prohibited within all smoke shops, unless the establishment has been formally permitted to operate a private smokers' lounge under applicable state and local laws.

**Specialized Retail – Thrift Store** means a retail establishment selling secondhand goods donated by members of the public.

**Tattoo Parlor** means an establishment that engages in the business of tattooing and/or branding human beings.

AUTOMOBILE-RELATED USE LISTINGS

**Auto and Vehicle RentalSales Showroom** means retail establishments ~~selling and/or renting automobiles, trucks, and vans offering auto and vehicle showroom services in an indoor setting. This use listing includes the sales and rental of mobile homes, recreation vehicles, and boats.~~ May also include minor repair shops and the sales of parts and accessories, incidental to vehicle ~~dealerships~~ showroom. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"), bicycle and moped sales (see "Retail – General"), tire recapping establishments (see "Vehicle Services – Major"), or "Service Station," all of which are separately defined.

**Auto Parts Sales** means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle services – Minor"). Does not include tire recapping establishments, which are found under "Vehicle services – major" or businesses dealing exclusively in used parts.

**Car Washing and Detailing** means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

Ride Share Services means a company or service that, via websites and mobile apps, matches passengers with drivers of private vehicles for hire that, unlike taxicabs, cannot legally be hailed from the street. This may also be referred to as a transportation network company (TNC) or ride-hailing service. Common examples include, but are not limited to, Uber and Lyft.

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**Service Station- Stand Alone** means a retail business selling gasoline or other motor vehicle fuels as the primary onsite activity, and not attached to or otherwise part of a large-format retail establishment. Vehicle services which are incidental to fuel services are included under "Vehicle services – Minor."

Service Station- Accessory to General - Large Format Retailer means a retail business selling gasoline or other motor vehicle fuels as a secondary operation at a business whose primary operations include large format retail sales. For the purposes of this definition, Large Format Retail means stores that are fifty thousand (50,000) square feet or larger.

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**Vehicle Services – Major** means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles;

such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

**Vehicle Services – Minor** means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site or automobile dismantling yards.

#### INDUSTRIAL, MANUFACTURING, AND PROCESSING USE LISTINGS

**Agricultural Products Processing** means the act of changing an agricultural crop, subsequent to its harvest, from its natural state to the initial stage of processing of that crop in order to prepare it for market or further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

**Artisanal and Specialty Manufacture, Display, and Sales** means the manufacture, display, and sales of specialty food and goods requiring the transformation of raw materials into products that may be edible, useful, or decorative. Outdoor display, sales and consumption on premises may be included subject to zoning and accessibility requirements, and any other state or local regulations such as, but not limited to, the California Uniform Food Facilities Law (CURFFL). This listing includes craft breweries, small scale winery production facilities, and craft distilleries. Such facilities manufacture alcoholic beverages with an annual production of less than 15,000 barrels of beer or 15,000 gallons of wine or spirits respectively. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control (ABC). All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also “Tasting room, off-site.”

**Breweries, Distilleries, and Wineries** means a facility where specific alcoholic beverages are manufactured, with an annual production of 15,000 barrels or more of beer or 15,000 gallons or more of wine or spirits. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits.

**Freight Yard/Truck Terminal** means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, and trucking facilities including transfer and storage.

**Manufacturing – Major** means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or

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other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.

**Manufacturing – Minor** means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to cabinetry and furniture manufacturing, food and beverage manufacturing, machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly.

**Manufacturing – Small Scale** means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Printing and Publishing** means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing which are included in “Business Support Services.”

**Recycling Facility – Collection** means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.

**Research and Development** means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – General”). Does not include medical or recreational marijuana (cannabis) research facilities.

**Storage – Warehouse** means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage, Self-Service (Personal)”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesale and Distribution”).

**Storage – Yard** means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

~~**Wholesale and Distribution** means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.~~

**Wholesale and Distribution** means a building or premises in which the primary purpose is to store, receive, ship, or wholesale goods, merchandise or equipment for eventual distribution and may include office and maintenance areas. A warehouse or distribution center includes 3 or more loading bays, or is expected to have more than 150 truck trips per day. For the purpose of these Guidelines, a warehouse and distribution center is not intended to include warehouse stores that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or lease to the general public. Wholesale and distribution may also be known as “Fulfillment and/or Logistics.”

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#### GENERAL DEFINITIONS

**Bike Box** refers to a designated area at the head of a traffic lane at a signalized intersection that provides bicyclists with a safe and visible way to get ahead of queuing traffic during the red signal phase.

**Bike Share Program** refers to a service that provides users with the ability to pick up a bicycle at any self-serve bike-station, typically for a rental fee, and return it to any other bike station located within the system's service area. Bike share programs differ from traditional bicycle rental services in that they are typically used for short, spontaneous trips that are often combined with other transportation modes (e.g. transit).

**Bollard** refers to a sturdy, short, vertical post that is installed, typically in combination with other bollards, to define pedestrian spaces and control road traffic.

**Bulbout** refers to a raised curb extension that narrow the travel lane at intersections or midblock locations and reduces the curb radii at intersections. The device increases pedestrian safety and comfort by reducing the street crossing distance and vehicle speeds, and by making pedestrians approaching street crossing more visible to drivers.

**Building Frontage** refers to the requirement that some portion of a project's primary building's (or buildings') front and street side yard facades be placed along the corresponding property lines to ensure that the building(s) frame the adjoining street and/or pedestrian spaces, creating a pedestrian-scaled urban form.

**Building Separation** refers to the separation of multiple buildings on a single parcel to achieve pedestrian-scaled streets (paseos) and public spaces on larger parcels that feature consolidated development.

**Building Height** is measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade. Building heights convey the intensity and scale of structures and impact the feeling of enclosure within the streetscape.

**Chicanes** refers to a series of curb extensions, typically landscaped, that alternate from one side of the street to the other, forming S-shaped curves that require vehicles to slow down.



**Circulation System, Conceptual** refers to the roadways that will be constructed by private development to provide motorists, bicyclists, and pedestrians with access from the primary circulation system's roadways and the existing roadways that border the Specific Plan area to individual parcels and sites. It is anticipated that the system will be constructed incrementally overtime as development occurs.

**Circulation System, Primary** refers to the arterial- and collector-level roadways that will be constructed by the City to provide motorists, bicyclists, and pedestrians with access into greenfield portions of the Specific Plan area.

**Dark Sky** is the practice of limiting night-time lighting, or light pollution, to make stars more visible at night, reduce the effects of unnatural lighting on the environment, and cut down on energy usage.

**Density** refers to the intensity of residential development. It is obtained by dividing the number of dwelling units on a parcel or within a project by the gross acreage.

**Encroachment** is where a portion of a building extends beyond the required setbacks. Encroachments can occur within and in some cases in the public right-of-way beyond a parcel's property lines.

**Energy Dissipater** refers to a device that is designed to protect downstream areas from erosion by reducing the velocity of flow to acceptable limits.

**Fenestration** refers to the arrangement of openings, comprising of doors and windows, on the walls of a building.

**Floor Area Ratio (FAR)** refers to the intensity of non-residential development. FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot. FAR is usually expressed as a decimal fraction (for example, 0.5 or 2.0).

**Ground Floor Façade Transparency** refers to the arrangement of fenestration on ground floor building elevations facing streets and public spaces, expressed as a percentage of the elevation's area, to achieve a "storefront" design that provides visual access through the building and activates the surrounding streetscape.

**Ground Floor Tenant Depth** refers to the tenant space depth required to achieve desirable retail, restaurant, and commercial spaces that support vertical mixed-use development. The standard is measured as the horizontal distance from the front of the space, usually coinciding with an elevation that faces a street or public space, to the rear of the space.

**Infrastructure System, Conceptual** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the conceptual circulation system's roadway rights-of-way.

**Infrastructure System, Primary** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the primary circulation system's roadway rights-of-way.

**Intelligent Transportation System (ITS)** refers to an advanced application which, without embodying intelligence as such, aims to provide innovative services relating to different modes of transport and traffic management and enable various users to be better informed and make safer, more coordinated, and 'smarter' use of transport networks.

**Low Impact Development** refers to site planning and design that manages stormwater runoff as part of green infrastructure.

**Modified Grid System:** A layout of streets that are curved slightly to produce the illusion of varied setbacks while maintaining the integrated grid pattern. This form of street layout also narrows the line-of-sight for drivers and encourages them to slow down.

**Parklet** refers to a sidewalk extension that provides more space and amenities for people using the street. Usually parklets are installed on parking lanes and use several parking spaces. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space.

**Passive Ventilation** is a natural ventilation system that makes use of natural forces, such as wind and thermal buoyancy, to circulate air to and from indoor spaces

**Pedestrian Scale** refers to the use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

**Projections** refer to portion of a building that may extend above the maximum building height.

**Setback** refer to the mandatory distance from the property line that the wall of a building must be constructed. Setbacks directly impact the character and activity along the adjacent sidewalk. A consistent front setback is desirable in pedestrian-oriented environments. Rear and side setbacks vary according to land use district.

**Solar Orientation** refers to siting and orientation of a building and the positioning of its windows, rooflines, and other architectural elements to take advantage of passive and active solar strategies. Passive solar strategies use energy from the sun to heat and illuminate buildings. Building orientation and building materials also facilitate temperature moderation and natural daylighting. Active solar systems use solar collectors and additional electricity to power pumps or fans to distribute the sun's energy.

**Stepback** refers to the receding of a building's upper story facades from its lower story facades. The concept reduces the perceived height of multiple story buildings, creating a more intimate, pedestrian-scaled development pattern, provides opportunities for balconies, and limits the presence of wind corridors.

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JUNE 1, 2022  
CITY COUNCIL/PLANNING COMMISSION WORKSHOP MINUTES

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Special joint meeting for a workshop of the  
**City Council and the Planning Commission**  
5:00 p.m. on Thursday, June 1, 2022

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## WORKSHOP

1. Call to Order/Roll Call: A Workshop of the City Council and Planning Commission

Mayor Bryant called the workshop to order at 5:00 p.m. Roll Call found Council Members Mendoza, Meyer, and Rarey, Vice Mayor Rodriguez and Mayor Bryant present.

Roll call of the Planning Commission found Commissioners Cross, Dolter, Roberts, and Sparling and Chair Zeigler present.

2. Update and discussion of the 6th Cycle Housing Element Update, Regional Housing Needs Allocation (RHNA) sites strategies, and implications of new State legislation on the City's policies and programs. (Alexis Morris/Jennifer Hagen)

Following the presentation from staff, Mayor Bryant opened public comment.

Rod Flohr, resident, thanked Council and the Planning Commission for trying to maintain the rights of the residents.

There being no one else wishing to speak, the public comment period was closed.

3. Adjournment

Planning Commission: It was moved/seconded by Zeigler/Dolter to adjourn the Planning Commission at 6:35 p.m. Roll Call found Planning Commissioners Cross, Dolter, Roberts, and Sparling and Chair Zeigler in favor.

City Council: It was moved/seconded by Rarey/Meyer to adjourn the City Council at 6:36 p.m. Roll Call found Council Members Mendoza, Meyer, Rarey, Vice Mayor Rodriguez and Mayor Bryant in favor. Motion carried unanimous.



**JUNE 1, 2022  
CITY COUNCIL  
SPECIAL MEETING MINUTES**

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**SPECIAL CITY COUNCIL MEETING June 1, 2022 at 7:00 p.m.**

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**CALL TO ORDER & ROLL CALL**

Mayor Bryant called the meeting to order at 7:00 PM. Roll call found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryan present.

**PLEDGE OF ALLEGIANCE**

Mayor Bryant led the Pledge of Allegiance.

**A. PUBLIC HEARINGS**

- A.1. CONTINUED FROM MAY 26, 2022: Call for Review of the Planning Commission's decision to approve a Conditional Use Permit amendment (CUP 08-31-A4) and Design Review (DR 21-009) application for the operation of Vineyard Academy Christian School, and the construction of a 3,260 square foot modular building for additional classrooms at The Rock Church, located at 1770 Adams Lane (APNs 016-040-009, 016-040-010, and 016-040-011). (Alexis Morris/Crystal De Castro)

Following staff's presentation, Mayor Bryant opened the public hearing.

Mike Curtis, applicant, spoke in support of the project.

The following spoke in support of the project Eric Schumacher, David Pritchett, Rick and Michelle Campos, Amanda Miller, Shannon Jackson, Kyle Baker, and a statement prepared by Patti Bristow was read.

Rod Flohr spoke in opposition to the project.

E-mails were submitted by Cornel Todor and Sinziana Todor expressing concerns about the project.

E-mails were submitted by David Pritchett, Katie Ramsey, and Shannon Jackson in support of the project.

It was moved/seconded by Rarey/Rodriguez to close the public hearing. Motion carried with Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

Council recessed at 9:25 p.m. and reconvened at 9:31 p.m.

Mayor Bryant recused himself from the motion due to a perceived conflict of interest and out of an abundance of caution left the Zoom mtg.

It was moved/seconded by Rarey/Mendoza, as detailed in the staff report, to adopt Resolution 2022-68 approving an amendment to the Conditional Use Permit for the operation of Vineyard Academy Christian School, including additions/revisions to the Conditions of Approval to include:

Amend Condition 3: to add a) Permittee shall add awnings of a style and color similar to those on The Rock Church building to all portable building windows facing Grant Street b) Permittee shall work with the manufacturer of the portable buildings to determine whether a wall coating such as Tex Cote may be added to the buildings and thereafter painted to match The Rock Church building. If feasible, such coating shall be added and painted. If infeasible, Permittee shall work with the Design Review Subcommittee to arrive at an alternative enhanced coating or surface.

To amended the condition regarding landscaping as follows: All landscaping and fencing as depicted in the plans shall be completed prior to the initiation of the operation of use, with enhanced landscaping along the Grant Street frontage to match the landscaping in place along the Grant Street frontage of The Rock Church.

To add a condition of approval to require that the same color palette be used on portable buildings as is used on The Rock Church building.

Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, in favor; and Mayor Bryant recused.

<b>RESULT:</b>	<b>APPROVED [4/0/1]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez
<b>RECUSED:</b>	Mayor Bryant

As detailed in the staff report, adopt Resolution 2022-69 approving the Design Review for the Vineyard Academy Christian School, including additions/revisions to Condition(s) of Approval:

a.) Permittee shall add awnings of a style and color similar to those on The Rock Church building to all portable building windows facing Grant Street; b.) Permittee shall work with the manufacturer of the portable buildings to determine whether a wall coating such as Tex Cote may be added to the buildings and thereafter painted to match The Rock Church building. If feasible, such coating shall be added and painted. If infeasible, Permittee shall work with the Design Review Subcommittee to arrive at an alternative enhanced coating or surface; c.) The building colors for the portable buildings shall match The Rock Church Building. A color and materials board shall be submitted for the review of the Community Development Director prior to building permit submittal; d.) The building permit submittal plans shall indicate the colors and materials shall match The Rock Church.

Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, in favor; and Mayor Bryant recused.

<b>RESULT:</b>	<b>APPROVED [4/0/1]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez
<b>RECUSED:</b>	Mayor Bryant

Mayor Bryant rejoined the meeting at 10:01 p.m.

**B. REQUEST FOR FUTURE AGENDA ITEMS**

**B.1. REQUESTED ITEMS**



B.A.1. Future agenda item request from Council Member Mendoza for City Council discussion of, and possible direction to staff, related to an update of zoning regulations to limit or prohibit sales of tobacco. (Tim Ogden/Margaret Wimberly)

Mayor Bryant opened the public comment.

Rod Flohr, resident, spoke in support of the item.

Eldon Price stated he was a responsible retailer and didn't feel this should apply to his business.

E-mails were received from:

Marc Strauch, owner of an AM/PM in opposition of an ordinance to limit tobacco sales.

There being no one else wishing to speak Mayor Bryant closed public comment.

It was moved/seconded by Mendoza/Meyer to have staff spend time and resources on the issue. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor;

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jovita Mendoza Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez Mayor Bryant

B.A.2. Future agenda item requests from Council Member Mendoza for City Council discussion of, and possible direction to staff, related to Planning Commission training on their roles and responsibilities; as well as issues and consequences of Commissioner communications. (Tim Ogden/Margaret Wimberly)

Mayor Bryant opened the public comment period.

Rod Flohr, resident, spoke in support of removal of Planning Commission member Dave Dolter.

There being no one else wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Rarey to have staff spend time and resources on the bringing back information related to the training of Planning Commissioners and possible removal of Planning Commissioner David Dolter. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Karen Rarey, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez Mayor Bryant

**ADJOURNMENT**

It was moved/seconded by Rarey/Meyer to adjourn at 10:55 p.m. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez. and Mayor Bryant in favor.



**JUNE 14, 2022**  
**CITY COUNCIL/SUCCESSOR AGENCY/BIFA AGENDA**

**7:00 PM – CITY COUNCIL/SUCCESSOR AGENCY/BIFA MEETING**

**SELECTION OF MEETING CHAIR**

Acting City Manager, Miki Tsubota, announced that due to the absence of the Mayor and the Vice Mayor pursuant to Council policy, it would be appropriate for the Council Members to select a member of the City Council to Chair the City Council meeting.

**CALL TO ORDER**

Council Member Rarey called the meeting to order at 7:04 p.m.

**ROLL CALL**

Attendee Name	Title	Status
Jovita Mendoza	Council Member	Remote
Susannah Meyer	Council Member	Remote
Karen Rarey	Council Member	Remote
Johnny Rodriguez	Vice Mayor	Absent
Joel R. Bryant	Mayor	Absent

**PLEDGE OF ALLEGIANCE**

Council Member Rarey led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Danny Dorhmann, resident, asked how agenda items are prioritized and placed on the agenda, and asked why the Mayor and Vice Mayor were absent.

Rod Flohr, resident, thanked the Council Members present for the job they do.

Sinziana Todor, resident, thanked Council for their work and consideration of the Vineyard Academy.

**A. INFORMATIONAL REPORTS FROM COUNCIL MEMBERS, COMMITTEES, LIAISONS AND STAFF**

Council Member Mendoza reported on attendance at the Contra Costa County meeting on Oil and Gas Drilling, an Initiative Call for Our Neighborhood Voices, a Vaccine Clinic, a presentation on mental health, a candidate forum for the Contra Costa District Attorney, the a call for Local Electeds, an Interagency meeting, a call with residents regarding Dolphin Park, the Contra Costa Mayors' Conference, CalCities Roundtable, CalCities Housing Committee meeting, an electeds meeting on AB 2011, the Heritage High School graduation, and a California Electeds call regarding upcoming legislation.

Council Member Meyer reported on attendance at CalCities Leaders' Summit, a meeting with Senator Glazer and his Chief of Staff, the Contra Costa Planning Commission meeting regarding a ban on Oil and Gas drilling, the California Electeds meeting, and spoke at the Opportunity Junction graduation ceremony, the League of California Cities Housing Element Workshop, the League of California Cities department officers meeting, and the League of California Cities officers debrief, the Heritage and Liberty High School graduations, and meetings regarding resources available to youth in East County.

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Council Member Rarey reported on attendance at the CalCites Leaders’ Summit, including sessions on Cities’ Role in Modernizing California’s Behavioral Health Continuum, Planning for the Communities of Tomorrow: The Intersection of Land Use and State Climate Goals, Critical Communication Skills for City Leaders, Finding Successors – Finding Future Leaders in your City Staff, Build It, They Will Come: Creating an Excellent Workplace Culture, Stop Shoulding Yourself: Strategies for High Performers, the Darshana event in Brentwood, a meeting with the City Attorney, the John Marsh Historic trust meeting, and calls with residents regarding Dolphin Park, the East Contra Costa Fire Protection District Station 55 ribbon cutting, the Housing Element workshop, the PAL Board meeting, and the CalCities Public Safety Policy Committee meeting.

**B. CONSENT CALENDAR**

It was moved/seconded by Mendoza/Meyer to approve Consent Calendar Items B.1 – B.6 as recommended by staff. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

- B.1. Adopted Resolution 2022-70 calling and giving notice of the holding of a general municipal election on Tuesday, November 8, 2022, for the election of one [1] Council Member in District 2, and one [1] Council Member in District 4, for four year terms; Adopted Resolution 2022-71 requesting the Board of Supervisors of the County of Contra Costa consolidate the election; and Adopted Resolution 2022-72 adopting Regulations for candidates for elective office pertaining to candidate statements submitted to the voters at the election. (Tim Ogden/Margaret Wimberly)
- B.2. Adopted Resolution 2022-73 approving and authorizing the City Manager or designee to execute a contract for Janitorial Services with Universal Building Services and Supply Co. (UBS), for a two-year term commencing July 1, 2022, in the amount of \$183,842 plus a contingency amount of \$18,383, for a total not to exceed amount of \$202,225; and authorizing the City Manager or designee, in consultation with the City Attorney, to approve necessary documents for the base proposal, extra work and extensions as appropriate. (Miki Tsubota/Casey Wichert/Scott Dempsey)
- B.3. Adopted Resolution 2022-74 approving and authorizing the City Manager or designee to execute a contract for Janitorial Services with Frank and Grossman Landscape Contractors, Inc., for a two-year term commencing July 1, 2022, in the amount of \$410,568, plus a contingency amount of \$41,056, for a total not to exceed amount of \$451,624; and authorizing the City Manager or designee, in consultation with the City Attorney, to approve necessary documents for the base proposal, extra work and extensions as appropriate. (Miki Tsubota/Casey Wichert/Scott Dempsey)
- B.4. Adopted Resolution 2022-75 approving and adopting a List of Projects for submittal to the California Transportation Commission for Fiscal Year 2022/23 Funded by SB 1: The Road Repair and Accountability Act of 2017. (Miki Tsubota/Renee Payette/Jigar Shah)
- B.5. Adopted Resolution 2022-76 delegating annual management responsibility for the investment program to the City Treasurer for Fiscal Year 2022/23. (Kerry Breen/Clarissa Domen/Sonia Agostini)

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**CITY COUNCIL/SUCCESSOR AGENCY/BIFA AGENDA**  
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- B.6. Resolutions approving the continued use of teleconferencing for meetings of (1) Adopted Resolution 2022-77 the City Council and all subsidiary City legislative bodies, (2) Adopted Resolution 2022-10-SA the Successor Agency to the Brentwood Redevelopment Agency, and (3) adopted Resolution BIFA-43 the Brentwood Infrastructure Financing Authority, from June 14, 2022 through July 14, 2022, per AB 361 (2021). (Tim Ogden/Margaret Wimberly)

**C. PUBLIC HEARINGS**

- C.1. Continuance of the Second reading of Ordinance No. 1038 of the City Council of the City of Brentwood amending Title 15 (Buildings and Construction) Chapter 15.06 of the Brentwood Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings in Support Amendments to the 2019 California Building Standards Code, Title 24, Part 9, California Fire Code. (Alexis Morris)

Council Member Rarey opened the public comment period, there being no one wishing to speak it was closed.

It was moved/seconded by Meyer/Mendoza to continue the public hearing for the Second reading of Ordinance No. 1038 of the City Council of the City of Brentwood amending Title 15 (Buildings and Construction) Chapter 15.06 of the Brentwood Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings in Support Amendments to the 2019 California Building Standards Code, Title 24, Part 9, California Fire Code to June 28, 2022. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Susannah Meyer, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

- C.2. Opening and Continuation, until June 28, 2022, of a public hearing regarding actions pertaining to the City’s Landscape and Lighting Assessment Districts, Landscape and Lighting Assessment District No. 19-3, Landscape and Lighting Assessment District No. 21-1, and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2022/23. (Bruce Mulder/Aaron Wanden)

Council Member Rarey opened the public hearing.

Rod, resident, thanked staff for their work on the Deer Ridge lighting and landscape district.

It was moved/seconded by Mendoza/Meyer to continue the Public Hearing, until June 28, 2022, of a public hearing regarding actions pertaining to the City’s Landscape and Lighting Assessment Districts, Landscape and Lighting Assessment District No. 19-3, Landscape and Lighting Assessment District No. 21-1, and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2022/23. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

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<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

- C.3. A Resolution amending the City of Brentwood 2021/22 Cost Allocation Plan and Schedule of City Fees related to the timing of Consumer Price Index adjustments; and revisions to Parks and Recreation fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act. (Bruce Mulder/Ben Keisic)

Council Member Rarey opened the public hearing. There being no one wishing to speak, it was moved/seconded by Mendoza/Meyer to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

It was moved/seconded by Meyer/Mendoza to adopt Resolution 2022-78 amending the City of Brentwood 2021/22 Cost Allocation Plan and Schedule of City Fees related to the timing of Consumer Price Index adjustments; and revisions to Parks and Recreation fees; and finding that the proposed amendments do not constitute a project for the purposes of the California Environmental Quality Act. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Susannah Meyer, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

**D. BUSINESS ITEMS**

- D.1. Receive information regarding services provided by Contra Costa County Animal Services; and consider the adoption of a resolution approving and authorizing the City Manager or designee to execute a City-County Animal Services Agreement with a FY 2022/23 cost of \$526,794. (Thomas Hansen/Doug Silva)

Council Member opened the public comment period, there being no one wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Meyer to adopt Resolution 2022-79 approving and authorizing the City Manager or designee to execute a City-County Animal Services Agreement with a FY 2022/23 cost of \$526,794. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

D.2. A Resolution approving the Information Technology Master Plan. (Kerry Breen/Mike Baria)

Council Member Rarey opened the public comment period.

Danny Dohrmann, resident, felt like the report was to catch up on items, but felt there needed to be discussion on future tech preparation.

Rod Flohr, resident, spoke regarding a need for improved video feeds of the City Council meeting, and spoke regarding needed improvements for the website.

Antonio Xavier, resident, spoke regarding needed tools for transparency in government.

There being no one else wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Meyer to continue consideration of the Information Technology Master Plan to a date uncertain. Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

D.3. Review draft language and maps related to a proposed Council-sponsored ballot initiative to protect open space and recreational areas, and provide staff with recommendations and direction regarding the proposed ballot initiative. (Tim Ogden/Darin Gale)

Council Member Rarey opened the public comment period.

Rod Flohr, resident, spoke in support of the potential measure and asked how the City will be prepared for any future changes to State legislation.

Wayne Francis, resident, spoke in support of the potential measure, and requested a sunset measure be added.

Antonio Xavier, resident, spoke regarding e-mailed comments on the issue and felt that some outreach and educational materials would assist in answering questions voters may have.

There being no one else wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Meyer to provide the following direction to staff for preparation of the ballot initiative:

Overlay concept language:



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Lands designated as Voter-Protected Open Space may only be used for open space, parks, agricultural, and recreational uses. This designation includes existing and future parks, open space areas, and recreation facilities of varying size, function, and location that are intended to serve the entire community.

Proposed exceptions:

1. Confirm existing exceptions for public facilities, roads, and infrastructure such as public water, wastewater, storm drain, and water recycling
2. Any development that may be required to be accommodated per SB 330
3. Legal counsel to bring back information on whether additional public facilities should be included in exceptions

Proposed overlay location (General Plan land use designations):

1. Large Semi-Public Facility areas currently developed with recreational uses and/or community open space (as shown on maps provided with 6/14/22 agenda)
2. Parks – all sizes
3. Permanent Open Space areas
4. Investigate General Plan land use designation of linear park on Grant Street for potential inclusion

Sunset date: 40 years

Roll Call vote found Council Member Mendoza, Council Member Meyer, and Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

- D.4. A Resolution Approving and Authorizing the Mayor to execute the Third Amendment to the January 28, 2020 Amended Employment Agreement between the City of Brentwood and City Manager Tim Ogden. (Sukari Beshears)

Council Member Rarey opened the public comment period, there being no one wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Meyer to adopt Resolution 2022-80 Approving and Authorizing the Mayor to execute the Third Amendment to the January 28, 2020 Amended Employment Agreement between the City of Brentwood and Tim Ogden. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

**E. REQUEST FOR FUTURE AGENDA ITEMS**

- E.1. NEW REQUEST(S)

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Council Member Meyer requested a future agenda item related to the creation of an ad-hoc committee to review services provided to youth and identify potential gaps in resources and services.

Council Member Rarey requested a review and potential updates to City Council compensation.

**E.2. REQUESTED ITEMS**

**E.2.1** Future agenda item request from Council Members Rarey and Mendoza for City Council discussion of, and possible direction to staff, related to campaign finance limits and reforms. (Tim Ogden/Margaret Wimberly)

Council Member Rarey opened the public comment period.

Rod Flohr, resident, spoke in support of campaign contribution limits with a limit of \$500 per election cycle.

Antonio Xavier, resident, spoke in support of campaign contribution limits and limiting the donations to a campaign cycle.

There being no one else wishing to speak, the public comment period was closed.

It was moved/seconded by Rarey/Mendoza to direct staff to bring back an Urgency Ordinance, if feasible, and a non-urgency Ordinance implementing limits on contributions, received during the campaign year, of \$500 from individuals, and to examine limits on PAC contributions. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

<b>RESULT:</b>	<b>APPROVED [3/0/2]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey
<b>ABSENT:</b>	Rodriguez, Bryant

**ADJOURNMENT**

It was moved/seconded by Meyer/Mendoza to adjourn at 10:52 p.m. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey in favor and Vice Mayor Rodriguez, and Mayor Bryant absent.

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**JUNE 28, 2022**  
**CITY COUNCIL/SUCCESSOR AGENCY MINUTES**

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**7:00 PM – CITY COUNCIL/SUCCESSOR AGENCY MEETING**

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**CALL TO ORDER & ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Jovita Mendoza	Council Member	Remote
Susannah Meyer	Council Member	Remote
Karen Rarey	Council Member	Remote
Johnny Rodriguez	Vice Mayor	Remote
Joel R. Bryant	Mayor	Remote

**PLEDGE OF ALLEGIANCE**

Mayor Bryant led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Carolina Villaseca, resident, spoke regarding agenda Item C.2 and requested additional information regarding the purchasing process, and requested information on agenda item C.3.

Rod Flohr, resident, spoke regarding the work of the redistricting commission and commended them on their work.

Sinziana Todor, resident, spoke regarding PA-1 and asked why changes were being made to the current plan, and questioned the need for surveys and information gathering efforts and felt it was important to get PA-1 built.

Danny Dohrmann, resident, felt there needed to be accountability for Council Members who are absent. He spoke regarding the scheduling of agenda items, and spoke regarding the drought, proposed projects and pending legislation.

Steve Smith, Board Member East Contra Costa Fire Protection District, thanked the City Council and staff for their support of ECCFPD. il

Brian Oftedal, sent an e-mail regarding agenda item A.3 and thanked Council for the recognition of East Contra Fire Protection District Board. .

**A. PRESENTATIONS**

A.1 Recognition of the Redistricting Commission. – Mayor Bryant and the City Council thanked the Members of the Redistricting Commission Shannon Roberts, Jon Wilson, Michael Luker, Jennifer Anderson and Sandra Myers, and thanked the alternates: Kerri Fritsch, Ellen Poole, Albert (Al) Del Grande, and Larry Becker.

A.2 State of the East Contra Costa Fire Protection District from Chief Brian Helmick. Chief Helmick, of the East Contra Costa Fire Protection District provided a PowerPoint of the State of the District and thanked staff and Council for their support.

A.3. Recognition of the East Contra Costa Fire Protection District – Mayor Bryant called on the Members of the East Contra Costa Fire Protection District Board and Chief Helmick an presented them each with a plaque recognizing their service to the community.

**B. INFORMATIONAL REPORTS FROM COUNCIL MEMBERS, COMMITTEES, LIAISONS AND STAFF**

Council Member Mendoza reported on attendance at a Community meeting in District 2, the ABAG meeting, the Juneteenth celebration, two meetings of the California Alliance of Local Electeds, requested staff send a letter opposing AB 2881, met with Bay Area Silicon Valley related to affordable housing, met with a team regarding Prop 13, and participated in a statewide call on Livable California.

Council Member Meyer reported on attendance at a meeting with the Park and Recreation Director, the Police Chief and officials from the City of Oakley related to youth services, a meet and greet with Trilogy residents, the Juneteenth event, virtual Senate and Housing meetings, the Deer Ridge fire safety meeting, a meeting with the Contra Costa Los Medanos College Board member, and the Delta Counties Coalition meeting.

Council Member Rarey reported on attendance at the Juneteenth event, a meeting with East Bay Regional Parks regarding Marsh Creek State Park, the Deer Ridge Fire safety meeting, worked with John Marsh Historic Trust on a flyer for a hike, and a meeting with a resident regarding Orchard Grove project.

Johnny Rodriguez had nothing to report, and commended staff at the community center for the work they do.

Mayor Bryant reported on attendance for a call with the California Insurance Commissioner, a meeting with the local AARP, the PADA unveiling of their mural, the Contra Costa Grand Jury training class, led a field trip of third graders, the Airport Land Use meeting, the East Contra Costa Habitat Conservancy meeting, and BART, TRANSPLAN, Tri Delta Transit and ECCCRFFA meetings.

**C. CONSENT CALENDAR**

It was moved/seconded by Mendoza/Meyer to approve Consent Calendar Items C.1 – C.6 as recommended by staff. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

- C.1. Adopted Resolution 2022-81 recognizing the completion of service by the 2021/22 Redistricting Commission. (Tim Ogden/Margaret Wimberly/Damien Brower)
- C.2. Adopted joint Resolution 2022-82 and 2022-11-SA of the City Council of the City of Brentwood and the Governing Board of the Successor Agency to the Redevelopment Agency of the City of Brentwood approving and authorizing the City Manager or City Attorney and Executive Director or General Counsel as appropriate, to execute certain Purchase Orders, Change Orders and/or Agreements for ongoing and/or recurring purchases with vendors that have anticipated spending over \$50,000 for FY 2022/23, after approval as to form by the City Attorney or General Counsel. (Kerry Breen/Wilton Alderman)

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- C.3. Adopted Resolution 2022-12 of the Successor Agency to the City of Brentwood Redevelopment Agency, adopting the 2022/23 - 2023/24 Operating Budget for the former Brentwood Redevelopment Agency Funds now administered by the Successor Agency; and amending the 2021/22 Operating Budget for the former Brentwood Redevelopment Agency Funds now administered by the Successor Agency. (Kerry Breen/Rachel Corona)
- C.4. Adopted Resolution 2022-83 approving a fee waiver in an amount not to exceed \$10,000 for fiscal year 2022/23 for the use of the Brentwood Education and Technology Center for the operation of Delta Community Services, Inc. programs and services. (Bruce Mulder/Ben Keisic)
- C.5. Accepted an Informational Report on the City Manager's approval of Final Subdivision Map, Subdivision Improvement Agreement, and acceptance of Offers of Dedication for Subdivision No. 8446, St. James Court, developed by D. Bailey Neff and Linda Lamb Neff. (Miki Tsubota/Heather Silfies)
- C.6. Adopted Resolution 2022-84 authorizing the City Manager, or designee, to send a request, on behalf of the City of Brentwood as the project sponsor for the portion of the Sand Creek Road Extension Project located within Brentwood, to the East Contra Costa Regional Fee and Financing Authority to approve that Project as the next priority Project after the James Donlon Extension Project. (Jack Dhaliwal/Renee Payette)

**D. PUBLIC HEARINGS**

Mayor Bryant announced his employer leases space from Rock Church which is located close to the project site, and while he does not believe that the Council decision on this proposed project will have any impact on his financial interest, including his income, he was recusing himself from the consideration of agenda item D.1 in an abundance of caution. He then left the meeting at 8:12 p.m.

- D.1. An application for a vesting tentative subdivision map (Orchard Grove) (VTSM 9435) to create 51 residential lots, one bio-retention basin, and other related improvements. The project also includes a density bonus resulting in an overall project density of 3.03 units per acre and a design review (DR 20-003) for the homes to be constructed on the 51 lots (including 45 single-family detached homes and six affordable duets). The project is located east of Adams Lane, directly north of the intersection of Lone Oak Road and Gracie Lane. (Alexis Morris/Crystal De Castro)

The City Council took a five-minute recess from 9:23 p.m. to 9:28 p.m.

Vice Mayor Rodriguez opened the public hearing.

David Best, applicant, spoke in support of the project and regarding concessions that had been made related to Gracie Lane and the positioning of the homes.

The following speakers spoke in opposition to the project, Keith Schaefer, Rod Flohr, Danny Dohrmann, Sinziana Todor, Ellood, Jorge Freitas, Carolina Villaseca, Tom Guenette, Nathan Smith, Marisol Valles, Ian, Daniel, Julie Schaefer.

The applicant and the applicants legal council Christian Cebrian provided additional remarks.

E-mails were received from Bill and Lisa Grady, Cornel Todor, Daniel Mathat, Jenn Garcia, Jorge Freitas, Josh Waldron, Keith Schaefer, Sinziana Todor, Robert and Carrie

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Juracich and Veronica Haendel, in opposition to the Orchard Grove project as it is currently proposed.

There being no one else wishing to speak, it was moved/seconded by Rarey/Mendoza to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, in favor, and Mayor Bryant recused.

It was moved/seconded by Mendoza/Rarey to continue the item to a date uncertain and referred the item to the Land Use and Development subcommittee for review. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant recused.

<b>RESULT:</b>	<b>APPROVED [4/01]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Karen Rarey, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez,
<b>NOES:</b>	None
<b>RECUSED:</b>	Mayor Bryant

Recess 11:09 p.m. to 11:14 p.m.

The Mayor rejoined the meeting.

Agenda Item E.1 was moved prior to agenda item D.2

E.1. Moved after item D.1 - Consideration of the Removal of Commissioner David Dolter from the Planning Commission and any follow up actions if necessary. (Damien Brower/Tim Ogden)

Mayor Bryant opened the public comment period.

The following residents spoke in support of removal: Carolina Villaseca, Rod Flohr, Sinziana Todor, and Danny Dohrmann.

An e-mail was received from Antonio Xavier and Robert and Carrie Juracich supporting the removal of David Dolter from the Planning Commission.

An e-mail was received from Mike Burkholder in support of training for new Planning Commissioners and allowing Commissioner Dolter to serve the remainder of his term.

There being no one else wishing to speak, the public comment period was closed.

It was moved/seconded by Mendoza/Rarey to remove David Dolter from the Planning Commission and decided the position will remain vacant until the 2023 Planning Commissioner recruitment cycle is undertaken. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, and Mayor Bryant in favor and Vice Mayor Rodriguez opposed.

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<b>RESULT:</b>	<b>APPROVED [4/1]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Karen Rarey, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Bryant
<b>NOES:</b>	Rodriguez

D.2. A resolution adopting the 2022/23 – 2026/27 Capital Improvement Program (CIP) including roadway, parks and trails, water, wastewater and community facilities improvements to be constructed during the next five years; and approving a long-term interfund loan in the amount of \$2,016,661, per Council/Administrative Policy 10-5, Budget and Fiscal Policies, Section 4.3, to provide capital funding for the portion of the Sand Creek Sports Complex project costs that will be repaid with Bond Refinance Savings. (Kerry Breen/Sonia Agostini)

Mayor Bryant opened the public hearing.

Danny Dohrmann, resident, spoke in opposition to spending funds on the Soundwall Project, as he did not feel the decrease in decibels would be noticeable.

The following speakers spoke in support of funding the Soundwall Project; Rod Flohr, Ian Cohen, Sukumar Dash, Carolina Villaseca, and Sinziana Todor.

E-mails were received from Anonymous Resident, David and Christina Amaral, Jackie Andrews, S. Walker in opposition to the Soundwall Project.

There being no one else wishing to speak, it was moved/seconded by Rarey/Mendoza to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

It was moved/seconded by Rarey/Mendoza to adopt Resolution 2022-85 adopting the 2022/23 – 2026/27 Capital Improvement Program (CIP) including roadway, parks and trails, water, wastewater and community facilities improvements to be constructed during the next five years; and approving a long-term interfund loan in the amount of \$2,016,661, per Council/Administrative Policy 10-5, Budget and Fiscal Policies, Section 4.3, to provide capital funding for the portion of the Sand Creek Sports Complex project costs that will be repaid with Bond Refinance Savings. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

D.3. A Resolution amending the 2021/22 Operating Budget; Adopting the 2022/23 - 2023/24 Operating Budget; approving the addition of one (1) new full-time position to the City staff; approving pay down of unfunded obligations per Section 7.1.1 of the Council/Administrative Policy Budget and Fiscal Policies, No. 10-5; and amending the 2021/22 Fund Balance and Restrictions and Commitments in the General Fund. (Kerry Breen/Sonia Agostini)

Communication: Minutes of the Joint City Council/Planning Commission meeting of June 1, 2022, the Special City Council meeting of June 1,



**JUNE 28, 2022**  
**CITY COUNCIL/SUCCESSOR AGENCY AGENDA**  
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Mayor Bryant opened the public hearing.

Carolina Villaseca, resident, spoke in support of the budget.

There being no one else wishing to speak, it was moved/seconded by Rarey/Mendoza to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

It was moved/seconded by Mendoza/Meyer to adopt Resolution 2022-86 amending the 2021/22 Operating Budget; Adopting the 2022/23 - 2023/24 Operating Budget; approving the addition of one (1) new full-time position to the City staff; approving pay down of unfunded obligations per Section 7.1.1 of the Council/Administrative Policy Budget and Fiscal Policies, No. 10-5; and amending the 2021/22 Fund Balance and Restrictions and Commitments in the General Fund. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jovita Mendoza, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

- D.4. Consideration of actions pertaining to the City’s Landscape and Lighting Assessment Districts, Landscape and Lighting Assessment District No. 19-3, Landscape and Lighting Assessment District No. 21-1, and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2022/23. (Bruce Mulder/Aaron Wanden)

Mayor Bryant opened the comment period for the continued public hearing. There being no one wishing to speak, it was moved/seconded by Rarey/Meyer to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

It was moved/seconded by Rarey/Mendoza to adopt Resolution 2022-87 approving actions pertaining to the City’s Landscape and Lighting Assessment Districts, Landscape and Lighting Assessment District No. 19-3, Landscape and Lighting Assessment District No. 21-1, and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2022/23. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Jovita Mendoza, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

- D.5 Second reading of Ordinance No. 1038 of the City Council of the City of Brentwood amending Title 15 (Buildings and Construction) Chapter 15.06 of the Brentwood Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings in Support of Amendments to the 2019 California Building Standards Code, Title 24, Part 9, California Fire Code. (Alexis Morris)

Communication: Minutes of the Joint City Council/Planning Commission meeting of June 1, 2022, the Special City Council meeting of June 1,



Mayor Bryant opened the public hearing.

Carolina Villaseca, resident, spoke in support of the agenda item.

There being no one else wishing to speak, it was moved/seconded by Rarey/Mendoza to close the public hearing. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

It was moved/seconded by Rarey/Bryant to Waive Second reading and adopt Ordinance No. 1038 of the City Council of the City of Brentwood amending Title 15 (Buildings and Construction) Chapter 15.06 of the Brentwood Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings in Support of Amendments to the 2019 California Building Standards Code, Title 24, Part 9, California Fire Code. The City Clerk read the title of the Ordinance. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Joel Bryant, Mayor
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

**E. BUSINESS ITEMS**

- E.1. *Moved after item D.1* - Consideration of the Removal of Commissioner David Dolter from the Planning Commission and any follow up actions if necessary. (Damien Brower/Tim Ogden)
  
- E.2. A Resolution approving the Fiscal Year 2022/2023 Pay Schedule and authorizing the City Manager or designee, in consultation with the City Attorney, to make ministerial revisions to it. (Sukari Beshears)

Mayor Bryant opened the public comment period, there being no one wishing to speak, it was closed.

It was moved/seconded by Rarey/Meyer to adopt Resolution 2022-88 approving the Fiscal Year 2022/2023 Pay Schedule and authorizing the City Manager or designee, in consultation with the City Attorney, to make ministerial revisions to it. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

**F. REQUEST FOR FUTURE AGENDA ITEMS**

- F.1. NEW REQUEST(S)

Communication: Minutes of the Joint City Council/Planning Commission meeting of June 1, 2022, the Special City Council meeting of June 1,

Council Members wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for the next Council meeting.

F.2. REQUESTED ITEMS

- F.2.1. Future agenda item request from Council Member Rarey for City Council discussion of, and possible direction to staff, related to a review and potential updates to City Council compensation. (Tim Ogden/Margaret Wimberly)

Mayor Bryant opened the public comment period, there being no one wishing to speak, it was closed.

It was moved/seconded by Rarey/Meyer to continue consideration of this item to the July 12, 2022, City Council meeting. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Karen Rarey, Council Member
<b>SECONDER:</b>	Susannah Meyer, Council Member
<b>AYES:</b>	Mendoza, Meyer, Rarey, Rodriguez, Bryant

**ADJOURNMENT**

It was moved/seconded by Rarey/Meyer to adjourn at 1:20 a.m. Roll Call vote found Council Member Mendoza, Council Member Meyer, Council Member Rarey, Vice Mayor Rodriguez, and Mayor Bryant in favor.

## CITY COUNCIL AGENDA ITEM NO. 2

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution amending Council/Administrative Policy No. 10-12, Policy and Procedures for Requests for Use of City Funds, to include an ineligibility period to reapply for City Funds for failure to abide by the rules and procedures set forth in the policy, add a new section to provide limits for City Council members and their families in regards to Donations, Fee Waivers, and/or Fee Reduction requests, and minor revisions for clarity and consistency

**Prepared by:** Wilton Alderman, Management Analyst

**Submitted by:** Kerry Breen, Director of Finance and Information Systems

### **PURPOSE & RECOMMENDATION**

The purpose of the Policy and Procedures for Requests for Use of City Funds (“Policy”) is to allow partnership with other agencies and organizations in providing services that benefit the community and its residents. To that end and as approved by the City Manager or designee, non-profit agencies, intergovernmental agencies or community groups that provide community benefit may be granted a reduction and/or waiver of fees included in the approved Cost Allocation Plan for use of City property, such as City buildings, building maintenance or use of ball fields. Certain fees for permits, crowd control and solid waste services may also be waived.

In an effort to support those organizations that provide valuable community services for the public benefit, the Policy determines when consideration will be given for requests for use of City funds, and any limitations associated with those requests. Amendments reflect direction from the City Council related to how funds may be received by members of the City Council or not.

It is recommended that Council adopt a Resolution amending City Council/Administrative Policy No. 10-12, Policy and Procedures for Requests for Use of City Funds.

### **CITY COUNCIL STRATEGIC INITIATIVE**

Not applicable

### **PREVIOUS ACTION**

On July 24, 2006, the City Council adopted Resolution No. 2006-18 which established the new Policy.

On August 24, 2010, the City Council adopted Resolution 2010-113, which approved an amendment to the Policy to clarify Policy requirements.

On January 13, 2015, the City Council adopted Resolution 2015-09 to streamline the request process by removing the insurance requirements given the rental of City Facilities already have insurance requirements, allowing the different Divisions within the County to each be considered a separate organization for approval purposes, and to revise the approval authority for the fee waivers and/or reduction requests.

On February 14, 2017, the City Council adopted Resolution 2017-17 approving and authorizing staff, in consultation with the City Attorney, to make revisions to certain City Council/Administrative Policies, contained in sections: 00-Administration, 10-Finance, 20-Personnel, 70-Public Safety, and 80-Community Promotion to reflect the separation and reorganization of the Administrative Services Department into the Finance and Information Systems and Human Resources Department.

On April 26, 2022, the City Council requested a Future agenda item request from Council Member Mendoza for City Council discussion of, and possible direction to staff, related to a policy and procedures for requests from Council Members or organizations they are involved with for grants, partnerships, and requests for anything of value from the City.

## **BACKGROUND**

In recognition of the value of partnering with other agencies and organizations in providing services that benefit the community and its residents, the Brentwood City Council adopted Resolution No. 2006-18 on July 24, 2006, which established the Policy. The Policy determines when consideration should be given to the request for use of City Funds. The Policy has been amended from time to time to add clarity, to streamline the request process and to revise the approval authority.

The proposed amendments to the current Policy include updates to add clarity, transparency and to update terminology.

In addition, the following changes were made:

- The Request for Fee Waiver and/or Fee Reduction Application Procedures section, item 10, was amended to move the hold harmless terms from Section 11 to Section 10 for a more consistent and clear section.
- The Request for Fee Waiver and/or Fee Reduction Application Procedures section, item 14, was amended to set an ineligibility period of one year to reapply for City funds for failure to abide by the rules and procedures.
- The Request for Donation Application Procedures section, item 5, was amended to move the hold harmless terms from section 6 for a more consistent and clear section.

A new Section to the Policy was added, City Council Member/Family Donation, Fee Waiver, and/or Fee Reduction Requests, as follows:

### City Council Member/Family Donation, Fee Waiver and/or Fee Reduction Requests

No City Donations, Fee Waiver, and/or Fee Reduction shall be available to any of the following individuals or entities:

1. The Mayor or any City Council Member (individually, each being an "Elected Official")
2. Any Elected Official's spouse or registered domestic partner
3. Any Elected Official's dependent children
4. Any organization for which individuals listed in 1-3 above either
  - a. Serve on the board of directors or other governing body or
  - b. Receive any financial benefit

In order to facilitate review of the updates, attached to the Staff Report is Exhibit "A", which includes changes to the Policy, which have been displayed in red.

**FISCAL IMPACT**

The adoption of this Policy does not have a fiscal impact.

## Attachments:

Resolution

Policy 10-12 Request for Use of City Funds 2022 Redline

**RESOLUTION NO.**

**A RESOLUTION AMENDING COUNCIL/ADMINISTRATIVE POLICY NO. 10-12, POLICY AND PROCEDURES FOR REQUESTS FOR USE OF CITY FUNDS, TO INCLUDE AN INELIGIBILITY PERIOD TO REAPPLY FOR CITY FUNDS FOR FAILURE TO ABIDE BY THE RULES AND PROCEDURES SET FORTH IN THE POLICY, ADD A NEW SECTION TO PROVIDE LIMITS FOR CITY COUNCIL MEMBERS AND THEIR FAMILIES IN REGARDS TO DONATIONS, FEE WAIVERS, AND/OR FEE REDUCTION REQUESTS, AND MINOR REVISIONS FOR CLARITY AND CONSISTENCY**

**WHEREAS**, on July 24, 2006, the City Council adopted Resolution No. 2006-18 which established the new Policy No. 10-12, Policies and Procedures Request for Use of City Funds; and

**WHEREAS**, on August 24, 2010, the City Council adopted Resolution 2010-113 which approved an amendment to the policy to clarify policy requirements; and

**WHEREAS**, on January 13, 2015, the City Council adopted Resolution 2015-09 to streamline the request process by removing the insurance requirements given the rental of City Facilities already have insurance requirements, allowing the different Divisions within the County to each be considered a separate organization for approval purposes, and to revise the approval authority for the fee waivers and/or reduction requests; and

**WHEREAS**, on February 14, 2017, the City Council adopted Resolution 2017-17 approving and authorizing staff, in consultation with the City Attorney, to make revisions to certain City Council/Administrative Policies, contained in sections: 00-Administration, 10-Finance, 20-Personnel, 70-Public Safety, and 80-Community Promotion to reflect the separation and reorganization of the Administrative Services Department into the Finance and Information Systems and Human Resources Department.

**WHEREAS**, on April 26, 2022, the City Council requested a Future agenda item request from Council Member Mendoza for City Council discussion of, and possible direction to staff, related to a policy and procedures for requests from Council Members or organizations they are involved with for grants, partnerships, and requests for anything of value from the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood approves a Resolution amending Council/Administrative Policy No. 10-12, Policy and Procedures for Requests for Use of City Funds, as detailed in the attached Exhibit "A" which is incorporated herein by this reference.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on August 9, 2022 by the following vote:

**COUNCIL/ADMINISTRATIVE POLICY**

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <del>2017</del> <del>2022</del> <del>August</del> <del>2022</del>
	Resolution No: <del>2017-17</del>	Page 1 of 6

**PURPOSE**

The City of Brentwood recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. To that end, non-profit agencies, intergovernmental agencies or community groups that provide community benefit as approved by the City Manager or designee may be granted a reduction and/or waiver of fees that are included in the approved Cost Allocation Plan for use of City property, such as City buildings, building maintenance or use of ball fields. Certain fees for permits, crowd control and solid waste services may also be waived. In an additional effort to support those organizations that provide valuable community services for the public benefit, the following policy has been established to determine when consideration will be given for requests for use of City funds. and any limitations associated with those requests.

**POLICY**

Priorities and Requirements:

- Fee waivers and/or reductions or donations are primarily made to local organizations based in the City of Brentwood. Agencies based in neighboring communities that serve a significant number of City of Brentwood residents may also apply. National agencies will most likely not be considered.
- Fee waivers and/or reductions or donations are made only to organizations as described within this Policy.
- Applications for specific programs, events, equipment needs or general operational support will receive special consideration if they fall under one of the Council Two-Year ~~goals~~ Strategic Initiatives. The City Council Two-Year ~~Action-Strategic~~ Plan that contain these goals can be found on the Internet under “City Council”.
- Special consideration will be given to events for which matching funds have been secured.
- Requests for funding must be made in writing by using the application form.

Donation and Fee Waiver and/or Fee Reduction Requests:

Requests are made through completion of a “Request for Fee waiver and/or Fee Reduction/Donation” application. Requests are considered on a case-by-case basis as outlined in this document.

Donations and Fee Waiver and/or Fee Reduction Requests will not be granted for the following expenses:

- Office or administrative overhead/staff salaries of the requesting organization.

Attachment: Policy 10-12 Request for Use of City Funds 2022 Redline (2770 : Requests for Use of City Funds Policy)



COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <u>2017</u> <del>2022</del> <u>August</u> <u>2022</u>
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*With the exception of: Contra Costa County Library, Delta Community Services Inc. and Contra Costa County Senior Nutrition Program as approved by the City Council.*

- Capital Equipment or Capital Projects, which includes the purchase or construction of fixed assets, such as land, buildings and any permanent improvements.
- Rental of space other than City owned or operated facilities.

**Request for Fee Waiver and/or Fee Reduction Application Procedures**

Fee waiver requests under \$5,000 for the use of City facilities, equipment, and/or services for a special event held on, or impacting, public right of way may be waived by the respective Department Director or his/her designee. Fee waiver and/or fee reduction requests over \$5,000 must be approved by City Council. These requests will be brought to Council through a staff report/request prepared by the Department Director. In the event a cumulative total of fees waived reach \$5,000 for a single organization in any fiscal year, all further requests require City Council approval. **ALL** fee waiver and/or fee reduction requests must be made in writing by using the application form and must fall under one of the following categories:

- Intergovernmental Cooperation
- Department Sponsored Program
- Financial Hardship / Non-Profit
- Private Community Benefit

Fees may be waived and/or reduced for events and programs if the Director determines that all of the following criteria are met:

1. The organization is a non-profit organization as described by the Internal Revenue Service Section [Example Codes 501(c)(3), 501(c)(6)], or is an intergovernmental agency providing service within the City of Brentwood or community groups that provide community benefit as approved by the City Manager or designee.
2. The organization provides proof it is a valid non-profit or community service organization serving the citizens of Brentwood;
3. The imposition of fees would create a financial hardship on the organization or would have a detrimental effect upon the services provided to the public;
4. The service provided by the City is within the scope of services normally provided by the respective Department;
5. Appropriate recognition as co-sponsor or partner of the event or program is provided for the City of Brentwood on **all** promotional materials and at the event or program. ~~and such promotional materials are approved by the Graphic~~

Attachment: Policy 10-12 Request for Use of City Funds 2022 Redline (2770 : Requests for Use of City Funds Policy)

## COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <u>June 2</u> <del>2017</del> <u>2022</u> <del>August</del> <u>2022</u>
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- ~~Standards Committee~~. All promotional materials representing the City must follow the graphic standards guidelines;
6. The program or event is determined by City Council, the City Manager or the appropriate Department Director to provide a public benefit and be of significant value to the community or to a significant portion of its residents;
  7. All resources provided by the City in sponsorship of the event must be provided for within the Department's current budget allocations, without a reduction of services;
  8. The event or program ~~is in compliance~~ complies with the City Council Administrative Policy, 20-23 that prohibits unlawful workplace discrimination and harassment. Whether the event or program is in compliance with the City's policy will be determined by the appropriate Department Director and may be appealed pursuant to the terms of this ~~P~~ policy;
  9. It is determined that the proposed event or program will have no significant impacts on the facilities or department activities, that the applicant will provide volunteer services and materials to mitigate any impacts created by the event or program, or that the impacts are adequately offset by the public benefit provided by the program or event;
  10. Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees, and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City. A hold harmless agreement form is included within the application and shall be signed by the applicant and/or event sponsor/contractor.
  - ~~10.11.~~
  11. A certificate of insurance or statement of self-insurance must be provided by the applicant. ~~Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.~~

**Minimum limits of insurance** are \$1,000,000 for General Liability and Automobile Liability. Workers' Compensation and Employer's Liability limits as required by the California Labor Code and Employer's Liability limits of \$1,000,000 per accident for bodily injury. Workers' Compensation and

**COUNCIL/ADMINISTRATIVE POLICY**

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <del>2017</del> <del>2022</del> August 2022
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Employer's Liability insurance will not be required if organization has no employees. In most cases, the insured party will need to supply an endorsement naming the City of Brentwood as additional insured. This documentation must be provided to the City at least fourteen (14) business days prior to the start of the event.

Any exceptions to the insurance requirement must be approved in writing by the Director of Human Resources/Risk Manager or designee.

12. Scheduling and use of facilities and events are subject to availability of requested facilities and do not have preference over City programs and activities or previous commitments to outside parties.
13. Reasonable steps shall be made by the applicant to minimize impacts to City facilities, programs, and residents.
14. Failure to abide by the rules and procedures as set forth in this document will result in the respective applicant being denied for funding and ineligible to request future fee waiver and/or fee reductions or donations for one year, at which point an application for funding may be requested in accordance with this Policy.

**Request for Donation Application Procedures**

Donation requests under \$1,000 may be approved by the respective Department Director or his/her designee. Donation requests over \$1,000 must be approved by City Council. These requests will be brought to Council through a staff report/request prepared by the Department Director. In the event a cumulative total of donations reach \$1,000 for a single organization in any fiscal year, all further requests require City Council approval. **ALL** requests for a donation of funds from the City of Brentwood must be made in writing to the appropriate department Director (the department providing the waiver and/or donation) using the application form. Staff will submit their recommendation for approval or denial to City Council via a staff report, provided the request meets the following criteria. All requests will be considered on a case-by-case basis, following the standards below:

**For all donation requests, the following standards will apply:**

1. Good cause exists that a donation is necessary or an activity/event will not take place. This includes a clearly stated public purpose and public benefit of the event and request, identifying the target population who will be served and how this relates to support of City funds.
2. Applicant must demonstrate it has the managerial and fiscal competence to complete the project/event and give evidence that it has pursued other sources of financial support.

Attachment: Policy 10-12 Request for Use of City Funds 2022 Redline (2770 : Requests for Use of City Funds Policy)

COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <del>2017</del> <del>2022</del> <u>August 2022</u>
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3. If the organization or purpose of the event/activity is for a population greater than the City of Brentwood City limits, evidence must be given as to how funds are secured for those who live outside the City limits.
4. The event or program ~~is in compliance~~ with City Council Administrative Policy, 20-23 that prohibits unlawful workplace discrimination and harassment. Whether the event or program ~~is in compliance~~ with the City's policy will be determined by the appropriate Department Director and may be appealed pursuant to the terms of this ~~P~~policy.
5. A hold harmless agreement form is included within the application and shall be signed by the applicant and/or event sponsor/contractor. ~~Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.~~

~~5.6. \_\_\_\_\_ A certificate of insurance or statement of self-insurance must be provided by the applicant. ~~Contractor or event sponsor shall hold harmless, defend and indemnify the City of Brentwood (City) and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with contractor's or event sponsor's performance or work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.~~~~

**Minimum limits of insurance** are \$1,000,000 for General Liability and Automobile Liability. Workers' Compensation and Employer's Liability limits as required by the California Labor Code and Employer's Liability limits of \$1,000,000 per accident for bodily injury. Workers' Compensation and Employer's Liability insurance will not be required if organization has no employees. In most cases, the insured party will need to supply an endorsement naming the City of Brentwood as additional insured. This documentation must be provided to the City at least fourteen (14) business days prior to the start of the event.

Any exceptions to the insurance requirement must be approved in writing by the Director of Human Resources/Risk Manager or designee.

Attachment: Policy 10-12 Request for Use of City Funds 2022 Redline (2770 : Requests for Use of City Funds Policy)

## COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <u>2017</u> <del>2022</del> <u>August</u> <u>2022</u>
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- ~~6-7.~~ \_\_\_\_\_ Scheduling and use of facilities and events are subject to availability of requested facilities and do not have preference over City programs and activities or previous commitments to outside parties.
- ~~7-8.~~ \_\_\_\_\_ Reasonable steps shall be made by the applicant to minimize impacts to City facilities, programs, and residents.
- ~~8-9.~~ \_\_\_\_\_ Within 30 days of completion of any event in which a donation was received, the applicant will provide a written report to the respective Director of the event, to include at a minimum: number of participants; event revenue and expenses; copies of all publicity of the event; any benefit to the community and an accounting of where/when/how the proceeds of the event will be dispersed.
- ~~9-10.~~ \_\_\_\_\_ Failure to abide by the rules and procedures as set forth in this document will result in the respective applicant being denied for funding and ineligible to request future fee waiver and/or fee reductions or donations.

**NOTE:** Economic Development Grants may be applied for separately, using the Business License Tax Economic Development Program Grant Application form. Contact ~~the Community Development Department~~Economic~~the Economic Development Division~~, at (925) 516-~~5404~~5441 for additional information.

### City Council Member/Family Donation, Fee Waiver and/or Fee Reduction Requests

No City Donations, Fee Waiver, and/or Fee Reduction shall be available to any of the following individuals or entities:

1. The Mayor or any City Council Member (individually, each being an "Elected Official")
2. Any Elected Official's spouse or registered domestic partner
3. Any Elected Official's dependent children
4. Any organization for which individuals listed in 1-3 above either
  - a. Serve on the board of directors or other governing body or
  - b. Receive any financial benefit

### Appeals

All decisions of the Department Director may be appealed to the City Manager for review. All appeals must be made in writing within ten (10) days following a determination or denial of a request. The City Manager's decision will be final.

### Auditing

COUNCIL/ADMINISTRATIVE POLICY

Subject: Policy and Procedures For Requests for Use of City Funds	Policy No: 10-12	Date: <del>February 14</del> <del>June 2</del> <del>2017</del> <del>2022</del> <u>August</u> <u>2022</u>
	Resolution No: <del>2017-17</del>	Page 7 of 6

Staff will provide to the Finance Division all pertinent documentation required to support the Donation, Fee Waiver, and/or Fee Reduction. Finance Division staff will provide a yearly report to the City Council in September each year regarding all fee waivers and/or fee reductions and donations that have been approved or implemented during the previous fiscal year.

Attachment: Policy 10-12 Request for Use of City Funds 2022 Redline (2770 : Requests for Use of City Funds Policy)

### CITY COUNCIL AGENDA ITEM NO. 3

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution approving and authorizing the City Manager or designee to execute a Professional Services Agreement with HF&H Consultants, LLC for a Comprehensive Solid Waste Rate and User Fee Study, in the amount of \$56,780, plus a 10% contingency of \$5,678, for a total not-to-exceed amount of \$62,458.

**Prepared by:** Debra Galey, Senior Analyst

**Submitted by:** Miki Tsubota, Director of Public Works/City Engineer

#### **PURPOSE AND RECOMMENDATION**

This action approves a Professional Services Agreement to prepare a Solid Waste (garbage) Utility Rate Study. The existing utility rates will expire July 1, 2023, and preparing a cost of service analysis will ensure rates will meet the cost of providing service. In not moving forward, existing rates will remain in place, which may not fully cover the cost of service, potentially leaving a deficit in the utility enterprise account.

Staff recommends the Council adopt a Resolution approving and authorizing the City Manager or designee to execute a Professional Service Agreement with HF&H Consultants, LLC for a Comprehensive Solid Waste Rate and User Fee Study, in the amount of \$56,780, plus a 10% contingency of \$5,678 for a total not-to-exceed amount of \$62,458.

#### **STRATEGIC INITIATIVE**

Focus Area 1: Infrastructure, Goal 2 – Infrastructure: Water, Wastewater and Solid Waste services. C. Ensure fiscal sustainability by conducting rate studies.

#### **PREVIOUS ACTION**

On December 10, 2013, by Ordinance No. 924, the City Council accepted and approved a Solid Waste Rate Study and adopted revised monthly user charges for solid waste service for Fiscal Years 2013/14 through 2017/18 and subsequent years.

On June 26, 2018, by Resolution No. 2018-88, the City Council accepted and approved a Solid Waste Utility Rate Study and adopted monthly user charges for solid waste service for Fiscal Years 2018/19 through 2022/23.

#### **BACKGROUND**

##### **Solid Waste Operation Funding**

Enterprise Funds account for operations where the cost of providing goods or services to the general public are financed or recovered primarily through user charges. The City's Water, Wastewater and Solid Waste funds are enterprises funded by utility user rates. In order to implement or adjust rates for these "property-related" services, the City must comply with Article XIII D, Section 6 of the California Constitution, which was enacted by Proposition 218 in 1996. This Constitutional Section requires (1) revenues derived from fees or charges for property related service shall not exceed the cost to provide service, (2) revenues derived from fees or charges shall not be used for any purpose other than that for which it was imposed, (3) the amount of a fee or charge upon a parcel shall not exceed the proportional cost of the service



attributable to the parcel. This process involves examining operational costs, supplies and services, debt service, administrative costs, capital replacement/upgrades of the existing system and reserves per City fiscal policy, then proportionately distributing these costs among the utility customer categories (residential and non-residential).

Rate studies were completed in 2013 and 2018, setting rate schedules for solid waste services for the five-year periods of Fiscal Years 2013/14 through 2017/18 and Fiscal Years 2018/19 through 2022/23, respectively.

HF&H Consultants, LLC performed the rate analysis in 2013 and 2018 and is familiar with the City's polices and financial documents, as well as the solid waste industry. The proposed study will analyze the solid waste enterprise, as well as current customer volume and service habits, and propose rates for Fiscal Years 2023/24 through 2028/29 to be effective July 1, 2023. In addition, the proposal includes the optional task of analyzing solid waste vehicle impacts to City roadways, the cost of roadway maintenance and the potential of the Solid Waste Enterprise contributing to roadway maintenance.

#### **FISCAL IMPACT**

The cost of the Rate and User Fee Study is \$56,780, plus a 10% contingency of \$5,678, for a total not-to-exceed amount of \$62,458 and is included in the 2022/23 Operating Budget as a Strategic Initiative. The cost of the study will be funded through the Solid Waste Enterprise Fund and ultimately, be covered within appropriate rate schedules.

Attachments:

Resolution

Agreement for Professional Services

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS, LLC FOR A COMPREHENSIVE SOLID WASTE RATE AND USER FEE STUDY, IN THE AMOUNT OF \$56,780, PLUS A 10% CONTINGENCY OF \$5,678 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$62,458.**

**WHEREAS**, In order to implement or adjust rates for “property-related” services, the City must comply with Article XIID, Section 6 of the California Constitution, which was enacted by Proposition 218 in 1996; and

**WHEREAS**, Proposition 218 requires property related fees and charges to be based on cost of service and be proportional to level of service specifically received by the parcel; and

**WHEREAS**, on December 10, 2013, by Ordinance Nos. 924, the City Council accepted and approved a Solid Waste Rate Study and adopted revised monthly user charges for solid waste service for Fiscal Years 2013/14 through 2017/18 and subsequent years; and

**WHEREAS**, on June 26, 2018, by Resolution No. 2018-88, the City Council accepted and approved a Solid Waste Rate Study and adopted revised monthly user charges for solid waste service for Fiscal Years 2018/19 through 2022/23 and subsequent years.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood does hereby approve and authorize the City Manager or designee, to execute a Professional Services Agreement with HF&H Consultants, LLC for a Comprehensive Solid Waste Rate and User Fee Study, in the amount of \$56,780, plus a 10% contingency of \$5,678 for a total not-to-exceed amount of \$62,458.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9th day of August 2022 by the following vote:

**AGREEMENT FOR SOLID WASTE UTILITY RATE STUDY SERVICES**  
**HF&H Consultants, LLC**

THIS AGREEMENT is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the City of Brentwood, a municipal corporation of the State of California ("City"), and HF&H Consultants, a Limited Liability Company ("Consultant") (each a "Party" and collectively, the "Parties").

**RECITALS**

A. City requires the professional services of a consultant specifically trained and experienced in Solid Waste Utility Rate Study, which are professional services outside of services offered by City.

B. Consultant has the professional skills and experience necessary to perform the services described in this Agreement.

C. Consultant customarily engages in these services as part of its independently established trade, occupation, and/or business, separately from its work for City.

D. City desires to engage Consultant to provide these services by reason of its qualifications and experience in performing such services

E. Consultant has submitted a proposal to City and has affirmed its willingness and ability to perform such work on the terms and manner set forth in this Agreement.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the Parties agree as follows:

1. Scope of Work.

1.1 City retains Consultant, as an independent contractor, to perform, and Consultant agrees to render, those services (the "Services") that are described in the attached Exhibit "A," which is incorporated by this reference, pursuant to this Agreement's terms and conditions.

1.2 Consultant will control the manner and the means of the work to be performed, and be responsible for the professional quality, technical accuracy and coordination of the Services. Consultant will, without additional compensation, correct or revise any errors or deficiencies in the Services.

1.3 Consultant will keep City informed on a regular basis that the Services are being performed in accordance with the requirement and intentions of this Agreement.

1.4 If applicable, Consultant has designated those persons listed in Exhibit "A" to provide the Services to the City. Consultant will not change or reassign those persons described in Exhibit "A" without prior written notice to City, and will not replace those individuals with individuals to whom City has a reasonable objection.

2. Standard of Performance. Consultant acknowledges that in entering into this Agreement the City is relying on Consultant's special skills and experience to do and perform the Services. While performing the Services, Consultant will exercise the reasonable professional care and skill customarily exercised by reputable members of Consultant's profession practicing in the Northern California area. The acceptance of the Services by City does not release Consultant from these obligations.

Consultant will be responsible for employing or engaging all persons necessary to perform the Services. Consultant will control the manner and means of the services to be performed by its employees and

subconsultants. All of Consultant's staff will be qualified by training and experience to perform their assigned tasks. Consultant will give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and will keep the Services under its control. On demand of City, if any employee or subcontractor of Consultant fails or refuses to carry out the provisions of this Agreement or appears to be incompetent or to act in a disorderly or improper manner, he or she will be discharged immediately from the Services.

3. Term. Unless earlier terminated, the term of this Agreement will commence upon the date first above written and will expire upon completion of the Services by Consultant.

4. Schedule. Consultant will generally adhere to the schedule set forth in Exhibit "A" provided, that City will grant reasonable extensions of time for the performance of the Services occasioned by unusually lengthy governmental reviews of Consultant's work product or other unavoidable delays occasioned by unforeseen circumstances; provided, further, that such unavoidable delay will not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees.

Consultant acknowledges the importance to City of City's project schedule and agrees to put forth its best professional efforts to perform the Services in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound practices. Consultant will work such overtime or engage such personnel and equipment as necessary to maintain the schedule, without additional compensation.

5. Compensation.

5.1 The total fee payable for the Services to be performed during the term of this Agreement will be a not to exceed amount of Fifty Six Thousand Seven Hundred Eighty dollars (\$56,780) as may be further specified in the attached Exhibit "A." No other compensation for the Services will be allowed except for items covered by subsequent amendments to this Agreement. The City reserves the right to withhold a ten percent (10%) retention until City has accepted the Services.

5.2 Payment will occur only after receipt by City of invoices sufficiently detailed to include hours performed, hourly rates, and related activities and costs for approval by City.

5.3 Within thirty (30) days after receipt of any applicable progress payment request, City will verify the accuracy of the request, correct the charges where appropriate, and make payment to Consultant in an amount equal to the amount of such application, as verified or corrected by City. No payment made prior to completion and acceptance of the Services will constitute acceptance of any part of the Services. City reserves the right to withhold payment from Consultant on account of Services not performed satisfactorily, delays in Consultant's performance of Services, or other defaults hereunder.

6. Status of Consultant. Consultant will perform the Services as an independent contractor, free from the control and direction of City, in pursuit of Consultant's independent calling, and not as an employee of City. The persons used by Consultant to provide the Services under this Agreement will not be considered employees of City for any purposes whatsoever and City will not pay any tax, workers' compensation insurance, retirement contributions or unemployment contributions on behalf of Consultant or its employees or subcontractors. Consultant agrees to indemnify and pay City within thirty (30) days for any tax, retirement contribution, social security, overtime payment, unemployment payment or workers' compensation payment, including, but not limited to, those based on any provision of the Federal Affordable Care Act, which City may be required to make on behalf of Consultant or any agent, employee, or contractor of Consultant for work done under this Agreement. The payment made to Consultant pursuant to the Agreement will be the full and complete compensation to which Consultant is entitled. City will not make any federal or state tax withholdings on behalf of Consultant or its agents, employees or subcontractors. At the City's election, City may deduct the amounts paid pursuant to this Section, from any balance owing to Consultant.

7. Subcontracting. Consultant's services are being requested by City because they are unique and personal. Except as may be specified in Exhibit "A", Consultant will not subcontract any portion of the Services without prior written approval of City Manager or his/her designee. If Consultant subcontracts any of the Services, Consultant will be fully responsible to City for the acts, errors and omissions of Consultant's subcontractor and of the persons either directly or indirectly employed by the subcontractor, as Consultant is for the acts and omissions of persons directly employed by Consultant. Nothing contained in this Agreement will create any contractual relationship between any subcontractor of Consultant and City. Consultant will be responsible for payment of subcontractors. Consultant will bind every subcontractor and every subcontractor of a subcontractor by the terms of this Agreement applicable to Consultant's work unless specifically noted to the contrary in the subcontract and approved in writing by City.

8. Other Consultants. The City reserves the right to employ other consultants in connection with the Services.

9. Indemnification. Consultant will hold harmless, defend and indemnify City, its officers, agents, volunteers and employees from and against any and all claims, demands, costs or liability including attorney fees arising out of or in any way connected with the performance of this Agreement, caused in whole or in part by any act or omission of the Consultant, any of its subcontractors, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except to the extent caused by the active negligence, sole negligence, or willful misconduct of City.

10. Insurance. Consultant will obtain and maintain, at its cost and expense, for the duration of the Agreement and any and all amendments, insurance against claims for injuries to persons or damage to property which may arise out of or in connection with performance of the Services by Consultant or Consultant's agents, representatives, employees or subcontractors. The insurance will be obtained from an insurance carrier admitted and authorized to do business in the State of California. The insurance carrier is required to have a current Best's Key Rating of not less than "A:VII."

10.1 Coverages and Limits. Consultant will maintain the types of coverages and minimum limits indicated below, unless Risk Manager or City Manager, in consultation with the City Attorney approves a lower amount. These minimum amounts of coverage will not constitute any limitations or cap on Consultant's indemnification obligations under this Agreement. City, its officers, agents, volunteers and employees make no representation that the limits of the insurance specified to be carried by Consultant pursuant to this Agreement are adequate to protect Consultant. The coverage will contain no special limitations on the scope of its protection to the above-designated insureds except for Workers Compensation and errors and omissions insurance. Consultant will obtain occurrence coverage, excluding Professional Liability, which will be written as claims-made coverage. If Consultant believes that any required insurance coverage is inadequate, Consultant will obtain such additional insurance coverage, as Consultant deems adequate, at Consultant's sole expense.

10.1.1 Commercial General Liability Insurance. \$2,000,000 combined single-limit per occurrence for bodily injury, personal injury and property damage. If the submitted policies contain aggregate limits, general aggregate limits will apply separately to the work under this Agreement or the general aggregate will be twice the required per occurrence limit.

10.1.2 Automobile Liability. \$1,000,000 combined single-limit per accident for bodily injury and property damage.

10.1.3 Workers' Compensation and Employer's Liability. Workers' Compensation limits as required by the California Labor Code and Employer's Liability limits of \$1,000,000 per accident for bodily injury. Workers' Compensation and Employer's Liability insurance will not be required if Consultant has no employees and provides, to City's satisfaction, a declaration stating this.

10.1.4 Professional Liability. Errors and omissions liability appropriate to Consultant's profession with limits of not less than \$1,000,000 per claim.



10.2 Endorsements. For Commercial General Liability Insurance, Consultant will ensure that the policies are endorsed to name the City, its officers, agents, volunteers and employees as additional insureds. Prior to City's execution of this Agreement, Consultant will furnish, to the satisfaction of the City, certificates of insurance and endorsements.

10.3 Cancellation. Insurance will be in force during the life of the Agreement and any extensions of it and will not be canceled without thirty (30) days prior written notice to City sent pursuant to the notice provisions of this Agreement.

10.4 Failure to Maintain Coverage. If Consultant fails to maintain any of these insurance coverages, then City will have the option to declare Consultant in breach of this Agreement, or may purchase replacement insurance or pay the premiums that are due on existing policies in order to maintain the required coverages. Consultant is responsible for any payments made by City to obtain or maintain insurance and City may collect these payments from Consultant or deduct the amount paid from any sums due Consultant under this Agreement.

10.5 Submission of Insurance Policies. City reserves the right to require, at any time, complete and certified copies of any or all required insurance policies and endorsements.

10.6 Primary Coverage. For any claims related to the Services and this Agreement, the Consultant's insurance coverage will be primary insurance with respect to City, its officers, agents, volunteers and employees. Any insurance or self-insurance maintained by City for itself, its officers, agents, volunteers and employees, will be in excess of Consultant's insurance and not contributory with it.

10.7 Reduction in Coverage/Material Changes. Consultant will notify City in writing pursuant to the notice provisions of this Agreement thirty (30) days prior to any reduction in any of the insurance coverage required pursuant to this Agreement or any material changes to the respective insurance policies.

10.8 Waiver of Subrogation. The policies shall contain a waiver of subrogation for the benefit of City.

11. Business License. Consultant will obtain and maintain a City of Brentwood Business License for the term of the Agreement, as it may be amended from time-to-time.

12. Maintenance of Records. Consultant will maintain complete and accurate records with respect to costs incurred under this Agreement. All records will be clearly identifiable. Consultant will allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of records and any other documents created pursuant to this Agreement. Consultant will allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

13. Ownership of Documents.

13.1 All product produced by Consultant or its agents, employees, and subcontractors pursuant to this Agreement (the "Work Product") is the property of City. In the event this Agreement is terminated, all Work Product produced by Consultant or its agents, employees and subcontractors pursuant to this Agreement will be delivered to City pursuant to the termination clause of this Agreement. Consultant will have the right to make one (1) copy of the Work Product for Consultant's records.

13.2 The Work Product may be used by City and its agents, employees, representatives, and assigns, in whole or in part, or in modified form, for all purposes City may deem advisable, without further employment of or payment of any compensation to Consultant; provided, however, that if this Agreement is terminated for any reason prior to completion of the Project and if under such circumstances City uses, or engages the services of and directs another consultant to use, the Work Product, City agrees to hold Consultant harmless from any and all liability, costs, and expenses relative to claims arising out of matters and/or events which occur subsequent to the termination of this Agreement as a result of causes other than

the fault or negligence of Consultant, or anyone for whose acts it is responsible, in preparation of the Work Product. Consultant will not be responsible for deficiencies solely attributable to modifications of the Work Product performed by others, or that arise from use of the Documents in connection with a project or site other than that shown in the Work Product.

14. Copyrights. Consultant agrees that all copyrights that arise from the Services will be vested in City and Consultant relinquishes all claims to the copyrights in favor of City.

15. Confidentiality. All documents, reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of the Services pursuant to the Agreement are confidential until released by the City to the public, and the Consultant will not make any of these documents or information available to any individual or organization not employed by the Consultant or the City without the written consent of the City before any such release.

16. Notices. Any notices relating to this Agreement shall be given in writing and shall be deemed sufficiently given and served for all purposes when delivered personally, by electronic mail or by generally recognized overnight courier service, or five (5) days after deposit in the United States mail, certified or registered, return receipt requested, with postage prepaid, addressed as follows:

For City:

City of Brentwood  
150 City Park Way  
Brentwood, CA 94513  
Phone No. (925) 517-5420  
Email: [dgaley@brentwoodca.gov](mailto:dgaley@brentwoodca.gov)  
Attn: Debra Gale

For Consultant:

HF&H Consultants, LLC  
Rob Hilton, President  
590 Ygnacio Valley Road, Ste. 105  
Walnut Creek, CA 94596  
Phone No. (925) 977-6950  
Email: [rchilton@hfh-consultants.com](mailto:rchilton@hfh-consultants.com)

Either Party may change its address for purposes of this section by giving the other Party written notice of the new address in the manner set forth above.

17. Conflicts of Interest.

17.1 City will evaluate Consultant's duties pursuant to this Agreement to determine whether disclosure under the Political Reform Act and City's Conflict of Interest Code is required of Consultant or any of Consultant's employees, agents, or subcontractors. Should it be determined that disclosure is required, Consultant or Consultant's affected employees, agents, or subcontractors will complete and file with the City Clerk those schedules specified by City and contained in the Statement of Economic Interests Form 700.

17.2 Consultant understands that its professional responsibility is solely to City. Consultant warrants that it presently has no interest, present or contemplated, and will not acquire any direct or indirect interest, that would conflict with its performance of this Agreement. Consultant further warrants that neither Consultant, nor Consultant's agents, employees, subcontractors and consultants have any ancillary real property, business interests or income that will be affected by this Agreement or, alternatively, that Consultant will file with the City an affidavit disclosing this interest. Consultant will not knowingly, and will take reasonable steps to ensure that it does not, employ a person having such an interest in the performance of this Agreement. If after employment of a person, Consultant discovers that it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant will promptly disclose the relationship to the City and take such action as the City may direct to remedy the conflict.

18. General Compliance with Laws. Consultant will keep fully informed of federal, state and local laws and ordinances and regulations which in any manner affect those employed by Consultant, or in any way affect the performance of the Services by Consultant. Consultant will at all times observe and comply with



these laws, ordinances, and regulations and will be responsible for the compliance of the Services with all applicable laws, ordinances and regulations.

19. Pandemic Health Laws. Consultant's duty to comply with Laws includes compliance by Consultant with all local, state, or federal Laws that have been or may be enacted in response to the COVID-19 pandemic (collectively, "Health Laws"), which include all of the County of Contra Costa Health Orders. Failure to fully comply with the Health Laws constitutes a material default, subject to all available remedies including suspension or termination.

20. Discrimination and Harassment Prohibited. Consultant will comply with all applicable local, state and federal laws and regulations prohibiting discrimination and harassment.

21. Termination. In the event of the Consultant's failure to prosecute, deliver, or perform the Services, City may terminate this Agreement for nonperformance by notifying Consultant in writing pursuant to the notice provisions of this Agreement. Consultant has five (5) business days to deliver any documents owned by City and all work in progress to City address contained in this Agreement. City will make a determination of fact based upon the work product delivered to City and of the percentage of work that Consultant has performed which is usable and of worth to City in having the Agreement completed. Based upon that finding City will determine the final payment of the Agreement. In the event City elects to terminate, City will have the right to immediate possession of all Work Product and work in progress prepared by Consultant, whether located at the project site, at Consultant's place of business, or at the offices of a subconsultant.

Either Party, upon tendering thirty (30) calendar days written notice to the other Party, may terminate this Agreement for convenience. In this event and upon request of City, Consultant will assemble the work product without charge and put it in order for proper filing and closing and deliver it to City. Consultant will be paid for work performed to the termination date; however, the total will not exceed the lump sum fee payable under this Agreement. City will make the final determination as to the portions of tasks completed and the compensation to be made.

22. Covenants Against Contingent Fees. Consultant warrants that Consultant has not employed or retained any company or person, other than a bona fide employee working for Consultant, to solicit or secure this Agreement, and that Consultant has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon, or resulting from, the award or making of this Agreement. For breach or violation of this warranty, City will have the right to terminate this Agreement for nonperformance, or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of the fee, commission, percentage, brokerage fees, gift, or contingent fee.

23. Claims And Lawsuits. By signing this Agreement, Consultant agrees that any Agreement claim submitted to City must be asserted as part of the Agreement process as set forth in this Agreement and not in anticipation of litigation or in conjunction with litigation. Consultant acknowledges that if a false claim is submitted to City by Consultant, it may be considered fraud and Consultant may be subject to criminal prosecution. Consultant acknowledges that California Government Code sections 12650 *et seq.*, the False Claims Act, applies to this Agreement and, provides for civil penalties where a person knowingly submits a false claim to a public entity. These provisions include false claims made with deliberate ignorance of the false information or in reckless disregard of the truth or falsity of information. If City seeks to recover penalties pursuant to the False Claims Act, it is entitled to recover its litigation costs, including attorney's fees. Consultant acknowledges that the filing of a false claim may subject Consultant to an administrative debarment proceeding as the result of which Consultant may be prevented to act as a Consultant on any public work or improvement for a period of up to five (5) years. Consultant acknowledges debarment by another jurisdiction is grounds for City to terminate this Agreement.

24. Jurisdiction, Venue and Governing Law. Any action at law or in equity brought by either of the Parties for the purpose of enforcing a right or rights provided for by this Agreement will be tried in a court of competent jurisdiction in the County of Contra Costa, State of California, and the Parties waive all provisions of law providing for a change of venue in these proceedings to any other county. This agreement

will be governed by the laws of the State of California.

25. Testimony. Consultant will testify at City's request if litigation is brought against City in connection with Consultant's services under this agreement. Unless the action is brought by Consultant, or is based upon Consultant's actual or alleged negligence or other wrongdoing, City, upon prior written agreement with Consultant will compensate Consultant for time spent in preparation for testimony, testimony, and travel at Consultant's standard hourly rates at the time of actual testimony.

26. Successors and Assigns. It is mutually understood and agreed that this Agreement will be binding upon the Parties and their respective successors. Neither this Agreement nor any part of it nor any monies due or to become due under it may be assigned by Consultant without the prior written consent of City, which will not be unreasonably withheld.

27. Section Headings. Section headings as used in this Agreement are for convenience only and will not be deemed to be a part of such sections and will not be construed to change the meaning of the section.

28. Waivers. The waiver by either Party of any breach or violation of any term, covenant, or condition of this Agreement or of any applicable law will not be deemed to be a waiver of such term, covenant, condition or law or of any subsequent breach or violation of same or of any other term, covenant, condition or law. The acceptance by either Party of any fee or other payment which may become due under this Agreement will not be deemed to be a waiver of any preceding breach or violation by the other Party of any term, covenant, or condition of this Agreement or any applicable law.

29. Entire Agreement. This Agreement, together with any other written document referred to or contemplated by it embody the entire Agreement and understanding between the parties relating to the subject matter of it. The City Manager is authorized, in consultation with the City Attorney, to agree to non-material amendments to this Agreement. Neither this Agreement nor any of its provisions may be amended, modified, waived or discharged except in a writing signed by both parties.

30. Authority. The individuals executing this Agreement and the instruments referenced in it on behalf of Consultant each represent and warrant that they have the legal power, right and actual authority to bind Consultant to the terms and conditions of this Agreement.

31. Severability. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

32. Signatures.

32.1 Counterparts. This Agreement may be executed in two or more counterparts, each of which together will be deemed an original, but all of which together will constitute the same instrument.

32.2 Digital/Electronic Signatures. Using a City-approved method, this Agreement may be executed through the use of digital or electronic signatures in accordance with Government Code Section 16.5. The presence of an electronic signature on this Agreement will be construed as the Parties' consent to do business electronically.

CONSULTANT:

CITY:

\* By: [Signature]

By: \_\_\_\_\_  
Tim Y. Ogden, City Manager

Printed Name: ROB HILTON

Title: PRESIDENT

ATTEST:

\*\* By: [Signature]

By: \_\_\_\_\_  
Margaret Wimberly, City Clerk

Printed Name: RICK SIMONSON

Title: SENIOR VICE PRESIDENT

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Damien Brower, City Attorney

LLC:

- The Agreement must be signed by a Managing Member or the LLC must attach a resolution empowering the signatory to bind the LLC.

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)

31. Severability. If any term, provision, condition or covenant of this Agreement or its application to any party or circumstances shall be held, to any extent, invalid or unenforceable, the remainder of this Agreement, or the application of the term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected, and shall be valid and enforceable to the fullest extent permitted by law.

32. Signatures.

32.1 Counterparts. This Agreement may be executed in two or more counterparts, each of which together will be deemed an original, but all of which together will constitute the same instrument.

32.2 Digital/Electronic Signatures. Using a City-approved method, this Agreement may be executed through the use of digital or electronic signatures in accordance with Government Code Section 16.5. The presence of an electronic signature on this Agreement will be construed as the Parties' consent to do business electronically.

CONSULTANT:

CITY:

\* By: DocuSigned by:  
Rob Hilton  
4A0B27640FF1481...

By: \_\_\_\_\_  
Tim Y. Ogden, City Manager

Printed Name: Rob Hilton

Title: President/Managing Partner

ATTEST:

\*\* By: DocuSigned by:  
Rick Simonson  
7055E20FE65F4BA...

By: \_\_\_\_\_  
Margaret Wimberly, City Clerk

Printed Name: Rick Simonson

Title: Senior Vice President/Managing Partner

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Damien Brower, City Attorney

**LLC:**

The Agreement must be signed by a Managing Member or the LLC must attach a resolution empowering the signatory to bind the LLC.

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)

EXHIBIT "A"

SCOPE OF SERVICES

Itemized List of what Consultant will do for City and at what price and schedule and name(s) of designated persons.

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)







Managing Tomorrow's Resources Today

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Robert D. Hilton, Emeritus  
John W. Farnkopf, PE  
Laith B. Ezzet, CMC  
Richard J. Simonson, CMC  
Marva M. Sheehan, CPA  
Robert C. Hilton

June 24, 2022

Mr. Jon Carlson  
Solid Waste Manager  
City of Brentwood  
2301 Elkins Way  
Brentwood, CA 94513

**Subject: Proposal and Fee Estimate for Refuse Rate Study**

Dear Mr. Carlson,

HF&H Consultants, LLC (HF&H) is pleased to present this proposal to the City of Brentwood (City) to review and update the City's solid waste, recycling, and organic materials "cost-of-service" collection rate model at a customer classification level. This high-level update to the 218 compliant model, which was initially created in 2017 and the results of which were implemented in 2018, will also incorporate a number of potential long-term organics processing options scenarios to better evaluate which long-term processing option will be efficient, cost effective, and fulfill the requirements set forth by SB 1383.

## INTRODUCTION

The City needs assurance that it is in compliance with relevant state laws in regard to solid waste rate setting. HF&H has incomparable experience in structuring solid waste and other utility rates for Proposition 218 compliance. We believe the scope presented in this proposal will provide the City with thorough analysis of current operations and allow us to present the City with a prudent and sustainable refuse rate structure that aligns with best practices for cost-of-service rate setting.

This letter describes our scope of work, budget, and anticipated schedule for performing this work.

## SCOPE OF WORK

### Task 1: Project Initiation

*Purpose: To understand the policies, procedures, assumptions, and calculations used to set rates for the City's refuse collection, processing, and disposal services. If necessary, it is at this point where we will revise our scope to better meet the City's needs.*

#### 1a: Background Review

HF&H will review background data provided by the City prior to the kick-off meeting. Information to be reviewed includes, but may not be limited to:

- The City's current billing policies and procedures, including general ledger account structure.
- The City's reserve policies and refuse-related debt covenants.

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)





Mr. Jon Carlson  
 June 24, 2022  
 Page 2 of 7

- Regulatory requirements as they affect operations, capital projects, revenue requirements, and rate structures of the City's refuse collection operations and related services.
- The City's current rate model.
- The City's most recent Comprehensive Annual Financial Report, the City's budget, and the City's most-recent five-year forecast for the Refuse Enterprise Fund and any other related activities.
- Current rates and customer subscription levels by service sector (i.e., residential, commercial, roll-off).

### 1b: Kick-Off Meeting

HF&H will prepare for, attend, and facilitate a kick-off meeting with City staff. This will be a working meeting to review and discuss, among other things:

- Project goals and objectives.
- Current issues and concerns.
- Project scope and timing.
- Future residential and commercial recycling and organics diversion programs.
- Key model components (lines of collection services, other operations funded through refuse rates, customer subscription data, etc.) and assumptions (assumed growth, assumed disposal tonnages, landfill tip fees, recyclable materials processing fees, annual reserve targets, etc.).
- Post collection facilities to be reviewed for inclusion in model scenarios.
- Model scenarios and sensitivities.
- Model format.

City staff should budget a minimum of two hours for this meeting. Our plan is to meet virtually to accomplish this task. HF&H staff will also be available to meet with individual City staff following the kick-off meeting to review various issues in more detail, as needed.

### Task 2: Review and Evaluate Current Financial Operations and Rate Structure

*Purpose: The ability to develop achievable short- and long-range financial goals is based on a good understanding of the current operations.*

#### 2a: Current Operations

HF&H will review, identify, and summarize the City's solid waste system's financial and operational data to evaluate current:

- Revenue sources (e.g., residential, commercial, multi-family by material type collected).
- Reserve fund policies and requirements.
- Allocations between refuse collection activities.



Mr. Jon Carlson  
 June 24, 2022  
 Page 3 of 7

- Allocations of overhead costs.
- Allocation of disposal and processing costs from the City's post-collection operations.
- Capital cost funding.
- Billing programs.

We will evaluate the current information and compare to industry benchmarks derived from operational and financial data HF&H has gathered from recent cost-of-service studies and our evaluation of recent competitive proposals.

HF&H will use the information from our assessment of the current rate structure and discuss options available to the City to meet expected changes in the underlying collection costs.

## 2b: Future Considerations

The City must consider State-mandated diversion requirements and programs. This concern requires careful planning to maintain financial stability for the City, as the complexities of these requirements affect multiple facets of the operation. The analysis will focus on expected rate impacts to accommodate diversion due to recent legislation, including SB 1383 mandating 75% diversion (based on 2014 levels) of organic material and a 20% improvement in edible food recovered by 2025. This bill applies to residential, commercial, and multi-family customers.

HF&H's specific tasks will include reviewing the City's productivity and cost assumptions associated with the expanded diversion programs for incorporation into the new rate and planning model. The review will include analysis of expected changes in:

- The number of required routes and associated costs for adding customers and services.
- Processing and disposal fees to accommodate the higher costs of processing organic materials.
- The impact of projected growth and inflation on operational and financial assumptions.
- The impact of new diversion programs (e.g., expanded organics programs) on operational and financial assumptions.
- The impact of changes in equipment purchase scheduling.
- The impact of changes in capital project scheduling.
- The impact of variations in debt financing decisions.
- Analysis of disposal and processing rates for City operations.

### Optional Task 1: Refuse Vehicle Impact Study

In 2013, HF&H performed an analysis evaluating the impact of refuse collection vehicles on the City's roads. The results of this study are nearly 10 years old and the City is due for a review of this study to ensure that the results found in 2013 are still accurate and reflect the costs of the impacts of collection vehicles from the City's current solid waste collection system.



Mr. Jon Carlson  
June 24, 2022  
Page 4 of 7

HF&H will work with City staff to gather the following information about the City's streets, by major classification (e.g., residential, collector, and arterial), if available:

- Spending on streets and roads maintenance (Annual Streets & Roads Report to State Controller).
- Miles of streets in the City (lane miles).
- Traffic Index (TI) that City streets are designed to.

HF&H will work with the City's Solid Waste Manager to gather information specific to each of the types of Refuse Vehicles operating in the City. That request for information will include, but is not necessarily limited to:

- The type and size of refuse vehicles.
- Vehicle tare weights.
- Typical vehicle payloads.
- Number of axles and manufacturer's axle weight distribution profile.
- Number of residential accounts, commercial accounts, and weekly lifts.

The physical impact of the vehicles on the road surface (an ESAL factor) will be calculated using the information obtained for each refuse vehicle listed above. That physical impact will be translated to a financial impact using HF&H's proprietary model that calculates the annual street maintenance cost associated with refuse vehicles, other trucks, and automobiles.

HF&H will document the results of the analysis in a draft report and present that draft (via email) to City Staff for review and comment. HF&H will then review and discuss any and all comments received and incorporate requested changes as appropriate before issuing the final report. HF&H will assist the City in presenting the findings of this study to the City Council (including the subcommittee that is convened to address utility rate setting), as part of the rate study HF&H has outlined to be performed for the City in this proposal.

This specific task is subject to certain limitations. The most significant limitations regarding this optional task are as follows:

- Our project budget and schedule assume that the City will provide the necessary data in a complete and timely manner. Should certain data be unavailable, we will make a reasonable assumption regarding that data, which we will forward to the City for review and comment. Then we will proceed with the analysis based upon the agreed upon assumptions. Alternatively, if the City authorizes us to do so, we will perform additional data collection and additional tasks on a time-and material basis.
- Our model that details the impact of vehicles on street deterioration is a proprietary model and will not be available as public information. HF&H staff will be happy to discuss the model with City staff to ensure that they are satisfied with our methodology; however, we do not propose to include this model as a work product.





Mr. Jon Carlson  
June 24, 2022  
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### **Task 3: Develop Cost of Service Rate Model**

*Purpose: To develop a model that City staff can use to determine Proposition 218 compliant rates.*

#### **3a: Develop Rate Model**

Incorporating the results of Tasks 1 and 2 (along with the Optional Task 1 Refuse Vehicle Impact Study, if selected), HF&H will prepare a multi-year, user-friendly model for the City's use in determining future rates. The model will incorporate:

- The impact of projected growth and inflation on operational and financial assumptions.
- The impact of new diversion programs (e.g., expanded commercial recycling and organics programs) on operational and financial assumptions.
- The allocation of existing revenues, operating expenses, and capital expenses to the collection system.
- The maintenance of necessary operating reserves.

#### **3b: Cost Analysis and Allocation**

We will use a "high level" approach for the model. In this case, we will analyze the City's costs and allocations to better calculate a more accurate cost of service, by service sector (i.e., residential, commercial, roll-off). If we are not able to obtain the financial data from the City, we will use our industry knowledge and the HF&H industry database to allocate the costs.

All costs related to future growth and planned operational changes will be factored into the proper cost component based on where the change will occur. For example, future costs related to SB 1383 will be allocated between the residential, multi-family, and commercial organics collection systems.

#### **3c: Rate Scenarios**

Additionally, the model includes a "what if" feature to assess the rate impact of alternative scenarios (timing of adjustments, new diversion programs, alternative processing facilities, new fees, etc.) or other changes the City may want to evaluate and include in the rate model. The budget assumes a meeting to discuss the scenario components, updating the model, and presenting alternative scenarios to City staff. Each of these scenarios will include the ability to easily change processing facilities incorporated in the model that were selected at the kick-off meeting, described in task 1b, for the City to easily evaluate the impact of different facilities on its collection rates.

### **Task 4: Document Findings and Recommendations**

*Purpose: To provide the City with a report of the results and recommendations resulting from the rate model to the Resource Recovery Department staff.*

#### **4a: Draft Report**

HF&H will prepare and issue a draft PowerPoint style report to City staff that includes documentation of the analysis that was conducted, the rate model and inputs, and recommended rate adjustments.



Mr. Jon Carlson  
June 24, 2022  
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#### **4b: Final Report**

HF&H will revise our draft report, as appropriate, to respond to comments and recommendations by City staff. Revisions to the draft report may be necessary due to, but not limited to, the following: 1) new information not previously available; 2) changes to information previously provided by the City; and, 3) errors in the calculations used to support the findings.

#### **Optional Task 2: Presentations**

HF&H will be available to discuss and present the results of the rate study, as required, to the Resource Recovery Department and City Council.

The presentations shall include a review of the issues related to rate and fee methodologies, revenue requirements and model design, and recommended rate structures. Our project budget accounts for up to two such meetings. Additional meetings or study sessions can be arranged on a time-and-materials basis, at the City's option.

#### **Task 5: Proposition 218 Noticing**

*Purpose: A successful implementation of the final rate scenario is accomplished through the Proposition 218 process.*

#### **5a: Proposition 218 Noticing Assistance**

It is anticipated that the City will draft the Proposition 218 notice in a format similar to those issued in the past. HF&H will assist in review of the Proposition 218 notice and provide any rate information needed.

#### **Task 6: Rate Survey.**

*Purpose: A good way to determine if the ratepayers are paying a "reasonable" rate is to compare the City's rates to other cities of comparable population AND services.*

#### **6a: Gather Data**

HF&H will research and determine the agencies of similar population that would have comparable services. We will present and obtain approval from City staff of the list prior to obtaining the survey data. We always caution our clients about the limitations of these surveys. While they provide excellent information, there are many nuances, such as:

- Agencies do not provide the same level of services.
- Agency fees vary (franchise fees, vehicle impact fees, AB 939 fees, etc.).
- Proximity to a landfill or processing facility.

#### **6b: Summarize Results**

HF&H will summarize the survey results in a chart form for presentation to City staff and inclusion in our final report.



Mr. Jon Carlson  
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**BUDGET**

We will perform the scope of work outlined above for a base fee of \$30,385. These fees are based on an estimated 143 total hours of HF&H consulting time at the standard hourly billing rates for the staff assigned to the project, as presented in Attachment A. HF&H will bill the City monthly for the actual hours worked in the previous monthly period, with payment due within 30 days of the invoice date with the exception of the optional vehicle impact study, which will be billed as a flat fee in the amount of \$12,500 upon submission of the draft report, and the remaining \$5,000 upon submission of the final report should it be selected. HF&H will not bill the City additional fees beyond our proposed budget without receiving prior written approval from the City. More details on HF&H's standard billing terms are included in Attachment B.

We have also included proposed budgets for the optional tasks mentioned in our Scope of Work. We would be pleased to discuss optional tasks, or our overall fee estimate, if you have any questions.

**ANTICIPATED SCHEDULE**

Due to the uncertainty of the start date, we suggest discussing the timeline in more detail either during the contracting process or at the kick-off meeting (at the latest). HF&H is prepared to commence this engagement promptly and pursue the completion of the engagement diligently. Nevertheless, we are dependent on the performance of certain activities by persons outside our control. Should the engagement become delayed for any reason, HF&H will immediately notify the City.

\* \* \* \* \*

We are pleased to provide this assistance to the City. If you have any questions regarding our scope of work or fee estimate, please contact me directly at (925) 977-6959 or [rchilton@hfh-consultants.com](mailto:rchilton@hfh-consultants.com).

Very truly yours,  
HF&H CONSULTANTS, LLC

Rob Hilton  
President

Attachments:

- A. Fee Estimate
- B. Standard Hourly Rates and Billing Arrangements

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)

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**Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)**



## ATTACHMENT A: FEE ESTIMATE

City of Brentwood Solid Waste Rate Study Cost Estimate							Total	Proposed	
		President	Vice President	Manager	Associate	Administrative	Hours	Cost	
		\$315	\$300	\$240	\$180	\$120			
Task 1	Project Initiation	2	3	4	4	0	13	\$ 3,210	
Task 2	Review and Evaluate Current Financial Operations and Rate Structure	4	4	11	16	0	35	\$ 7,980	
Task 3	Develop Rate Model	0	6	16	28	2	52	\$ 10,920	
Task 4	Document Findings and Recommendations	1	4	6	10	2	23	\$ 4,995	
Task 5	Proposition 218 Noticing	0	1	2	4	2	9	\$ 1,740	
Task 6	Rate Survey	0	0	1	0	10	11	\$ 1,440	
<b>Total Labor - All Tasks</b>		<b>7</b>	<b>18</b>	<b>40</b>	<b>62</b>	<b>16</b>	<b>143</b>	<b>\$ 30,285</b>	
Out-of-Pocket Expenses								\$	100
<b>Total Budget before Optional Tasks</b>								\$	<b>30,385</b>
Optional Task 1	Refuse Vehicle Impact Study	Flat Fee						\$	17,500
Optional Task 2	Public Works Commision /Council Meeting Presentations	9	9	10	4	2	34	\$ 8,895	

Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)

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**Attachment: Agreement for Professional Services (2788 : PSA for a Solid Waste Rate and User Fee Study)**

## ATTACHMENT B: STANDARD HOURLY RATES AND BILLING ARRANGEMENTS

(Effective January 1, 2022)<sup>1</sup>

### Professional Fees

Hourly rates for professional and administrative personnel are as follows:

<u>Position</u>	<u>Rate</u>
Executive	\$300 - \$315
Senior Project Manager	\$285 - \$295
Project Manager	\$240 - \$250
Senior Associate	\$210 - \$225
Associate Analyst	\$160 - \$170
Assistant Analyst	\$145 - \$150
Administrative Staff	\$110 - \$120

### Direct Expenses

Standard charges for common direct expenses are as follows:

Automobile Travel	Prevailing IRS mileage rate
Airfare and Public Transit	Actual Cost

### Billing Policies

Our policy is to bill for our services based on the standard hourly rates of the staff member assigned, multiplied by the time required to perform the client-related tasks, plus the direct expenses as described above. In implementing this policy, we adhere to the following practices:

- It is our standard practice to e-mail invoices to our clients, although hard copies of invoices can be sent to clients on request.
- We round to the nearest one-quarter hour (e.g., if two hours and 55 minutes are spent on a task, it is recorded as three hours, if two hours and 5 minutes are spent on a task, it is recorded as two hours). A minimum charge of one-quarter hour is charged for any client work performed in a day.
- We do not markup out-of-pocket expenses, however, we may charge administrative or professional time related to the provision of the goods and services associated with these charges.
- If subcontractors are used, HF&H reserves the right to charge a 5% markup should the subcontractor's services require cumbersome administrative oversight (e.g., multiple subcontractors; engagement turns out to solely require services of subcontractor, but HF&H as the prime must prepare billings).
- Mileage fees are based on the round-trip distance from the point of origin.

<sup>1</sup> Litigation Support and Expert Witness Services are not covered by this schedule of fees and expenses.

## ATTACHMENT B: STANDARD HOURLY RATES AND BILLING ARRANGEMENTS

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- If a client's change to a previously scheduled meeting results in penalties being assessed by a third party (e.g., airline cancellation fee), then the client will bear the cost of these penalties.

While no minimum fee for a consulting engagement has been established, it is unlikely (given the nature of our services) that we can gain an understanding of a client's particular requirement, identify alternatives, and recommend a solution in less than twenty-four consulting hours.

### Insurance

We maintain the following policies of insurance with carriers doing business in California:

- Comprehensive General Liability Insurance (\$2,000,000 Occurrence/\$4,000,000 Aggregate)
- Workers' Compensation (\$1,000,000)
- Professional Liability Insurance (\$2,000,000 Occurrence/\$2,000,000 Aggregate)
- Hired and Non-Owned Auto Liability<sup>2</sup> (\$2,000,000)
- Umbrella Liability (\$3,000,000 Occurrence/\$3,000,000 Aggregate)

All costs incurred in complying with additional coverages or limits (excluding additional insured and waiver of subrogation endorsements) become the responsibility of the client and are not included in the fees for services or direct charges but are billed in addition to the contract at cost, plus any professional or administrative fees.

### Invoices and Payment for Services

Our time reporting and billing system has certain standard formats that are designed to provide our clients with a detailed invoice of the time and charges associated with their engagement. (We typically discuss these with our clients at our kick-off meeting.) We are also pleased to provide our clients with a custom invoice format but we will have to bill the client for time spent conforming our invoices to their unique requirements.

Billings for professional services and charges are submitted every month, in order that our clients can more closely monitor our services.

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<sup>2</sup> HF&H Consultants does not own any company automobiles.

## CITY COUNCIL AGENDA ITEM NO. 4

**Meeting Date:** August 9, 2022

**Subject/Title:** Resolutions approving the continued use of teleconferencing for meetings of (1) the City Council and all subsidiary City legislative bodies, (2) the Successor Agency to the Brentwood Redevelopment Agency, and (3) the Brentwood Infrastructure Financing Authority, from August 9, 2022 through September 8, 2022, per AB 361 (2021)

**Prepared by:** Margaret Wimberly, City Clerk

**Submitted by:** Tim Ogden, City Manager

### **PURPOSE AND RECOMMENDATION**

As required by State law, this item extends for a period of thirty days, the ability of the City Council and its subsidiary legislative bodies, the Successor Agency to the Brentwood Redevelopment Agency, and the Brentwood Infrastructure Financing Authority to hold teleconference meetings pursuant to the emergency provisions established by Assembly Bill (AB) 361 (2021), and set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq., hereafter, "the Brown Act")

It is recommended that:

1. The City Council adopt a Resolution approving the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies from August 9, 2022 through September 8, 2022, per AB 361 (2021)
2. The City Council, sitting as the Successor Agency, adopt a Resolution approving the continued use of teleconferencing for meetings of the Successor Agency to the Brentwood Redevelopment Agency from August 9, 2022 through September 8, 2022, per AB 361 (2021)
3. The City Council, sitting as the Brentwood Infrastructure Financing Authority (the "Authority"), adopt a Resolution approving the continued use of teleconferencing for meetings of the Authority from August 9, 2022 through September 8, 2022, per AB 361 (2021)

### **CITY COUNCIL STRATEGIC INITIATIVE**

None.

### **PREVIOUS ACTION**

See Attachment A.

### **BACKGROUND**

The Brown Act governs the manner in which meetings of local legislative bodies are to be conducted. In September 2021, the Brown Act was amended by AB 361 to provide for the use of teleconferencing by legislative bodies in times of emergencies, such as global health pandemics, wildfires, and the like.

In order to conduct public meetings under this new teleconferencing model, legislative bodies are required to, among other things:

- ensure public comment opportunities in real time during meetings;

- discontinue action on agenda items by the legislative body in the event of a disruption that prevents the City from broadcasting the remote meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments in real time; and
- make periodic findings regarding the ongoing need for teleconferencing.

The periodic findings required by the state must be made every 30 days. To make these findings, the City's legislative bodies must determine that:

1. the circumstances of the state of emergency have been reconsidered, and
2. either of the following circumstances continue to exist:
  - a. the state of emergency continues to directly impact the ability of the members to safely meet in person, or
  - b. state or local officials continue to impose or recommend measures to promote social distancing.

As noted in the attached resolutions, the circumstances of the state of emergency continue to exist, inasmuch as the State of California's State of Emergency due to COVID-19 (originally issued March 4, 2020, and thereafter updated) remains in effect with respect to cities.

In addition, Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County, issued revised recommendations on July 5, 2022 for safely holding public meetings, including strongly recommending teleconferencing meetings as those meetings present the lowest risk of transmission of the virus that causes COVID-19, and further recommended social distancing or face masking of all attendees if public meetings were held in person (see Exhibit 1 to the attached Resolutions).

As the Agency and the Authority are separate entities related to, but independent of, the City, this is a joint staff report, with separate resolutions prepared for each entity. The attached Resolutions make the required findings under AB 361 (2021). If adopted, they will allow the City and its subsidiary bodies, the Agency, and the Authority to continue to use teleconferencing and offer remote participation for public meetings for the next 30 days.

#### **FISCAL IMPACT**

None.

#### Attachments:

AB 361 Resolution Attachment (Exhibit 1) 07.05.2022

Attachment "A"

AB 361 Resolution

AB 361 Resolution Successor Agency

AB 361 Resolution BIFA





### Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of July 5, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are increasing at this time. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 7-5-2022

*Sefanit Mekuria*

Sefanit Mekuria, MD, MPH  
Deputy Health Officer, Contra Costa County



## “Attachment A”

### PREVIOUS ACTION

On March 17, 2020, the City Council, by Resolution No. 2020-36, confirmed the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by the Novel Coronavirus Designated as COVID-19.

On October 12, 2021, the City Council, by Resolution No. 2021-131, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On October 12, 2021, the Successor Agency (the “Agency”), by Resolution No. 2021-04-SA, approved the continued use of teleconferencing for meetings of the Agency from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On October 12, 2021, the Brentwood Infrastructure Financing Authority (the “Authority”), by Resolution No. BIFA-32, approved the continued use of teleconferencing for meetings of the Authority from October 12, 2021 through November 11, 2021, per AB 361 (2021).

On November 9, 2021, the City Council, by Resolution No. 21-140, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 9, 2021, the Agency, by Resolution No. 2021-05-SA, approved the continued use of teleconferencing for meetings of the Agency from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 9, 2021, the Authority, by Resolution No. BIFA-33, approved the continued use of teleconferencing for meetings of the Authority from November 9, 2021 through December 9, 2021, per AB 361 (2021).

On November 16, 2021, the City Council, by Resolution No. 2021-143, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On November 16, 2021, the Agency, by Resolution No. 2021-06-SA, approved the continued use of teleconferencing for meetings of the Agency from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On November 16, 2021, the Authority, by Resolution No. BIFA-34, approved the continued use of teleconferencing for meetings of the Authority from November 16, 2021 through December 16, 2021, per AB 361 (2021).

On December 14, 2021, the City Council, by Resolution No. 2021-153, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from December 14, 2021 through January 13, 2022, per AB 361 (2021).

On December 14, 2021, the Agency, by Resolution No. 2021-07-SA, approved the continued use of teleconferencing for meetings of the Agency from December 14, 2021 through January 13, 2022, per AB 361 (2021).

On December 14, 2021, the Authority, by Resolution No. BIFA-35, approved the continued use of teleconferencing for meetings of the Authority from December 14, 2021 through January 13, 2022, per AB 361 (2021).

On January 11, 2022, the City Council, by Resolution No. 2022-03 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from January 11, 2022 through February 10, 2022 per AB 361 (2021).

On January 11, 2022, the Agency, by Resolution No. 2022-01-SA, approved the continued use of teleconferencing for meetings of the Agency from January 11, 2022 through February 10, 2022 per AB 361 (2021).

On January 11, 2022, the Authority, by Resolution No. BIFA-36 approved the continued use of teleconferencing for meetings of the Authority from January 11, 2022 through February 10, 2022 per AB 361 (2021).

On February 8, 2022, the City Council, by Resolution No. 2022-18 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from February 8, 2022 through March 10, 2022 per AB 361 (2021).

On February 8, 2022, the Agency, by Resolution No. 2022-04-SA, approved the continued use of teleconferencing for meetings of the Agency from February 8, 2022 through March 10, 2022 per AB 361 (2021).

On February 8, 2022, the Authority, by Resolution No. BIFA-37 approved the continued use of teleconferencing for meetings of the Authority from February 8, 2022 through March 10, 2022 per AB 361 (2021).

On March 8, 2022, the City Council, by Resolution No. 2022-30, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from March 8, 2022 to April 7, 2022 per AB 361 (2021)

On March 8, 2022, the Agency, by Resolution No. 2022-05-SA, approved the continued use of teleconferencing for meetings of the Agency from March 8, 2022 through April 7, 2022 per AB 361 (2021).

On March 8, 2022, the Authority, by Resolution No. BIFA-38 approved the continued use of teleconferencing for meetings of the Authority from March 8, 2022 through April 7, 2022 per AB 361 (2021).

On March 22, 2022, the City Council, by Resolution No. 2022-35, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from March 22, 2022 to April 21, 2022 per AB 361 (2021)

On March 22, 2022, the Agency, by Resolution No. 2022-06-SA, approved the continued use of teleconferencing for meetings of the Agency from March 22, 2022 through April 21, 2022 per AB 361 (2021).

On March 22, 2022, the Authority, by Resolution No. BIFA-39 approved the continued use of teleconferencing for meetings of the Authority from March 22, 2022 through April 21, 2022 per AB 361 (2021).

On April 12, 2022, the City Council, by Resolution No. 2022-44, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from April 12, 2022 through May 12, 2022, per AB 361 (2021).

On April 12, 2022, the Agency, by Resolution No. 2022-07-SA, approved the continued use of teleconferencing for meetings of the Agency from April 12, 2022 through May 12, 2022, per AB 361 (2021).

On April 12, 2022, the Authority, by Resolution No. BIFA-40 approved the continued use of teleconferencing for meetings of the Authority from April 12, 2022 through May 12, 2022, per AB 361 (2021).

On May 10, 2022, the City Council, by Resolution No. 2022-57, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from May 10, 2022 through June 9, 2022, per AB 361 (2021).

On May 10, 2022, the Agency, by Resolution No. 2022-08-SA, approved the continued use of teleconferencing for meetings of the Agency from May 10, 2022 through June 9, 2022, per AB 361 (2021).

On May 10, 2022, the Authority, by Resolution No. BIFA-41 approved the continued use of teleconferencing for meetings of the Authority from May 10, 2022 through June 9, 2022, per AB 361 (2021).

On May 26, 2022, the City Council, by Resolution No. 2022-66, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from May 24, 2022, through June 23, 2022, per AB 361 (2021).

On May 26, 2022, the Agency, by Resolution No. 2022-09-SA, approved the continued use of teleconferencing for meetings of the Agency from May 24, 2022, through June 23, 2022, per AB 361 (2021).

On May 26, 2022, the Authority, by Resolution No. BIFA-42 approved the continued use of teleconferencing for meetings of the Authority from May 24, 2022, through June 23, 2022, per AB 361 (2021).

On June 14, 2022, the City Council, by Resolution No. 2022-77, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from June 14, 2022, through July 14, 2022, per AB 361 (2021).

On June 14, 2022, the Agency, by Resolution No. 2022-10-SA, approved the continued use of teleconferencing for meetings of the Agency from June 14, 2022, through July 14, 2022, per AB 361 (2021).

On June 14, 2022, the Authority, by Resolution No. BIFA-43 approved the continued use of teleconferencing for meetings of the Authority from June 14, 2022, through July 14, 2022, per AB 361 (2021).

On July 12, 2022, the City Council, by Resolution No. 2022-90, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from July 12, 2022, through August 11, 2022, per AB 361 (2021).

On June 12, 2022, the Agency, by Resolution No. 2022-13-SA, approved the continued use of teleconferencing for meetings of the Agency from July 12, 2022, through August 11, 2022, per AB 361 (2021).

On July 12, 2022, the Authority, by Resolution No. BIFA-44 approved the continued use of teleconferencing for meetings of the Authority from July 12, 2022, through August 11, 2022, per AB 361 (2021).

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS OF THE CITY COUNCIL AND ALL OTHER CITY SUBSIDIARY LEGISLATIVE BODIES, FROM AUGUST 9, 2022 THROUGH SEPTEMBER 8, 2022, PER AB 361 (2021)**

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease, COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution 2020-36, confirming the Director of Emergency Services' proclamation of the existence of a local emergency due to the spread of a severe acute respiratory illness caused by the novel coronavirus designated as COVID-19. Said Resolution remains in effect; and

**WHEREAS**, also on March 17, 2020, the Governor of California executed Executive Order N-29-20, which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code § 54950, *et seq.*) and authorized local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and participate in the meeting of the local legislative body; and

**WHEREAS**, on June 11, 2021, the Governor of California executed Executive Order N-08-21, which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

**WHEREAS**, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) (Stats. 2021, ch. 165) ("AB 361"), which, among other actions, amended Government Code § 54953 by providing alternative teleconferencing requirements to conduct public meetings during a proclaimed state of emergency; and

**WHEREAS**, on November 10, 2021, the Governor of California executed Executive Order N-21-21, which extended the timeframes set forth in Executive Order N-12-21 and N-17-21 through March 31, 2022; and

**WHEREAS**, AB 361 imposes requirements to ensure that members of the public are able to attend and participate in public meetings conducted via teleconference, including:

- Notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, such as Zoom; and
- The legislative body shall take no further action on agenda items when there is a disruption that prevents the City from broadcasting the meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments, until public access is restored; and



- Prohibits the legislative body from requiring public comments to solely be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for members of the public to address the legislative body and offer comments in real time; and

**WHEREAS**, the City has already implemented and is in full compliance with the requirements listed above when conducting public meetings via teleconference, which are now codified in Government Code § 54953(e)(2)(B-F); and

**WHEREAS**, on July 5, 2022, Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County, issued revised recommendations for safely holding public meetings, set forth in the attached Exhibit 1, including:

- strongly recommending teleconferencing meetings, as those meetings present the lowest risk of transmission of the virus that causes COVID-19; and
- recommending that, if a local legislative body determines to hold in-person meetings, that the public be offered the opportunity to attend via a call-in option or an internet-based service option, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person; and
- the development of and adherence to a written safety protocol requiring social distancing – i.e., six feet of separation between attendees – or face masking of all attendees, among other things; and
- and further recommended social distancing and face masking of all public meeting attendees; and

**WHEREAS**, pursuant to Government Code § 54953(e)(1)(A), a local legislative body such as the City Council may hold a meeting using teleconferencing during a proclaimed state of emergency when, among other conditions, state or local officials have imposed or recommended measures to promote social distancing. After the first such meeting held after October 1, 2021, the City Council must thereafter make certain findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361, and must also make said findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings; and

**WHEREAS**, on October 12, 2021, the City Council, by Resolution No. 2021-131, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from October 12, 2021 through November 11, 2021, per AB 361 (2021); and

**WHEREAS**, on November 9, 2021, the City Council, by Resolution No. 2021-140, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 9, 2021 through December 9, 2021, per AB 361 (2021); and

**WHEREAS**, on November 16, 2021, the City Council, by Resolution No. 2021-143, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from November 16, 2021 through December 16, 2021, per AB 361 (2021); and

**WHEREAS**, on December 14, 2021, the City Council, by Resolution No. 2021-153, approved the continued use of teleconferencing for meetings of the City Council and all subsidiary City legislative bodies, from December 14, 2021 through January 13, 2022, per AB 361 (2021); and

**WHEREAS**, on January 11, 2022, the City Council, by Resolution No. 2022-03 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from January 11, 2022 through February 10, 2022, per AB 361 (2021); and

**WHEREAS**, on February 8, 2022, the City Council, by Resolution No. 2022-18 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from February 8, 2022 through March 10, 2022, per AB 361 (2021), and

**WHEREAS**, on March 8, 2022, the City Council by Resolution No. 2022-30 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from March 8, 2022 through April 7, 2022, per AB 361 (2021), and

**WHEREAS**, on March 22, 2022, the City Council by Resolution No. 2022-35 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from March 22, 2022 through April 21, 2022, per AB 361 (2021).

**WHEREAS**, on April 12, 2022, the City Council by Resolution No. 2022-44 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from April 12, 2022 through May 12, 2022, per AB 361 (2021); and

**WHEREAS**, on May 10, 2022, the City Council by Resolution No. 2022-57 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from May 10, 2022 through June 9, 2022, per AB 361 (2021); and

**WHEREAS**, on May 26, 2022, the City Council by Resolution No. 2022-66 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from May 26, 2022 through June 25, 2022, per AB 361 (2021); AND

**WHEREAS**, on June 14, 2022, the City Council by Resolution No. 2022-77 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from June 14, 2022 through July 14, 2022, per AB 361 (2021).

**WHEREAS**, on July 12, 2022, the City Council by Resolution No. 2022-90 approved the continued use of teleconferencing for meetings of the City Council and all subsidiary bodies from July 12, 2022 through August 11, 2022, per AB 361 (2021).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brentwood, California, as follows:

1. That the recitals set forth above are true and correct, and incorporated into this resolution as findings of the City Council.

2. That it acknowledges that local officials, specifically, those of the Contra Costa County Health Services, continue to recommend measures to promote social distancing, as set out in the attached Exhibit 1.
3. That the State of California and the City of Brentwood continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (DPH), and/or the County of Contra Costa, as applicable, including the use of facial coverings when required and social distancing.
4. That, given the fact that state and local officials continue to impose or recommend measures to promote social distancing, the City Council and subsidiary legislative bodies of the City of Brentwood will continue to use teleconferencing for meetings from the period of August 9, 2022, through September 8, 2022, per AB 361 and Government Code § 54953, as amended thereby.
5. That if any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Resolution.
6. That it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.
7. That this Resolution will become effective immediately upon adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9<sup>th</sup> day of August 2022 by the following vote:

**EXHIBIT 1**

**“Recommendations for Safely Holding Public Meetings” issued on July 5, 2022, by Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County**

**Attachment: AB 361 Resolution (2790 : AB 361 - Teleconferencing)**

**RESOLUTION NO. 2022- -SA**

**A RESOLUTION OF THE GOVERNING BOARD OF THE SUCCESSOR AGENCY OF THE CITY OF BRENTWOOD REDEVELOPMENT AGENCY (SUCCESSOR AGENCY) APPROVING THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS OF THE SUCCESSOR AGENCY GOVERNING BOARD FROM AUGUST 9, 2022 THROUGH SEPTEMBER 8, 2022, PER ASSEMBLY BILL 361 (2021)**

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease, COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution 2020-36, confirming the Director of Emergency Services' proclamation of the existence of a local emergency due to the spread of a severe acute respiratory illness caused by the novel coronavirus designated as COVID-19. Said Resolution remains in effect; and

**WHEREAS**, also on March 17, 2020, the Governor of California executed Executive Order N-29-20, which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code § 54950, *et seq.*) and authorized local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and participate in the meeting of the local legislative body; and

**WHEREAS**, on June 11, 2021, the Governor of California executed Executive Order N-08-21, which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

**WHEREAS**, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) (Stats. 2021, ch. 165) ("AB 361"), which, among other actions, amended Government Code § 54953 by providing alternative teleconferencing requirements to conduct public meetings during a proclaimed state of emergency; and

**WHEREAS**, on November 10, 2021, the Governor of California executed Executive Order N-21-21, which extended the timeframes set forth in Executive Order N-12-21 and N-17-21 through March 31, 2022; and

**WHEREAS**, AB 361 imposes requirements to ensure that members of the public are able to attend and participate in public meetings conducted via teleconference, including:

- Notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, such as Zoom; and
- The legislative body shall take no further action on agenda items when there is a disruption that prevents the Successor Agency from broadcasting the meeting, or in the event of a disruption within the Successor Agency's control that prevents members of the public from offering public comments, until public access is restored; and

- Prohibits the legislative body from requiring public comments to solely be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for members of the public to address the legislative body and offer comments in real time; and

**WHEREAS**, the Successor Agency has already implemented and is in full compliance with the requirements listed above when conducting public meetings via teleconference, which are now codified in Government Code § 54953(e)(2)(B-F); and

**WHEREAS**, on July 5, 2022, Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County, issued revised recommendations for safely holding public meetings, set forth in the attached Exhibit 1, including:

- strongly recommending teleconferencing meetings, as those meetings present the lowest risk of transmission of the virus that causes COVID-19; and
- recommending that, if a local legislative body determines to hold in-person meetings, that the public be offered the opportunity to attend via a call-in option or an internet-based service option, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person; and
- the development of and adherence to a written safety protocol requiring social distancing – i.e., six feet of separation between attendees – or face masking of all attendees, among other things; and
- and further recommended social distancing and face masking of all public meeting attendees; and

**WHEREAS**, on May 13, 2022, eleven county health officers, including Contra Costa County's, issued a joint statement noting that "[t]he Bay Area now has California's highest COVID infection rates. The current wave is fueled by highly contagious Omicron subvariants. Bay Area counties are seeing increases in reported cases, levels of virus in sewer sheds, and hospitalizations;" and

**WHEREAS**, pursuant to Government Code § 54953(e)(1)(A), a local legislative body such as the Governing Board may hold a meeting using teleconferencing during a proclaimed state of emergency when, among other conditions, state or local officials have imposed or recommended measures to promote social distancing. After the first such meeting held after October 1, 2021, the Governing Board must thereafter make certain findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361, and must also make said findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings; and

**WHEREAS**, on October 12, 2021, the Governing Board of the Successor Agency, by Resolution No. 2021-04-SA, approved the continued use of teleconferencing for meetings of the Agency from October 12, 2021 through November 11, 2021, per AB 361 (2021); and



**WHEREAS**, on November 9, 2021, the Governing Board of the Successor Agency, by Resolution No. 2021-05-SA, approved the continued use of teleconferencing for meetings of the Successor Agency from November 9, 2021 through December 9, 2021, per AB 361 (2021); and

**WHEREAS**, on November 16, 2021, the Governing Board of the Successor Agency, by Resolution No. 2021-06-SA, approved the continued use of teleconferencing for meetings of the Successor Agency from November 16, 2021 through December 16, 2021, per AB 361 (2021); and

**WHEREAS**, on December 14, 2021, the Governing Board of the Successor Agency, by Resolution No. 2021-07-SA, approved the continued use of teleconferencing for meetings of the Successor Agency from December 14, 2021 through January 13, 2022, per AB 361 (2021); and

**WHEREAS**, on January 11, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-01-SA, approved the continued use of teleconferencing for meetings of the Agency from January 11, 2022 through February 10, 2022 per AB 361 (2021), and

**WHEREAS**, on February 8, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-04-SA, approved the continued use of teleconferencing for meetings of the Agency from February 8, 2022 through March 8, 2022 per AB 361 (2021), and

**WHEREAS**, on March 8, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-05-SA, approved the continued use of teleconferencing for meetings of the Agency from March 8, 2022 through April 7, 2022 per AB 361 (2021), and

**WHEREAS**, on March 22, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-06-SA, approved the continued use of teleconferencing for meetings of the Agency from March 22, 2022 through April 21, 2022 per AB 361 (2021); and

**WHEREAS**, on April 12, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-07-SA, approved the continued use of teleconferencing for meetings of the Agency from April 12, 2022 through May 12, 2022 per AB 361 (2021); and

**WHEREAS**, on May 10, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-08-SA, approved the continued use of teleconferencing for meetings of the Agency from May 10, 2022 through June 9, 2022 per AB 361 (2021); and

**WHEREAS**, on May 26, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-09-SA, approved the continued use of teleconferencing for meetings of the Agency from May 26, 2022 through June 25, 2022 per AB 361 (2021); and

**WHEREAS**, on June 14, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-09-SA, approved the continued use of teleconferencing for meetings of the Agency from June 14, 2022 through July 14, 2022 per AB 361 (2021); and

**WHEREAS**, on July 12, 2022, the Governing Board of the Successor Agency, by Resolution No. 2022-09-SA, approved the continued use of teleconferencing for meetings of the Agency from July 12, 2022 through August 11, 2022 per AB 361 (2021).

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Successor Agency of the City of Brentwood, California Redevelopment Agency, as follows:

1. That the recitals set forth above are true and correct, and incorporated into this resolution as findings of the Governing Board.
2. That it acknowledges that local officials, specifically, those of the Contra Costa County Health Services, continue to recommend measures to promote social distancing, as set out in the attached Exhibit 1.
3. That the State of California and the Successor Agency continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (DPH), and/or the County of Contra Costa, as applicable, including the use of facial coverings when required and social distancing.
4. That, given the fact that state and local officials continue to impose or recommend measures to promote social distancing, the Governing Board will continue to use teleconferencing for meetings from the period of August 9, 2022, through September 8, 2022, per AB 361 and Government Code § 54953, as amended thereby.
5. That if any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Resolution.
6. That it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.
7. That this Resolution will become effective immediately upon adoption.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the Successor Agency Governing Board held on this 9<sup>th</sup> day of August, 2022, by the following vote:

**EXHIBIT 1**

**“Recommendations for Safely Holding Public Meetings” issued on July 5, 2022, by Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County**

**Attachment: AB 361 Resolution Successor Agency (2790 : AB 361 - Teleconferencing)**

**RESOLUTION NO. BIFA**

**A RESOLUTION OF THE GOVERNING BOARD OF THE BRENTWOOD INFRASTRUCTURE FINANCING AUTHORITY (“AUTHORITY” OR “BIFA”) APPROVING THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS OF THE AUTHORITY GOVERNING BOARD FROM AUGUST 9, 2022 THROUGH SEPTEMBER 8, 2022, PER ASSEMBLY BILL 361 (2021)**

**WHEREAS**, on March 4, 2020, the Governor of California proclaimed a State of Emergency to exist in California as a result of the threat of novel coronavirus disease, COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution 2020-36, confirming the Director of Emergency Services’ proclamation of the existence of a local emergency due to the spread of a severe acute respiratory illness caused by the novel coronavirus designated as COVID-19. Said Resolution remains in effect; and

**WHEREAS**, also on March 17, 2020, the Governor of California executed Executive Order N-29-20, which suspended and modified specified provisions in the Ralph M. Brown Act (Government Code § 54950, *et seq.*) and authorized local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and participate in the meeting of the local legislative body; and

**WHEREAS**, on June 11, 2021, the Governor of California executed Executive Order N-08-21, which extended the provisions of Executive Order N-29-20 concerning teleconference accommodations for public meetings through September 30, 2021; and

**WHEREAS**, on September 16, 2021, the Governor of California signed into law Assembly Bill 361 (AB 361, Rivas) (Stats. 2021, ch. 165) (“AB 361”), which, among other actions, amended Government Code § 54953 by providing alternative teleconferencing requirements to conduct public meetings during a proclaimed state of emergency; and

**WHEREAS**, on November 10, 2021, the Governor of California executed Executive Order N-21-21, which extended the timeframes set forth in Executive Order N-12-21 and N-17-21 through March 31, 2022; and

**WHEREAS**, AB 361 imposes requirements to ensure that members of the public are able to attend and participate in public meetings conducted via teleconference, including:

- Notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, such as Zoom; and
- The legislative body shall take no further action on agenda items when there is a disruption that prevents the Authority from broadcasting the meeting, or in the event of a disruption within the Authority’s control that prevents members of the public from offering public comments, until public access is restored; and

- Prohibits the legislative body from requiring public comments to solely be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for members of the public to address the legislative body and offer comments in real time; and

**WHEREAS**, the Authority has already implemented and is in full compliance with the requirements listed above when conducting public meetings via teleconference, which are now codified in Government Code § 54953(e)(2)(B-F); and

**WHEREAS**, on July 5, 2022, Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County, issued revised recommendations for safely holding public meetings, set forth in the attached Exhibit 1, including:

- strongly recommending teleconferencing meetings, as those meetings present the lowest risk of transmission of the virus that causes COVID-19; and
- recommending that, if a local legislative body determines to hold in-person meetings, that the public be offered the opportunity to attend via a call-in option or an internet-based service option, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person; and
- the development of and adherence to a written safety protocol requiring social distancing – i.e., six feet of separation between attendees – or face masking of all attendees, among other things; and
- and further recommended social distancing and face masking of all public meeting attendees; and

**WHEREAS**, on May 13, 2022, eleven county health officers, including Contra Costa County's, issued a joint statement noting that "[t]he Bay Area now has California's highest COVID infection rates. The current wave is fueled by highly contagious Omicron subvariants. Bay Area counties are seeing increases in reported cases, levels of virus in sewer sheds, and hospitalizations;" and

**WHEREAS**, pursuant to Government Code § 54953(e)(1)(A), a local legislative body such as the Governing Board may hold a meeting using teleconferencing during a proclaimed state of emergency when, among other conditions, state or local officials have imposed or recommended measures to promote social distancing. After the first such meeting held after October 1, 2021, the Governing Board must thereafter make certain findings no later than 30 days after the first teleconferenced meeting is held pursuant to AB 361, and must also make said findings every 30 days thereafter, in order to continue to allow teleconference accessibility for conducting public meetings; and

**WHEREAS**, on October 12, 2021, the Governing Board of the Authority, by Resolution No. BIFA-32, approved the continued use of teleconferencing for meetings of the Authority from October 12, 2021 through November 11, 2021, per AB 361 (2021); and

**WHEREAS**, on November 9, 2021, the Governing Board of the Authority, by Resolution No. BIFA-33, approved the continued use of teleconferencing for meetings of the Authority from November 9, 2021 through December 9, 2021, per AB 361 (2021); and

**WHEREAS**, on November 16, 2021, the Governing Board of the Authority, by Resolution No. BIFA-34, approved the continued use of teleconferencing for meetings of the Authority from November 16, 2021 through December 16, 2021, per AB 361 (2021); and

**WHEREAS**, on December 14, 2021, the Governing Board of the Authority, by Resolution No. BIFA-35, approved the continued use of teleconferencing for meetings of the Authority from December 14, 2021 through January 13, 2022, per AB 361 (2021); and

**WHEREAS**, on January 11, 2022, the Governing Board of the Authority, by Resolution No. BIFA-36, approved the continued use of teleconferencing for meetings of the Authority from January 11, 2022, through February 10, 2022; and

**WHEREAS**, on February 8, 2022, the Governing Board of the Authority, by Resolution No. BIFA-37, approved the continued use of teleconferencing for meetings of the Authority from February 8, 2022, through March 10, 2022; and

**WHEREAS**, on March 8, 2022, the Governing Board of the Authority, by Resolution No. BIFA-38, approved the continued use of teleconferencing for meetings of the Authority from March 8, 2022, through April 7, 2022; and

**WHEREAS**, on March 22, 2022, the Governing Board of the Authority, by Resolution No. BIFA-39, approved the continued use of teleconferencing for meetings of the Authority from March 22, 2022, through April 21, 2022; and

**WHEREAS**, on April 12, 2022, the Governing Board of the Authority, by Resolution No. BIFA-40, approved the continued use of teleconferencing for meetings of the Authority from April 12, 2022, through May 12, 2022; and

**WHEREAS**, on May 10, 2022, the Governing Board of the Authority, by Resolution No. BIFA-41, approved the continued use of teleconferencing for meetings of the Authority from May 10, 2022, through June 9, 2022; and

**WHEREAS**, on May 26, 2022, the Governing Board of the Authority, by Resolution No. BIFA-42, approved the continued use of teleconferencing for meetings of the Authority from May 26, 2022, through June 25, 2022; and

**WHEREAS**, on June 14, 2022, the Governing Board of the Authority, by Resolution No. BIFA-43, approved the continued use of teleconferencing for meetings of the Authority from June 14, 2022, through July 14, 2022; and

**WHEREAS**, on July 12, 2022, the Governing Board of the Authority, by Resolution No. BIFA-44, approved the continued use of teleconferencing for meetings of the Authority from July 12, 2022, through August 11, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Brentwood Infrastructure Financing Authority, as follows:



1. That the recitals set forth above are true and correct, and incorporated into this resolution as findings of the Governing Board.
2. That it acknowledges that local officials, specifically, those of the Contra Costa County Health Services, continue to recommend measures to promote social distancing, as set out in the attached Exhibit 1.
3. That the State of California and the Authority continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (DPH), and/or the County of Contra Costa, as applicable, including the use of facial coverings when required and social distancing.
4. That, given the fact that state and local officials continue to impose or recommend measures to promote social distancing, the Governing Board will continue to use teleconferencing for meetings from the period of August 9, 2022, through September 8, 2022, per AB 361 and Government Code § 54953, as amended thereby.
5. That if any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Resolution.
6. That it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.
7. That this Resolution will become effective immediately upon adoption.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the Authority Governing Board held on this 12<sup>th</sup> day of July, 2022 by the following vote:

**EXHIBIT 1**

**“Recommendations for Safely Holding Public Meetings” issued on July 5, 2022, by Dr. Sefanit Mekuria, Deputy Public Health Officer for Contra Costa County**

Attachment: AB 361 Resolution BIFA (2790 : AB 361 - Teleconferencing)

## CITY COUNCIL AGENDA ITEM NO. 1

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution adopting the 2022 Public Health Goal Report on drinking water to satisfy requirements of California Health and Safety Code Section 116470(b).

**Prepared by:** Casey Wichert, Assistant Director of Public Works, Operations  
James Wolfe, Water Manager

**Submitted by:** Miki Tsubota, Director of Public Works/City Engineer

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### **PURPOSE AND RECOMMENDATION**

Every three years, the City must prepare a Public Health Goal Report (Report) that provides consumers with information on levels of contaminants within the City's water and provides consumers information about the public health risks posed by the contaminants. In summary, the Report states the City's drinking water quality meets all drinking water standards to protect public health. Staff recommends the adoption of the 2022 Public Health Goal Report on drinking water to satisfy the requirements of California Health and Safety Code Section 116470(b).

### **CITY COUNCIL STRATEGIC INITIATIVES**

Not Applicable.

### **PREVIOUS ACTION**

On June 22, 2010, by City Council Resolution No. 2010-97, City Council adopted a resolution approving the 2010 Public Health Goal Report.

On July 23, 2013, by City Council Resolution No. 2013-97, City Council adopted a resolution approving the 2013 Public Health Goal Report.

On September 27, 2016, by City Council Resolution No. 2016-132, City Council adopted a resolution approving the 2016 Public Health Goal Report.

On August 13, 2019, by City Council Resolution No. 2019-97, City Council adopted a resolution approving the 2019 Public Health Goal Report.

### **BACKGROUND**

Public water systems serving more than 10,000 service connections must prepare a written report every three years that gives information on the detection of any contaminants above the Public Health Goals ("PHGs") published by the state Office of Environmental Health Hazard Assessment ("OEHHA"). The report must also list the detection of any contaminant above the Maximum Contaminant Level Goals ("MCLGs") set by United States Environmental Protection Agency ("USEPA") for all other contaminants that the OEHHA does not yet have published PHGs.

The City of Brentwood ("City") has not exceeded any Maximum Contaminant Levels ("MCLs"). The USEPA and the California State Water Resources Control Board ("SWRCB") Division of Drinking Water ("DDW") establish MCLs at very conservative levels to provide protection to

consumers. In other words, MCLs are the regulatory definition of what is safe. Adopted MCLs are the criteria for being in compliance, *not MCLGs or PHGs* (MCLGs and PHGs are not enforceable and are for informational purposes).

The City has and continues to meet all water quality requirements, and the water is safe and complies with all state and federal regulations. The preparation of the Public Health Goal Report ("Report") is unique to California, and is required in addition to the extensive public reporting of water quality the City completes monthly, quarterly and annually, as well as the federally mandated Consumer Confidence Report (Annual Water Quality Report).

In conformance with State law, the attached Report has been prepared. The Report provides consumers with information about the law and public health risks posed by the contaminants and discusses the best available treatment technology and associated costs to remove or reduce contaminants.

The Report summary states the drinking water provided by the City meets 100 percent of all enforceable SWRCB DDW and OEHHA primary drinking water standards. Overall, arsenic, gross alpha particles and gross beta particles were detected in the City water system at concentrations above PHGs or MCLGs. However, at no time did the City serve water containing contaminants above recognized and enforceable MCLs. The drinking water quality of the City meets all drinking water standards to protect public health.

The levels of constituents identified in the report are already significantly below the health-based MCLs established to provide safe drinking water. Further reductions in these levels would require additional costly treatment processes and the ability of these processes to provide significant additional reductions in constituent levels is uncertain. In addition, the health protection benefits of these possible reductions are not at all clear and may not be quantifiable. For these reasons, no action is proposed at this time.

#### **FISCAL IMPACT**

There are no costs associated with the Report. The preparation of the Report ensures compliance with the State's requirements.

Attachments:

Resolution

Public Health Goal Report

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD ADOPTING THE 2022 PUBLIC HEALTH GOAL REPORT ON DRINKING WATER TO SATISFY REQUIREMENTS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 116470(B).**

**WHEREAS**, provisions of California Health and Safety Code Section 116470(b) require public water systems serving more than 10,000 service connections to prepare a Public Health Goal Report (“Report”) every three years; and

**WHEREAS**, on June 22, 2010, by City Council Resolution No. 2010-97, City Council adopted a resolution approving the 2010 Public Health Goal Report; and

**WHEREAS**, on July 23, 2013, by City Council Resolution No. 2013-97, City Council adopted a resolution approving the 2013 Public Health Goal Report; and

**WHEREAS**, on September 27, 2016, by City Council Resolution No. 2016-132, City Council adopted a resolution approving the 2016 Public Health Goal Report; and

**WHEREAS**, on August 13, 2019, by City Council Resolution No. 2019-97, City Council adopted a resolution approving the 2019 Public Health Goal Report; and

**WHEREAS**, the Report gives information on the detection of any contaminants above the Public Health Goals (“PHGs”) published by the state Office of Environmental Health Hazard Assessment (“OEHHA”); and

**WHEREAS**, the Report must list the detection of any contaminant above the Maximum Contaminant Level Goals (“MCLGs”) set by United States Environmental Protection Agency (“USEPA”) for all other contaminants; and

**WHEREAS**, the USEPA and the California State Water Resources Control Board establish MCLs at very conservative levels to provide protection to consumers against all but very low to negligible risk; and

**WHEREAS**, MCLs are the criteria for being in compliance, not MCLGs or PHGs; and

**WHEREAS**, as documented in the 2022 Public Health Goal Report, the City of Brentwood water is safe and complies with all state and federal regulations; and

**WHEREAS**, the Report is unique to California, and is required in addition to the extensive public reporting of water quality that the City completes monthly, quarterly, and annually, as well as the federally mandated Consumer Confidence Report; and

**WHEREAS**, the Report provides consumers with information about the law and public health risks posed by the contaminants; and discusses the best available treatment technology and associated costs to remove or reduce contaminants.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood hereby adopts the 2022 Public Health Goal Report on drinking water to satisfy requirements of California Health and Safety Code Section 116470(b).

Attachment: Resolution (2785 : 2022 Public Health Goal Report)

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9<sup>th</sup> day of August 2022 by the following vote:



## City of Brentwood Public Works/Operations Division

### TRIENNIAL PUBLIC HEALTH GOAL REPORT 2022

#### Background

The California Health and Safety Code Section 116470(b) specifies water utilities serving more than 10,000 connections prepare a brief written report every three years that documents detections of any constituents that exceed a Public Health Goal (“PHG”) in the preceding three years. PHGs are non-enforceable goals established by the California Office of Environmental Health Hazard Assessment (“OEHHA”). The law also requires where OEHHA has not adopted a PHG for a constituent, water suppliers are to use the Maximum Contaminant Level Goal (“MCLG”) adopted by the United States Environmental Protection Agency (“USEPA”). MCLGs are also non-enforceable goals. Only constituents having both a California primary drinking water standard and a PHG or MCLG as of December 31, 2021 are to be addressed in the report.

This 2022 Triennial PHG Report covers constituents detected in the City’s water supply during calendar years 2019 through 2021 at a level exceeding an applicable PHG or MCLG and provides the required information for each constituent. Included is the numerical public health risk associated with the Maximum Contaminant Level (“MCL”) and the PHG or MCLG, the category or type of risk to health which could be associated with each constituent, the best technology available which could be used to reduce the constituent level, and an estimate of the cost to install the treatment if it is appropriate and feasible. In addition to this required report, the City will continue reporting annually in great depth on the quality of the water it serves.

#### What are PHGs?

PHGs are set by the OEHHA which is part of the California Environmental Protection Agency (“CalEPA”) and are based solely on public health risk considerations. None of the practical risk-management factors considered by the USEPA or the California State Water Resources Control Board (“SWRCB”) Division of Drinking Water (“DDW”) in setting drinking water standards (MCLs) are considered when setting the PHGs. These factors include analytical detection capability, treatment technology available, benefits and costs. PHGs are not enforceable and are not required to be met by any public water system. MCLGs are the federal equivalent to PHGs.

#### How Does OEHHA Establish a Public Health Goal?

The process for establishing a PHG for a chemical contaminant in drinking water is very rigorous. OEHHA scientists first compile all relevant scientific information available, which includes studies of the chemical’s effects on laboratory animals and studies of humans who have been exposed to the chemical. Scientists use data from these studies to perform a health risk assessment, in which they determine the levels of the contaminant in drinking water that could be associated with various adverse health effects. When calculating a PHG, OEHHA uses all the information it has compiled to identify the level of the chemical in drinking water that would not cause significant adverse health effects in people who drink that water every day for 70 years. OEHHA must also consider any evidence of immediate and severe health effects when setting the PHG.

For cancer-causing chemicals, OEHHA typically establishes the PHG at the “one-in-one million” risk level. At that level, not more than one person in a population of one million people drinking the water daily for 70 years would be expected to develop cancer as a result of exposure to that chemical.

#### Water Quality Data Considered

All of the water quality data collected from the City’s water system during calendar years 2019 through 2021 for purposes of determining compliance with drinking water standards was reviewed. The data was



## City of Brentwood Public Works/Operations Division

summarized in the 2019, 2020, and 2021 [Annual Water Quality Reports](#) (“AWQRs”) that are available on City’s [website](#) and emailed to all of our customers each year.

### Guidelines Followed

The Association of California Water Agencies (“ACWA”) formed a workgroup which prepared guidelines for water utilities to use in preparing these reports. The ACWA guidelines were updated in 2022 and were utilized in the preparation of this report. No formal guidance was available from state regulatory agencies.

### Best Available Treatment Technology and Cost Estimates

Both the USEPA and SWRCB DDW adopt what are known as Best Available Technologies which are the best known methods of reducing contaminant levels to the MCL. Costs can be estimated for such technologies; however, since many PHGs and all MCLGs are set much lower than the MCL, it is not always possible or feasible to determine what treatment is needed to further reduce a constituent downward to or near the PHG or MCLG, many of which are set at zero. Estimating the costs to reduce a constituent to zero is difficult because it is not possible to verify by analytical means that the level has been lowered to zero.

In some cases, installing treatment to further reduce very low levels of one constituent may have adverse effects on other aspects of water quality.

### Constituents Detected that Exceed a PHG or MCLG

The following is a discussion of constituents detected in the City’s drinking water at levels above the PHG, or if no PHG, above the MCLG.

#### Arsenic

Arsenic is a naturally occurring element in the earth's crust and is very widely distributed in the environment. All humans are exposed to small quantities of arsenic (inorganic and organic) largely from food and to a lesser degree from drinking water and air. Some edible seafood may contain higher concentrations of arsenic which are predominantly found in the less acutely toxic organic forms. City wells have an average level of 1.4 parts per billion (ppb) of arsenic, which is well below the current “not-to-exceed” or MCL limit of 10 ppb of arsenic. Arsenic has not been detected in the surface water. The OEHHA has established a PHG of 0.004 ppb. OEHHA has determined arsenic as a carcinogen. OEHHA has a numerical cancer risk of one additional cancer case per million people for the 0.004 micrograms per liter PHG, and 1 in four hundred for the MCL of 10 ug/L.

Reverse osmosis, and GFO/Adsorption are the water treatment technologies available for achieving compliance with the MCL for arsenic.

#### Gross Alpha Particle Activity

Radionuclides such as gross alpha in water supplies are from erosion of natural deposits. The term radionuclide refers to naturally occurring elemental radium, radon, uranium, and thorium. Each of those elements has an unstable atomic nucleus which spontaneously decays producing ionizing radiation. Gross alpha is defined as the sum total of these radionuclides. Exposure to ionizing radiation in concentrations exceeding the MCL may have carcinogenic (cancer causing), mutagenic (causing mutation of cells) or teratogenicity (causing abnormalities in offspring) effects. The USEPA’s MCLG for gross alpha particle is zero picocuries per liter (pCi/L), and the California MCL is 15 pCi/L. Gross Alpha was detected in City wells and surface water with ranges between not detected to 13 with a weighted average below the detectable level of 4 pCi/L. Health risk category based on experimental animal testing data evaluated in the USEPA



## City of Brentwood Public Works/Operations Division

MCLG document and California MCL has determined gross alpha particle as a carcinogen. The USEPA's MCLG for gross alpha is zero and a cancer risk of 1 additional case per million people for the DDW MCL of 15 pCi/L. *Note: Cancer Risk = Theoretical 70-year lifetime excess cancer risk at a statistical confidence limit. Actual cancer risk may be lower or zero.*

Reverse osmosis is the water treatment technology available for achieving compliance with the MCL for gross alpha particle activity.

### Gross Beta Particle Activity

Certain minerals are radioactive and may emit a form of radiation known as photons and beta radiation. Gross Beta was detected in City wells and surface water with ranges between not detected to 9.2 with a weighted average below the detectable level of 3 pCi/L. There is no PHG for gross beta particle activity. The MCLG is zero picocuries per liter (pCi/L), and the MCL is 50 pCi/L. The levels detected in the City system were below the MCL at all times, but were over the level identified by the USEPA as the MCLG. DDW and USEPA, which set drinking water standards, have determined gross beta particle activity is a health concern at certain levels of exposure. This radiological constituent is a naturally occurring contaminant in some ground water and surface water supplies. The category of health risk associated with gross beta particle activity, and the reason a drinking water standard was adopted for it, is some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer. The numerical health risk for the MCLG of zero pCi/L is zero. DDW and USEPA set the drinking water standard for gross beta particle activity at 50 pCi/L to reduce the risk of cancer or other adverse health effects.

The Best Available Treatment Technologies identified to treat gross beta particle activity are ion exchange and reverse osmosis. The most effective method to consistently remove beta and photon emitters to the MCLG is to install reverse osmosis treatment at select ground water and surface water connection sites where water exceeds the MCLG. The cost to install and operate reverse osmosis removal systems to remove beta and photon emitters to the MCLG in the City water system would be over \$20 million which includes construction and annual operational costs. This could be accomplished concurrently with Gross Alpha.

### Recommendations for Further Action

The City's drinking water quality meets all DDW and USEPA drinking water standards set to protect public health. The levels of constituents identified in this report are already significantly below the health-based MCLs established to provide safe drinking water. Further reductions in these levels would require additional costly treatment processes and the ability of these processes to provide significant additional reductions in constituent levels is uncertain. In addition, the health protection benefits of these possible reductions are not at all clear and may not be quantifiable. For these reasons, no action is proposed at this time.

If you have any questions about this report, please contact City of Brentwood Public Works/Operations - Water Operations Division at (925) 516-6000, Monday through Friday between the hours of 7:00 a.m. to 3:30 p.m., or visit the City of Brentwood website at <https://www.brentwoodca.gov/government/public-works/operations-division/water/water-reports>.



## CITY COUNCIL AGENDA ITEM NO. 2

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution to Adopt 1) an Addendum to the Environmental Impact Report for the Priority Area 1 Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and First Reading of Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone)

**Prepared by:** Joshua Ewen, Senior Analyst

**Submitted by:** Darin Gale, Assistant City Manager

### **PURPOSE AND RECOMMENDATION**

The Priority Area One (PA-1) Specific Plan governs approximately 431 acres in the northwest area of the City along the Highway 4 corridor and allows for future development to support an employment center that would create new economic development opportunities and future jobs growth within Brentwood.

Staff recommends City Council approval of Land Use Plan Alternative B as the preferred land use model, and the land use table amendments incorporated in the PA-1 Specific Plan. At the Public Hearing, the City Council is recommended to take formal action on adoption of actions relating to the PA-1 Specific Plan: 1) an Addendum to the Environmental Impact Report for the Priority Area 1 Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and an Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area 1] Zone).

### **CITY COUNCIL STRATEGIC INITIATIVE**

City of Brentwood Strategic Plan, FY 2020/21 – 2021/22, Focus Area 3: Economic Development, Goal 3: Facilitate development and encourage investment and Focus Area 5: Implement the Economic Development Action Plan, including Action Item 1.5.1, creation of a strategically located next generation business park.

### **PREVIOUS ACTION**

On February 27, 2018, the City Council adopted Resolution No. 2018-21, approving the FY 2018-20 City of Brentwood Strategic Plan, which included a goal to implement the Economic Development Action Plan, including the “Game Changers” and economic development programs.

On October 16, 2018, the Planning Commission held a public hearing in regard to the Priority Area 1 Specific Plan, and recommended that the City Council approve 1) certification of an Environmental Impact Report (EIR), 2) adoption of a General Plan amendment (GPA 18-002), 3) adoption of the Priority Area 1 Specific Plan (SPA 18-001), and 4) adoption of a rezone (RZ 18-003) to implement a zoning text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 (PA-1 (Priority Area One) Zone).

On November 13, 2018, the City Council adopted a Resolution 1) certifying the Environmental Impact Report (EIR), 2) adopting the General Plan amendment (GPA 18-002), 3) approving the Priority Area 1 (PA-1) Specific Plan, and adopted a rezone (RZ 18-003) to implement a zoning

text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 (PA-1 (Priority Area One) Zone).

On October 22, 2019, the City Council and Planning Commission held a joint special meeting to receive a report and provide feedback related to the Urban Land Institute (ULI) Technical Assistance Panel's Findings and Recommendations related to PA-1.

On March 24, 2020, the City Council received and filed the Urban Land Institute Priority Area 1 Technical Assistance Panel Report and approved the PA-1 Action Plan.

On June 9, 2020, the Council adopted the 2020/21 – 2024/25 Capital Improvement Program (CIP) including roadway, parks and trails, water, wastewater and community facilities improvements to be constructed during the next five years. The adopted CIP included the Priority Area 1 Infrastructure Improvements, CIP Project No. 336-31695.

On July 28, 2020, the City Council adopted Resolution No. 2020-104, approving and authorizing the City Manager or designee to execute a Professional Services Agreement with ELS Architecture and Urban Design for The Innovation Center Master Plan in an amount not to exceed \$348,500.

On January 13, 2021, at a Special Joint Workshop with the Planning Commission, the City Council received a report and provided feedback related to master planning for The Innovation Center presented by ELS Architecture and Urban Design.

On May 11, 2021, the City Council adopted Resolution No. 2021-50, approving the concept design for The Innovation Center Master Plan and directed staff to proceed to the next phases of the Master Plan Project, which included updating the Priority Area 1 Specific Plan to reflect the Innovation Center Master Plan and to finalize a marketing plan.

On June 21, 2022, the Planning Commission adopted Resolution 22-015 recommending the City Council approve 1) an Addendum to the Environmental Impact Report (EIR) prepared for the PA-1 Specific Plan; and 2) a Specific Plan Amendment (SPA 22-001) for the Priority Area One (PA-1) Specific Plan; and 3) a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone).

On July 12, 2022, the City Council conducted a Public Hearing to consider actions relating to the PA-1 Specific Plan, including a Resolution to Adopt 1) an Addendum to the Environmental Impact Report for the Priority Area One Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and an Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone); and continued the public hearing and directed city staff to return with further analysis in a special workshop.

On August 9, 2022, the City Council held a workshop for the Priority Area One (PA-1) Specific Plan to consider incorporating land use and related specific plan policy recommendations resulting from the Innovation Center Master Plan process.

### **DISCUSSION**

At the PA-1 Workshop of August 9, 2022, the City Council will consider alternative PA-1 land use plans, with additional analysis relating to land use policies, infrastructure cost and potential fiscal impacts of adoption of each alternative land use plan.

The City Council Agenda Item and PA-1 Specific Plan proposed changes of the Public Hearing of July 12, 2022 are found here: [\(link\)](#). Additionally, after further review of the July 12, 2022, recommendations to Chapter 4: Land Use Plan are included for the City Council's review and consideration.

At this Public Hearing, the City Council is recommended to take formal action on adoption of actions relating to the PA-1 Specific Plan:

Adopt 1) an Addendum to the Environmental Impact Report for the Priority Area One Specific Plan, 2) an Amendment to the Priority Area 1 Specific Plan (SPA 22-001), and an Ordinance to Approve a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone).

Attachments:

Resolution - 2022

Ordinance

PA-1 Chapter 4 Land Use and Appendix A Definitions - August 9 2022 Revisions

**RESOLUTION NO. 22-****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD TO (1) ADOPT AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR THE PRIORITY AREA 1 (PA-1) SPECIFIC PLAN PROJECT (STATE CLEARINGHOUSE NO. 2018042064); AND (2) AMEND THE PA-1 SPECIFIC PLAN (SPA 22-001)**

**WHEREAS**, on July 22, 2014, the City Council of the City of Brentwood adopted an update to the City's General Plan (the "General Plan") that included, among other things, policy language prioritizing the development of a roughly 431-acre portion of the City generally bounded by Heidorn Ranch Road, Lone Tree Way, Shady Willow Lane, and Sand Creek and identified as "Priority Area 1" (the "Specific Plan Area"); and

**WHEREAS**, on October 16, 2018, the Planning Commission, held a Public Hearing in regards to the Priority Area 1 Specific Plan including recommending the City Council approve 1) certification of an Environmental Impact Report (EIR), 2) adoption of a General Plan amendment (GPA 18-002), 3) adopt the Priority Area 1 Specific Plan (SPA 18-001), and 4) adopt a rezone (RZ 18-003) to implement a zoning text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 PA-1 (Priority Area One) Zone; and

**WHEREAS**, on November 13, 2018, the City Council adopted Resolution No. 2018-159, 1) certifying an Environmental Impact Report (EIR), 2) adopting a General Plan amendment (GPA 18-002), and 3) approving the Priority Area 1 (PA-1) Specific Plan, and adopted a rezone (RZ 18-003) to implement a zoning text amendment and map amendments within the Priority Area 1 Specific Plan and adopting Chapter 17.295 PA-1 (Priority Area One) Zone; and

**WHEREAS**, on October 22, 2019, the City Council and Planning Commission held a joint special meeting to receive a report and provide feedback related to the Urban Land Institute (ULI) Technical Assistance Panel's Findings and Recommendations related to PA-1; and

**WHEREAS**, on March 24, 2020, the City Council received and filed the Urban Land Institute Priority Area 1 Technical Assistance Panel Report and approved the PA-1 Action Plan; and

**WHEREAS**, on July 28, 2020, the City Council adopted Resolution No. 2020-104, approving and authorizing the City Manager or designee to execute a Professional Services Agreement with ELS Architecture and Urban Design ("Consultant") for the Innovation Center Master Plan design process, including analyzing the PA-1 Specific Plan and market trends relating to fields of land use, economic analysis, development strategy, civil engineering and marketing for creating a new generation business park focused on economic development and new private commercial investment into the PA-1 Plan area; and

**WHEREAS**, the City and the Consultant hosted two public virtual town halls and received over 400 written comments to the Master Plan project website; and

**WHEREAS**, the City Council held duly-noticed public meetings concerning the development of the Innovation Center Master Plan on two separate occasions:



- On January 13, 2021, at a Special Joint Workshop with the Planning Commission, the City Council received a report and provided feedback related to master planning for The Innovation Center presented by ELS Architecture and Urban Design.
- On May 11, 2021, the City Council adopted Resolution No. 2021-50, approving the concept design for The Innovation Center Master Plan and directed staff to proceed to the next phases of the Master Plan Project; and

**WHEREAS**, staff thereafter prepared a draft set of amendments to the Priority Area 1 Specific Plan (SPA 22-001, the “Project”) for consideration by the Planning Commission and City Council; and

**WHEREAS**, on June 21, 2022, the Planning Commission held a public hearing to consider whether to recommend to the City Council the following actions:

- Adoption of an Addendum to the Environmental Impact Report (EIR) prepared for the Priority Area 1 (PA-1) Specific Plan Project (State Clearinghouse No. 2018042064), which was certified by the City of Brentwood on November 13, 2018 (Certified EIR). A true and correct copy of the Addendum is attached hereto as Exhibit ‘A’.
- Adoption of text amendments the Priority Area 1 Specific Plan (SPA 22-001) (a true and correct copy of which is attached hereto as Exhibit ‘B’), which update development standards, land uses, infrastructure and public services, and circulation, as well as economic development and implementation.
- Adoption of a zoning amendment to Brentwood Municipal Code Chapter 17.295 to implement the changes to the Priority Area 1 Specific Plan, per SPA 22-001.

**WHEREAS**, the Planning Commission considered the staff report, supporting documents, public testimony, and all appropriate information that was submitted with the proposed project and adopted Resolution 22-015 recommending the City Council approve 1) an Addendum to the Environmental Impact Report (EIR) prepared for the Priority Area 1 (PA-1) Specific Plan Project (State Clearinghouse No. 2018042064), which was certified by the City of Brentwood on November 13, 2018 (Certified EIR); and 2) the Specific Plan Amendment (SPA 22-001) for the Priority Area One (PA-1) Specific Plan; as well as 3) a Rezone (RZ 22-001) to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] Zone); and

**WHEREAS**, on July 12, 2022, the City Council held a duly-noticed public hearing, at which time it considered a staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project, and continued the public hearing to a date and time to be determined; and

**WHEREAS**, on August 9, 2022, the City Council held a public hearing to consider adoption of the Addendum, and approval of SPA 22-001 and RZ 22-001, as well as the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood does hereby:

A. Make the following findings:

1. The foregoing recitals are true and correct and are hereby incorporated by this reference.
2. With respect to the California Environmental Quality Act ('CEQA,' codified at California Public Resources Code §§ 21000, *et seq.*, and as further governed by the State CEQA Guidelines, found at 14 CCR §§ 15000, *et seq.*), the City Council has reviewed the Addendum and finds that none of the circumstances that would require the preparation of a subsequent EIR exist:
  - a. There are no substantial changes proposed by the Project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. There are no substantial changes that have occurred with respect to the circumstances under which the Project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
  - c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, that shows any of the following:
    1. The Project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the City declined to adopt the mitigation measure or alternative; or
    4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the City declined to adopt the mitigation measure or alternative.
  - d. The City Council thus finds that it is appropriate to prepare and adopt an Addendum to the PA-1 EIR, per CEQA Guidelines § 15164(a), and further finds that the Addendum was completed in compliance with CEQA and the CEQA Guidelines, and that (based on evidence submitted and as demonstrated by the analysis and findings included in the Addendum), none of the conditions set forth in CEQA Guidelines § 15162 exist such as to require the preparation of a subsequent EIR. The Addendum reflects the City Council's independent judgment and analysis.
  - e. Pursuant to Public Resources Code § 21081.6(a)(2) and CEQA Guidelines Section 15074(c), the location and custodian of the documents and other materials which constitute the record on which this Resolution is based is the

Community Development Department of the City of Brentwood, located at 150 City Park Way, Brentwood, California 94513.

3. With respect to the adoption of an amendment to the specific plan (SPA 22-001) as set forth in Exhibit 'B', the City Council hereby finds the following, per Government Code §§ 65453 and 65454:
  - a. *The specific plan is consistent and/or compatible with the Brentwood General Plan.*

The requested amendment is consistent and compatible with the City of Brentwood General Plan (as updated July 2014), including goals, policies, and implementation programs such as:

1. Land Use Policy LU1-2, which directs the "PA-1" land use designation be adopted for the area within the PA-1 Specific Plan planning area; and
2. Land Use Policy Goal 3, which states, "Provide for a diversified mix of strong retail centers, service commercial activities, manufacturing enterprises, and high paying employment opportunities that contribute to Brentwood's economic well-being," in that it is projected that the changes to the PA-1 Specific Plan that are contemplated in the Project will incentivize and facilitate the development of successful retail centers, as well as commercial activity, and jobs-generating uses that will offer competitive compensation.
3. Land Use Policy LU 3-7, which directs the City to "encourage the location of high quality, professional office campuses, business parks, and industrial parks along with related mixed-use development, where appropriate within the city," in that adoption of these amendments to the PA-1 Specific Plan will allow for the development of high quality business parks; clean light industrial; research and development; technology, engineering, and math; and other professional office uses in an area of the city identified as appropriate for these uses by the General Plan.

B. Hereby:

1. Approves and adopts the Addendum prepared for the Project, as attached hereto as Exhibit 'A'; and
2. Approves SPA 22-001 to adopt the PA-1 Specific Plan, as revised, as attached hereto as Exhibit 'B.'

This Resolution shall become effective immediately upon passage.

**ADOPTED** by the City Council of the City of Brentwood at its regular meeting of August 9, 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- RECUSE:

APPROVED:

\_\_\_\_\_  
Joel Bryant, Mayor

ATTEST:

\_\_\_\_\_  
Margaret Wimberly, City Clerk

Attachment: Resolution - 2022 (2779 : PA-1 Public Hearing Innovation Center Master Plan)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD MODIFYING BRENTWOOD MUNICIPAL CODE CHAPTER 17.295 (PA-1 [PRIORITY AREA ONE] ZONE); AND AMENDING THE ZONING MAP OF THE BRENTWOOD MUNICIPAL CODE TO INCORPORATE SPA 22-001**

**WHEREAS**, on July 22, 2014, the City Council of the City of Brentwood adopted an update to the City's General Plan (the "General Plan") that included, among other things, policy language prioritizing the development of a roughly 430-acre portion of the City generally bounded by Heidorn Ranch Road, Lone Tree Way, Shady Willow Lane, and Sand Creek and identified as "Priority Area 1" (sometimes referred to herein as the "Specific Plan Area"); and

**WHEREAS**, per the direction of the General Plan, the Specific Plan Area was envisioned to include a mixture of employment-generating uses, and make possible the potential future construction of a transit facility for a future eBART station and/or park-and-ride facility, and associated transit-oriented development supporting ridership, including a variety of residential forms and densities; and

**WHEREAS**, in order to develop the Priority Area 1 Specific Plan, the City undertook an extensive community planning process, hiring the De Novo Planning Group as its multidisciplinary consultant ("Consultant") to work with City staff; and

**WHEREAS**, the City Council appointed twelve individuals to serve on a Specific Plan Working Group, which was charged with providing input to the development of the Specific Plan, and serving as ambassadors for the Specific Plan to the greater community. The Working Group met approximately ten times during the development of the Specific Plan; and

**WHEREAS**, the Consultant and Staff facilitated various public events and hosted online surveys as part of the Specific Plan outreach process to gather input from the greater community. These efforts included:

- An April 17, 2017 workshop to seek input on key priorities for the Specific Plan. Approximately 30 participants attended the workshop;
- An initial online survey (available from April 13, 2017 - June 9, 2017) to glean participant preferences as to future Specific Plan Area development, possible eBART service, and desired job opportunities. Over 260 survey responses were received;
- A second online survey (available from October 4, 2017 - October 25, 2017) to gauge community support for proposed Specific Plan land use alternatives. Approximately 60 individuals responded to this second survey; and
- A December 11, 2017 open house to present the preferred land use map to the community. Approximately 10 members of the public attended the open house.

**WHEREAS**, the City Council held duly-noticed public meetings concerning the development of the Specific Plan on three separate occasions:

- On January 31, 2017, the City Council heard an overview of the project and work program and received the Council's direction on key planning issues related to and goals for the Specific Plan;
- On November 14, 2017, the City Council provided final direction on the development of the preferred land use map for the Specific Plan; and
- On May 22, 2018, the City Council provided final direction regarding the development of the draft Specific Plan.

**WHEREAS**, in addition to the foregoing, Consultant and staff also provided updates to the City Council on the status of the development of the Specific Plan at regularly scheduled public meetings; and

**WHEREAS**, as a result of the foregoing, the City of Brentwood caused to be prepared the Priority Area One ("PA-1") Specific Plan (the "Specific Plan"), a specific plan as governed by Government Code Sections 65450, et seq., which was intended to establish development parameters that would offer individuals and businesses access and opportunities to create high quality jobs across a diverse array of industries. The establishment of the employment center would, in turn, assist the City in achieving its goal of a healthy jobs-to-housing balance, reducing commute times for residents, and establishing new opportunities for economic growth and employment within the city. In addition, the City saw PA-1's development as a vibrant, compact, mixed-use district, focused around a transit station that will provide linkages to other eastern Contra Costa County communities and the wider Bay Area region beyond. The Specific Plan provided the vision and strategy to facilitate PA-1's emergence as the city's transit-oriented employment center; and

**WHEREAS**, the City of Brentwood determined that an Environmental Impact Report ("EIR") should be prepared to analyze both the potential impacts and any necessary mitigation measures for the Specific Plan project; and

**WHEREAS**, the EIR evaluated impacts, mitigation, and alternatives at a program-level for the Specific Plan project; and

**WHEREAS**, a Notice of Preparation (NOP) of an EIR for the Specific Plan was circulated on April 20, 2018, to trustee and responsible agencies, the State Clearinghouse, and the public; and

**WHEREAS**, a scoping meeting was held on May 1, 2018, with the Planning Commission, and no public or agency comments on the NOP related to the EIR analysis were presented or submitted during the scoping meeting; and

**WHEREAS**, during the 30-day public review period for the NOP, which ended on May 21, 2018, four written comment letters were received on the NOP, and a summary of the NOP comments is provided in Chapter 1.0 of the Draft EIR; and

**WHEREAS**, a Notice of Availability (NOA) of the Draft EIR was circulated to the State Clearinghouse, all relevant agencies, and interested parties for a 45-day public comment period, beginning on June 11, 2018, and ending on July 27, 2018; and

**WHEREAS**, a total of six written comments were received during the public review period for the Draft EIR, and written responses to the substantive environmental concerns raised in those comments have been prepared and included as part of the Final EIR, pursuant to the CEQA Guidelines; and

**WHEREAS**, the Final EIR evaluated the environmental impacts of the actions necessary to realize the City's vision for the PA-1 in 2018, including General Plan Amendment 18-002, which made changes to the text and map of the General Plan; Specific Plan Amendment 18- 001, which adopted the PA-1 Specific Plan; and Rezone 18-003, which repealed Brentwood Municipal Code Chapters 17.498 (PD-48), 17.501 (PD-51), and 17.502 (PD-52); modified Chapter 17.503 (PD-53); adopted Chapter 17.295 (PA-1 [Priority Area One] Zone); and amended the Zoning Map of the Brentwood Municipal Code; and

**WHEREAS**, on October 16, 2018, the Planning Commission held a public hearing to consider a recommendation to the City Council as to certification of the Final EIR and approval of the Project. By passage of Resolution No. 18-044, the Planning Commission recommended the City Council certify the Final EIR. The Planning Commission likewise recommended the City Council approve GPA 18-002 by adoption of Resolution 18-048, SPA 18-001 by adoption of Resolution 18-049, and RZ 18-003 by adoption of Resolution 18-050; and

**WHEREAS**, on November 13, 2018, the City Council held a public hearing and considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed project, and certified the Final EIR for the Project, approved General Plan Amendment 18-002 to make changes to the text and map of the General Plan for the purpose of adopting the PA-1 Specific Plan, approved Specific Plan Amendment 18-001 to adopt the PA-1 Specific Plan, and approved RZ 18-003 to implement the Specific Plan; and

**WHEREAS**, on October 22, 2019, the City Council and Planning Commission held a joint special meeting to receive a report and provide feedback related to the Urban Land Institute (ULI) Technical Assistance Panel's Findings and Recommendations related to potential changes to the Specific Plan; and

**WHEREAS**, on March 24, 2020, the City Council received and filed the Urban Land Institute Priority Area 1 Technical Assistance Panel Report and approved the PA-1 Action Plan; and

**WHEREAS**, on July 28, 2020, the City Council adopted Resolution No. 2020-104, approving and authorizing the City Manager or designee to execute a Professional Services Agreement with ELS Architecture and Urban Design ("Consultant") for the Innovation Center Master Plan design process, including analyzing the PA-1 Specific Plan and market trends relating to fields of land use, economic analysis, development strategy, civil engineering and marketing for creating a new generation business park focused on economic development and new private commercial investment into the PA-1 Plan area; and

**WHEREAS**, the City and the Consultant hosted two public virtual town halls and received over 400 written comments to the Master Plan project website; and



**WHEREAS**, the City Council held duly-noticed public meetings concerning the development of the Innovation Center Master Plan on two separate occasions:

- On January 13, 2021, at a Special Joint Meeting Workshop with the Planning Commission, the City Council received a report and provided feedback related to master planning for The Innovation Center presented by ELS Architecture and Urban Design; and
- On May 11, 2021, the City Council adopted Resolution No. 2021-50, approving the concept design for The Innovation Center Master Plan and directed staff to proceed to the next phases of the Master Plan Project; and

**WHEREAS**, on June 21, 2022, the Planning Commission held a public hearing to consider whether to recommend to the City Council the following actions:

- Adoption of an Addendum to the Environmental Impact Report (EIR) prepared for the Priority Area 1 (PA-1) Specific Plan Project (State Clearinghouse No. 2018042064), which was certified by the City of Brentwood on November 13, 2018 (Certified EIR).
- Adoption of amendments to the Priority Area 1 Specific Plan (SPA 22-001), which updates development standards, land uses, infrastructure and public services, and circulation, as well as economic development and implementation.
- Adoption of a zoning amendment (RZ 22-001) to Brentwood Municipal Code Chapter 17.295 and the zoning map of the City to implement the changes to the Priority Area 1 Specific Plan, per SPA 22-001.

**WHEREAS**, collectively, the amendments to the Priority Area 1 Specific Plan (SPA 22-001) and the zoning amendment to Brentwood Municipal Code Chapter 17.295 and the zoning map to implement SPA 22-001 (RZ 22-001) constitute the “Project;” and

**WHEREAS**, on June 21, 2022, the Planning Commission adopted Resolution No. 20-015, recommending the City Council approve the adoption of the Addendum, and approval of SPA 22-001 and RZ 22-001; and

**WHEREAS**, on July 12, 2022, the City Council held a public hearing to consider adoption of the Addendum, and approval of SPA 22-001 and RZ 22-001, as well as the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed Project; and continued the public hearing to a date and time to be determined.

**WHEREAS**, on August 9, 2022, the City Council held a public hearing to consider adoption of the Addendum, and approval of SPA 22-001 and RZ 22-001, as well as the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed Project.

**NOW, THEREFORE**, the City Council of the City of Brentwood finds:

1. With respect to the California Environmental Quality Act (‘CEQA,’ codified at California Public Resources Code §§ 21000, *et seq.*, and as further governed by the State CEQA

Guidelines, found at 14 CCR §§ 15000, *et seq.*), the City Council has adopted Resolution No. \_\_\_\_\_, which approves and adopts the Addendum prepared for the Project.

2. By adoption of Resolution No. \_\_\_\_\_, the City Council likewise adopted SPA 22-001 to amend the Priority Area 1 Specific Plan.
3. With respect to Brentwood Municipal Code section 17.870.008, the Council hereby finds the following:
  - a. *The proposed action is consistent with the city's community development plan and other applicable city plans.*

The City Council finds that proposed RZ 22-001 is consistent with the City's General Plan. The requested amendment is consistent and compatible with the City of Brentwood General Plan (as updated July 2014), including goals, policies, and implementation programs such as:

1. Land Use Policy LU1-2, which directs the "PA-1" land use designation be adopted for the area within the PA-1 Specific Plan planning area; and
  2. Land Use Policy Goal 3, which states, "Provide for a diversified mix of strong retail centers, service commercial activities, manufacturing enterprises, and highpaying employment opportunities that contribute to Brentwood's economic well-being," in that it is projected that the changes to the PA-1 Specific Plan that are contemplated in the Project will incentivize and facilitate the development of successful retail centers, as well as commercial activity, and jobs-generating uses that will offer competitive compensation; and
  3. Land Use Policy LU 3-7, which directs the City to "encourage the location of high quality, professional office campuses, business parks, and industrial parks along with related mixed-use development, where appropriate within the city," in that adoption of the PA-1 Specific Plan amendments proposed herein will allow for the development of high quality business parks; clean light industrial; research and development; technology, engineering, and math; and other professional office uses in an area of the city identified as appropriate for these uses by the General Plan.
- b. *The proposed action is not inappropriate or otherwise contrary to the public interest.*

The zoning amendment is neither inappropriate nor contrary to the public interest, but rather, is beneficial to the residents, employees, and visitors of the PA-1 Specific Plan planning area and beyond, inasmuch as it will facilitate housing

opportunities, generate employment growth, and provide recreational opportunities.

**NOW, THEREFORE,** the City Council of the City of Brentwood does hereby ordain as follows:

**Section 1.** Chapter 17.295 ('PA-1 Zone') of the Brentwood Municipal Code is hereby modified to incorporate the changes to the PA-1 Specific Plan set forth in SPA 22-001, with no text changes to Chapter 17.295 being required.

**Section 2.** The official zoning map of the Brentwood Municipal Code shall be amended to the extent necessary to reflect the foregoing, as set forth in SPA 22-011, incorporated herein.

**Section 3.** This ordinance shall be published in accordance with Government Code Section 36933. This ordinance shall take effect 30 days after its adoption. The City Clerk is directed to cause the municipal code text to be entered in the Brentwood Municipal Code and the zoning map of the City of Brentwood to be modified accordingly.

**THE FOREGOING ORDINANCE** was introduced with the first reading waived at a regular meeting of the Brentwood City Council on August 9, 2022, by the following vote:

## CHAPTER 4: LAND USE PLAN

This chapter describes the land use plan, which is the guide for developing and using land within the PA-1 Specific Plan area (Specific Plan area or planning area). The land use plan provides the framework necessary to achieve the mixture of uses that will fulfill the City of Brentwood's vision and priorities for the Specific Plan area. The framework identifies the project area's land use designations and allowed uses. The land use plan comprises the text in this chapter and the land use diagram, which is a map that illustrates the locations of the land use designations in the planning area. This chapter also includes goals and policies necessary to achieve and implement the land use vision for the Specific Plan area.

This chapter is organized into the following sections:

- 4.1. Land Use Plan
- 4.2. Land Use Designations
- 4.3. Allowed Uses
- 4.4. Land Use Plan Goals and Policies

#### 4.1: LAND USE PLAN



The land use plan implements the Specific Plan’s vision and goals through the application of specified land use designations to all properties in the Specific Plan area. The locations of these designations are illustrated in Figure 4.1, Land Use Plan. The land use designations form the basis of the Specific Plan’s land use framework. The designations are described in Section 4.2, Land Use Designations. The corresponding allowed use provisions for each designation are listed in Section 4.3, Allowed Uses. Development standards for each land use designation are included in Chapter 6, Private Realm Development.

#### 4.2: LAND USE DESIGNATIONS

Table 4.1, Land Use Designations, establishes the seven land use designations and one overlay designation that apply within the Specific Plan area. These designations implement both the PA-1 Specific Plan and the City’s General Plan vision, policies, and land use classifications for the planning area. The designations replace the application of the City’s conventional zoning districts and planned developments in the planning area. See Figure 4.1, Land Use Plan, for specific parcel designations within the project area.

Densities specified in this Specific Plan are expressed in units per gross acre. Gross acreage shall include land dedicated for any public use (including but not limited to streets, schools, parks, fire stations and detention basins). Land set aside for public facilities and for which reimbursement will be received is not to be included in density calculations (i.e. schools and detention basins). The extent to which facilities are provided will help determine the actual number of units per acre that will be allowed.

Table 4.1: Land Use Designations

<p><b>Employment Center/Light Industrial (ECLI)</b>                  0.6 Maximum FAR</p> <p>The Employment Center/Light Industrial designation accommodates a wide range of jobs-generating uses, including business parks; clean light industrial; research and development (R&amp;D); science, technology, engineering, and math (STEM); tech/biotech manufacturing; high-tech services that incorporate some combination of assembly, warehousing, and/or sales, hospitals and other health care-related uses, and professional offices. This designation also allows for a regional destination resort hotel and conference center on approximately 45 acres within PA-1.</p>	
<p><b>Transit Village / Mixed Use (TV / MU)</b>                  0.5 – 1.5 FAR                  25-40 du/acre</p> <p>The Transit Village / Mixed Use designation provides for an integrated mix of high-intensity uses in the area surrounding the planned transit station, and encourages the development of a high-quality, pedestrian and bicycle friendly mixed-use district that will define the Specific Plan area’s core. Allowed uses include professional and medical offices, personal services, retail and restaurants, entertainment- and hospitality-related uses, and upper floor multiple-family residences.</p>	
<p><b>Regional Commercial (RC)</b>                  0.6 Maximum FAR</p> <p>The Regional Commercial designation accommodates retail and service uses that serve the general needs of the community and the region. The designation applies to parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.</p>	
<p><b>Multiple-Family Very-High Density Residential (MFVHDR)</b>                  15-35 du/acre</p> <p>The Multiple-Family Very-High Density Residential designation supports multiple-family residential development within walking distance to the transit station. The designation is primarily intended to accommodate multiple story condominium and/or apartment buildings.</p>	



**High Density Residential (HDR)**  
10-20 du/acre

The High Density Residential designation supports residential development at densities and configurations, compatible with the neighborhoods that surround the Specific Plan area, while providing housing within walking distance to the transit station. The designation accommodates a wide variety of housing types, including duplexes, triplexes, townhouses, condominium and/or apartment buildings, and small-lot detached single-family houses.



**Transit Station Overlay (TS)**

The Transit Station overlay applies to the areas associated with the proposed transit station and associated facilities, including a potential bus terminal, rail platform, ticketing areas, customer amenities, access and parking areas, and a pedestrian overcrossing over State Route 4.

The locations of the Transit Station Overlay on the Land Use Map are approximate. The overlay is approximately 13.5-acres located northeast of the corner of the Mokelumne Trail and State Route 4.

In the event that ultimate development of the Transit Station and associated facilities moves or shifts, the underlying land use designation shall be ECLI.



**Recreational Amenity (RA)**

The Recreational Amenity (RA) designation includes trail corridors, linear parks, and social spaces. These features can be natural spaces that enhance commercial environments such as Innovation Parkway, Mokelumne Trail, and Sand Creek Trail. Approximately 22.5 acres of public parkland is needed to meet the 5-acre of parks per 1,000 resident standard in the General Plan.





Figure 4.1- Land Use Plan  
TBD PH of 8-9-22

### 4.3: ALLOWED USES

Table 4.2, Allowed Uses, establishes land use and corresponding entitlement requirements for the Specific Plan's seven land use designations and one overlay designation. Allowed use provisions herein are generally consistent with and implement corresponding land use designations in the City's General Plan. Within the Specific Plan area, all land area and structures/facilities therein may only be developed, divided, and/or used for those activities listed in Table 4.2. The table also includes references to Brentwood Municipal Code (BMC) sections and other ordinances that the City uses to regulate development that may impact certain sensitive uses.

Land uses in the table are grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called "use classifications." Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For more information on the purpose, applicability, and the City's definition of use descriptions, refer to Appendix A: Glossary. The following rules apply to use classifications:

- ▷ **Similar Uses.** When a use is not specifically listed in Table 4.2, it shall be understood that the use may be permitted or conditionally permitted if the City of Brentwood Community Development Director determines that the use is substantially similar to a use listed in Table 4.2. Residential uses are not similar to and will not be permitted in any designation where such uses are not explicitly permitted in Table 4.2 below. It is further recognized that every conceivable use cannot be identified in Table 4.2. Anticipating that new uses will evolve over time, the Community Development Director may make a formal similar use determination (in writing) based on the proposed use's impacts and its compatibility with uses allowed in the given district.
- ▷ **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any land use designation within the planning area.

Use regulations in Table 4.2 are shown using the following symbols:

- ▷ P – land use permitted by right
- ▷ C – land use allowed with the approval of a conditional use permit. For the City's conditional use permit requirements and process, refer to BMC Chapter 17.830.
- ▷ -- land use not allowed



Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
<b>Residential Use Listings</b>									
Dwelling – Accessory	-	P	-	P	P	-	-	-	
Dwelling – Multiple-Family	-	P	-	P	P	-	-	-	
Dwelling – Single-Family	-	-	-	-	P	-	-	-	
Home Occupation	-	P	-	P	P	-	-	-	BMC Chapter 17.840
Live-Work Unit	-	P	-	-	-	-	-	-	
Supportive Housing	-	P	-	P	P	-	-	-	
Transitional Housing	-	P	-	P	P	-	-	-	
<b>Human Services Use Listings</b>									
Day Care Center, Adults	C	C	-	C	C	-	-	-	Subject to compliance with State law
Day Care Center, Children	C	C	-	C	C	-	-	-	Subject to compliance with State law including Health & Safety Code § 1597.45(a)
Medical Services – Ambulance Service	C	-	-	-	-	-	-	-	
Medical Services – Extended Care	P	-	-	P	P	-	-	-	
Medical Services – General	P	P	P	-	-	-	-	-	
Medical Services – Hospital	C	-	-	-	-	-	-	-	
Residential Care Facility, Small	-	-	-	-	-	-	-	-	
Residential Care Facility, Large	-	-	-	-	-	-	-	-	
<b>Urban Agriculture and Animal-Related Use Listings</b>									
Community Garden	-	-	-	C	C	-	C	-	
Kennel	-	-	C	-	-	-	-	-	
Market Garden	P	P	P	-	-	-	-	-	
Private Garden	-	P	P	P	P	-	-	-	
Urban Agriculture Stand	-	P	P	-	-	C	-	-	
Veterinary Clinic (Without Kennel)	-	C	C	-	-	-	-	-	
<b>Institutional Use Listings</b>									
College Campus	C	C	C	-	-	-	-	-	
Farmers’ Market	P	P	-	-	-	C	-	-	
Indoor Fitness and Sports Facility	C	P	P	-	-	-	-	-	

Attachment: PA-1 Chapter 4 Land Use and Appendix A Definitions - August 9 2022 Revisions - August 9 2022 Revisions (2779 : PA-1 Public Hearing Innovation Center

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
Indoor Recreational/ Entertainment Facilities	C	P	P	-	-	-	-	-	
Outdoor Recreation/Entertainment Facilities	C	C	C	C	C	C	C	-	
Parks and Plazas	P	P	P	P	P	P	P	P	
Private Educational Facilities	C	C	C	-	-	-	-	-	
Public-School Facilities	P	C	C	C	C	C	-	-	
Public Safety Facilities	C	C	C	C	C	-	P	C	
Religious Institutions	-	-	-	-	-	-	-	-	
Social, Fraternal, and Recreational Clubs	-	-	-	C	C	-	-	-	
<b>Utility, Transportation, and Communication Use Listings</b>									
Broadcasting and Recording Studio	P	P	-	-	-	-	-	-	
Bus and Transit Shelter	P	P	P	P	P	-	P	P	
Park and Ride Facility	P	P	C	-	-	-	-	P	
Parking Facility	P	P	P	P	-	-	-	P	
Transit Facility	P	C	C	C	C	-	C	P	
Utility Facilities and Infrastructure	C	C	C	C	C	-	C	C	
Wireless Telecommunication Facility	C	C	C	C	C	-	C	C	BMC Chapter 17.795
<b>Commercial Use Listings</b>									
Adult Oriented Business	-	-	-	-	-	-	-	-	
Animal Sales and Grooming	-	P	P	-	-	-	-	-	
Business Support Services	P	P	P	-	-	-	-	-	
Call Center	P	-	-	-	-	-	-	-	
Card and Gaming Room	-	-	-	-	-	-	-	-	
Check Cashing Business	-	-	-	-	-	-	-	-	
Commercial Lodging – Hotels	P	P	P	-	-	-	-	-	
Commercial Lodging – Hotels Extended Stay	P	P	P	-	-	-	-	-	
Commercial Lodging – Short-Term Rentals	-	-	-	-	-	-	-	-	
Drive-In and Drive-Thru Facilities	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Bars and Nightclubs	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Restaurant	P	P	P	-	-	-	-	-	

Attachment: PA-1 Chapter 4 Land Use and Appendix A Definitions - August 9 2022 Revisions - 2779 : PA-1 Public Hearing Innovation Center

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
Eating and Drinking Establishments – Tasting Room, Off-site	C	C	C	-	-	-	-	-	
Financial Institutions	P	P	P	-	-	-	-	-	
Food and Beverage Stores – Convenience Store	C	C	C	-	-	-	-	C	
Food and Beverage Stores – Grocery Store	-	C	P	-	-	-	-	-	
Food and Beverage Stores – Liquor Store	-	-	-	-	-	-	-	-	
Food and Beverage Stores – Neighborhood Market	-	C	C	-	-	-	-	-	
Garden Centers and Retail/Wholesale Nurseries	-	-	P	-	-	-	-	-	
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	-	
Offices – Accessory	P	P	P	P	P	-	P	P	
Offices – Building Trade Contractors	P	-	-	-	-	-	-	-	
Offices – Business and Professional	P	P	P	-	-	-	-	-	
Personal Services	-	P	P	-	-	-	-	-	
Retail – Accessory	P	P	P	-	-	-	-	C	
Retail – General	C	P	P	-	-	-	-	-	
Retail – General, Large Format	-C	C	P	-	-	-	-	-	
Specialized Retail – Artisan Shop	P	P	P	-	-	-	-	-	
Specialized Retail – Building Materials Stores and Yards	-	-	P	-	-	-	-	-	
Specialized Retail – Equipment Sales and Rentals	-	-	C	-	-	-	-	-	
Specialized Retail – Furniture, Furnishings, and Appliance Stores	-	P	P	-	-	-	-	-	
Specialized Retail – Smoke Shop	-	-	-	-	-	-	-	-	
Tattoo Parlors	-	-	-	-	-	-	-	-	
<b>Automobile-Related Use Listings</b>									
Auto and Vehicle Sales Showroom	C	-	-C	-	-		-	-	
Auto Parts Sales	-	-	P	-	-	-	-	-	
Car Washing and Detailing	-	-	-	-	-	-	-	-	
Ride Share Services	C	C	-	-	-	-	-	-	

Attachment: PA-1 Chapter 4 Land Use and Appendix A Definitions - August 9 2022 Revisions - 2779 : PA-1 Public Hearing Innovation Center

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulation
Service Station, Stand Alone	-	-	-	-	-	-	-	-	
Service Station, Accessory to General - Large Format Retailer	-	-	C	-	-	-	-	-	
Vehicle Services, Major	-	-	-	-	-	-	-	-	
Vehicle Services, Minor	C	-	P	-	-	-	-	-	
<b>Industrial, Manufacturing, and Processing Use Listings</b>									
Agricultural Products Processing	C	-	-	-	-	-	-	-	
Artisanal and Specialty Manufacture, Display, and Sales	C	C	C	-	-	-	-	-	
Breweries, Distilleries, and Wineries	C	-	-	-	-	-	-	-	
Freight Yard/Truck Terminal	-	-	-	-	-	-	-	-	
Manufacturing – Major	C	-	-	-	-	-	-	-	
Manufacturing – Minor	P	-	-	-	-	-	-	-	
Manufacturing – Small Scale	P	-	-	-	-	-	-	-	
Printing and Publishing	P	-	-	-	-	-	-	-	
Recycling Facility – Collection	-	-	-	-	-	-	-	-	
Research and Development	P	C	-	-	-	-	-	-	
Storage – Warehouse	C	-	-	-	-	-	-	-	
Storage – Yard	-	-	-	-	-	-	-	-	
Wholesale and Distribution	-	-	-	-	-	-	-	-	
<b>Accessory Uses</b>									
Accessory Facilities or Buildings	-	-	-	P	P	-	-	-	BMC Chapter 17.660
<b>Temporary Uses</b>									
See BMC Section 17.850									
<b>Signs</b>									
See BMC Section 17.640									

Attachment: PA-1 Chapter 4 Land Use and Appendix A Definitions - August 9 2022 Revisions (2779 : PA-1 Public Hearing Innovation Center



#### 4.4: LEGAL NONCONFORMING STATUS

The following requirements apply to legal nonconforming land uses, buildings, and structures.

##### Land Uses

1. A legal nonconforming land use is one that was permitted within the zone in which it was located at the time it was established, but became disallowed upon the adoption of the PA-1 Specific Plan. Notwithstanding any other language in the Municipal Code to the contrary, such use may continue as long as it does so in accordance with these provisions and without any interruption lasting more than one year. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms both the legal nonconforming status of a land use and the duration of any interruption in that land use. Legal nonconforming uses include development projects that were approved prior to adoption of the PA-1 Specific Plan, have not yet been constructed, have been subject to substantial investment, and retain their approval status.
2. Except as provided herein, a legal nonconforming land use shall not be changed to or replaced by any other use except a conforming one. A legal nonconforming land use may, however, be changed to or replaced by another similar use when all of the following criteria are met:
  - ▷ The change or replacement does not increase the extent or intensity of the nonconformity within the site area occupied by the nonconforming use on the site.
  - ▷ The building or portion of a building, presently occupied by the legal nonconforming land use, is not reasonably capable of conversion to accommodate use and occupancy by a conforming use, without substantial reconstruction or remodeling as determined by the Chief Building Official.
  - ▷ All proper building permits are obtained.

A subsequent purchaser cannot replace a nonconforming use established or operated by a prior owner with a new nonconforming use similar in nature.
3. Any legal nonconforming use of a site that is vacant for a period of one year or longer, or is discontinued or otherwise ceases operation and use of the site for a period of one year or longer, shall not be resumed, reestablished, continued or substituted, and all subsequent use of such site shall conform to the requirements of the PA-1 Specific Plan.

A one-time six-month extension to the one-year use period may be granted by the Community Development Director if requested in writing. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms the period of vacancy or discontinuance of a legal nonconforming land use.

4. A legal nonconforming land use that occupies a portion of a building may be expanded to include additional floor area within the same building provided that all proper building permits are obtained. Prior to any expansion within the same building, however, the property owner shall demonstrate to the satisfaction of the Chief Building Official that without substantial remodeling or reconstruction, the portion of the building into which expansion is proposed may not reasonably be used or occupied by a conforming use. The Chief Building Official shall consider whether any required remodeling or reconstruction would involve structural alterations prior to allowing expansion of a legal nonconforming land use. A legal nonconforming use can also be expanded in accordance with Buildings and Structures section below.
5. A legal nonconforming land use that is changed to or replaced by a conforming use shall not be reestablished.

#### Buildings and Structures

1. Normal and routine maintenance of any existing building or structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, or complying with health and safety requirements, shall be permitted and encouraged.
2. Exterior improvements and renovations and/or structural additions to legal nonconforming buildings or structures that increase the size or scale of nonconforming conditions are not permitted, except as specified below:
  - ▷ One-time minor additions involving a maximum of 25% of the gross floor area or 500 total square feet, whichever is less.
  - ▷ Significant exterior alterations or changes in the exterior façade or architectural design consistent with the applicable City-adopted design guidelines.
  - ▷ Owner-occupied residential buildings used for residential purposes shall be permitted to add accessory structures and outdoor amenities consistent with the applicable development standards for the property.

#### 4.4: LAND USE PLAN GOALS AND POLICIES

Goal LU-1. Promote Economic Activity That Creates High Quality Jobs.

Policy LU-1.1. Prioritize the attraction of businesses to the Employment Center/Light Industrial, Transit Village / Mixed Use, and Regional Commercial designations that provide high quality employment opportunities.

Policy LU-1.2. Provide retail, dining, entertainment, and personal service uses to accommodate the needs of residents, employees, commuters, and visitors.

Policy LU-1.3. Encourage unique local retail, restaurant, and service businesses to locate within the Specific Plan area.

Policy LU-1.4. Support the intensification of commercial development, such as infill development on parking lots, in the Regional Commercial designation, provided that parking requirements continue to be met.

Policy LU-1.5. New stand-alone automobile service stations (gas stations) are not permitted within the PA-1 Plan Area. Legal pre-existing service stations within the PA-1 Plan Area may seek expansions and/or modifications through the Conditional Use Permit process.

Goal LU-2. Provide for a Comprehensive Mix of Transit-Supportive Land Uses.

Policy LU-2.1. Encourage land uses at intensities and densities to support future transit improvements and ridership.

Policy LU-2.2. Support multiple-level transit-oriented development in the project area by encouraging a suitably intense mixture of uses.

Policy LU-2.3. Allow for flexibility in the final location of the Transit Station Overlay. The total area within PA-1 allocated for Transit Station uses shall be approximately 13.5 acres, in the northeast corner of the intersection of the Mokelumne Trail and SR 4.

Policy LU-2.4: If a local-serving public school district determines that there is a suitable site for a new school within the PA-1 Specific Plan Area, encourage property owners to work collaboratively with the District to facilitate a land sale for the purposes of building a public school, if feasible.

Policy LU-2.5: Encourage property owners within PA-1 to sell their land to a local school district for the development of a new public school site in Brentwood. If a parcel in PA-1 designated for urban uses (residential or non-residential) is ultimately developed as a public school, then the PA-1 Land Use Map may be revised to ensure no net loss of residential or jobs-generating land use acreage.

Goal LU-3. Develop a Vibrant Mixed-Use, Transit-Oriented Environment by Encouraging Activity Along Streetscapes and in Public Spaces.

Policy LU-3.1. Require activity-generating ground floor uses, such as retail stores, restaurants, and coffee shops, along streets and public spaces, such as plazas, in the Transit Village / Mixed Use designation, and on the ground floor of any parking garages.

Policy LU-3.2. Encourage activity-generating uses at prominent intersections, adjacent to public spaces, and within proximity to the future Transit Station in the Employment Center/Light Industrial and Regional Commercial designations.

Policy LU-3.3. Create urban public spaces, such as plazas and courtyards, in the Transit Village / Mixed Use and residential designations that are bounded by activity-generating uses, such as outdoor dining, retail, seating areas, and/or recreation.

Goal LU-4. Provide a Variety of Housing Types that Meet Residents' Needs, Complement the Surrounding Residential Neighborhoods, and Support the Specific Plan Area's Transit-Oriented Development Pattern.

Policy LU-4.1. Encourage the development of housing for a range of income categories.

Policy LU-4.2. Utilize existing City programs and policies to encourage and facilitate the development of affordable housing within the Specific Plan area.

Policy LU-4.3. A total of 2,041 dwelling units in PA-1 was the upper limit of residential development analyzed in the Final EIR. Additional residential development within PA-1 beyond this level would require further environmental review.

Goal LU-5. Enhance Quality of Life in the Specific Plan Area by Providing Parks, Trails, and Recreational and Cultural Activities.

Policy LU-5.1. Expand the Specific Plan area's system of public spaces, trails, and recreational opportunities.

Policy LU-5.2. Establish a network of Recreational Amenities (RA) consisting of linear parks along streetscapes, trail corridors, and social gathering spaces to enhance the urban environment.

Policy LU-5.3. Meet the 5-acre per 1,000 residents park requirement outlined in the General Plan through a combination of the following:

- a. Providing park land commensurate with park land requirements within residential developments;
- b. Administer park impact fees for developments earmarked to provide park improvements within PA-1;
- c. Collaborate with residential project developers to identify and provide fair share funding for the purchase of a public park.
- d. Coordinate with the local school districts to ensure that any new public school site developed within PA-1 includes joint-use provisions that ensure Brentwood residents can access and utilize open space and parks resources developed in conjunction with a new school site.

Policy LU-5.4. Require new development to provide public open spaces and pedestrian connections to the Specific Plan area's pedestrian network.

Policy LU-5.5. Encourage enhancements to the Mokelumne Trail that connect the trail across State Route 4 and reflect the character of the surrounding development (e.g. urban design through the Transit Village / Mixed Use Designation, suburban design through the residential designations, etc.)

Policy LU-5.6. Encourage development along Sand Creek to interface with and provide a continuous open space network, including passive and active recreational uses, along the waterway.

Policy LU-5.7. Encourage the development of community gardens in the Transit Village / Mixed Use and residential designations.

Policy LU-5.8. Promote youth and cultural activities within the Specific Plan area.

## CHAPTER 4: LAND USE PLAN

This chapter describes the land use plan, [which is](#) the guide for developing and using land within the PA-1 Specific Plan area (Specific Plan area or planning area). The land use plan provides the framework necessary to achieve the mixture of uses that will fulfill the City of Brentwood's vision and priorities for the Specific Plan area. The framework identifies the project area's land use designations and allowed uses. The land use plan comprises the text in this chapter and the land use diagram, which is a map that illustrates the locations of the land use designations in the planning area. This chapter also includes goals and policies necessary to achieve and implement the land use vision for the Specific Plan area.

This chapter is organized into the following sections:

- 4.1. Land Use Plan
- 4.2. Land Use [Classifications](#)[Designations](#)
- 4.3. Allowed Uses
- 4.4. Land Use Plan Goals and Policies

#### 4.1: LAND USE PLAN

The land use plan implements the Specific Plan's vision and goals through the application of ~~the project's six specified~~ land use designations to all properties in the Specific Plan area. The locations of these designations are illustrated in Figure 4.1, Land Use Plan. The land use designations form the basis of the Specific Plan's land use framework. The designations are described in Section 4.2, Land Use ~~Classifications~~Designations. The corresponding allowed use provisions for each designation are listed in Section 4.3, Allowed Uses. Development standards for each land use designation are included in Chapter 6, Private Realm Development.




#### 4.2: LAND USE ~~CLASSIFICATIONS~~DESIGNATIONS

Table 4.1, Land Use Designations, establishes the ~~six~~seven land use designations and one overlay designation that apply within the Specific Plan area. These designations implement both the PA-1 Specific Plan and the City's General Plan vision, policies, and land use classifications for the planning area. The designations replace the application of the City's conventional zoning districts and planned developments in the planning area. See Figure 4.1, Land Use Plan, for specific parcel designations within the project area.

Densities specified in this Specific Plan are expressed in units per gross acre. Gross acreage shall include land dedicated for any public use (including but not limited to streets, schools, parks, fire stations and detention basins). Land set aside for public facilities and for which reimbursement will be received is not to be included in density calculations (i.e. schools and detention basins). The extent to which facilities are provided will help determine the actual number of units per acre that will be allowed.



Table 4.1: Land Use Designations

<p>Employment Center/Light Industrial (ECLI) 0.6 Maximum FAR</p> <p>The Employment Center/Light Industrial designation accommodates a wide range of jobs-generating uses, including business parks; clean light industrial; research and development (R&amp;D); science, technology, engineering, and math (STEM); tech/biotech manufacturing; high-tech services that incorporate some combination of assembly, warehousing, and/or sales, hospitals and other health care-related uses, and professional offices. This designation also allows for a regional destination resort hotel and conference center on approximately 45 acres within PA-1.</p>	
<p>Transit Village (<del>TV</del>)/ Mixed Use (TV / MU) 0.5 - 1.5 FAR 25-40 du/acre</p> <p>The Transit Village / Mixed Use designation provides for an integrated mix of high-intensity uses in the area surrounding the planned transit station, and encourages the development of a high-quality, pedestrian and bicycle friendly mixed-use district that will define the Specific Plan area's core. Allowed uses include professional and medical offices, personal services, retail and restaurants, entertainment- and hospitality-related uses, and upper floor multiple-family residences.</p>	
<p>Regional Commercial (RC) 0.6 Maximum FAR</p> <p>The Regional Commercial designation accommodates retail and service uses that serve the general needs of the community and the region. The designation applies to parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.</p>	

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**Multiple-Family Very-High Density Residential (MFVHDR)**

15-35 du/acre

The ~~Multiple-Family~~ Very-High Density Residential designation supports multiple-family residential development within walking distance to the transit station. The designation is primarily intended to accommodate multiple story condominium and/or apartment buildings.



**High Density Residential (HDR)**

10-20 du/acre

The High Density Residential designation supports residential development at densities and configurations, compatible with the neighborhoods that surround the Specific Plan area, while providing housing within walking distance to the transit station. The designation accommodates a wide variety of housing types, including duplexes, triplexes, townhouses, condominium and/or apartment buildings, and small-lot detached single-family houses.



~~Public Facility (PF)~~

~~The Public Facility designation applies to parcels reserved for government and public agency offices and facilities and public utility facilities. A single parcel within PA 1 is designated as PF, and is the site of a planned future fire station.~~



**Transit Station Overlay (TS)**

The Transit Station overlay applies to the areas associated with the proposed transit station and associated facilities, including a potential bus terminal, rail platform, ticketing areas, customer amenities, access and parking areas, and a pedestrian overcrossing over State Route 4.

The locations of the Transit Station Overlay on the Land Use Map are approximate. The overlay ~~must apply~~ is approximately 13.566 net acres to 20 acres, including at least 5 acres on properties located northeast of the corner of the Mokelumne Trail and State Route 4.

In the event that ultimate development of the Transit Station and associated facilities moves or shifts, the underlying land use designation shall be ECLI.



Recreational Amenity (RA)

The Recreational Amenity (RA) designation includes trail corridors, linear parks, and social spaces. These features can be natural spaces that enhance commercial environments such as Innovation Parkway, Mokelumne Trail, and Sand Creek Trail. Approximately 22.50 acres of public parkland is needed to meet the 5-acre of parks per 1,000 resident standard in the General Plan.



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Figure 4.1- Land Use Plan



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#### 4.3: ALLOWED USES

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Table 4.2, Allowed Uses, establishes land use and corresponding entitlement requirements for the Specific Plan's ~~six~~-seven land use designations and one overlay designation. Allowed use provisions herein are generally consistent with and implement corresponding land use designations in the City's General Plan. Within the Specific Plan area, all land area and structures/facilities therein may only be developed, divided, and/or used for those activities listed in Table 4.2. The table also includes references to Brentwood Municipal Code (BMC) sections and other ordinances that the City uses to regulate development that may impact certain sensitive uses.

Land uses in the table are grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called "use classifications." Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For more information on the purpose, applicability, and the City's definition of use descriptions, refer to Appendix A: Glossary. The following rules apply to use classifications:

- ▷ **Similar Uses.** When a use is not specifically listed in Table 4.2, it shall be understood that the use may be permitted or conditionally permitted if the City of Brentwood Community Development Director determines that the use is substantially similar to a use listed in Table 4.2. Residential uses are not similar to and will not be permitted in any designation where such uses are not explicitly permitted in Table 4.2 below. It is further recognized that every conceivable use cannot be identified in Table 4.2. Anticipating that new uses will evolve over time, the Community Development Director may make a formal similar use determination (in writing) based on the proposed use's impacts and its compatibility with uses allowed in the given district.
- ▷ **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any land use designation within the planning area.

Use regulations in Table 4.2 are shown using the following symbols:

- ▷ P – land use permitted by right
- ▷ C – land use allowed with the approval of a conditional use permit. For the City's conditional use permit requirements and process, refer to BMC Chapter 17.830.
- ▷ -- land use not allowed



Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
<b>Residential Use Listings</b>									
Dwelling – Accessory	-	P	-	P	P	-	-	-	
Dwelling – Multiple-Family	-	P	-	P	P	-	-	-	
Dwelling – Single-Family	-	-	-	-	P	-	-	-	
Home Occupation	-	P	-	P	P	-	-	-	BMC Chapter 17.840
Live-Work Unit	-	P	-	-	-	-	-	-	
Supportive Housing	-	P	-	P	P	-	-	-	
Transitional Housing	-	P	-	P	P	-	-	-	
<b>Human Services Use Listings</b>									
Day Care Center, Adults	C	C	-	C	C	-	-	-	Subject to compliance with State law
Day Care Center, Children	C	C	-	C	C	-	-	-	Subject to compliance with State law, including Health & Safety Code § 1597.45(a)
Medical Services – Ambulance Service	C	-	-	-	-	-	-	-	
Medical Services – Extended Care	P	-	-	P	P	-	-	-	
Medical Services – General	P	P	P	-	-	-	-	-	
Medical Services – Hospital	C	-	-	-	-	-	-	-	
Residential Care Facility, Small	-	<del>P</del>	<del>P</del>	-	<del>P</del>	-	-	-	
Residential Care Facility, Large	-	<del>C</del>	<del>C</del>	-	<del>C</del>	-	-	-	
<b>Urban Agriculture and Animal-Related Use Listings</b>									
Community Garden	-	<del>C</del>	<del>C</del>	C	C	-	C	-	
Domestic Animal Keeping	-	P	-	P	P	-	-	-	BMC Chapter 17.670
Kennel	-	-	C	-	-	-	-	-	
Market Garden	P	P	P	-	-	-	-	-	
Private Garden	-	P	P	P	P	-	-	-	
Urban Agriculture Stand	-	P	P	-	-	C	-	-	
Veterinary Clinic (Without Kennel)	-	<del>C</del>	<del>C</del>	-	-	-	-	-	
<b>Institutional Use Listings</b>									
College Campus	C	C	C	-	-	-	-	-	
Farmers’ Market	<del>P</del>	P	-	-	-	C	-	-	



Table 4.2: Allowed Uses

	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Indoor Fitness and Sports Facility	C	P	P	-	-	-	-	-	
Indoor Recreational/ Entertainment Facilities	C	P	P	-	-	-	-	-	
Outdoor Recreation/Entertainment Facilities	C	C	C	C	C	C	C	-	
Parks and Plazas	P	P	P	P	P	P	P	P	
Private Educational Facilities	C	C	C	-	-	-	-	-	
Public-School Facilities	P	C	C	C	C	C	-	-	
Public Safety Facilities	C	C	C	C	C	-	P	C	
Religious Institutions	-	-	-	E	E	-	-	-	
Social, Fraternal, and Recreational Clubs	-	-	-	C	C	-	-	-	
<b>Utility, Transportation, and Communication Use Listings</b>									
Broadcasting and Recording Studio	P	P	-	-	-	-	-	-	
Bus and Transit Shelter	P	P	P	P	P	-	P	P	
Park and Ride Facility	P	P	C	-	-	-	-	P	
Parking Facility	P	P	P	P	-	-	-	P	
Transit Facility	P	C	C	C	C	-	C	P	
Utility Facilities and Infrastructure	C	C	C	C	C	-	C	C	
Wireless Telecommunication Facility	C	C	C	C	C	-	C	C	BMC Chapter 17.795
<b>Commercial Use Listings</b>									
Adult Oriented Business	-	-	-	-	-	-	-	-	
Animal Sales and Grooming	-	P	P	-	-	-	-	-	
Business Support Services	P	P	P	-	-	-	-	-	
Call Center	P	-	-	-	-	-	-	-	
Card and Gaming Room	E	E	-	-	-	-	-	-	
Check Cashing Business	-	-	-	-	-	-	-	-	
Commercial Lodging – Hotels and Motels	EP	EP	EP	-	-	-	-	-	
Commercial Lodging – Hotels and Motels, Extended Stay	EP	EP	EP	-	-	-	-	-	
Commercial Lodging – Short-Term Rentals	-	E	-	E	E	-	-	-	
Drive-In and Drive-Thru Facilities	C	C	C	-	-	-	-	-	
Eating and Drinking Establishments – Bars and Nightclubs	C	C	C	-	-	-	-	-	

Table 4.2: Allowed Uses									
	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Eating and Drinking Establishments – Restaurant	P	P	P	-	-	-	-	-	
Eating and Drinking Establishments – Tasting Room, Off-site	C	C	C	-	-	-	-	-	
Financial Institutions	P	P	P	-	-	-	-	-	
Food and Beverage Stores – Convenience Store	<del>PC</del>	<del>PC</del>	<del>PC</del>	-	-	-	-	C	
Food and Beverage Stores – Grocery Store	-	C	P	-	-	-	-	-	
Food and Beverage Stores – Liquor Store	-	<del>P</del>	<del>P</del>	-	-	-	-	-	
Food and Beverage Stores – Neighborhood Market	-	<del>PC</del>	<del>PC</del>	-	-	-	-	-	
Garden Centers and Retail/Wholesale Nurseries	-	-	P	-	-	-	-	-	
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	-	
Offices – Accessory	P	P	P	P	P	-	P	P	
Offices – Building Trade Contractors	P	-	-	-	-	-	-	-	
Offices – Business and Professional	P	P	P	-	-	-	-	-	
Personal Services	-	P	P	-	-	-	-	-	
Retail – Accessory	P	P	P	-	-	-	-	C	
Retail – General	C	P	P	-	-	-	-	-	
Retail – General, Large Format	<del>C</del>	C	<del>CP</del>	-	-	-	-	-	BMC Chapter 17.750
Specialized Retail – Artisan Shop	P	P	P	-	-	-	-	-	
Specialized Retail – Building Materials Stores and Yards	-	-	P	-	-	-	-	-	
Specialized Retail – Equipment Sales and Rentals	-	-	C	-	-	-	-	-	
Specialized Retail – Furniture, Furnishings, and Appliance Stores	-	P	P	-	-	-	-	-	
Specialized Retail – Smoke Shop	-	<del>E</del>	<del>E</del>	-	-	-	-	-	
Tattoo Parlors	-	<del>E</del>	<del>E</del>	-	-	-	-	-	
<b>Automobile-Related Use Listings</b>									
Auto and Vehicle Sales Showroom	<del>C</del>	-	<del>C</del>	-	-	-	-	-	
Auto Parts Sales	-	-	P	-	-	-	-	-	
Car Washing and Detailing	-	-	<del>E</del>	-	-	-	-	-	

Table 4.2: Allowed Uses

	ECLI	TV/MU	RC	MFVHDR	HDR	RA	PF	TS	Additional Regulations
Ride Share Services	C	C	-	-	-	-	-	-	
Service Station, Stand Alone	-	-	<del>P</del>	-	-	-	-	-	
Service Station, Accessory to General - Large Format Retailer	-	-	C	-	-	-	-	-	
Vehicle Services, Major	-	-	-	-	-	-	-	-	
Vehicle Services, Minor	<del>C</del>	-	P	-	-	-	-	-	
<b>Industrial, Manufacturing, and Processing Use Listings</b>									
Agricultural Products Processing	C	-	-	-	-	-	-	-	
Artisanal and Specialty Manufacture, Display, and Sales	C	C	C	-	-	-	-	-	
Breweries, Distilleries, and Wineries	C	-	-	-	-	-	-	-	
Freight Yard/Truck Terminal	<del>P</del>	-	-	-	-	-	-	-	
Manufacturing – Major	C	-	-	-	-	-	-	-	
Manufacturing – Minor	P	-	-	-	-	-	-	-	
Manufacturing – Small Scale	P	-	-	-	-	-	-	-	
Printing and Publishing	P	-	-	-	-	-	-	-	
Recycling Facility – Collection	<del>P</del>	-	-	-	-	-	-	-	
Research and Development	P	C	-	-	-	-	-	-	
Storage – Warehouse	<del>P</del>	-	-	-	-	-	-	-	
Storage – Yard	-	-	-	-	-	-	-	-	
Wholesale and Distribution	<del>P</del>	-	-	-	-	-	-	-	
<b>Accessory Uses</b>									
Accessory Facilities or Buildings	-	-	-	P	P	-	-	-	BMC Chapter 17.660
<b>Temporary Uses</b>									
See BMC Section 17.850									
<b>Signs</b>									
See BMC Section 17.640									

4.4: LEGAL NONCONFORMING STATUS

The following requirements apply to legal nonconforming land uses, buildings, and structures.

Land Uses

1. A legal nonconforming land use is one that was permitted within the zone in which it was located at the time it was established, but became disallowed upon the adoption of the PA-1 Specific Plan. Notwithstanding any other language in the Municipal Code to the contrary, sSuch use may continue as long as it does so in accordance with these provisions and without any interruption lasting more than one year. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms both the legal nonconforming status of a land use and the duration of any interruption in that land use. Legal nonconforming uses include development projects that were approved prior to adoption of the PA-1 Specific Plan, have not yet been constructed, have been subject to substantial investment, and retain their approval status.
2. Except as provided herein, a legal nonconforming land use shall not be changed to or replaced by any other use except a conforming one. A legal nonconforming land use may, however, be changed to or replaced by another similar use when all of the following criteria are met:
  - ▷ The change or replacement does not increase the extent or intensity of the nonconformity within the site area occupied by the nonconforming use on the site.
  - ▷ The building or portion of a building, presently occupied by the legal nonconforming land use, is not reasonably capable of conversion to accommodate use and occupancy by a conforming use, without substantial reconstruction or remodeling as determined by the Chief Building Official.
  - ▷ All proper building permits are obtained.

A subsequent purchaser cannot replace a nonconforming use established or operated by a prior owner with a new nonconforming use similar in nature.
3. Any legal nonconforming use of a site that is vacant for a period of one year or longer, or is discontinued or otherwise ceases operation and use of the site for a period of one year or longer, shall not be resumed, reestablished, continued or substituted, and all subsequent use of such site shall conform to the requirements of the PA-1 Specific Plan. A one-time six-month extension to the one-year use period may be granted by the Community Development Director if requested in writing. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community

Development Director that confirms the period of vacancy or discontinuance of a legal nonconforming land use.

4. A legal nonconforming land use that occupies a portion of a building may be expanded to include additional floor area within the same building provided that all proper building permits are obtained. Prior to any expansion within the same building, however, the property owner shall demonstrate to the satisfaction of the Chief Building Official that without substantial remodeling or reconstruction, the portion of the building into which expansion is proposed may not reasonably be used or occupied by a conforming use. The Chief Building Official shall consider whether any required remodeling or reconstruction would involve structural alterations prior to allowing expansion of a legal nonconforming land use. A legal nonconforming use can also be expanded in accordance with Buildings and Structures section below.
5. A legal nonconforming land use that is changed to or replaced by a conforming use shall not be reestablished.

#### Buildings and Structures

1. Normal and routine maintenance of any existing building or structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, or complying with health and safety requirements, shall be permitted and encouraged.
2. Exterior improvements and renovations and/or structural additions to legal nonconforming buildings or structures that increase the size or scale of nonconforming conditions are not permitted, except as specified below:
  - ▷ One-time minor additions involving a maximum of 25% of the gross floor area or 500 total square feet, whichever is less.
  - ▷ Significant exterior alterations or changes in the exterior façade or architectural design consistent with the applicable City-adopted design guidelines.
  - ▷ Owner-occupied residential buildings used for residential purposes shall be permitted to add accessory structures and outdoor amenities consistent with the applicable development standards for the property.

#### 4.4: LAND USE PLAN GOALS AND POLICIES

Goal LU-1. Promote Economic Activity That Creates High Quality Jobs.

Policy LU-1.1. Prioritize the attraction of businesses to the Employment Center/Light Industrial, Transit Village / Mixed Use, and Regional Commercial designations that provide high quality employment opportunities.

Policy LU-1.2. Provide retail, dining, entertainment, and personal service uses to accommodate the needs of residents, employees, commuters, and visitors.

Policy LU-1.3. Encourage unique local retail, restaurant, and service businesses to locate within the Specific Plan area.

Policy LU-1.4. Support the intensification of commercial development, such as infill development on parking lots, in the Regional Commercial designation, provided that parking requirements continue to be met.

Policy LU-1.5. New stand-alone automobile service stations (gas stations) are not permitted within the PA-1 Plan Area. Legal pre-existing service stations within the PA-1 Plan Area may seek expansions and/or modifications through the Conditional Use Permit process.

~~Policy LU 1.5. Allow the development and operation of a regional destination resort hotel and conference center on approximately 45 acres of land designated ECLI within PA 1.~~

Goal LU-2. Provide for a Comprehensive Mix of Transit-Supportive Land Uses.

Policy LU-2.1. Encourage land uses at intensities and densities to support future transit improvements and ridership.

Policy LU-2.2. Support multiple-level transit-oriented development in the project area by encouraging a suitably intense mixture of uses.

Policy LU-2.3. Allow for flexibility in the final location of the Transit Station Overlay. The total area within PA-1 allocated for Transit Station uses shall be approximately ~~20 acres~~ 13.5 acres, ~~consisting of approximately 10 acres on both the west and east sides of SR 4, in the northeast corner of very close proximity to~~ the intersection of the ~~Mokeylumne~~ Mokolumne Trail and SR 4.

Policy LU-2.4: If a local-serving public school district determines that there is a suitable site for a new school within the PA-1 Specific Plan Area, encourage property owners to work collaboratively with the District to facilitate a land sale for the purposes of building a public school, if feasible.

Policy LU-2.5: Encourage property owners within PA-1 to sell their land to a local school district for the development of a new public school site in Brentwood. If a parcel in PA-1 designated for urban uses (residential or non-residential) is ultimately developed as a public school, then the PA-1

Land Use Map may be revised to ensure no net loss of residential or jobs-generating land use acreage.

Goal LU-3. Develop a Vibrant Mixed-Use, Transit-Oriented Environment by Encouraging Activity Along Streetscapes and in Public Spaces.

Policy LU-3.1. Require activity-generating ground floor uses, such as retail stores, restaurants, and coffee shops, along streets and public spaces, such as plazas, in the Transit Village / Mixed Use designation, and on the ground floor of any parking garages.

Policy LU-3.2. Encourage activity-generating uses at prominent intersections, adjacent to public spaces, and within proximity to the future Transit Station in the Employment Center/Light Industrial and Regional Commercial designations.

Policy LU-3.3. Create urban public spaces, such as plazas and courtyards, in the Transit Village / Mixed Use and residential designations that are bounded by activity-generating uses, such as outdoor dining, retail, seating areas, and/or recreation.

Goal LU-4. Provide a Variety of Housing Types that Meet Residents' Needs, Complement the Surrounding Residential Neighborhoods, and Support the Specific Plan Area's Transit-Oriented Development Pattern.

Policy LU-4.1. Encourage the development of housing for a range of income categories.

Policy LU-4.2. Utilize existing City programs and policies to encourage and facilitate the development of affordable housing within the Specific Plan area.

Policy LU-4.3. A total of 2,041 dwelling units in PA-1 was the upper limit of residential development analyzed in the Final EIR. Additional residential development within PA-1 beyond this level would require further environmental review.

Goal LU-5. Enhance Quality of Life in the Specific Plan Area by Providing Parks, Trails, and Recreational and Cultural Activities.

Policy LU-5.1. Expand the Specific Plan area's system of public spaces, trails, and recreational opportunities.



Policy LU-5.2. Establish a network of Recreational Amenities (RA) consisting of linear parks along streetscapes, trail corridors, and social gathering spaces to enhance the urban environment.

Policy LU-5.3. Meet the 5-acre per 1,000 residents park requirement outlined in the General Plan through a combination of the following:

- a. Providing park land commensurate with park land requirements within residential developments;
- b. Administer park impact fees for developments earmarked to provide park improvements within PA-1;
- c. Collaborate with residential project developers to identify and provide fair share funding for the purchase of a public park.
- d. Coordinate with the local school districts to ensure that any new public school site developed within PA-1 includes joint-use provisions that ensure Brentwood residents can access and utilize open space and parks resources developed in conjunction with a new school site.

Policy LU-5.24. Require new development to provide public open spaces and pedestrian connections to the Specific Plan area's pedestrian network.

Policy LU-5.35. Encourage enhancements to the Mokelumne Trail that connect the trail across State Route 4 and reflect the character of the surrounding development (e.g. urban design through the Transit Village / Mixed Use Designation, suburban design through the residential designations, etc.)

Policy LU-5.6. Encourage development along Sand Creek to interface with and provide a continuous open space network, including passive and active recreational uses, along the waterway.

Policy LU-5.57. Encourage the development of community gardens in the Transit Village / Mixed Use and residential designations.

Policy LU-5.78. Promote youth and cultural activities within the Specific Plan area.

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## USE DEFINITIONS

### RESIDENTIAL USE LISTINGS

**Dwelling – Accessory** or “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the California [Health and Safety Code](#); and
- b. A manufactured home, as defined in Section 18007 of the California [Health and Safety Code](#).

The definition of an accessory dwelling unit is established by Brentwood Municipal Code (BMC) Section 17.100.005. In the event that BMC Section 17.100.005 is updated or revised, that revised language shall govern and dictate the definition of accessory dwelling unit.

**Dwelling – Multiple-Family** means a building or portion thereof designed for and/or used exclusively for residence purposes by two or more households living independently of one another to include the terms duplex, triplex, fourplex, apartment, and condominium.

**Dwelling – Single-Family** means an attached or detached building designed for and/or used exclusively for residence purposes by one household.

**Home Occupation** means a commercial or other activity conducted in a home by the resident thereof which activity is clearly incidental and secondary to the use of the home as a residence and which exhibits no external evidence of the activity and will not change the residential character of the dwelling.

**Live-Work Unit** means a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**Supportive Housing** means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same designation. Examples of supportive housing include single site apartment buildings and/or townhouses owned by nonprofit landlords, subsidized units within market rate apartment complexes, and apartments leased from private landlords using a rental subsidy.

**Transitional Housing** means temporary housing for the certain segments of the homeless population, including working homeless making insufficient wages who have trouble affording long-term housing, and

is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

#### HUMAN SERVICES USE LISTINGS

**Day Care Center, Adults** means a facility of any capacity that provides care and other services in a group setting to adults during a portion of the day.

**Day Care Center, Children** means a facility of any capacity that provides care and other services in a group setting during a portion of the day for children and licensed as such by the state of California.

**Helipad** means a landing area or platform for helicopters and powered lift aircraft. While helicopters and powered lift aircraft are able to operate on a variety of relatively flat surfaces, a fabricated helipad provides a clearly marked hard surface away from obstacles where such aircraft can land safely.

**Medical Services – Ambulance Service** means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Medical Services – Extended Care** means residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential Care Facility, Large or Small.”

**Medical Services – General** means facilities primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “Offices – Business or Professional.”

**Medical Services – Hospitals** means hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of “Retail – Accessory”), and emergency heliports.

**Residential Care Facility – Large** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical Services – Extended Care.”

**Residential Care Facility – Small** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.

Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services – Extended Care.”

#### URBAN AGRICULTURE AND ANIMAL-RELATED USE LISTINGS

**Community Garden** means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.

**Domestic Animal Keeping** - See BMC 17.670 et seq.

**Kennel** means a facility that provides boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities.

**Market Garden** means the cultivation of fruits, vegetables, flowers, fiber, nuts, seeds in an urban location (unlike traditional agricultural uses that occur in rural areas) that involves the sale or donation of its produce to the public.

**Private Garden** means a private food-producing garden located in the front, side, or rear yard, courtyard, balcony, fence, wall, window sill or basement that is accessory to the primary use of a site. This definition does not include incidental fruit and vegetable plants as part of an ornamental garden for individual, rather than resale, use.

**Urban Agriculture Stand** means a temporary produce stand that is accessory to a Market Garden.

**Veterinary Clinic** means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming of animals is allowed only if accessory to the facility use.

#### INSTITUTIONAL USE LISTINGS

**Churches and Religious Institutions** means facilities operated by religious organizations for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

**College Campus** means any public or privately-owned college or university, including medical schools, law schools, and other institution of higher education, including dorms, offices, facility maintenance yards, and similar supportive functions pursuant to the California Education Code.

**Conference Center** means an assembly facility within a structure which is devoted exclusively to public assembly for the purpose of meetings and conferences where such a facility can be subdivided into multi conference or meeting areas.

**Cultural Institutions** means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

**Farmers’ Market** means a periodic or weekly event where fresh produce, flowers, crafts, and other items are sold by independent vendors. Typically held outside.

**Indoor Fitness and Sports Facility** means predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.).

**Indoor Recreational/Entertainment Facilities** means establishments providing indoor amusement, entertainment, and recreation for a fee or admission charge (e.g., ball rooms and dance halls, billiard parlors, bowling alleys, and electronic game arcades).

**Outdoor Recreation/Entertainment Facilities** means facilities for various outdoor participant sports and types of recreation that charge a fee or admission charge (e.g., amphitheatres, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

**Parks and Plazas** means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of “Outdoor Recreation/Entertainment Facilities.”

**Private Educational Facilities** means any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public School Facilities** means any publicly owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public Safety Facilities** means a facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

**Social, Fraternal, and Recreational Clubs** means an establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

**Theaters and Auditoriums** means indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for “live” theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see “Outdoor Recreation/Entertainment Facilities.”

#### UTILITY, TRANSPORTATION, AND COMMUNICATION USE LISTINGS

**Broadcasting and Recording Studio** means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunication facility.”

**Bus and Transit Shelter** means a small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

**Park and Ride Facility** means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

**Parking Facility** means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

**Transit Facility** means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

**Utility Facilities and Infrastructure** includes the following:

1. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in "Offices - Accessory") or equipment and material storage yards.
2. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

**Wireless Telecommunication Facility** means the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

#### COMMERCIAL USE LISTINGS

**Adult Oriented Business** means any business establishment or concern which, as a regular and substantial course of conduct, operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which, as a regular and substantial course of conduct, sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which, as a regular and substantial course of conduct, offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. "Adult-oriented business" does not include those uses or activities, the regulation of which is preempted by state law.

**Animal Sales and Grooming** means retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of 72 hours, conducted entirely within an enclosed building with no outdoor use.

**Business Support Services** means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair; see “Vehicle services”);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as “Printing and publishing”);
5. Equipment rental businesses within buildings (rental yards are “storage yards”);
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

**Call Center** means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

**Card and Gaming Room** means a gambling establishment that offer card games for play by the public.

**Check Cashing Business** means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, title cashing, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “Financial Institutions”).

**Commercial Lodging – Bed and Breakfast Inn** means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “Hotels and motels.”

**Commercial Lodging – Hotels and Motels** means facilities with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Hotels and Motels, Extended Stay** means facilities with guest rooms or suites, provided with kitchen facilities, rented to the general public for transient lodging (less than 30 days) or for longer periods of time. Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels are prohibited and provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.



**Commercial Lodging – Short-Term Rentals** means any lodging unit that is occupied or intended or designed to be occupied on a short-term basis other than a hotel, motel, or bed-and-breakfast inn.

**Drive-In and Drive-Thru Facilities** means facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy products, photo stores, etc.

**Eating and Drinking Establishments – Bars and Nightclubs** means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars and nightclubs may include outdoor food and beverage areas.

**Eating and Drinking Establishments – Restaurant** means a retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. May include the subordinate sale of alcoholic beverages for on-premises consumption. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

**Eating and Drinking Establishments – Off-Site Tasting Room** means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Pre-packaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Tasting rooms must comply with the retail hours of operation of 10:00 a.m. to 10:00 p.m. On-site tasting rooms are included as an accessory use in “Artisanal and specialty manufacture, display and sales” or “Brewery, Distillery, Winery.” Any facilities not operating with these standards are considered “Eat and Drinking Establishments – Bars and Nightclubs.”

**Financial Institutions** means banks, savings and loans, and similar businesses which offer a wide range of services including the deposit and withdrawal of money, loans, and other financial transactions. Check cashing services, pawnshops, automatic teller machines and other similar uses which conduct limited types of financial transactions are not defined as financial institutions.

**Food and Beverage Stores – Convenience Store** means easy-access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see “Food and Beverage Stores – Neighborhood Market” and “Food and Beverage Stores – Grocery Store” for larger stores or stores oriented toward the daily shopping needs of residents.

**Food and Beverage Stores – Grocery Store** means a retail business of more than 15,000 square feet in size, where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listings for “Food and Beverage Store – Neighborhood market” and “Food and Beverage – Convenience store.”

**Food and Beverage Stores – Liquor Store** means a retail establishment which has fifty (50%) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

**Food and Beverage Stores – Neighborhood Market** means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than 5,000 square feet and less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Food and Beverage Store – Grocery Store.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

**Garden Centers and Retail/Wholesale Nurseries** means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

**Mortuaries and Funeral Homes** means funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

**Offices - Accessory** means offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or leasable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

**Offices - Building Trade Contractors** means the business offices of a contractor whose principal business is in connection with any structure built, being built, or to be built (general contractors, etc.).

**Offices - Business and Professional** means offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “Medical Services – General”) or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Offices – Accessory”). Outdoor storage of materials is prohibited.

**Personal Services** means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

**Retail – Accessory** means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site.

**Retail – General** means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and

sewing supplies, florists and houseplant stores (indoor sales only; outdoor sales are plant nurseries and included in the definition of “Garden Centers and Retail/Wholesale Nurseries”), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

**Retail – General, Large Format** means stores that are one hundred fifty thousand (150,000) square feet or larger with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods.

**Specialized Retail – Artisan Shop** means retail stores selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Specialized Retail – Building Material Stores and Yards** means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesale and Distribution.” Hardware stores are listed in the definition of “Retail – General,” even if they sell some building materials. Also see “Home improvement supplies” for smaller specialty stores.

**Specialized Retail – Consignment Store** means an exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

**Specialized Retail – Equipment Sales and Rentals** means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

**Specialized Retail – Furniture, Furnishings, and Appliance Stores** means stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, lawn furniture, moveable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

**Specialized Retail – Pawn Shop** means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

**Specialized Retail – Smoke Shop** means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where 15 percent or more of the total floor or shelf area is devoted to selling tobacco products. Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition. Smoking shall be prohibited within all smoke shops, unless the establishment has been formally permitted to operate a private smokers’ lounge under applicable state and local laws.

**Specialized Retail – Thrift Store** means a retail establishment selling secondhand goods donated by members of the public.

**Tattoo Parlor** means an establishment that engages in the business of tattooing and/or branding human beings.

#### AUTOMOBILE-RELATED USE LISTINGS

**Auto and Vehicle Sales Showroom** means retail establishments offering auto and vehicle showroom services in an indoor setting. May also include minor repair shops and the sales of parts and accessories, incidental to vehicle showroom. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see “Auto Parts Sales”), bicycle and moped sales (see “Retail – General”), tire recapping establishments (see “Vehicle Services – Major”), or “Service Station,” all of which are separately defined.

**Auto Parts Sales** means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see “Vehicle services – Minor”). Does not include tire recapping establishments, which are found under “Vehicle services – major” or businesses dealing exclusively in used parts.

**Car Washing and Detailing** means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

**Ride Share Services** means a company or service that, via websites and mobile apps, matches passengers with drivers of private vehicles for hire that, unlike taxicabs, cannot legally be hailed from the street. This may also be referred to as a transportation network company (TNC) or ride-hailing service. Common examples include, but are not limited to, Uber and Lyft.

**Service Station- Stand Alone** means a retail business selling gasoline or other motor vehicle fuels as the primary onsite activity, and not attached to or otherwise part of a large-format retail establishment. Vehicle services which are incidental to fuel services are included under “Vehicle services – Minor.”

**Service Station- Accessory to General - Large Format Retailer** means a retail business selling gasoline or other motor vehicle fuels as a secondary operation at a business whose primary operations include large format retail sales. For the purposes of this definition, Large Format Retail means stores that are fifty thousand (50,000) square feet or larger.

**Vehicle Services – Major** means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

**Vehicle Services – Minor** means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site or automobile dismantling yards.

#### INDUSTRIAL, MANUFACTURING, AND PROCESSING USE LISTINGS

**Agricultural Products Processing** means the act of changing an agricultural crop, subsequent to its harvest, from its natural state to the initial stage of processing of that crop in order to prepare it for market or further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean

cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

**Artisanal and Specialty Manufacture, Display, and Sales** means the manufacture, display, and sales of specialty food and goods requiring the transformation of raw materials into products that may be edible, useful, or decorative. Outdoor display, sales and consumption on premises may be included subject to zoning and accessibility requirements, and any other state or local regulations such as, but not limited to, the California Uniform Food Facilities Law (CURFFL). This listing includes craft breweries, small scale winery production facilities, and craft distilleries. Such facilities manufacture alcoholic beverages with an annual production of less than 15,000 barrels of beer or 15,000 gallons of wine or spirits respectively. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control (ABC). All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also “Tasting room, off-site.”

**Breweries, Distilleries, and Wineries** means a facility where specific alcoholic beverages are manufactured, with an annual production of 15,000 barrels or more of beer or 15,000 gallons or more of wine or spirits. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits.

**Freight Yard/Truck Terminal** means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, and trucking facilities including transfer and storage.

**Manufacturing – Major** means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.

**Manufacturing – Minor** means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to cabinetry and furniture manufacturing, food and beverage manufacturing,

machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly.

**Manufacturing – Small Scale** means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Printing and Publishing** means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing which are included in “Business Support Services.”

**Recycling Facility – Collection** means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.

**Research and Development** means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – General”). Does not include medical or recreational marijuana (cannabis) research facilities.

**Storage – Warehouse** means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage, Self-Service (Personal)”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesale and Distribution”).

**Storage – Yard** means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

**Wholesale and Distribution** means a building or premises in which the primary purpose is to store, receive, ship, or wholesale goods, merchandise or equipment for eventual distribution and may include office and maintenance areas. A warehouse or distribution center includes 3 or more loading bays, or is expected to have more than 150 truck trips per day. For the purpose of these Guidelines, a warehouse and distribution center is not intended to include warehouse stores that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or lease to the general public. Wholesale and distribution may also be known as “Fulfillment and/or Logistics.”



## GENERAL DEFINITIONS

**Bike Box** refers to a designated area at the head of a traffic lane at a signalized intersection that provides bicyclists with a safe and visible way to get ahead of queuing traffic during the red signal phase.

**Bike Share Program** refers to a service that provides users with the ability to pick up a bicycle at any self-serve bike-station, typically for a rental fee, and return it to any other bike station located within the system's service area. Bike share programs differ from traditional bicycle rental services in that they are typically used for short, spontaneous trips that are often combined with other transportation modes (e.g. transit).

**Bollard** refers to a sturdy, short, vertical post that is installed, typically in combination with other bollards, to define pedestrian spaces and control road traffic.

**Bulbout** refers to a raised curb extension that narrow the travel lane at intersections or midblock locations and reduces the curb radii at intersections. The device increases pedestrian safety and comfort by reducing the street crossing distance and vehicle speeds, and by making pedestrians approaching street crossing more visible to drivers.

**Building Frontage** refers to the requirement that some portion of a project's primary building's (or buildings') front and street side yard facades be placed along the corresponding property lines to ensure that the building(s) frame the adjoining street and/or pedestrian spaces, creating a pedestrian-scaled urban form.

**Building Separation** refers to the separation of multiple buildings on a single parcel to achieve pedestrian-scaled streets (paseos) and public spaces on larger parcels that feature consolidated development.

**Building Height** is measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade. Building heights convey the intensity and scale of structures and impact the feeling of enclosure within the streetscape.

**Chicanes** refers to a series of curb extensions, typically landscaped, that alternate from one side of the street to the other, forming S-shaped curves that require vehicles to slow down.

**Circulation System, Conceptual** refers to the roadways that will be constructed by private development to provide motorists, bicyclists, and pedestrians with access from the primary circulation system's roadways and the existing roadways that boarder the Specific Plan area to individual parcels and sites. It is anticipated that the system will be constructed incrementally overtime as development occurs.

**Circulation System, Primary** refers to the arterial- and collector-level roadways that will be constructed by the City to provide motorists, bicyclists, and pedestrians with access into greenfield portions of the Specific Plan area.

**Dark Sky** is the practice of limiting night-time lighting, or light pollution, to make stars more visible at night, reduce the effects of unnatural lighting on the environment, and cut down on energy usage.

**Density** refers to the intensity of residential development. It is obtained by dividing the number of dwelling units on a parcel or within a project by the gross acreage.

**Encroachment** is where a portion of a building extends beyond the required setbacks. Encroachments can occur within and in some cases in the public right-of-way beyond a parcel's property lines.



**Energy Dissipater** refers to a device that is designed to protect downstream areas from erosion by reducing the velocity of flow to acceptable limits.

**Fenestration** refers to the arrangement of openings, comprising of doors and windows, on the walls of a building.

**Floor Area Ratio (FAR)** refers to the intensity of non-residential development. FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot. FAR is usually expressed as a decimal fraction (for example, 0.5 or 2.0).

**Ground Floor Façade Transparency** refers to the arrangement of fenestration on ground floor building elevations facing streets and public spaces, expressed as a percentage of the elevation's area, to achieve a "storefront" design that provides visual access through the building and activates the surrounding streetscape.

**Ground Floor Tenant Depth** refers to the tenant space depth required to achieve desirable retail, restaurant, and commercial spaces that support vertical mixed-use development. The standard is measured as the horizontal distance from the front of the space, usually coinciding with an elevation that faces a street or public space, to the rear of the space.

**Infrastructure System, Conceptual** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the conceptual circulation system's roadway rights-of-way.

**Infrastructure System, Primary** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the primary circulation system's roadway rights-of-way.

**Intelligent Transportation System (ITS)** refers to an advanced application which, without embodying intelligence as such, aims to provide innovative services relating to different modes of transport and traffic management and enable various users to be better informed and make safer, more coordinated, and 'smarter' use of transport networks.

**Low Impact Development** refers to site planning and design that manages stormwater runoff as part of green infrastructure.

**Modified Grid System:** A layout of streets that are curved slightly to produce the illusion of varied setbacks while maintaining the integrated grid pattern. This form of street layout also narrows the line-of-sight for drivers and encourages them to slow down.

**Parklet** refers to a sidewalk extension that provides more space and amenities for people using the street. Usually parklets are installed on parking lanes and use several parking spaces. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space.

**Passive Ventilation** is a natural ventilation system that makes use of natural forces, such as wind and thermal buoyancy, to circulate air to and from indoor spaces

**Pedestrian Scale** refers to the use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional

to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

**Projections** refer to portion of a building that may extend above the maximum building height.

**Setback** refer to the mandatory distance from the property line that the wall of a building must be constructed. Setbacks directly impact the character and activity along the adjacent sidewalk. A consistent front setback is desirable in pedestrian-oriented environments. Rear and side setbacks vary according to land use district.

**Solar Orientation** refers to siting and orientation of a building and the positioning of its windows, rooflines, and other architectural elements to take advantage of passive and active solar strategies. Passive solar strategies use energy from the sun to heat and illuminate buildings. Building orientation and building materials also facilitate temperature moderation and natural daylighting. Active solar systems use solar collectors and additional electricity to power pumps or fans to distribute the sun's energy.

**Stepback** refers to the receding of a building's upper story facades from its lower story facades. The concept reduces the perceived height of multiple story buildings, creating a more intimate, pedestrian-scaled development pattern, provides opportunities for balconies, and limits the presence of wind corridors.

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USE DEFINITIONS

RESIDENTIAL USE LISTINGS

**Dwelling – Accessory** ~~means or~~ “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and
- b. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

~~an additional dwelling unit constructed or adapted within, onto or detached from an existing dwelling unit on a single family residential lot. A secondary housing unit must have complete independent living facilities for living, sleeping, eating, cooking and sanitation, and be developed in accordance with The definition of an accessory dwelling unit is established by Brentwood Municipal Code (BMC) Section 17.100.005. In the event that BMC Section 17.100.005 is updated or revised, that revised language shall govern and dictate the definition of accessory dwelling unit.~~

**Dwelling – Multiple-Family** means a building or portion thereof designed for and/or used exclusively for residence purposes by two or more ~~families~~ households living independently of one another to include the terms duplex, triplex, fourplex, apartment, and condominium.

**Dwelling – Single-Family** means an attached or detached building designed for and/or used exclusively for residence purposes by one ~~family~~ household.

**Home Occupation** means a commercial or other activity conducted in a home by the resident thereof which activity is clearly incidental and secondary to the use of the home as a residence and which exhibits no external evidence of the activity and will not change the residential character of the dwelling.

**Live-Work Unit** means a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner’s employee, and that person’s household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**Supportive Housing** means housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving ~~his or her~~ their health status, and maximizing ~~his or her~~ their ability to live and, when possible, work in the community. Supportive housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same designation. Examples of supportive housing include single site apartment buildings and/or townhouses owned by nonprofit landlords, subsidized units within market rate apartment complexes, and apartments leased from private landlords using a rental subsidy.

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**Transitional Housing** means temporary housing for the certain segments of the homeless population, including working homeless making insufficient wages who have trouble affording long-term housing, and is set up to transition their residents into permanent, affordable housing. It is not in an emergency homeless shelter but usually a room or apartment in a residence with support services.

#### HUMAN SERVICES USE LISTINGS

**Day Care Center, Adults** means a facility of any capacity that provides care and other services in a group setting to adults during a portion of the day.

**Day Care Center, Children** means a facility of any capacity that provides care and other services in a group setting during a portion of the day for children and licensed as such by the state of California.

Helipad means a landing area or platform for helicopters and powered lift aircraft. While helicopters and powered lift aircraft are able to operate on a variety of relatively flat surfaces, a fabricated helipad provides a clearly marked hard surface away from obstacles where such aircraft can land safely.

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**Medical Services – Ambulance Service** means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Medical Services – Extended Care** means residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “Residential Care Facility, Large or Small.”

**Medical Services – General** means facilities primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “Offices – Business or Professional.”

**Medical Services – Hospitals** means hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of “Retail – Accessory”), and emergency heliports.

**Residential Care Facility – Large** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical Services – Extended Care.”

**Residential Care Facility – Small** means, consistent with the definitions of state law, a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the individual. This

classification includes, but is not limited to, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of “Medical services – Extended Care.”

#### URBAN AGRICULTURE AND ANIMAL-RELATED USE LISTINGS

**Community Garden** means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents.

**Domestic Animal Keeping** ~~means small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry). See BMC 17.670 et seq.~~

**Kennel** means a facility that provides boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities.

**Market Garden** means the cultivation of fruits, vegetables, flowers, fiber, nuts, seeds in an urban location (unlike traditional agricultural uses that occur in rural areas) that involves the sale or donation of its produce to the public.

**Private Garden** means a private food-producing garden located in the front, side, or rear yard, courtyard, balcony, fence, wall, window sill or basement that is accessory to the primary use of a site. This definition does not include incidental fruit and vegetable plants as part of an ornamental garden for individual, rather than resale, use.

**Urban Agriculture Stand** means a temporary produce stand that is accessory to a Market Garden.

**Veterinary Clinic** means a veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long-term medical care. Grooming of animals is allowed only if accessory to the facility use.

#### INSTITUTIONAL USE LISTINGS

**Churches and Religious Institutions** means facilities operated by religious organizations for worship or the promotion of religious activities (e.g., churches, mosques, synagogues, temples) and accessory uses on the same site (e.g., living quarters for ministers and staff, child day care facilities which were authorized in conjunction with the primary use). Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (e.g., recreational camp), are classified according to their respective activities.

**College Campus** means any public or privately-owned college or university, including medical schools, law schools, and other institution of higher education, including dorms, offices, facility maintenance yards, and similar supportive functions pursuant to the California Education Code.

**Conference Center** means an assembly facility within a structure which is devoted exclusively to public assembly for the purpose of meetings and conferences where such a facility can be subdivided into multi conference or meeting areas.

**Cultural Institutions** means public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

**Farmers' Market** means a periodic or weekly event where fresh produce, flowers, crafts, and other items are sold by independent vendors. Typically held outside.

**Indoor Fitness and Sports Facility** means predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios not a part of an athletic or health club (e.g., karate studio, dance studio, etc.).

**Indoor Recreational/Entertainment Facilities** means establishments providing indoor amusement, entertainment, and recreation for a fee or admission charge (e.g., ball rooms and dance halls, billiard parlors, bowling alleys, and electronic game arcades).

**Outdoor Recreation/Entertainment Facilities** means facilities for various outdoor participant sports and types of recreation that charge a fee or admission charge (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic clubs with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, zoos).

**Parks and Plazas** means public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of "Outdoor Recreation/Entertainment Facilities."

**Private Educational Facilities** means any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

**Public School Facilities** means any publicly owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth (12th) grade pursuant to the California Education Code.

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**Public Safety Facilities** means a facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities.

**Social, Fraternal, and Recreational Clubs** means an establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

**Theaters and Auditoriums** means indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Recreation/Entertainment Facilities."



#### UTILITY, TRANSPORTATION, AND COMMUNICATION USE LISTINGS

**Broadcasting and Recording Studio** means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of “Telecommunication facility.”

**Bus and Transit Shelter** means a small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two or three sides.

**Park and Ride Facility** means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

**Parking Facility** means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

**Transit Facility** means maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

**Utility Facilities and Infrastructure** includes the following:

1. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in “Offices - Accessory”) or equipment and material storage yards.
2. Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

**Wireless Telecommunication Facility** means the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

#### COMMERCIAL USE LISTINGS

**Adult Oriented Business** means any business establishment or concern which, as a regular and substantial course of conduct, operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which, as a regular and substantial course of conduct, sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which, as a regular and substantial course of conduct, offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified

sexual activities or specified anatomical areas. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by state law.

**Animal Sales and Grooming** means retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of 72 hours, conducted entirely within an enclosed building with no outdoor use.

**Business Support Services** means establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair; see “Vehicle services”);
2. Commercial art and design (production);
3. Computer-related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as “Printing and publishing”);
5. Equipment rental businesses within buildings (rental yards are “storage yards”);
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

**Call Center** means an office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

**Card and Gaming Room** means a gambling establishment that offer card games for play by the public.

**Check Cashing Business** means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, title cashing, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see “Financial Institutions”).

**Commercial Lodging – Bed and Breakfast Inn** means a residential structure with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five guest rooms is considered a hotel or motel and is included under the definition of “Hotels and motels.”

**Commercial Lodging – Hotels and Motels** means facilities with guest rooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Hotels and Motels, Extended Stay** means facilities with guest rooms or suites, provided with kitchen facilities, rented to the general public for transient lodging (less than 30 days) or for longer periods of time. Hotels provide access to most guest rooms from an interior walkway and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels are prohibited and provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Commercial Lodging – Short-Term Rentals** means any lodging unit that is occupied or intended or designed to be occupied on a short-term basis other than a hotel, motel, or bed-and-breakfast inn.

**Drive-In and Drive-Thru Facilities** means facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy products, photo stores, etc.

**Eating and Drinking Establishments – Bars and Nightclubs** means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars and nightclubs may include outdoor food and beverage areas.

**Eating and Drinking Establishments – Restaurant** means a retail business selling food and beverages prepared and/or served on the site, for on- or off-premises consumption. Includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption and establishments where most customers are served food at tables for on-premises consumption, but may include providing food for take-out. May include the subordinate sale of alcoholic beverages for on-premises consumption. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

**Eating and Drinking Establishments – Off-Site Tasting Room** means a facility allowing beer, wine, or spirits tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery, winery, or distillery, meeting all applicable requirements of state and federal licensure. The tasting room may be operated as a standalone retail use. Food preparation is not permitted. Pre-packaged foods may be sold on premises. Patrons may carry food on site for personal consumption. Tasting rooms must comply with the retail hours of operation of 10:00 a.m. to 10:00 p.m. On-site tasting rooms are included as an accessory use in “Artisanal and specialty manufacture, display and sales” or “Brewery, Distillery, Winery.” Any facilities not operating with these standards are considered “Eat and Drinking Establishments – Bars and Nightclubs.”

**Financial Institutions** means banks, savings and loans, and similar businesses which offer a wide range of services including the deposit and withdrawal of money, loans, and other financial transactions. Check cashing services, pawnshops, automatic teller machines and other similar uses which conduct limited types of financial transactions are not defined as financial institutions.

**Food and Beverage Stores – Convenience Store** means easy-access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers’ shopping needs. These stores may be part of a service station or an independent facility. Also see “Food and Beverage

Stores – Neighborhood Market” and “Food and Beverage Stores – Grocery Store” for larger stores or stores oriented toward the daily shopping needs of residents.

**Food and Beverage Stores – Grocery Store** means a retail business of more than 15,000 square feet in size, where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation. See separate but related listings for “Food and Beverage Store – Neighborhood market” and “Food and Beverage – Convenience store.”

**Food and Beverage Stores – Liquor Store** means a retail establishment which has fifty (50%) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

**Food and Beverage Stores – Neighborhood Market** means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are more than 5,000 square feet and less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Food and Beverage Store – Grocery Store.” Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

**Garden Centers and Retail/Wholesale Nurseries** means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

**Mortuaries and Funeral Homes** means funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

**Offices - Accessory** means offices that are incidental and accessory to another business or sales activity that is the primary use (part of the same tenant space or integrated development). The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total net habitable or ~~leaseable~~leasable floor area of the tenant space for a single-use development or the combined floor area of an integrated development for a mixed-use project.

**Offices - Building Trade Contractors** means the business offices of a contractor whose principal business is in connection with any structure built, being built, or to be built (general contractors, etc.).

**Offices - Business and Professional** means offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see “Medical Services – General”) or offices that are incidental and accessory to another business or sales activity that is the primary use (see “Offices – Accessory”). Outdoor storage of materials is prohibited.

**Personal Services** means establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, spas and hot tubs for rent, and tanning salons.

**Retail – Accessory** means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include but are not limited to pharmacies, gift shops, and food service establishments within hospitals, and convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site.

**Retail – General** means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include but are not limited to art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales only; outdoor sales are plant nurseries and included in the definition of “Garden Centers and Retail/Wholesale Nurseries”), furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies, specialty shops, sporting goods and equipment, stationery, and variety stores.

**Retail – General, Large Format** means stores that are one hundred fifty thousand (150,000) square feet or larger with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods.

**Specialized Retail – Artisan Shop** means retail stores selling art, glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Specialized Retail – Building Material Stores and Yards** means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesale and Distribution.” Hardware stores are listed in the definition of “Retail – General,” even if they sell some building materials. Also see “Home improvement supplies” for smaller specialty stores.

**Specialized Retail – Consignment Store** means an exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product.

**Specialized Retail – Equipment Sales and Rentals** means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

**Specialized Retail – Furniture, Furnishings, and Appliance Stores** means stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, lawn furniture, moveable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

**Specialized Retail – Pawn Shop** means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

**Specialized Retail – Smoke Shop** means an establishment selling smoking, drug, and/or traditional or electronic tobacco paraphernalia or products where 15 percent or more of the total floor or shelf area is

devoted to selling tobacco products. Limited sales of tobacco products that commonly occur within convenience stores or service stations are not included in this definition. Smoking shall be prohibited within all smoke shops, unless the establishment has been formally permitted to operate a private smokers' lounge under applicable state and local laws.

**Specialized Retail – Thrift Store** means a retail establishment selling secondhand goods donated by members of the public.

**Tattoo Parlor** means an establishment that engages in the business of tattooing and/or branding human beings.

AUTOMOBILE-RELATED USE LISTINGS

**Auto and Vehicle RentalSales Showroom** means retail establishments ~~selling and/or renting automobiles, trucks, and vans offering auto and vehicle showroom services in an indoor setting. This use listing includes the sales and rental of mobile homes, recreation vehicles, and boats.~~ May also include minor repair shops and the sales of parts and accessories, incidental to vehicle ~~dealerships~~ showroom. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"), bicycle and moped sales (see "Retail – General"), tire recapping establishments (see "Vehicle Services – Major"), or "Service Station," all of which are separately defined.

**Auto Parts Sales** means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle services – Minor"). Does not include tire recapping establishments, which are found under "Vehicle services – major" or businesses dealing exclusively in used parts.

**Car Washing and Detailing** means permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day) are not part of this use classification.

Ride Share Services means a company or service that, via websites and mobile apps, matches passengers with drivers of private vehicles for hire that, unlike taxicabs, cannot legally be hailed from the street. This may also be referred to as a transportation network company (TNC) or ride-hailing service. Common examples include, but are not limited to, Uber and Lyft.

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**Service Station- Stand Alone** means a retail business selling gasoline or other motor vehicle fuels as the primary onsite activity, and not attached to or otherwise part of a large-format retail establishment. Vehicle services which are incidental to fuel services are included under "Vehicle services – Minor."

Service Station- Accessory to General - Large Format Retailer means a retail business selling gasoline or other motor vehicle fuels as a secondary operation at a business whose primary operations include large format retail sales. For the purposes of this definition, Large Format Retail means stores that are fifty thousand (50,000) square feet or larger.

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**Vehicle Services – Major** means the repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles;

such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

**Vehicle Services – Minor** means minor facilities that specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site or automobile dismantling yards.

INDUSTRIAL, MANUFACTURING, AND PROCESSING USE LISTINGS

**Agricultural Products Processing** means the act of changing an agricultural crop, subsequent to its harvest, from its natural state to the initial stage of processing of that crop in order to prepare it for market or further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

**Artisanal and Specialty Manufacture, Display, and Sales** means the manufacture, display, and sales of specialty food and goods requiring the transformation of raw materials into products that may be edible, useful, or decorative. Outdoor display, sales and consumption on premises may be included subject to zoning and accessibility requirements, and any other state or local regulations such as, but not limited to, the California Uniform Food Facilities Law (CURFFL). This listing includes craft breweries, small scale winery production facilities, and craft distilleries. Such facilities manufacture alcoholic beverages with an annual production of less than 15,000 barrels of beer or 15,000 gallons of wine or spirits respectively. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control (ABC). All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all craft breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits. See also “Tasting room, off-site.”

**Breweries, Distilleries, and Wineries** means a facility where specific alcoholic beverages are manufactured, with an annual production of 15,000 barrels or more of beer or 15,000 gallons or more of wine or spirits. Incidental to the manufacturing process, a tasting area not to exceed 50 percent of the floor area is allowed. Tasting rooms must comply with retail hours of operation from 10:00 a.m. to 10:00 p.m. Tasting shall follow all guidelines established and enforced by Alcoholic Beverage Control. All manufacturing activities occur within a completely enclosed building or in an outdoor work area screened from view. Off-site sales of alcoholic beverages are allowed at this facility consistent with regulations of ABC licensure. Prior to occupancy, all breweries, wineries, or distilleries shall provide evidence of acquisition of all required state and federal permits.

**Freight Yard/Truck Terminal** means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, and trucking facilities including transfer and storage.

**Manufacturing – Major** means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or

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other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.

**Manufacturing – Minor** means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to cabinetry and furniture manufacturing, food and beverage manufacturing, machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly.

**Manufacturing – Small Scale** means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Printing and Publishing** means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include “quick printing” services or desktop publishing which are included in “Business Support Services.”

**Recycling Facility – Collection** means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes so-called “reverse vending machines,” an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state.

**Research and Development** means indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes but is not limited to chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – General”). Does not include medical or recreational marijuana (cannabis) research facilities.

**Storage – Warehouse** means a facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage, Self-Service (Personal)”) or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “Wholesale and Distribution”).

**Storage – Yard** means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

~~**Wholesale and Distribution** means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.~~

**Wholesale and Distribution** means a building or premises in which the primary purpose is to store, receive, ship, or wholesale goods, merchandise or equipment for eventual distribution and may include office and maintenance areas. A warehouse or distribution center includes 3 or more loading bays, or is expected to have more than 150 truck trips per day. For the purpose of these Guidelines, a warehouse and distribution center is not intended to include warehouse stores that sell retail goods, merchandise or equipment, or storage and mini-storage facilities that are offered for rent or lease to the general public. Wholesale and distribution may also be known as “Fulfillment and/or Logistics.”

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#### GENERAL DEFINITIONS

**Bike Box** refers to a designated area at the head of a traffic lane at a signalized intersection that provides bicyclists with a safe and visible way to get ahead of queuing traffic during the red signal phase.

**Bike Share Program** refers to a service that provides users with the ability to pick up a bicycle at any self-serve bike-station, typically for a rental fee, and return it to any other bike station located within the system's service area. Bike share programs differ from traditional bicycle rental services in that they are typically used for short, spontaneous trips that are often combined with other transportation modes (e.g. transit).

**Bollard** refers to a sturdy, short, vertical post that is installed, typically in combination with other bollards, to define pedestrian spaces and control road traffic.

**Bulbout** refers to a raised curb extension that narrow the travel lane at intersections or midblock locations and reduces the curb radii at intersections. The device increases pedestrian safety and comfort by reducing the street crossing distance and vehicle speeds, and by making pedestrians approaching street crossing more visible to drivers.

**Building Frontage** refers to the requirement that some portion of a project's primary building's (or buildings') front and street side yard facades be placed along the corresponding property lines to ensure that the building(s) frame the adjoining street and/or pedestrian spaces, creating a pedestrian-scaled urban form.

**Building Separation** refers to the separation of multiple buildings on a single parcel to achieve pedestrian-scaled streets (paseos) and public spaces on larger parcels that feature consolidated development.

**Building Height** is measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade. Building heights convey the intensity and scale of structures and impact the feeling of enclosure within the streetscape.

**Chicanes** refers to a series of curb extensions, typically landscaped, that alternate from one side of the street to the other, forming S-shaped curves that require vehicles to slow down.

**Circulation System, Conceptual** refers to the roadways that will be constructed by private development to provide motorists, bicyclists, and pedestrians with access from the primary circulation system's roadways and the existing roadways that border the Specific Plan area to individual parcels and sites. It is anticipated that the system will be constructed incrementally overtime as development occurs.

**Circulation System, Primary** refers to the arterial- and collector-level roadways that will be constructed by the City to provide motorists, bicyclists, and pedestrians with access into greenfield portions of the Specific Plan area.

**Dark Sky** is the practice of limiting night-time lighting, or light pollution, to make stars more visible at night, reduce the effects of unnatural lighting on the environment, and cut down on energy usage.

**Density** refers to the intensity of residential development. It is obtained by dividing the number of dwelling units on a parcel or within a project by the gross acreage.

**Encroachment** is where a portion of a building extends beyond the required setbacks. Encroachments can occur within and in some cases in the public right-of-way beyond a parcel's property lines.

**Energy Dissipater** refers to a device that is designed to protect downstream areas from erosion by reducing the velocity of flow to acceptable limits.

**Fenestration** refers to the arrangement of openings, comprising of doors and windows, on the walls of a building.

**Floor Area Ratio (FAR)** refers to the intensity of non-residential development. FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building stands. It is obtained by dividing the gross floor area of a building by the total area of the lot. FAR is usually expressed as a decimal fraction (for example, 0.5 or 2.0).

**Ground Floor Façade Transparency** refers to the arrangement of fenestration on ground floor building elevations facing streets and public spaces, expressed as a percentage of the elevation's area, to achieve a "storefront" design that provides visual access through the building and activates the surrounding streetscape.

**Ground Floor Tenant Depth** refers to the tenant space depth required to achieve desirable retail, restaurant, and commercial spaces that support vertical mixed-use development. The standard is measured as the horizontal distance from the front of the space, usually coinciding with an elevation that faces a street or public space, to the rear of the space.

**Infrastructure System, Conceptual** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the conceptual circulation system's roadway rights-of-way.

**Infrastructure System, Primary** refers to the utility infrastructure, including water and wastewater pipes, stormwater facilities, and gas lines, that will be installed within the primary circulation system's roadway rights-of-way.

**Intelligent Transportation System (ITS)** refers to an advanced application which, without embodying intelligence as such, aims to provide innovative services relating to different modes of transport and traffic management and enable various users to be better informed and make safer, more coordinated, and 'smarter' use of transport networks.

**Low Impact Development** refers to site planning and design that manages stormwater runoff as part of green infrastructure.

**Modified Grid System:** A layout of streets that are curved slightly to produce the illusion of varied setbacks while maintaining the integrated grid pattern. This form of street layout also narrows the line-of-sight for drivers and encourages them to slow down.

**Parklet** refers to a sidewalk extension that provides more space and amenities for people using the street. Usually parklets are installed on parking lanes and use several parking spaces. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space.

**Passive Ventilation** is a natural ventilation system that makes use of natural forces, such as wind and thermal buoyancy, to circulate air to and from indoor spaces

**Pedestrian Scale** refers to the use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

**Projections** refer to portion of a building that may extend above the maximum building height.

**Setback** refer to the mandatory distance from the property line that the wall of a building must be constructed. Setbacks directly impact the character and activity along the adjacent sidewalk. A consistent front setback is desirable in pedestrian-oriented environments. Rear and side setbacks vary according to land use district.

**Solar Orientation** refers to siting and orientation of a building and the positioning of its windows, rooflines, and other architectural elements to take advantage of passive and active solar strategies. Passive solar strategies use energy from the sun to heat and illuminate buildings. Building orientation and building materials also facilitate temperature moderation and natural daylighting. Active solar systems use solar collectors and additional electricity to power pumps or fans to distribute the sun's energy.

**Stepback** refers to the receding of a building's upper story facades from its lower story facades. The concept reduces the perceived height of multiple story buildings, creating a more intimate, pedestrian-scaled development pattern, provides opportunities for balconies, and limits the presence of wind corridors.

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## CITY COUNCIL AGENDA ITEM NO. 1

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution approving the purchase of an Armored Rescue Vehicle (ARV), as required by City of Brentwood Ordinance 1037, Brentwood Police Department Policy 708; approving and authorizing the City Manager or designee to execute a purchase order and necessary documents to purchase an ARV, MedEvac G2, from Lenco Industries, Inc. in an amount not to exceed \$367,907.05; and amend the FY 2022/23 Operating Budget

**Prepared by:** Tim Herbert, Captain  
David Schroer, Lieutenant

**Submitted by:** Thomas Hansen, Chief of Police

### **PURPOSE AND RECOMMENDATION**

The Police Department is requesting approval per City of Brentwood Ordinance 1037, Brentwood Police Department Policy 708 – Military Equipment, to purchase an Armored Rescue Vehicle (ARV), the MedEvac G2, from Lenco Industries, Inc. to preserve life and enhance the safety of citizens and Officers.

Staff recommends the adoption of a Resolution approving the purchase of an ARV; approving and authorizing the City Manager or designee to execute a purchase order and necessary documents to purchase the ARV, MedEvac G2, from Lenco Industries, Inc. in an amount not to exceed \$367,907.05; and amending the FY 2022/23 Police Grants Fund and Asset Seizure Fund Operating Budgets.

### **CITY COUNCIL STRATEGIC INITIATIVE**

N/A

### **PREVIOUS ACTION**

On April 26, 2022, the City Council introduced and waived first reading of an Ordinance adopting a Military Use Policy per AB 481 (Ordinance 1037).

On May 10, 2022, the City Council approved the second reading of Ordinance 1037, approving Brentwood Police Department Policy 708, Military Equipment Funding Acquisition, and Use, as required by AB 481 (2021).

### **BACKGROUND**

Active shooter events are increasing nationwide, and the City of Brentwood is not immune to the potential of this type of incident occurring within our jurisdiction. The City of Brentwood and the Brentwood Police Department take the potential of such an event extremely seriously. The Brentwood Police Department conducts active shooter training annually. In addition, the Department's SWAT Team trains monthly on the response to critical incidents. The Brentwood Police Department has trained all City staff in the active shooter response and preparedness with the use of ALICE Training (Alert, Lockdown, Inform, Counter, Evacuate). The Brentwood

Police Department has also partnered with Brentwood Union School District and the Liberty Union School District to train their staff in the ALICE Training.

Although Brentwood Police Department trains for active shooters and critical incidents, the Department feels that the addition of an Armored Rescue Vehicle (ARV) would better prepare officers to respond to these types of incidents. The Lenco Industries, Inc., MedEvac G2 is the ARV that will provide the protection to our citizens and officers. Lenco Industries, Inc. (d/b/a Lenco Armored Vehicles) is the only designer and US manufacturer and distributor of the Lenco MedCat/MedEvac G2, making it a sole source provider. A search was conducted, and no other companies were found that provided the capabilities that the Lenco MedEvac G2 offers.

On the tactical side, this vehicle is ballistic rated at the highest level (NIJ IV), which is capable of withstanding multiple .50 caliber rounds to the body and glass. Additionally, Lenco is the only manufacturer that offers level IIIA Kevlar-based ballistic skip round shields that are capable of being hung from the vehicle running boards to the ground, end to end. The skip round shields provide ballistic protection to police officers and injured citizens from gunfire and skip rounds directed at and under the vehicle. Also, the MedEvac is the only armored vehicle that offers a two-piece hydraulic adjustable ram with a gas injector system that incorporates a triple valve over pressure relief system in order to increase operator safety. This hydraulic ram is capable of breaching barricaded structures and deploying less lethal chemical agents into a structure while being safely controlled by a police officer from inside the protection of the vehicle.

On the medical side, the vehicle contains two full-size medical stretchers mounted to the inside walls that can be quickly disconnected and deployed in the field to rescue and evacuate injured individuals. There are built-in medical supply cabinets with a workstation and onboard oxygen supply tanks. No other company offers this combination of tactical prowess with medical life-saving capabilities.

This ARV is a four-wheeled vehicle used to enhance and sustain the safety of individuals and emergency responders when answering the call to active shooter incidents or hazardous situations. When an active shooting event occurs, the area where the incident is occurring is divided into three categories:

1. Hot Zone: active shooter not contained and in the area, a direct threat for injury exists, imminent threat/danger, and law enforcement only.
2. Warm Zone: active shooter not believed to be in the area, indirect threats remain, life-saving interventions only, rapid initial triage, and rapid evacuation of survivors.
3. Cold Zone: minimal to no threats, ambulance staging, fire staging, incoming law enforcement units staging, and command post.

Over the last two years, the Brentwood Police Department has needed an ARV on at least four different occasions. In all but one of these situations, the Department had to rely on mutual aid to ensure the safety of our citizens and officers. In the fourth incident, mutual aid was not able to respond. These incidents included high-risk arrest warrants of potentially armed individuals, a possible armed subject wanted for felony crimes threatening to kill himself, and two citizens experiencing a mental health crisis and armed with weapons.

Having an ARV ready to deploy from Brentwood's police facility will ensure an increase in officers' capabilities during a critical incident. An ARV owned by the City will decrease Brentwood's reliance on mutual aid in these types of situations and minimize response times. Time is extremely important when responding to critical incidents, and having the ability to get



officers and medically trained personnel to wounded citizens and officers as quickly as possible will save lives. This ARV allows trained personnel to enter unsecured, unstable areas (warm/hot zones), to deliver immediate assistance to individuals in need, and/or protect life and property. The Lenco Industries, Inc., MedEvac G2 is designed to provide officers with critical equipment needed to enhance our ability to better serve and protect the community.

The ARV can be deployed for a variety of critical incidents such as violent felonies; incidents where the suspect has used, intends to use or is likely to use extreme violence against citizens or Brentwood Police Officers; and de-escalation of armed suspects having mental health episodes. Additionally, the ARV will be utilized to perform rescue operations for injured citizens and officers. The ARV is equipped with life-saving equipment and can safely deliver specially trained personnel and equipment to the scene. The equipment and specially trained personnel will ensure that the victims receive life-saving efforts faster, providing a higher probability of survival. The ARV can also be used for evacuating those who are physically unable to safely escape an active situation.

Aside from critical incidents involving life-saving measures, the ARV will be used for natural disasters, emergency rescue operations, community events, and public relations such as parades, educational events, and law enforcement demonstrations.

The ARV is designed for tactical emergency operations. Adequate staff will be trained in the operations of the ARV so it can be deployed quickly to the scene of a hazardous situation or emergency rescue. The MedEvac G2 is equipped with two tactical stretchers (litters), onboard oxygen tanks, light work stations, and compartments for medical supplies. The MedEvac G2 was purpose-built for rescuing, treating, and evacuating injured people. The MedEvac G2 is capable of evacuating four individuals, whether injured or not. The injured will receive life-saving measures while they are being transported from the hot or warm zone to waiting Emergency Medical Staff (EMS), which will increase their survival rate. Without an ARV, injured individuals could be stranded at their location until the suspect is neutralized and the scene is rendered safe, thus reducing their chances for survival.

The Lenco Industries, Inc., MedEvac G2 is built using the Ford F550 chassis and only requires a class C driver's license to operate. Any personnel trained in the operations of the ARV can drive this vehicle without a need for additional licenses or endorsements by the DMV. In the event the ARV needs service or repairs, a local vendor will be able to provide those services.

### **FISCAL IMPACT**

The total one-time cost for the purchase of the ARV is \$367,907.05, including sales tax and shipping. The cost is proposed to be funded from two sources: \$193,908 from the Police Grant Fund and \$174,000 from the Asset Seizure Fund.

The Police Grants Fund has the requisite funds available from accumulated COPS/Supplemental Law Enforcement Services Funds (SLESF) allocations. These allocations are restricted for supplementing front-line law enforcement services and equipment. After this expenditure, there will be approximately \$235,500 remaining in accumulated funds, along with projected FY 2022/23 revenue of \$150,000. A budget amendment of \$193,908 to the Police Grants Fund is proposed to allow for this expenditure.

The second source of funding for the one-time acquisition costs would be \$174,000 of available balance in the Asset Seizure Fund. The Asset Seizure Fund accounts for amounts forfeited in

certain criminal cases and funds are available to be used for allowable law enforcement expenditures. This proposed expenditure would utilize all of the available balance in the Asset Seizure Fund. There are no ongoing Police Services funded by the Asset Seizure Fund and a budget amendment of \$174,000 is proposed to allow for this expenditure.

In addition to the one-time cost of the purchase, the annual ongoing cost to maintain the ARV is estimated to be \$1,500 and an annual replacement cost of \$35,000 is expected to be incurred. These ongoing costs will be funded by the General Fund and the costs will be incorporated into future Operating Budgets.

Attachments:  
RESOLUTION  
LENCO Quote

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING THE PURCHASE OF AN ARMORED RESCUE VEHICLE (ARV), AS REQUIRED BY THE CITY OF BRENTWOOD ORDINANCE 1037, BRENTWOOD POLICE DEPARTMENT POLICY 708; APPROVING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A PURCHASE ORDER AND NECESSARY DOCUMENTS TO PURCHASE AN ARV, MEDEVAC G2, FROM LENCO INDUSTRIES, INC. IN AN AMOUNT NOT TO EXCEED \$367,907.05; AMEND THE FY 2022/23 POLICE GRANTS FUND OPERATING BUDGET IN THE AMOUNT OF \$193,908; AND AMEND THE FY 2022/23 ASSET SEIZURE FUND OPERATING BUDGET IN THE AMOUNT OF \$174,000.**

**WHEREAS**, on April 26, 2022, the Council introduced and waived the first reading of an Ordinance (Ordinance 1037), adopting a Military Use Policy per AB 481; and

**WHEREAS**, on May 10, 2022, the Council approved the second reading of Ordinance 1037, approving Brentwood Police Department Policy 708, Military Equipment Funding, Acquisition, and Use, as required by AB 481 (2021); and

**WHEREAS**, the Council/Administrative Policy No. 10-7, Purchasing Policy, requires that purchases or services over \$50,000 be approved by City Council; and

**WHEREAS**, active shooter events are increasing nationwide and the City of Brentwood is not immune to the potential of this type of incident occurring; and

**WHEREAS**, the Brentwood Police Department takes the potential of such an event extremely seriously; and

**WHEREAS**, an Armored Rescue Vehicle (ARV) is used to enhance and sustain the safety of individuals and emergency responders when answering the call to active shooter incidents or hazardous situations; and

**WHEREAS**, having an ARV ready to deploy from the Brentwood police facility will ensure an increase in officers' capabilities during a critical incident; and

**WHEREAS**, an ARV can be deployed for a variety of critical incidents such as violent felonies; incidents where the suspect has used, intends to use or is likely to use extreme violence against individuals or Brentwood Police Officers; and de-escalation of armed suspects having mental health episodes; and

**WHEREAS**, these purchases are in compliance with the Council/Administrative Policy No. 10-7, Purchasing Policy and Council/Administrative Policy No. 10-9, Policy and Procedures For The Use Of Vehicles and Related Equipment; and

**WHEREAS**, the proposed Police Grants Fund cost of \$193,908 and the Asset Seizure Fund cost of \$174,000 for the one-time acquisition of an ARV will require an amendment to the FY 2022/23 Operating Budget; and

**WHEREAS**, the estimated annual ongoing maintenance costs of \$1,500 and replacement costs of \$35,000 will be included in future General Fund Operating Budgets.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Brentwood does hereby:

1. Approve the purchase of an Lenco Industries Inc., MedEvac G2 Armored Rescue Vehicle in accordance with City of Brentwood Ordinance 1037, Brentwood Police Department Policy 708; and
2. Approve and authorize the City Manager or designee to execute a purchase order and necessary documents to purchase an Armored Rescue Vehicle, MedEvac G2, from Lenco Industries, Inc. in an amount not to exceed \$367,907.05; and
3. Amend the FY 2022/23 Police Grants Fund Operating Budget in the amount of \$193,708; and
4. Amend the FY 2022/23 Asset Seizure Fund Operating Budget in the amount of \$174,000.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9th day of August 2022 by the following vote:



Protecting Our Nation's Defenders™

10 Betnr Industrial Drive – Pittsfield, MA 01201  
PH (413) 443-7359 – FAX (413) 445-7865

D.1.b

**Quotation: 22416B**

Customer Code: BWLCA  
Quotation Date: 7/27/2022  
Lenco Tax ID#: 04-2719777  
Repeat Customer: Yes  No

**Bill To**

Brentwood Police Department  
9100 Brentwood Blvd.  
Brentwood, CA 94513

**Ship To**

Brentwood Police Department  
9100 Brentwood Blvd.  
Brentwood, CA 94513

<b>Payment Terms</b>	<b>Shipping Terms</b>	<b>Ship Via</b>
Net 30 Days	FOB: Destination	Common Carrier
<b>Estimated Completion</b>	<b>Inhouse Contact</b>	<b>Inspection &amp; Acceptance</b>
12+ Months ARO (Est.)	Jim Massery	At Lenco's Facility in Pittsfield, MA

Item:	Product #	Qty	Unit Price	Extension
<b>Lenco BearCat</b>	BC55003	1	\$ 200,704.00	\$ 200,704.00
Paint Color: Flat White	18-TRE0006			
LED Lights: CA Mandated Solid Burn Red & Blue Front, Amber & Blue Rear				
<b>Options:</b>				
BearCat MedEvac LASD TEMS Version	BCMEDLASD	1	\$ 25,827.00	\$ 25,827.00
Diesel Engine, 6.7L Turbo	BCDLEN	1	\$ 8,859.00	\$ 8,859.00
Hydraulic Front Mounted Receiver with Ram Post and Plate	BCHYDRAM	1	\$ 12,479.00	\$ 12,479.00
Gas Injector Unit	BCGIU	1	\$ 14,552.00	\$ 14,552.00
Electric Power Mirrors	BCMIR	1	\$ 1,508.00	\$ 1,508.00
High Intensity Driving Lights in Front Bumper	BCHIDL	1	\$ 1,340.00	\$ 1,340.00
Roof Mounted Remote Control Spot Light - LED	BCSLED	4	\$ 1,404.00	\$ 5,616.00
Radio Prep Package, (1) Max (2)	BCINSRA	1	\$ 502.00	\$ 502.00
Rear A/C - Heating System: High Capacity Upgrade	BCHACUP	1	\$ 7,182.00	\$ 7,182.00
Back up Camera System with Monitor	BCBU	1	\$ 2,297.00	\$ 2,297.00
Intercom System; Inside to Outside	BCINT	1	\$ 2,871.00	\$ 2,871.00
Armored Oil Pan Guard	BCAOPG	1	\$ 1,936.00	\$ 1,936.00
5 Pack Mag Kit	BCMAGKIT	1	\$ 975.00	\$ 975.00
VSP Style Low Profile & Scene Lighting Pkg	BCVSPL	1	\$ 4,068.00	\$ 4,068.00
Light Weight Assault Litter	BCLWAL	2	\$ 1,250.00	\$ 2,500.00
Ballistic Skip Round Shield	BCBSRS	2	\$ 1,936.00	\$ 3,872.00
Single Side Personnel Door w/Window/Gunport/Adj Ht Gunner Stand	BCSSPD	1	\$ 5,000.00	\$ 5,000.00
22.5" Tire and Wheel Upgrade	BCTWU	1	\$ 8,800.00	\$ 8,800.00
(1) 7" Vertical GunPort Upgrade	BCGP7	7	\$ 152.00	\$ 1,064.00
Run-Flat Tires for 22.5" Tire and Wheel Upgrade	BCRF225	1	\$ 7,083.00	\$ 7,083.00
22.5" Spare Tire with Run Flat	BCSTRF2	1	\$ 2,893.00	\$ 2,893.00
Extreme Heat Reducing Insulation & Sound Reduction Pkg	BCEXHT	1	\$ 3,044.00	\$ 3,044.00
<b>BearCat (Configuration Subtotal)</b>		<b>1</b>	<b>\$ 324,972.00</b>	<b>\$ 324,972.00</b>

**Proprietary**

<b>Notes:</b> Brentwood tax (8.75%) of \$28,435.05 is NOT collected by Lenco.	<b>Subtotal</b>	\$ 324,972.00
	Shipping	\$ 14,500.00
	Tax	\$ -
	<b>Total Order</b>	<b>\$ 339,472.00</b>

**WARNING: Information Subject to Export Control Laws**

The written approval of the Directorate of US Defense Trade Controls and Lenco Industries, Inc. must be obtained before reselling, transferring, transshipping or disposing of a defense article to any end user, end use or destination other than as stated on this Lenco quote or the shipper's export declaration in cases where an exemption is claimed under this subchapter ITAR 123.9(A).

Acceptance of this quotation or entering into a purchase agreement with Lenco, the purchaser agrees to Lenco's full Terms and Conditions of Sale, available upon request. This quote will be valid for 90 days.

**ACCEPTANCE OF PROPOSAL –**

**Authorized Signature:** \_\_\_\_\_

Please Sign and Return

**Authorized Signature:** \_\_\_\_\_

*Jim Massery*

Jim Massery

Thank You

Attachment: Lenco Quote (2789) : A Resolution approving the purchase of an Armored Rescue Vehicle)

**CITY COUNCIL AGENDA ITEM NO. 2**

**Meeting Date:** August 9, 2022

**Subject/Title:** A Resolution Designating the Mayor and an alternate as the City's Voting Delegate for the 2022 League of California Cities Annual Conference.

**Prepared by:** Diane Williams, Executive Assistant

**Submitted by:** Tim Ogden, City Manager

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**RECOMMENDATION**

Adopt a Resolution designating the Mayor and an alternate as the City's voting delegate for the 2022 League of California Cities Annual Conference.

**CITY COUNCIL STRATEGIC INITIATIVE**

Not applicable.

**PREVIOUS ACTION**

Action has not been taken on this item for the 2022 League of California Cities Annual Conference.

**BACKGROUND**

The League of California Cities Annual Conference will be held in Long Beach, CA, September 7-9, 2022. During the Annual Business meeting on Friday, September 9, 2022, the League membership considers and takes action on resolutions that establish League policy. In order for the City to have a vote at the Annual Business Meeting, the City Council must designate a voting delegate, which has traditionally been the Mayor, and identified in the Resolution.

The Mayor is registered for the conference, and is planning to attend the business meeting. An alternate may also be selected should the Mayor be unable to attend.

**FISCAL IMPACT**

The funds for the conference and travel expenses are included in the FY 2022/23 General Fund Operating Budget.

Attachments:  
Resolution

**RESOLUTION NO.****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD  
DESIGNATING THE MAYOR AS THE CITY'S VOTING DELEGATE FOR THE  
2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE.**

**WHEREAS**, the League of California Cities Annual Business meeting will be held on Friday, September 9, 2022, and

**WHEREAS**, during the Annual Business meeting, the League membership considers and takes action on resolutions that establish League policy; and

**WHEREAS**, the League of California Cities bylaws require that a city's voting delegate be designated by the City Council, and that the voting delegate must be registered to attend the conference and be present at the business meeting.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF BRENTWOOD:**

- 1) Designates Mayor Joel Bryant as the City's voting delegate for the 2022 League of California Cities Annual Conference Business meeting.
- 2) Appoints an alternate should the Mayor be unable to attend the meeting.
- 3) Requests that the City Clerk transmit a copy of this Resolution to the League of California Cities.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9<sup>th</sup> day of August 2022 by the following vote: