

PLANNING COMMISSION RESOLUTION NO. 25-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 24-013) FOR A NEW FIRE STATION AND RELATED SITE IMPROVEMENTS ON A ±0.3-ACRE PARCEL LOCATED AT 739 FIRST STREET (APN 013-091-017).

WHEREAS, the Contra Costa County Fire Protection District (the "Applicant") submitted an application to the City of Brentwood requesting approval of a Design Review application (DR 24-013) to allow for a new 8,137 square foot fire station and related improvements; and

WHEREAS, the City referred the Project to various departments and agencies for review and recommendations; and

WHEREAS, the Applicant approved a Resolution of Necessity to acquire the subject property and construct the project (the "CCCFPD Project"), determining that the CCCFPD Project was exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15302(c) (replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity) and 15305 (minor lot line adjustments not resulting in the creation of any new parcel); and

WHEREAS, notwithstanding CCCFPD's determination on the CCCFPD Project, the City finds that the Project is exempt from CEQA pursuant to CEQA Guidelines section 15332, as it is characterized as in-fill development, meeting the following conditions: i) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, ii) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, iii) the project site has no value for endangered, rare, or threatened species, iv) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and v) the site can be adequately served by all required utilities and public services; and

WHEREAS, the Planning Commission of the City of Brentwood considered this design review application at its regular meeting of March 18, 2025, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

WHEREAS, the Planning Commission voted to continue the project until the applicant provides traffic, noise, and air quality studies; and

WHEREAS, on March 27, 2025, the applicant submitted a letter indicating that they would not provide those studies since they are not required by CEQA; and

Whereas; the Planning Commission of the City of Brentwood considered this design review application at its regular meeting of May 6, 2025, and considered the

staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

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

1. Hereby finds that:

- A. The proposed project is exempt from CEQA as it qualifies as a Class 32 categorical exemption under the CEQA Guidelines section 15332, as it is characterized as in-fill development, meeting the following conditions: i) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, ii) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, iii) the project site has no value for endangered, rare, or threatened species, iv) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and v) the site can be adequately served by all required utilities and public services.

- B. With respect to the Design Review findings under Section 17.820.007 of the Brentwood Municipal Code:

- i. *The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

As noted in the Downtown Specific Plan (page 46), "Everywhere in the Downtown Core, visitors and residents alike are taken aback by the high level of quality and craft represented in every aspect of the built environment. New structures use design elements that are based on Brentwood's architectural past. Buildings are constructed of wood, brick and masonry and are finished with a level of detail and craftsmanship that carries the best of Brentwood's architectural past into the next century." The proposed development would create a well composed urban design and would be harmoniously related to the other facilities in the immediate area given that the proposed development utilizes materials typically found in the Downtown, including brick, stucco, and aluminum. As detailed in the staff report, the proposed architectural style of the new facility is described as "American Main Street", which is closely related to "Early 20th Century Commercial Style" that is identified in the DSP as an acceptable architectural style for the Downtown.

- ii. *Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height,*

arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.

Special consideration was given to the proposed building in that it would complement the existing buildings in the Downtown by using whole brick as the primary building material, incorporating shaped cornices at the parapet line, and incorporating concrete lintels and sills at all windows and the apparatus bay openings. The size, bulk, and scale are of the character and type that can be found scattered throughout the Downtown fabric. As noted in the staff report, the proposed height of the building (36'2") complies with the 48' maximum allowed building height, the scale of the building appropriately respects all required setbacks (meeting exactly the required 0' from all property lines and 5' from the alley), and the landscaping proposed to be installed (over 1,000 sq ft of shrubs and low ground cover, as well as roughly 100 sq ft of landscaping on a second floor patio, and new street trees along First Street) exceeds that which is required by the City.

- iii. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.*

The proposed project is complimentary to the surrounding Downtown. Additionally, the new development would serve to develop an infill location in the Downtown that previously served as a fire station. The proposed building would further protect the value of the surrounding area by utilizing high quality materials that mimic the building materials of existing Downtown buildings.

- iv. Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the City Council, the design of the development shall conform in all significant respects with such plans.*

The project site is within the Downtown Core zoning district of the Downtown Specific Plan. The proposed design of the fire station adheres to the Downtown Specific plan as the proposed architecture is "American Main Street" which is closely related "Early 20th Century Commercial Style." Elements of this can be seen in that the proposed architecture incorporates: simple volumes, flat roofs, a shaped parapet at the roof line, brick wall materials, a clearly defined base, and windows and door shapes are simple and rectangular.

In addition, insomuch as the Downtown Specific Plan also serves as the zoning for the project site, the project conforms as follows:

Standard	Required	Proposed	Compliance
Minimum building	2 floors and 25	2 floors, 36 feet,	Complies

Standard	Required	Proposed	Compliance
height Maximum Building height	feet 48 feet	2 inches	
Setbacks Mid-Block Alley Setback	0 feet all property lines 5 feet	0 feet 5 feet from Diablo Way	Complies
Frontage Coverage	100%	100% including building, landscaping, and retention of an existing accessible paved pathway for the use of the Veteran's Memorial Hall.	Complies
Frontage space between buildings	0 feet	0 feet on southern existing building. Not applicable for building on the north (Veteran's Memorial Hall) as it is stepped back and not built at property line	Complies
Parking	0	9 parking spaces (including 1 accessible)	Complies
Bicycle parking	4 parking spaces	4 parking spaces	Complies
Landscaping required	7% of the site's square footage = 939 square feet	1,009 square feet	Complies

- v. *The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this title.*

The project proposes ample vegetation within the project area and at the boundary with the adjacent right-of-ways in excess of what the City requires (see table above). The project further proposes a CMU wall that will screen the proposed parking area. While off-street parking is not required for non-residential uses within the Downtown Specific

Plan, the project proposes to include a total of nine spaces that can be used by CCCFPD staff in order to minimize impacts to the Downtown.

vi. The site development criteria set forth in Section 17.820.008.

- 1. The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.*

The project has been reviewed by all applicable City departments to ensure an orderly, attractive, efficient, and harmonious development. The project arrangement would be conducive to orderly development as the project would seek to minimize impacts to the Downtown by providing on-site parking, limiting vehicular access to Diablo Way (except for emergency vehicles that will exit onto First Street from the apparatus bay), and all future signage will be vetted and approved through a separate sign permit application.

- 2. The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.*

The project has been vetted by multiple City departments and no existing or potential adverse effects on the environment by reason of land use, topography, or traffic have been identified. The project is within the Downtown and is compatible with existing uses, architecture, and landscaping.

vii. The City of Brentwood Design Guidelines and any other applicable specific design criteria or standards set out in this title or other city ordinances.

The project adheres to the City's Commercial/Industrial Design Guidelines, in that the project is an infill project, there is substantial landscaping (shrubs, trees, and ground cover) proposed, and the building uses quality materials and craftsmanship.

viii. All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions.

The proposed development is consistent with all applicable regulations of the zoning ordinance and other City ordinances, policies, or resolutions. The project meets parking, landscaping, and development

requirements for the Downtown Core zoning district. The project is conditioned to meet all applicable Building, Engineering, and Public Works codes and regulations.

- C. Hereby approves Design Review No. 24-013, subject to the conditions of approval listed in Exhibit "A," attached hereto and made a part of this resolution, and all City standards applicable to this project.
- D. This permit shall terminate on May 6, 2027, unless actual construction or alteration under valid permits has begun and is diligently pursued within said period. However, such period of time may be extended by the Planning Commission upon application filed at any time before said period has expired.
- E. This action is final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of May 6, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Rod Flohr
Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

**EXHIBIT "A" TO
PLANNING COMMISSION RESOLUTION NO. 25-004
DR 24-013 – DESIGN REVIEW APPROVAL FOR THE DOWNTOWN FIRE
STATION
CONDITIONS OF APPROVAL**

1. The Permittee, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Design Review No. 24-033 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed.
2. The Permittee shall comply with all applicable Standard Conditions of Approval for Commercial and Industrial Projects, dated May 2005, hereby incorporated by reference, unless modified by any of the conditions below.
3. The project shall be built substantially in conformance with the project plans drawn by DLR Design Studio, date stamped by the City as received December, 19, 2024, unless otherwise amended by the conditions of approval contained herein.
4. The project shall be built substantially in conformance with the site, grading drainage plans drawn by DLR Design Group date stamped by the City as received December, 19, 2024, unless otherwise amended by the conditions of approval contained herein.
5. The project shall be built substantially in conformance with the landscape plans drawn by DLR Design Group date stamped by the City as received December, 19, 2024, unless otherwise amended by the conditions of approval contained herein.
6. The Permittee shall submit an application for any future signage proposed for the project, which shall require approval of an administrative sign permit by the Community Development Department.
7. The building construction drawings shall be submitted for the review and approval by the Community Development Director prior to building permit issuance and shall be designed so that illuminated signs can be installed on the building fascia without the use of external raceways.
8. Any significant alteration from the design review drawings "Received December 19, 2024," as determined by the Community Development Director, except as conditioned herein, shall be approved by the Design Review Subcommittee prior to building permit issuance.
9. Any significant alteration of the building colors or materials from the approved color and materials board, as determined by the Community Development

Director, shall be approved by the Design Review Subcommittee prior to building permit issuance.

10. The building construction drawings shall indicate that the top of all rooftop equipment is below the height of the parapet to the satisfaction of the Community Development Director prior to building permit issuance. No rooftop equipment shall extend above the roofline on the building.
11. The building construction drawings shall reflect that all roof drainage downspouts and scuppers be interior to the building. All roof drainage shall be designed to be contained within the building walls so as to not be visible from any vantage point to the satisfaction of the Community Development Director prior to building permit issuance.
12. Permittee will indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including adoption of this Permit, and any environmental determination made with regard thereto. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense.
13. The Permittee shall maintain the area surrounding the development, including but not limited to, the building and the walkways surrounding the building in a clean and orderly manner at all times to the satisfaction of the Community Development Director.
14. Plans for any external building-mounted light fixtures shall be submitted in conjunction with the photometric plan for the review and approval of the Community Development Director. All fixtures must be of a cut-off or full cut-off classification and cut-sheets allowing verification of the classification must be submitted for all portions of the driveways and parking areas shall be illuminated between 1-7 foot-candles.
15. The Project shall be consistent with all applicable City's General Plan Policies.
16. All improvements shall be designed and constructed; all permits issued; all fees paid; and all securities submitted pursuant to applicable Federal and state laws, the Subdivision Map Act, the Brentwood Municipal Code, the City

Engineering Department's Standard Plans and Specifications, and the City Engineering Department's Engineering Procedures Manual.

17. Permittee and all construction plans and maps shall comply with Brentwood Municipal Code Title 8 "Health and Safety," Title 9 "Public Peace and Welfare," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Sewers," Title 14 "Water," Title 15 "Building and Construction," and Title 16 "Subdivision and Land Development." In particular:
 - a. Solid waste service shall comply with Brentwood Municipal Code Chapter 8.16 "Solid Waste."
 - b. Construction and demolition work shall comply with Brentwood Municipal Code Chapter 8.40 "Construction and Demolition Debris Recycling."
 - c. Permittee shall comply with Brentwood Municipal Code Chapter 9.32 "Noise Regulations."
 - d. Permittee shall dedicate and improve any thoroughfare and/or collector street pursuant to Brentwood Municipal Code Chapter 12.04 "Street Widths."
 - e. Permittee shall comply with the encroachment permit requirements pursuant to Brentwood Municipal Code Chapter 12.08 "Street Encroachments."
 - f. Sewer backflow prevention, interceptors, and other health and safety requirements shall be incorporated into the project pursuant to Brentwood Municipal Code Chapter 13.04 "Sewer System – Rules and Regulations."
 - g. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
 - h. Water service shall comply with Brentwood Municipal Code Chapters 14.01 "Municipal Water System" and Chapter 14.10 "Cross-Connection Control."
 - i. Contractors requiring construction water shall obtain a temporary water permit and shall only take water metered at a location specified by the City Engineer pursuant to Brentwood Municipal Code Section 14.01.340 "Contractors."
 - j. Permittee shall comply with the Federal Clean Water Act, the Municipal Regional NPDES Permit, and Brentwood Municipal Code Chapter 14.20 "Stormwater Management and Discharge Control."

- k. Fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 "Fire Code."
- l. Grading shall comply with Brentwood Municipal Code Chapter 15.52 "Grading, Erosion and Sediment Control."
- m. All grading and noise generating activities shall be limited to the days and hours defined in Brentwood Municipal Code Section 15.52.060 "Grading Regulations."
- n. In addition to the indemnification obligation set forth above, Permittee shall indemnify the City pursuant to Brentwood Municipal Code Section 15.52.160 "City Held Harmless."
- o. Permittee shall obtain all required permits including, but are not limited to: buildings; sewer connections; encroachment; grading; use; business license; water connection; pursuant to Brentwood Municipal Code Section 16.120.050 "Procedures."
- p. All storm drain, sewer, water and street systems shall be designed and sized to accommodate such additional flows, volumes or loads as may be contributed by the most intensive developed land use of the lands adjacent to or beyond the limits of the subdivision pursuant to Brentwood Municipal Code Section 16.120.080.
- q. All public facilities shall be constructed and any existing deficiencies shall be corrected. This includes both required on- and off-site public facilities and any deficiencies on-site, abutting the parcel or parcels involved or required off-site to provide service to the proposed development or for the continued safety, health and well-being of the public upon completion of the development pursuant to Brentwood Municipal Code Section 16.120.090 "Public Facilities Installation."
- r. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding – Electric, Communication, Street Lighting and Advanced Technology Systems."
- s. All landscaping installed by the project shall be from trees and plants selected from the City Approved Drought Tolerant and Native Plant List with the exception of bioretention facilities which shall conform to Appendix B of the Contra Costa Clean Water Program C.3 Guidelines, to the satisfaction of the Director of Parks and Recreation and City Engineer.

18. Prior to issuance of a grading permit:

- a. Construction Plans shall demonstrate with plans, analysis, or other documentation signed and stamped by a licensed Civil Engineer that there is adequate overland drainage release to an adequate public drainage facility to the satisfaction of the City Engineer. Permittee shall acquire drainage easements, if necessary.
19. Prior to issuance of an encroachment permit or approval of Improvement Plans:
- a. Construction Plans shall include the removal and restriping of all existing parking stalls along the project frontage to the satisfaction of the City Engineer.
 - b. Utility Plan shall be updated to reflect storm drainage treatment in compliance with Cleanwater Program Requirements and no connection to the sanitary sewer system to the satisfaction of the City Engineer.
 - c. Construction Plans shall note that construction of all gravity utilities (i.e. storm drain, sewer) to always commence at the downstream connection and proceed to the upstream terminus.
 - d. Construction Plans shall demonstrate that all gravity utilities (i.e. storm drain, sewer) are designed to positively and completely drain by gravity without relying on any electro-mechanical means (i.e. pumps, lift stations and siphons) to the satisfaction of the City Engineer.
 - e. Construction Plans shall include cathodic protection measures for all buried metallic infrastructure pursuant to City Standards or as approved by the City Engineer.
 - f. Construction Plans shall include all proposed storm drain inlets to include and update existing storm drain inlets along the project frontage with "No Dumping – Drains to Creek" thermoplastic stencils to the satisfaction of the City Engineer.
 - g. Construction Plans shall include all landscaping with adequate root barriers to protect all City facilities, including but not limited to sidewalks, utilities, meters, ramps, and driveways.
 - h. Permittee shall have a licensed Land Surveyor locate all existing survey monuments on or adjacent to the project, and show said monuments as protected on all construction plans.
 - i. Construction Plans shall include a Traffic Control Plan in conformance with the latest edition of the Manual of Uniform Traffic Control Devices issued by Caltrans and as required by the City Engineer.

- j. Construction Plans shall include Emergency Vehicle Access areas to comply with the requirements of the Fire District, and that ingress and egress is provided to all neighboring properties during construction.
 - k. Construction Plans shall incorporate driveways that provide adequate sight distance pursuant to City and Caltrans design requirements. All landscape areas are required to have restrictions to comply with sight distance requirements.
20. Prior to issuance of any Building Permits:
- a. Permittee shall obtain approval from the City Engineer on the Project Operation and Maintenance Manual for all stormwater control systems. Said Manual shall comply with all applicable Municipal Regional NPDES Permit requirements including, but not limited to, maintenance, sediment removal, weed and trash abatement, and the use of chemicals.
 - b. Permittee shall provide an approval signed and sealed by a geotechnical or structural engineer of the location, nature and proximity of stormwater features near or adjacent to buildings as determined by the City Engineer. Locations and design of any mitigating structural design feature (i.e. foundations) shall be shown on the appropriate construction plans.
 - c. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils as applicable.