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Eminent Domain
Inverse Condemnation
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October 19, 2017

Joel Bryant
City Councilmember
PA-1 Spec. Plan Working Group Member

Karen Rarey
City Councilmember
PA-1 Spec. Plan Working Group Member

John Case
Resident/Realtor
PA-1 Spec. Plan Working Group Member

John Fink
Planning Commission
PA-1 Spec. Plan Working Group Member

JoAnn Klement
Resident/Brentwood Neighborhood Comm.
PA-1 Spec. Plan Working Group Member

Debra Maggiora
Resident/Property Owner
PA-1 Spec. Plan Working Group Member

Melrina Maggiora
Property Owner
PA-1 Spec. Plan Working Group Member

Paul Martin
Property Owner
PA-1 Spec. Plan Working Group Member

Michael Monaldo
John Muir Health
PA-1 Spec. Plan Working Group Member

Randy Pena
Randy Pena
PA-1 Spec. Plan Working Group Member

William Trezza
BAC Community Bank
PA-1 Spec. Plan Working Group Member

Dirk Zeigler
Planning Commission
PA-1 Spec. Plan Working Group Member

**Re: *Mark Marcotte*
Jeffery Way/Amber Lane Property, City of Brentwood**

Dear PA-1 Spec. Plan Working Group Members:

I have been retained by Mark Marcotte regarding his property located on the corner of Jeffery Way and Amber Lane in the City of Brentwood. As I understand it, the Priority Area 1 Specific Plan

Working Group (SPWG) is considering a PA-1 Specific Plan which is a Focus Area 4 (Land Use Planning) Strategic Initiative.

PA-1 is a 373-acre project site located in the northwest corner of Brentwood, and is a projected focal point for jobs and mixed-use development. I understand that the SPWG is to play a critical role in the planning process, providing policy guidance, identifying land use and circulation alternatives, and serving as a link between the community and the City Council. I also understand that the SPWG has formulated three initial land use alternatives for the Planning Area.

Mr. Marcotte is requesting that the SPWG recommend that his property be designated as High Density Residential rather than Employment Center/Light Industrial. Mr. Marcotte has issued a letter directly to you which succinctly describes his qualifications and some of the reasons supporting his request. However, that is not the main thrust of my letter.

I am informed that two SPWG Members own property that is within the boundaries of the PA-1 Plan being considered by the SPWG. I am informed that one SPWG Member actually opposed a High Density Residential use of Mr. Marcotte's property during an earlier planning process, and now that SPWG Member's property is being considered for High Density Residential or Neighborhood Commercial Mixed Use.

If this is true, the conflict of interest is patently blatant, visible, and unacceptable. A conflict of interest is a situation which concerns different parties that are incompatible where a person is in a position to derive personal benefit (financial or otherwise) from his/her actions or decisions made in their official capacity. If Mr. Marcotte's property is singled out for a lower designation which is instead provided to SPWG Members, then the conflict of interest is actual and will become a running narrative throughout the decision making process. Because the SPWG has yet to recommend an actual plan to the City Council, there appears to remain the opportunity to remedy this conflict of interest, either by removing all Owner/Members from the SPWG, or by fairly designating all properties including Mr. Marcotte's.

Thank you for your consideration of this letter, and I hope this is my last involvement in the PA-1 Specific Plan.

Sincerely,



Scott E. Jenny

SEJ/twa

cc: Clients