

NIELSEN MERKSAMER

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP

**POLITICAL &
GOVERNMENT**

LAW
ADVOCACY
LITIGATION

April 8, 2019

City of Brentwood

APR 8 2019

VIA HAND DELIVERY

City Clerk

Ms. Margaret Wimberly, City Clerk
City of Brentwood
City Hall, 150 City Park Way
Brentwood, California 94513

Re: The Vineyards at Deer Creek Voter Initiative

Dear Ms. Wimberly:

For your immediate attention, enclosed please find the following documents relating to an initiative titled the Vineyards at Deer Creek Voter Initiative (the "Initiative"):

- Notice of Intent to Circulate Petition (Elections Code § 9202);
- Text of the Initiative (Elections Code § 9202);
- Certifications regarding use of signatures (Elections Code § 9608);
- Initiative proponents' authorization for the Nielsen Merksamer law firm to handle the filing of the Initiative petition, as well as any related actions and/or correspondence with elections officials relating to the Initiative (Elections Code § 9210); and
- A check in the amount of \$200 (Elections Code § 9202).

Pursuant to Elections Code section 9203(a), this letter shall serve as formal written request that a ballot title and summary of the measure be prepared by the City Attorney.

The names and addresses of the persons proposing this measure (the "proponents") are: George Cardinale, [REDACTED] Brentwood, CA 94513; Kevin King, [REDACTED] Brentwood, CA 94513; and Jackie ("Jack") Harrison, [REDACTED] Brentwood, CA 94513.

Please do not hesitate to contact the undersigned or Hilary Gibson of my firm should you have any questions. Thank you for your assistance.

Very truly yours,



Sean Welch

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NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Brentwood for the purpose of qualifying and enacting the Vineyards at Deer Creek Voter Initiative. A statement of the reasons for the proposed action as contemplated in the petition is as follows:


This Initiative furthers the vision of Brentwood's 2014 General Plan Update by approving the Vineyards at Deer Creek Specific Plan ("Specific Plan") for an approximately 815-acre area located north of Balfour Road in the City of Brentwood's Planning Area, just outside and west of City limits (the "Specific Plan Area"), as well as a modest amendment to the City's Urban Limit Line ("ULL") to bring the Specific Plan Area within the ULL.

In 2014, the City Council—after extensive public participation—adopted an updated General Plan ("2014 General Plan Update"), which designated the Specific Plan Area as "Special Planning Area 2" and adopted a requirement for the future adoption of a specific plan or planned development zoning for the Specific Plan Area in order to, among other things, facilitate high quality development, provide environmentally sensitive development, and facilitate the provision of special amenities. The 2014 General Plan Update contemplates development in the Specific Plan Area that includes a significant area of protected open space, residential uses (including age-restricted housing) and an allowance for a limited area of local-serving commercial use.

The Specific Plan proposed by this Initiative fulfills these objectives by facilitating the future development of the Specific Plan Area as a new residential community of up to 2,400 dwelling units, at least 80% of which shall be age-restricted for seniors 55 years of age and older as permitted by state law. Consistent with the 2014 General Plan Update's vision, and to ensure outstanding community benefits, the Specific Plan also requires, among other things:

- Effective traffic solutions for *pre-existing* and future conditions, including the extension of American Avenue—consisting of its continuation west and north to Balfour Road—and the widening of significant portions of Balfour Road from two to four lanes, *plus* the generation of substantial, new transportation funding for other improvements;
- A *minimum* of 225 acres of open space, a portion of which will be permanent agricultural crops such as vineyards and olive groves, reinforcing Brentwood's agricultural heritage;
- A 100-foot buffer from existing residential uses along the Specific Plan Area's eastern boundary, and any residential uses immediately adjacent to that buffer to be limited to single-story/single-profile residential homes;
- Generation of approximately two million dollars (based on current fee rates) in new funding for the East Contra Costa Fire Protection District; and
- Allowance for an approximately 20-acre commercial/civic area—limited in location to the southwestern corner of the Specific Plan Area—envisioned for agricultural and farm-to-table related civic uses/functions, such as an outdoor amphitheater, winery, farm-to-table restaurant, and wine barn for tastings, weddings, and community events.

Because development of the Specific Plan Area will require various discretionary actions by the City and others in the future, compliance with the California Environmental Quality Act (CEQA) will be required with respect to those future actions, thereby ensuring that the area is developed in an environmentally responsible manner.



George Cardinale


Kevin King


Jackie ("Jack") Harrison

SIGNED STATEMENT OF PROPONENT
(Elec. Code § 9608)


I, Jackie ("Jack") Harrison, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.


(Signature of Proponent)

Dated this 7th day of April, 2019.

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING
(Elec. Code § 9210)


I, Jackie ("Jack") Harrison, one of the three proponents of the Vineyards at Deer Creek Voter Initiative (the "Initiative"), hereby authorize our legal counsel, Sean P. Welch and Hilary J. Gibson of the Nielsen Merksamer law firm, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.


(Signature of Proponent)

Dated this 7th day of April, 2019.

SIGNED STATEMENT OF PROPONENT
(Elec. Code § 9608)

I, George Cardinale, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.




(Signature of Proponent)

Dated this 4th day of April, 2019.

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING
(Elec. Code § 9210)

I, George Cardinale, one of the three proponents of the Vineyards at Deer Creek Voter Initiative (the "Initiative"), hereby authorize our legal counsel, Sean P. Welch and Hilary J. Gibson of the Nielsen Merksamer law firm, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.




(Signature of Proponent)

Dated this 4th day of April, 2019.

SIGNED STATEMENT OF PROPONENT
(Elec. Code § 9608)

I, Kevin King, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.




(Signature of Proponent)

Dated this 4th day of April, 2019.

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING
(Elec. Code § 9210)

I, Kevin King, one of the three proponents of the Vineyards at Deer Creek Voter Initiative (the "Initiative"), hereby authorize our legal counsel, Sean P. Welch and Hilary J. Gibson of the Nielsen Merksamer law firm, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.



(Signature of Proponent)

Dated this 4th day of April, 2019.