

CHAPTER 4: LAND USE PLAN

This chapter describes the land use plan, the guide for developing and using land within the PA-1 Specific Plan area (Specific Plan area or planning area). The land use plan provides the framework necessary to achieve the mixture of uses that will fulfill the City of Brentwood's vision and priorities for the Specific Plan area. The framework identifies the project area's land use designations and allowed uses. The land use plan comprises the text in this chapter and the land use diagram, which is a map that illustrates the locations of the land use designations in the planning area. This chapter also includes goals and policies necessary to achieve and implement the land use vision for the Specific Plan area.

This chapter is organized into the following sections:

- 4.1. Land Use Plan
- 4.2. Land Use Classifications
- 4.3. Allowed Uses
- 4.4. Land Use Plan Goals and Policies

4.1: LAND USE PLAN

The land use plan implements the Specific Plan’s vision and goals through the application of the project’s six land use designations to properties in the Specific Plan area. The locations of these designations are illustrated in Figure 4.1, Land Use Plan. The land use designations form the basis of the Specific Plan’s land use framework. The designations are described in Section 4.2, Land Use Classifications. The corresponding allowed use provisions for each designation are listed in Section 4.3, Allowed Uses. Development standards for each land use designation are included in Chapter 6, Private Realm Development.

4.2: LAND USE CLASSIFICATIONS

Table 4.1, Land Use Designations, establishes the six land use designations and one overlay designation that apply within the Specific Plan area. These designations implement both the PA-1 Specific Plan and the City’s General Plan vision, policies, and land use classifications for the planning area. The designations replace the application of the City’s conventional zoning districts and planned developments in the planning area. See Figure 4.1, Land Use Plan, for specific parcel designations within the project area.

Densities specified in this Specific Plan are expressed in units per gross acre. Gross acreage shall include land dedicated for any public use (including but not limited to streets, schools, parks, fire stations and detention basins). Land set aside for public facilities and for which reimbursement will be received is not to be included in density calculations (i.e. schools and detention basins). The extent to which facilities are provided will help determine the actual number of units per acre that will be allowed.

Table 4.1: Land Use Designations

Employment Center/Light Industrial (ECLI)

0.6 Maximum FAR

The Employment Center/Light Industrial designation accommodates a wide range of jobs-generating uses, including business parks; clean light industrial; research and development (R&D); science, technology, engineering, and math (STEM); tech/biotech manufacturing; high-tech services that incorporate some combination of assembly, warehousing, and/or sales, hospitals and other health care-related uses, and professional offices. This designation also allows for a regional destination resort hotel and conference center on approximately 45 acres within PA-1.



Transit Village (TV)

0.5 – 1.5 FAR

25-40 du/acre

The Transit Village designation provides for an integrated mix of high-intensity uses in the area surrounding the planned transit station, and encourages the development of a high-quality, pedestrian and bicycle friendly mixed-use district that will define the Specific Plan area’s core. Allowed uses include professional and medical offices, personal services, retail and restaurants, entertainment- and hospitality-related uses, and upper floor multiple-family residences.



Regional Commercial (RC)

0.6 Maximum FAR

The Regional Commercial designation accommodates retail and service uses that serve the general needs of the community and the region. The designation applies to parcels located along Lone Tree Way and State Route 4, and accommodates bulk retailers, department stores, supermarkets, hardware stores, smaller, specialty retailers, and professional and medical offices.



Multiple-Family Very-High Density Residential (MFVHDR)

15-35 du/acre

The Very-High Density Residential designation supports multiple-family residential development within walking distance to the transit station. The designation is primarily intended to accommodate multiple story condominium and/or apartment buildings.



High Density Residential (HDR)

10-20 du/acre

The High Density Residential designation supports residential development at densities and configurations, compatible with the neighborhoods that surround the Specific Plan area, while providing housing within walking distance to the transit station. The designation accommodates a wide variety of housing types, include duplexes, triplexes, townhouses, condominium and/or apartment buildings, and small-lot detached single-family houses.



Public Facility (PF)

The Public Facility designation applies to parcels reserved for government and public agency offices and facilities and public utility facilities. A single parcel within PA-1 is designated as PF, and is the site of a planned future fire station.



Transit Station Overlay (TS)

The Transit Station overlay applies to the areas associated with the proposed transit station and associated facilities, including a potential bus terminal, rail platform, ticketing areas, customer amenities, access and parking areas, and a pedestrian overcrossing over State Route 4.

The locations of the Transit Station Overlay on the Land Use Map are approximate. The overlay must apply to 20-acres, including at least 5-acres on properties located east of State Route 4. In the event that ultimate development of the Transit Station and associated facilities moves or shifts, the underlying land use designation shall be ECLI.





4.3: ALLOWED USES

Table 4.2, Allowed Uses, establishes land use and corresponding entitlement requirements for the Specific Plan’s six land use designations and one overlay designation. Allowed use provisions herein are generally consistent with and implement corresponding land use designations in the City’s General Plan. Within the Specific Plan area, all land area and structures/facilities therein may only be developed, divided, and/or used for those activities listed in Table 4.2. The table also includes references to Brentwood Municipal Code (BMC) sections and other ordinances that the City uses to regulate development that may impact certain sensitive uses.

Land uses in the table are grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called “use classifications.” Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For more information on the purpose, applicability, and the City’s definition of use descriptions, refer to Appendix A: Glossary. The following rules apply to use classifications:

- ▶ **Similar Uses.** When a use is not specifically listed in Table 4.2, it shall be understood that the use may be permitted or conditionally permitted if the City of Brentwood Community Development Director determines that the use is substantially similar to a use listed in Table 4.2. It is further recognized that every conceivable use cannot be identified in Table 4.2. Anticipating that new uses will evolve over time, the Community Development Director may make a formal similar use determination (in writing) based on the proposed use’s impacts and its compatibility with uses allowed in the given district.
- ▶ **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any land use designation within the planning area.

Use regulations in Table 4.2 are shown using the following symbols:

- ▶ P – land use permitted by right
- ▶ C – land use allowed with the approval of a conditional use permit. For the City’s conditional use permit requirements and process, refer to BMC Chapter 17.830.
- ▶ - – land use not allowed

Table 4.2: Allowed Uses

	ECLI	TV	RC	MFVHDR	HDR	PF	TS	Additional Regulations
Residential Use Listings								
Dwelling – Accessory	-	P	-	P	P	-	-	
Dwelling – Multiple-Family	-	P	-	P	P	-	-	
Dwelling – Single-Family	-	-	-	-	P	-	-	
Home Occupation	-	P	-	P	P	-	-	BMC Chapter 17.840
Live-Work Unit	-	P	-	-	-	-	-	
Supportive Housing	-	P	-	P	P	-	-	
Transitional Housing	-	P	-	P	P	-	-	
Human Services Use Listings								
Day Care Center, Adults	C	C	-	C	C	-	-	Subject to compliance with State law
Day Care Center, Children	C	C	-	C	C	-	-	Subject to compliance with State law, including Health & Safety Code § 1597.45(a)
Medical Services – Ambulance Service	C	-	-	-	-	-	-	
Medical Services – Extended Care	P	-	-	P	P	-	-	
Medical Services – General	P	P	P	-	-	-	-	
Medical Services – Hospital	C	-	-	-	-	-	-	
Residential Care Facility, Small	-	P	P	-	P	-	-	
Residential Care Facility, Large	-	C	C	-	C	-	-	
Urban Agriculture and Animal-Related Use Listings								
Community Garden	-	C	C	C	C	C	-	
Domestic Animal Keeping	-	P	-	P	P	-	-	BMC Chapter 17.670
Kennel	-	-	C	-	-	-	-	
Market Garden	P	P	P	-	-	-	-	
Private Garden	-	P	P	P	P	-	-	
Urban Ag Stand	-	P	P	-	-	-	-	
Veterinary Clinic (Without Kennel)	-	P	P	-	-	-	-	

Table 4.2: Allowed Uses

	ECLI	TV	RC	MFVHDR	HDR	PF	TS	Additional Regulations
Institutional Use Listings								
College Campus	C	C	C	-	-	-	-	
Farmers' Market	-	P	-	-	-	-	-	
Indoor Fitness and Sports Facility	C	P	P	-	-	-	-	
Indoor Recreational/ Entertainment Facilities	C	P	P	-	-	-	-	
Outdoor Recreation/Entertainment Facilities	C	C	C	C	C	C	-	
Parks and Plazas	P	P	P	P	P	P	P	
Private Educational Facilities	C	C	C	-	-	-	-	
Public Safety Facilities	C	C	C	C	C	P	C	
Religious Institutions	-	-	-	C	C	-	-	
Social, Fraternal, and Recreational Clubs	-	-	-	C	C	-	-	
Utility, Transportation, and Communication Use Listings								
Broadcasting and Recording Studio	P	P	-	-	-	-	-	
Bus and Transit Shelter	P	P	P	P	P	P	P	
Park and Ride Facility	P	P	C	-	-	-	P	
Parking Facility	P	P	P	P	-	-	P	
Transit Facility	P	C	C	C	C	C	P	
Utility Facilities and Infrastructure	C	C	C	C	C	C	C	
Wireless Telecommunication Facility	C	C	C	C	C	C	C	BMC Chapter 17.795
Commercial Use Listings								
Adult Oriented Business	-	-	-	-	-	-	-	
Animal Sales and Grooming	-	P	P	-	-	-	-	
Business Support Services	P	P	P	-	-	-	-	
Call Center	P	-	-	-	-	-	-	
Card and Gaming Room	C	C	-	-	-	-	-	
Check Cashing Business	-	-	-	-	-	-	-	
Commercial Lodging – Hotels and Motels	C	C	C	-	-	-	-	
Commercial Lodging – Hotels and Motels, Extended Stay	C	C	C	-	-	-	-	
Commercial Lodging – Short-Term Rentals	-	C	-	C	C	-	-	

Table 4.2: Allowed Uses

	ECLI	TV	RC	MFVHDR	HDR	PF	TS	Additional Regulations
Drive-In and Drive-Thru Facilities	C	C	C	-	-	-	-	
Eating and Drinking Establishments – Bars and Nightclubs	C	C	C	-	-	-	-	
Eating and Drinking Establishments – Restaurant	P	P	P	-	-	-	-	
Eating and Drinking Establishments – Tasting Room, Off-site	C	C	C	-	-	-	-	
Financial Institutions	P	P	P	-	-	-	-	
Food and Beverage Stores – Convenience Store	P	P	P	-	-	-	C	
Food and Beverage Stores – Grocery Store	-	C	P	-	-	-	-	
Food and Beverage Stores – Liquor Store	-	P	P	-	-	-	-	
Food and Beverage Stores – Neighborhood Market	-	P	P	-	-	-	-	
Garden Centers and Retail/Wholesale Nurseries	-	-	P	-	-	-	-	
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	
Offices – Accessory	P	P	P	P	P	P	P	
Offices – Building Trade Contractors	P	-	-	-	-	-	-	
Offices – Business and Professional	P	P	P	-	-	-	-	
Personal Services	-	P	P	-	-	-	-	
Retail – Accessory	P	P	P	-	-	-	C	
Retail – General	C	P	P	-	-	-	-	
Retail – General, Large Format	-	C	C	-	-	-	-	BMC Chapter 17.750
Specialized Retail – Artisan Shop	P	P	P	-	-	-	-	
Specialized Retail – Building Materials Stores and Yards	-	-	P	-	-	-	-	
Specialized Retail – Equipment Sales and Rentals	-	-	C	-	-	-	-	
Specialized Retail – Furniture, Furnishings, and Appliance Stores	-	P	P	-	-	-	-	
Specialized Retail –	-	C	C	-	-	-	-	

Table 4.2: Allowed Uses

	ECLI	TV	RC	MFVHDR	HDR	PF	TS	Additional Regulations
Smoke Shop								
Tattoo Parlors	-	C	C	-	-	-	-	
Automobile-Related Use Listings								
Auto and Vehicle Rental	-	-	-	-	-	-	-	
Auto Parts Sales	-	-	P	-	-	-	-	
Car Washing and Detailing	-	-	C	-	-	-	-	
Service Station	-	-	P	-	-	-	-	
Vehicle Services, Major	-	-	-	-	-	-	-	
Vehicle Services, Minor	-	-	P	-	-	-	-	
Industrial, Manufacturing, and Processing Use Listings								
Agricultural Products Processing	C	-	-	-	-	-	-	
Artisanal and Specialty Manufacture, Display, and Sales	C	C	C	-	-	-	-	
Breweries, Distilleries, and Wineries	C	-	-	-	-	-	-	
Freight Yard/Truck Terminal	P	-	-	-	-	-	-	
Manufacturing – Major	C	-	-	-	-	-	-	
Manufacturing – Minor	P	-	-	-	-	-	-	
Manufacturing – Small Scale	P	-	-	-	-	-	-	
Printing and Publishing	P	-	-	-	-	-	-	
Recycling Facility – Collection	P	-	-	-	-	-	-	
Research and Development	P	C	-	-	-	-	-	
Storage – Warehouse	P	-	-	-	-	-	-	
Storage – Yard	-	-	-	-	-	-	-	
Wholesale and Distribution	P	-	-	-	-	-	-	
Accessory Uses								
Accessory Facilities or Buildings	-	-	-	P	P	-	-	BMC Chapter 17.660
Temporary Uses								
See BMC Section 17.850								
Signs								
See BMC Section 17.640								

4.4: LEGAL NONCONFORMING STATUS

The following requirements apply to legal nonconforming land uses, buildings, and structures.

Land Uses

1. A legal nonconforming land use is one that was permitted within the zone in which it was located at the time it was established, but became disallowed upon the adoption of the PA-1 Specific Plan. Such use may continue as long as it does so in accordance with these provisions and without any interruption lasting more than one year. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms both the legal nonconforming status of a land use and the duration of any interruption in that land use. Legal nonconforming uses include development projects that were approved prior to adoption of the PA-1 Specific Plan, have not yet been constructed, have been subject to substantial investment, and retain their approval status.
2. Except as provided herein, a legal nonconforming land use shall not be changed to or replaced by any other use except a conforming one. A legal nonconforming land use may, however, be changed to or replaced by another similar use when all of the following criteria are met:
 - ▶ The change or replacement does not increase the extent or intensity of the nonconformity within the site area occupied by the nonconforming use on the site.
 - ▶ The building or portion of a building, presently occupied by the legal nonconforming land use, is not reasonably capable of conversion to accommodate use and occupancy by a conforming use, without substantial reconstruction or remodeling as determined by the Chief Building Official.
 - ▶ All proper building permits are obtained.A subsequent purchaser cannot replace a nonconforming use established or operated by a prior owner with a new nonconforming use similar in nature.
3. Any legal nonconforming use of a site that is vacant for a period of one year or longer, or is discontinued or otherwise ceases operation and use of the site for a period of one year or longer, shall not be resumed, reestablished, continued or substituted, and all subsequent use of such site shall conform to the requirements of the PA-1 Specific Plan.

A one-time six-month extension to the one-year use period may be granted by the Community Development Director if requested in writing. It shall be the responsibility of the respective property owner to provide documentation to the satisfaction of the Community Development Director that confirms the period of vacancy or discontinuance of a legal nonconforming land use.

4. A legal nonconforming land use that occupies a portion of a building may be expanded to include additional floor area within the same building provided that all proper building permits are obtained. Prior to any expansion within the same building, however, the property owner shall demonstrate to the satisfaction of the Chief Building Official that without substantial remodeling or reconstruction, the portion of the building into which expansion is proposed may not reasonably be used or occupied by a conforming use. The Chief Building Official shall consider whether any required remodeling or reconstruction would involve structural alterations prior to allowing expansion of a legal nonconforming land use. A legal nonconforming use can also be expanded in accordance with Buildings and Structures section below.
5. A legal nonconforming land use that is changed to or replaced by a conforming use shall not be reestablished.

Buildings and Structures

1. Normal and routine maintenance of any existing building or structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, or complying with health and safety requirements, shall be permitted and encouraged.
2. Exterior improvements and renovations and/or structural additions to legal nonconforming buildings or structures that increase the size or scale of nonconforming conditions are not permitted, except as specified below:
 - ▶ One-time minor additions involving a maximum of 25% of the gross floor area or 500 total square feet, whichever is less.
 - ▶ Significant exterior alterations or changes in the exterior façade or architectural design consistent with the applicable City-adopted design guidelines.
 - ▶ Owner-occupied residential buildings used for residential purposes shall be permitted to add accessory structures and outdoor amenities consistent with the applicable development standards for the property.

4.4: LAND USE PLAN GOALS AND POLICIES

Goal LU-1. Promote Economic Activity That Creates High Quality Jobs.

Policy LU-1.1. Prioritize the attraction of businesses to the Employment Center/Light Industrial, Transit Village, and Regional Commercial designations that provide high quality employment opportunities.

Policy LU-1.2. Provide retail, dining, entertainment, and personal service uses to accommodate the needs of residents, employees, commuters, and visitors.

Policy LU-1.3. Encourage unique local retail, restaurant, and service businesses to locate within the Specific Plan area.

Policy LU-1.4. Support the intensification of commercial development, such as infill development on parking lots, in the Regional Commercial designation, provided that parking requirements continue to be met.

Policy LU-1.5. Allow the development and operation of a regional destination resort hotel and conference center on approximately 45 acres of land designated ECLI within PA-1.

Goal LU-2. Provide for a Comprehensive Mix of Transit-Supportive Land Uses.

Policy LU-2.1. Encourage land uses at intensities and densities to support future transit improvements and ridership.

Policy LU-2.2. Support multiple-level transit-oriented development in the project area by encouraging a suitably intense mixture of uses.

Policy LU-2.3. Allow for flexibility in the final location of the Transit Station Overlay. The total area within PA-1 allocated for Transit Station uses shall be approximately 20 acres, consisting of approximately 10 acres on both the west and east sides of SR 4, in very close proximity to the intersection of the Mokolumne Trail and SR 4.

Goal LU-3. Develop a Vibrant Mixed-Use, Transit-Oriented Environment by Encouraging Activity Along Streetscapes and in Public Spaces.

Policy LU-3.1. Require activity-generating ground floor uses, such as retail stores, restaurants, and coffee shops, along streets and public spaces, such as plazas, in the Transit Village designation, and on the ground floor of any parking garages.

Policy LU-3.2. Encourage activity-generating uses at prominent intersections, adjacent to public spaces, and within proximity to the future Transit Station in the Employment Center/Light Industrial and Regional Commercial designations.

Policy LU-3.3. Create urban public spaces, such as plazas and courtyards, in the Transit Village and residential designations that are bounded by activity-generating uses, such as outdoor dining, retail, seating areas, and/or recreation.

Goal LU-4. Provide a Variety of Housing Types that Meet Residents' Needs, Complement the Surrounding Residential Neighborhoods, and Support the Specific Plan Area's Transit-Oriented Development Pattern.

Policy LU-4.1. Encourage the development of housing for a range of income categories.

Policy LU-4.2. Utilize existing City programs and policies to encourage and facilitate the development of affordable housing within the Specific Plan area.

Goal LU-5. Enhance Quality of Life in the Specific Plan Area by Providing Parks, Trails, and Recreational and Cultural Activities.

Policy LU-5.1. Expand the Specific Plan area's system of public spaces, trails, and recreational opportunities.

Policy LU-5.2. Require new development to provide public open spaces and pedestrian connections to the Specific Plan area's pedestrian network.

Policy LU-5.3. Encourage enhancements to the Mokelumne Trail that connect the trail across State Route 4 and reflect the character of the surrounding development (e.g. urban design through the Transit Village Designation, suburban design through the residential designations, etc.)

Policy LU-5.4. Encourage development along Sand Creek to interface with and provide a continuous open space network, including passive and active recreational uses, along the waterway.

Policy LU-5.5. Encourage the development of community gardens in the Transit Village and residential designations.

Policy LU-5.7. Promote youth and cultural activities within the Specific Plan area.