

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A TEXT AMENDMENT (RZ 26-001) TO THE BRENTWOOD MUNICIPAL CODE TO LIMIT THE TOTAL NUMBER OF AUTOMOBILE SERVICE STATIONS/GAS STATIONS WITHIN THE CITY**

**WHEREAS,** City staff prepared a zoning text amendment that would limit the total number of automobile service stations/gas stations to 20 within the City by adding Brentwood Municipal Code Section 17.665 (Automobile Services Stations/Gas Stations) (the "Ordinance"); and

**WHEREAS,** the Ordinance would amend Title 17 (Zoning) of the Brentwood Municipal Code ("BMC"); and

**WHEREAS,** Brentwood is transitioning from a city with vast areas of open land to one relying on infill development and redevelopment of existing areas and there are few vacant commercial sites to locate any new types of businesses, including gasoline fuel stations and car washes; and

**WHEREAS,** gasoline fuel stations and car washes may not be the highest and best use of the limited available commercial land, especially where such uses may be incompatible with nearby residentially zoned properties; and

**WHEREAS,** expanding the availability of alternative fuel stations will allow the City of Brentwood to transition away from the use of pure fossil fuels as an energy source for vehicles to lower emission and zero emission alternatives, which will have positive impacts on community health, public safety, and the local and regional environment while aligning with State goals for sustainability; and

**WHEREAS,** the Planning Commission has reviewed the proposed amendment to the Brentwood Municipal Code, has found that the proposed Ordinance is consistent with the goals and policies of the General Plan, and recommends adoption to the City Council; and

**WHEREAS,** on March 6, 2026, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance by advertisement in the Brentwood Press, a newspaper of general circulation; and

**WHEREAS,** on March 17, 2026, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendation by staff, and public testimony concerning this Ordinance. Following the public hearing, the Planning Commission voted to recommend that the City Council adopt the proposed Ordinance by a vote of 5-0; and

**WHEREAS**, the City published a notice of public hearing in the Brentwood Press on April 17, 2026, in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, on April 28, 2026, 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

**WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRENTWOOD DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are incorporated into this Ordinance as though fully set forth herein.

**SECTION 2. CEQA.** Pursuant to California Environmental Quality Act ("CEQA") Section 15061(b)(3) of the CEQA Guidelines, this project is exempt in that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, as the proposed Ordinance would not authorize or facilitate construction or groundbreaking activities and any future project subject to the Ordinance would undergo appropriate CEQA review prior to approval.

**SECTION 3. Rezoning.** Brentwood Municipal Code Section 17.870.008 provides:

*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 in Exhibit A are consistent with the General Plan because General Plan Land Use Policy LU 3-1 aims to ensure that an adequate inventory of vacant industrial, commercial, office, and business park land is designated, zoned, and maintained for targeted employment-generating uses. The Ordinance's amendments limit the total number of gasoline fuel stations and will help to preserve remaining commercial land in the city for uses with greater employment generating potential. The Planning Commission finds that the Ordinance is appropriate and is not contrary to the public interest in that it will help preserve commercial land for the highest and best use and protect the city's residential neighborhoods.

**SECTION 4. Amendment.** Specified sections, or portions of sections, of Title 17 of the Brentwood Municipal Code are hereby amended, as shown in Exhibit

A attached hereto and incorporated herein, as follows. Portions of sections not listed in the attached exhibit are not modified and remain in full force and effect.

**SECTION 5. Effective Date; Publication Date.** 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 of the City of Brentwood to be modified accordingly.

**THE FOREGOING ORDINANCE** was introduced with the first reading waived at a regular meeting by the City Council of the City of Brentwood at a regular meeting held on the 28th day of April 2026 by the following vote:

## **EXHIBIT "A"**

**Section 1.** Section 17.030.030 of the Brentwood Municipal Code, titled "Definitions," is hereby amended to add the definition of "gas station," "automobile service station," or "fueling station" to read as follows:

### **Section 17.030.030 Definitions.**

"**Gas station,**" "**automobile service station**", or "**fueling station**" means a retail business selling, storing and/or dispensing gasoline, diesel, or any other fossil fuel-based motor vehicle fuels.

**Section 2.** Chapter 17.665 of the Brentwood Municipal Code is hereby added to read as follows:

### **Chapter 17.665 AUTOMOBILE SERVICES STATIONS/GAS STATIONS**

#### **Chapter 17.665.001 Intent and purpose of the chapter.**

- A. It is found that automobile service stations create special problems of traffic friction, congestion, and hazard, especially at street intersections, and that such stations differ significantly from other uses permitted in commercial zones, thus requiring special controls on location, siting, and development.
- B. The purpose of this section is to minimize the adverse effects of service stations while enabling the provision of reasonably convenient automobile service and promoting compatibility with surrounding activities.
- C. Automobile Service Stations/Gas Stations are as defined by Chapter 17.330

#### **Chapter 17.665.002 Limits on the Number of Automobile Service Stations/Gas Stations.**

- A. Total Number of Automobile Service Stations/Gas Stations. The issuing of Automobile Service Stations/Gas Stations licenses is limited as follows:
  1. The total number of automobile service stations/gas stations within the city shall be limited to no more than 20. Such limitation shall include the combined number of licensed and legally operating gasoline and automobile service stations and those not constructed but with applications deemed completed at the time of the Ordinance adoption.
  2. No entitlements or licenses may be issued to authorize automobile service stations/gas stations if the number already issued equals or exceeds the total number authorized pursuant to subsection 1.
  3. If a licensed and operating gasoline or service station is discontinued from use for a period of 12 months, then further use of the property as a gasoline

or automobile service station shall require authorization through a new Conditional Use Permit. If the use has discontinued due to construction under a valid building permit, the Community Development Director may grant a limited extension of the 12-month period when presented with documentation, prior to the expiration of the 12-month period, demonstrating that construction has been actively, continuously, and diligently pursued; such extensions are intended to be infrequent and shall not be granted where the use has effectively been abandoned or where delays are attributable to the applicant's lack of diligence. Prior to granting an extension, the Community Development Director shall prepare a written determination that construction has been actively, continuously, and diligently pursued and without undue delay.

4. If at the time of a land use application for a gasoline service station there are fewer than 20 gasoline service stations operating or approved in the city, the city shall review new applications in the order in which land use applications are deemed complete.
5. The City of Brentwood planning division (planning) shall maintain the list of operating or approved gasoline or automobile service stations and their locations within the city.

### **Chapter 17.665.003 Development Standards**

The sites and physical building(s) containing the Automobile Service Stations/Gas Stations use is subject to the prescribed zoning district standards and permitting process, except that the following standards apply:

- A. Location and separation. An automobile service station shall be at least three hundred feet from any school, park, or similar use, and shall be at least five hundred feet from any other service station on the same side of a street, except at an intersection of two streets where a maximum of two stations may be permitted on the corners of such intersection. Separation requirements shall be measured from property line to property line.
- B. Lot size. An automobile service station site shall be at least one hundred fifty feet by one hundred fifty feet or the minimum required for the zone in which it is located, whichever is greater. An automobile service station may be modified or rebuilt on an existing service station parcel with site dimensions less than required in this section, provided that all other development standards for the service station are satisfied.
- C. Setbacks. Notwithstanding the applicable setback regulations for the underlying zone, canopies over pump islands, whether attached to a building or not, may extend to within ten feet of street property lines.

- D. Driveways. No more than two driveways or means of access shall be provided to any one street. Driveways shall be located as follows:
1. Not less than twenty-five feet from the nearest street intersection;
  2. Not less than twenty-five feet from any other driveway;
  3. Not less than five feet from a side property line.
- E. Ancillary equipment/devices. Ancillary equipment/devices such as air compressors shall not be located in any required building setback area.
- F. Alternative fuel stations. In addition to the minimum electric vehicle (EV) charging stations required by the California Building Code (CBC), a minimum of one alternative fuel station shall be provided for every four petroleum-based fuel pumps. The alternative fuel station can be an additional EV charging station, compressed natural gas (CNG), hydrogen, or other alternative fuel.