



PLANNING COMMISSION AGENDA ITEM NO. F.2
10/15/2024

SUBJECT: Focused Zoning Code update related to regulations for automobile service stations/gas stations, carwashes, and short-term rentals

DEPARTMENT: Community Development

STAFF: Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Adopt Resolution No. 24-041 recommending that the City Council adopt an Ordinance to amend the Brentwood Municipal Code to prohibit new automobile service stations/gas stations and carwashes and replace with Alternative Fuel Stations and Electric Vehicle Charging Stations in all zones throughout the city; add new land use classifications in Section 17.030.030 (Definitions) for Alternative Fuel Station and Electric Vehicle Charging Station; and update Chapter 17.796 (Short-Term Rentals) to more clearly define short-term rentals.

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinance would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

OWNER/APPLICANT

City of Brentwood

GENERAL PLAN

Citywide

ZONING/SURROUNDING LAND USES

Citywide

PREVIOUS ACTION(S)

Previous Action by the City Council is included in Attachment 1.



BACKGROUND

On January 24, 2023, the City Council provided direction to staff on reinitiating the City's Zoning Code Update, including a focused and phased approach, rather than the comprehensive update that was initiated in the summer of 2020. On May 23, 2023, the project scope and budget were finalized when the City Council approved a Professional Services Agreement with De Novo Planning Group to prepare and complete the Focused Zoning Code Update and Objective Design Standards. The work plan approved by the City Council includes three main tasks to complete:

- Task 1: Objective Design Standards;
- Task 2: Zoning Code Updates required by State Law and the Housing Element;
- Task 3: Focused Zoning Code updates.

This agenda item is related to Task 3: Focused Zoning Code updates. This task includes amendments to various sections of the Zoning Code to better reflect the community's values based on feedback from the community and City Council, including changes to some permitted and conditionally permitted uses throughout the city.

On November 14, 2023, the City Council provided direction to staff on the following uses to be considered as part of the Focused Zoning Code Update efforts and also directed staff to present the Land Use and Development Committee (LUD) with an initial framework for each of the topics prior to moving forward with comprehensive and formal amendments:

1. Automobile service stations/gas stations
2. Carwashes
3. Alcohol sales
4. Self-storage facilities
5. Short-term rentals
6. Drive-through uses

On June 17th and July 15th, LUD was presented with and provided direction on the six topics. Staff received clear recommendations from LUD on three of the topic areas, including automobile service stations/gas stations, carwashes, and short-term rentals, which are now being presented to the Planning Commission. Staff had prepared individual reports for LUD on each of the topics and has included those three reports in Attachment 3 for the Planning Commission's reference.



PROJECT DESCRIPTION AND ANALYSIS

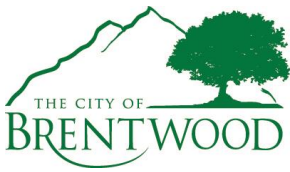
AUTOMOBILE SERVICE STATIONS/GAS STATIONS AND CARWASHES

In considering zoning provisions for automobile service stations and carwashes, it is important to consider whether Brentwood is adequately served by the existing facility locations to meet the basic needs and expectations of residents and visitors. As the city is “built-out,” there will be fewer vacant sites available for overall development that is normally viewed to meet other city needs and goals, such as attracting employment-generating businesses and improving the city’s jobs/housing balance. Moreover, much of the remaining vacant land is surrounded by existing development that consists of residential neighborhoods, schools, and parks, and it is generally important to consider surrounding uses and context/compatibility when reviewing proposals for new automobile service stations.

There are currently 18 automobile service stations and 14 (2 full service, 9 express, and 3 flex-service) car washes operating in the city, as shown in the attached map (Car Wash and Service Station Map – Attachment 3). Based on the existing facilities within the city, the limited available land, and in an effort to de-emphasize fossil-fueled and auto-centric uses (such as gas stations and carwashes) and reduce greenhouse gas emissions and air pollution, LUD recommended that future fossil-fuel service stations and carwashes be prohibited throughout the city. In order to provide a clear distinction between fossil-fuel stations and alternative energy charging or fueling stations, LUD also recommended changes to continue to allow for alternative fuel stations. Staff included the following proposed definitions in the draft Ordinance to address this:

“Alternative fuel station” means any establishment that dispenses alternative fuel as defined by the Energy Policy Act of 2005, including methanol, denatured ethanol, and other alcohols; mixtures containing 85% or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; non-alcohol fuels (such as biodiesel) derived from biological material; and electricity.

“Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, Article 625, as may be amended from time to time, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.



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Staff also proposes amendments throughout the BMC to remove all references to automobile service stations/gas stations and replace them with alternative fuel stations.

Existing Uses

Chapter 17.610 of the BMC outlines regulations for Nonconforming Uses and Structures. The purpose of these provisions is to regulate uses of land and structures that were legal before the adoption of the BMC, but which no longer comply. The intent is to permit nonconforming uses to continue until they are removed but not encourage their survival or expansion. The Car Wash and Service Station Map included in Attachment 3 below shows names and locations of existing carwash and service station uses in the City in which would become legal non-conforming.

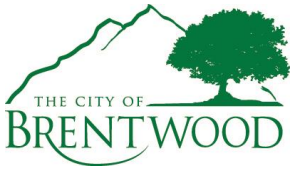
SHORT-TERM RENTALS

The rise in short-term rental (STR) activity over the last ten years caught many cities and municipal officials across the country off-guard, as STRs do not fit into normal municipal regulatory structures. Currently, the Brentwood Municipal Code (BMC) prohibits short-term rentals constructed, converted, or otherwise developed through the use of the two-unit housing development (SB 9) provisions set forth in BMC § 17.797 and/or through the use of the urban lot split provisions set forth in BMC § 16.169. In addition, the BMC allows rooming and boarding for not less than 30 days at a time. STRs are not explicitly defined and prohibited, but to date, the City's position is that the BMC requires that they qualify as rooming and boarding or else they are prohibited.

Based on the need to clearly define and prohibit future STRs, LUD recommended the following definition and changes be made to [Chapter 17.796 Short-Term Rentals](#) to explicitly prohibit STRs of both residential units and outside amenities:

BMC § 17.796.003 Short-term rentals prohibited.

- A. Definition. "Short-term rental unit" means the rental or occupancy of any residential dwelling unit or a portion thereof for a period of 30 consecutive calendar days or less. Short-term rental units include uninhabitable portions of the property such as swimming pools, courts, backyards, and other amenities available for rent for less than 30 consecutive calendar days.
- B. Short-term rental units prohibited. It shall be unlawful for any person or entity to offer or make available to rent or to rent (by way of a rental



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agreement, lease, license, or any other means, whether written or oral), for compensation or any consideration, a short-term rental unit.

Staff has thus drafted amendments to the BMC that would prohibit all residential short-term rentals, including the rental of swimming pools, courts, and backyards, throughout the City.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press on October 4, 2024.

ENVIRONMENTAL DETERMINATION

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinance would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

ATTACHMENT(S)

1. Previous Actions
2. Draft Resolution No. 24-041
3. LUD Staff Reports on Automobile Service Stations/Gas Stations, Carwashes, and Short-Term Rentals