

OFFICE OF THE CITY ATTORNEY

Damien Brower
City Attorney

Katherine Wisinski
Assistant City Attorney



150 City Park Way
Brentwood, CA 94513
Telephone: (925) 516-5320
Fax: (925) 516-5311
cityattorney@brentwoodca.gov

May 4, 2018

VIA U.S. MAIL AND E-MAIL

Mr. Brian Lau, Esq.
Assistant General Counsel
Fair Political Practices Commission
428 'J' Street, Suite 620
Sacramento, CA 95814

Mr. Ryan O'Connor, Esq.
Counsel, Legal Division
Fair Political Practices Commission
428 'J' Street, Suite 620
Sacramento, CA 95814

Re: Follow-up to Request for Advice; Your File No. A-17-131
Request for Written Opinion – City of Brentwood;
Shadow Lakes/Deer Ridge Golf Course Development Project (Project)

Dear Messrs. Lau and O'Connor:

The City of Brentwood has received your letter dated April 30, 2018. In it, you state that the FPPC has determined that City Councilmembers Karen Rarey, Claudette Staton, and Bailey Grewal, as well as Planning Commissioner John Fink, do not have a disqualifying conflict of interest and thus are not prohibited from voting on the Project¹ under the Political Reform Act. The purpose of this follow-up correspondence is to verify one aspect of your determination's factual background discussion.

As you note on page four of your letter, the Project includes, among other things, a proposed zoning amendment. The zoning for Deer Ridge and Shadow Lakes governs both the golf courses and the associated residences. Shadow Lakes is governed by Planned Development (PD) 18, while Deer Ridge is governed by PD-20.

The Project would require zoning amendments to both PD-18 and PD-20 in order to allow applicant's requested uses. These zoning amendments, which the City calls a 'rezone,' would not actually change the zoning from one zoning district to another. Instead, they would amend the nature and extent of uses allowed within certain areas of PD-18 and PD-20, namely, the golf course and clubhouse areas.

The requested amendments include a reduction in the number of holes on the golf courses and the repurposing of closed holes for recreational uses, as well as allowing a range of living facilities for seniors and those needing memory care. The real property interests of Councilmembers Rarey, Staton and Grewal, and Commissioner Fink are within the borders of PD-18 and PD-20. However, none of the proposed changes to either PD-18 or PD-20 would

¹ Please note that capitalized terms used in this letter are understood to have the same meaning as those terms in our letter of February 20, 2018, to the FPPC requesting advice on this Project.


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change the zoning of the Councilmembers' parcels or change the nature or extent of the uses of those parcels.

We believe that the FPPC is and was aware of these facts and relied on them in reaching its conclusion as to the lack of any Political Reform Act conflict on the part of Councilmembers Rarey, Staton, and Grewal, and Commissioner Fink. If you would be so kind as to confirm this understanding, we would be most appreciative. Thank you.

Please do not hesitate to contact us with any questions you may have.

Sincerely,



Damien Brower
City Attorney

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