

## ORDINANCE NO. 1075

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD, APPROVING A ZONING TEXT AMENDMENT TO THE BRENTWOOD MUNICIPAL CODE (RZ 24-001), AMENDING TITLE 17 (ZONING ORDINANCE); AND AMENDING CHAPTER 2.36.020, CHAPTER 8.36.035, CHAPTER 8.48.030, CHAPTER 9.12.050, UPDATING REFERENCES TO THE CURRENT FIRE SERVICES PROVIDER**

**WHEREAS**, the City of Brentwood, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, on July 1, 2022, the East Contra Costa Fire Protection District ("ECCFPD") was annexed into the Contra Costa County Fire Protection District ("CCCFPD"), and CCCFPD is the current fire services provider for the City of Brentwood; and

**WHEREAS**, City staff prepared a zoning text amendment ("Ordinance") that would amend Title 17 of the Brentwood Municipal Code (Zoning Ordinance) to remove references to the ECCFPD and East Diablo Fire Protection District; and

**WHEREAS**, the Planning Commission has reviewed the proposed amendments to the Brentwood Municipal Code, has found that the proposed amendments are consistent with the goals and policies of the General Plan, and recommends adoption of the proposed amendments to the City Council ("City Council"); and

**WHEREAS**, the City published a notice of public hearing in the Brentwood Press on April 5, 2024, in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on April 16, 2024, to consider a recommendation that the City Council adopt the proposed Ordinance, which amends Title 17 (Zoning) of the Brentwood Municipal Code, attached hereto as Exhibit A; and

**WHEREAS**, this amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

**WHEREAS**, the City published a notice of public hearing in the Brentwood Press on May 31, 2024, in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, on June 11, 2024, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration by the City's Planning Commission; and

**NOW, THEREFORE**, the City Council of the City of Brentwood does ordain as follows:

**SECTION 1.** The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

**SECTION 2.** With respect to Brentwood Municipal Code Section 17.879.008:

*No rezoning of property or text amendment shall occur which is inconsistent with the city's community development plan. In making a decision, the planning commission and city council shall consider the consistency of the proposed action to the community development plan and other applicable city plans, and shall consider whether the proposed action is inappropriate or otherwise contrary to the public interest.*

The zoning text amendments set forth below are consistent with the Brentwood General Plan, as they will neither adversely change nor impact any of the goals or policies therein, and are only reflective of the reorganization of the local fire protection district. In addition, insomuch as General Plan Goal CSF 4 calls upon the City to "ensure the provision of high quality and responsive fire protection services," these text amendments ensure that the Municipal Code does not identify a now obsolete fire protection district.

**SECTION 3.** The Brentwood Municipal Code shall be amended as follow. Deletions from the current Brentwood Municipal Code are indicated in ~~strikeout~~ text, and additions are indicated in underline text. Section and subsection numbers and titles are shown only for reference. Sections and subsections not included below shall remain unchanged:

### **Section 2.36.020 Appointment**

The city manager shall be appointed by the city council solely on the basis of his/her executive and administrative qualifications and ability. Residence in the city of Brentwood shall not be required as a condition of employment. However, no later than one year after employment, the city manager shall reside within the area of the former boundaries of the East Contra Costa Fire Protection District, as those boundaries existed on September 23, 2014. Upon the city manager's showing of a good faith effort to relocate pursuant to this section, the city council may, by motion, extend the one year relocation period. No member of the city council shall receive such appointment during the term for which he/she shall have been elected or within

one year after the expiration of his/her term of office. (Ord. 933 § 1, 2014; Ord. 898 § 5, 2012; Ord. 332 § 2, 1982)

### **Section 8.36.035 Weed abatement**

2. Applicability. In its enforcement, the city may apply this section, or the fire code regulations adopted in Chapter [15.06](#), or both. The city may also apply the most recent *Minimum Weed Abatement Standards* approved by the ~~East Contra Costa County Fire Protection District~~ **current fire services provider**.

### **Section 8.48.030 Exceptions**

Exceptions to this chapter are:

A. Snap caps and party poppers (classified by the State Fire Marshal as pyrotechnic devices). (See also Section 15.06.020, Chapter 56, Explosives and Fireworks, of this code.)

B. The possession, transport, sale, and use of red flares (highway fuses) as a warning device.

C. Items that the State Fire Marshal has investigated and determined to be limited to industrial, commercial or agricultural use, when authorized by a permit issued by the city under Section 15.06.020 (Section 5601.2.1, Prohibited and Limited Acts) of this code, or by the ~~East Contra Costa Fire Protection District~~ **current fire services provider** under the California Fire Code.

D. A public fireworks display event authorized by the city under a special event permit, if that special event permit also includes a permit for fireworks issued by the city under Section 15.06.020 (Section 5608.2, Permit required) of this code, or by the ~~East Contra Costa Fire Protection District~~ **current fire services provider** under the California Fire Code. (Ord. 966 § 1, 2016)

### **Section 9.12.050 Exemptions**

E. Solicitation for a charity by city law enforcement or other public safety personnel, or ~~East County Fire Protection District~~ **current fire services provider** firefighters, in compliance with State [Business and Professions Code](#) Section 17510.25. To qualify, at least ten business days before a solicitation, the charity must file an application with the chief, to include: (1) date(s) and time(s) and location(s) of the solicitation; (2) the manner and conditions under which the solicitation will occur; and (3) proof of a valid liability insurance policy of at least one million dollars. The chief may impose reasonable conditions.

F. Activity permitted or authorized under any county, state or federal law. (Ord. 953 § 2, 2015)

### **Section 17.466.005 PD-16 (Planned Development Sixteen) Zone**

#### **Performance standards for subarea A.**

All permitted and conditionally permitted uses developed within subarea A shall conform to the performance standards set forth in Section 17.200.004.

General. No uses will produce excessive noise, heat, glare, humidity, vibration, excessive wastes, toxics, air pollution, smoke or odors, etc., and will comply with all police, ~~fire department ordinances and health department~~, and current fire services provider ordinances.

### **Section 17.680.004.K.1 Oil and Gas Production**

#### **Development standards.**

#### **K. Soundproofing**

1. Any well which is to be drilled or redrilled, and which is within five hundred feet of an occupied building, shall have all parts of a derrick above the derrick floor, including the elevated portion used as a hoist, enclosed with fire resistive soundproofing blanket or panel material. Such soundproofing shall comply with accepted American Petroleum Institute standards and shall be subject to ~~fire department~~ the regulations of the current fire services provider. All doors shall be closed during drilling, except for ingress and egress and necessary logging, testing and well completion operations. Alternative materials or methods of noise abatement may be used, such as electric power for drilling, provided such alternative is approved by the planning commission. The commission may approve any such alternative if they find that the proposed material and/ or method have equal soundproofing properties and fire resistive qualities to being enclosed as stated above. Any alternative may require the submission of evidence by the permittee to substantiate any claims that may be made regarding the use of such alternatives. The planning commission may waive these soundproofing requirements if they find them unnecessary.

### **Section 17.680.004.O.3 Oil and Gas Production**

#### **O. Storage Tanks/Production Equipment**

3. No storage tank shall be erected closer than fifty feet from any building, nor shall any building be erected within fifty feet of any storage tank. The city may permit this distance separation to be reduced for low occupancy industrial or warehouse buildings, subject to additional or special safety of fire systems requirements which may be approved and imposed by the ~~fire district~~ current

fire services provider. These distance provisions shall not apply to any tank or related facility constructed prior to 1998.

### **Section 17.690.060.A Adult-Oriented Business Regulations**

#### **Investigation and action on application.**

- A. Appropriate Investigation and Inspection. Upon the filing of a completed application, the commission shall cause to be made by its own members, or members of its staff, an appropriate investigation, including consultation with the building, police, fire and health departments, and the current fire services provider; and inspection of the premises as needed. Consultation is not grounds for the city to unilaterally delay in reviewing a completed application.

### **Section 17.690.120.B Adult-oriented business development standards**

- B. Compliance with Building and Fire Regulations. Maximum occupancy load, fire exits, aisles, and fire equipment shall be regulated, designed, and provided in compliance with the ~~fire district and~~ building regulations and standards adopted by the city, and the regulations and standards adopted by the current fire services provider.

### **Section 17.690.160.A.1 Permit revocation**

- A. Findings Required for Revocation.

1. The business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits for the building in which the use is located set by the fire marshal current fire services provider;

### **Section 17.710.008.C Mobile Home Parks**

#### **Additional regulations.**

- C. Fire protection facilities: including hydrants, shall be installed by the developer as required by the city and the ~~East Diablo fire protection district~~ current fire services provider.

### **Section 17.740.060.C.2 Residential Condominium Conversions**

#### **Standards for condominium conversion.**

- C. Fire Prevention

- 2. Maintenance of Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protective appliances shall be retained in an operable condition at all times. Prior to occupancy of any dwelling unit, a fire code compliance inspection shall be performed by the ~~Contra-Costa County fire district~~ current fire services provider.

**SECTION 4.** Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Brentwood hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 5.** This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

**SECTION 6.** Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

**SECTION 7.** Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

**THIS ORDINANCE** was introduced with the first reading waived at a regular meeting of the City Council of the City of Brentwood on the 11th day of June 2024 by the following vote:

AYES:	Meyer, Mendoza, Pierson, Oerlemans, Mayor Bryant
NOES:	None
ABSENT:	None
RECUSE:	None

**THIS ORDINANCE** was adopted with the second reading waived at a regular meeting of the City Council of the City of Brentwood on the 25th day of June 2024 by the following vote: