

CHAPTER 10:

Implementation and Administration

This chapter describes the Specific Plan's implementation action plan, funding and financing strategy, and administration. The Specific Plan provides an exceptional opportunity for Brentwood to significantly expand its local job base and move towards a more balanced growth pattern that emphasizes local employment opportunities. In order to optimize and maximize the jobs-generating potential of the Specific Plan area, the City will need to work collaboratively with property owners and developers to foster the type of development envisioned by the Specific Plan.

New development will require a variety of improvements including those typically associated with site development, including infrastructure improvements needed to create sufficient capacity for the new development anticipated in the area as well as amenities that benefit the entire city. In order to achieve these improvements, a strategic, collaborative public/private approach to development will be required which builds on development opportunities to create value and enhance the potential for additional development and public investment. The City will undertake a number of programs and actions to implement the vision described in this Specific Plan.

This chapter is organized into the following sections:

- 10.1. Infrastructure Implementation Overview
- 10.2. Implementation Action Plan
- 10.3. Funding and Financing Strategies
- 10.4. Plan Administration

10.1: INFRASTRUCTURE IMPLEMENTATION OVERVIEW

Implementation of the Specific Plan will be a long-term project that will require collaboration between the City of Brentwood, property owners, and developers. Funding for required infrastructure improvements will represent a key challenge.

There are three broad categories of infrastructure improvements that will need to be implemented within the Specific Plan area in order to support future development.

- ▶ The **Primary Circulation and Infrastructure Network**, which comprise the streets identified on Figure 5.1: Primary Circulation Network and the associated utility improvements constructed within the street rights-of-way. These improvements will be included in the City's Capital Improvement Program, and the City will assume the lead on construction of these improvements, once funding and right-of-way are secured, in collaboration with stakeholders. Funding for these improvements is discussed later in this chapter.
- ▶ The **Conceptual Circulation and Infrastructure Network**, which comprises the streets identified on Figure 5.2: Conceptual Circulation Network and the associated utility improvements constructed within the street rights-of-way. These improvements include critical internal connections that will assist in ensuring that the entire plan area is developed as a cohesive and interconnected network of streets and utilities that facilitate multimodal transportation and utility services throughout the plan area. These improvements will be the responsibility of individual property owners and developers to construct, and the City will work collaboratively to assist with funding and financing tools.
- ▶ **Project-specific infrastructure improvements** will also be required in order to provide access, internal circulation, and utility connections to individual development projects as they are constructed. These improvements

will be the responsibility of individual property owners and developers and will not be constructed with City assistance.

The City will play a key role in the development of infrastructure to support buildout of the Specific Plan, by planning and designing infrastructure systems, providing a framework to allocate the burden for public improvements among various parties, leveraging private investments with available public funds, and providing tools to finance the necessary improvements.

Planned Public Improvements

The Specific Plan area currently consists of mostly vacant, undeveloped land. Buildout of the residential, commercial, and industrial uses planned for the area will require the development of a full complement of public improvements, including roadways and other traffic infrastructure, utilities, landscaping, bicycle and pedestrian facilities, parks, and a fire station.

The City of Brentwood has developed estimates of the primary circulation and infrastructure network components required to support buildout of the Specific Plan area, as shown on Figure 5.1: Primary Circulation Network. The components comprise the public improvements that create benefits for the whole specific plan area, and which will not be the responsibility of any individual property owner and/or developer. This includes arterial street improvements (Heidorn Ranch Road and Jeffery Way), collector streets within the Specific Plan area (Lone Tree Plaza Drive, “A” Street, “B” Street, “C” Street, and Amber Lane), and associated curbs, gutters, and sidewalks; water and sewer lines, street lights, traffic signals, bicycle and pedestrian facilities, and roadway landscaping and irrigation. The current cost estimate for these improvements is approximately \$29 million. The improvements and their costs associated with their construction are described in Appendix C. The primary circulation and infrastructure network improvements and associated cost estimates are also included in Table 10.1: Implementation Action Plan.

In the future, as implementation proceeds, the City may make modifications to the public improvement program, to best support the successful buildout of the Specific Plan area.

10.2: IMPLEMENTATION ACTION PLAN

This section comprises the Implementation Action Plan table, which summarizes the actions, improvements, and projects needed to achieve the Specific Plan’s goals and policies. The

timeframe in which each improvement should be addressed includes short-term (0-5 years), mid-term (6-10 years), long-term (11 plus years), and ongoing. The plan includes the following components:

- ▶ Identification of recommended actions, improvements, projects, policies, and programs
- ▶ Cost estimates for the improvements associated with the primary circulation and infrastructure network
- ▶ Prioritization and recommended timing of action items
- ▶ Designation of lead City departments and outside agencies for implementation of action items. The departments and agencies are abbreviated as follows:
 - City of Brentwood Departments
 - CD – Community Development
 - ED – Economic Development
 - P - Police
 - PW – Public Works
 - PR – Parks & Recreation
 - Outside Agencies
 - BART – Bay Area Rapid Transit
 - TDT – Tri Delta Transit
 - EBRPD – East Bay Regional Park District
 - ECCFPD – East Contra Costa Fire Protection District
 - CCTA – Contra Costa Transportation Authority

Table 10.1: Implementation Action Plan

Implementation Action		Cost Estimate	Priority	Responsibility	
				Lead	Support
Land Use Regulation or Policy (LU)					
LU-1	Update General Plan for consistency with the Specific Plan.	-	Short-term	CD	
LU-2	Update Zoning Code for consistency with the Specific Plan.	-	Short-term	CD	
LU-3	Utilize Specific Plan design guidelines.	-	Ongoing	CD	PW
LU-4	Outreach to business and property owners about how to use the Specific Plan.	-	Ongoing	ED	CD
Circulation (C)					
C-1	Coordinate with Tri Delta Transit on the initial construction of the transit center, a bus hub transit station and commuter parking and park and ride facility.	-	Short- to Mid-term	CD, PW	TDT
C-2	Coordinate with BART and Tri Delta Transit on the expansion of the transit center to include an eBART light rail platform, pedestrian facilities to access the platform, and additional commuter parking and park and ride facilities.	-	Long-term	CD, PW	BART, TDT
C-3	Update City street standards with new street classifications identified in Chapters 5 and 7.	-	Short-term	PW	
C-4	Construct Heidorn Ranch Road extension roadway improvements.	\$4,819,000	Short-term	PW	
C-5	Construct Jeffery Way extension roadway improvements.	\$4,094,600	Short-term	PW	
C-6	Construct Amber Lane roadway improvements.	\$1,842,500	Short-term	PW	
C-7	Construct Lone Tree Plaza Drive roadway improvements.	\$1,069,500	Short-term	PW	
C-8	Construct A Street roadway improvements.	\$1,212,000	Short- to Mid-term	PW	
C-9	Construct B Street roadway improvements.	\$4,568,840	Short- to Mid-term	PW	
C-10	Construct C Street roadway improvements.	\$2,540,000	Short- to Mid-term	PW	
C-11	Coordinate with property owners on the construction of streets that stub out from the Primary Circulation Network	-	Ongoing	PW	
C-12	Establish an enhanced pedestrian crossing on Jeffery Way at the Mokelumne Trail.	-	Short-term	PW	EBRPD
C-13	Coordinate with EBRPD on the improvement of the Mokelumne Trail between State Route 4 and Heidorn Ranch Road.	-	Short-term	PW	EBRPD

Implementation Action		Cost Estimate	Priority	Responsibility	
				Lead	Support
C-14	Coordinate with EBRPD on the construction of the Mokelumne Trail overcrossing of State Route 4	-	Mid-term	CCTA	EBRPD, PW
C-15	Complete on-street pedestrian and bicycle facility improvements associated with the primary circulation network	\$1,262,000	Short- to Mid-term, Ongoing	PW	
C-16	Coordinate with property owners on the construction of new off-street pedestrian and bicycle path and trails	-	Short- to Mid-term, Ongoing	PW	
C-17	Coordinate with property and business owners on the provision of adequate bicycle parking facilities	-	Ongoing	CD	
C-18	Develop and implement a wayfinding program for all modes of transportation.	-	Short-term, Ongoing	CD	PW
Open Space (OS)					
OS-1	Coordinate with property owners on the enhancement of Sand Creek as a linear open space.	-	Short- to Mid-term	CD	PR
OS-2	Coordinate with property owners on the adequate provision of open space throughout the Specific Plan area.	-	Ongoing	CD	PR
OS-3	Explore public/private partnerships for park maintenance.	-	Ongoing	PR	
Infrastructure (I)					
I-1	Complete water supply system improvements associated with the primary circulation network.	\$3,668,212	Short-term	PW	
I-2	Complete wastewater supply system improvements associated with the primary circulation network.	\$881,169	Short-term	PW	
I-3	Complete stormwater drainage system improvements associated with the primary infrastructure system.	\$2,192,079	Short-term	PW	
I-4	Monitor and make upgrades to the water and wastewater supply and stormwater drainage systems to ensure adequate service.	-	Ongoing	PW	
I-5	Coordinate with AT&T, Comcast, PG&E, and other utility providers on the adequate provision of service.	-	Ongoing	Developers and Property Owners	PW
Public Services					
PS-1	Construct a fire station in the Specific Plan area	-	Mid-term	PW	CD
PS-2	Ensure the adequate provision of solid waste service.	-	Ongoing	PW	
PS-3	Ensure the adequate provision of police, fire protection, and safety services.	-	Ongoing	ECCFPD, P	CD

Implementation Action		Cost Estimate	Priority	Responsibility	
				Lead	Support
Economic Development (ED)					
ED-1	Incorporate the Specific Plan's economic development goals and policies into the forthcoming City-wide Economic Development Action Plan.	-	Short-term	ED	
ED-2	Establish a City-wide Business Development Program.	-	Short-term	ED	
ED-3	Establish a business development center with co-working space.	-	Mid-term	ED	CD
ED-4	Establish a next generation business park.	-	Short-term, Ongoing	ED	CD
ED-5	Identify target businesses to attract to the Specific Plan area.	-	Short-term, Ongoing	ED	
Funding (F)					
F-1	Establish an infrastructure financing program for the Specific Plan area.	-	Short-term	PW	ED
F-2	Investigate feasibility of benefit assessment district, community facility district, enhanced infrastructure financing district, and other funding mechanisms.	-	Short-term	PW	ED
F-3	Apply for grants and secure funding to implement projects	-	Ongoing	CD, PW	ED
F-4	Include Specific Plan projects in the City's Capital Improvement Program	-	Ongoing	PW	CD

10.3: FUNDING AND FINANCING STRATEGIES

Various funding sources will contribute towards the cost of public improvements in the Specific Plan area. For the types of primary network infrastructure improvements mentioned above, which provide general or areawide benefit, it is necessary for the City to identify funding sources and financing mechanisms. For other types of infrastructure that more narrowly benefit specific properties, such as in-tract subdivision improvements, the property owner will be expected to directly fund and provide the necessary improvements.

Funding for primary network infrastructure can accrue on either a one-time basis (e.g., grants and payments from developers) or an ongoing basis (e.g., annual property assessments). This Specific Plan recognizes that there may be a mismatch between the timing for availability of funds from certain revenue sources and when it will be necessary to pay certain costs, so that public improvements can be developed and ready when needed to serve

new development. Often, it is necessary to “front load” development of public improvements, meaning that the improvements must be built in advance of the development that will ultimately benefit from them and generate the revenues that will help to pay for them. To address this, municipalities employ various debt financing tools to obtain necessary funds early in the development process, with the debt to be paid off over time by the development that is served. The following sub-sections outline various funding sources and financing mechanisms that may be utilized within the Specific Plan area. Ultimately, the necessary funding and financing for these improvements will be determined in a way that assures the most responsible and efficient use of resources. The final financing program will most likely be a combination of various financing methods and funding sources, and determined through negotiations with the property owners and developers of affected properties.

The following is a detailed discussion regarding the types of funding sources and financing mechanisms needed to finance the Specific Plan area public improvements.

Funding Sources

Private Funding

The ultimate improvements for the planned new primary circulation network roadways and infrastructure within the Specific Plan area may be partially installed and funded through developer payments or by them directly constructing and then dedicating the completed improvements. In the case of developer improvements that provide area-wide benefits, they may be partially reimbursable or fee creditable to some extent through the City’s Development Fee Program (see Development Fee Program) and Brentwood Municipal Code Section 16.130.040. For example, if developers are required to build a portion of an arterial or collector street, the portion of the cost associated with general benefits for the area could be eligible for reimbursement. When it is determined that such reimbursement is due, a development reimbursement agreement may be executed between the City and the developer. This agreement must be approved by the City Council before it goes into effect. Infrastructure that is the developer’s responsibility, as dictated by the project’s conditions of approval, is not eligible for reimbursement.

Priorities for exclusively privately funded improvements have not been established. When private property owners and developers

must construct improvements to support their projects, the City will encourage them to complete these improvements as soon as practical by tying milestones (e.g., grading permit issuance and building permit issuance) to completion of certain improvements.

Development Fee Program (also known as Facility Fees)

The City of Brentwood established a Development Fee Program in 1989. The program sets forth the relationship between contemplated new development, facilities needed to serve new development (including, among other facilities, parks and trails), and the estimated costs of those improvements. The purpose of the fees, referred to as AB 1600 fees, is to finance municipal public facilities to mitigate the impacts caused by new development. These capital improvement “facility fees” are adopted pursuant to California Government Code Section 66000, et. seq. The Development Fee Program implements policies of the City’s General Plan, including the policy that “new development shall contribute its fair share of the cost of on-site and off-site public infrastructure and services. This shall include installation of public facilities, payment of impact fees, and participation in a Capital Improvement Financing Program (CIFP).”

The Development Fee Program is updated periodically and reviewed annually in conjunction with the development of the Capital Improvement Program (CIP) to ensure that required facilities are adequately funded and costs are apportioned to the various types of new development. The updated Development Fee Program information is used to determine the amount of fees available for the funding of proposed CIP projects, and will be amended to include some of the primary network infrastructure improvements identified for the Specific Plan area (as shown on Figure 5.1).

Brentwood Municipal Code Section 16.130.040(A) sets forth the parameters for reimbursing developers for constructing facilities determined by the City to have supplemental size, length, or capacity over that needed for the impacts of the private development.

Enterprise Fees

The funding for all rehabilitation and replacement of existing facilities will come from various sources, such as enterprise fees. Enterprise fees represent those charges for the cost of providing self-supporting services such as water, wastewater and solid waste collection. These rates are established in conformity with Proposition 218 and other applicable laws and generally cannot

exceed the cost of providing the service. Rate studies are performed routinely to adjust the enterprise fees to accurately reflect the true cost of delivery of services and the ultimate planned infrastructure to serve the customers. These collected enterprise fees are reserved and restricted to only the service for which the fees are collected.

Development Agreements

Structured negotiations between cities and developers are often conducted to obtain desired improvements in exchange for development rights. The extent to which a new project can contribute to the provision of infrastructure depends on the project's specific economics, including the relationship between development costs and the revenues that the developer would collect from either leasing or selling the completed development; the amount of funding to be provided through development agreements will have to be negotiated.

Grants and Other Funds

Grants are available from a variety of public agencies and private foundations. However, issues such as authorization of funds, eligibility, and requirements for matching contributions are highly variable and require ongoing research to determine applicability and availability. Grant programs addressing pedestrian/bicycle transportation, recreational trails, roadway construction, infrastructure, and livable communities will be monitored as a source of funding for the Specific Plan area. Community Development Block Grant ("CDBG") funds may become available, either through application to the County or as Brentwood becomes an eligible entitlement city, and may be used for such expenses as infrastructure, acquisition of right-of-way, demolition, and clearance under certain circumstances.

Various federal, state, and regional grant programs distribute funds for public improvement projects. Because grant programs are typically competitive, grant funds are an unpredictable funding source. Grants and other potential sources include those described below.

► Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is the transportation planning and financing agency for the Bay Area region. MTC updates the Bay Area's Regional Transportation Plan (RTP) every five years. Inclusion in the RTP is the way for transportation projects to be

eligible for state and federal transportation dollars, including One Bay Area grants; however, this is typically for projects of regional significance and benefit.

► **State and Federal Funds**

The City may pursue state and federal funding opportunities as they become available. Grant programs are typically very competitive, and this means that future grant funds are not a reliable funding source for Specific Plan implementation.

Financing Tools

Typically, financing involves borrowing against a stream of future revenues by issuing bonds or other forms of debt. When financing public improvements, the bonds are most often repaid by the proceeds from a dedicated, recurring annual stream of assessment revenues or special taxes that are collected from property owners in the area that benefits from the new improvements. The bonds are most often secured through liens placed on the properties within the district; hence, the terms land-based, or land-secured financing are often used when describing these types of financing tools. As described below, these revenues can come from either a portion of the basic one percent ad-valorem property taxes paid by all non-exempt property owners, or through establishment of new assessments or special taxes that property owners must pay in addition to their ad valorem property taxes. This section provides an overview of several commonly-used financing tools that could be considered for implementation in the Specific Plan area.

Benefit Assessment Districts

Property owners and/or businesses within a benefit assessment district agree to pay an additional property levy to fund improvements or services that specially benefit the property or business in the district. There is a range of authority for creating different types of benefit assessments, such as the Improvement Act of 1911, the Landscaping and Lighting Act of 1972, the Vehicle Parking District Law, Geological Hazard Abatement District, law and others. Depending on the authority used to establish the benefit assessment district, they may be able to fund such expenditures as property acquisition, development, and operation and maintenance costs for a wide range of facilities, such as streets, storm drains, sewers, streetlights, parks, open space, and landscaping. Assessment district formation is generally initiated either by petition signed by owners of the

property proposed to be assessed or by passage of a resolution of the City Council. After initiation, an engineer must study the proposed improvements, estimate costs, diagram the proposed district boundaries, and calculate a fair allocation of the benefit assessments among the benefitted parcels in direct proportion to the amount of special benefit each receives. The city must use other sources of revenue to pay for the general benefit, meaning the overall benefit to society from the infrastructure and services to be provided. After the engineer's report is prepared, a public meeting occurs and thereafter ballots are mailed to all affected property owners. Ballots are weighted by the amount each property owner must pay. If the ballots cast determine that the weighted majority of the voting property owners are in favor of the assessment then it may be imposed. Assessments are levied annually and appear on a property owner's property tax bill. Local officials can repay bonds with benefit assessments. Accordingly, cities can pay for up-front construction of costly improvements using bond proceeds, which can be secured by assessments on property within the district and repaid by property owners over time.

In Brentwood, the Capital Improvement Financing Program (CIFP) utilizes benefit assessment districts as a mechanism to cooperate with the development community to fund and finance construction community improvements including roads, and water, wastewater, and regional drainage facilities. Projects are typically financed using bonds backed by the annual assessments. Unpaid assessments are secured by liens against the participating properties.

Community Facility Districts

State law (Mello-Roos Community Facility Act of 1982) enables local governments to establish community facilities districts in which a special tax is levied to generate money to pay for public improvements and services provided within the district. The district can also borrow money by issuing bonds or incurring other debt, which is secured with the annual special tax proceeds. Mello-Roos Community Facility District (CFD) formation may be initiated by the City Council or by property owner petition. Because CFD levies are considered a special tax, district formation requires approval of either two-thirds of the qualified electors. If there are at least 12 registered voters living in the area, then the qualified electors are the registered voters (except in circumstances where the special tax will never be levied on residential property). Otherwise, the qualified electors are the

owners of land within the district. As opposed to a special benefit assessment district, a special tax district does not have to allocate the burden of the levy among property owners strictly on the basis of proportional benefit, meaning there is greater flexibility to structure the levy to meet project funding needs.

Enhanced Infrastructure Financing Districts

The Enhanced Infrastructure Financing District (EIFD) is a funding mechanism that was signed into law to serve as a post-Redevelopment tool, in September 2014. An EIFD is a separate governmental entity and its main purpose is to finance a wide array of public infrastructure projects and private facilities with “communitywide significance,” from parks and brownfield remediation to transit improvements and affordable housing. Unlike a Community Revitalization and Investment Area (CRIA), another relatively new funding/financing tool approved by State law, an area designated for an EIFD does not have to meet stringent qualifying criteria. An EIFD can be created by a city, county, or Joint Powers Authority to fund specific infrastructure and economic development projects as outlined in the Financing Plan. EIFDs can also leverage multiple funding streams to achieve these goals — including tax increment, assessment revenues, increases in Property Tax In-Lieu of Vehicle License Fees (ILVLF), fees, and other sources such as state and federal grants. An EIFD can be established without voter approval, and does not require an affordable housing set-aside. EIFDs can issue bonds, but they may not issue debt without a 55 percent vote of the District’s registered voters, nor can revenues be used to fund ongoing maintenance and operations.

An important consideration in the formation of an EIFD is how much revenue could be generated, based on the portion of the property tax increment that the City controls, and how much of that increment could be dedicated to infrastructure funding versus the amount that is needed to fund increases in ongoing General Fund operations and maintenance costs for various City services that the Specific Plan area will also need.

Financing the Specific Plan Preparation

The cost to prepare the Specific Plan will be recovered by requiring new development to pay a General Plan Maintenance Fee, as outlined in the City’s Cost Allocation Plan and Schedule of City Fees. This fee will be paid upon application submittal.

Summary

The discussion above identifies improvements, costs, funding sources, and financing tools that could be utilized to develop primary network infrastructure to support buildout of the Specific Plan area. Implementation of the Specific Plan will also require on-site improvements to be developed or constructed by developers or builders in conjunction with the improvements necessary to support their projects. Several funding mechanisms and tools have been identified that will assist in developing financing plans for the future improvements.

Factors that the City shall consider when prioritizing funding and selecting the techniques to fund and finance, and matching funding sources with individual improvements, include:

- ▶ Potential for improvements to serve as catalysts and facilitate development of a range of properties versus improvement projects that have more limited benefits.
- ▶ Required timing of improvements compared to location and anticipated rate of development and absorption of completed products.
- ▶ The beneficiaries of the planned improvements and the targeted sources of funding, including available grants.
- ▶ Feasibility of constructing improvements on a “pay as you go” basis versus the need for up-front funding and construction of certain improvements.
- ▶ Consistency with applicable standards and best practices for bond financing, including lien to value ratios, debt service coverage ratios, limitations on overall property owner tax burden, and diversification of the ownership base of participating properties.
- ▶ Integration of projects requiring public funding with overall citywide priorities.
- ▶ Preferences of a developer or individual landowners will be balanced with the overall requirements for efficient and equitable implementation of the Specific Plan.

10.4: PLAN ADMINISTRATION

The City of Brentwood Community Development Department is primarily responsible for the administration, implementation, and enforcement of this Specific Plan. This Specific Plan shall be reviewed, maintained, and implemented in a systematic and consistent manner.

Project Review

Future development projects proposed within Priority Area 1 shall be reviewed for consistency with the design and policy standards established by this Specific Plan. Future projects shall also be reviewed for consistency with the adopted Brentwood General Plan, as the General Plan includes numerous policies and actions to ensure that future development within Brentwood minimizes potential environmental impacts and contributes to the quality of life envisioned by the General Plan.

Environmental Review

A project-level environmental impact report (EIR) has been prepared to analyze the potential impacts associated with full buildout of the Specific Plan. The EIR identifies a range of performance-based mitigation measures, presented in the form of adopted General Plan policies and actions (and/or proposed Specific Plan policies and actions), that must be implemented by future development projects in order to reduce potential environmental impacts to the greatest degree feasible.

When future development applications within the Specific Plan area are received by the City, these projects will be reviewed for consistency with this Specific Plan, and shall be subject to conditions of approval in order to ensure that all relevant General Plan and Specific Plan policies and actions are incorporated into the project or otherwise properly implemented. For projects that are found to be consistent with scope of activities analyzed in the EIR prepared for the Specific Plan, and which properly implement all relevant policies and actions contained in the General Plan, additional project-specific CEQA analysis is intended to be streamlined. Future projects within the Specific Plan area would be subject to other City procedures such as those related to design and site development review, and conditional use permits.

This page left intentionally blank