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September 14, 2026

To the Brentwood City Planning Commission:

The Planning Commission will consider, at its September 15, 2026 meeting, proposed Resolution No. 26-013 regarding the general plan conformity of the East County Service Center. The Planning Commission should reject the proposed resolution. Proposed Resolution No. 26-013 is factually incorrect, ignores relevant case law regarding general plan conformity, and, if adopted by the Planning Commission, would represent a failure of their duty to render unbiased opinions based on the City of Brentwood's adopted plans and ordinances.

In California, common professional planning practice supports, and relevant case law has repeatedly held, that a project need not be consistent with all General Plan policies to be considered in conformity with the General Plan. A project conforms to the general plan "if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 378.) "A given project need not be in perfect conformity with each and every general plan policy." (*Id.*) "The question is not whether there is a direct conflict between some mandatory provision of a general plan and some aspect of a project, but whether the project is compatible with, and does not frustrate, the general plan's goals and policies." (*Id.*)

In this instance, the professional planning staff of the City of Brentwood has twice found that development of the East County Service Center at its proposed location conforms with the City's General Plan. First, on December 21, 2010, City planning staff recommended and this same Planning Commission adopted Resolution No. 10-064, determining that the County's purchase of the original 6 parcels composing the project site for the stated purpose of developing an East County government center conforms with the City's General Plan. Second, on August 18, 2026, City planning staff again recommended a resolution determining that the proposed project conforms with the City's General Plan. The Planning Commission instead now considers a resolution of non-conformity based on their contention that the project is inconsistent with five policies, out of at least 365 policies maintained in the General Plan. Even assuming that the project is inconsistent with the five identified policies, which the County disputes as detailed below, this represents only 1.37% of the General Plan policies. The proposed determination of

general plan non-conformity is contrived, inconsistent with professional planning practice and case law, and not supported by past City actions or evidence in the record.

The proposed resolution relies on factual inaccuracies and faulty analysis in determining that the project is inconsistent with the five identified policies.

1. Action LU 3b – Concentrate major office uses along State Route 4.

The proposed project does not frustrate this policy. Developing the project at its proposed location does not prevent, or even hinder, the City from concentrating major offices near State Route 4. For major office uses actually under the City's jurisdictional purview, the City is free to incentivize, authorize, prohibit, or take any other action within its land use authority to effectuate this policy. Moreover, other elements of the General Plan, including the Brentwood Boulevard Specific Plan designation of COIR which applies to the project site, explicitly permit the proposed office use.

2. Policy SA 3-5 – Ensure all areas are accessible to emergency response providers.

The proposed resolution relies on a contrived rationale to question whether appropriate fire apparatus is available to serve the project. The attached email from ConFire Chief Aaron McAlister confirms that a ladder truck is stationed at Fire station 92, 201 John Muir Parkway, that is capable of reaching all floors of the proposed building. This project, as with all County building projects, are reviewed and approved by ConFire to ensure that appropriate fire protection facilities, apparatus, and personnel are available to serve the proposed building before construction begins. Finally, as the Planning Commission is aware, ConFire has made a concerted effort to expand the fire facility network in East County and has several pending fire station projects in Brentwood. Any actual concerns that the Planning Commission may have with respect to fire protection readiness in Brentwood can be addressed through the prompt and collaborative processing of those projects.

3. Policy LU I-4 – New development to occur in logical and orderly manner focusing on infill locations.

The proposed resolution relies on a factual inaccuracy that the project site is "in a mostly undeveloped area." The project is located on an undeveloped PARCEL surrounded on three contiguous sides by development, including housing to the west and commercial developments to the north and east. Only the parcel to the south of the project site is undeveloped, but, as the City is aware, that parcel is currently in option for housing development.

4. Policy LU 1-5 – Encourage new development to be contiguous to existing development.

Again, the proposed resolution relies on a factual inaccuracy that the project location is "in a mostly undeveloped area." As described above, the project site is contiguous on three sides with existing development. Moreover, within 450 feet to the north of the project site is an existing approximately 38,000 square foot office building, and within 700 feet is a nine-building office

complex totaling around 140,000 square feet of office use. Not only is the site contiguous with existing development, but it is also proximate to other major office developments.

5. Policy LU 3-5 – Actively promote the Brentwood Boulevard Specific Plan.

The proposed resolution misapplies the Brentwood Boulevard Specific Plan's (BBSP) COIR designation by stating that it "assumes that 70% of the area will be High Density Residential uses, and this project does not propose any residential uses." This point is developed from the misreading of a footnote buried in a table on page 89 in the appendix of the BBSP. That language does not appear in the text of BBSP at all and would not be considered a policy statement or action item. Nevertheless, even if applicable, the language does not mean that the project is inconsistent with the BBSP. The COIR district includes 108 acres. The project site is 5 acres, or 4.63% of the COIR acreage, and does not prevent development of High Density Residential uses as assumed in the BBSP. And, as discussed above, the BBSP COIR designation explicitly permits the proposed office use.

In conclusion, as has been extensively documented and detailed, the proposed resolution is contrary to the facts and contrary to the law. I encourage any planning commissioner with questions or who are unclear on the details provided in this letter to contact me prior to taking action to approve the resolution on the Planning Commission's agenda.

Sincerely,



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Contra Costa County

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Cc: Supervisor Diane Burgis, District 3
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Attachment: ConFire email and diagram