

PLANNING COMMISSION RESOLUTION NO. 24-017

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING A ZONING TEXT AMENDMENT TO THE BRENTWOOD MUNICIPAL CODE (RZ 24-001), WHICH WOULD AMEND TITLE 17 (ZONING ORDINANCE) TO UPDATE REFERENCES TO THE CURRENT FIRE SERVICES PROVIDER

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

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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brentwood:

- A. Hereby finds that with respect to Brentwood Municipal Code Section 17.870.008:
 1. *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 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 change nor impact any of the goals or policies therein, and are only reflective of the reorganization of the local fire protection district.

- B. The Planning Commission likewise finds that the Ordinance is appropriate and is not contrary to the public interest in that it will accurately reflect the jurisdiction of the current fire services provider.
- C. Hereby recommends that the City Council adopt the Ordinance, approving Rezone No. 24-001, as shown on Exhibit A, attached hereto and incorporated herein.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of April 16, 2024, by the following vote:

AYES: Brand, Flohr, Johnson, Roberts
NOES: None
ABSENT: Sparling
RECUSE: None

APPROVED:



 Anita Roberts
 Planning Commission Chairperson

ATTEST:



 Erik Nolthenius
 Planning Manager

EXHIBIT "A"

Note: 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.

Chapter 17.466 PD-16 (Planned Development Sixteen) Zone**§ 17.466.005 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 ordinances, and the ordinances of the current fire services provider.

Chapter 17.468 PD-18 (Planned Development Eighteen) Zone**§ 17.468.005 Other regulations.****A. Landscaping****3. Graded Slope Landscaping**

- c.** Landscape plans for all graded slope areas shall be reviewed by the fire chief official, planning commission, and other interested parties prior to implementation.

Chapter 17.470 PD-20 (Planned Development Twenty) Zone**§ 17.470.005 Density, lot area, yards, height, special provisions and other regulations for development – Development plan required.****D. Landscaping****2. Graded Slope Landscaping**

- c.** Landscape and irrigation plans for all graded slope areas shall be reviewed by the fire chief official and planning commission prior to implementation;

Chapter 17.472 **PD-22 (Planned Development Twenty-Two) Zone**

§ 17.472.011 **Landscaping standards.**

D. Graded Slope Landscaping

- 3.** Landscape plans for all graded slope areas shall be reviewed by the planning commission, fire chief official and other interested parties prior to implementation.

Chapter 17.680 **Oil and Gas Production**

§ 17.680.004 **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.

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.

Chapter 17.690 **Adult-Oriented Business Regulations**

§ 17.690.060 **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.

§ 17.690.120 **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.

§ 17.690.160 **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;

Chapter 17.710 **Mobile Home Parks**

§ 17.710.008 **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.

Chapter 17.740 **Residential Condominium Conversions**

§ 17.740.060 **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.