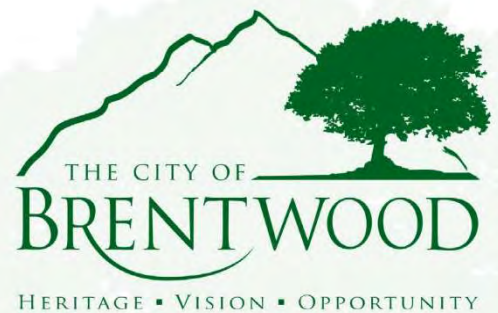




# City of Brentwood Housing Element

*6<sup>th</sup> Cycle Update - 2023-2031*



# **City of Brentwood Housing Element**

*2023-2031*

**November 2023 HCD Submittal**

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- Appendix B: Candidate Sites Analysis
- Appendix C: Summary of Community Engagement
- Appendix D: Glossary of Housing Terms



# Section 1

## *Introduction*

## Section 1: Introduction

The Housing Element is one of the seven State mandated elements included in the City of Brentwood's General Plan. The purpose of the Housing Element is to identify and plan for the City's existing and projected housing needs; it contains a detailed outline and work program of the City's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing for a sustainable future. Through research and analysis, the Housing Element identifies available candidate housing sites and establishes the City's official housing policies and programs to accommodate the Regional Housing Needs Assessment (RHNA) goals as determined by the Association of Bay Area Governments (ABAG). The RHNA quantifies current and future housing growth within a City. The Housing Element is a critical tool for the City of Brentwood to plan for and accommodate current and growth within the community, over the eight-year planning cycle.

## Section 1 Contents

### **A. State Policy and Authorization**

1. Background
2. State Requirements
3. Regional Housing Needs Assessment
4. Relationship to Other General Plan Elements
5. Public Participation (To be updated as we proceed)
6. Data Sources

### **B. Housing Element Organization**

## A. State Policy and Authorization

### **1. Background**

As a mandated chapter of the Brentwood General Plan, the Housing Element must meet all requirements of existing State law. Goals, programs and policies, and quantified objectives developed within the Housing Element are consistent with State law and are implemented within a designated timeline to ensure the City accomplishes the identified actions as well as maintains compliance with State law. The California Department of Housing and Community Development (HCD) reviews each Housing Element for substantial compliance with State law.

### **2. State Requirements**

California State Housing Element Law (California Government Code Article 10.6) establishes the requirements for the Housing Element. State Law requires that local governments review and revise the Housing Element of their comprehensive General Plans once every eight years.

The California Legislature has adopted an overall housing goal for the State to ensure every resident has a decent home and suitable living environment. Section 65580 of the California Government Code States:

- a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.
- b) The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.
- c) The provisions of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.
- d) Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

**Table 1-1** summarizes the State Housing Element requirements and identifies where these requirements are addressed in this document.

Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Section 2.B
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Section 2.F
Analysis and documentation of the City’s housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Section 2.D
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Appendix B.E
Analysis of existing and potential governmental constraints upon the maintenance, improvement, or development of housing for all income levels.	Section 65583.a	Section 3.A.2
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement, or development of housing for all income levels.	Section 65583.a	Section 3.A.1
Analysis concerning the needs of the homeless.	Section 65583.a	Section 2.E.7
Analysis of special housing needs: handicapped, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Section 2.E
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Section 3.C
Identification of Publicly Assisted Housing Developments.	Section 65583.a	Section 3.D.1
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Section 3.D.1
Identification of the City’s goal relative to the maintenance, improvement, and development of housing.	Section 65583.a	Section 4
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Section 4
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B.A



Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Appendix B.B
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the Association of Bay Area Governments.	Section 65583.e	Section 1.A.3
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.	Section 8899.50	Section 3.D
Review of the effectiveness of the past Element, including the City's accomplishments during the previous planning period.	Section 65583.f	Appendix A
<i>Source: State of California, Department of Housing and Community Development.</i>		

The City of Brentwood’s current Housing Element was adopted on April 28, 2015, for the 5th Cycle 2015-2022 planning period. The 6th Cycle Housing Element will plan for the 2023-2031 planning period. Multiple amendments have been made to State Housing Element law since the adoption of the current Housing Element. These amendments change the required analysis, reporting, and type of policies that must be contained in the City’s 2023-2031 Housing Element. The contents of this Housing Element comply with these amendments to State housing law and all other Federal, State, and local requirements.

### 3. Regional Housing Needs Assessment

California’s Regional Housing Needs Assessment (RHNA) is the methodology for determining future housing need, by income category, within California and is based on growth in population, households, and employment. The statewide RHNA is determined under the administration of the California Department of Housing and Community Development (HCD). The quantified housing need is then allocated among the State’s 18 Metropolitan Planning Organizations (MPOs). In the City of Brentwood’s case, this agency is the Association of Bay Area Governments (ABAG).

In accordance with Section 65583 of the California Government Code, ABAG delegates a “fair share” of housing need to its member jurisdictions. The City of Brentwood’s RHNA allocation is divided amongst four income categories, which are based on the County of Contra Costa’s median income for a family of four. For the 2023-2031 planning period the City of Brentwood is allocated a total of 1,522 units. **Table 1-2** below identifies the City’s RHNA by income categories.

Table 1-2: City of Brentwood 6 <sup>th</sup> Cycle RHNA		
Income Category	Percent of Contra Costa County Median Family Income (MFI)	Brentwood RHNA
Very Low-Income	0-50% MFI	402
Low-Income	51-80% MFI	232
Moderate-Income	81-120% MFI	247
Above Moderate-Income	>120% MFI	641
<b>Total RHNA</b>		<b>1,522</b>

#### ***4. Relationship to Other General Plan Elements***

The Housing Element is one of many Elements of the City’s General Plan. The goals, policies, actions, and programs within the Housing Element relate directly to, and are consistent with, all other elements in the City’s General Plan. The City’s Housing Element identifies programs and resources required for the preservation, improvement, and development of housing to meet the existing and projected needs of its population.

The Housing Element works in tandem with development policies contained in the Land Use Element. The Land Use Element is the guide for decision makers on the pattern, distribution, density and intensity of land uses that, over time, will help the City achieve the Brentwood vision for the future; it establishes the location, type, intensity and distribution of land uses throughout the City, and defines the land use build-out potential. By designating residential development, the Land Use Element places an upper limit on the densities and types of housing units constructed in the City. Land use patterns and decisions are influenced by population and economic growth (which create market demand), transportation access and opportunities, the availability of infrastructure, environmental constraints, and quality of life potential reflected in school quality, parks and recreational opportunities, and cultural amenities. The presence and potential for jobs affects the current and future demand for housing at the various income levels in the City.

The City’s Circulation Element also affects the implementation of the Housing Element. The Circulation Element establishes policies for a balanced circulation system in the City. The Circulation Element aims to reduce the impacts of transportation on the region’s environment and provide a variety of options so individuals can choose to travel by car, bicycle, foot, or public transportation. Consequently, the Housing Element must include policies and incentives that consider the types of infrastructure essential for residential housing units in addition to mitigating the effects of growth in the City.

The Housing Element has been reviewed for consistency with the City’s other General Plan Elements, and the policies and programs in this Element are consistent with the policy direction contained in other parts of the General Plan. As portions of the General Plan are amended in the future, the Housing Element will be reviewed to ensure that internal consistency is maintained.

#### ***5. Public Participation***

Public participation is a vital component to the Housing Element update process. Public engagement creates opportunities for community members to provide their input and feedback, information which then directs the Housing Element’s goals, policies and programs. Section 65583 of the Government Code requires local governments to make diligent and continued efforts to achieve public participation of all economic segments of the community. Meaningful community participation ensures that a variety of stakeholders and community members are offered a platform to engage in the City’s planning process.

As part of the 6th Cycle Housing Element Update process, the City has conducted public outreach activities beginning in Spring 2022. These outreach efforts included a City Council and Planning Commission workshop, community surveying, and digital outreach. Project materials, including summaries from

community workshops and public meetings, notices, and draft documents are available on the City's website.

Outreach for the 6<sup>th</sup> Cycle Housing Element to the community, includes the following actions:

- Housing Element Update webpage with all housing materials available in English and in Spanish, located at: <https://brentwoodhousingelement.com/>
- Planning Commission and City Council workshops and meetings with recordings posted on the City's webpage
- Online community survey
- Outreach to Brentwood households and advertising
- 30-Day Public Review of the Draft Housing Element

**Appendix C** contains a summary of all public comments regarding the Housing Element received by the City during the update process. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

## **6. Data Sources**

The data used for the completion of this Housing Element comes from a variety of sources. These include, but are not limited to:

- 2010 and 2020 United States Census
- American Community Survey
- Regional Analysis of Impediments to Fair Housing (AI)
- Annual Point-in-Time Homeless Census by the Contra Costa County
- Home Mortgage Disclosure Act (HMDA) lending data
- California Department of Economic Development
- California Employment Development Division Occupational Wage data, 2020
- Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2014-2018

The data sources represent the best data available at the time this Housing Element Update was prepared. The original source documents contain the assumptions and methods used to compile the data.

## B. Housing Element Organization

This Housing Element represents the City of Brentwood’s policy program for the 2023-2031, 6<sup>th</sup> Housing Cycle Planning Period. The Housing Element is comprised of the following Sections:

**Section 1: Introduction** contains a summary of the content, organization, and statutory considerations of the Housing Element;

**Section 2: Community Profile** contains an analysis of the City’s population, household and employment base, and the characteristics of the housing stock;

**Section 3: Housing Constraints, Resources, and Fair Housing** examining governmental and non-governmental constraints on production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification and funding and financial considerations;

**Section 4: Housing Plan** addresses the City’s identified housing needs, including housing goals, policies, and programs.

Appendices provides various appendices with supplementary background resources including:

**Appendix A** – Review of Past Performance

**Appendix B** – Candidate Sites Analysis

**Appendix C** – Summary of Community Engagement

**Appendix D** – Glossary of Housing Terms



## Section 2

### *Community Profile*

## Section 2: Community Profile

The community profile for the City of Brentwood provides an overview of the City’s housing and population conditions. To create a comprehensive evaluation of Brentwood’s housing needs, the community profile discusses characteristics of the City’s population, households, economy and housing stock, and presents each of these components in a regional context. This assessment serves as the basis for identifying the appropriate goals, policies, and programs for the City of Brentwood to implement during the 2023-2031 Housing Element Cycle.

The community profile uses the most current data available from the Association of Bay Area Governments (ABAG), 2010 U.S. Census<sup>1</sup>, 2010-2019 American Community Survey (ACS), the California Department of Finance, the California Employment Development Department, the California Department of Education, and other currently available real estate market data.

## Section 2 Contents

### A. Population Characteristics

1. Population Growth
2. Age Characteristics
3. Race/Ethnicity Characteristics

### B. Economic Characteristics

1. Employment and Wage Scale

### C. Household Characteristics

1. Household Type
2. Household Size
3. Household Income

### D. Housing Problems

1. Overcrowding
2. Overpayment (Cost Burden)

### E. Special Needs Groups

1. Seniors
2. Persons with Physical and Developmental Disabilities

3. Large Households

4. Single-Parent Households

5. Farmworkers

6. Extremely Low-Income Household (ELI) and Poverty Status

7. Persons Experiencing Homelessness

8. Students

### F. Housing Stock Characteristics

1. Housing Growth

2. Housing Types

3. Housing Availability and Tenure

4. Housing Age and Conditions

5. Housing Costs and Affordability

Very Low-Income Households

Low-Income Households

Moderate-Income Households

<sup>1</sup> Data from the 2020 U.S. Census is available; however, it is not comprehensive. The Community Profile relies primarily on 2019 ACS 5-Year Estimates for more recent data as it was the latest available at the time the Section was created.

## A. Population Characteristics

Understanding the characteristics of a population is critical to plan for the needs of a community. Population growth, age composition, race and ethnicity, and employment trends influence the type and extent of housing needs and the ability of the local population to afford housing costs. The following section describes and analyzes the various population characteristics and trends that affect housing need.

### 1. Population Growth

According to the U.S. Census, the population of Contra Costa County has increased by approximately half a million individuals between 1980 and 2020 (a total increase of 78 percent). **Table 2-1** shows the City of Brentwood experienced one of the largest population increases of the area at 59,858 individuals over forty years. The City experienced a total growth of 1,350 percent, with the largest percent growth occurring between 1980 and 2000.

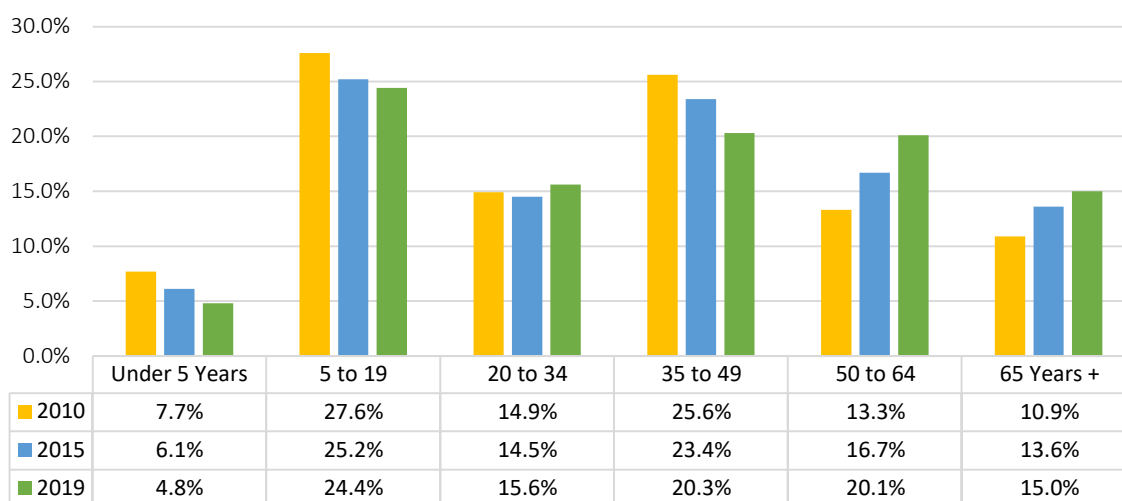
Jurisdictions	Population					Percent Change	
	1980	1990	2000	2010	2020	1980-2000	2000-2020
Antioch	42,683	62,195	90,532	102,372	115,291	112%	27%
<b>Brentwood</b>	<b>4,434</b>	<b>7,563</b>	<b>23,265</b>	<b>51,481</b>	<b>64,292</b>	<b>425%</b>	<b>176%</b>
Oakley	2,844	18,225	25,619	35,432	43,357	801%	69%
Pittsburg	33,034	47,564	56,769	63,264	76,416	72%	35%
Contra Costa County	656,380	803,732	948,816	1,049,025	1,165,927	45%	23%

Sources: U.S. Census Bureau, Decennial Census.

### 2. Age Characteristics

Age distribution within a population helps to evaluate different housing needs as housing choices may differ based on the age of the individual or prospective homeowner or housing tenant. For example, young adults and seniors typically favor apartments, low to moderate-cost condominiums, and smaller or more affordable single-family units because they tend to live on smaller or fixed incomes or have smaller families. As a community’s population moves through different stages of life, housing is required to accommodate new or adjusted needs. **Figure 2-1** and **Table 2-2** below display American Community Survey (ACS) data for age distribution in Brentwood. Overall, the data shows an aging trend amongst community members in Brentwood; the percent of children and young adults continues to decline while the senior population grows. The population of children under the age of five is the lowest in Brentwood in comparison to surrounding cities and the County. The City of Brentwood has the greatest percentage of persons 65 years and over compared to nearby jurisdictions, but lower than the County average.

Figure 2-1: Age Distribution in Brentwood (2010-2019)



Source: American Community Survey, Table S0101, 5-Year Estimates, 2010, 2015, and 2019.

Jurisdiction	Under 5	5 to 19	20 to 34	35 to 49	50 to 64	65 or Over
Antioch	6.2%	21.3%	21.2%	19.1%	20.0%	12.3%
<b>Brentwood</b>	<b>4.8%</b>	<b>24.4%</b>	<b>15.6%</b>	<b>20.3%</b>	<b>20.1%</b>	<b>15.0%</b>
Oakley	7.6%	25.5%	19.0%	21.6%	17.0%	9.3%
Pittsburg	7.5%	19.7%	23.3%	20.4%	18.2%	11.0%
Contra Costa County	5.7%	19.4%	18.7%	20.5%	20.3%	15.4%

Source: American Community Survey, Table S0101, 5-Year Estimates, 2019.

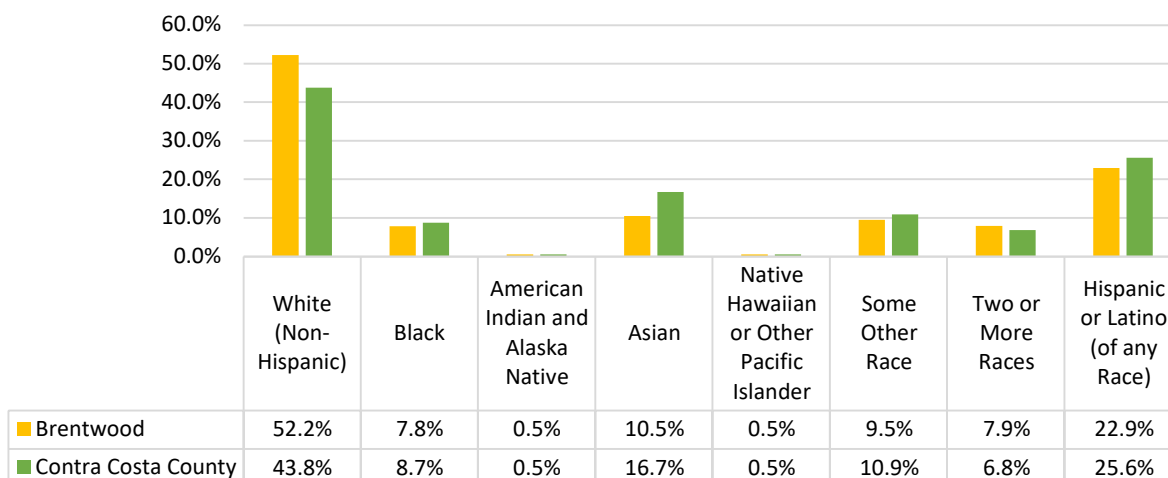
### 3. Race/Ethnicity Characteristics

Creating both equal opportunity and fair housing needs are essential elements in the provision of housing units within cities and counties. Analyzing and understanding the racial and ethnic composition of a community is important to the extent that different racial and ethnic groups have varying household characteristics, income levels, and cultural backgrounds which may affect their housing needs and housing choice. An example of this is the proclivity of Asian or Hispanic cultures to contain larger family groups within a single household. Not accounting for differences in household characteristics could lead to overcrowding within housing units if suitably sized housing units are not provided. It is important to note that while race and ethnicity are used to identify different sections of a community’s population, they are not the same and are not mutually exclusive. The data identified in the section below shows the racial and ethnic composition of Brentwood, its neighboring jurisdictions, and Contra Costa County using ACS data; this allows residents to identify one’s race, as well as one’s ethnicity; therefore, overlap may occur.

As shown in **Figure 2-2** and **Table 2-3**, the White (Non-Hispanic) population in Brentwood comprises the largest percentage of the population for the City and compared to neighboring communities. Generally, Native Hawaiian/Other Pacific Islanders and American Indian/Alaska Natives make up the smallest population groups – a trend similar with the rest of the County. Persons who identify as Hispanic or Latino (of any race) make up almost a quarter of the population in Brentwood and represent the smallest percentage compared to neighboring communities.



Figure 2-2: Racial and Ethnic Composition



Source: American Community Survey, Table DP05, 5-Year Estimates, 2019.

Jurisdiction	White (Non-Hispanic)	Black	American Indian and Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino (of any Race)
Antioch	27.8%	21.5%	0.7%	11.7%	0.9%	15.7%	8.9%	33.2%
<b>Brentwood</b>	<b>52.2%</b>	<b>7.8%</b>	<b>0.5%</b>	<b>10.5%</b>	<b>0.5%</b>	<b>9.5%</b>	<b>7.9%</b>	<b>22.9%</b>
Oakley	41.2%	9.8%	1.0%	6.5%	0.9%	16.4%	8.6%	35.8%
Pittsburg	19.1%	15.4%	0.8%	16.7%	0.6%	21.9%	9.2%	43.4%
Contra Costa County	43.8%	8.7%	0.5%	16.7%	0.5%	10.9%	6.8%	25.6%

Source: American Community Survey, Table DP05, 5-Year Estimates, 2019.

Table 2-4 shows that between 2010 and 2019 certain racial and ethnic groups experienced significant changes. The Brentwood population that identifies as American Indian/Alaska Native increased by 400 percent from 2010 to 2019. The population that identifies as Asian had the second largest increase (41.9 percent) followed by the population that identifies as Black (39.3 percent). The Hispanic or Latino (of any race) population decreased by 15.2 percent, and the White (Non-Hispanic) population decreased by 5.4 percent.

Race/Ethnicity	2010	2015	2019	Change 2010 to 2015	Change 2015 to 2019	Change 2010 to 2019
White (Non-Hispanic)	55.2%	55.5%	52.2%	0.5%	-5.9%	-5.4%
Black	5.6%	5.1%	7.8%	-8.9%	52.9%	39.3%
American Indian and Alaska Native	0.1%	0.1%	0.5%	0.0%	400.0%	400.0%
Asian	7.4%	8.2%	10.5%	10.8%	28.0%	41.9%
Native Hawaiian or Other Pacific Islander	0.4%	0.2%	0.5%	-50.0%	150.0%	25.0%
Some Other Race	0.5%	0.0%	0.2%	-100.0%	0.2%	-60.0%
Two or More Races	3.9%	5.8%	5.4%	48.7%	-6.9%	38.5%
Hispanic or Latino*	27.0%	25.1%	22.9%	-7.0%	-8.8%	-15.2%

\*Of any race.  
Source: American Community Survey, Table DP05, 5-Year Estimates, 2010, 2015, and 2019.

## B. Economic Characteristics

In addition to demographics and culture, economic characteristics may also indicate different housing needs. Employment and income trends may indicate a need for more housing units at particular affordability levels. Providing a variety of housing units at all affordability levels is critical in ensuring all community members have their needs met.

Reporting and analyzing economic characteristics of a community is an important component of the Housing Element. The data provides valuable insight into the Brentwood community’s ability to access the housing market and to afford housing. Specifically, incomes associated with different employment sectors and the number of workers in a household may affect housing affordability and choice. Local employment growth is also linked to local housing demand, and vice versa. Therefore, to consider a healthy balance between jobs and housing, it is important to consider the employment characteristics of a community.

### 1. Employment and Wage Scale

Employment can directly affect the housing needs for a city as employment and income provides the ability for a population to purchase housing and may direct the types of housing residents can afford. **Table 2-5** outlines employment growth forecast from 2015 through 2040 for Brentwood and the surrounding jurisdictions. The City of Brentwood is forecasted to experience an employment growth of approximately 51.9 percent (9,915 persons) through 2040, which is greater than the County’s estimated employment growth of 15 percent. In comparison to the surrounding jurisdictions, Brentwood has the largest projected employment change between 2015 to 2040. The figures listed in **Table 2-5** outline economic growth in comparison to the forecasted population growth shown in **Table 2-1**. The City of Brentwood is projected to experience the largest population growth through 2040, with a significantly greater percentage than the other jurisdictions; during this same timeframe, the City’s projected employment growth is estimated to also increase at a greater rate than nearby jurisdictions.

Jurisdiction	2015	2020	2025	2030	2035	2040	Change 2015-2040	Numeric Change 2015-2040
Antioch	52,475	53,060	53,250	55,185	59,340	61,020	16.3%	8,545
<b>Brentwood</b>	<b>19,115</b>	<b>19,450</b>	<b>19,655</b>	<b>21,345</b>	<b>28,080</b>	<b>29,030</b>	<b>51.9%</b>	<b>9,915</b>
Oakley	16,135	16,120	16,250	21,470	21,420	23,080	43.0%	6,945
Pittsburg	33,770	34,495	34,280	33,660	38,615	39,380	16.6%	5,610
Contra Costa County	579,075	589,810	617,185	633,830	655,135	665,875	15.0%	86,800

*Represents an estimate from the ABAG 2010-2040 Regional Growth Forecast.  
Sources: ABAG Plan Bay Area Projections 2040.*

**Table 2-6** shows employment growth in Brentwood from 2010 to 2019 by industry. Based on the 2019 ACS data, 63.7 percent of Brentwood’s population age 16 and over was employed. Employment in the City increased by 35.3 percent from 2010 to 2019. The Education Services, Health Care, and Social Assistance industry represents the largest percentage of the City’s employment in both 2010 and 2019. Between 2010 and 2019 most occupations in the City experienced an increase in employment – the Education Services, Health Care, and Social Assistance industry and the Transportation and Warehousing, and Utilities industry experienced the greatest changes.

Employment Industry	2010		2019		Percent Change 2010-2019
	Amount Employed	Percent Employed	Amount Employed	Percent Employed	
Agriculture, Forestry, Fishing and Hunting, and Mining	198	0.10%	184	0.6%	-7.1%
Construction	1,748	9.00%	2626	9.3%	50.2%
Manufacturing	1,549	8.00%	2160	7.6%	39.4%
Wholesale Trade	629	3.20%	607	2.1%	-3.5%
Retail Trade	2,472	12.80%	3017	10.6%	22.0%
Transportation and Warehousing, and Utilities	872	4.50%	1462	5.2%	67.7%
Information	568	2.90%	702	2.5%	23.6%
Finance and Insurance, and Real Estate and Rental Leasing	1,585	8.20%	1873	6.6%	18.2%
Professional, Scientific, Management, and Administrative Services	2,114	10.90%	3453	12.2%	63.3%
Education Services, Health Care, and Social Assistance	4,075	21.00%	6920	24.4%	69.8%
Arts, Entertainment, Recreation, Accommodation, and Food Services	1,471	7.60%	2409	8.5%	63.8%
Other Services (Except Public Administration)	1,036	5.30%	1331	4.7%	28.5%
Public Administration	1,068	5.50%	1615	5.7%	51.2%
<b>Total</b>	<b>20,958</b>	<b>100%</b>	<b>28,359</b>	<b>100%</b>	<b>35.3%</b>

Source: American Community Survey, Table DP03, 5-Year Estimates, 2010 and 2019.

In addition to reporting and analyzing employment sector trends, analyzing the unemployment rate is essential to understanding current and projected housing affordability needs. Economists identify a 3.5 to 4.5 percent unemployment rate as natural, as it reflects the real voluntary economic forces within a city.<sup>2</sup> Table 2-7 shows the City has an unemployment rate of 4.3 percent, which is greater than the County's 3.4 percent. Based on this data, approximately 2,039 persons aged 16 years and over were without work in 2019 and may therefore benefit from affordable housing options.

Jurisdiction	Unemployment Rate
Antioch	5.4%
<b>Brentwood</b>	<b>4.3%</b>
Oakley	2.6%
Pittsburg	5.5%
Contra Costa County	3.4%
*Population 16 years and over	
Source: American Community Survey, Table DP03, 5-Year Estimates, 2019.	

For those employed, income level can further identify housing types that may be needed. According to the ABAG Regional Housing Needs Assessment (RHNA) Methodology, housing needs by income are broken down into four income levels based on the Area Median Income (AMI):

- Very Low-Income (50 percent or less of the AMI)

<sup>2</sup> Natural Rate of Unemployment, Its Components, and Recent Trends, Kimberly Amadeo, ed. Eric Estevez, August 30, 2020.

- Low-Income (50 to 80 percent of the AMI)
- Moderate-Income (80 to 120 percent of the AMI)
- Above Moderate-Income (120 percent or more of the AMI)

According to 2018 ACS data, Brentwood’s median income is \$108,994. As shown in **Table 2-8**, more than half of the occupations in Contra Costa County have an average income that is either low or very low. If this trend is applied to Brentwood, it should be anticipated that housing stock in the City would need to be affordable to accommodate lower-income levels.

Occupation	Salary
Management	\$137,618
Computer and Mathematical	\$115,395
Legal	\$108,348
Healthcare Practitioners and Technical	\$106,907
Architecture and Engineering	\$101,273
Life, Physical and Social Sciences	\$94,563
Business and Financial Operations	\$83,777
Construction and Extraction	\$71,055
Installation, Maintenance and Repair	\$59,483
Education, Training and Library	\$57,683
Community and Social Service	\$57,108
Arts, Design, Entertainment, Sports and Media	\$56,923
Protective Services	\$51,757
Office and Administration Support	\$49,465
Production	\$43,804
Building, Grounds Cleaning, and Maintenance	\$41,931
Transportation and Material Moving	\$39,702
Sales	\$37,731
Farming, Fishing and Forestry	\$35,142
Personal Care and Service	\$32,841
Healthcare Support	\$32,020
Food Preparation and Serving Related	\$30,985
<i>Source: California Employment Development Division, Occupational Wage data, 2018-2028.</i>	

## C. Household Characteristics

Households include all individuals that occupy a single housing unit in a shared state whether they are single occupants, families, or unrelated people sharing a housing unit. Household trends provide useful information that can be used to predict future housing needs. Household characteristics are also important in analyzing and understanding growth and determining the housing needs of a community. Income and affordability are best measured at the household level, as well as the special needs of certain groups, such as large families, single-parent households, or lower-income households.

### 1. Household Type

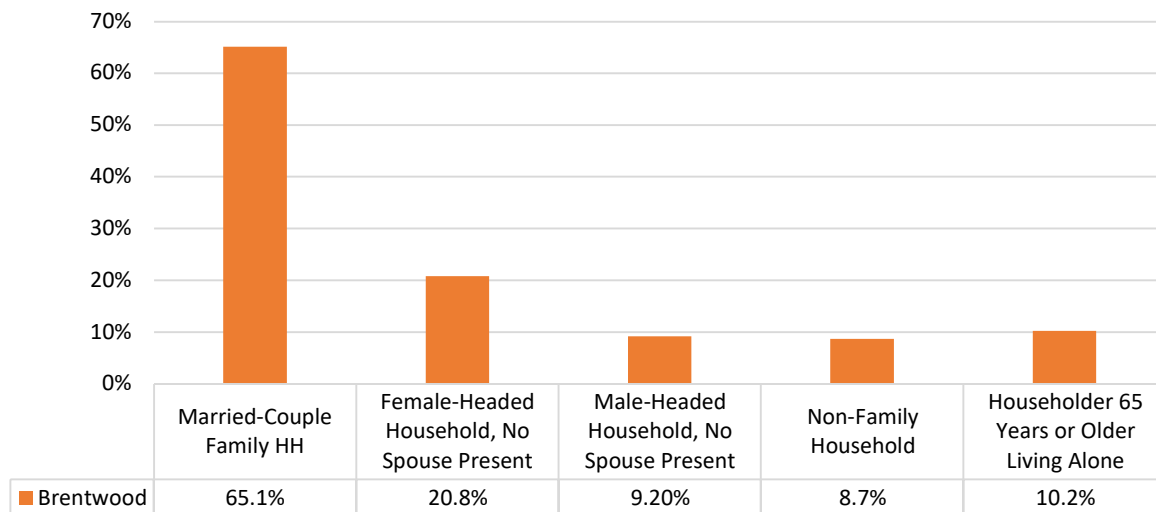
The City has 19,906 total households, according to ACS data. This represents approximately five percent of the total Contra Costa County households. As shown in **Table 2-9**, Brentwood has more married-couple households than the County and the second most among the surrounding jurisdictions. Married-couple households tend to seek occupancy in single-family homes with multiple bedrooms. In contrast, 8.7 percent are non-family households – these include persons living alone or with roommates. Senior households living alone (individuals over 65 years) represent 10.2 percent, as shown in **Figure 2-3** below. Seniors generally tend to occupy apartments or seek out more affordable housing options.

**Table 2-9: Household Characteristics (2019)**

Jurisdiction	Married-Couple Family HH	% of Total HH	Female HH, No Spouse Present	% of Total HH	Non-Family HH	% of Total HH	Total Households
Antioch	16,716	49.1%	9,869	29.0%	4,550	13.4%	34,028
<b>Brentwood</b>	<b>12,967</b>	<b>65.1%</b>	<b>4,140</b>	<b>20.8%</b>	<b>1,726</b>	<b>8.7%</b>	<b>19,906</b>
Oakley	7,835	66.5%	1,967	16.7%	1,273	10.8%	11,778
Pittsburg	10,100	47.3%	6,177	28.9%	3,779	17.7%	21,357
Contra Costa County	217,370	55.1%	99,944	25.3%	44,613	11.3%	394,769

*Source: American Community Survey, Table DP02, 5-Year Estimates, 2019.*  
*HH = Households*

**Figure 2-3: Household Characteristics**



*Source: American Community Survey, Table DP02, 5-Year Estimates, 2019.*

**Table 2-10** summarizes household changes from 2010 through 2019. During this time, the City gained approximately 5,101 new households, and now has a household size of about 3.10 average persons (**Table 2-11**). From 2010 to 2019, female-headed households with no spouse present experienced the greatest increase. Non-family households were the only household type to experience a decrease of 46.8 percent.

Household Type	2010	Percent	2015	Percent	2019	Percent	Percent Change 2010-2019
Married-Couple Family Households	11,563	78.1%	11,681	65.9%	12,967	65.1%	12.1%
Female-Headed Households, No Spouse Present	1,364	9.2%	2,087	11.8%	4,140	20.8%	203.5%
Male-Headed Households with No Spouse Present	702	4.7%	928	5.2%	1,835	9.2%	161.4%
Non-Family Households	3,242	21.9%	3,029	17.1%	1,726	8.7%	-46.8%
Householders 65 Years and Older Living Alone	1,132	7.6%	1,266	7.1%	2,030	10.2%	79.3%
<b>Total Households</b>	<b>14,805</b>		<b>17,725</b>		<b>19,906</b>		<b>34.5%</b>

*Source: American Community Survey, 5-Year Estimates, 2010, 2015, 2019.*

## 2. Household Size

Household size represents the most basic unit of demand for housing, as it identifies the type and size of housing needed in a community. It can provide information on population growth and household character, as well as be both a result and indicator of housing affordability and other economic conditions. Household size is important in understanding housing need by type of housing. For example, data reflecting household size in a community can help identify issues of overcrowding, which is a result of inadequate space for all household members and is considered a housing burden.

**Table 2-11** below identifies household size for the City, nearby jurisdictions, and Contra Costa County. At approximately 3.10 persons per household, Brentwood has the smallest household size in the area. This shows a trend in Brentwood to have smaller families or generally smaller occupancies for housing units.

Jurisdiction	Average Persons per Household
Antioch	3.25
<b>Brentwood</b>	<b>3.10</b>
Oakley	3.50
Pittsburg	3.33
Contra Costa County	2.87

*Source: American Community Survey, Table B25010, 5-Year Estimates, 2019.*

## 3. Household Income

Household income is an important indicator of housing needs in a community, as it is directly connected to the ability to afford housing. As household income increases, it is more likely that the household can afford market-rate housing, larger units, and/or pursue ownership opportunities; however, as household income decreases, households tend to pay a disproportionate amount of their income for housing. This may influence increased incidences of overcrowding and substandard living conditions.

The California State Department of Housing and Community Development (HCD) has identified the following income categories based on the HUD Area Median Income (HAMI) of Contra Costa County:

- Extremely Low-Income (up to 30 percent of the HAMI)
- Very Low-Income (31 and 50 percent of the HAMI)
- Low-Income (51 percent and 80 percent of the HAMI)
- Moderate-Income (81 percent and 120 percent of the HAMI)
- Above Moderate-Income (120 percent or more of the HAMI)

Combined, the extremely low-, very low-, and low-income groups are referred to as lower-income.<sup>3</sup> The Comprehensive Housing Affordability Strategy (CHAS) estimates the number of households by income based on 2018 ACS data. **Table 2-12** shows a majority (68 percent) of residents in the City have a Moderate or Above income. A total of 32 percent of households in Brentwood are estimated to be of lower-income – with 10.2 percent estimated in the Extremely Low-Income category.

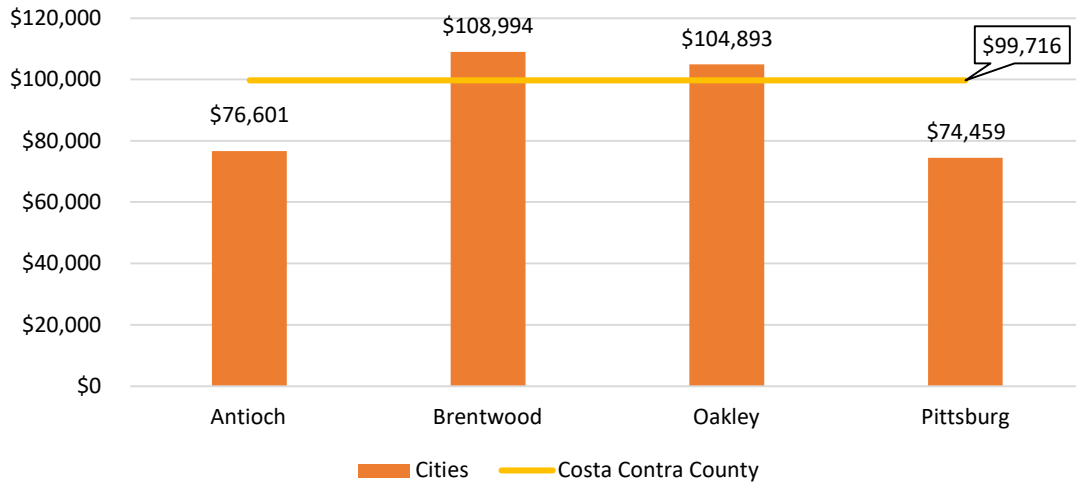
Income Category (Percent of County MFI)	Households	Percent	2019 AMI*
Extremely Low (30% MFI or less)	1,985	10.2%	\$34,850
Very Low (30% to 50% MFI)	2,090	10.7%	\$58,100
Low (50% to 80% MFI)	2,175	11.1%	\$89,600
Moderate or Above (Over 80% MFI)	13,290	68.0%	\$125,300
<b>Total</b>	<b>19,545</b>	<b>100%</b>	<b>\$104,400 Median AMI</b>

\*For an average family of four.  
 Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2014-2018; HCD State Income Limits for 2018.

Higher household incomes allow for greater flexibility and opportunity of housing choice. Households with lower median-incomes are more susceptible to housing cost burdens and may have fewer choices available, meaning a large, low-income household may face challenges finding adequately sized rental housing. As a result, cost burden, displacement, and overcrowding may occur. **Figure 2-4** and **Table 2-13** compare Brentwood’s median household income to that of nearby jurisdictions and the County. At \$108,994, the City has the greatest household income for the area, this implies a better ability to facilitate housing units at a wider range of pricing and values.

<sup>3</sup> Federal housing and community development programs typically assist households with incomes up to 80 percent of the AMI and use different terminology. For example, the Federal Community Development Block Grant (CDBG) program refers households with incomes between 51 and 80 percent AMI as moderate-income (compared to low-income based on State definition).

Figure 2-4: Median Household Income by City (2019)



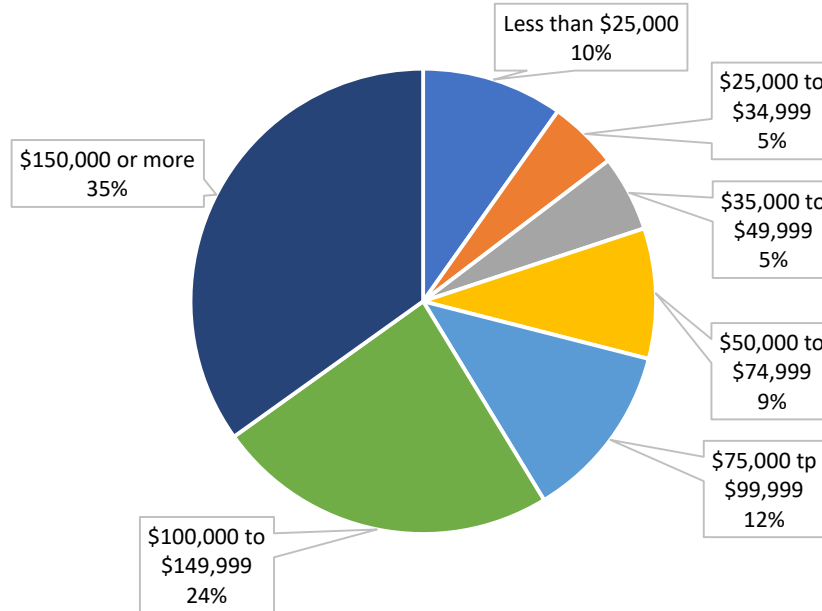
Source: American Community Survey, Table S1903, 5-Year Estimates, 2019.

Jurisdiction	Median Income	Percent Above/Below Regional Median
Antioch	\$76,601	-30.2%
<b>Brentwood</b>	<b>\$108,994</b>	8.5%
Oakley	\$104,893	4.9%
Pittsburg	\$74,459	-33.9%
Contra Costa County	\$99,716	--

Source: American Community Survey, Table S190, 5-Year Estimates, 2019.

Figure 2-5 below illustrates the City’s household income broken down by income level. The data shows that 59 percent of Brentwood households earn over \$100,000 per year. In comparison, 29 percent of households earn less than \$75,000 per year, which is considered low-income in Contra Costa County.

Figure 2-5: Brentwood Income Breakdown by Category



Source: American Community Survey, Table DP03, 5-Year Estimates, 2019.



## D. Housing Problems

The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD provides detailed information on housing problems by income level for different types of households in the City. The most recent available CHAS data was published in September 2021 and is based on 2018 ACS data. Housing problems considered by CHAS included:

### Housing Problems:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (more than one person per room); or
- Cost burdens exceeding 30 percent of gross income (including utilities).

### Severe Housing Problems:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (more than 1.5 persons per room); or
- Cost burdens exceeding 50 percent of gross income (including utilities).

Housing Problem Overview*	Owner	Percent of Owner HH	Percent of Total HH	Renter	Percent of Renter HH	Percent of Total HH	Total	Percent of Total HH
Household has at least 1 of 4 Housing Problems	5,290	36.0%	27.1%	2,825	58.2%	14.5%	8,115	41.5%
Household has none of 4 Housing Problems OR Cost Burden not available, no other problems	9,400	64.0%	48.1%	2,030	41.8%	10.4%	11,430	58.5%
<b>Total</b>	<b>14,690</b>	<b>--</b>	<b>75%</b>	<b>4,855</b>	<b>--</b>	<b>25%</b>	<b>19,545</b>	<b>100%</b>
Severe Housing Problem Overview**	Owner	Percent of Owner HH	Percent of Total HH	Renter	Percent of Renter HH	Percent of Total HH	Total	Percent of Total HH
Household has at least 1 of 4 Severe Housing Problems	1,990	13.5%	10.2%	1,685	34.7%	8.6%	3,675	18.8%
Household has none of 4 Housing Problems OR Cost Burden not available, no other problems	12,700	86.5%	65.0%	3,170	65.3%	16.2%	15,870	81.2%
<b>Total</b>	<b>14,690</b>	<b>--</b>	<b>75%</b>	<b>4,855</b>	<b>--</b>	<b>25%</b>	<b>19,545</b>	<b>100%</b>
Notes: HH = household * The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. ** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%. Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2014-2018.								

The types of housing problems in Brentwood vary according to household income, type, and tenure, as shown in **Table 2-14**. In general, there are more owner-occupied households (75.2 percent) than renter-occupied households (24.8 percent). Of all households, 41.5 percent have at least one of the four housing problems. Overall, owner households (27.1 percent) experience a higher incidence of housing problems than renter households (14.5 percent).

Severe housing problems may also include incomplete kitchen or plumbing facilities but may also have more than 1.5 persons per room or a cost burden greater than 50 percent. There are significantly less households that experience severe housing problems, but 18.8 percent of all households in Brentwood do experience at least one of these severe problems. More owners (10.2 percent) experience a severe housing problem than renter occupied households (8.6 percent).

### 1. Overcrowding

Overcrowding is generally defined as a housing unit occupied by more than one person per room in house (including living room and dining rooms, but excluding hallways, kitchen, and bathrooms). An overcrowded household results from either a lack of affordable housing (which forces more than one household to live together) and/or a lack of available housing units of adequate size. Overcrowding can indicate that a community does not have an adequate supply of affordable housing, especially for large families.

Overcrowded and severely overcrowded households can lead to neighborhood deterioration due to the intensive use of individual housing units leading to excessive wear and tear, and the potential cumulative overburdening of community infrastructure and service capacity. Furthermore, overcrowding in neighborhoods can lead to an overall decline in social cohesion and environmental quality. Such decline can spread geographically and impact the quality of life and the economic value of property and the vitality of commerce within a city. The combination of lower incomes and high housing costs result in many households living in overcrowded housing conditions.

**Table 2-15** illustrates overcrowding in Brentwood and shows that it affects renters at a higher rate. Overall, 2.3 percent, or 467 households, experience some form of overcrowding in Brentwood. The existence of overcrowded units can be mitigated by increased opportunities for housing of all types and appropriate sizes for different households.

Tenure	Overcrowded Units (1.0 to 1.5 persons/room)		Severely Overcrowded Units (>1.51 persons/room)		Total Overcrowded Occupied Units	
	Count	Percent <sup>1</sup>	Count	Percent <sup>1</sup>	Count	Percent <sup>1</sup>
Owner Occupied	112	0.6%	80	0.4%	192	1.0%
Renter Occupied	153	0.8%	122	0.6%	275	1.4%
<b>Total</b>	<b>265</b>	<b>1.3%</b>	<b>202</b>	<b>1.0%</b>	<b>467</b>	<b>2.3%</b>

1. Percent of total occupied housing units.  
 Source: American Community Survey, Table B25014, 5-Year Estimates, 2019.

As seen in **Table 2-16**, owner-occupied housing units make up 41.1 percent of overcrowded units in the City. Renter-occupied units, in comparison, account for 58.9 percent of overcrowded units. Homeownership is generally more accessible to higher-income households, while renting is more often sought by those who have insufficient income for home buying. **Table 2-16** shows that Brentwood has the lowest percentage (2.3 percent) of the surrounding cities.

Jurisdiction	Owner Occupied Overcrowded Units (>1.0 persons/room)		Renter Occupied Overcrowded Units (>1.0 persons/room)		Total Overcrowded Units	
	Count	Percent <sup>1</sup>	Count	Percent <sup>1</sup>	Count	Percent <sup>2</sup>
Antioch	601	33.5%	1193	66.5%	1,794	5.3%
<b>Brentwood</b>	<b>192</b>	<b>41.1%</b>	<b>275</b>	<b>58.9%</b>	<b>467</b>	<b>2.3%</b>
Oakley	215	34.0%	417	66.0%	632	5.4%
Pittsburg	553	27.7%	1447	72.4%	2,000	9.4%
Contra Costa County	6,099	30.4%	13,944	69.6%	20,043	5.1%

1. Percent of total overcrowded units.  
 2. Percent of total occupied units.  
 Source: American Community Survey, 5-Year Estimates, 2019.

## 2. Overpayment (Cost Burden)

State and Federal standards indicate that a household paying more than 30 percent of its income for housing is overpaying. Overpayment for housing can cause an imbalance on the remainder of a household’s budget. Understanding and measuring overpayment for housing in a community is also an indicator of the dynamics of supply and demand.

**Table 2-17** summarizes the City’s cost burden trends by household tenure. As displayed in the table, homeowners experience more cost burdens compared to renters. In Brentwood, 55.3 percent of renters experience cost burden over 30 percent and 28.2 percent experience cost burden over 50 percent. In comparison, 34.6 percent of homeowners experience cost burden over 30 percent and 12.1 percent for cost burden over 50 percent. Of homeowners who experience cost burden over 30 percent, those who earn a household income greater than the City’s mean annual household income experience the highest rates of cost burden (13.8 percent). The data shows that as income increases, renters are less likely to experience a cost burden. For homeowners, a cost burden is more common for those with moderate- to above moderate-income.

**Table 2-17: Summary of Housing Overpayment by Tenure**

Income by Cost Burden <sup>1</sup>	Homeowners				Renters			
	Cost Burden > 30%	Percent of Owner HH	Cost Burden > 50%	Percent of Owner HH	Cost Burden > 30%	Percent of Renter HH	Cost Burden > 50%	Percent of Renter HH
Household Income less-than or = 30%	690	4.7%	585	4.0%	955	19.7%	905	18.6%
Household Income >30% to less-than or = 50% MFI <sup>3</sup>	1,015	6.9%	560	3.8%	700	14.4%	415	8.5%
Household Income >50% to less-than or = 80% MFI <sup>3</sup>	955	6.5%	415	2.8%	470	9.7%	50	1.0%
Household Income >80% to less-than or = 100% MFI <sup>3</sup>	395	2.7%	120	0.8%	235	4.8%	0	0.0%
Household Income >100% MFI <sup>3</sup>	2,030	13.8%	95	0.6%	325	6.7%	0	0.0%
<b>Total</b>	<b>5,085</b>	<b>34.6%<sup>2</sup></b>	<b>1,775</b>	<b>12.1%<sup>2</sup></b>	<b>2,685</b>	<b>55.3%<sup>2</sup></b>	<b>1,370</b>	<b>28.2%<sup>2</sup></b>

1. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs," which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

2. Percent of total households in Brentwood

3. MFI refers to the HUD Area Median Family Income – this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. MFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2014-2018.

## E. Special Needs Groups

Special needs populations include seniors, persons with disabilities, female-headed households, large households, farmworkers, persons experiencing homelessness, and students. Special needs groups may have lower-incomes because of their conditions. Special circumstances may be related to one's employment and income, family characteristics, disability and household characteristics, or other factors. Consequently, certain residents in Brentwood may experience higher incidences of housing overpayment (cost burden), overcrowding, or other housing problems. As **Table 2-18** below shows, households with Seniors make up a large portion of Brentwood households and are the largest special needs group in the City. These categories may also overlap with one another, for example seniors may have disabilities and large households may be overcrowded as a result of falling below the poverty line (the federal poverty line in California for 2022 is \$27,750 for a four-person household). The following sections provide a detailed discussion of the housing needs facing each particular group in the City.

Special Needs Groups	# of People or Households	Percent of Total Households	Percent of Total Population
Senior Headed Households	7,703 HH	38.7%	--
Households with Seniors (65 years and over)	9,215 HH	46.3%	--
Seniors Living Alone	3,557 HH	17.9%	--
Persons with Disabilities	7,188 persons	--	11.6%
Persons with Developmental Disabilities <sup>1</sup>	23,423 persons	--	--
Large Households (five or more persons per household)	3,037 HH	15.3%	--
Single-Parent Households	5,975 HH	30.0%	--
Single-Parent, Female Headed Households with Children (under 18 years)	4,140 HH	20.8%	--
People Living in Poverty	3,641 persons	--	5.9%
Farmworkers <sup>2</sup>	1,310 persons	--	2.1%
Migrant Farmworkers	105 persons	--	--
Seasonal Farmworkers	860 persons	--	--
Permanent Farmworkers	450 persons	--	--
Homeless	69 persons	--	--

HH=Households  
 1. Total persons who received service from the East Bay Regional Center for FY 2019-2020.  
 2. Farmworker data is taken of the population 16 years and over. Data taken at the County level and provided by USDA Statistics Services.  
 Source: American Community Survey, 5-Year Estimates, 2019; Contra Costa County: Annual Point in Time Count Report 2020.

### 1. Seniors

The senior population, generally defined as those over 65 years of age, may have several special circumstances that lead to difficulty in finding adequate and affordable housing: limited and fixed incomes, high health care costs, higher incidence of mobility and self-care limitations, transit dependency, and living alone. Specific housing needs of the senior population include affordable housing, supportive housing (such as intermediate care facilities), group homes, and other housing that includes a planned service component. The City has a slightly higher average percent of persons over the age of 65 than the surrounding cities, as shown in **Table 2-19**. **Table 2-20** also illustrates the tenure of senior households in the City of Brentwood and shows the majority of senior households are owner-occupied.

Jurisdiction	Population Count	Percent of Population
Antioch	13,547	12.2%
<b>Brentwood</b>	<b>9,279</b>	<b>15.0%</b>
Oakley	3,837	9.3%
Pittsburg	7,834	11.0%
Contra Costa County	175,882	15.4%

*Source: American Community Survey, Table S0101, 5-Year Estimates, 2019.*

Tenure	Senior Households	Percent of Total Senior Households
Owner Occupied	4,423	83.9%
Renter Occupied	851	16.1%
<b>Total</b>	<b>5,274</b>	<b>100.00%</b>

*Source: American Community Survey, Table B25007, 5-Year Estimates, 2019.*

**Table 2-21** summarizes the income of senior households in the City. Of all senior households, 14 percent earn less than 30 percent of the Median Family Income (MFI), and 20.8 percent earn less than 50 percent of the MFI. In total, 51.7 percent of senior households are considered low-income and earn less than 80 percent of the MFI.

Income Category	Owner	Renter	Total	Percent of Total Elderly Households
Extremely Low (<30% MFI)	470	280	750	14.0%
Very Low (30% to 50% MFI)	820	290	1,110	20.8%
Low (50% to 80% MFI)	840	69	909	16.9%
Moderate (80% to 100% MFI)	405	90	495	9.3%
Above Moderate (>100% MFI)	1,920	165	2,085	38.9%
<b>Total</b>	<b>4,455</b>	<b>894</b>	<b>5,349</b>	<b>100.00%</b>

*Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017.*

## 2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities can hinder access to traditional housing units and may limit the ability to earn adequate income. Physical, mental, and/or developmental disabilities may deprive a person from earning income, restrict one’s mobility, or make self-care difficult. Persons with disabilities often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. Some residents may also have disabilities that require living in a supportive or assisted-living setting.

Although no current comparisons of disability with income, household size, or race/ethnicity are available, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially those households not in the labor force. Furthermore, many lower-income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by design issues and location factors, which can often be costly. For example, households with wheelchair-bound or semi-ambulatory

individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

Housing opportunities for persons with disabilities can be addressed through the provision of affordable, barrier-free housing. Rehabilitation assistance can be targeted toward renters and homeowners with disabilities for unit modifications that can improve accessibility.

The ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability and independent living disability. The Census and the ACS provide clarifying questions to determine persons with disabilities and differentiate disabilities within the population. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:

- **Hearing Disability:** Is this person deaf or do they have serious difficulty hearing?
- **Visual Disability:** Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- **Cognitive Difficulty:** Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory Difficulty:** Does this person have serious difficulty walking or climbing stairs?
- **Independent Living Difficulty:** Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor’s office or shopping?

According to the 2019 ACS, approximately 11.6 percent of the Brentwood population has a disability (**Table 2-22**). Of those reporting a disability, the most common is ambulatory difficulty, while the most common for persons under the age of 18 is cognitive disability. For those ages 18 to 64, ambulatory and independent living difficulty are the most common. The senior population has the largest percent of persons experiencing a disability.

Disability Type	Under 18	18 to 64	65 and Over	Total <sup>2</sup>	Percent of Population with a Disability	Percent of Total Population <sup>1</sup>
Hearing Difficulty	49	780	1367	2196	30.6%	3.5%
Vision Difficulty	173	392	449	1014	14.1%	1.6%
Cognitive Difficulty	528	952	791	2271	31.6%	3.9%
Ambulatory Difficulty	46	1482	1929	3457	48.1%	5.9%
Self-care Difficulty	164	641	615	1420	19.8%	2.4%
Independent Living Difficulty	--	1267	1139	2406	33.5%	5.3%
<b>Total<sup>2</sup></b>	<b>960</b>	<b>5514</b>	<b>6290</b>	<b>12,764<sup>2</sup></b>	<b>--</b>	<b>11.6%</b>

1. Total non-institutionalized population.  
 2. This total may double count persons having one or more disabilities.  
 Source: American Community Survey, 5-Year Estimates, 2019.

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by Federal law, “developmental disability” means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;

- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency; and
- Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

According to the Regional Center of the East Bay *Purchase of Services Expenditure and Demographic Data Report* for 2019 to 2020, there is a total of 23,423 developmentally disabled individuals from the region who received services. Of the 23,423 individuals, those diagnosed with Autism (38.4 percent) made up the largest group. The rest were diagnosed with intellectual disability (33.5 percent), Category 5 (6.0 percent), Cerebral Palsy (4.3 percent), Epilepsy (1.3 percent), and 16.6 percent with some other disability. Of those who received services, 26.3 percent were White, 18.4 percent were Asian, 15.7 percent were Black or African American, 0.2 percent were American Indian or Alaska Native, 0.3 percent were Native Hawaiian or Other Pacific Islander, and 15.2 percent were some other race. At 23.6 percent, approximately one quarter of those who received services identified as Hispanic or Latino. The largest age group who received services were between the age of three to 21 years (44.3 percent), the rest were 22 years or older (40.5 percent) and under the age of two (15.2 percent). Approximately 79.4 percent of individuals who received services lived at home with a parent or guardian.

The California Department of Developmental Services (CDDS) provides estimates of persons with developmental disabilities in Brentwood, as shown in **Table 2-23** below. As of January 2022, CDDS identified 373 juvenile persons and 285 adults of having developmental disability in the ZIP code 94513.

Table 2-23: Developmental Disability Status for ZIP Code 94513	
Disability Type	Number of Residents
<b>Living Arrangement</b>	
Home of Parent/Guardian	584
Independent/Supported Living	<11
Community Care Facility	57
Intermediate Care Facility	0
Foster/Family Home	<11
Other	<11
<b>Age Range</b>	
0-17 Years Old	373
18+ Years Old	285
<i>Source: CA DDS data by ZIP Code, January 2022</i>	

Many people with developmental disabilities can live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. The most common issue in supportive housing for persons with developmental disabilities is the transition from the person’s living situation as a child to an appropriate level of independence as an adult as developmental disabilities exist before adulthood.



There are several housing types appropriate for people living with a development disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating ‘barrier-free’ design in all, new multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income.

### 3. Large Households

Large households are households of five or more individuals. Procuring resources for a large household requires a greater income. This may lead households to find smaller, more affordable housing units. Such units may not be large enough to adequately contain a large household and may lead to overcrowding.

Securing housing large enough to accommodate all members of a household is more challenging for renters, because multi-family rental units are typically physically smaller than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare. It is more likely that large households will experience overcrowding in comparison to smaller households. Throughout the region, single-family homes with higher bedroom counts, whether rental or ownership units, are rarely affordable to lower-income households. **Table 2-24** is a breakdown of large households by tenure for the City. The data identifies a contrast in household size between homeowners and renters living in large households.

Household Size	Owner		Renter		Total	
	Count	Percent	Count	Percent	Count	Percent
5-Person Household	1204	39.6%	730	24.0%	1,934	9.7%
6-Person Household	613	20.2%	141	4.6%	754	3.8%
7-or-More Person Household	221	7.3%	128	4.2%	349	1.8%
<b>Total</b>	<b>2,038</b>	<b>41.2%<sup>1</sup></b>	<b>999</b>	<b>58.8%<sup>1</sup></b>	<b>3,037</b>	<b>15.3%<sup>2</sup></b>

1. Percent of large households.  
 2. Percent of total households.  
 Source: American Community Survey, Table B25009, 5-Year Estimates, 2019.

### 4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households. Single, female mothers may face social pressures that may limit their occupational choices and income earning potential, housing options, and access to supportive services.

**Table 2-25** shows about double the percent of female single-parent, no spouse present households, in both the County and the City, compared to male single-parents. The same is true for households living in poverty.

Jurisdictions	Single Parent-Male, No Spouse Present		Single Parent-Female, No Spouse Present		Total Single Parent Households	
	Count	Percent <sup>1</sup>	Count	Percent <sup>1</sup>	Count	Percent <sup>1</sup>
Brentwood	1,835	9.2%	4,140	20.8%	5,975	30.0%
Contra Costa County	54,423	13.8%	99,944	25.3%	154,367	39.1%

1. Percent of total households.  
 Source: American Community Survey, Table DP02 and S1702, 5-Year Estimates, 2019.

## 5. Farmworkers

Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on a generally year-round basis. When workload increases during harvest periods, the labor force is supplemented by seasonal workers, often supplied by a labor contractor. For some crops, farms may hire migrant workers, defined as those whose travel prevents them from returning to their primary residence every evening. Farmworkers have special housing needs because they earn lower incomes than many other occupations and move throughout the year from one harvest location to the next.

The United States Department of Agriculture, National Agriculture Statistics provides data on hired farm labor across the United States. The data is compiled at both a State and County level. Within Contra Costa County, there were a total of 1,310 hired farmworkers in 2017. A total of 450 are considered permanent, working 150 days or more, and a total of 860 farmworkers were considered seasonal, working only 150 days or less. Additionally, the County of Contra Costa reported 106 total migrant farmworkers.

In Contra Costa County, farmworkers earn one of the lowest estimated median salaries of \$35,142 annually, according to the California Employment Development Department. The HUD Comprehensive Housing Affordability Strategy considers this a very low-income for the City as it represents 32.2 percent of the average median income for the City. Limited income may be exacerbated by farmworker’s tenuous and/or seasonal employment status.

## 6. Extremely Low-Income Household (ELI) and Poverty Status

Extremely low-income (ELI) households are those that earn 30 percent or less of the median family income (MFI) for Contra Costa County. As shown in **Table 2-12**, the CHAS data indicates there are approximately 1,985 ELI households living in the City. **Table 2-6** above identifies industries with salaries that could qualify as ELI, these include: Personal Care and Service, Healthcare Support, and Food Preparation and Serving Related.

Income Category (Percent of County MFI)	Owner	Percent of Owner HH	Renter	Percent of Renter HH	Total	Percent of Total HH
Extremely Low (30% MFI or less)	820	41.3%	1,165	58.7%	1,985	10.2%

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2014-2018; HCD State Income Limits for 2018.

**Table 2-26** shows that ELI households represent approximately 10.2 percent of all Brentwood households. Of these households, 58.7 percent are renters and 41.3 percent are homeowners. ELI renter households represent about 5.6 percent of Brentwood renter households, and ELI owner households represent about 24 percent of Brentwood owner households.

Housing ELI households is generally challenging in Brentwood. **Table 2-27** shows White, Non-Hispanic Households experience the highest rates of extremely low-incomes, representing 40.1 percent of the total ELI Population. Hispanic households experience the second highest rates of extremely low-incomes. Per HCD guidance, the City assumes 50 percent of its very low-income RHNA as extremely low-income units to calculate future ELI housing needs over the next eight years. **Table 1-2** shows the breakdown of the RHNA by income categories. The total number of very low-income in Brentwood was 402. As such, the City has a need of 201 extremely low-income units.

Racial/Ethnic Group	0%-30% of AMI	31%-50% of AMI	51%-80% of AMI	81%-100% of AMI	Greater than 100% of AMI
American Indian or Alaska Native, Non-Hispanic	15	0	0	30	0
Asian / API, Non-Hispanic	54	180	250	155	855
Black or African American, Non-Hispanic	290	335	10	25	440
White, Non-Hispanic	805	1,195	1,245	910	7,835
Other Race or Multiple Races, Non-Hispanic	130	40	40	130	310
Hispanic or Latinx	715	510	750	335	1,210
<b>Totals</b>	<b>2,009</b>	<b>2,260</b>	<b>2,295</b>	<b>1,585</b>	<b>10,650</b>

*Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.*

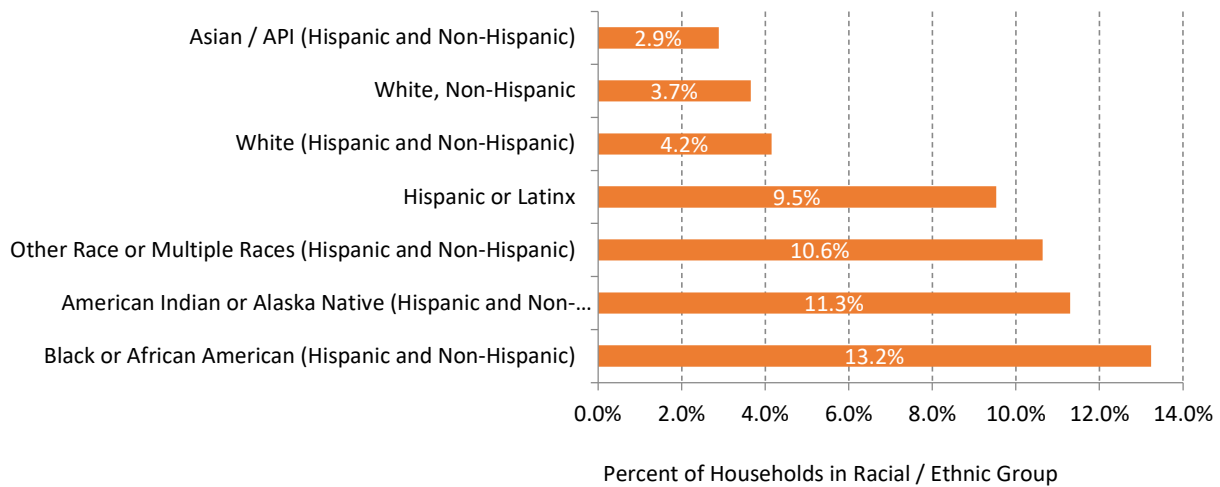
**Table 2-28** illustrates the tendencies for extremely low-income households to experience housing problems and cost burdens, as defined in **Section 2.D**. **Table 2-28** also includes data characterizing affordability and cost burden for ELI households. ELI renters in Brentwood experience disproportionate cost burdens compared to ELI owners. Approximately 19.8 percent of the ELI renters experience at least 1 of the 4 housing problem which includes either incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and a cost burden greater than 50 percent. Of the renters, 18.6 percent experience a cost burden greater than 50 percent. Householders experience housing problems at a much lower rate compared to renters at 4.7 percent. Of the householders, 4 percent experience cost burden greater than 50 percent. Generally, as the income goes up for renters, the number of housing units with a housing problem goes down.

Housing Problems	Renter Households		Owner Households		Total Households	
	Count	% of Renter HH	Count	% of Owner HH	Count	% of Total HH
Household has at least 1 of 4 housing problem	960	19.8%	695	4.7%	1,655	8.5%
Cost burden <= 30%	955	19.7%	690	4.7%	1,645	8.4%
Cost Burden > 50%	905	18.6%	585	4.0%	1,490	7.6%

*Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2014-2018.*

According to 2019 ACS data, 5.9 percent of the Brentwood population lives in poverty. The U.S. Census Bureau’s definition of poverty is: “If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using the Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).” Poverty status cannot be determined for people in institutional group quarters (e.g., prisons or nursing homes), college dormitories, military barracks, living situations without conventional housing (and who are not in shelters), as well as unrelated individuals under age 15 (e.g., foster children).

**Figure 2-6: Poverty Status by Race<sup>4</sup>**



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17001(A-I).

**Key Challenges and Resources to Address Extremely Low-Income Households**

Extremely Low-Income Households in Brentwood have exhibited the following unique challenges to housing:

- Need for increased affordable housing options
- Incidents of cost burden for housing
- Rental and Homebuyer Assistance

Extremely Low-Income household needs are focused on affordability of housing and access to subsidies and services that support lower monthly overall costs. To address these challenges, the City must consider a variety of solutions to address the issues above: these may include:

- Affordable housing options for Extremely Low-Income households

<sup>4</sup> The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.

For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here.

The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the population for whom poverty status is determined for this jurisdiction. However, all groups labelled “Hispanic and Non-Hispanic” are mutually exclusive, and the sum of the data for these groups is equivalent to the population for whom poverty status is determined.

- Preservation of subsidized housing units
- Inclusionary policies
- Housing with a service component

Resources to address the needs of Extremely Low-Income households include a variety of federal, state, and regional programs, such as HUD, LIHTC USDA, CalHFA, and other public and private funding sources.

The City has included **Action H.3f** in **Section 4** to address Housing for Extremely Low-, Very Low-, and Low-income residents. The City will assist developers accessing City, County CDBG and HOME Funds, Federal, and State housing development programs and fund to undertake development of housing projects for extremely low-, very low-, and low-income households. The City will continue to monitor the inventory of sites appropriate to accommodate extremely low-income households and work with appropriate organizations to ensure the needs of ELI residents are met.

## ***7. Persons Experiencing Homelessness***

Homelessness is an important issue within California. Factors contributing to the rise in homelessness include increased unemployment and underemployment, a lack of housing affordable to lower- and moderate-income persons (especially extremely low-income persons), reductions in public subsidies to the poor, a lack of assistance for those struggling with addiction, and the de-institutionalization of the mentally ill.

State law mandates that jurisdictions address the special needs of persons experiencing homelessness within their jurisdictional boundaries. The U.S. Department of Housing and Urban Development (HUD) definition of “Homelessness” was recently updated. The following lists the updated definition of homelessness as provided by HUD:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (it was previously 30 days) and were in a shelter or a place not meant for human habitation immediately prior to entering that institution.
- People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within seven days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This is a new category of homelessness, and it applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

- This definition does not include persons living in substandard or overcrowded housing units, persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends).

**Table 2-29** shows the population of persons experiencing homelessness in the County, in the City, and in the surrounding jurisdictions as reported by the Contra Costa County Point-In-Time Count. Brentwood experienced an overall increase since **2019** but reports a lower figure in **2023** compared to **2021**. Brentwood had **1.6** percent of all persons experiencing homelessness in Contra Costa County in **2023**.

Jurisdiction	2019	2021	2023	Percent Change 2019-2023
Antioch	226	342	334	47.8%
<b>Brentwood</b>	<b>14</b>	<b>69</b>	<b>37</b>	<b>164.3%</b>
Oakley	13	43	9	-30.8%
Pittsburg	128	221	58	-54.7%
Contra Costa County	2,295	3,093	2,372	3.4%

Source: Contra Costa County Health Services: Annual Point-in-Time Count Report, 2019, 2021, 2023.

Jurisdiction	2023	% of County
Antioch	334	14.1%
<b>Brentwood</b>	<b>37</b>	<b>1.6%</b>
Oakley	9	0.4%
Pittsburg	58	2.4%
Contra Costa County	2,372	100%

Source: Contra Costa County: Annual Point in Time Count Report, 2023.

## 8. Students

Students are typically considered lower-income and are, therefore, affected by a lack of affordable housing. They may seek shared housing situations to decrease expenses and can be assisted through roommate referral services offered on and off campus. Students living independently have varied needs and may live on fixed incomes. A report by the California Community College Chancellor’s Office found that 56 percent of students surveyed were food insecure, and nearly half were either experiencing housing insecurity (35 percent) or homelessness (14 percent).<sup>5</sup>

Student housing often only produces a temporary housing need based on the duration of the educational institution enrolled in. The only college located in Brentwood is a satellite campus for the Los Medanos College called the Brentwood Center. While there may not be many colleges or universities in Brentwood, students who grew up in the City and attend colleges or universities nearby or online may wish to continue living in Brentwood. According to 2019 ACS data, there are approximately 4,286 Brentwood residents enrolled in college or graduate school. College graduates provide a specialized pool of skilled labor that is vital to the economy. However, a lack of affordable housing may lead to their departure post-graduation.

<sup>5</sup> California Community Colleges, Chancellor’s Office, Basic Needs Survey report, 2018.

## F. Housing Stock Characteristics

Brentwood’s housing stock includes all housing units located within its jurisdiction. Housing stock growth, type, age and condition, tenure, vacancy, and cost are all important factors in determining the community's housing needs. This section details the City’s housing stock characteristics to identify how well the needs of current and future residents are addressed.

### 1. Housing Growth

**Table 2-31** shows growth trends for housing units in Brentwood and surrounding jurisdictions. The data shown reflects ACS estimates and is not based on true City reported figures. The number of housing units in the City has increased faster than neighboring jurisdictions between 2010 and 2019.

Jurisdiction	2010	2015	2019	Change 2010 to 2015	Change 2015 to 2019
Antioch	34,730	36,009	35,373	3.7%	-1.8%
<b>Brentwood</b>	16,094	18,301	20,627	13.7%	12.7%
Oakley	10,991	11,607	12,097	5.6%	4.2%
Pittsburg	20,825	21,227	22,294	1.9%	5.0%
Contra Costa County	396,782	405,001	413,719	2.1%	2.2%

Notes: These unit figures are based on ACS estimates – not City-collected data. As such, percent change may show a decrease in units. This does not reflect a true loss in units but reflects survey estimates.  
 Source: American Community Survey, Table DP04, 5-Year Estimates, 2019.

### 2. Housing Types

**Table 2-32** summarizes the available housing units in the City and Contra Costa County by housing type. As of 2019, the City’s housing stock predominantly includes single-unit detached homes. Single-unit attached homes, which include townhomes and condominiums, make up only 2.5 percent of the housing stock. Multi-unit developments, such as apartments, make up 7.7 percent of the housing stock and 1.5 percent were mobile homes. In comparison to the rest of the County, the City has a higher percentage of single-unit detached homes and a lower percentage of all other types of homes.

Jurisdiction	Single-Unit Detached		Single-Unit Attached		Multi-Unit		Mobile Homes, Boats, and other Types of Housing		Total Units
	Count	%	Count	%	Count	%	Count	%	
Brentwood	18,219	88.3%	516	2.5%	1592	7.7%	300	1.5%	20,627
Contra Costa County	274,997	66.5%	33,686	8.1%	97,314	23.5%	7,264	1.8%	413,719

Source: American Community Survey, Table DP04, 5-Year Estimates, 2019.

### 3. Housing Availability and Tenure

Household size typically differs between renter and owner-occupied housing units. Owner-occupied units trend towards larger households compared to renter-occupied units. Homeowners typically have a greater income than renters and therefore have more expendable income to afford purchasing a home. In addition, family households generally occupy larger housing units such as single-unit homes. The City

housing stock includes 15,364 owner-occupied housing units and 4,542 renter-occupied housing units, as shown in **Table 2-33**. The large majority of occupied homes in Brentwood are single-unit detached structures. Multi-unit homes are largely renter-occupied compared to owner-occupied.

Tenure	Single-Unit Detached	Single-Unit Attached	Multi-Unit	Mobile Homes	Total Occupied Units
Owner Occupied	96.8%	1.2%	.4%	1.6%	15,364
Renter Occupied	63.9%	6.3%	28.6%	1.2%	4,542

Source: American Community Survey, Table B25032, 5-Year Estimates, 2019.

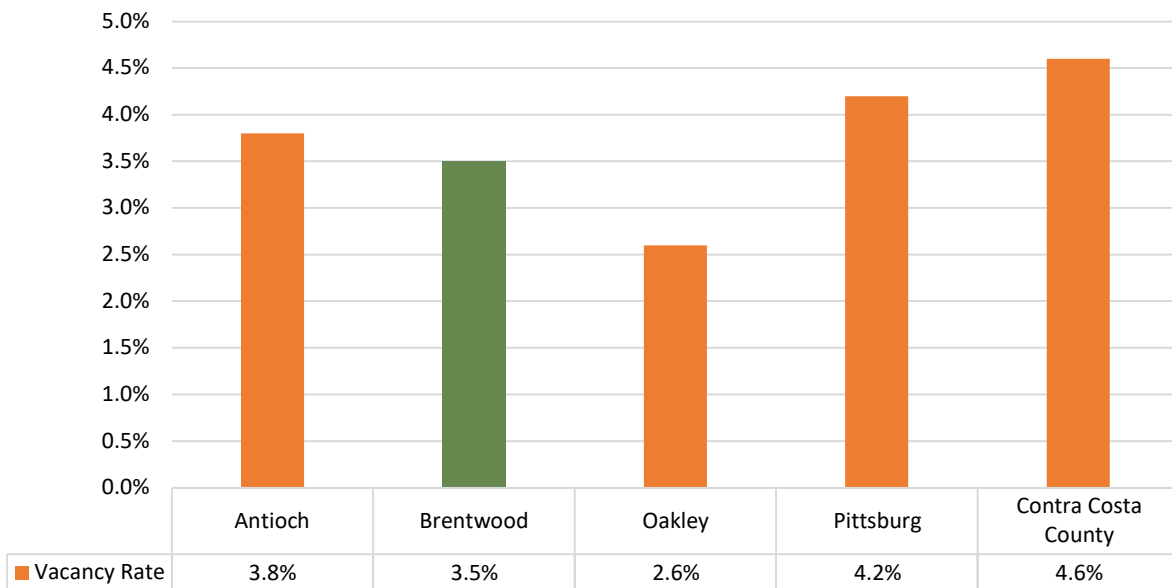
As **Table 2-34** shows, the City trends towards smaller household size when compared to neighboring jurisdictions. The average household size for owner and renter households in Brentwood are similar (3.06 and 3.24, respectively).

Jurisdiction	Owner Occupied Household Size	Renter Occupied Household Size	Average Household Size
Antioch	3.18	3.36	3.25
<b>Brentwood</b>	<b>3.06</b>	<b>3.24</b>	<b>3.1</b>
Oakley	3.4	3.8	3.5
Pittsburg	3.36	3.29	3.33
Contra Costa County	2.88	2.86	2.87

Source: American Community Survey, Table B25010, 5-Year Estimates, 2019.

**Figure 2-7** shows the City has the second lowest vacancy rate of neighboring jurisdictions. **Table 2-35** shows vacant housing units by type in the City. As shown, 42.9 percent of vacant units are up for rent, and 24 percent are up for sale. According to State law, a healthy vacancy rate should not be less than five percent. The City’s low vacancy rate may result in higher housing costs in response to the low market inventory.

Figure 2-7: Vacancy Rates by Jurisdiction



Source: American Community Survey, 5-Year Estimates, 2019.



Type of Housing	Estimate	Percentage
For rent	309	42.9%
Rented, not occupied	0	0.0%
For sale only	173	24.0%
Sold, not occupied	42	5.8%
For seasonal, recreational, or occasional use	63	8.7%
For migrant workers	0	0.0%
Other vacant	134	18.6%
<b>Total</b>	<b>721</b>	<b>100%</b>

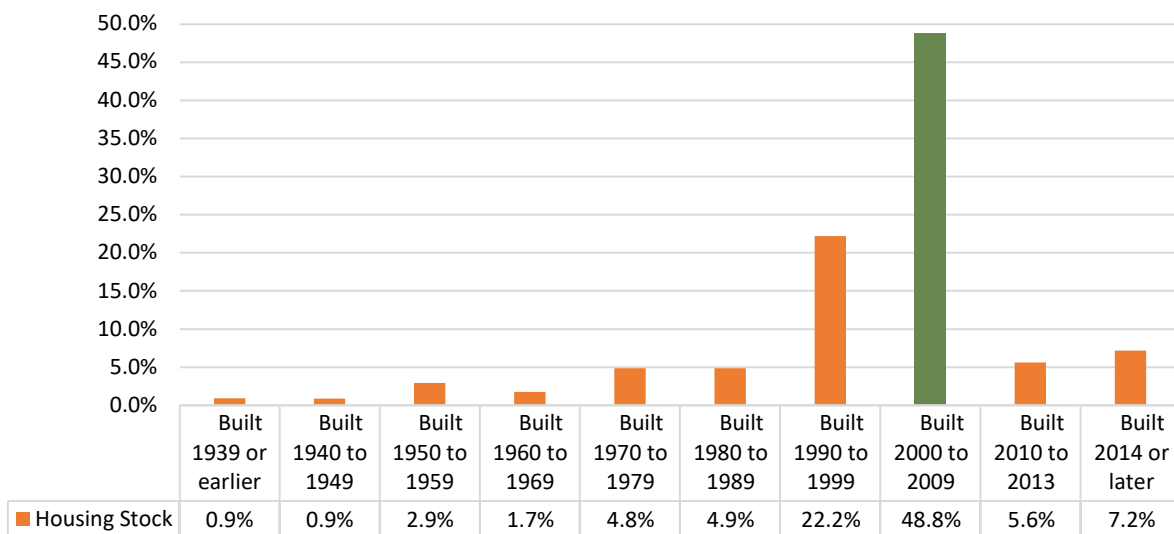
Source: American Community Survey, Table B25004, 5-Year Estimates, 2019.

#### 4. Housing Age and Conditions

Housing age may affect the structural integrity of a house and can be an indicator of overall housing quality within a community. Housing that is over 30 years old is deemed to be likely in need of some rehabilitation, such as a new roof, foundation, plumbing, etc. Many Federal and State programs also use the age of housing as a factor in determining housing rehabilitation needs. A large proportion of older housing stock would typically indicate that the City could benefit from housing rehabilitation assistance programs. Rehabilitation needs based on unit age does not include historical districts, which are generally well preserved.

Figure 2-8 shows the City’s housing stock age based on ACS estimates and is not based on City reported figures. The data shows that the majority of the City’s housing stock was built after 2000. Only 16.1 percent of the City’s housing stock was built over 30 years ago. It can be assumed that a majority of Brentwood’s housing stock is in good condition, but some of the older units may require some rehabilitation. A windshield housing condition survey was conducted in February 2023 of older neighborhoods developed prior to 1990 in order to identify housing in need of rehabilitation. Based on the sampling it is estimated that there are approximately 17 units in need of replacement throughout Brentwood.

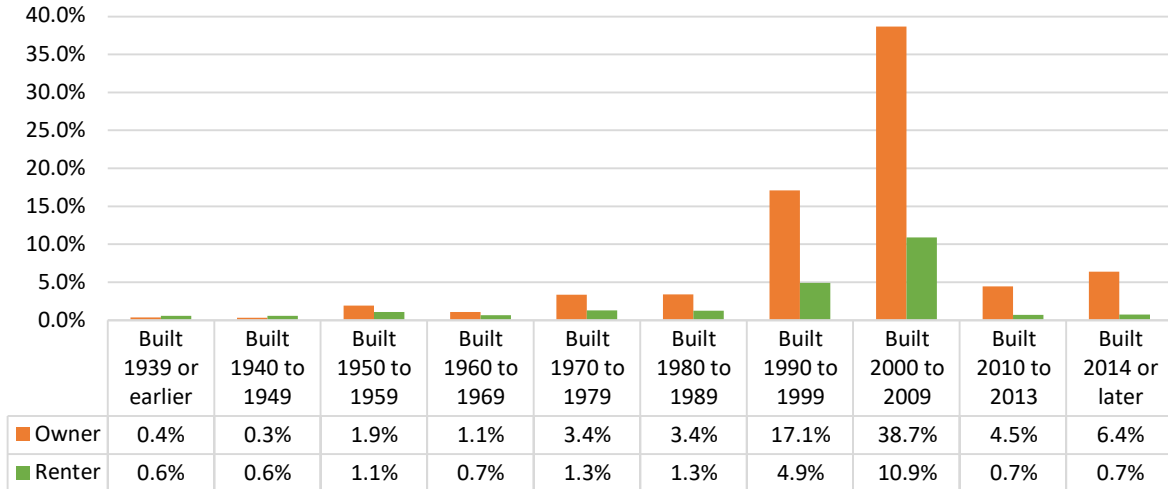
Figure 2-8: Housing Stock Age



Source: American Community Survey, 5-Year Estimates, 2019.

**Figure 2-9** below illustrates tenure by year the housing unit was built. This shows whether homeowners or renters occupy newer or older housing units. Given the higher percentage of renters in multi-family units, this may point towards the addition of new multi-family developments versus older, single-unit homes that are occupied by more homeowners.

Figure 2-9: Tenure by Year Housing Unit Built

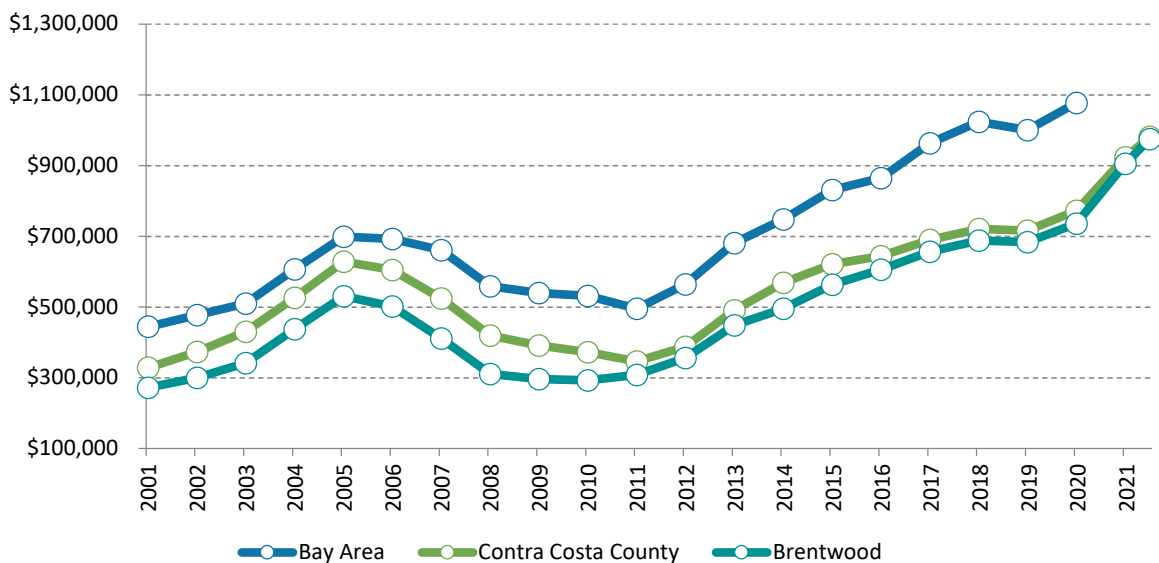


Source: American Community Survey, Table B25036, 5-Year Estimates, 2019.

### 5. Housing Costs and Affordability

The median home value in Brentwood as of June 2022 is estimated to be \$975,000, according to the Zillow Home Value Index (ZHVI). **Figure 3-10** illustrates home value trends for the Bay Area, Contra Costa County, and Brentwood from December 2001 to June 2022. As shown, Brentwood’s home costs have remained lower but have gained proximity to the County’s values from 2011 to 2013 and again since 2016. Data is not available for 2021 and 2022 Bay Area ZHVI.

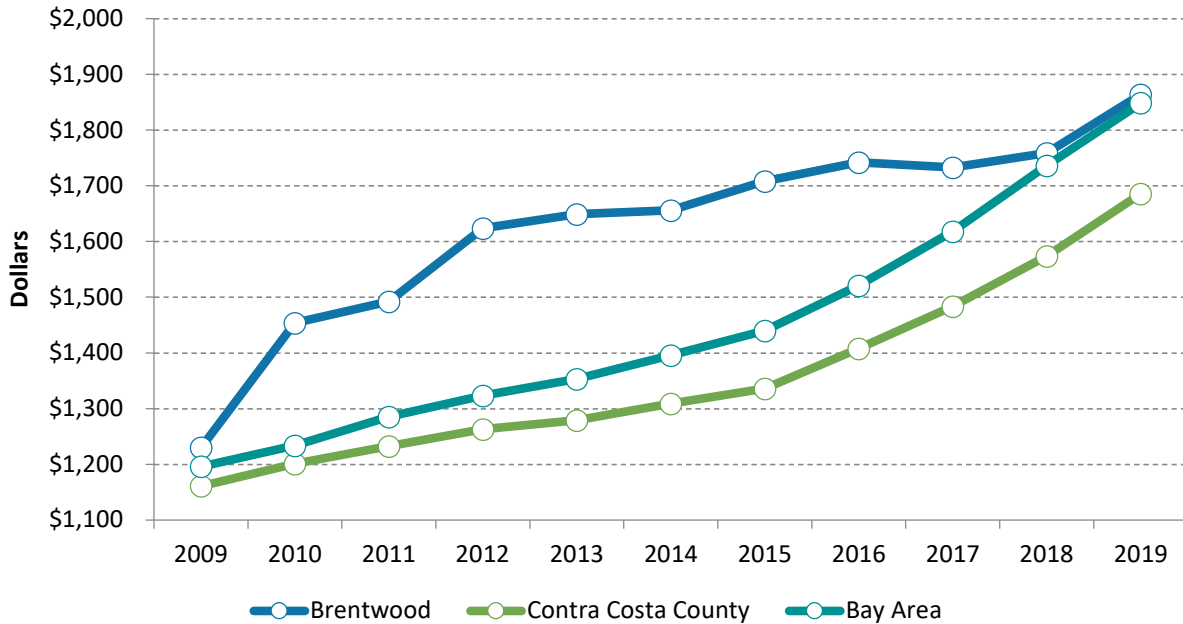
Figure 2-10: Zillow Home Value Index (2001-2020)



Source: Zillow, Zillow Home Value Index (ZHVI).

**Figure 2-11** shows the median contract rent for Brentwood, Contra Costa County, and the Bay Area from 2009 to 2019. As illustrated, the City of Brentwood experienced a much greater rental cost increase in 2010, but in 2018 rental costs in the Bay Area caught up. Contra Costa County rental costs remain almost \$200 lower than the City's.

**Figure 2-11: Median Contract Rent (2009-2019)**



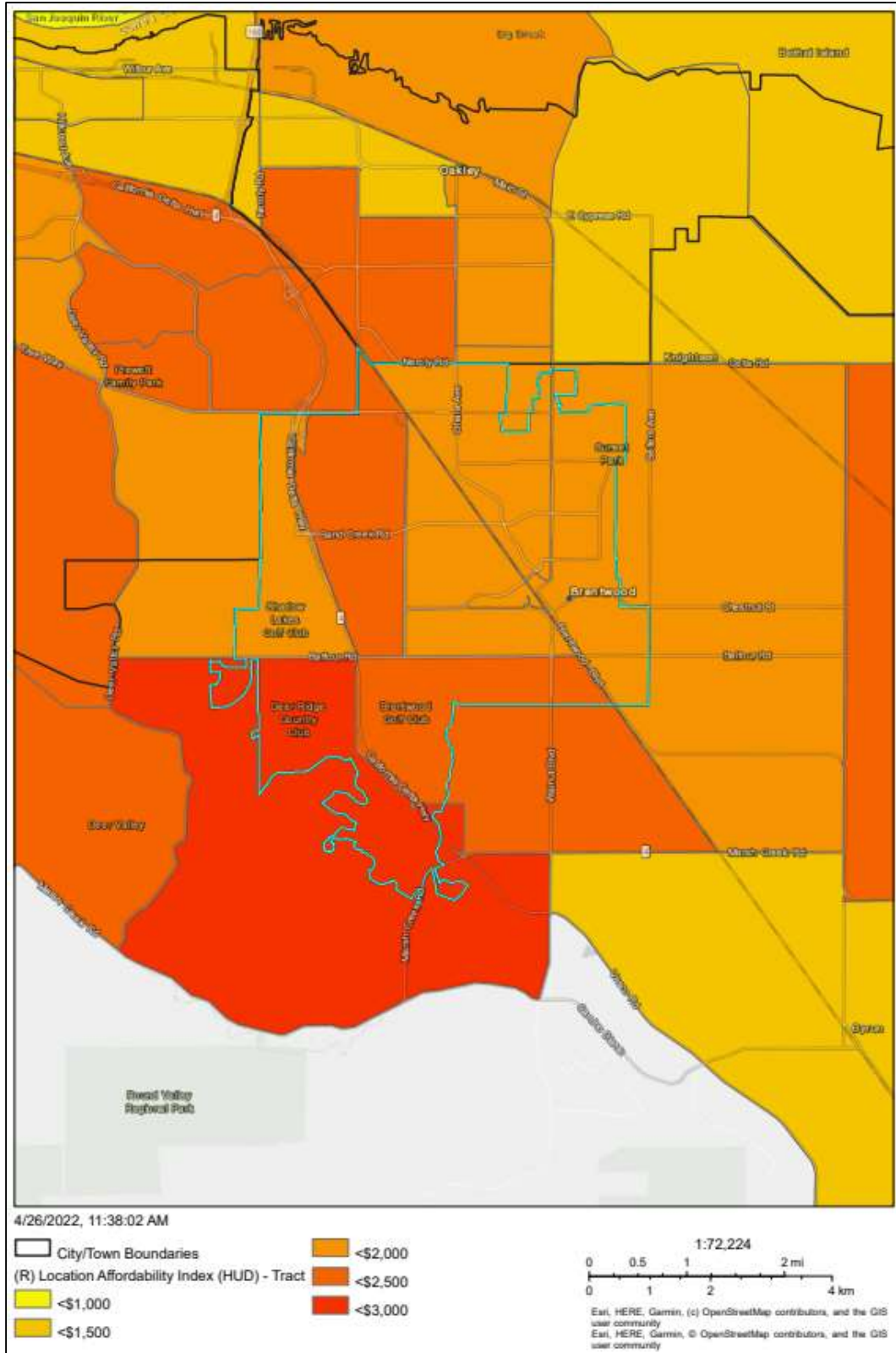
*Source: U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for unincorporated areas). County and regional counts are weighted averages of jurisdiction median using B25003 rental unit counts from the relevant year.*

The affordability standard for housing in the United States is defined as paying 30 percent or less of annual income for housing. This does not account for transportation costs which are the second largest expense for households<sup>6</sup>. The HUD Location Affordability Index (LAI) provides standardized data on affordability throughout communities and includes both housing and transportation costs. As a place becomes less affordable, the index increases, and vice versa.

**Figure 2-12** shows the LAI in the City is at its lowest towards the downtown region and progressively increases towards the eastern and southern extremities of the City. The figure shows that households around downtown Brentwood pay less for housing and transportation combined, and as households get further away from the downtown, they start accruing higher costs.

<sup>6</sup> HUD Exchange – About the Location Affordability Index.

Figure 2-12: HUD Location Affordability Index by Census Tract



Source: California Department of Housing and Community Development – AFFH Data Viewer

Housing affordability analysis includes comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. The analysis informs the affordability of different housing sizes and types and indicates the type of households most likely to experience overcrowding and overpayment.

HUD conducts annual household income surveys nationwide to determine a household's eligibility for Federal housing assistance. Based on this survey and MFI data, HCD develops income limits which can be used to determine the maximum affordable price for households in the upper range of their respective income category. Households in the lower end of each category can afford less than those at the upper end. The maximum affordable home prices without overpayment for residents in Brentwood are shown in **Table 2-36**. This data is based on analysis conducted by the City for 2022 to 2023. In **Table 2-37**, the data shows the maximum affordable monthly rental amount that a Contra Cost County household can pay for each month without overpayment; City-specific data is not available for rental costs.

### **Very Low-Income Households**

The very low-income limits are the basis for all other income limits. For a very low-income household that earns between 31 percent and 50 percent of the County MFI the maximum affordable home price for ownership is up to \$136,000 for a zero-bedroom unit and up to \$231,000 for a five-bedroom units in 2022. Very low-income households cannot afford market-rate rental or ownership housing in Brentwood without a substantial cost burden.

### **Low-Income Households**

For a low-income household that earns between 51 percent and 80 percent of the County's MFI the maximum affordable home price for ownership is up to \$222,000 for a zero-bedroom unit and up to \$374,000 for a five-bedroom unit in 2022. Generally, market-rate rental would be affordable to 5-person households but remain generally unattainable to smaller household sizes. Low-income households would not be able to afford ownership housing.

### **Moderate-Income Households**

Households of moderate-income earn between 81 percent and 120 percent of the County's MFI. The maximum affordable home price for a moderate-income household is \$472,000 for a zero-bedroom unit and \$789,000 for a five-bedroom unit. Moderate-income households can generally find affordable market-rate rental units in the City. Ownership housing in Brentwood is generally not affordable to any household sizes that are not considered above moderate-income.

Table 2-36: Affordable Housing Price for Owner-Occupied Households in Brentwood (2022-2023)						
Area Median Income		Mortgage	Utilities	Tax and Insurance <sup>(1)</sup>	Total Affordable Monthly Cost	Affordable Purchase Price
<b>Very Low-Income (50% of AMFI)</b>						
0 Bedrooms	\$99,950	\$661	\$169	\$420	\$1,250	\$136,000
1 Bedroom	\$114,250	\$786	\$182	\$460	\$1,428	\$162,000
2 Bedrooms	\$128,500	\$887	\$225	\$494	\$1,606	\$182,000
3 Bedrooms	\$142,800	\$986	\$270	\$529	\$1,785	\$203,000
4 Bedrooms	\$154,200	\$1,058	\$318	\$552	\$1,928	\$218,000
5 Bedrooms	\$165,650	\$1,125	\$364	\$581	\$2,070	\$231,000
<b>Low-Income (80% AMFI)</b>						
0 Bedrooms	\$99,950	\$1,078	\$169	\$502	\$1,749	\$222,000
1 Bedroom	\$114,250	\$1,264	\$182	\$553	\$1,999	\$260,000
2 Bedrooms	\$128,500	\$1,424	\$225	\$600	\$2,249	\$293,000
3 Bedrooms	\$142,800	\$1,583	\$270	\$646	\$2,499	\$326,000
4 Bedrooms	\$154,200	\$1,702	\$318	\$679	\$2,699	\$350,000
5 Bedrooms	\$165,650	\$1,818	\$364	\$717	\$2,899	\$374,000
<b>Moderate Income (120% AMFI)</b>						
0 Bedrooms	\$99,950	\$2,297	\$169	\$741	\$3,207	\$472,000
1 Bedroom	\$114,250	\$2,656	\$182	\$828	\$3,666	\$546,000
2 Bedrooms	\$128,500	\$2,991	\$225	\$908	\$4,124	\$615,000
3 Bedrooms	\$142,800	\$3,323	\$270	\$989	\$4,582	\$684,000
4 Bedrooms	\$154,200	\$3,581	\$318	\$1,049	\$4,948	\$737,000
5 Bedrooms	\$165,650	\$3,838	\$364	\$1,114	\$5,316	\$789,000
1. Includes: Assessment District Taxes, HOA Dues, Property Taxes, and Property Insurance.						
Source: City of Brentwood – July 2022-June 2023 Affordable Sales Price for Owner-Occupied Households at Very Low, Low and Moderate Income Levels Report						

Table 2-37: Affordable Monthly Housing Cost for Renters in Contra Costa County (2021)				
Annual Income		Rent	Utilities <sup>(1)</sup>	Total Affordable Monthly Cost
<b>Very Low-income (50% of AMFI)</b>				
1-Person	\$47,950	\$1,045	\$154	\$1,199
2-Person	\$54,800	\$1,204	\$166	\$1,370
3-Person	\$61,650	\$1,334	\$207	\$1,541
4-Person	\$68,500	\$1,464	\$249	\$1,713
5-Person	\$74,000	\$1,554	\$296	\$1,850
<b>Low-Income (80% AMFI)</b>				
1-Person	\$76,750	\$1,765	\$154	\$1,919
2-Person	\$87,700	\$2,027	\$166	\$2,193
3-Person	\$98,650	\$2,259	\$207	\$2,466
4-Person	\$109,600	\$2,491	\$249	\$2,740
5-Person	\$118,400	\$2,664	\$296	\$2,960
<b>Moderate Income (120% AMFI)</b>				
1-Person	\$105,500	\$2,484	\$154	\$2,638
2-Person	\$120,550	\$2,848	\$166	\$3,014
3-Person	\$135,650	\$3,184	\$207	\$3,391
4-Person	\$150,700	\$3,519	\$249	\$3,768
5-Person	\$162,750	\$3,773	\$296	\$4,069
<p>1. Utilities includes electric cooking, heating, water heating; basic electric; water; trash; air conditioning; refrigerator.                      Source: 2021 Housing Authority of the County of Contra Costa Utility Allowance Schedule and California Department of Housing and Community Development, 2021 Income Limits and Kimley Horn and Associates Assumptions: 2021 HCD income limits; 30% gross household income as affordable housing cost. Utilities based on Housing Authority of the County of Contra Costa Utility Allowance.</p>				



## **Section 3**

*Housing Constraints, Resources, and Fair Housing*



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## A. Housing Constraints

There are a number of potential factors that may affect the provision of adequate housing or access to opportunities for current and future residents in the City of Brentwood. These factors may include governmental and nongovernmental constraints, such as:

- Nongovernmental Constraints:
  - Land costs
  - Construction costs
  - Availability of financing
- Governmental Constraints:
  - Land use controls
  - Development standards
  - Permitting processes and fees
  - Local ordinances
- Infrastructure Constraints:
  - Dry utilities
  - Water supply
  - Fire and emergency services
  - Police Services
- Environmental Constraints:
  - Geologic hazards
  - Flood hazards
  - Fire hazards

Combined, these factors may create barriers for current and future residents to access adequate and affordable housing options, especially for low- and moderate-income households.

## 1. Nongovernmental Constraints

Nongovernmental constraints largely affect the cost of housing in Brentwood and can produce barriers to housing production and affordability. These constraints may include real wages, the availability and cost of land for residential development, the demand for housing, financing and lending, construction costs, and the availability of labor, which can make it expensive for developers to build any housing and especially affordable housing. The following highlights the primary market factors that affect the production of housing in the City of Brentwood.

### Land Costs and Construction Costs

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes. However, there is wide variation within each construction type, depending on the size of the unit and the number and quality of amenities provided. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The ICC updates the estimated cost of construction at six-month intervals and provides estimates for the average cost of labor and materials for typical Type VA wood-frame housing. Estimates are based on “good-quality” construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2021, the IC estimated that the average per square-foot cost for good-quality housing was approximately \$142.08 for multi-family housing, \$157.66 for single-family homes, and \$178.22 for residential care/assisted living facilities. Construction costs are also dependent upon materials and building height, as well as regulations set by the City’s adopted Building Code. Although construction costs are a significant portion of the overall development cost, they are consistent throughout the region and, especially when considering land costs, are not considered a major constraint to housing production in Brentwood.

Land costs may also create a constraint to the development of affordable housing and represents a significant cost component in residential developments. Land costs may vary depending on whether the site is vacant or has an existing use that must be removed. Similarly, site constraints such as environmental issues (e.g., steep slopes, soil stability, seismic hazards, flooding) can be a factor in the cost of land. A March 2022 Zillow search for vacant lots sold between 2019 and 2022 returned approximately 50 lots ranging from 0.08 acres at \$605,000 to 119 acres at \$2,820,000. Based on the sale prices, the average lot size and cost per square foot was 8.65 acres and \$46.04 per square foot. **Table 3-1** shows the acreage cost of vacant land in Brentwood compared to neighboring jurisdictions. In general, the cost of land in Brentwood does not create a constraint to the development of housing.

Jurisdiction	Lot Acreage	Cost Per Square-Foot
Antioch	4.03 acres	\$68.87
<b>Brentwood</b>	<b>8.65 acres</b>	<b>\$46.04</b>
Oakley	14.75 acres	\$14.65
Pittsburg	0.47 acres	\$35.95

*Source: Zillow.com (Accessed March 4, 2022).*

### Availability of Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, algorithms, rates, and fees charged, laws and regulations governing financial institutions, and equal access to such loans. Additionally, availability of financing affects a person’s ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of

lending activity is to determine whether home financing is available to all residents of a community, regardless of income, sex, race, or ethnicity. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in the San Jose-San Francisco-Oakland MSA/MD.

**Table 3-2** below displays the disposition of loan applications for the San Jose-San Francisco-Oakland MSA/MD per the 2020 Home Mortgage Disclosure Act report. According to the data, applications in the 100-119 percent of the MSA/MD median had the highest rates of loan approval. Within that income category, those who identify as White had the highest approval rates (74.5 percent), while those who identify as Native Hawaiian/Other Pacific Islander and Black or African American had the lowest rates (64.2 and 64.6 percent, respectively). This trend remains fairly similar in all income categories. According to the data, applicants who identify as White were on average more likely than other race/ethnicities to receive a loan approval. On average, applicants who identify as White have approval rates approximately 12 percent higher than the lowest approval rate of all Race or Ethnicity groups. Given the generally high rates of loan approvals, home financing is typically available and not considered to be a constraint to the provision and maintenance of housing in Brentwood.

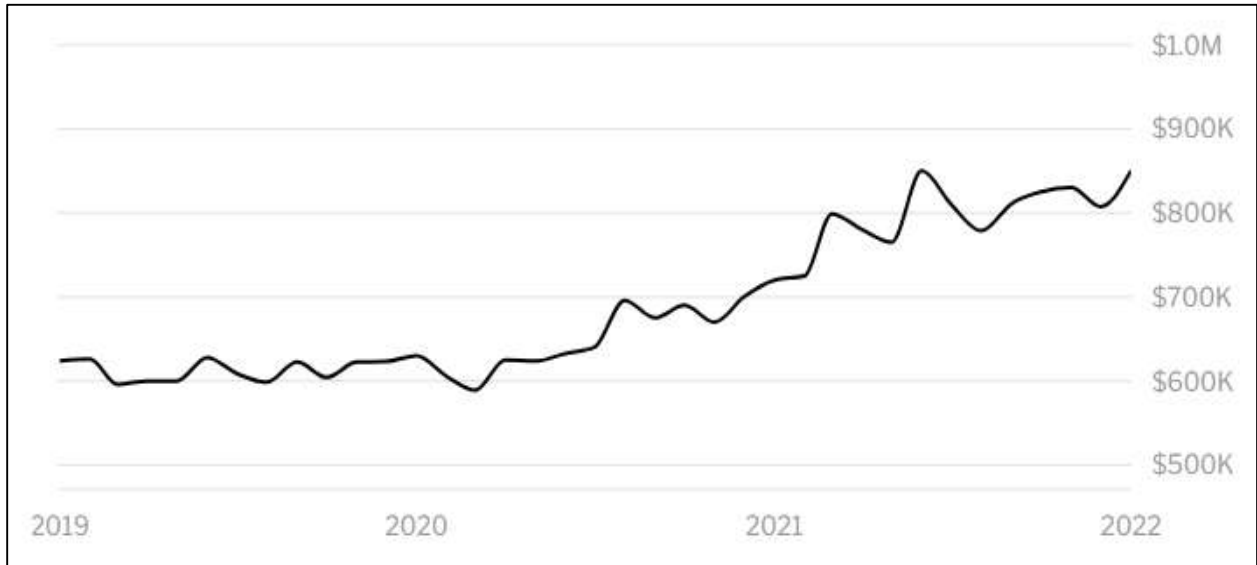
Brentwood 2023-2031 Housing Element

Table 3-2: Disposition of Loan Applications by Race/Ethnicity – San Jose-San Francisco-Oakland MSA/MD.				
Applications by Race/Ethnicity	Percent Approved	Percent Denied	Percent Other <sup>(1)</sup>	Total (Count)
<b>LESS THAN 50% OF MSA/MD MEDIAN</b>				
American Indian and Alaska Native	36.4%	36.4%	30.6%	121
Asian	45.5%	31.0%	25.3%	3320
Black or African American	44.9%	28.9%	28.9%	1260
Native Hawaiian or other Pacific Islander	44.9%	30.7%	24.4%	127
White	50.3%	25.3%	28.0%	7678
Hispanic or Latino	44.2%	30.7%	28.1%	2509
<b>50-79% OF MSA/MD MEDIAN</b>				
American Indian and Alaska Native	53.3%	19.6%	31.5%	184
Asian	66.2%	14.7%	24.9%	7727
Black or African American	59.6%	17.9%	26.0%	2515
Native Hawaiian or other Pacific Islander	58.8%	18.4%	24.8%	294
White	68.2%	12.0%	24.6%	16372
Hispanic or Latino	62.8%	15.4%	26.3%	5994
<b>80-99% OF MSA/MD MEDIAN</b>				
American Indian and Alaska Native	66.2%	21.6%	16.2%	74
Asian	69.8%	11.0%	22.4%	3236
Black or African American	63.6%	14.3%	24.8%	819
Native Hawaiian or other Pacific Islander	61.5%	15.6%	24.8%	109
White	71.3%	9.4%	21.5%	6573
Hispanic or Latino	66.7%	12.0%	23.9%	1933
<b>100-119% OF MSA/MD MEDIAN</b>				
American Indian and Alaska Native	64.2%	17.3%	21.4%	173
Asian	72.2%	9.1%	21.6%	11974
Black or African American	64.6%	14.2%	23.8%	2258
Native Hawaiian or other Pacific Islander	70.0%	10.8%	21.2%	297
White	74.5%	7.7%	20.4%	18195
Hispanic or Latino	68.1%	11.7%	22.9%	4327
<b>120% OR MORE OF MSA/MD MEDIAN</b>				
American Indian and Alaska Native	65.8%	11.5%	23.3%	330
Asian	71.4%	7.8%	23.5%	50498
Black or African American	63.9%	12.9%	26.8%	3508
Native Hawaiian or other Pacific Islander	66.0%	11.8%	24.6%	483
White	73.4%	7.3%	22.5%	50678
Hispanic or Latino	67.3%	10.2%	26.4%	5862
Notes: 1. "Other" includes: applications withdrawn, files closed for incompleteness, and purchased loans.				
Source: Consumer Financial Protection Bureau, Disposition of loan applications, by Ethnicity/Race of applicant, 2020.				

### Economic Constraints

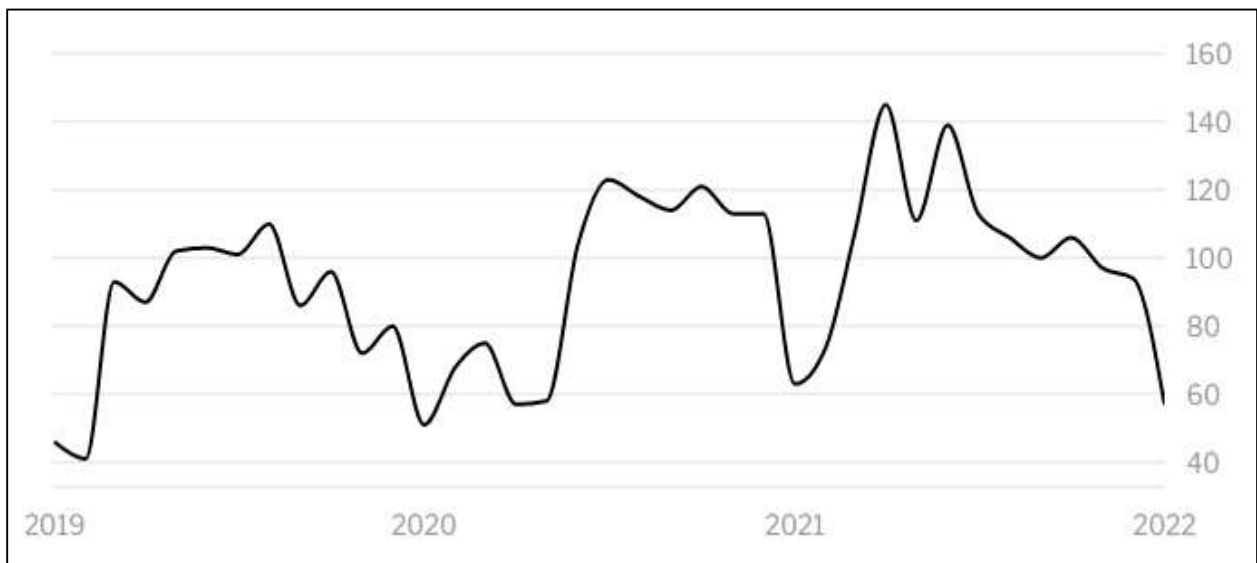
Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price growth will continue in the City and the region for the foreseeable future. Moving into 2020, the economy was growing, California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates. The COVID-19 pandemic had stalled much of the economy in early 2020; however, as **Figure 3-1** shows, the Brentwood housing market has maintained overall growth. **Figure 3-2** shows a decline in number of homes sold in Brentwood which may indicate a lack of inventory which contributes to higher median sale prices.

**Figure 3-1: Brentwood Housing Market Trends – Median Sale Price 2019-2022**



Source: Redfin, Brentwood Housing Market Trends (Accessed March 4, 2022).

**Figure 3-2: Brentwood Housing Market Trends – Number of Homes Sold 2019-2022**



Source: Redfin, Brentwood Housing Market Trends (Accessed March 4, 2022).

A January 2022 California Association of Realtors (CAR) report found that single-family homes on the market in Contra Costa County had a median cost of \$829,000 and experienced a year-to-year change of 8.4 percent. Single-family homes on the market in the San Francisco Bay Area had the highest median cost in the State of California at \$1,200,000. Single-family homes in Contra Costa County had a median cost of \$765,580.

According to a CAR First-Time Buyer Housing Affordability Index report for the fourth quarter of 2021, the median home price for a single-family home in Contra Costa County was \$739,500 with monthly payments of \$3,490 (including taxes and insurance). This required a minimum qualifying income of \$104,700. In comparison, the median cost for a single-family home in California was \$677,850 with monthly payments of \$3,200 and a minimum qualifying income of \$96,000.

## **2. Governmental Constraints**

In addition to market constraints, local policies and regulations also affect the price and affordability of housing and the provision of affordable housing. Policies and regulations may make it difficult to meet the demand for affordable housing and limit supply in the region. Regulations related to environmental protection, building codes, and other topics may have significant, often adverse, impacts on housing cost and affordability.

While the City of Brentwood has no control over State and Federal policies and regulations that affect housing, the City's Housing Element can address local policies and regulations which create a constraint on the development of housing, and particularly affordable housing.

### **Land Use Controls**

Jurisdictions in California are required by Law to prepare a comprehensive, long-term General Plan to guide future development. The Land Use Element of the General Plan establishes permitted land uses and development density throughout the City of Brentwood. These land uses provide a wide variety of housing types throughout the City, while also ensuring compatibility between neighboring uses. **Table 3-3** lists the land uses that permit residential developments and their density ranges – this information is readily available on the City's website, in compliance with State transparency requirements.

Table 3-3: Residential Land Uses and Density Ranges		
General Plan Land Uses	Density Range	Mid-Range*
Ranchette Estate (RE)	< 1 unit/acre	N/A
Residential Very Low Density (R-VLD)	1.1 – 3 units/acre	2 units/acre
Residential Low Density (R-LD)	1.1 – 5 units/acre	3 units/acre
Residential Medium Density (R-MD)	5.1 – 11 units/acre	8 units/acre
Residential High Density (R-HD)	11.1 – 20 units/acre	15.5 units/acre
Residential Very High Density (R-VHD)	20.1 – 30 units/acre	N/A
<p><i>*Densities above the mid-range can be achieved at the discretion of the City Council through the exercise of transferable agricultural credits or if a significant amount of amenities are incorporated into a project, extensive off-site public improvements are installed, or other significant improvements of community-wide benefit are provided. Residential development proposals that provide at least 20% of its units affordable to lower income households, as defined by State law and the City's Housing Element, are exempt from the mid-range requirement and may develop at the high point of the density range, provided that an agreement is recorded with the City insuring affordability "overtime". In addition, senior, disabled, and multi-family housing projects which set aside 10-25% of the units for lower income households (as defined by the City's Housing Element) are permitted to develop up to 25% above the high point of the designated density range in accordance with the City's density bonus ordinance. Action H.1t is included in the Housing Plan to remove discretion or constraints for projects requesting densities above the mid-point for all residential land use categories.</i></p> <p><i>Source: City of Brentwood General Plan, Land Use Element.</i></p>		

The City’s Zoning Code establishes the following residential zone districts:

- **Ranchette Estate (RE)** - The purpose of the Ranchette Estate zone is to provide semirural residential areas to serve as a buffer or transition between higher density urban residential development and productive agricultural uses or adjacent urban communities. The RE zone provides areas where single-family residences and facilities for limited numbers of livestock and small farming operations may be located. The RE zone permits a maximum of 1 single-family dwelling per parcel.
- **Single-Family Residential Estate (R-1-E)** - The purpose of the Single-Family Residential Estate zone is to provide for large single-family residential parcels in an identifiable, suburban residential neighborhood. The R-1-E zone provides areas where single-family residences and common facilities for large livestock may be located if planned and provided for within the design of the subdivision and approved by the City. The R-1-E zone permits single-family dwelling units not exceeding a density of two dwelling units per gross acre.
- **Single-Family Residential (R-1)** - The purpose of the Single-Family Residential zone is to provide areas for three-and-one-half dwelling units per gross acre and areas of different lot sizes through the use of the R-1-6, R-1-8, R-1-10 and R-1-12 subzones and the specific regulations for each subzone as specified in this chapter.
- **Moderate Density Multifamily Residential (R-2)** - The purpose of the Moderate Density Multifamily Residential zone is to encourage the development of more affordable and innovative housing primarily for duplexes, triplexes, townhouses and single-family attached or detached homes on smaller lots. The R2 zone permits duplex, triplex, apartments and other small multifamily structures; townhouses and single-family attached homes; all not exceeding a density of nine dwellings per gross acre.
- **High Density Multifamily Residential (R-3)** - The purpose of the High Density Multifamily Residential zone is to provide appropriate areas for apartments or condominiums in close proximity to the central business district. The R-3 zone permits duplex, triplex, townhouses, apartments and other multifamily structures not exceeding a density of sixteen dwelling units per gross acre.

In addition to the identified primary residential use zones, the City allows mixed-use residential development in other districts in order to increase development near transit corridors and essential resources. The following districts permit mixed-use residential uses:

- **Commercial Office Residential (COR)** - The Commercial Office Residential zone is a mixed-use zone allowing administrative and professional offices in conjunction with residential uses. This mix of uses may be separate buildings on one site or separate areas in a building (such as ground floor professional/administrative offices with apartments above). The primary use of the site shall be devoted to office usage and residential densities may be within any of the residential density ranges of the Land Use Element.
- **Commercial Residential (CR)** - The Commercial Residential zone is a mixed-use zone allowing commercial as the primary use and residential as a permitted, optional secondary use. This mix of uses may be separate buildings on one site or separate areas in a building (such as appropriate ground floor shops and offices with apartments above). Densities may be within any of the residential density ranges of the Land Use Element.
- **Brentwood Boulevard (BB)** – The purpose and intent of the Brentwood Boulevard zone is to transform the auto-oriented former State Route 4 corridor into a more traditional boulevard with distinctive, unique, front-facing buildings as reflected in the Brentwood Boulevard specific plan (BBSP). The BBSP also promotes comfortable walkways and generous landscaping to provide an active, inviting, and attractive location for residents, workers, and visitors. Brentwood Boulevard within the boundaries of the BB zone is a distinguished portion of the city that extends between the city limits at Delta Road on the north and the downtown at Second Street on the south. The BBSP provides for a cohesive arrangement of uses, building types, frontage treatments, and street designs that function as integral parts of a single urban structure. Taken together, the expectation is that the structure over time will result in an area comprised of an attractive and desirable streetscape environment along which well-designed buildings are located behind generous amounts of continuous landscaping and open space. The result is a prominent setting for new development and a framework for new neighborhood and workplace districts along one of the city’s most visible corridors.
- **Priority Area One (PA-1)** – The Priority Area One zone is a mixed-use zone and one of the City’s primary future employment centers, offering individuals and businesses access and opportunities to create high-quality jobs across a diverse array of industries. The PA-1 zone will assist the City towards achieving its goal of a healthy jobs-to-housing balance, reducing commute times for residents, and establishing new opportunities for economic growth and employment within the city.

### **Variety of Housing Types Permitted**

California Housing Element Law mandates jurisdictions must make sites available through zoning and development standards to promote the development of a variety of housing types for all socioeconomic levels of the populations. Housing types include single-family homes, multi-family housing, accessory dwelling units, factory-built homes, mobile-homes employee and agricultural work housing, transitional and supportive housing, single-room occupancy (SROs), and housing for persons with disabilities. **Table 3-4** shows the various housing types permitted throughout the City of Brentwood in zoning districts which permit housing or care facility uses. The City of Brentwood is in compliance with all transparency requirements and all zoning information, development standards, and fees are available on the City’s website and at the Planning Department Counter.



**Table 3-4: Permitted Residential Uses by Zoning District**

Residential Uses	RE	R-1-E	R-1	R-2	R-3	COR	CR	BB	PA-1	A-10	A-20	AP
Single-Family	P	P	P	P	P	C	C	SP <sup>1</sup>	SP <sup>2</sup>	P	P	P
Manufactured Homes	P	P	P	P	P	C	C	SP	SP	P	P	P
Accessory Dwelling Unit	P	P	P	P	P	C	C	SP	SP	P	P	P
Duplex, Triplex, Apartments	-	-	-	P	P	C	C	SP	SP	-	-	-
Small Multifamily Structures	-	-	-	P	P	C	C	SP	SP	-	-	-
Multifamily Structures	-	-	-	C	P	C	C	SP	SP	-	-	-
Senior Housing						C	C	SP	SP			
Secondary Housing Units	C	C	C	P	P	C	C	SP	SP	C	C	C
Mobile Home Parks	C	C	C	C	C	C	C	SP	SP	-	-	-
Subdivisions <sup>3</sup>	-	C	C	P	P	C	C	SP	SP	-	-	-
Small Residential Care Facilities <sup>4</sup>	P	P	P	P	P	C	C	SP	SP	P	P	P
Large Residential Care Facilities <sup>5</sup>	C	C	C	C	C	C	C	SP	SP	C	C	C
Rooming and Boarding	-	-	-	P	P	C	C	SP	SP	-	-	-
Emergency Shelters <sup>6</sup>	-	-	-	-	-	-	-	SP	SP	-	-	-
Transitional Housing	P	P	P	P	P	C	C	SP	SP	-	-	-
Supportive Housing	P	P	P	P	P	C	C	SP	SP	-	-	-
Single Room Occupancy	-	-	-	-	-	C	C	SP	SP	-	-	-
Farmworker Housing	-	-	-	-	-	-	-	-	-	-	-	-
Low Barrier Housing	-	-	-	-	-	-	-	-	-	-	-	-

P – Permitted  
 (-) – Not Permitted  
 C – Conditionally Permitted  
 SP – Specific Plan

**Notes:**

1. Detached single-family units are prohibited within 150 feet of the Brentwood Boulevard right-of-way
2. Only allowed in High Density Residential area
3. Subdivisions having a reduced lot size, patio houses, row houses, apartments and similar housing developments provided as follows: 1) The entire parcel or a group of parcels are master planned, 2) any increases in density are offset by lesser densities or greater lot sizes within the development or through the provision of permanent open space so that the overall density is within the range of 1.1 to six dwelling units per gross acre.
4. Includes any small family home—adults, social rehabilitation center—small, small family day home—adults or family day care—small
5. Includes any large family home—adults, group home—children or adults, social rehabilitation center—large, day care center—adults or children.
6. Emergency Shelters are permitted in subarea C of PD-38.

Source: City of Brentwood Municipal Code

### ***Single-Family Dwelling***

A single-family dwelling is defined as a detached building designed for and/or used exclusively for residence purposes by one family. An attached single-family dwelling is defined as a building designed for and/or used exclusively for residence purposes by one family and joined structurally along a common wall and property line to another like dwelling unit. Single-family dwellings are permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, A-10, A-20, and AP zones. Detached single-family dwellings are prohibited within 150 feet of the Brentwood Boulevard right-of-way but attached single-family dwellings are allowed. Single-family dwellings are allowed with a CUP in the COR and CR zones.

### ***Multiple-Family Dwelling***

A multiple-family dwelling is defined as a building or portion thereof designed for and/or used exclusively for residence purposes by two or more families living independently of one another to include the terms duplex, triplex, and apartment. Small multi-family dwellings such as Duplex, Triplex, and Apartments are permitted as a primary use in R-2, R-3, BB, and PA-1 zones. Small multi-family dwellings such as Duplex, Triplex, and Apartments are allowed with a CUP in the COR and CR zones. Multi-family structures are permitted as a primary use in R-3, BB, and PA-1 zones. Multi-family structures are allowed with a CUP in R-2, COR, and CR zones.

### ***Accessory Dwelling Unit (ADU)***

An accessory dwelling unit is defined as an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

Accessory Dwelling Units are permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, PA-1 A-10, A-20, and AP zones. Accessory Dwelling Units are allowed with a CUP in the COR and CR zones. A program is included in **Section 4: Housing Plan** to review and, as necessary, amend the ADU ordinance to comply with State law.

### ***Manufactured Home, Mobile Home, Modular Home***

Manufactured homes, mobile homes or modular homes are defined as a single-family housing units, which are commonly referred to as mobile homes, manufactured homes or modular homes, and which are certified under the National Mobile Home Construction and Safety Standards Act of 1974, and which are to be placed on a foundation system, pursuant to Section 18551 of the Health and Safety Code or constructed in accordance with the appropriate Uniform Building Code, Plumbing Code, Electrical Code, etc., that has been adopted and is in effect within the City of Brentwood. Manufactured Homes, Mobile Homes, and Modular Homes are permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, A-10, A-20, and AP zones. Manufactured Homes, Mobile Homes, and Modular Homes are allowed with a CUP in the COR and CR zones.

### ***Mobile Home Park***

A group home is defined as any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. Mobile Home Parks are allowed with a CUP in RE, R-1-E, R-1, R-2, R-3, COR, and CR zones.

### **Residential Care Facility**

A small residential care facility is defined as any small family home used as a social rehabilitation center or adult or family day care. A large residential care facility is defined as any large family home used as an adult or child group home, social rehabilitation center, and adult or child day care center. Small Residential Care Facilities are permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, BB, and AP A-10, A-20, and PA-1 zones. Small Residential Care Facilities are allowed with a CUP in the COR and CR zones. Large Residential Care Facilities are allowed with a CUP in RE, R-1-E, R-1, R-2, R-3, COR, CR, BB, PA-1, A-10, A-20, and AP zones. Action H.4o is included in the **Housing Plan** to revise these current permitting requirements for large residential care facilities to remove potential constraints.

### **Supportive Housing**

Supportive Housing is defined as housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same zone. Supportive Housing is permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, and PA-1 zones. Supportive Housing is allowed with a CUP in the COR and CR zones.

### **Transitional Housing**

Transitional Housing is defined as buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is considered a residential use and is subject only to the restrictions and standards that apply to other residential dwellings of the same type (e.g., single-family residence(s) or multifamily development) in the same zone. Transitional Housing is permitted as a primary use in RE, R-1-E, R-1, R-2, R-3, and PA-1 zones. Transitional Housing is allowed with a CUP in the COR and CR zones.

### **Emergency Shelter**

An emergency shelter is defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

In 2015, the City adopted a chapter in the Zoning Code addressing emergency shelters. An amendment to the Planned Development 38 Zone (PD-38) now allows emergency shelters as a permitted use within Subarea C of the zone. There are three parcels within Subarea C, covering approximately 17 acres. The parcels sizes are 0.47, 4.53, and 12.0 acres respectively. Of the three parcels, two are currently vacant and cumulatively total five acres. All Planned Development 38 zoning districts and Subareas are reflected in **Figure 3-3. Per AB 2339 requirements, the City must show existing capacity for the current Brentwood homeless population. The 2023 Point-in-Time count reports 37 persons experiencing homelessness in Brentwood (a decrease of approximately 46 percent from 2021). With a requirement of at least 200 square feet of land per person, the City is able to accommodate the 7,400 square-foot need with the available 17 acres noted above – 5 acres of which are currently vacant. Program H.4k is included in the Housing Plan to amend the Municipal Code in compliance with AB 139 and AB 2339.**

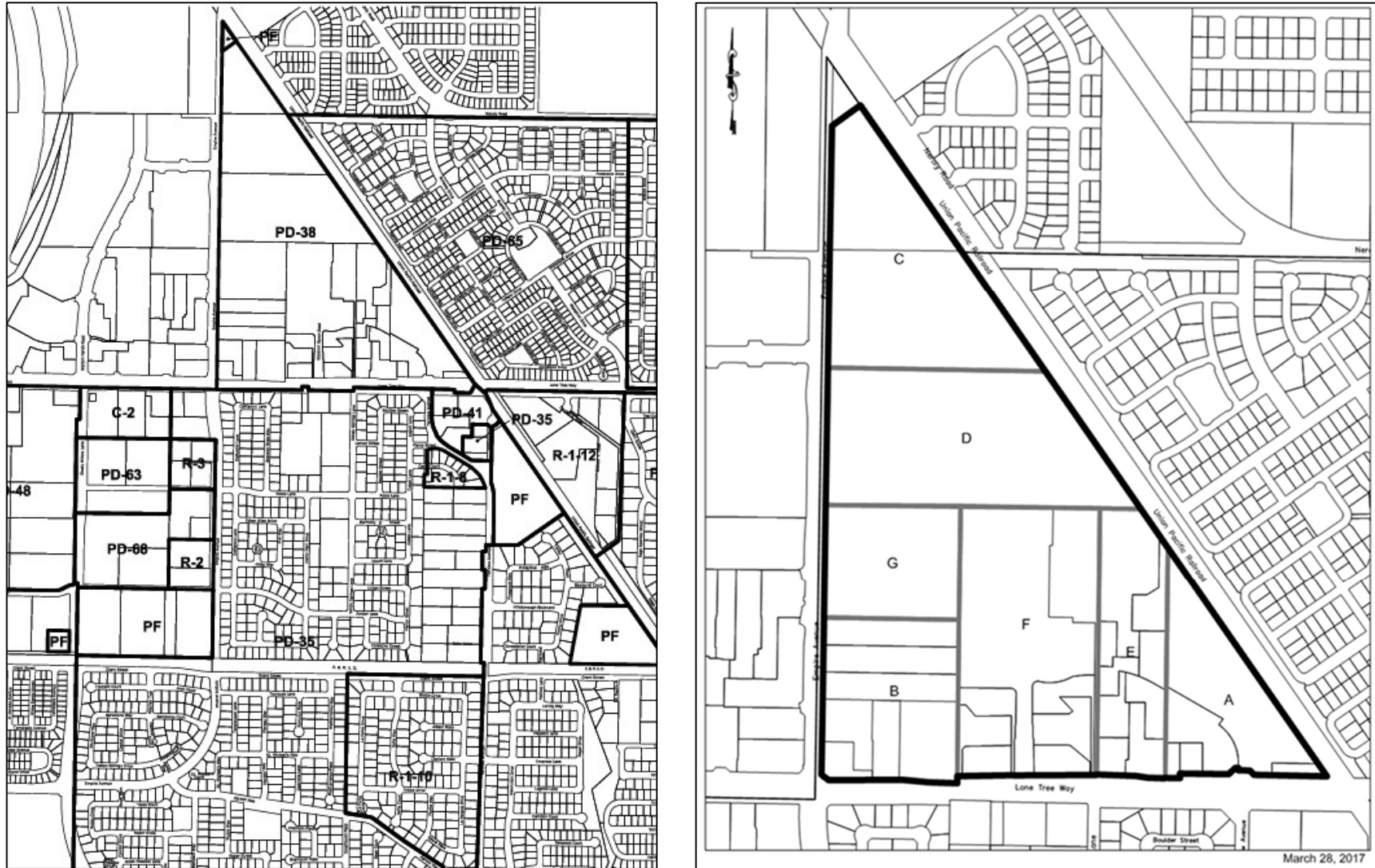
The City currently has one privately run women and children’s shelter with ten bedrooms, and it is currently in the review pipeline to add an additional three independent living units on-site to transition out.

The City's Zoning Code states that an emergency shelter must meet the standards set forth in Chapter 17.770 "Emergency Shelters" and must be approved ministerially and without discretionary review or a public hearing when proposed within a permitted zone. All new construction must comply with the commercial and industrial land use regulations for the underlying district in which the emergency shelter will be located. Construction of a new structure or exterior modification of an existing structure for an emergency shelter must also be subject to a ministerial design review process. The City's Zoning Code requires each emergency shelter have a minimum of two off-street parking spaces plus one additional off-street parking space for each ten beds, or fraction thereof.

**Figure 3-4** shows the location of hazardous waste generators and hazardous waste percentile for the region surrounding the PD-38 zoning district. According to CalEnviroScreen 4.0, this indicator is calculated by considering the number of permitted Treatment, Storage and Disposal Facilities (TSDFs), generators of hazardous waste or chrome plating facilities, the weight of each generator or site, and the distance to the census tract. The figure shows the hazardous waste generators located near the PD-38 zoning district. As of May 2022, these generators include Walgreens Pharmacy (which disposed of hazardous waste into company trash bins between 2013 and 2020 that were going to municipal landfills not authorized to accept hazardous waste. The items included over-the-counter and prescription medication, electronic devices, batteries, aerosol products, and cleaning agents), Target (which had improper storage, transportation and disposal of bleach, paint, pesticides, batteries, lightbulbs, and other hazardous materials in the past), and Banfield Pet Hospital.

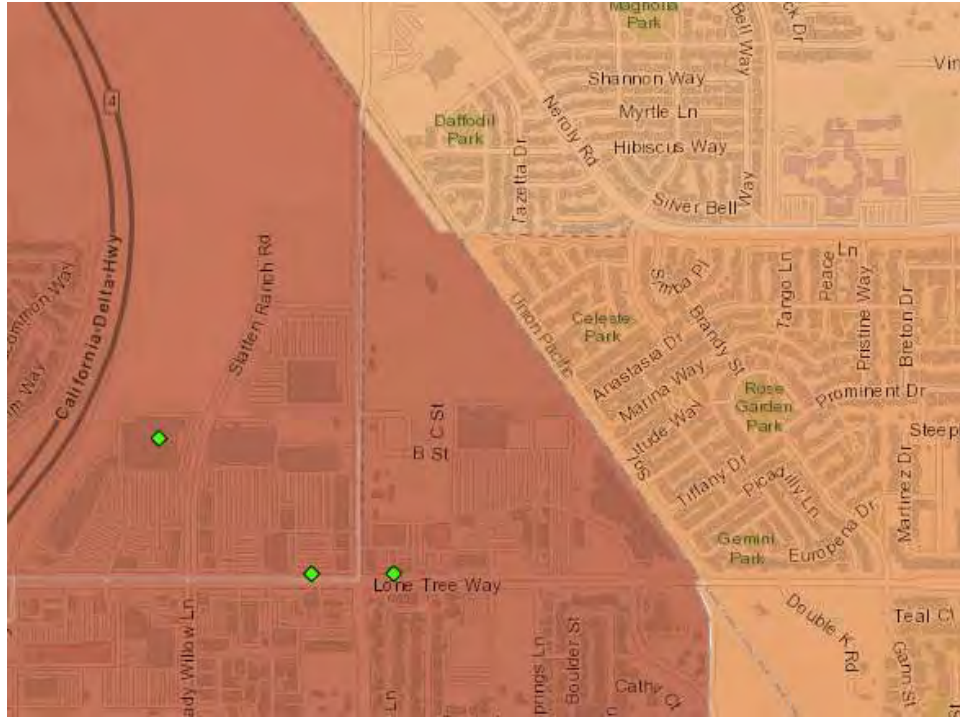
**Figure 3-5** shows the location of cleanup sites and cleanup site percentile for the region surrounding the PD-38 zoning district. According to CalEnviroScreen 4.0, this indicator is calculated by considering the number of cleanup sites including Superfund sites on the National Priorities List (NPL), the weight of each site, and the distance to the census tract. The figure shows one cleanup site located in Subarea C of the PD-38 zoning district. As of May 2022, the potential contaminants of concern are Benzene, Bromodichloromethane, and Chloroform in the soil and soil vapor. The site was an orchard from 1939 to the 1970s. The Sun Recycling Center was formerly located on the western portion of the site but has since been demolished.

Figure 3-3: Brentwood Zoning Map – Planned Development 38 Zoning District (PD-38)



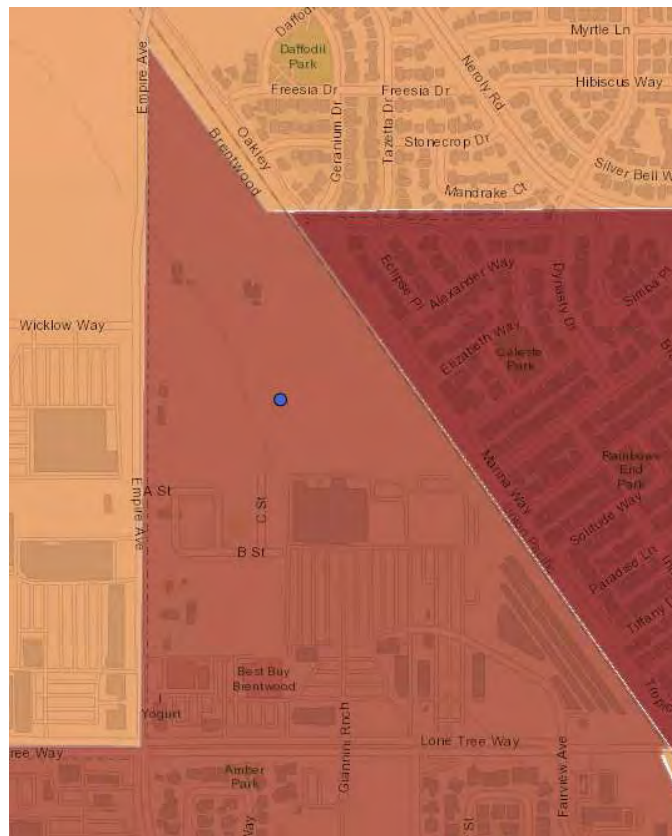
Source: City of Brentwood Zoning Map

**Figure 3-4: CalEnviroScreen 4.0 – Hazardous Waste**



Source: CalEnviroScreen 4.0

**Figure 3-5: CalEnviroScreen 4.0 – Cleanup Sites**



Source: CalEnviroScreen 4.0

Additionally, the PD-38 district is located near existing commercial and retail resources, as well as existing public transportation routes. **Figure 3-6** shows the Tri Delta Transit routes located near the PD-38 zoning district and the transit routes and stops running through the area. As the figure shows, the PD-38 zoning district and potential emergency shelter occupants are located within a short distance to public transportation with destinations throughout the City and the Bay Area region.

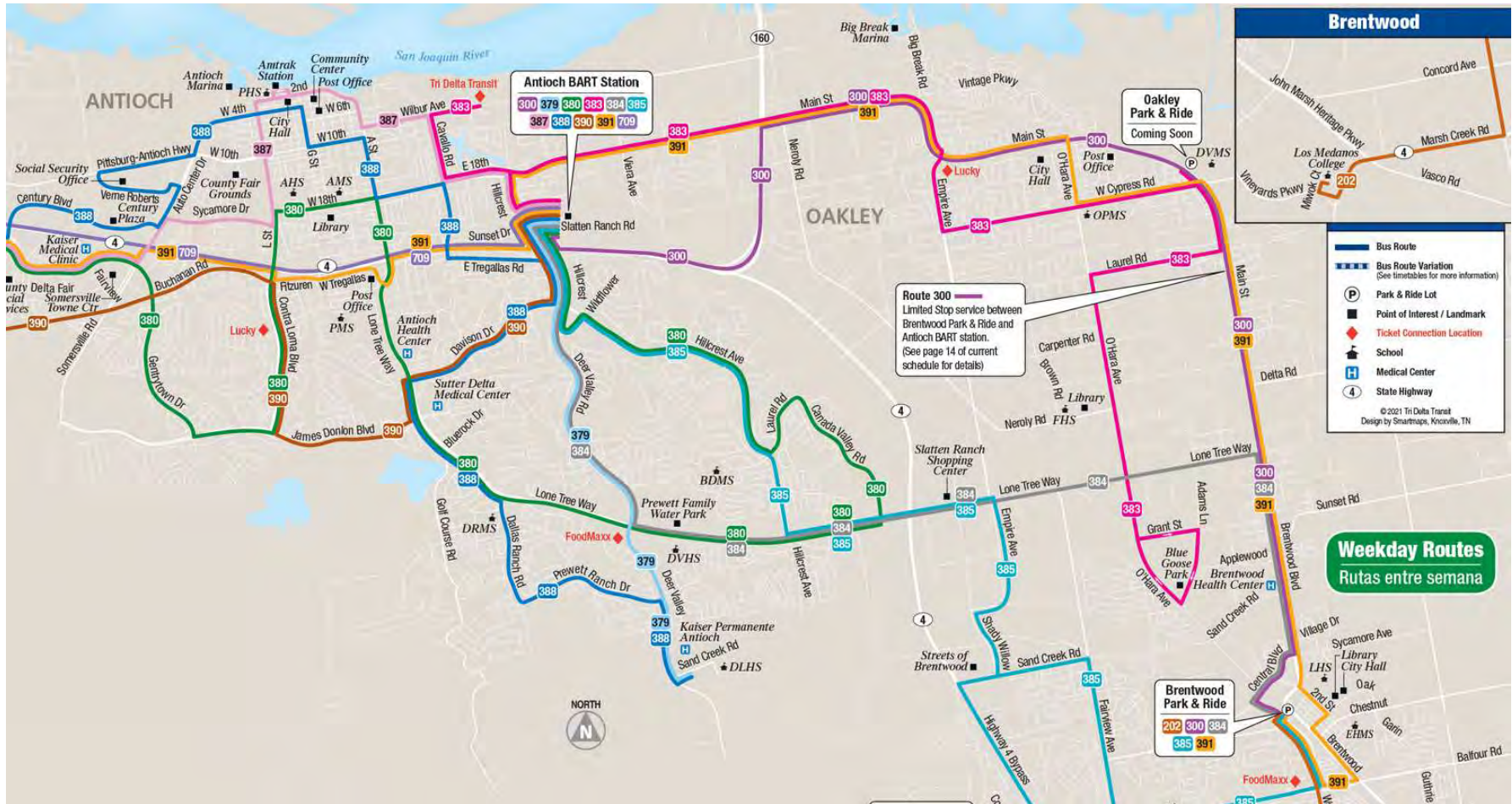
Brentwood is served primarily by the Tri Delta Transit (Eastern Contra Costa Transit Authority). Tri-Delta Transit provides local public transportation. Besides Brentwood, the buses stop in Antioch, Oakley, Bay Point, Pittsburg, Martinez, and Concord. The transit authority operates local and express routes on weekdays, and local routes on weekends/holidays. Major transfer points for majority of Tri Delta Transit's routes include:

- Brentwood Park & Ride in Brentwood
- Antioch eBART Station in Antioch
- Pittsburg Center BART Station in Pittsburg
- Pittsburg/Bay Point BART Station in Pittsburg
- Los Medanos College in Pittsburg

Tri Delta Transit routes allow Brentwood residents access to the Bay Area region via BART. Tri Delta Transit operates 20 bus lines at different times. On weekdays, 16 bus lines operate throughout the cities of Pittsburg, Antioch, Oakley, Brentwood, and far-west of Martinez, California. On weekends, only 5 bus lines operate throughout cities of Pittsburg, Antioch, Oakley, and Brentwood only. Weekend bus-lines tend to be longer to cover segments of many weekday-bus lines.

Future transportation proposals would facilitate increased accessibility to the rest of the region. An eBART expansion has been considered in the City and would help connect Brentwood to the greater BART system. The potential eBART station locations have been discussed with the City focusing on a newly designated location with PA-1.

Figure 3-6: Transit Routes – Tri Delta Transit System Map



Source: 511 Tri Delta Transit – System Map



### ***Farmworker Housing***

California Health and Safety Code Sections 17021.5 and 17021.6 require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. A program is included in **Section 4: Housing Plan** to ensure the City’s development standards allow farmworker housing by-right, without a CUP, in single-family zones for six or fewer persons, as well as employee housing consisting of no more than 12 units or 36 beds in the same manner as other agricultural uses in the same zone.

### ***Low Barrier Navigation Centers***

AB 101 states that “Legislature finds and declares that low barrier navigation center developments are essential tools for alleviating the homelessness crisis in this state and are a matter of statewide concern.” Low barrier navigation centers are defined as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Low barrier navigation centers are required as a use by-right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specified requirements. The Brentwood Zoning Code does not address low barrier navigation centers by definition. A program is included in **Section 4: Housing Plan** to adopt and implement procedures and regulations to process low-barrier navigation centers, including establishing a ministerial approval process.

### **Residential Development Standards**

The City’s Zoning Code establishes regulations and development standards for each residential district to provide a range of housing types. All information regarding the City’s zoning and development standards are available to the public on the Brentwood City website pursuant to Government Code §65940.1 (a)(1)(B).

These standards and regulations are intended to create, preserve, and enhance residential neighborhood sites for a range of development types and lifestyles. The residential zoning guidelines and development standards are intended to:

- Provide appropriately located areas for a variety of residential neighborhoods to meet the housing needs of the Brentwood community;
- Provide for a range of housing types and housing alternatives for all economic segments of the community;
- Encourage the provision of attractive and stimulating surroundings that will make Brentwood’s residential areas enjoyable places to live; and
- Protect residential areas from the intrusion of incompatible uses or activities which may impair the livability of a neighborhood.

The City established development standards to regulate development throughout the City through its Zoning Code. The development standards include minimum requirements for lot size and lot widths and maximum construction standards for height, lot coverage, and density. **Table 3-5** below provides the standards applicable to each zoning district in Brentwood that permits residential development.

Zone	Min. Dimensions (Sq. Ft.)		Min. Yard Setbacks (Feet)			Construction Standards		
	Lot Size <sup>1</sup>	Lot Width <sup>1</sup>	Front	Side <sup>2</sup>	Rear	Max. Height (Feet)	Max. Lot Coverage (Percent)	Min. Density
RE	43,560/ac	140	20	20	40	35	--	1 du/ac
R-1-E	14,500	100	20	15 <sup>3</sup>	30	35	--	2 du/ac
R-1	--	--	--	--	--	--	--	3.5 du/ac
R-1-6	6,000	60	20	15 <sup>3</sup>	20	35	--	3.5 du/ac
R-1-8	8,000	70	20	20 <sup>3</sup>	20	35	--	3.5 du/ac
R-1-10	10,000	80	20	25 <sup>3</sup>	20	35	--	3.5 du/ac
R-1-12	12,000	90	20	30 <sup>3</sup>	20	35	--	3.5 du/ac
R-2	--	--	--	--	--	--	--	2 du/ac
Apartment	6,000	50	15	15 <sup>3</sup>	20	30	--	2 du/ac
Single-Family	3,700	37.5	20	12 <sup>3</sup>	20	30	--	2 du/ac
Apartments and attached single-family dwellings	6,000	50	15	15 <sup>3</sup>	20	30	40%	2 du/ac
R-3	6,000	70	10	15 <sup>3</sup>	20	36	40%	4 du/ac
COR	7,500	50	10	20	20	35	49%	<sup>4</sup>
CR	43,560/ac <sup>5</sup>	--	10	10	10	30	49%	<sup>4</sup>
BB <sup>6</sup>	2,000	--	10	0	10	40	80%	5 du/ac
PA-1 <sup>7</sup>	1,600	25	10	5	20	35	80%	10 du/ac
PEC <sup>8</sup>	--	--	--	--	--	--	49%	--
A-10	10 acres	300	50	25	50	35	--	1 du/parcel
A-20	20 acres	500	50	25	50	35	--	1 du/parcel
AP	20 acres	500	50	25	50	35	--	1 du/parcel

1. Standard  
 2. Interior side yard  
 3. Sum of both sides  
 4. Within any of the residential density ranges of the general plan land use element provided the entire parcel or a group of parcels are master planned  
 5. A master planned project may be subdivided into parcels having a minimum lot area of ten thousand square feet  
 6. Based on High Density Residential Development Standards in the Brentwood Boulevard Specific Plan  
 7. Based on High Density Residential Development Standards in the Priority Area 1 Specific Plan  
 8. According to adopted Specific Plan  
 Source: City of Brentwood Zoning Code

### ***Yard Requirements***

The Brentwood Zoning Code defines a yard as an open area between a wall or other facility and the nearest lot line and measured perpendicular from the line, on a horizontal plane, to the wall of the facility; including the front yard, side yard and rear yard, or space between structures. The yard requirements as established in **Table 3-5** above are not considered a constraint to the development of housing and are similar to that of the region.

### ***Lot Coverage and FAR***

The Brentwood Zoning Code defines lot coverage as the percentage of total site area covered by the main building and all accessory buildings, open or enclosed. Lot coverage is regulated in order to avoid nuisances from inappropriate and excessive massing or density in a particular zoning district. Floor area is defined as the entire floor area of a building. The floor area includes not only the ground floor area but also any additional stories or basement of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches. The City does not set Floor Area Ratios (FAR) for standalone residential structures. This may however apply in certain planned and also mixed-use developments. FAR is the ratio of floor area to the total lot area and is used to limit the maximum floor area on a particular site. A 0.50 FAR for a 10,000 square foot lot would allow a 5,000 square foot building. The FAR requirements limit the usable floor area to limit the bulk of a building in comparison to the land, other buildings, and public facilities in the area.

The lot coverage limits as established in **Table 3-5** above are not considered a constraint to the development of housing and are similar to that of the region.

### ***Maximum Building Heights***

The building height refers to the vertical distance above the finish grade and is measured to the highest point of roof. The maximum building height in the residential zoning districts of Brentwood range from 30 feet to 36 feet and 30 feet to 45 feet in mixed-use projects. Setting limits to the height of buildings avoids bulking and potential nuisances on neighboring properties – relating to privacy and/or sunlight and shade. This requirement also ensures a compatibility and similar aesthetic amongst uses. Residential developments in the R-2 and R-3 zones are able to meet the maximum density limit while complying with the height limits and the remaining development standards shown in **Table 3-5**. Specifically, a proposed 3-story multi-family development on a one-acre lot in the R3 zone can meet the setback and lot coverage requirements and be able to build approximately 16 units each measuring 1,000 square feet; as the maximum density is 16 dwelling units per acre, the maximum building height limits is shown not to impede the development of multi-family developments.

### ***Parking Standards***

Sufficient off-street parking must be provided to avoid street overcrowding. This is maintained through the establishment on parking requirements, which fluctuate depending on the land use/housing type and the number of bedrooms. **Table 3-6** provides the parking requirements specific to the City of Brentwood. Parking standards in Brentwood are similar, and less in certain instances, to that of the neighboring communities. Therefore, parking standards are not considered a constraint to development of residential projects.

Residential Uses	Minimum Number of Spaces Required per Unit	
Single-Family Dwelling	2 spaces in garage	
Accessory Dwelling Units	1 space per ADU with exceptions found in Zoning Code Article III Chapter 17.100.005 Section 11.B	
Multiple-Family Dwellings	Two- and Three-Family Dwellings	2 assigned spaces for each dwelling unit, all of which shall be covered
	Four- and More Family Dwellings	Parking shall be provided for each dwelling unit in an apartment complex at a ratio of 1 assigned space which shall be covered plus 1 common space which may be uncovered
Condominium or Similar Single-Family Residence Projects	Two assigned spaces which shall be enclosed within a garage, and two common	
Senior Housing (congregate care, senior apartments, subsidized housing, residential care)	Subject to conditional use permit approval	
Emergency Shelters	Minimum of two off-street parking spaces plus one additional off-street parking space for each ten beds, or fraction thereof	
Other Parking Requirements	Mobile home park	2 assigned spaces on each mobile home lot, 1 of which shall be covered, plus 1 of which may be covered, plus one common space for each 2 mobile home lots which may be uncovered
	Boardinghouse	1 space for each sleeping unit plus the required spaces for ancillary eating and drinking places, places of assembly or retail trade

The City’s parking requirements fluctuate depending on land use and intensity. The minimum parking requirements in the R-3 zoning district for a 20-unit project on one acre is 20 covered parking spaces and 20 common space parking spaces which may be uncovered. Assuming a standard 9-foot by 18-foot parking space (162 square-feet per space), parking requirements total about 6,420 square-feet. Using the estimated cost of \$46.04 per square-foot (based on the market analysis done above) parking for a 1-acre development in the R-3 zone can cost about \$298,339.

City of Brentwood parking standards requires 20 parking spaces to be covered; construction costs can be higher for covered parking, parking structures, and/or below ground parking. The required parking standards are consistent or lower than neighboring jurisdictions but the cost of land in the City is more expensive than some surrounding jurisdictions. The cost of developing parking based on the City’s requirements for multi-family housing can be considered a constraint to the development of housing. However, developers may receive concessions or incentives in the form of parking reduction for the development of housing affordable to low- and very low-income households as provided in the State Density Bonus Law section, [as well as for development projects that are subject to the Affordable Housing Program](#).

[The City has received feedback from HCD noting the current parking requirements for studios and one-bedroom units may create a constraint for multifamily development projects. As such, Action H.1r in the Housing Plan establishes an objective for the City to adopt a Zoning Code update to decrease parking requirements to 1.5 spaces per one-bedroom unit and 0.5 spaces per studio.](#)

**Development Example**

A theoretical parcel zoned R-3 measuring 6,000 square feet (75 feet wide and 80 feet deep) is permitted a maximum density of four units per 6,000-square-feet. With yard setbacks, the 6,000 square-foot parcel

is left with a possible 2,250-square-foot building footprint. The maximum lot coverage is 40 percent (2,400 square feet), which leaves enough room. Assuming the maximum height of 36 feet creates a three-story structure, a total of 6,750 square feet are possible.

Parking standards for four permitted units would total 8 spaces, or 1,368 square feet (assuming each space measures nine feet by 19 feet). This would leave a total of 5,382 square feet for five 1,000-square-foot units, or more smaller units. As such, the development standards do not constrain developments from reaching the maximum density limit.

### **Planned Development Zones**

The Planned Development Zones (PD) are intended to encourage a mixture of uses and more flexibility and variation from that of established zones (unusual building intensity or design characteristics or variations in density, including density between the midrange and upper end of land use designated by the general plan which would not normally be permitted in a single use zone). The PD zones are used to implement specific plans by providing regulations for all or part of the area encompassed by each adopted specific plan – Planned Developments are optional and are not pre-zoned, nor are standards pre-established by the City. A PD Zone can be established on the following properties:

- Any property in the City at such time an application for rezoning for a PD zone is made and to any property for which PD zoning is approved; and
- To all or part of any area in the City for which a specific plan has been approved.

Any and all compatible uses are permitted within the zoning regulations adopted for the specific PD zone; provided, however, no use shall be authorized which does not conform to the community development plan of the City of Brentwood and to any applicable specific plan. The development regulations shall be specified within the regulations adopted for the specific PD zone. Deviation from those regulations shall be permitted only through a zoning amendment or the grant of a variance. There are currently 70 PD zones in the City.

All development standards, allowable densities, zoning, and any other relevant requirements are established during the adoption of the specific PD zone and are established with the intent of maximizing density in an effort to reduce cost and ensure feasibility. Rezoning for a PD zone requires the following findings:

- That the proposed development will clearly result in a more desirable use of land, and a better physical environment than would be possible under any single or combination of zones;
- That the PD zone proposed is on property which has a suitable relationship to one or more thoroughfares; and that such thoroughfares are adequate to carry any traffic generated by the development;
- That the plan for the proposed development presents a unified and organized arrangement of buildings and service facilities which are appropriate in relation to adjacent or nearby properties and that adequate landscaping and/or screening is included if necessary to insure compatibility;
- That the natural and scenic qualities of the site are protected, with adequate available public and private open spaces designated on the development plan;
- That the development of the subject property, in the manner proposed by the applicant, will not be detrimental to the public welfare, will be in the best interests of the city and will be in keeping with the general intent and spirit of the zoning ordinance and with the city's community development plan, including all relevant elements thereof, and with any applicable specific plan adopted by the city.

**Appendix B: Table B-8** includes candidate sites in the following PD zones:

- PD-21 (pipeline project)
- PD-35 (pipeline project)
- PD-38 (pipeline project)
- PD-42 (pipeline project)
- PD-49 (vacant residential)
- PD-64 (pipeline project)

Additionally, the specific development standards for these five PD zones are provided in the table below. No development standards are included for PD zone 42 (G) as it requires an amendment to the planned development guidelines prior to and/or in conjunction with submittal of a development plan. Of the candidate sites identified in Appendix B, three are vacant residential sites located in PD-49; other sites located in the remaining five PD zones are projects in the pipeline.

Consistent with “smart growth” planning principles, the purpose of the PD-49 zone is to permit and regulate mixed-use development of approximately sixty-four gross acres located south of Balfour Road, west of existing Concord Avenue/future Highway 4 Bypass, and to allow for the phased development of a mix of medical campus, office, retail, public and quasi-public and residential uses, variations in density and building intensities, innovative design characteristics, that would not normally be permitted in a single-use zone, and retention of greater flexibility to adjust square footage allocated to each permitted use. The precise square footage for each use would be determined at the time of approval of the development plans as described below. The land covered by this PD-49 zone is designated by the Brentwood General Plan as a special planning area (SPA) Q, to be developed consistent with this PD-49 zone. Uses permitted by-right in Subarea B include medium to very high density multifamily residential not exceeding an average density of twenty-five units per acre. Mixed residential and nonresidential uses within the same structure are permitted with the approval of a conditional use permit.

Standards	PD-21 (A2)	PD-35 (I)	PD-38 (D)	PD-49 (B)	PD-64 (F)
Minimum lot size	4,000 SF	5,800/3,600 SF	3,000 SF	1 acre	-
Minimum lot width	-	60 feet	40 feet	-	-
Minimum lot depth	-	80 feet	70 feet	-	-
Minimum lot frontage	-	40 feet	-	-	18 feet
Minimum front yard	-	-	40 feet	-	-
1. To door of a front-entry garage	20 feet	20 feet	-	-	20 feet
2. To wall of a side-entry garage	10 feet	15 feet	-	-	-
3. To wall of a habitable room	20 feet	15 feet	-	-	10 feet
Minimum side yard adjoining a street	15 feet	10 feet	4 feet	-	10 feet
Minimum side yard at interior lot line	-	5 feet	4 feet	10 feet	-
1. To the wall of a garage	5 feet	-	-	-	0/5 feet
2. To wall of a habitable room	5 feet	-	-	-	0/5 feet
3. Aggregate, both side yards	10 feet	-	-	-	5 feet
4. Aggregate, both side yards, non-garage	10 feet	-	-	-	5 feet
Minimum rear yard	15-20 feet	20 feet	4 feet	-	5 feet
Maximum building height	35 feet	32 feet/	35 feet/	40 feet/	35 feet

## Brentwood 2023-2031 Housing Element

		2 stories	2 stories	3 stories	
Maximum lot coverage	N/A	45% one-story 40% two-story	50%	-	65%
Minimum off-street parking	2	-	-	-	4
<i>Source: Brentwood Municipal Code</i>					

Given the number of pipeline projects (totaling 500 units) located in the PD zones, as well as the development standards and required findings listed above, the City does not identify any constraints from the PD zones. Sites identified as part of PD zone 49 are considered feasible and prime for redevelopment. As such, development standards and rezoning findings are not considered a constraint to development.

### **Housing for Persons with Disabilities**

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location, and discrimination, which could limit the availability of housing for disabled persons.

### **Reasonable Accommodations**

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The Brentwood Zoning Code allows a request for reasonable accommodation to be made by any person with a disability, their representative or any entity, when the application of a zoning law, building regulation, or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. The Brentwood Zoning Code defines an individual with a disability as any individual who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment.

No applications for reasonable accommodations were received by the City during the 5<sup>th</sup> Planning Cycle.

### **APPLICATION REQUIREMENTS**

Requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Director, or in the form of a letter, to the director and shall contain the following information:

- The applicant's name, address, and telephone number;
- Address of the property for which the request is being made;

- The current actual use of the property;
- The basis for the claim that the individual is considered disabled under the Acts;
- The municipal code provision, zoning ordinance provision, or other regulation or policy from which reasonable accommodation is being requested; and
- Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant shall file the information together for concurrent review with the application for discretionary approval.

#### **REVIEW PROCEDURE**

The Community Development Director, or designee, shall make a written determination within thirty calendar days and either grant, grant with modifications, or deny a request for reasonable accommodation. The written determination on whether to grant or deny the request for reasonable accommodation shall be also made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. If necessary, to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty-day period to issue a decision is stayed until the applicant responds to the request.

The director may decide to allow the Planning Commission to determine whether to approve, conditionally approve, or deny an application for a minor reasonable accommodation if the Director finds that the reasonable accommodation involves significant controversy or extraordinary circumstances.

#### **FINDINGS AND DECISION**

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

- Whether the housing, which is the subject of the request, will be used by an individual with a disability protected under the Acts.
- Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- Whether the requested for reasonable accommodation would impose an undue financial or administrative burden on the city.
- Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.
- Potential impact on surrounding uses.
- Physical attributes of the property and structures
- Alternative reasonable accommodations which may provide an equivalent level of benefit.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required above. The City Council initiated a Zoning Code update on January 24, 2023, through which the City will, among other things, remove subjective requirements to reasonable accommodations findings. See Action H.4m in the **Housing Plan**.

#### **APPEAL OF DETERMINATION**



An applicant or any party with interest may appeal any determination of the Community Development Director to the Planning Commission if appropriate notice is given to the Community Development Department office within ten calendar days of the Director's decision. The City shall charge a fee for costs involved in the appeal. The Planning Commission shall hear and determine any appeal within thirty days of such notice.

An applicant or any party with interest may appeal any determination of the Planning Commission or other reviewer to the City Council if appropriate notice is given to the Community Development Department office within ten calendar days of the Planning Commission's decision. The City shall charge a fee for costs involved in the appeal. The City Council shall hear and determine any appeal within thirty days of such notice. The decision of the City Council shall be deemed final.

### ***Definition of Family***

Under the right of privacy, the California Constitution prohibits a restrictive definition of "Family" which limits the number of unrelated persons and differentiates between related and unrelated individuals living together. The City's Zoning Code defines "Family" as "the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit including the joint use of and responsibility for common areas, sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses. If the dwelling unit is rented, this means that all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease for the entire dwelling, with joint use and responsibility of the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than by the landlord or property manager." Action H.4n has been added to the Housing Plan to address potential constraints posed by the definition of "Family."

### **Local Ordinances**

An ordinance is a law passed by a municipal government. Local ordinances are enacted to maintain or improve public safety, health, and general welfare. Locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances may directly impact the cost and supply of residential development. Impacts may create governmental constraints to the development of housing and may hinder the City from meeting its share of the regional housing need and the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

### ***Affordable Housing Program***

Inclusionary housing ordinances are local zoning ordinances which either mandate or encourage housing developers to include a specified percentage of units affordable to lower and moderate-income households. Inclusionary Housing Ordinances bring affordable housing to market and increases types of housing available to different income levels.

The City of Brentwood enforces an Affordable Housing Program which acts as the City's inclusionary housing ordinance. The purpose of the Affordable Housing Program is to:

- Enhance the public welfare and assure that further housing development contributes to the attainment of the City's housing goals as described in the Housing Element of the General Plan, by creating, preserving, maintaining, and protecting housing affordable for households of very low-, low- and moderate-income;
- Assure that the remaining developable land in the City's planning area is utilized in a manner consistent with the City's housing policies and needs;

- Increase the number of affordable housing units in Brentwood in recognition of the insufficient number of existing affordable housing units in relation to the community’s current and future needs; and
- Assure that new affordable housing units that are constructed are distributed throughout the City as part of mixed-income developments in order to obtain the benefits that flow from economically diverse communities, increase access to opportunity, and affirmatively further fair housing.

The Affordable Housing Program applies to all new residential developments of five or more lots or dwelling units designed and intended for residential occupancy. Developers of residential developments of five or more lots or dwelling units designed and intended for residential occupancy shall construct or make possible the construction of a minimum of 13 percent of the total number of dwelling units within the residential development as affordable units.

The City fully implements the State Density Bonus law in conjunction with the Affordable Housing Ordinance by providing developers with the option to combine double count units towards both requirements if they are subject to the Affordable Housing Ordinance and seek to receive a Density Bonus. Additionally, the City implements Density Bonuses through the same application as required by a project – there are no additionally required steps and no required discretionary review just for the Density Bonus.

#### Five to Nine Unit Developments

Developers of residential developments consisting of five to nine dwelling units may either construct one low-income affordable unit, pay a fee equal to fifty percent of the low-income in-lieu fee, or provide an “alternative equivalent.” However, if all or any portion of a residential development of five to nine dwelling units is later re-subdivided into ten or more parcels or dwelling units, the City’s affordable housing requirement may not be satisfied by payment of an in-lieu fee. Alternative Equivalents include:

- Payment of In-Lieu Fees;
  - \$3,000 per moderate-income unit not built
  - \$361,000 per low-income unit not built
  - \$484,000 per very low-income unit not built
- Dedication of Vacant Developable Land;
- Off-Site Construction of For-Sale or For-Rent Affordable Units or Conversion of Market-Rate For-Sale or For-Rent Units to Affordable Units;
- Dedication of Affordable Units to the City of Brentwood; or
- Other Means of Fulfilling Affordable Housing Requirements subject to City Manager or designee approval.

In addition, for residential developments with very low- to medium-density zoning designations as defined by the General Plan, the affordable unit may be smaller in size than other models in the residential development. The minimum permissible affordable unit size is one thousand six hundred square feet on a three thousand square foot parcel. As a means to provide massing and lot proportions consistent with the residential development, a duet unit will satisfy the City’s affordable housing requirement. For example, a duet unit can be located on a corner with each duet unit being one thousand six hundred square feet on two separate three thousand square foot parcels.

To facilitate the development of required affordable units, the City may grant development standards reductions.

The City has not processed any recent housing applications for developments between five and nine units.

Ten or More Unit Developments

In residential development consisting of ten or more dwelling units, any decimal fraction less than 0.50 dwelling units shall be disregarded and any decimal fraction equal to or greater than 0.50 dwelling units shall be construed as one dwelling unit. **Table 3-8** below show the allocation of affordable units required by the Affordable Housing Program.

Table 3-8: Allocation of Affordable Units to Income Levels	
Income Level	Percentage Required
<b>Ownership and Rental Development</b>	
Very Low-Income Households	3%
Low-Income Households	4%
Moderate-Income Households	6%
<i>Source: City of Brentwood Zoning Code</i>	

The development community cites local ordinances such as inclusionary housing ordinances as constraints to development. There is evidence that the development of affordable units may increase overall development costs and cut developer’s profit margins. Increased costs may be passed on to market-rate owners and renters. In order to eliminate or reduce constraints in the development of housing in Brentwood, the City offers concessions and construction incentives. The city may offer incentives or financial assistance to encourage compliance with requirements of the Affordable Housing Program. Such incentives may include, but shall not be limited to, any of the following items, applied alone or in any combination upon the City Council’s finding that a developer has proven that the incentive is necessary to the financial feasibility of the residential development:

- Development Processing Fee Deferral;
- Development Impact Fee Deferral;
- Density Bonus;
- Flexible Design Standards - including, but not limited to, the following:
  - Reduced lot sizes;
  - Reduced setback requirements;
  - Reduced open space requirements;
  - Construction of duets, duplexes, triplexes or fourplexes on corner lots within single-family areas;
  - Reduced landscaping requirements;
  - Reduced parking requirements;
  - Height restriction waivers.
- Fast Track Processing;
- Direct Financial Assistance; or
- Additional Concessions and Incentives the City Council may consider, on a case-by-case basis, at its sole discretion.

Alternative Equivalents include:

- Dedication of Vacant Developable Land;
- Off-Site Construction of For-Sale or For-Rent Affordable Units or Conversion of Market-Rate For-Sale or For-Rent Units to Affordable Units;
- Dedication of Affordable Units to the City of Brentwood; or
- Other Means of Fulfilling Affordable Housing Requirements subject to City Manager or designee approval.

The off-site construction or conversion of off-site market rate units to affordable units has been the most popular option amongst developers, including the Parkside Villas project currently under construction and included as a Pipeline project. This has proven effective in the ultimate construction of affordable units.

Due to concessions and construction incentives offered to developers, it has been determined that the Affordable Housing Program does not pose a constraint to the development or cost of housing in Brentwood. The concessions and construction incentives offered to developers in Brentwood often result in increased profit margins and project feasibility for developers.

### ***Growth Management***

Growth management is the use of a wide range of techniques to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. A growth management system is commonly organized into a set of goals, objectives, policies, and performance standards that guide the physical development of a community.

Growth management systems promote a variety of environmental, social, and economic goals, including balancing the service costs and revenues associated with development; protecting environmental and aesthetic qualities; encouraging the efficient use of land, water, and energy resources; preserving community identity; and protecting the economic base of the community.

The City of Brentwood has adopted the Growth Management Element that is part of the General Plan. The Growth Management Element was adopted to ensure orderly and fiscally sustainable growth, while maintaining high levels of public services and infrastructure, and because Contra Costa County voters approved a 0.5% sales tax increase in November 1988, commonly known as “Measure C,” that includes both Transportation Improvement and Growth Management Programs (GMP). The overall goals of the Measure C program are:

- To relieve congestion created by past development through road and transit improvements funded by the proceeds of the sales tax increase; and
- To prevent future development decisions from resulting in the deterioration of public services and unacceptable traffic performance standards.

To be eligible for its share of revenue generated under Measure C, the City of Brentwood must commit itself, as a matter of public policy, to carrying out the following objectives:

- Manage congestion by adopting and applying traffic service standards for streets, roads, and Regional Routes; and
- Adopt policies for fire protection, police, parks, water, flood control, and sanitary sewer service level standards that will be met as the city grows.

In November 2004, voters in Contra Costa County extended the Measure C sales tax until 2034 through the passage of Measure J. While this new measure retained many of the components of the Measure C GMP, some changes were made, most notably the requirement for the adoption of an Urban Limit Line (ULL) for each jurisdiction. On January 8, 2008, the City Council adopted the Contra Costa County Measure L Voter-Approved Urban Limit Line (Resolution No. 2008-3) as the City of Brentwood’s Urban Limit Line, which was approved by the majority of Brentwood voters in November 2006.

### ***Short-Term Rental Ordinance***

Short-term rentals are commonly defined as an accessory use of a primary residence for the purposes of providing temporary lodging for compensation for up to 30 days or less. The purpose of Short-Term Rental Ordinances is to establish regulations, standards, and a permitting process governing the renting or

leasing of privately owned, visitor-serving dwelling units on a short-term basis. Short-Term Rental Ordinances are often established to safeguard residents by ensuring that short-term rental activities do not threaten the character of neighborhoods and that such short-term rental activities do not become a nuisance, or threaten the public health, safety, or welfare of neighboring properties. The City of Brentwood does not have a Short-Term Rental Ordinance.

### ***Density Bonus Ordinance***

In accordance with California State Government Code Section 65915, a housing development may increase the number of units above the maximum permitted and/or receive reductions in development standards in exchange for reserving units for very low-, low-income, and/or moderate-income households or for seniors. These units must be restricted to their level of affordable for at least 30 years through a deed-restricted affordable housing covenant. All Density Bonus information is available to the public and can be found in the City of Brentwood Zoning Code Chapter 17.720 Density Bonus Program. According to the City's Zoning Code, qualifying housing developments which satisfy at least one of the following categories or land dedication provisions listed below will be granted a density bonus:

- At least 10 percent of the total units of a housing development for lower income households;
- At least 5 percent of the total units of a housing development for very low or extremely low-income households;
- At least 10 percent of the total dwelling units in a common interest development, as defined in Civil Code Section 1351, are for households of moderate income, provided that all units are offered to the public for purchase;
- A senior citizen project or a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Section 51.2, 51.3, 798.76, or 799.5. (Senior citizen projects shall be restricted to occupancy by senior citizens in perpetuity.);
- When an applicant for a residential development agrees to donate land to the city for very low-income households;
- When a development is the conversion of an existing apartment complex to a condominium complex and the applicant agrees to make at least thirty-three percent of the total units of the development affordable to moderate income households for thirty years, or fifteen percent of the total units of the proposed development affordable to lower income households for thirty years, and agrees to pay for the administrative costs incurred by the city to process the application and to monitor the continued affordability and habitability of the affordable housing units; or
- When an applicant proposes to construct a development that conforms to the requirements of Section 17.720.003 and includes a childcare facility located on the premises, or as part of, or adjacent to, the development.

In addition to density bonuses, the City of Brentwood Zoning Code Chapter 17.720 allows for the incentives and concessions listed below to projects which meet the qualifying number of lower/very low-/moderate-income units:

- One incentive or concession for a project that includes: at least ten percent of the total units affordable to low-income households, at least five percent of the total units affordable to very low-income households, or at least ten percent of the total units affordable to households of moderate income in a common interest development; or
- Two incentives or concessions for a project that includes: at least twenty percent of the total units affordable to low-income households, at least ten percent of the total units affordable to very low-income households, at least five percent of the total units affordable to extremely low-

income households, or at least twenty percent of the total units affordable to households of moderate income in a common interest development; or

- A total of three incentives or concessions for a project that includes: at least thirty percent of the total units affordable to low-income households, at least fifteen percent of the total units affordable to very low-income households, or at least thirty percent of the total units affordable to households of moderate income in a common interest development.
- One additional incentive for a project that is affordable to low-income households and provides any of the following: at least twenty-five percent of the units as three- or four-bedroom units, at least twenty-five percent of the units accommodate disabled persons and are set-aside for occupancy by disabled persons, or at least ten percent of the units are affordable to extremely low-income households.

Types of incentives and concessions include any of the following:

- A reduction in the site development standards that results in identifiable, financially sufficient, and actual cost reductions. The reduction may include, but is not limited to:
  - Reduced minimum lot size;
  - Reduced minimum lot width;
  - Reduced minimum setback;
  - Increased maximum building height;
  - Reduced onsite open-space requirement;
  - Increased maximum lot coverage;
  - Increased floor area ratio; or
  - Reduced parking requirement.
- A reduction in architectural design requirements that exceeds the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;
- Approval of mixed-use development in conjunction with the proposed development if nonresidential uses will reduce the development cost of the residential portion of the proposed development, and if the nonresidential uses are compatible with the proposed development and with existing or planned development in the area.
- Expedited Project Processing. The project will receive expedited project processing, which will include:
  - Mandatory Pre-Development Review Meeting. An applicant requesting expedited project processing must participate in a mandatory pre-development review meeting prior to submittal of the project application and must pay all applicable pre-development meeting fees.
  - The review period(s) to determine completeness of the project application will be reduced from thirty calendar days to twenty-five calendar days.
  - Upon completion of project processing, including completion of the environmental document, if necessary, at the applicant's request the city will schedule the project for a public hearing, if required, and for project consideration by the decision-making body.
- Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.
- A direct financial contribution, waiver of fees, or reduction of fees, when financially feasible, at the sole discretion of the city council. Nothing in this chapter shall be construed to require the provision of direct financial incentives for the development, including the provision of publicly owned land by the city or other waiver of fees or dedication requirements. (Ord. 943 § 6, 2015)

In accordance with the City of Brentwood Zoning Code Chapter 17.720 Density Bonus Program, the following density bonus calculations in **Table 3-9** through **3-12** will be applied to housing developments that meet the above criteria:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

*Source: City of Brentwood Zoning Code*

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

*Source: City of Brentwood Zoning Code*

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25

Table 3-11: Moderate-Income Density Bonus Calculations	
Percentage Moderate-Income Units	Percentage Density Bonus
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

*Source: City of Brentwood Zoning Code*

Table 3-12: Extremely Low and Very Low-Income Density Bonus Calculations—Land Donation	
Percentage Moderate-Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

*Source: City of Brentwood Zoning Code*

The Government Code states that when an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with these subdivisions, the applicant shall be entitled to a 15 percent increased above the otherwise maximum allowable residential density for the entire development, as shown in **Table 3-12**. This increase may be added to the density bonuses listed above but may not exceed 35 percent.

Until 2021, under Government Code Section 65915, known as the Density Bonus Law, the maximum bonus was 35 percent. California State Law AB 2345 states that all jurisdictions in California are required to process projects proposing up to 50 percent additional density as long as those projects provide the additional Below Market Rate units (BMR) in the “base” portion of the project, unless the locality already



allows a bonus above 35 percent. The bill also lowered the BMR thresholds for concessions and incentives for projects with low-income BMRs. As of 2021, Government Code Section 65915 authorizes an applicant to receive two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent of the total units for very low-income households, or at least 20 percent for persons or families of moderate income in a common interest development. It also allows an applicant to receive three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent of the total units for very low-income households, or at least 30 percent for persons or families of moderate income in a common interest development.

The City's Density Bonus program currently allows a maximum of 35 percent density increase; however, AB 2345 requires an allowance of up to 50 percent density bonus when the base BMR is proposed. A program is included in **Section 4: Housing Plan** to update the City's Zoning Code in compliance with state legislation.

### **Specific Plans**

The purpose of a Specific Plan is to implement the goals and objectives of a City's General Plan in a more focused and detailed manner that is area and project specific. The Specific Plan promotes consistent and an enhanced aesthetic levels throughout the project community. Specific Plans contain their own development standards and requirements that may be more restrictive than those defined for the City as a whole. The City of Brentwood has three adopted Specific Plans throughout the City, and the following sections provide brief descriptions of the adopted Specific Plans which affect the development of housing.

#### ***Brentwood Boulevard Specific Plan***

The Brentwood Boulevard Specific Plan (BBSP) was adopted on March 27, 2012, and was most recently amended on October 27, 2015. The purpose of the Specific Plan is to provide long-term policy guidance needed to revitalize and improve a significant portion of Brentwood Boulevard and to recognize the opportunities for change as the corridor transitions from a rural State route to a local mixed-use arterial roadway. The BBSP provides guidance needed to revitalize and improve a 310-acre area in the City. Historically, Brentwood Boulevard has served as the primary route through the City of Brentwood for residents, workers, and visitors. The corridor includes a major gateway into the City of Brentwood along the shared boundary with the City of Oakley at Delta Road on the north, and a connection to the historic Downtown at Second Street on the south. The vision for the BBSP is to transform the existing auto-oriented corridor into a more traditional boulevard with distinctive, unique, front-facing buildings. The BBSP also promotes comfortable walkways and generous landscaping to provide an active, inviting, and attractive location for residents, workers, and visitors. The Specific Plan allows for single-family dwellings, multi-family dwellings, small residential care facilities, accessory facilities and buildings, animal keeping, and some home occupations.

The minimum required lot size is 4,000 square feet for detached single-family dwellings in the Medium Density Residential (MDR) area and the maximum lot coverage is 50 percent. The minimum required lot size is 3,000 square feet for attached single-family dwellings in the Medium Density Residential (MDR) area and the maximum lot coverage is 60 percent. The minimum required lot size is 2,000 square feet for multi-family dwellings in the Medium Density Residential (MDR) area and the maximum lot coverage is 70 percent.

The minimum required lot size is 2,000 square feet in the High Density Residential (HDR) area and the maximum lot coverage is 80 percent. The maximum number of attached dwelling units within an individual building shall not exceed 12. The Commercial/Office/Industrial/Residential (COIR) district within the BBSP permits all uses allowed in the HDR areas.

### ***Downtown Specific Plan***

The Downtown Specific Plan (DSP) was adopted on November 16, 2005 and was most recently amended on September 26, 2017. The purpose of the Specific Plan is to coordinate public and private investment in the City's Downtown District to fulfill the community's intention for the downtown to remain the heart of the Brentwood community as the City goes through a period of explosive growth and change. The DSP contains both a strategy to manage growth and a regulatory policy to guide and govern future development within the DSP area.

The DSP area consists of approximately 205 acres within the City's historic center, which begins near the intersection of Oak Street and the Union Pacific Railway. All districts, except for the Brentwood Civic Center Brentwood District, allow residential uses. A variety of residential uses are allowed within different districts including upper-floor mixed used residential, live-work residential, stacked units, and both attached and detached single-family dwellings.

### ***Priority Area One Specific Plan***

The Priority Area One Specific Plan (PA-1 SP) was originally adopted on November 13, 2018. In October 2022, the City adopted additional changes to PA-1 incorporating updated development standards, land uses, infrastructure and public services, and circulation, as well as an economic development and implementation plan which had the support and involvement of the property owners who are also large landowners and developers within the community. The purpose of the Specific Plan is to enable the development of Priority Area One as a vibrant, compact, transit-oriented development – focused on a future multi-modal transit station, e.g., Tri Delta Transit/eBART station - and as an employment center within the City. The City of Brentwood envisions the PA-1 SP area emerging as one of the City's primary future employment centers, offering individuals and businesses access and opportunities to create high-quality jobs across a diverse array of industries. The establishment of the employment center will assist the City towards achieving its goal of a healthy jobs-to-housing balance, reducing commute times for residents, and establishing new opportunities for economic growth and employment within the City.

The PA-1 SP area is approximately 431 acres and located in the northwestern corner of the City. Approximately 63 acres of the PA-1 SP area consists of public right-of-way and the Mokelumne Coast to Crest Trail corridor. The remaining area, approximately 368 acres, is privately-owned. Three districts within the PA-1 SP area allow residential uses. The Transit Village district allows upper floor multi-family dwellings, and the density range is 25 to 40 dwellings units per acre. The Multiple-Family Very-High Density Residential district is primarily intended to accommodate multiple story condominium and apartment buildings at a density from 15 to 35 dwelling units per acre. The High Density Residential district accommodates a wide variety of housing types including duplexes, triplexes, townhouses, condominium and apartment buildings, and small-lot detached single-family houses. The density ranges from 10 to 20 dwelling units per acre.

The City has approved the extension of Sand Creek Road from its existing terminus, just west of SR 4, to the intersection of Sand Creek Road and Heidorn Ranch Road in Antioch. This project will facilitate the development of PA-1 and is anticipated to break ground in July 2023 with completion in February 2024. A total of \$8,694,359 will come from City Roadway Development Impact Fees. East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") has also authorized funding in the amount of \$4,105,641.

The City has also approved over \$11 million of Capital Improvement Project funding to provide the PA-1 SP area with infrastructure. The infrastructure project is already funded and is currently in the design phase. This will facilitate development of the area as the parcels will be infrastructure ready. This project will construct infrastructure improvements within PA-1. The improvements include Jeffery Way roadway extension from Amber Lane to Empire Avenue, the extension of wet utilities (water, sewer, and non-

potable water) on Empire Avenue under State Route 4 to Heidorn Ranch Road, widening Lone Tree Plaza Drive between Heidorn Ranch Road and Canada Valley Road, and all associated improvements and land acquisition.

### **On-/Off-Site Improvements**

Site improvements in the City consist of those typically associated with development for on-site improvements (street frontage improvements, curbs, gutters, sewer/water, and sidewalks), and off-site improvements caused by project impacts (drainage, parks, traffic, schools, and sewer/water). Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are considered a regular component of development of housing within the City and may also influence the sale or rental price of housing. The majority of cost associated with on and off-site improvements is undertaken by the City and recovered in the City's development and impact fees.

For single-family residential development on vacant land, examples of typical on-site improvements might include stormwater detention facilities (required by the Clean Water Act), roads, sidewalks, perimeter walls, fire hydrants, emergency access drives, and recreational trails. Multifamily developments may also include common open space and recreation areas, as well as lockable storage areas.

Typical off-site improvements for both single-family and multi-family developments might include: new curbs, gutters, and sidewalks, recreational trail facilities, road improvements and traffic control needed to serve the development, street trees, and landscaping. Utilities may need to be updated or installed to serve the development, including water mains, sewer mains, stormwater pollution prevention measures, and undergrounding of electric utilities.

Infill residential projects may be required to install any of the improvements listed above, depending on site-specific circumstances and neighborhood needs.

The City of Brentwood has standard improvements required for subdivisions that can be found in the City's Municipal Code. General improvements include the following:

- The thoroughfare and/or collector adjoining the proposed development shall be improved as required by the public works director. If it is determined that there are deficiencies in the thoroughfare or collector system that is not adjoining the proposed development but will be affected by the proposed development creating a health or safety problem, then the development shall also be responsible for the full or portion of the improvement of such deficiency;
- The subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, local transit facilities, bike paths, public utility easements, and other public easements as required;
- The subdivider shall install or agree to install all on and off-site public and private street improvements, bike paths, local transit facilities, drainage facilities, utilities and fences as required.

Specific design standards for streets can be found in Chapter 12.04 Street Widths in the City of Brentwood Municipal Code. The following lists the typical design of street sections throughout the City:

- Thoroughfares: 80-126 feet
- Collectors: 60 feet

On and off-site improvements in the City of Brentwood are consistent with requirements of other cities in the region. On and off-site improvements do influence the cost of development, but the improvement requirements do not present a constraint to the development of housing in Brentwood.

### ***Building Codes and Code Compliance***

The City has adopted the 2019 California Building Code, including the ancillary information within the tables, attachments, addendums, and footnotes. This would include the California Administrative Code, Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and California Referenced Standards Code. The adoption California Building Code therefore ensures a consistent development standard that would be promoted throughout the State. The Code's intent is to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. The newest edition of the California Building Standards Code is the 2019 edition with an effective date of January 1, 2020. The City of Brentwood is required by State law to enforce the new code.

The City does not have any local amendments to the Building Code but has made one amendment to the 2019 California Plumbing Code. The City has amended the 2019 California Plumbing Code to add to Section 1208.6. The addition is provided below:

- High levels of acid (pH) found in many locations throughout the city from natural soils and imported soils have proven to have a highly corrosive effect on metallic piping laid underground. The city prohibits the use of metallic gas piping underground without the approval of the city's chief building official and a soils analysis showing a level of pH that will not corrode metallic piping.

The City of Brentwood's Community Enrichment team responds to citizen concerns and proactively identifies violations on private property while achieving a very high rate of voluntary compliance through education. The basis of Community Enrichment rests with property owners and tenants to act as good neighbors. Property owners have rights that protect them; however, the term "property rights" also implies that property owners have certain responsibilities. No property within the City may be used or maintained in a manner, which downgrades the value, use, enjoyment, or safety of one's own or surrounding property. The Community Enrichment Program activities protect the health and safety of the community. Staff work with residents to take an active role in improving and maintaining the quality of life of their neighborhoods, as well as maintaining property values. Staff receive concerns regarding structures in need of rehabilitation or for construction without a permit, and typically investigate 50-60 such cases per month, with an overall caseload of 5000-6000 cases per year. The Community Enrichment Program works with property owners to correct compliance issues which may require entitlements and building permits. A code compliance case is deemed to be resolved after the property has been inspected by Community Enrichment staff, as well as Building Inspection staff when building permits are required, to ensure all violations have been corrected.

### **Development Fees**

Residential developers are subject to a variety of permitting, development, and impact fees in order to access services and facilities as allowed by State law. The additional cost to develop, maintain, and improve housing due to development fees result in increased housing unit cost, and therefore is generally considered a constraint to housing development. However, fees are necessary to provide planning and public services in Brentwood. All information regarding the City's development fees is available to the public on the City of Brentwood website as pursuant to Government Code §65940.1 (a)(1)(B).

## Brentwood 2023-2031 Housing Element

The location of projects and housing type result in varying degrees of development fees. The presumed total cost of development is also contingent on the project meeting City policies and regulations and the circumstances involved in a particular development project application. The majority of the City planning fees operate on a deposit account basis where time and materials are charged against the established account as the project is processed. **Table 3-13** provides the planning fees and **Table 3-14** provides the development impact fees.

Application Type		Fee
Annexations		\$5,800 Deposit
Appeals		\$411
Development Agreement		\$4,200 Deposit
CEQA	Categorical Exemption	\$225
	Negative Declaration	\$3,500
	Mitigated Declaration	\$4,900 Deposit
	Mitigated Negative Declaration	Deposit for Consultant cost + 25%
	Environmental Impact Report	Deposit for Consultant cost + 25%
Residential Condominium Conversion		\$2,200 Deposit
Design Review	Residential 1-4 DU's	\$500 / per unit up to \$2,000 Deposit
	Residential 5+ DU's	\$6,600 Deposit
General Plan Amendment		\$5,800 Deposit
Lot Line Adjustment (per parcel)		\$918
Tentative Maps	Tentative Subdivision Map Review	\$3,810 + \$10 per lot
	Tentative Parcel Map Review	\$2,210 + \$10 per lot
Variance	Variance	\$1,700 Deposit
	Administrative Variance	\$1,063
	Sign Variance	\$900 Deposit
Zone Change		\$4,900 Deposit

*Source: City of Brentwood Universal Application (July 1, 2021)*

Fee Type	Fee	
	Single-Family*	Multi-Family*
<b>City of Brentwood</b>		
Administration	\$870.52	\$510.90
Community Facilities	\$858.02	\$503.57
Park and Trail	\$13,063.38	\$9,655.14
Roadway	\$14,552.06	\$9,022.28
Wastewater	\$7,882.37	\$5,825.86
Water	\$16,274.07	\$6,675.54
City Water fee if in CCWD LV Service Area	\$15,691.54	\$6,436.59
Solid Waste	\$638.42	\$374.01
Storm Water Plan Check & Inspection	2.5% of construction cost of first \$250,000, 2.25% of construction cost from \$250,000 - \$1,000,000, 2% of construction cost over \$1,000,000, additional deposit of 0.5% of construction cost if costs exceed fees collected	
Flood Control Fee and Storm-Drain Fees	As set forth in Contra Costa County Ordinance at time of Final Map approval	
<b>Other City of Brentwood Fees</b>		
Agricultural Mitigation Fees	\$8,531.00 per acre of prime farmland developed	
Habitat Conservation Plan Fees	To be determined according to project area and land cover type	
Affordable Housing Fees	To be determined based on agreement with City Council	

Table 3-14: Development Impact Fees		
Fee Type	Fee	
	Single-Family*	Multi-Family*
CCWD Area Overlap (if applicable)	To be determined according to the meter size serving the use	
<b>Brentwood Union School District Fees</b>		
Residential	\$2.86 per sf	
Senior Housing	\$0.462 per sf	
<b>Liberty Union School District Fees</b>		
Residential	\$2.07 per sf	
Residential Additions	\$1.44 per sf	
Senior Housing	\$0.23 per sf	
<b>East Contra Costa Regional Fee and Financing Authority</b>		
ECCRFFA (Bypass Authority Impact Fee)	\$22,479	\$13,799
ECCRFFA Admin (City Administrative Fee)	\$224.79	\$137.99
<b>Fire District</b>		
Fire Impact Fees	\$1,317.97	\$935.33
<i>*Per Unit</i>		
<i>Source: City of Brentwood 2022 Development Fee Program, Liberty Union School District Developer Fees 2022, Brentwood Union School District Developer Fees 2020.</i>		

The development fees associated with each project is dependent on the housing type, density, intensity of use, and location. In addition to these direct fees, the total cost of development is contingent on the project meeting the City’s policies and standards, as well as the project applicant submitting necessary documents and plans in a timely manner.

Estimated total development and impact fees for a typical single-unit residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations can range from \$67,354 to \$83,046. Estimated total development and impact fees for a typical multi-unit residential project with ten units, assuming it is consistent with existing City policies and regulations range from \$294,813 to \$301,249.

Both estimates are illustrative in nature and actual costs are contingent upon unique circumstances of individual development project applications. Considering the cost of land in Brentwood, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 10.7 percent to 13.2 percent of the direct cost of development for a single-unit residential project and 5.1 percent to 5.2 percent for a multi-unit residential project. Direct costs do not include, landscaping, connection fees, on/off-site improvements, shell construction or amenities, therefore the percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

**Local Processing and Permit Procedures**

The development community commonly cites the permit processing time as a contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review of a proposed project include the completeness of the development application and the responsiveness of developers to staff comments and requests for information. Approval times are substantially lengthened for projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendments, or encounter community opposition. Applicants for all permits or reviews are recommended to request a preapplication meeting with the respective department to: confirm City requirements as they apply to the proposed project; review the City’s review process, possible project alternatives or revisions; and identify

information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

All permit applications are first reviewed by City staff for completeness, and discretionary applications must then receive a recommendation through a staff report prior to a review by the appropriate authority. Various applications may also require public noticing and a public hearing.

The typical timeline for permit review processing and approval for single-family and multi-family developments is 6 months to a year. Single- and multi-family developments are subject to the following submittal requirements:

1. Submittal of application including the following information:
  - a. A legal description of the property;
  - b. A location map showing the project site and the general vicinity of the site;
  - c. A completed environmental information form as prescribed by the City;
  - d. Site plans, elevation plans, floor plans and other maps and data as may be necessary to describe the existing conditions on and surrounding the property and the proposed plans for the future development of the property. The planning commission shall by resolution, maintain a listing of the minimum documentation necessary for submittal in support of each type of application; and
  - e. Such other information specified in this title for the particular entitlement requested.
2. Payment of fees for permit plan check.
3. Plan check completed by all applicable departments and agencies. Timeline and number of reviews can vary.
4. Permit issued once all comments are satisfied.

Varying project scopes may require different review processes that have different requirements and processing times. Common review types are provided below.

### ***Design and Site Development Review***

The purpose and intent of the design and site development review process is to assure that projects foster a good design character through consideration of aesthetic and functional relationships to surrounding development, and in order to further enhance the City's appearance, and the livability and usefulness of properties. Design and site development review is a process that enables the City to ensure the quality and compatibility of the proposed development with surrounding properties. [This procedure applies to all principally permitted use.](#)

[The design and site review criteria considered by the Architectural Review Committee<sup>1</sup>, Community Development Director, and on appeal the City Council include:](#)

- [The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community;](#)
- [Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances;](#)

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<sup>1</sup> [Review by the Architectural Review Committee \(currently the Planning Commission\) does not require public noticing or a public hearing.](#)

- The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area;
- Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the city council, the design of the development shall conform in all significant respects with such plans;
- The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this title;
- The site development criteria set forth in Section 17.820.008;
- “The City of Brentwood Design Guidelines” Draft, dated February 1, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance;
- All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions. (Ord. 663 § 1, 2001; Ord. 408, 1987)

In addition, the following criteria is applied in considering all applications for design and site development review approval:

- The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.
- The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic. (Ord. 408, 1987)

Program H.1s is included in the Housing Plan to remove subjectivity in the approval criteria, to promote approval certainty, and adopt objective standards.

### ***Conditional Use Permit***

The City recognizes that certain types of land uses require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or can be made compatible with surrounding land uses. The purpose and intent of the Conditional Use Permit review is to allow for the accommodation of uses with special operating characteristics, site or design requirements or potential adverse effects on surrounding properties, by means of review and, where necessary, the imposition of special conditions of approval. The Planning Commission is authorized to approve or deny applications for conditional use permit, and to impose conditions upon such approval.

Conditional Use Permits are the most common type of permits, and are issued for land uses that maybe approved under the zoning ordinance, but only upon meeting specific conditions. Common conditions of approval include limited hours of operation, road improvements, soundproofing, additional landscaping, and additional parking. The permit is granted on the land, not to the property owner, and will remain valid even if the property changes owners. A conditional use permit may also be revoked for noncompliance or other reasons cited in the permit, subject to notice and a hearing.

A Conditional Use Permit is required for developments that exceed the permitted density in a zone, such as a multifamily structure in the R-2 zone (small multifamily structures are permitted in this zone) and residential uses in the commercial zones (unless a proposed projects meets the requirements of AB 2011, as detailed in Appendix B). Due to updates in State law, a number of residential uses listed in Table 3-4 that currently require the approval of a Conditional Use Permit will receive Zoning Code updates to remove this permitting requirement, this includes, but is not limited to, transitional and supportive housing, large residential care facilities, and farmworker housing. It should be noted that no multifamily



developments in the High Density Multifamily Residential (R-3) zone require approval of a Conditional Use Permit. Additionally, none of the sites identified in the candidate sites inventory listed in Appendix B require the approval of a Conditional Use Permit.

For a Conditional Use Permit to be granted, the City requires conformance with the following set of criteria:

- The location, size, design and operating characteristics of the proposed development must be compatible with and must not adversely affect the livability of appropriate development of abutting properties and the surrounding neighborhood. Consideration shall be given, but shall not be limited to:
  - Harmony in scale, bulk, coverage and density;
  - The availability of public facilities and utilities;
  - The harmful effect, if any, upon desirable neighborhood character or the planned specialization of retail, commercial or community service areas;
  - Generation of traffic and the capacity of surrounding streets;
  - Any other relevant impact of the development;
  - The criteria set forth in Chapter 17.820 for design and site development review if applicable.
- The location, design, landscaping and screening, and overall site planning of the proposed development will provide an attractive, useful and convenient living, working, shopping or community-service area.

Program H.1s is included in the Housing Plan to remove subjectivity in the approval criteria, promote approval certainty, and adopt objective standards.

### Variance

A variance is review is a procedure through which a property owner may seek a relaxation or waiver of the zoning regulations where there are extraordinary circumstances associated with a parcel of land such that the land or facilities cannot be used to the extent intended by the zoning. It shall be the purpose of this procedure to allow justice, while preserving to the greatest possible extent the purposes of the zoning regulations. Because of special circumstances unique to a specific property, strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. Any variance granted shall not constitute a special privilege.

### **5<sup>th</sup> Cycle Development**

In the 5<sup>th</sup> Planning Cycle, only one residential project was denied. In 2021, an applicant submitted an application for a General Plan amendment, a rezone, a Development Agreement, a vesting tentative subdivision map, and two design reviews for 252 single-family residential parcels, an 11.35-acre school site, two park parcels, four bio-retention areas for stormwater treatments, 258 apartment units on one multi-family parcel, acreage for regional commercial, open space, as well as related improvements. Resolution No. 2021-36 denies the application as it failed to meet the following required findings:

- General Plan Amendment
  - The amendment is deemed to be in the public interest.
  - The amendment is consistent and/ or compatible with the rest of the General Plan.
- Rezone
  - The proposed action is consistent with the community development plan and other applicable city plans and is not inappropriate or otherwise contrary to the public interest.
- Development Agreement

- The development agreement is consistent with the objectives, policies, general land uses and programs specified in the community development plan and applicable specific plans.
- The development agreement will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole.
- The development agreement will not adversely affect the orderly development of property or the preservation of property values.
- Vesting Tentative Subdivision Map
  - That the proposed map is consistent with the community development plan and any applicable specific plans.
  - That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.
  - That the site is not physically suitable for the type of development.
  - That the site is not physically suitable for the proposed density of development.
- Design Review – Single-Family
  - The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
  - The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.
  - The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.
  - All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions.

### **Senate Bill 35**

California Senate Bill 35 (SB 35), codified at Government Code Section 65913.41, was signed on September 29, 2017 and became effective January 1, 2018. SB 35 will automatically sunset on January 1, 2026 (Section 65913.4(m)). The intent of SB 35 is to expedite and facilitate construction of affordable housing. SB 35 applies to cities and counties that have not made sufficient progress toward meeting their affordable housing goals for above moderate- and lower-income levels as mandated by the State. In an effort to meet the affordable housing goals, SB 35 requires cities and counties to streamline the review and approval of certain qualifying affordable housing projects through a ministerial process.

When a jurisdiction has made insufficient progress toward their Lower or Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report it is subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50 percent affordability. Annual Progress Reports are due to HCD by April 1 of each year reporting on the prior calendar year's activities. All projects, which propose at least 50 percent affordable units within Brentwood are eligible for ministerial approval under SB 35 as determined by the SB 35 Statewide Determination Summary. To be eligible for SB 35 approval, sites must meet a long list of criteria, including:

- A multifamily housing development (at least two residential units) in an urbanized area;
- Located where 75% of the perimeter of the site is developed;

- Zoned or designated by the general plan for residential or mixed use residential;
- In a location where the locality’s share of regional housing needs have not been satisfied by building permits previously issued;
- One that includes affordable housing in accordance with SB 35 requirements;
- Consistent with the local government’s objective zoning and design review standards; and
- Willing to pay construction workers the state-determined “prevailing wage.”

A project does not qualify for SB 35 streamline processing if:

- A coastal zone, conservation lands, or habitat for protected species;
- Prime farmland or farmland of statewide importance;
- Wetlands or lands under conservation easement;
- A very high fire hazard severity zone;
- Hazardous waste site;
- Earthquake fault zone;
- Flood plain or floodway;
- A site with existing multi-family housing that has been occupied by tenants in the last ten years or is subject to rent control; or
- A site with existing affordable housing.<sup>2</sup>

A program is included in **Section 4: Housing Plan** to establish SB 35 procedures and implement the State requirements as necessary if the City has not made sufficient progress towards its RHNA at any point throughout the planning period.

### **3. Infrastructure Constraints**

Another factor that could constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often “passed on” in as part of home rental or sales rates.

#### **Dry Utilities**

Dry utilities include electric, telephone, TV, internet, and gas service in a community. The various utility providers are responsible for providing these necessary resources to new housing units.

#### **Electrical**

Pacific Gas and Electric Company (PG&E) provides electricity and electric services in the City of Brentwood. Electrical infrastructure in the project area is located aboveground on utility poles as well as belowground. Pacific Gas and Electric Company continues to provide energy to customers through a series of methods

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<sup>2</sup> JD Supra Knowledge Center, “How California’s SB 35 Can Be Used to Streamline Real Estate Development Projects”, Accessed September 30, 2021.

including oil and natural gas, renewable energy resources and alternative diverse supplies. The power mix delivered to customers includes the following greenhouse gas-free technologies:

- Non-emitting nuclear generation (43 percent)
- Large hydroelectric facilities (10 percent)
- Eligible renewable resources, such as wind, geothermal, biomass, solar and small hydro (31 percent)
- Natural gas (16 percent)

Pacific Gas and Electric Company is responsible for providing service to all existing and future development in Brentwood.

### ***Natural Gas***

Pacific Gas and Electric Company (PG&E) also provides natural gas services in the City of Brentwood. Natural gas pipelines are located belowground. As a public utility, PG&E is under the jurisdiction of the California Public Utilities Commission (CPUC) which regulates natural gas rates and natural gas services, including in state transportation over the utilities' transmission and distribution pipelines system, storage, procurement, metering, and billing. Pacific Gas and Electric Company is responsible for providing service to residential, industrial, and commercial customers in Brentwood.

### **Water Supply**

The City of Brentwood Water Operations Division serves a population of approximately 65,118 within a service area of approximately 14.8 square miles as of 2020. The Division is responsible for providing a safe and reliable source of water to Brentwood households, including 2,701 million gallons per year (MGY) to single-family residential and 116 MGY to multi-family residential.

### ***Brentwood Water Source***

The City of Brentwood receives its water supply from several sources, both surface water from the Delta and groundwater from existing wells located in the East Contra Costa Subbasin. The City pumps groundwater from an alluvial basin underlying the City. The City has nine permitted groundwater wells within its service area, five of which are active wells. The total design capacity of the wells is approximately 6.62 million gallons per day (MGD). The firm design capacity of the wells, where firm capacity is the capacity of all the wells minus the capacity of the largest well, is approximately 5.18 MGD.

The City has purchased a permanent capacity share of 6 MGD at the Randall-Bold Water Treatment Plant (RBWTP) and may use additional capacity on an as-need basis. The City anticipates using the entire 6 MGD but does not project to use additional capacity in future years. Currently, the City utilizes at least 1.7 MGD based on existing customer connections in overlap with Contra Costa Water District's (CCWD) service area. Contra Costa Water District has operated the RBWTP since 1992. The RBWTP has a design capacity to treat up to 50 MGD. The RBWTP is jointly owned by Diablo Water District and CCWD.

### ***Water Maintenance and Repair***

The City's water distribution system includes about 300 miles of water mains. The City of Brentwood Water Operations Division is responsible for the maintenance and operation of the City's water mains and valves that are located underground.

### ***Water Production***

The City of Brentwood Water Operations Division operates, maintains, and disinfects the City of Brentwood's water supply. City of Brentwood Water Treatment Plant receives its water from Local

Groundwater Basins (East Contra Costa Subbasin), Local Surface Water (San Joaquin River Delta - Old River, Middle River, and Rock Slough) and imported surface water (State Water Project water RBWTP).

### **Water Quality**

The City of Brentwood Water Operations Division is responsible for providing residents with a reliable, safe, clean, potable and domestic water supply. The City of Brentwood Water Operations Division is required to test the quality of the water it serves in order to guard the health of our customers and the general public. Federal, state and local agencies all have a role to play in setting water quality standards. Water quality samples results are compiled in a monthly report and forwarded to the State Water Resources Control Board, Division of Drinking Water.

### **Water System Services**

The City of Brentwood Water Operations Division assists customers with any questions regarding water quality, water pressure, consumption usage, any concern with water meters, leak detection, utilities inspections and underground utility locating. The City's Water Systems Services webpage provides tips and information for proper water systems care for property owners as well as additional resources.

### **Water Demand**

In 2020, the City's total water demand was approximately 4,015 MGY of potable and non-potable water. The City's single family and multifamily residential combined are projected to use 2,817 MGY in the year 2020, increasing approximately 7 percent by 2040. These amounts will likely change depending on State mandates in response to current drought conditions.

### **Wastewater**

The City of Brentwood Wastewater Division provides sanitary sewer service for the City of Brentwood. The City of Brentwood maintains the sewer main lines and service laterals to the property line.

The main goals of the City of Brentwood Wastewater Division are as follows:

- Minimize the number and impact of sanitary sewer overflows;
- Maintain existing infrastructure and plan for future Capital Improvement Plan projects;
- Continue to provide capacity evaluation for the collection system and plan for future growth;
- Develop a plan to increase the number of staff as needed to meet the obligations of the Sewer System Management Plan; and
- Operate in a safe and efficient manner.

### **Fire and Emergency Services**

The City of Brentwood's fire services are provided by Contra Costa County Fire Protection District ("CCCFPD"). Effective July 1, 2022, the East Contra Costa Fire Protection District (ECCFPD), who historically has provided fire services to the City of Brentwood, annexed with the CCCFPD. ECCFPD historically served the cities of Brentwood and Oakley and the townships of Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek and Morgan Territory. CCCFPD is an independent special district and provides fire protection services in and around 1111 cities and unincorporated communities in the County including Brentwood. The District is a full-service agency providing fire suppression, fire prevention, emergency medical, rescue, and ambulance transport. The District's service area spans over 555 square miles of rural, suburban and urban development. The CCCFPD has 31 fire stations dispersed throughout the district. Within the City of Brentwood, the department has one fire station, Fire Station 52. The station provides 24-hour protection and response to the City of Brentwood's residents, businesses, and visitors. The department's primary goals are identified as follows:

- Ensure financial stability and sustainability;
- Reduce response times for emergency services throughout the District;
- Maintain a high-performing workforce;
- Modernize stations, apparatus, and equipment; and
- Develop a community risk reduction program.

Then in 2021, while still with ECCFPD, ECCFPD received 8,481 calls for service, an 11 percent increase from 2020. Fire Station 52 had 4,059 “roll outs” in 2021, a 13 percent increase from 2020. Roll outs are how many times an engine company gets called for service. For example, a structure fire is counted as one call for the district, however all three engine companies need to respond, thus creating three roll outs for service for the incident. The ECCFPD’s average response time was 8:42 in 2021. Response times are anticipated to improve with the annexation with CCCFPD. CCCFPD is an all risk department, which responds to all types of fires, medical emergencies, technical rescues, hazardous material incidents, and enforces the Fire Prevention Code.

### ***Emergency Medical Services (EMS)***

The CCCFPD is responsible for keeping up with emergency medical mandates, equipment, and program development for both advanced and basic life support education and training. Every firefighter in the district has some level of EMS training which requires recertification and continued education.

### ***Community Emergency Response Team***

The Community Emergency Response Team (CERT) Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community. The Brentwood Police Department offers CERT training for those community members interested in this type of community service.

### **Police Services**

The Brentwood Police Department (BPD) acts as the City’s enforcement agency to provide general law enforcement. Established in 1948, the Brentwood Police Department services an area of approximately 14 square miles. The City is divided up into 4 separate, geographical beats. The BPD currently has 71 sworn police officer positions and another 36 civilian support staff positions. In addition to permanent staff, the BPD have approximately 20 volunteers who are citizens of the community and assist with our day to day operations. The BPD has one station located in the southern part of the City. The BPD is led by Chief of Police, Tom Hansen. The BPD has two divisions, the Field Operations Division and the Support Services Division.

### ***Field Operations Division***

The Field Operations Division is responsible for front line law enforcement services in the City of Brentwood. The Field Operations Division command staff consist of a Captain who oversees the Field Operations Division, two Field Lieutenants who are the day and evening Watch Commanders, six Field teams that are responsible for calls for service, the Traffic Safety Unit, the School Resource Officers assigned to the schools, two K-9 Units, the Field Training Officer Program, Community Service Officers deployed in the field as support staff and S.W.A.T.

Personnel assigned to the Field Operations Division are tasked with carrying out the Brentwood Police Department's mission of protecting and enhancing the quality of life in the community through uncompromised dedication, professionalism, integrity and innovative police services.

In this effort, and in alignment with the Brentwood Police Department's Strategic Plan, the Field Operations Division works to keep the City of Brentwood and the people in the community safe from harm, and to maintain their quality of life. The Field Operation Division's priorities are to reduce crime, improve traffic safety, and build community partnerships.

### ***Support Services Division***

The Support Services Division is commanded by a Captain and has two Bureaus, Administration and Investigations, each directed by a Lieutenant. The Administration Bureau responsibility includes records, emergency services, recruiting and hiring, training, special projects, special event coordination, financial accounting, and crime prevention services. The Investigations Bureau includes major crimes and special operations investigation units, city planning liaison, the property unit, and the Chaplain's program.

The Support Services Division provides support and assistance to the Patrol Bureau in order to ensure that officers in the field can provide the highest quality service to residents. Detectives provide expertise to patrol and follow-up on major cases such as domestic violence, homicides, robberies, and other crimes of violence. Detectives also initiate their own investigations especially in the areas of narcotics, vice, child abuse, and sex crimes. Records personnel staff the front counter and provide document processing for the entire department. Records staff are usually the people who answer the phone when a citizen calls into the police department. The property unit maintains found property, property held for safekeeping and as evidence. The training sergeant is responsible for recruiting and facilitating the hiring of all department personnel providing the best people for the BPD.

## ***4. Environmental Constraints***

The City of Brentwood may be susceptible to several environmental constraints to the development of housing. While the City's land, hillsides, and waterways are assets to the community, these features can present risks due to flood, geologic, and seismic hazards. In addition, human-caused risks, such as hazardous materials, can pose risks to community health and safety. Effective planning to prepare for and mitigate the adverse effects of these risks can help ensure that Brentwood maintains a high level of safety for its residents. The City of Brentwood, plans and engages mitigation techniques through the City's Public Safety Element.

### **Geological and Seismic Hazards**

Geologic and seismic hazards in Brentwood include those related to earthquakes, steep slopes and landslides, erosion, and soil subsidence. Earthquakes pose the greatest potential for far-reaching loss of life or property. Brentwood is located within a 50-mile radius of five active faults. According to the USGS Interactive Fault Map, the nearest active faults zones include the Greenville Fault and the Concord Fault zones. The Greenville Fault has the estimated potential to produce a magnitude 6.8 to 7.0 earthquake. Residential development within a seismically active zone could expose Brentwood residents to adverse effects.

A lesser geologic hazard relates to soil stability in the City. Hillsides located mostly on the periphery of the City can be subject to landslides and portions of the City have expansive soil types. Expansive clay soils, which can shrink and swell, are common within the City of Brentwood. In addition, areas found in the City may be subject to liquefaction during a seismic event if groundwater is present near the surface.

To ensure structural stability, seismic and geologic hazards are addressed through the environmental and development review and permitting process.

### **Flood Hazards**

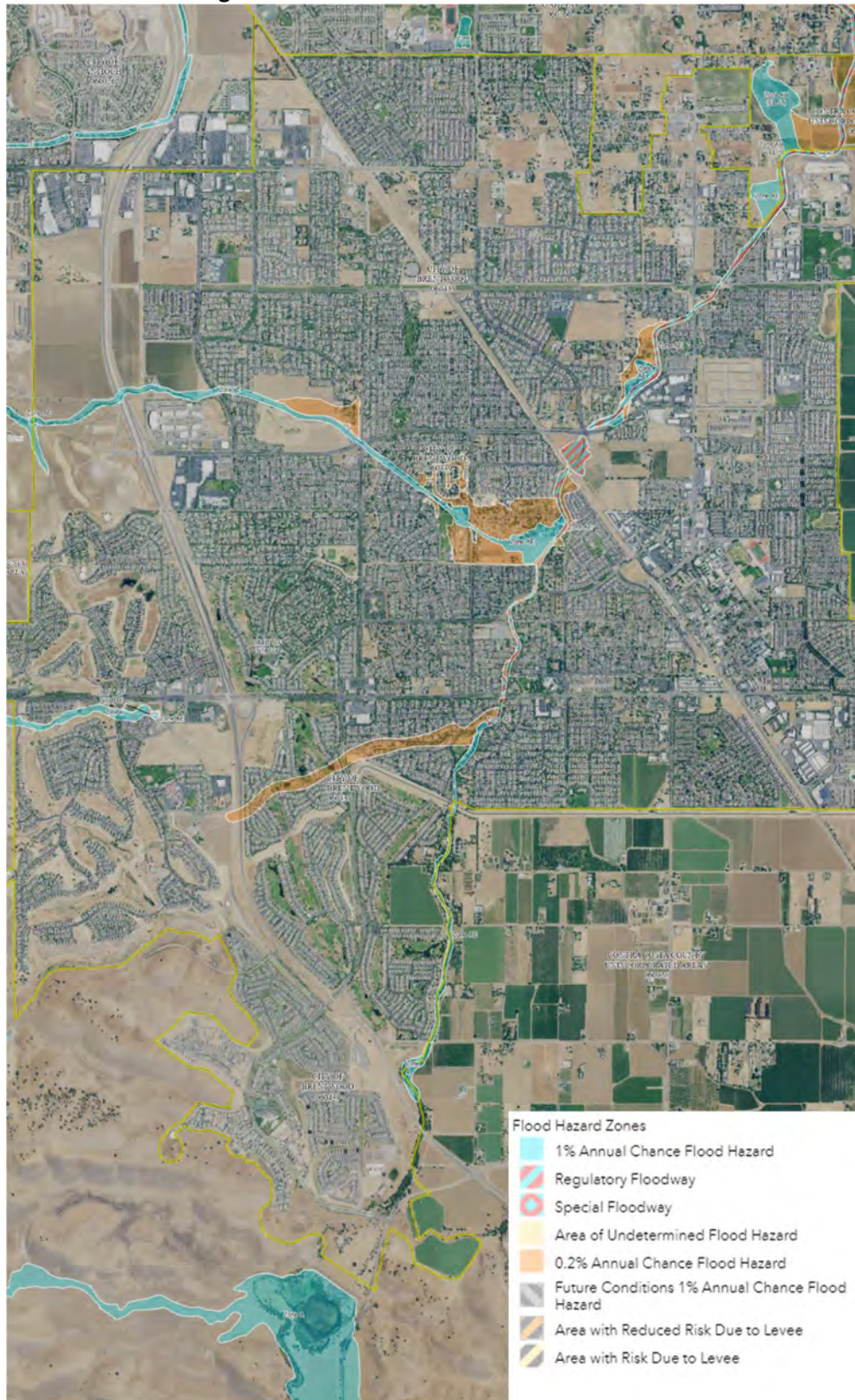
Potential flooding in Brentwood is attributable to natural flooding (excess rain and watercourse). Flooding becomes particularly hazardous when development encroaches onto floodplains, modifying the landscape and altering natural patterns of conveying excess water during floods. Brentwood's geographic location in proximity to several significant bodies of water contribute to the flood risk within the City. The greatest flood hazard is present mainly along four existing creeks, Marsh Creek, Deer Creek, Dry Creek, and Sand Creek, that are included as flood hazard areas on existing Federal Emergency Management Agency (FEMA) maps.

#### **100-Year Floods**

One-hundred-year floods are those that have a 1/100 or one percent chance of occurring in any given year. The 100-year flood is a regulatory standard used by Federal agencies and most states to administer floodplain management programs and is also used by the National Flood Insurance Program (NFIP) as the basis for flood insurance requirements nationwide. Flood insurance rates are based on FEMA designations of flood zones. Standard practice is to avoid or restrict construction within 100-year flood zones, or to engage in flood-proofing techniques such as elevating building pads or constructing walls, dams, and levees. Portions of the City of Brentwood are located within a 100-year flood plain, primarily in the parts of the City along Marsh and Sand Creek. **Figure 3-7** shows the 100-year and 500-year flood zones in the City of Brentwood. One (1) percent Annual Chance Flood Hazard zones are 100-year flood zones and 0.2 percent Annual Chance Flood Hazard zones are 500-year flood zones.



Figure 3-7: Flood Hazard Zones in Brentwood



Source: FEMA National Flood Hazard Zone Viewer

## **Fire Hazards**

The City of Brentwood is prone to fire hazards and the City plans and engages mitigation techniques through the City's Public Safety Element. The City is at risk of wildland and urban fires.

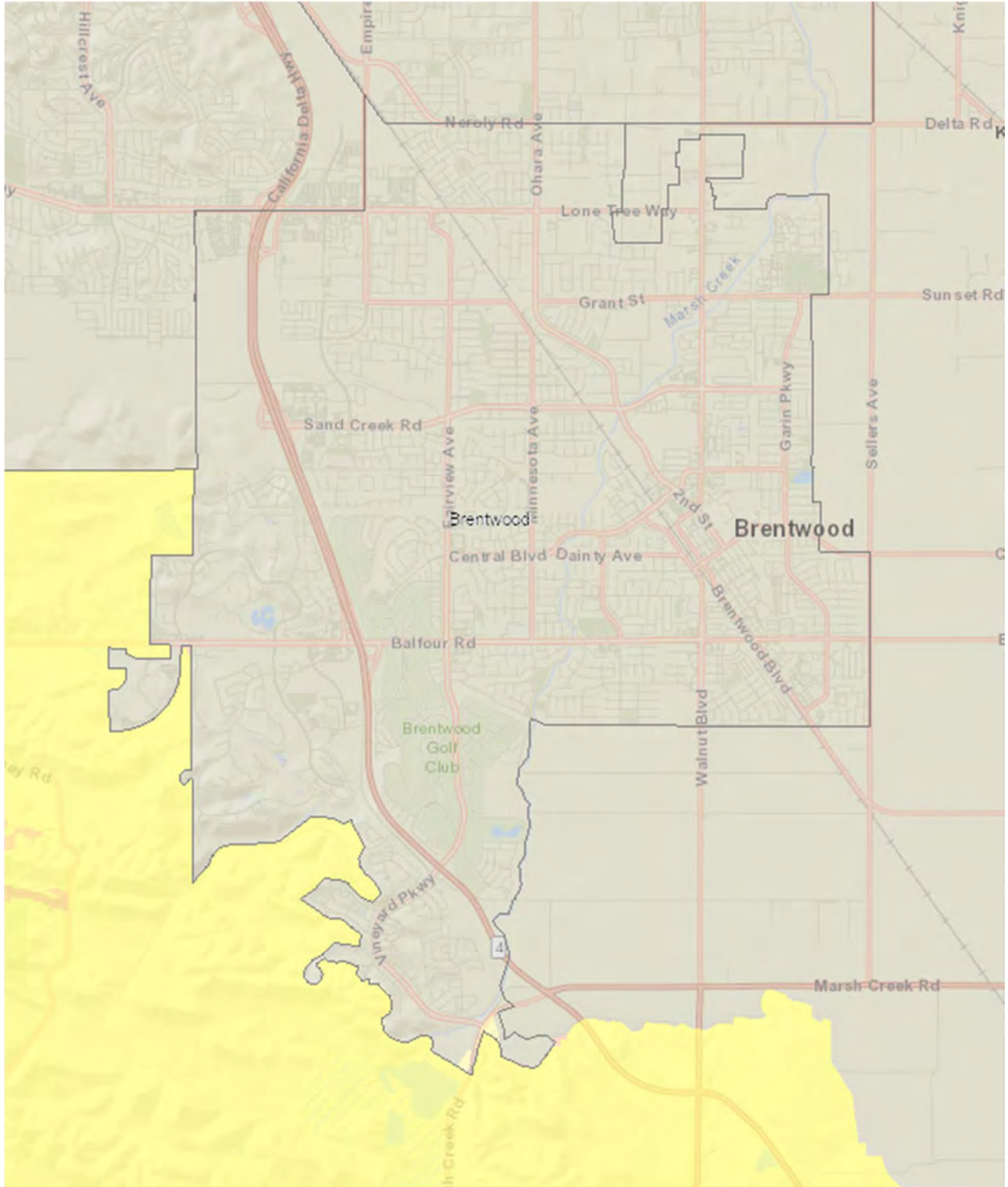
### ***Wildland Fires***

A wildland fire is an uncontrolled fire spreading through vegetative fuels that may expose or consume structures. The wildland fire threat is high in the area surrounding Brentwood because of the region's weather, topography, and native vegetation. Mild and wet winters result in an annual growth of grasses and plants that dry out during the hot summer months and provide fuel for wildfires in the autumn. The areas with the highest threat are generally the undeveloped, mountainous, and hilly sections south and west of the City. There are no Fire Hazard Severity Zones within the City of Brentwood. **Figure 3-8** below shows the Wildland Fire Hazard Severity Zones in the area surrounding City of Brentwood.

### ***Urban Fires***

Structural and automobile fires are the most common types of urban fires, and they can be caused by a variety of human, mechanical, and natural factors. Urban fires can spread to other structures or areas, particularly if not extinguished promptly. Proactive efforts, such as fire sprinkler systems, fire alarms, fire resistant roofing and construction methods, can help reduce the frequency and severity of urban fires. In newer structures, these safety requirements help confine structural fires to the building or property of origin. In the older areas of Brentwood, where building materials may not be fire rated and structures are not fitted with fire sprinklers, the probability of structural fires spreading to adjacent buildings is much higher. Structural fires are of particular concern in high-density areas, where the potential for fire to spread from one building to the next is greater.

Figure 3-8: Fire Hazard Severity Zones in Brentwood



Source: FEMA National Flood Hazard Zone Viewer

### **Toxic Hazards**

The western portions of the City occasionally experience oil and gas well and pipeline related hazards. As residential development encroaches into oil fields, potential health and safety risks increase. Risks include blowouts when drilling new wells, spills or blowouts when servicing or reworking existing wells, and soil and groundwater contamination. Areas of the City that are adjacent to oil and gas wells and pipelines would be subject to further environmental review to determine which mitigation measures are required to reduce or eliminate hazards.

### **Summary of Constraints**

Although the City of Brentwood has identified environmental issues above, they do not impact the City's ability to accommodate the number of units required to meet the RHNA obligation.

The City has reviewed all sites for the above environmental concerns and considerations as well as development regulation and land use restrictions. Additionally, each site has been reviewed for access to infrastructure, water, utilities, and additional development constraints. Where the analysis showed increased barriers to development related to environmental concerns, infrastructure concerns or existing conditions and development concerns (such as fire hazards, hazardous surrounding uses, restrictive development standards, etc.) the sites were removed. The result is a list and analysis of sites which are most ripe for development or redevelopment for housing, a complete analysis of the sites is provided in **Appendix B**.

The City has never denied a residential development project due to environmental constraints. The environmental concerns noted above would not impede housing development in the future.

## **B. Financial Resources**

Providing an adequate supply of decent and affordable housing requires funding from various sources, the City has access to the following funding sources.

### **1. Section 8 Housing Choice Vouchers**

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The Contra Costa County Housing Authority administers and managed the Section 8 Housing Choice vouchers within the City of Brentwood. The City shares information about Section 8 Housing Choice vouchers and other resources available on the City website and at the public counter.

### **2. Community Development Block Grants (CDBG)**

The Community Development Block Grant (CDBG) program provides annual grants on a formula basis to cities to develop viable urban communities by providing a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons (up to 80 percent AMI).

CDBG funds can be used for a wide array of activities, including:

- Housing rehabilitation;
- Lead-based paint screening and abatement;

- Acquisition of buildings and land;
- Construction or rehabilitation of public facilities and infrastructure, and
- Public services for low-income households and those with special needs.

Each year, the City of Brentwood receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development. The City Administration is responsible for administering these funds. These funds must be used to develop viable communities by promoting integrated approaches that provide items such as decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income persons.

The City of Brentwood does not administer its own CDBG programs and instead participates in the Contra Costa County CDBG program. To obtain funding, applicant projects or programs must meet eligibility requirements and demonstrate that they benefit very low- and low-income persons within the City. The funds are distributed on a competitive basis.

### ***3. HOME Investment Partnership Program***

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low-income households. The City of Brentwood does not currently receive HOME funds directly but the City participates in the Contra Costa County-administered HOME Consortium, which administers HOME funds to projects in participating jurisdictions.

### ***4. Local Early Action Planning (LEAP) Grant***

The City of Brentwood applied for and received a total of \$300,000 from the California Department of Housing and Community Development (HCD). LEAP Grants provide funding opportunities for jurisdictions to update their planning documents and implement process improvements that will facilitate or accelerate housing productions to meet the 6th Cycle Regional Housing Needs Assessment (RHNA).

### ***5. SB 2 Grant***

To supplement the cost of the City's effort to update the streamlining process of affordable housing, the City has been awarded an SB 2 Planning Grant Program grant from HCD. The SB 2 program includes improvements to expedite local planning processes. In 2020, the City received \$310,000 from the SB 2 Grant.

### ***6. City of Brentwood Housing Trust Fund***

The City of Brentwood's Affordable Housing Program established the Brentwood Housing Trust Fund that can be used to purchase, construct or repair single-family or multifamily rental unit inside the city limits.

## C. Opportunities for Energy Conservation

### 1. Energy Use and Providers

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas service for the City. Natural gas is a “fossil fuel” and is a non-renewable resource. The natural gas transmission pipelines within the City are owned and operated by PG&E. Pacific Gas and Electric Company has the capacity and resources to deliver gas except in certain situations that are noted in state law. As development occurs, PG&E will continue to extend its service to accommodate development and supply the necessary gas lines. Electricity is provided on an as-needed basis to customers within existing structures in the City. Every year SCE expands and improves existing facilities according to demand.

Pacific Gas and Electric Company offers programs to promote the efficient energy use and assist lower-income customers. Pacific Gas and Electric Company participates in the Low-Income Home Energy Assistance Program and Energy Savings Assistance Program to help homeowners and renters conserve energy and control costs. Eligible customers receive no-cost weatherization, including attic insulation, energy efficient refrigerators, energy-efficient furnaces, weather stripping, caulking, low-flow showerheads, water heater blankets, and door and building envelope repairs which reduce air infiltration.

### 2. Energy Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs.

Energy conservation strategies can help reduce consumptions of energy which would reduce monthly costs to homeowners and renters. Examples of energy conservation strategies include weatherization such as installation of more efficient appliances, and solar energy systems. Buildings can also be designed to incorporate energy conservation strategies such as cooling materials and building orientation. The City encourages energy conservation strategies and has seen an increase in solar energy system installations.

## D. Affirmatively Furthering Fair Housing (AFFH)

Beginning January 1, 2019, AB 686 established new requirements for all California jurisdictions to ensure that local laws, programs, and activities affirmatively further fair housing. All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Fair housing is a condition in which individuals of similar income levels in the same housing market have like ranges of choice available to them regardless of race, color, ancestry, national origin, age, religion, sex, disability, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor. Under State law, affirmatively furthering fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”. These characteristics can include, but are not limited to race, religion, sex, marital status, ancestry, national origin, color, familiar status, or disability.

The Analysis of Impediments (AI) to Fair Housing Choice, prepared by Contra Costa County for 2020 to 2025, examines housing conditions, economics, policies, and practices in order to ensure that housing choices and opportunities for all residents are available in an environment free from discrimination. The AI assembles fair housing information, identifies any existing impediments that limit housing choice, and proposes actions to mitigate those impediments.

### 1. Assessment of Fair Housing Issues

#### Fair Housing Enforcement and Outreach

Fair housing enforcement and outreach capacity refers to the ability of a locality and fair housing entities to disseminate information related to fair housing laws and rights and provide outreach and education to community members. Enforcement and outreach capacity also includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing. The Fair Employment and Housing Act and the Unruh Civil Rights Act are the primary California fair housing laws. California state law extends anti-discrimination protections in housing to several classes that are not covered by the federal Fair Housing Act (FHA) of 1968, including prohibiting discrimination on the basis of sexual orientation.

In Contra Costa County, local housing, social services, and legal service organizations include the Fair Housing Advocates of Northern California (FHANC), Eden Council for Hope and Opportunity (ECHO) Fair Housing, Bay Area Legal Aid, and Pacific Community Services.

Organization	Focus Areas
Fair Housing Advocates of Northern California (FHANC)	Non-profit agency that provides fair housing information and literature in a number of different languages, primarily serves Marin, Sonoma, and Solano County but also has resources to residents outside of the above geographic areas.
Eden Council for Hope and Opportunity (ECHO) Fair Housing	Housing counseling agency that provides education and charitable assistance to the general public in matters related to obtaining and maintaining housing.
Bay Area Legal Aid	Largest civil legal aid provider serving seven Bay Area counties. Has a focus area in housing preservation and homelessness task force to provide legal services and advocacy for those in need.
Pacific Community Services	Private non-profit housing agency that serves East Contra Costa County (Bay Point, Antioch, and Pittsburg) and provides fair housing counseling as well as education and outreach

In Brentwood, the City has an Affordable Housing Division that provides various programs and resources to those who qualify under the programs’ income guidelines. These programs include down payment assistance, first-time homebuyer programs, a list of preferred lenders, and rental housing programs. ECHO Fair Housing also provides housing/rental assistance to the City’s residents.

While these organizations provide valuable assistance, the capacity and funding that they have is generally insufficient.

#### Fair Housing Enforcement

California’s Department of Fair Employment and Housing (DFEH) has statutory mandates to protect the people of California from discrimination pursuant to the California Fair Employment and Housing Act (FEHA), Ralph Civil Rights Act, and Unruh Civil Rights Act (with regards to housing). The FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth,

or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, military or veteran status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.

The Unruh Civil Rights Act (Civ. Code, §51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. The Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

**REGIONAL TRENDS**

Based on DFEH Annual Reports, **Table 3-16** shows the number of housing complaints filed by Contra Costa County to DFEH between 2015–2020. A slight increase in the number of complaints precedes the downward trend from 2016–2020. Note that fair housing cases alleging a violation of FEHA can also involve an alleged Unruh violation as the same unlawful activity can violate both laws. DFEH creates companion cases that are investigated separately from the housing investigation.

Year	Housing	Unruh Civil Rights Act
2015	30	5
2016	32	2
2017	26	2
2018	22	2
2019	22	2
2020	20	1
<b>Total</b>	<b>152</b>	<b>14</b>

*Source: CA Department of Fair Employment and Housing*

The Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity (HUD FHEO) enforces fair housing by investigating complaints of housing discrimination. **Table 3-17** shows the number of FHEO Filed Cases by Protected Class in Contra Costa County between 2015 and 2020. Cases for 2020 were significantly lower because data was not collected after June 30, 2020. A total of 148 cases were filed between 2015 and June 30, 2020, with disability being the top allegation of basis of discrimination followed by familial status, race, national origin, and sex. These findings are consistent with national trends stated in FHEO’s FY 2020 State of Fair Housing Annual Report to Congress where disability was also the top allegation of basis of discrimination.



Year	Number of Filed Cases	Disability	Race	National Origin	Sex	Familial Status
2015	28	17	4	2	2	4
2016	30	14	8	7	5	6
2017	20	12	3	5	1	5
2018	31	20	6	3	4	9
2019	32	27	4	4	4	1
2020	7	4	1	0	2	1
<b>Total</b>	<b>148</b>	<b>94</b>	<b>26</b>	<b>21</b>	<b>18</b>	<b>26</b>
<b>Percentage of Total Filed Cases</b>		<b>63.5%</b>	<b>17.5%</b>	<b>14.2%</b>	<b>12.2%</b>	<b>17.6%</b>
*Note that cases may be filed on more than one basis.						

*Source: Data.Gov - Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (FHEO) Filed Cases, <https://catalog.data.gov/dataset/fheo-filed-cases>*

**Table 3-17** indicates that the highest number of fair housing complaints in Contra Costa County are due to discrimination against those with disabilities, followed by income source, race, and national origin. Note, however, that no further breakdown of the number of DFEH complaints or FHEO cases are provided on a city level. A summary of ECHO’s Fair Housing Complaint Log for Contra Costa County on fair housing issues, actions taken, services provided, and outcomes can be found in **Table 3-18** and **Table 3-19**.

Protected Class	Testers Sent for Investigation	Referred to Attorney	Conciliation with Landlord	Client Provided with Counseling	Client Provided with Brief Service	Total
Race	21	0	0	2	0	23
Marital Status	0	0	0	1	0	1
Sex	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Familial Status	0	0	0	3	0	3
Sexual Orientation	0	0	0	0	0	0
Sexual Harassment	0	0	0	1	0	1
Income	15	0	1	7	1	24
Disability	7	1	14	33	5	60
National Origin	13	0	0	1	0	14
Other	0	0	1	11	5	17
<b>Total</b>	<b>56</b>	<b>94</b>	<b>26</b>	<b>21</b>	<b>18</b>	<b>143</b>

*1. Testers sent for investigation; 3. Referred to attorney; 5. Conciliation with landlord; 6. Client provided with counseling; 7. Client provided with brief service; Source: ECHO Fair Housing (2020 - 2021)*

Table 3-19: ECHO’s Fair Housing Issues Outcomes Continued (2020-2021)

Protected Class	Counseling Provided		Education to Landlord	Insufficient Evidence	Preparing Site Visit	Referred To DFEH/HUD	Successful Mediation	Total
	Landlord	Tenant						
Race	0	0	2	20	0	1	0	23
National Origin	0	0	1	13	0	0	0	14
Marital Status	0	0	0	1	0	0	0	1
Sex	0	0	0	0	0	0	0	0
Disability	2	25	2	12	0	4	15	60
Religion	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0
Familial Status	0	3	0	0	0	0	0	3
Income Source	3	3	0	16	1	0	1	24
Sexual Harassment	0	8	2	2	1	4	0	17
Other	0	0	0	0	0	1	0	1
<b>Total</b>	<b>5</b>	<b>39</b>	<b>7</b>	<b>64</b>	<b>2</b>	<b>10</b>	<b>16</b>	<b>143</b>

Services that were not provided include (2.) Case tested by phone; (4.) Case referred to HUD and (8.) Case accepted for full representation. The most common action(s) taken/services provided are providing clients with counseling, followed by sending testers for investigation, and conciliation with landlords. Regardless of actions taken or services provided, almost 45% of cases are found to have insufficient evidence. Only about 12% of all cases resulted in successful mediation.

Source: ECHO Fair Housing (2020 - 2021)

**LOCAL TRENDS**

In Brentwood, only three general fair housing inquiries were made to ECHO between 2016-2021. One client was provided with counseling on an inquiry on income source. Testers were sent for investigation in two inquiries that were racial in nature, but insufficient evidence was found.

**Fair Housing Testing**

Fair housing testing is a randomized audit of property owners’ compliance with local, state, and federal fair housing laws. Initiated by the Department of Justice’s Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws.

**REGIONAL TRENDS**

ECHO conducts fair housing investigations in Contra Costa County (except Pittsburg). The 2020 Contra Costa County AI did not report any findings on fair housing testing on the county level nor at the local level for the City of Brentwood, however, it does bring to attention that private discrimination is a problem in Contra Costa County that continues to perpetuate segregation.

**Fair Housing Education and Outreach**

**REGIONAL TRENDS**

Fair housing outreach and education is imperative to ensure that those experiencing discrimination know when and how to seek help. Find below a more detailed description of fair housing services provided by local housing, social services, and legal service organizations.

Fair Housing Advocates of Northern California (FHANC)

FHANC is a non-profit agency with a mission to actively support and promote fair housing through education and advocacy. Fair housing services provided to residents outside of Marin, Sonoma, or Solano County include foreclosure prevention services and information, information on fair housing law for the housing industry, and other fair housing literature. The majority of the fair housing literature is provided in Spanish and English, with some provided in Vietnamese and Tagalog.

Eden Council for Hope and Opportunity (ECHO) Fair Housing

ECHO Fair Housing is a HUD-approved housing counseling agency that aims to promote equal access in housing, provide support services to aid in the prevention of homelessness, and promote permanent housing conditions. The organization provides education and charitable assistance to the general public in matters related to obtaining and maintaining housing in addition to rental assistance, housing assistance, tenant/landlord counseling, homeseeking, homesharing, and mortgage and home purchase counseling. In Contra Costa County, ECHO Fair Housing provides fair housing services, first-time home buyer counseling and education, and tenant/landlord services (rent review and eviction harassment programs are available only in Concord). Although ECHO serves most of Contra Costa County, only one fair housing counselor serves the County. Fair housing services encompasses:

- Counseling, investigation, mediation, enforcement, and education.
- First-time home buyer counseling provides one-on-one counseling with a Housing Counselor on the homebuying process. The Housing Counselor will review all documentation, examine and identify barriers to homeownership, create an action plan, and prepare potential homebuyers for the responsibility of being homeowners. The Housing Counselor will also review the credit reports, determine what steps need to be taken to clean up adverse credit, provide counseling on money-saving methods, and assist in developing a budget.
- First-time home buyer education provides classroom training regarding credit information, home ownership incentives, home buying opportunities, predatory lending, home ownership responsibilities, government-assisted programs, as well as conventional financing. The class also provides education on how to apply for HUD-insured mortgages, purchase procedures, and alternatives for financing the purchase. Education also includes information on fair housing and fair lending and how to recognize discrimination and predatory lending procedures, and locating accessible housing if needed.
- ECHO's Tenant/Landlord Services provides information to tenants and landlords on rental housing issues such as evictions, rent increases, repairs and habitability, harassment, illegal entry, and other rights and responsibilities regarding the tenant/landlord relationship. Trained mediators assist in resolving housing disputes through conciliation and mediation
- In cities that adopt ordinances to allow Rent Reviews (City of Concord only in Contra Costa County), tenants can request a rent review from ECHO Housing by phone or email. This allows tenants who experience rent increases exceeding 10% in a 12-month period to seek non-binding conciliation and mediation services.

Though the Contra Costa County Consortium Analysis of Impediments (AI) to Fair Housing states that the organization provides information in Spanish, the ECHO website is predominantly in English with options to translate the homepage into various languages. Navigating the entire site may be difficult for the limited-English proficient (LEP) population.

Bay Area Legal Aid (BayLegal)

BayLegal is the largest civil legal aid provider serving seven Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara). With respect to affordable housing, BayLegal

has a focus area in housing preservation (landlord-tenant matters, subsidized and public housing issues, unlawful evictions, foreclosures, habitability, and enforcement of fair housing laws) as well as a homelessness task force that provides legal services and advocacy for systems change to maintain housing, help people exit homelessness, and protect unhoused persons' civil rights. The organization provides translations for their online resources to over 50 languages and uses volunteer interpreters/translators to help provide language access. Its legal advice line provides counsel and advice in different languages. Specific to Contra Costa County, tenant housing resources are provided in English and Spanish.

The Housing Preservation practice is designed to protect families from illegal evictions, substandard housing conditions, and wrongful denials and terminations of housing subsidies. The practice also works to preserve and expand affordable housing and protect families from foreclosure rescue scams. BayLegal helps low-income tenants obtain or remain in safe affordable housing by providing legal assistance in housing-law related areas such as public, subsidized (including Section 8 and other HUD subsidized projects) and private housing, fair housing and housing discrimination, housing conditions, rent control, eviction defense, lock-outs and utility shut-offs, residential hotels, and training advocates and community organizations.

BayLegal also provides free civil legal services to low-income individuals and families to prevent homelessness and increase housing stability as well as assist unhoused youth/adults address legal barriers that prevent them from exiting homelessness. This is done through a mix of direct legal services, coalition building and partnerships, policy advocacy, and litigation to advocate for systems change that will help people maintain housing, exit homelessness, and protect unhoused persons' civil rights. The Homelessness Task Force (HTF) was developed in response to complex barriers and inequities contributing to homelessness and strives to build capacity and develop best practices across the seven aforementioned counties to enhance BayLegal's coordinated, multi-systems response to homelessness.

#### Pacific Community Services, Inc. (PCSI)

PCSI is a private non-profit housing agency that serves East Contra Costa County (Bay Point, Antioch, and Pittsburg) and provides fair housing counseling in English and Spanish. Housing Counseling Services provided include:

- Foreclosure Prevention: Consists of a personal interview and the development of a case management plan for families to keep their homes and protect any equity that may have built up. Relief measures sought include: loan modification or reduced payments, reinstatement and assistance under 'Keep Your Home' program, forbearance agreements, deed-in-lieu of foreclosure, refinancing or recasting the mortgage, or sale of the property
- Homeownership Counseling: Prepares first-time buyers for a successful home purchase by helping them in budgeting, understanding the home purchase process, and understanding the fees that lenders may charge to better prepare new buyers when acquiring their first home.
- Rental Counseling; Tenant and Landlord Rights: PCSI provides information and assistance in dealing with eviction and unlawful detainer actions, deposit returns, habitability issues, getting repairs done, mediation of tenant/landlord disputes, assisting tenant organizations, legal referrals to Bay Area Legal Aid & Bar Association resources, pre-rental counseling and budgeting
- Fair Housing Services: Include counseling regarding fair housing rights, referral services and education and outreach. PCSI offers training for landlords and owners involving issues of compliance with federal and state fair housing regulations.

- Fair Housing Education and Outreach: Offers informative workshops for social service organizations and persons of protected categories. These workshops are designed to inform individuals how to recognize and report housing discrimination.

Though PCSI's list of available services is comprehensive, their website lacks contact information, resources, and accessibility.

### **LOCAL TRENDS**

The City of Brentwood provides Affordable Housing Programs such as down payment assistance, first time homebuyer programs, affordable rental housing, and a list of preferred lenders for home mortgages. The city also directs its residents to external housing resources (e.g., BayLegal, HUD, etc.) to assist in preserving homeownership, provide housing counseling, and provide legal assistance.

### **Fair Housing Laws**

The following lists State and local fair housing laws and specifies how the City complies:

- **Government Code section 65008:** This statute forbids discrimination against affordable housing developments, developers, or potential residents by local agencies when carrying out their planning and zoning powers.
  - The City has identified candidate sites to address RHNA equitably throughout the City and in proximity to public transportation, community resources, services, and employment. The sites selected are assessed in conjunction with the AFFH requirements throughout this section and summarized in the "AFFH Findings and Sites Summary." Overall, the City seeks to promote a variety of housing types at all affordability levels throughout Brentwood in a manner that does not discriminate.
- **Government Code section 8899.50:** "Affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.
  - The City implements programs and actions in compliance with State law that affirmatively further fair housing. As detailed in Section 4 Policies H.1-1 through H.1-4, the City administers programs to promote equal housing access and affordable resources.
- **Government Code section 11135:** No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.
  - Potential State funding is associated with the following programs: H.1d, H.1g, H.2d, H.2e, H.2f, H.3f, H.4a, H.4e, H.4f, The City continues to encourage programs that promote full and equal access to all programs and activities. The City's official website and public counter provides access to all programs and activities happening in the City.
- **Density Bonus Law:** Density bonuses allow developers of market-rate housing to build higher-density housing in exchange for having a certain portion of their units offered at affordable prices.
  - Assembly Bill 2345, Chapter 197 Statutes 2020 requires a density bonus of up to 50 percent when a qualifying percentage of Below Market Rate (BMR) units are proposed. Section 4 Action H.2i: Density Bonus Ordinance works to update the Density Bonus Ordinance in compliance with State law requirements.

- **Housing Accountability Act:** This Act establishes limitations to a local government’s ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need.
  - The City implements programs such as fee incentives, funding, and review of zoning procedures to facilitate and encourage housing development.
- **Housing Element Law:** California’s Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development.
  - The City’s Housing Element identifies and includes an analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs.
- **Housing Plan Programs:** The Housing Element of the General Plan identifies the City’s housing conditions and needs, establishes goals, objectives, policies, and programs to meet the housing needs.
  - Section 4: Housing Plan details the City’s goals, policies, programs, and objectives. The City addresses the need for additional housing opportunities, removing constraints to affordable housing, improving the existing housing stock, and providing equal opportunities for current and future residents of Brentwood.

## Integration and Segregation

### *Race/Ethnicity*

Segregation is defined as the separation or isolation of a race/ethnic group, national origin group, individuals with disabilities, or other social group by enforced or voluntary residence in a restricted area, by barriers to social connection or dealings between persons or groups, by separate educational facilities, or by other discriminatory means.

To measure segregation in a given jurisdiction, the US Department of Housing and Urban Development (HUD) provides racial or ethnic dissimilarity trends. Dissimilarity indices are used to measure the evenness with which two groups (frequently defined on racial or ethnic characteristics) are distributed across the geographic units, such as block groups within a community. The index ranges from 0 to 100, with 0 meaning no segregation and 100 indicating complete segregation between the two groups. The index score can be understood as the percentage of one of the two groups that would need to move to produce an even distribution of racial/ethnic groups within the specified area. For example, if an index score is above 60, 60% of people in the specified area would need to move to eliminate segregation. The following shows how HUD views various levels of the index:

- <40: Low Segregation
- 40-54: Moderate Segregation
- >55: High Segregation

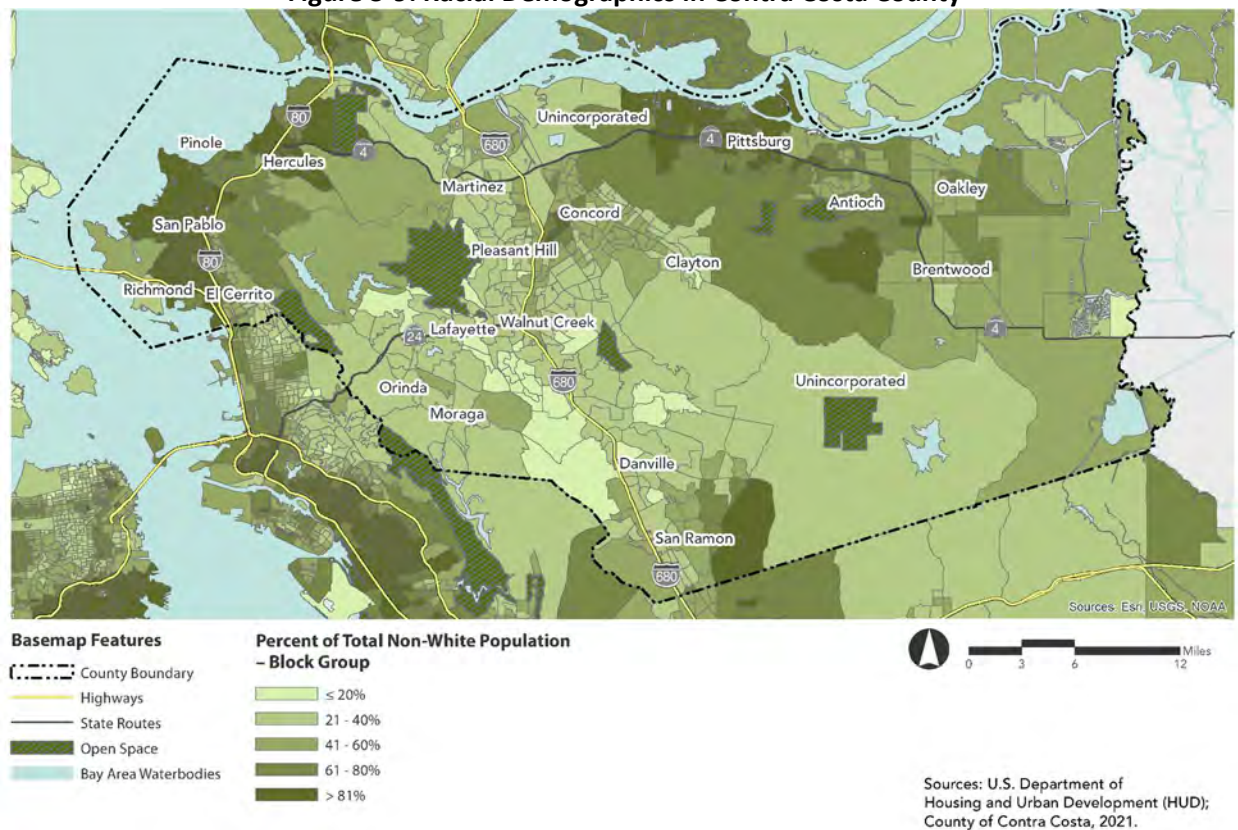
### **REGIONAL TRENDS**

Contra Costa County is a large, diverse jurisdiction in which people of color comprise a majority of the population. As of the 2010 Census, 47.75% of residents were non-Hispanic Whites, 8.92% of residents were non-Hispanic Blacks, 24.36% were Hispanics, 14.61% were non-Hispanic Asians or Pacific Islanders, 0.28% were non-Hispanic Native Americans, 3.77% were non-Hispanic multiracial individuals, and 0.30%

identified as some other race. Refer to **Figure 3-9** for the distribution and proportion of non-white residents at the block group level<sup>3</sup>.

In Contra Costa County, all minority (non-White) residents combined are considered moderately segregated from White residents, with an index score of 41.86 at the Census tract level and 44.93 at the block group level (**Table 3-20**). Segregation between non-white and white residents has remained relatively steady since 1990. However, since 1990 segregation has increased from low to moderate levels for Hispanic residents, the largest increase amongst all racial/ethnic groups. This trend is commonly seen throughout the State and is likely attributed to an increase of Hispanic residents during the migration boom of the mid-to-late 1990s. A 2% increase in segregation also occurred for Asian or Pacific Islander residents. Block group level data reveals that segregation is more prominent amongst Asian or Pacific Islander residents than what is measured at the tract level (index score of 40.55 at the block group level versus 35.67 at the tract level). For Black residents, segregation has decreased by 13% since 1990. The proportion of Black residents has remained relatively steady during this same time period, indicating segregation has been diminishing for the Black population.

**Figure 3-9: Racial Demographics in Contra Costa County**



<sup>3</sup> Block groups (BGs) are the next level above census blocks in the geographic hierarchy (census blocks are the smallest geographic area for which the Bureau of the Census collects and tabulates decennial census data). A BG is a combination of census blocks that is a subdivision of a census tract or block numbering area (BNA). A county or its statistically equivalent entity contains either census tracts or BNAs; it cannot contain both. The BG is the smallest geographic entity for which the decennial census tabulates and publishes sample data.

Dissimilarity Index	1990 Trend	2000 Trend	2010 Trend	Current (2010 Census Block Group) <sup>4</sup>
Non-White/White	41.19	41.95	41.86	44.93
Black/White	67.52	62.54	58.42	61.80
Hispanic/White	36.70	45.24	48.07	49.49
Asian or Pacific Islander/White	34.89	32.73	35.67	40.55

Source: HUD’s Affirmatively Furthering Fair Housing Tool (AFFH-T), Table 3 – Racial/Ethnic Dissimilarity Trends, Data version: AFFHT006, released July 10th, 2020.

A key aspect of fair housing choice is equal access to credit for the purchase or improvement of a home, particularly considering the continued impacts of the lending/credit crisis. In the past, credit market distortions and other activities such as “redlining” were prevalent and prevented some groups from having equal access to credit. The Community Reinvestment Act (CRA) in 1977 and the subsequent Home Mortgage Disclosure Act (HMDA) were designed to improve access to credit for all members of the community and hold the lender industry responsible for community lending. Under HMDA, lenders are required to disclose information on the disposition of home loan applications and on the race or national origin, gender, and annual income of loan applicants.

However, lending discrimination continues to be a contributing factor to disproportionate housing needs, as class groups who struggle to obtain access to loans are more likely to experience housing problems such as cost burdens, overcrowding, and substandard housing, and to be renters rather than homeowners. When banks and other financial institutions deny loan applications from people of color, they are less likely to achieve home ownership and instead must turn to the rental market. As Contra Costa’s rental housing market grows increasingly unaffordable, Black or African American population and Hispanic or Latino population are disproportionately impacted. **Table 3-21** below shows that home loan applications by Black or African American and Hispanic or Latino individuals are denied at higher rates than those of White or Asian individuals. Because Black or African American and Hispanic or Latino individuals in the region are denied loans at far higher rates than White or Asian individuals, their families are far more likely to have less access to quality education, healthcare, and employment.

When minorities are unable to obtain loans, they are far more likely to be relegated to certain areas of the community. While de jure segregation (discriminatory separation of groups of people by government-enacted law) is currently illegal, the drastic difference in loans denied between White individuals and minorities perpetuates de facto segregation, which is segregation that is not created by the law, but which forms a pattern as a result of various outside factors, including former laws.

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<sup>4</sup> Note: The table presents Decennial Census values for 1990, 2000, 2010, all calculated by HUD using census tracts as the area of measurement. The “current” figure is calculated using block groups from the 2010 Decennial Census, because block groups can measure segregation at a finer grain than census tracts due to their smaller geographies. See [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/affh](https://www.hud.gov/program_offices/fair_housing_equal_opp/affh) for more information.



**Table 3-21: Home Loan Application Denial Rates by Race/Ethnicity in Contra Costa County**

Race/Ethnicity	FHA, FSA/RHA, and VA Home-Purchase Loans	Conventional Home-Purchase Loans	Refinance Loans	Home Improvement Loans Multi-Family Homes	Multi-family Homes
White, Non-Hispanic	9.2%	8.0%	16.6%	19.5%	9.5%
Black or African American, Non-Hispanic	14.8%	13.5%	27.1%	34.6%	29.4%
Asian, Non-Hispanic	13.1%	9.8%	15.2%	19.3%	12.3%
Hispanic or Latino	11.3%	12.0%	22.3%	31.0%	28.6%

*Source: Contra Costa County AI (2020)*

**LOCAL TRENDS**

According to the 2015-2019 American Community Survey, the majority (55.50%) of residents in the City of Brentwood were non-Hispanic Whites. 25.12% of residents were Hispanic or Latino, 8.18% were non-Hispanic Asians, 5.75% were non-Hispanic multiracial, and 5.10% were non-Hispanic Black or African American. Non-Hispanic Native Hawaiian and Other Pacific Islanders, American Indians and Alaskan Natives, and non-Hispanic other races were the minority of the city, making up only 0.22%, 0.08% and 0.05% of the population respectively. Refer to **Table 3-22** for a comparison of racial composition in Contra Costa County and in the City of Brentwood.

The scores below correlate with the percentage of people within that racial or ethnic group that would need to move into a predominately White census tract to achieve a more integrated community. For instance, in Brentwood, 25.12 percent of the Hispanic or Latino population would need to move into predominately white census tract areas to achieve “perfect” integration. Whereas in Contra Costa County, 24.36 percent of the Hispanic or Latino population would need to move into predominately white census tract areas to achieve “perfect” integration.

Overall, there are higher rates of segregation across Brentwood compared to Contra Costa County. The Department of Housing and Community Development (HCD) considers dissimilarity index scores above 30, but below 60 as moderate segregation. Scores above 60 are high segregation. According to **Table 3-22**, the City of Brentwood has no racial or ethnic populations with a dissimilarity index above 30 (with the exception of the White, non-Hispanic population), meaning all groups experience minor segregation from the White population. Similarly, all populations in the County have a score below 30 (with the exception of the White, non-Hispanic population).

**Table 3-22: Racial Composition for Contra Costa County and Brentwood**

Race	Contra Costa County	City of Brentwood
White, non-Hispanic	47.75%	55.50%
Black or African-American, non-Hispanic	8.92%	5.10%
American Indian and Alaska Native, non-Hispanic	0.28%	0.08%
Asian, non-Hispanic	14.61%*	8.18%
Native Hawaiian and Other Pacific Islander, non-Hispanic	N/A	0.22%
Some other race, non-Hispanic	0.30%	0.05%
Two or more races, non-Hispanic	3.77%	5.75%
Hispanic or Latino	24.36%	25.12%

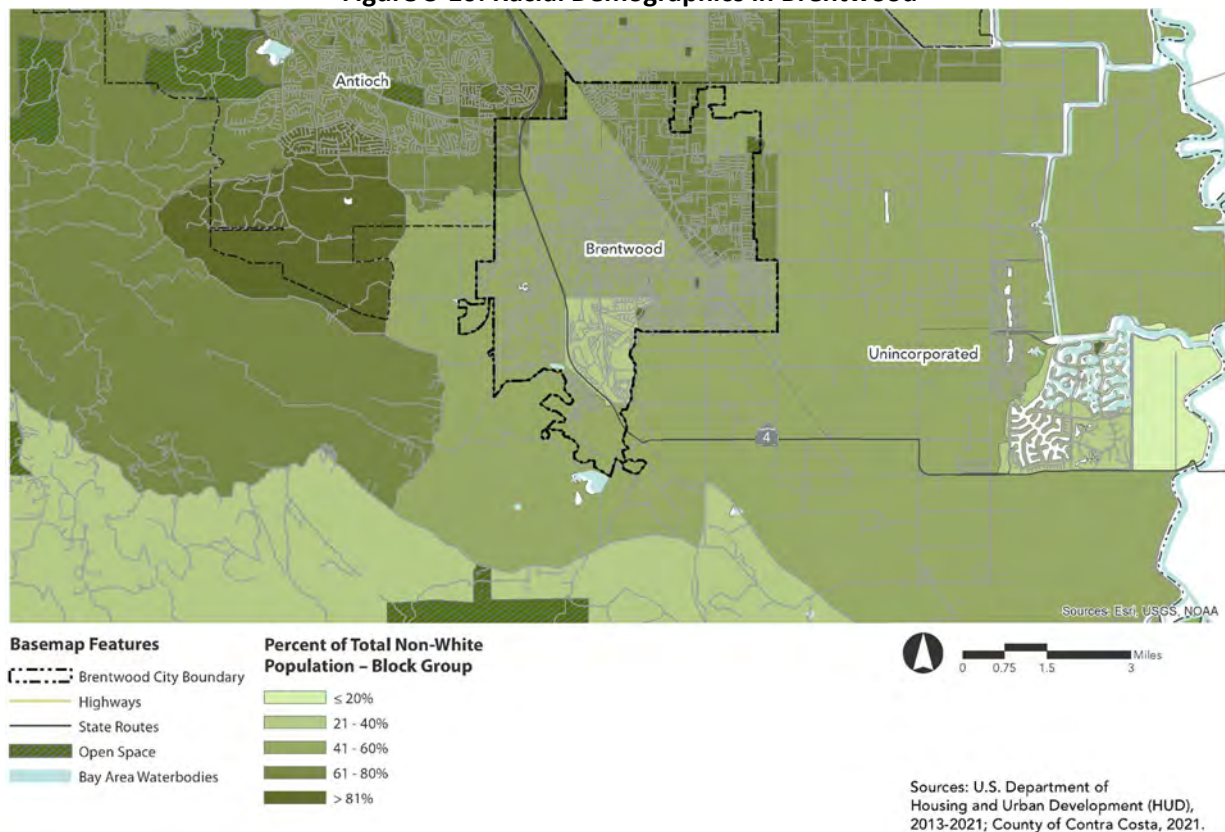
\*Asian and Pacific Islander combined

**Section 2 Community Profile: Table 2-4** shows an analysis in the changes in Racial Ethnic Composition from 2010 to 2019 in Brentwood. The Brentwood population that identifies as American Indian/Alaska Native increased by 400 percent from 2010 to 2019. The population that identifies as Asian had the second largest increase (41.9 percent) followed by the population that identifies as Black (39.3 percent). The Hispanic or Latino (of any race) population decreased by 15.2 percent, and the White (Non-Hispanic) population decreased by 5.4 percent. While segregation may be a result of ethnic enclaves or persons of similar cultures living in a community, there is often increased likelihood segregated populations will have access to fewer essential resources.

Dissimilarity Indices for the City of Brentwood are not provided by the HUD Affirmatively Furthering Fair Housing Tool (AFFH-T) because the city does not directly receive HUD funds through the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), or Emergency Solutions Grants (ESG) program. According to the Contra Costa County AI though, there is increasing segregation of Black and Hispanic residents in Brentwood.

The AFFH Data Viewer does, however, provide visuals on racial demographics for the City of Brentwood on the block group level. Refer to **Figure 3-10**. Brentwood has a relatively homogenous distribution and proportion of non-white residents. The majority of the city has block groups where 21-40% of the population are non-white. The central western portion of the city has block groups with less than 20% of non-white residents. The northeastern portion of the city has the highest percentage of non-white residents (61-80%).

**Figure 3-10: Racial Demographics in Brentwood**



**HATE CRIMES**

Hate crimes are violent acts against people, property, or organizations because of the group to which they belong or identify with. The Federal Fair Housing Act makes it illegal to threaten, harass, intimidate, or act violently toward a person who has exercised their right to free housing choice. **Table 3-23** below identifies the reported hate crimes in the City of Brentwood between 2014 and 2020. A total of 11 hate crimes were reported over 7 years. Hate crimes in Brentwood were due to race, ethnicity, and/or ancestry, religion, and gender identity. The most prevalent hate crime was Anti-Black or African American crimes.

Year	Race/ Ethnicity/ Ancestry	Religion	Sexual Orientation	Disability	Gender	Gender Identity	Total
2014	2	0	0	0	0	0	2
2015	0	0	0	0	0	0	0
2016	0	0	0	0	0	0	0
2017	1	0	0	0	0	1	2
2018	3	0	0	0	0	0	3
2019	0	4	0	0	0	0	4
2020	0	0	0	0	0	0	0
<b>Total</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>11</b>

*Source: Federal Bureau of Investigation, Uniform Crime Reporting. Hate Crime Statistics Report, 2014, 2015, 2016, 2017, 2018, and 2019.*

**Persons with Disabilities**

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

**REGIONAL TRENDS**

According to the 2015-2019 American Community Survey (ACS) 5-year estimates, 118,603 residents (10.9% of Contra Costa County’s population) reported having one of six disability types listed in the ACS (hearing, vision, cognitive, ambulatory, self-care, and independent living). The percentage of residents detailed by disability are listed in **Table 3-24** below. Note that an individual may report more than one disability.

Disability Type	Contra Costa County	City of Brentwood
Hearing	2.9%	2.70%
Vision	1.8%	1.06%
Cognitive	4.4%	2.99%
Ambulatory	5.9%	5.38%
Self-Care Difficulty	2.4%	1.99%
Independent Living Difficulty	5.2%	5.10%
<b>Percentage of Total Population with Disability<sup>5</sup></b>	<b>10.9%</b>	<b>9.24%</b>

Source: 2019 ACS 5-year Estimates

In both Contra Costa County and the City of Brentwood, the percentage of individuals with disabilities also increases with age, with the highest percentage of individuals with disabilities being those 65 years and older. Refer to **Table 3-25** for the distribution of percentages by age.

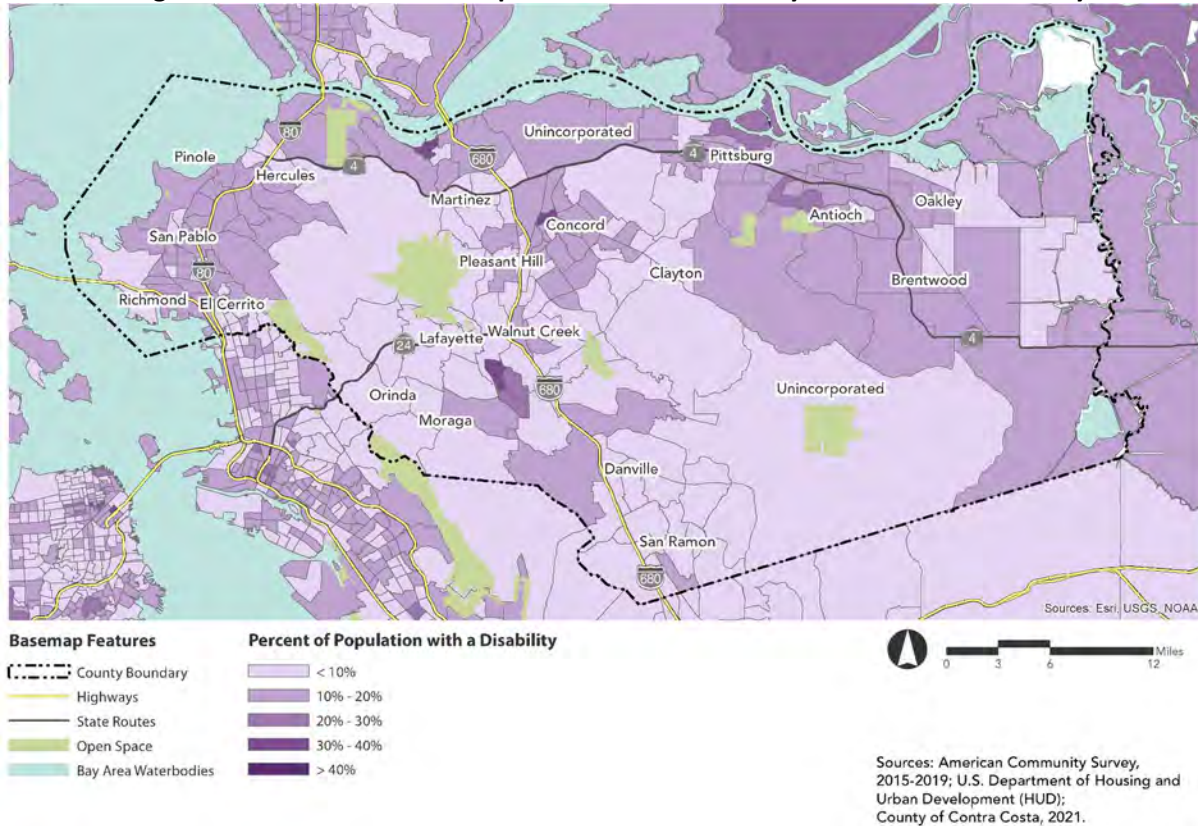
Age	Contra Costa County	Age	City of Brentwood
Under 5 years	0.8%	Under 18	2.71%
5 - 17 years	4.9%		
18 - 34 years	6.2%	18 - 64 years	6.57%
35 - 64 years	9.7%		
65 - 74 years	21.5%	65 years and over	34.33%
75 years and over	51.2%		

Source: 2019 ACS 5-year Estimates

In terms of geographic dispersal, there is a relatively homogenous dispersal of persons with disabilities, especially in Central Contra Costa County, where most census tracts have less than 10% of individuals with disabilities. Towards Eastern Contra Costa County, the Western boundary, and parts of Southern Contra Costa County, however, the percentage of population with disabilities increases to 10–20%. Comparing **Figure 3-11** and **Figure 3-12**, note that areas with a high percentage of populations with disabilities correspond with areas with high housing choice voucher (HCV) concentration (24% of people who utilize HCVs in Contra Costa County have a disability). Though use of HCVs do not represent a proxy for actual accessible units, participating landlords remain subject to the FHA to provide reasonable accommodations and allow tenants to make reasonable modifications at their own expense. Areas with a high percentage of populations with disabilities also correspond to areas with high percentages of low-moderate income communities. The above demographic information indicates socioeconomic trends of populations of persons with disabilities.

<sup>5</sup> These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

**Figure 3-11: Distribution of Population with a Disability in Contra Costa County**



**LOCAL TRENDS**

Though the City of Brentwood has a slightly lower percentage of population with disabilities, the city’s overall disability statistics are consistent with Contra Costa County’s. The greatest percentage of disabilities in Brentwood consist of ambulatory disabilities, followed by independent living, cognitive, hearing, self-care, and vision difficulties. Overall, 9.24% of residents in Brentwood have a disability of any kind.

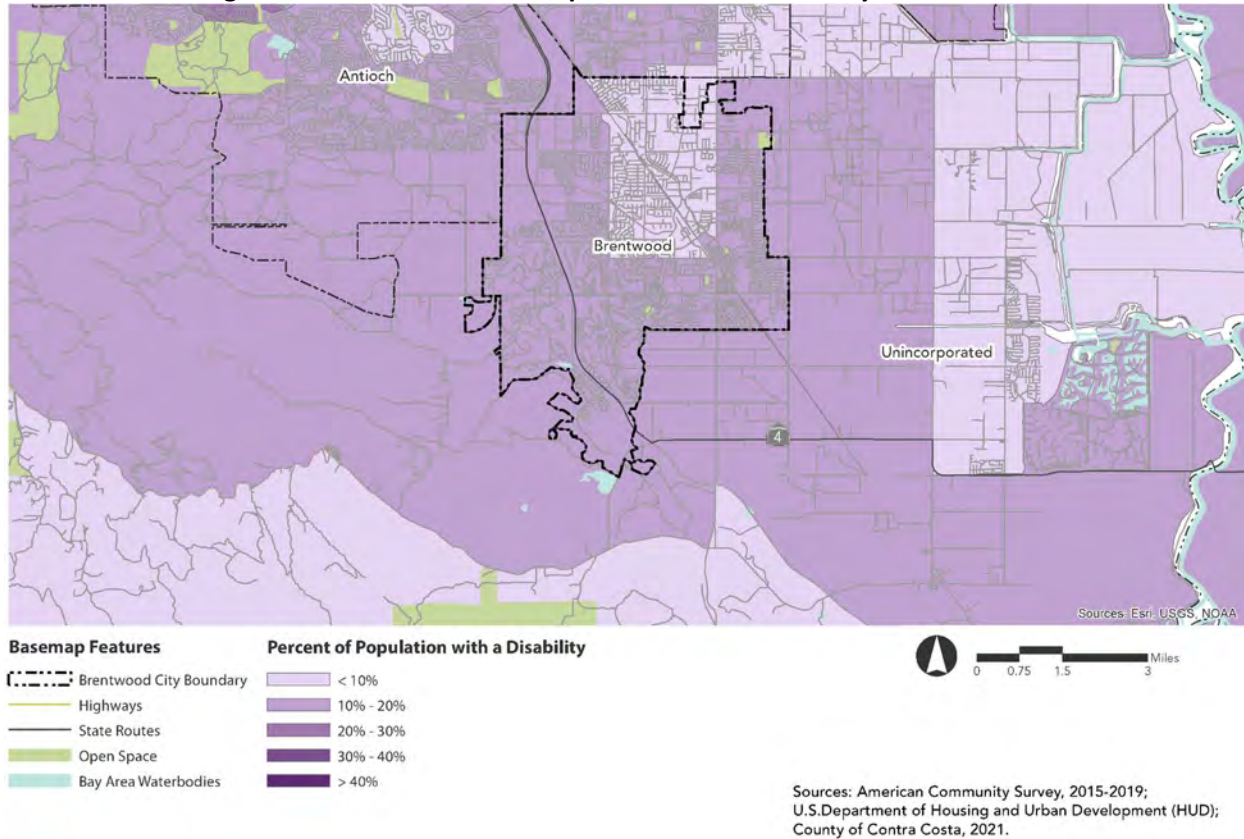
Referring to **Figure 3-12**, Brentwood has an overall low-to-moderate distribution of population with disabilities in the city. The northern central part of the city has less than 10% of population with a disability; the rest of the city has 10% – 20% of population with a disability.

Disability Type	Contra Costa County	City of Brentwood
Hearing	2.9%	2.70%
Vision	1.8%	1.06%
Cognitive	4.4%	2.99%
Ambulatory	5.9%	5.38%
Self-Care Difficulty	2.4%	1.99%
Independent Living Difficulty	5.2%	5.10%
<b>Percentage of Total Population with Disability*</b>	<b>10.9%</b>	<b>9.24%</b>

Source: 2019 ACS 5-year Estimates

\*These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

**Figure 3-12: Distribution of Population with a Disability in Brentwood**



### **Familial Status**

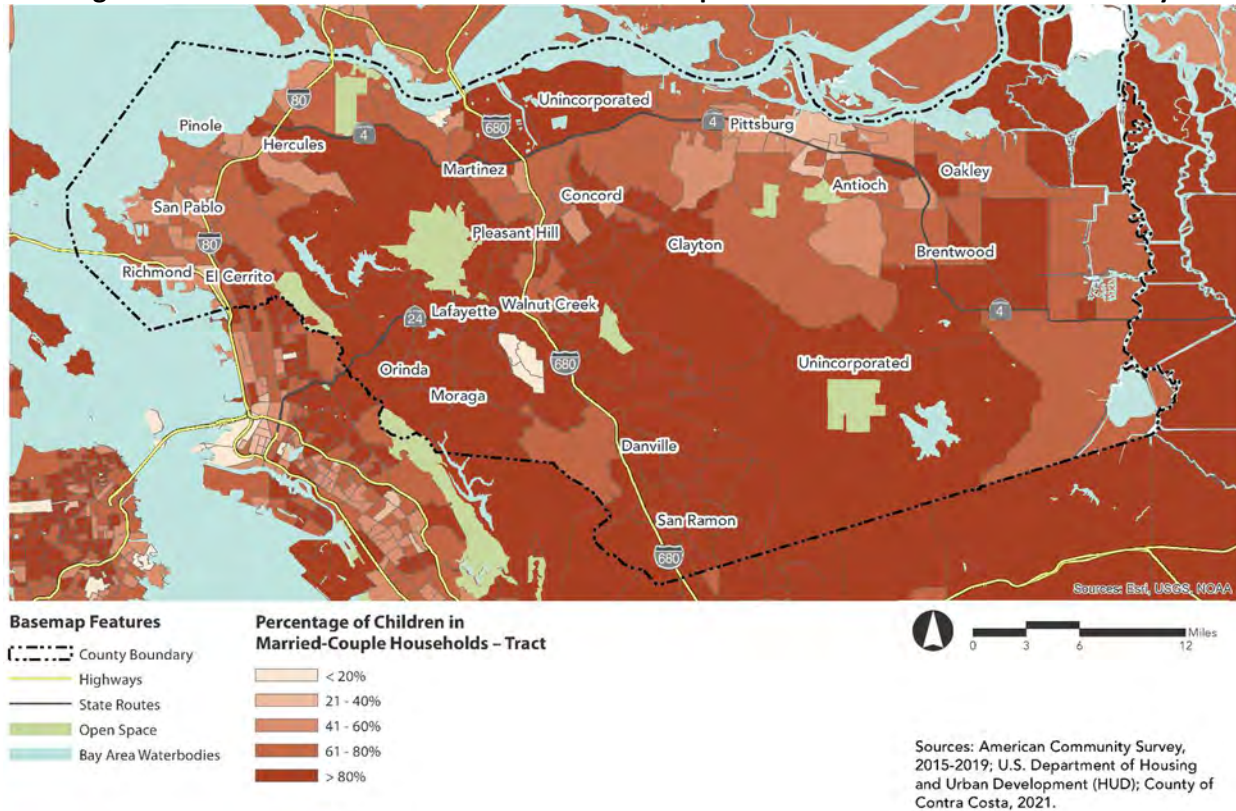
Under the FHA, housing providers (e.g., landlords, property managers, real estate agents, or property owners) may not discriminate because of familial status. Familial status refers to the presence of at least one child under 18 years old, pregnant persons, or any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (through birth, adoption, or custody), enforcing overly restrictive rules regarding children’s use of common areas, requiring families with children to live on specific floors, buildings, or areas, charging additional rent, security deposit, or fees because a household has children, advertising a preference for households without children, and lying about unit availability.

Families with children often have special housing needs due to lower per capita income, the need for affordable childcare, the need for affordable housing, or the need for larger units with three or more bedrooms. Single parent households are also protected by fair housing law. Of particular consideration are female-headed households, who may experience greater housing affordability challenges due to typically lower household incomes compared to two-parent households. Often, sex and familial status intersect to compound the discrimination faced by single mothers.

**REGIONAL TRENDS**

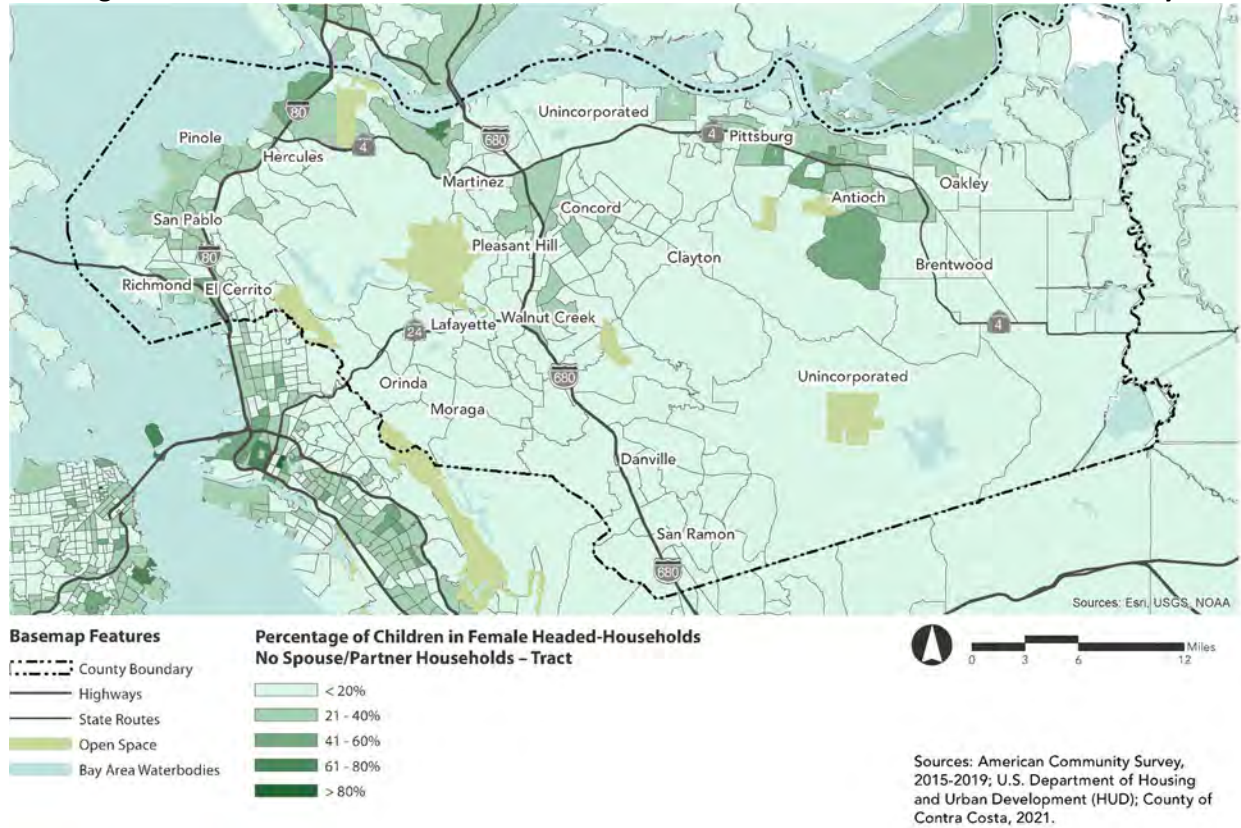
**Figure 3-13** indicates that most children living in Contra Costa County live in married-couple households, especially in central parts of the county where the percentage of children in such households exceed 80%. Census tracts adjacent to these areas also have relatively high percentages of children living in married-couple households (60%–80%). Census tracts with the lowest percentage of children in married-couple households (less than 20%) are located between Pittsburg and Antioch.

**Figure 3-13: Distribution of Children in Married-Couple Households in Contra Costa County**



**Figure 3-14** depicts the concentration of households headed by single mothers in the County by Census Tract. Areas of concentration include Richmond, San Pablo, Rodeo, Bay Point, Pittsburg, Antioch, and to the west of Concord. Those communities are also areas of high minority populations. By contrast, central County, in general, and the portions of central County to the south of the City of Concord have relatively low concentrations of children living in female-headed households (less than 20%). These tend to be more heavily White or White and Asian and Pacific Islander communities.

**Figure 3-14: Distribution of Children in Female-Headed Households in Contra Costa County**

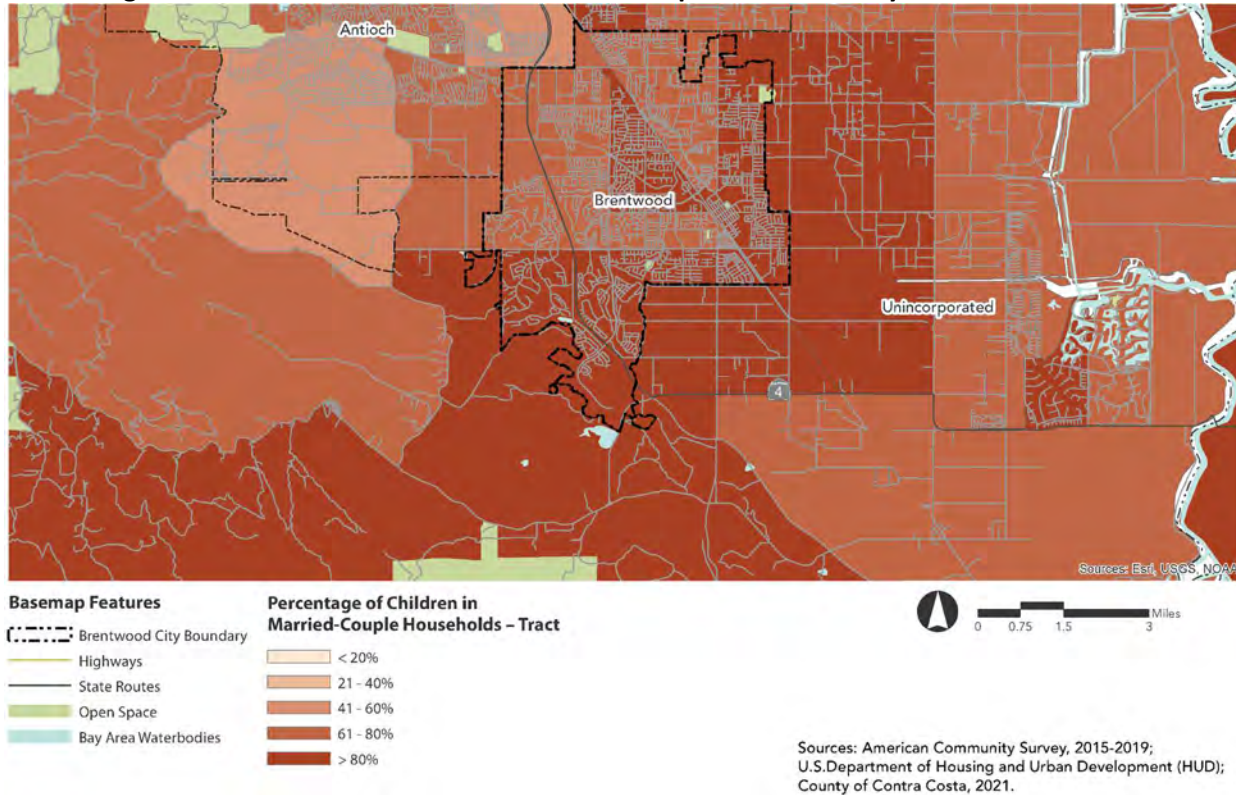


**LOCAL TRENDS**

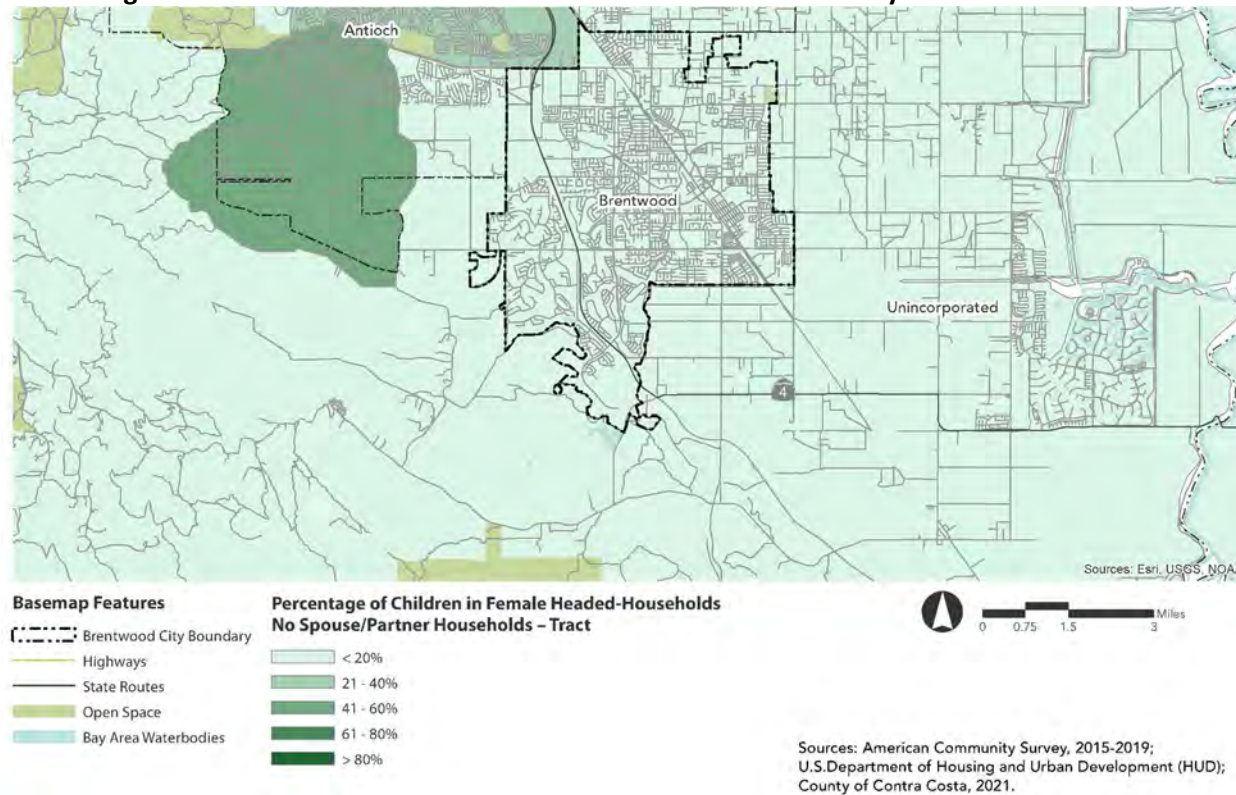
Referring to **Figure 3-15**, all census tracts in Brentwood have at least 61%–80% of children in married-couple households. The southern and east-most areas have over 80% of children in married-couple households. In terms of the percentage of children in female-headed households, however, all census tracts in the city have less than 20% of such households. Tracts with lower percentage of children in female-headed households have higher percentages of children in married-couple households and vice versa.



**Figure 3-15: Percent of Children in Married-Couple Households by Tract in Brentwood**



**Figure 3-16: Percent of Children in Female-Headed Households by Tract in Brentwood**



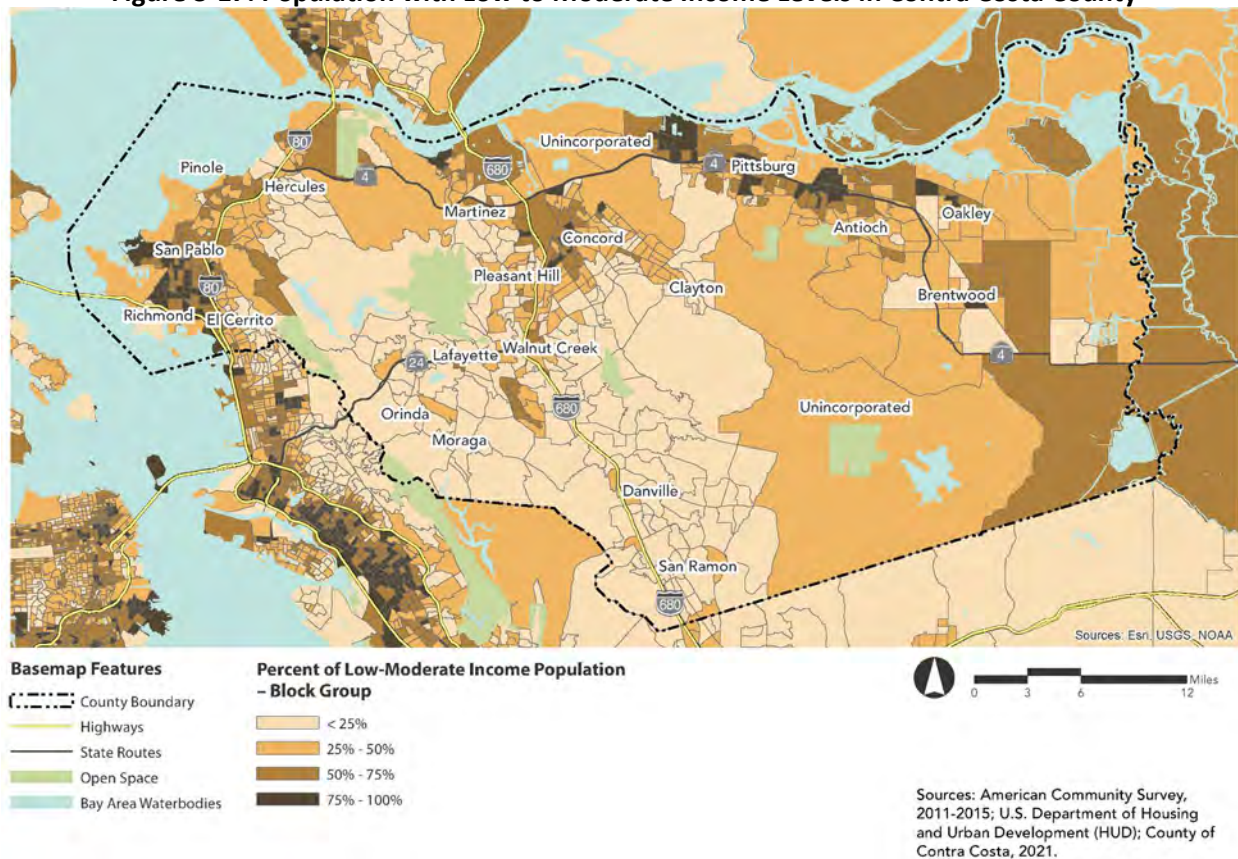
**Income Level**

Each year, HUD receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. Known as the "CHAS" data (Comprehensive Housing Affordability Strategy), it demonstrates the number of households in need of housing assistance by estimating the number of households that have certain housing problems and have income low enough to qualify for HUD's programs (primarily 30%, 50%, and 80% of median income). HUD defines a Low to Moderate Income (LMI) area as a census tract or block group where over 51% of the population is LMI (based on HUD income definition of up to 80% of the Area Median Income).

**REGIONAL TRENDS**

Figure 3-17 shows the LMI areas in Contra Costa County by block group. Most of central Contra Costa County has less than 25% of LMI populations. Block groups with high concentrations of LMI (between 75–100% of the population) can be found clustered around Antioch, Pittsburg, Richmond, and San Pablo. There are also small pockets with high percentages of LMI population around Concord. Other areas of the county have a moderate percentage of LMI population (25%–75%).

**Figure 3-17: Population with Low to Moderate Income Levels in Contra Costa County**



**Table 3-27** lists Contra Costa County households by income category and tenure. Based on the above definition, 38.71% of Contra Costa County households are considered LMI as they earn less than 80% of the HUD Area Median Family Income (HAMFI). Almost 60% of all renters are considered LMI compared to only 27.5% of owner households.

Income Distribution Overview	Owner	Renter	Total
Household Income $\leq$ 30% HAMFI	7.53%	26.95%	14.40%
Household Income >30% to $\leq$ 50% HAMFI	8.85%	17.09%	11.76%
Household Income >50% to $\leq$ 80% HAMFI	11.12%	15.16%	12.55%
Household Income >80% to $\leq$ 100% HAMFI	8.98%	9.92%	9.31%
Household Income >100% HAMFI	63.52%	30.89%	51.98%
<b>Total Population</b>	<b>248,670</b>	<b>135,980</b>	<b>384,645</b>

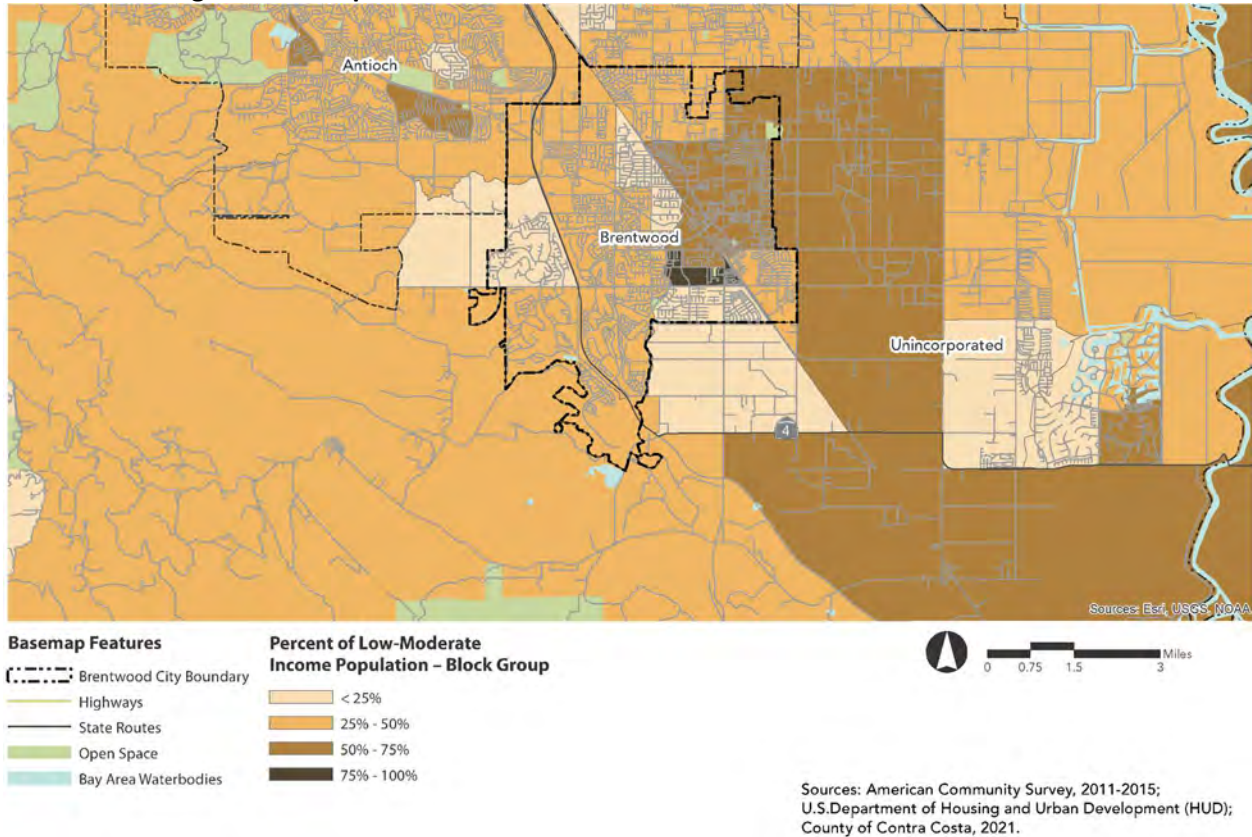
*Source: HUD Office of Policy Development and Research (PD&R) CHAS Data; 2011–2015 ACS*

**LOCAL TRENDS**

**Figure 3-18** below shows the percent of population with low to moderate income levels by block group in the City of Brentwood. The block groups located in the most central portion of the city have the highest percentage of LMI populations (75% –100%). Radiating from the center, block groups in the east have 50%–75% of LMI populations, 25%–50% towards the west, and less than 25% in the outermost portions towards the south and west. A section of block groups in central Brentwood have less than 25% of LMI population as well. Block groups with less than 25% of LMI correlate with block groups with median household income greater than \$125,000 and over 80% of overpayment by renters.

**Table 3-28** provides a list of households by income category and tenure in the City of Brentwood. Generally speaking, there are disparities between the incomes of homeowners and renters, a pattern observed on both the regional and local level. In Brentwood, only 28.89% of owner households are considered LMI (earns less than 80% of HAMFI) compared to almost 60% of renter households. The reverse is true for those of high income households (more than 100% of HAMFI), where almost 65% of owner households are high income and only about 34% of renter households are high income.

**Figure 3-18: Population with Low to Moderate Income Levels in Brentwood**



**Table 3-28: Households by Income Category and Tenure in Brentwood**

Income Distribution Overview	Owner	Renter	Total
Household Income $\leq$ 30% HAMFI	5.37%	22.15%	9.73%
Household Income >30% to $\leq$ 50% HAMFI	9.72%	21.17%	12.70%
Household Income >50% to $\leq$ 80% HAMFI	13.80%	14.12%	13.88%
Household Income >80% to $\leq$ 100% HAMFI	7.70%	8.80%	7.98%
Household Income >100% HAMFI	63.41%	33.77%	55.71%
<b>Total Population</b>	<b>13,120</b>	<b>4,605</b>	<b>17,725</b>

**Figure 3-19a** shows the median household income by tract in Brentwood. The data shows that Brentwood has a small range of median income levels. There is a large number of tracts in Brentwood whose median income for households is less than \$100,000. The remaining two tracts located on the eastern side of the City were under \$80,000. There are no tracts in the City with a majority of residents earning a median household income less than \$60,000. **Figure 3-19b** shows that there were more census blocks greater than \$125,000 in 2019 than 2014. This may indicate that census blocks are becoming more diverse based on household income.

Figure 3-19a: Median Income for Households, 2014

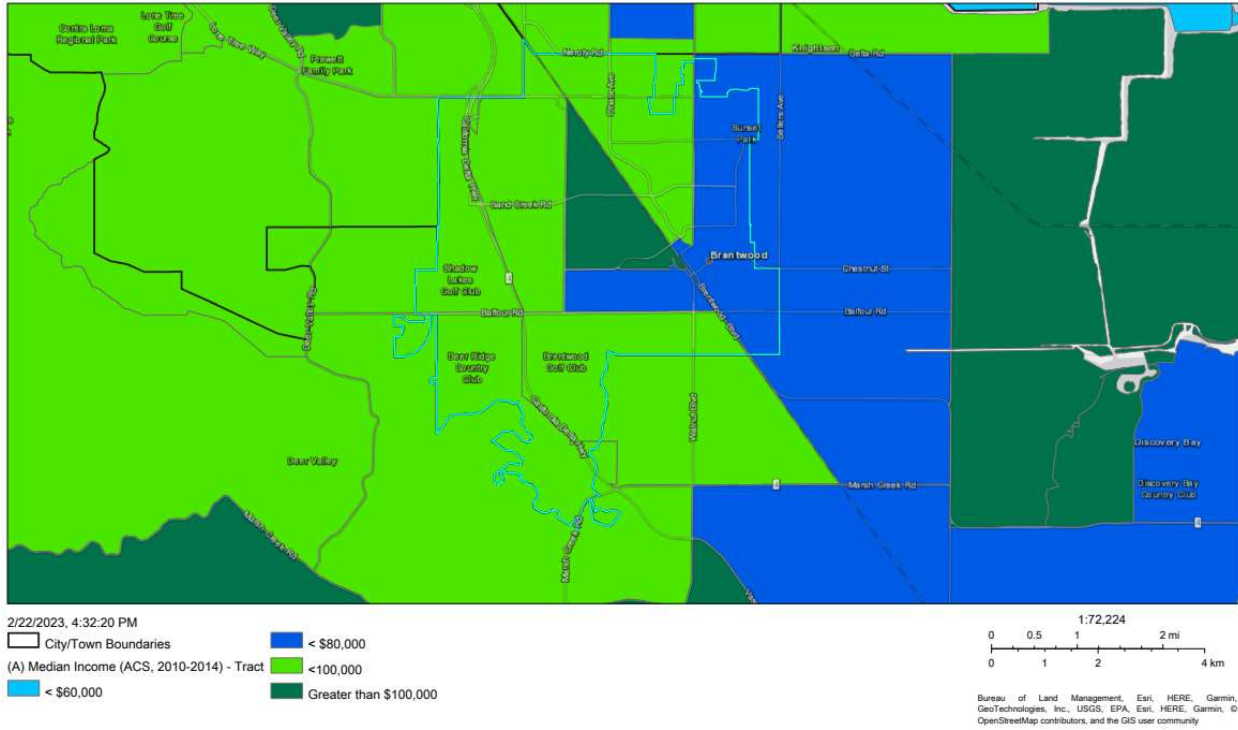
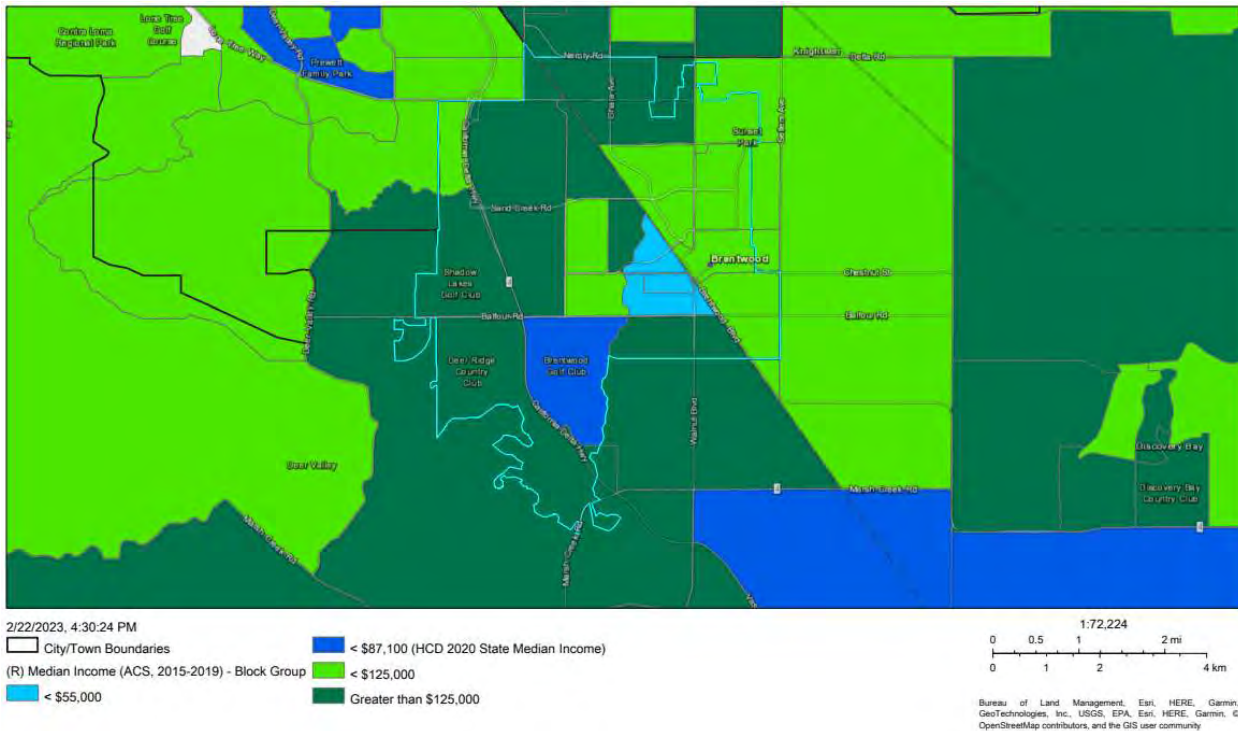


Figure 3-19b: Median Income for Households, 2019



**Table 3-29** below shows the Households by Income compared by geography. The City of Brentwood had a higher median household income than the County and State in 2019. The majority of the City’s households are considered higher earning; approximately 55.7 percent of households in Brentwood earn more than the State median-income. Additionally, over 17.7 percent of households in Brentwood earn \$200,000 or more annually. Just about 22.5 percent of City residents earn less than \$50,000 annually, compared to 24.6 percent and 34.4 percent for the County and State, respectively.

Although Brentwood experiences higher median incomes, it is still important to provide improved access to resources and opportunities for all households. The community has been strategically planned to place affordable units near resources and opportunities for all residents. Lower-income households will benefit from increased access to resources and opportunities.

Households Income	City of Brentwood	Contra Costa County	California
Less than \$10,000	2.4%	3.4%	4.8%
\$10,000-\$14,999	1.9%	2.8%	4.1%
\$15,000-\$24,999	5.0%	4.9%	7.5%
\$25,000-\$34,999	4.6%	5.4%	7.5%
\$35,000-\$49,999	8.6%	8.1%	10.5%
\$50,000-\$74,999	10.2%	13.0%	15.5%
\$75,000-\$99,999	11.7%	12.6%	12.4%
\$100,000-\$149,999	22.6%	18.9%	16.6%
\$150,000-\$199,999	15.4%	11.5%	8.9%
\$200,000 or More	17.7%	19.4%	12.2%
<b>Median Household Income</b>	<b>\$108,994.00</b>	<b>\$99,716.00</b>	<b>\$75,235.00</b>
<i>Source: American Community Survey, 5-Year Estimates, 2020.</i>			

### HOUSING CHOICE VOUCHERS (HCV)

Housing Choice Vouchers (HCV) are a form of HUD rental subsidy issued to low-income households that promise to pay a certain amount of the household’s rent. Prices, or payment standards, are set based on the rent in the metropolitan area, and voucher households must pay any difference between the rent and the voucher amount. Participants of the HCV program are free to choose any rental housing that meets program requirements

An analysis of the trends in HCV concentration can be useful in examining the success of the program in improving the living conditions and quality of life of its holders. One of the objectives of the HCV program is to encourage participants to avoid high-poverty neighborhoods and encourage the recruitment of landlords with rental properties in low-poverty neighborhoods. HCV programs are managed by Public Housing Agencies (PHAs), and the program’s assessment structure (Section Eight Management Assessment Program) includes an “expanding housing opportunities” indicator that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration.

A study prepared by HUD’s Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration, and a negative association between rent and neighborhood poverty. This means that HCV use was concentrated in areas

of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

### **Location Affordability**

The Location Affordability Index was developed by HUD in collaboration with DOT under the federal Partnership for Sustainable Communities. One objective of the Partnership is to increase public access to data on housing, transportation, and land use. Before this Index, there was no standardized national data source on household transportation expenses, which limited the ability of homebuyers and renters to fully account for the cost of living in a particular city or neighborhood.

The prevailing standard of affordability in the United States is paying 30% or less of your family's income on housing, but this fails to account for transportation costs. Transportation costs have grown significantly as a proportion of household income since this standard was established. According to the Bureau of Labor Statistics, in the 1930's American households spent just 8% of their income on transportation. Since then, as a substantial proportion of the U.S. population has migrated from center cities to surrounding suburbs and exurbs and come to rely more heavily (or exclusively) on cars, that percentage has steadily increased, peaking at 19.1% in 2003. As of 2013, households spent on average about 17% of their annual income on transportation, second only to housing costs in terms of budget impact. And for many working-class and rural households, transportation costs actually exceed housing costs.

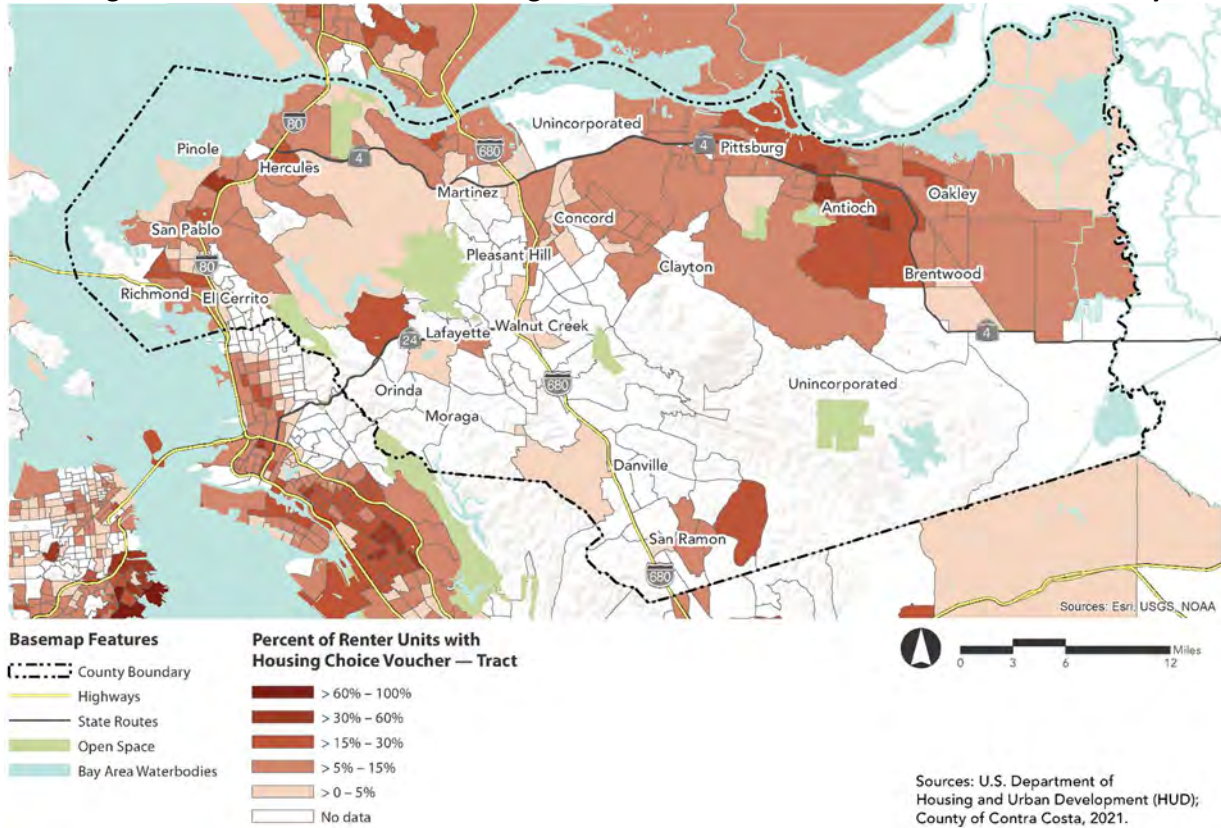
### **REGIONAL TRENDS**

According to the Contra Costa County AI, the Housing Authority of Contra Costa County (HACCC) administers approximately 7,000 units of affordable housing under the HCV program (and Shelter Care Plus program). Northwest Contra Costa County is served by the Richmond Housing Authority (RHA) that administers approximately 1,851 HCVs. North-central Contra Costa County is served by the Housing Authority of the City of Pittsburg (HACP), which manages 1,118 tenant-based HCVs.

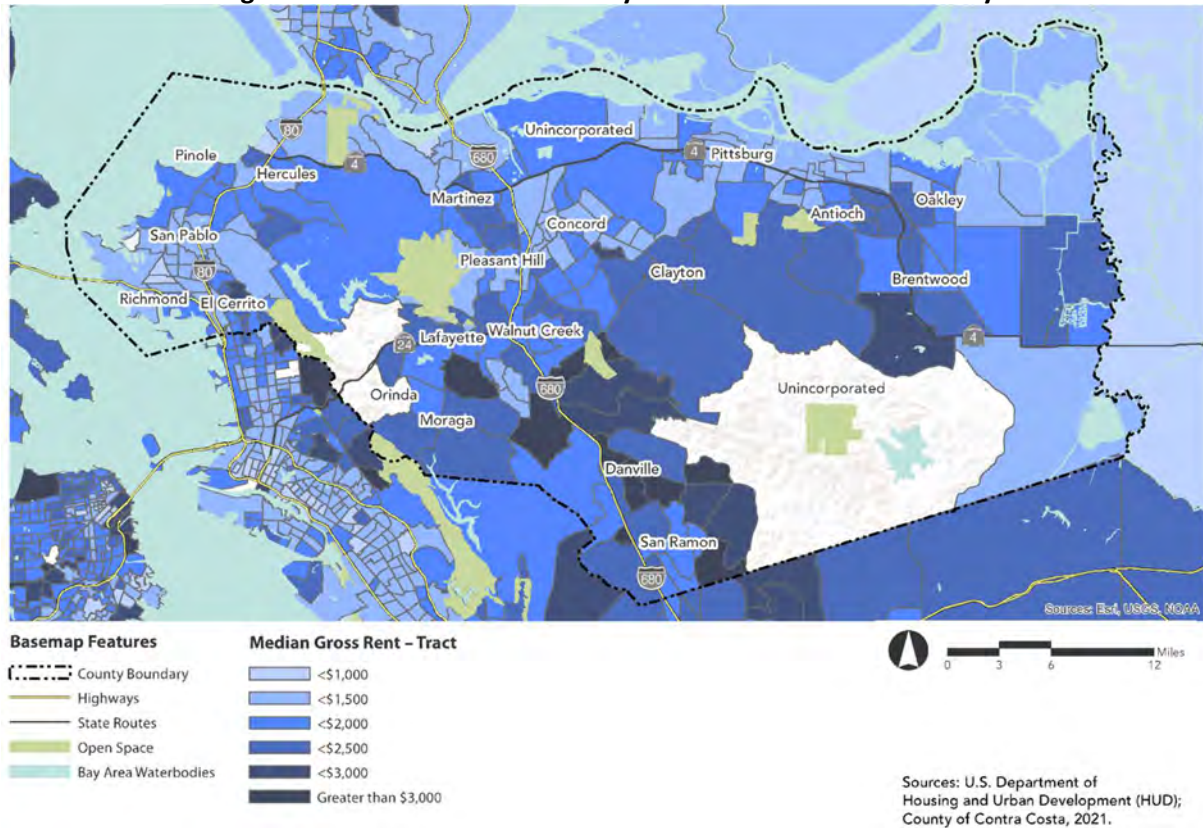
The HCV program serves as a mechanism for bringing otherwise unaffordable housing within reach of low-income populations. With reference to **Figure 3-20**, the program appears to be most prominent in western Contra Costa County, in heavily Black and Hispanic areas, and in the northeast of the County, in predominantly Black, Hispanic, and Asian areas. Central Contra Costa County largely has no data on the percentage of renter units with HCVs. The correlation between low rents and a high concentration of HCV holders holds true for the areas around San Pablo, Richmond, Martinez, Pittsburg, and Antioch.

**Figure 3-21** shows the Location Affordability Index in Contra Costa County. In Contra Costa County, the majority of the county has a median gross rent of \$2,000–\$2,500. Central Contra Costa County (areas between Danville and Walnut Creek) have the highest rents around \$3,000 or more. The most affordable tracts in the county are along the perimeter of the County in cities like Richmond, San Pablo, Pittsburg and Martinez.

**Figure 3-20: Distribution of Percentage of Renter Units with HCVs in Contra Costa County**



**Figure 3-21: Location Affordability Index in Contra Costa County**



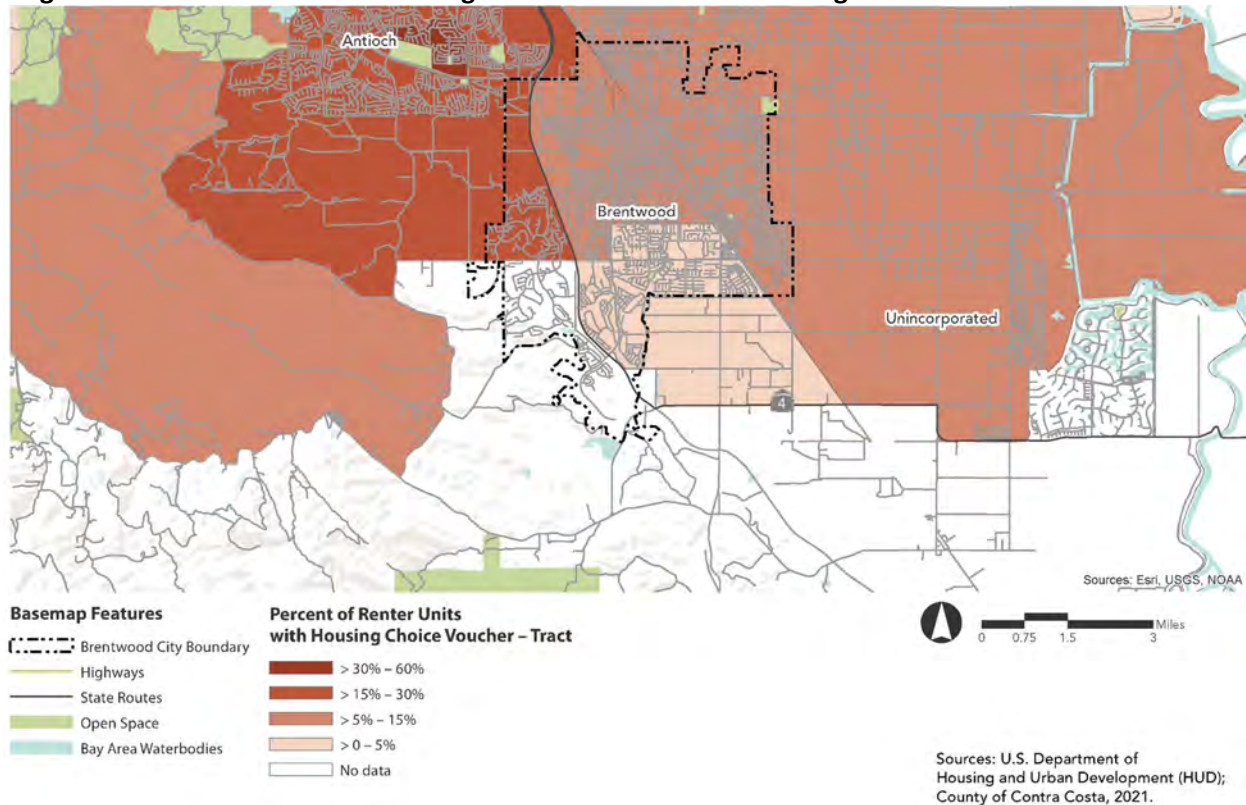


**LOCAL TRENDS**

The Contra Costa County Housing Authority administers and manages the Housing Voucher Program (Section 8) in most of Contra Costa County, including Brentwood.

**Figure 3-22** provides the percentage of renter units with Housing Choice Vouchers (HCV) in Brentwood. Census tracts located in northwestern Brentwood, west of State Route 4, have the highest percentage of renter units with HCVs (> 15% - 30%). Northeastern tracts have >5% - 15% of renter units with HCVs. Southwest tracts have > 0% - 5%. The southwest portion of the city has no data, which may indicate that no HCVs are used in the area. The areas with no data correspond to areas where rent is above \$3,000 and median income higher than \$87,000.

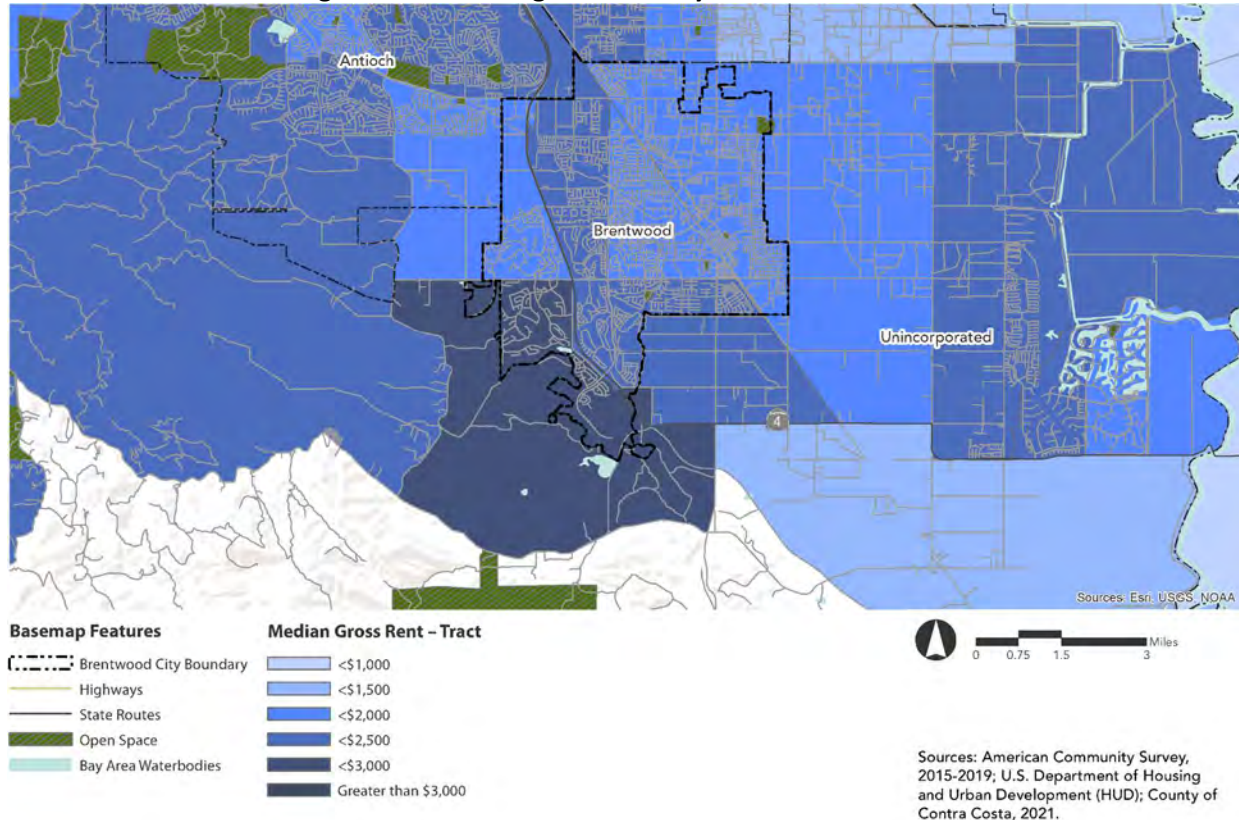
**Figure 3-22: Distribution of Percentage of Renter Units with Housing Choice Vouchers in Brentwood**



**Figure 3-23** shows the Location Affordability Index in the City of Brentwood. At greater than \$3,000, median gross rent is highest in the southern portion of Brentwood. The western and eastern tracts of the city have median gross rent of less than \$2,000. The central portion of the city running from north to south has a median gross rent of less than \$2,500.

When compared to **Figure 3-47**, census tracts with the highest percentage of renter units with HCVs correlate with census tracts that have over 80% of renters that experience cost burden (defined as households paying 30% or more of their gross income on housing expenses).

**Figure 3-23: Housing Affordability Index in Brentwood**



**Potential Effects on Integration and Segregation Trends, Access to Opportunity, and Displacement**

This analysis evaluates the potential effects candidate housing sites and their affordability could have on current patterns of residential segregation based on race and ethnicity and/or income once housing is built within the City. Previous analyses have established that there are varying levels of racial and ethnic segregation in Brentwood but there is no significant segregation. Communities in the northeastern portion of the City are typically characterized by non-white predominance with a trend of lower Hispanic populations closer to the City limits. By placing more affordable housing in predominantly non-white communities, housing issues such as overcrowding, overpayment, and lack of housing options can be alleviated where they are felt most. The redistribution of lower-income household opportunities into places where non-white predominance is not as strong could mean the alteration of settlement trends for non-white and low income households. As a result, Brentwood communities could become further integrated in regard to race/ethnicity and income.

A total of 10 sites at lower income levels are located in the western parts of the City. The data shows that the proposed candidate sites to meet the RHNA allocation are dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. While sites at lower incomes are isolated to one area of the City, the distribution of potential units does not disproportionately impact areas with larger concentrations of special needs or vulnerable populations.

The data shows that the proposed candidate sites to meet the very low- and low-income RHNA allocation are predominantly concentrated in areas with suitable vacant land in the northwest portion of the City. This is due to the area having the highest opportunity and resource ratings, as well as the highest transit connectivity. It is important to place low and moderate-income units in areas with highest opportunity and resource ratings to increase mobility for those households.

It should be noted that the location of low and very low-income sites located in the northwest portion of the City are designated to be mixed income, which would provide housing opportunities for both lower income households and moderate to above-moderate income households. Thus, the location of low and very low-income sites dispersed throughout the City does not segregate low-income housing from market rate or moderate-income housing. Having lower-income units dispersed throughout the City helps create more mixed-income communities and brings resources and services closer to special needs and vulnerable populations. This further improves conditions in these areas and does not exacerbate any conditions.

### Racially and Ethnically Concentrated Areas

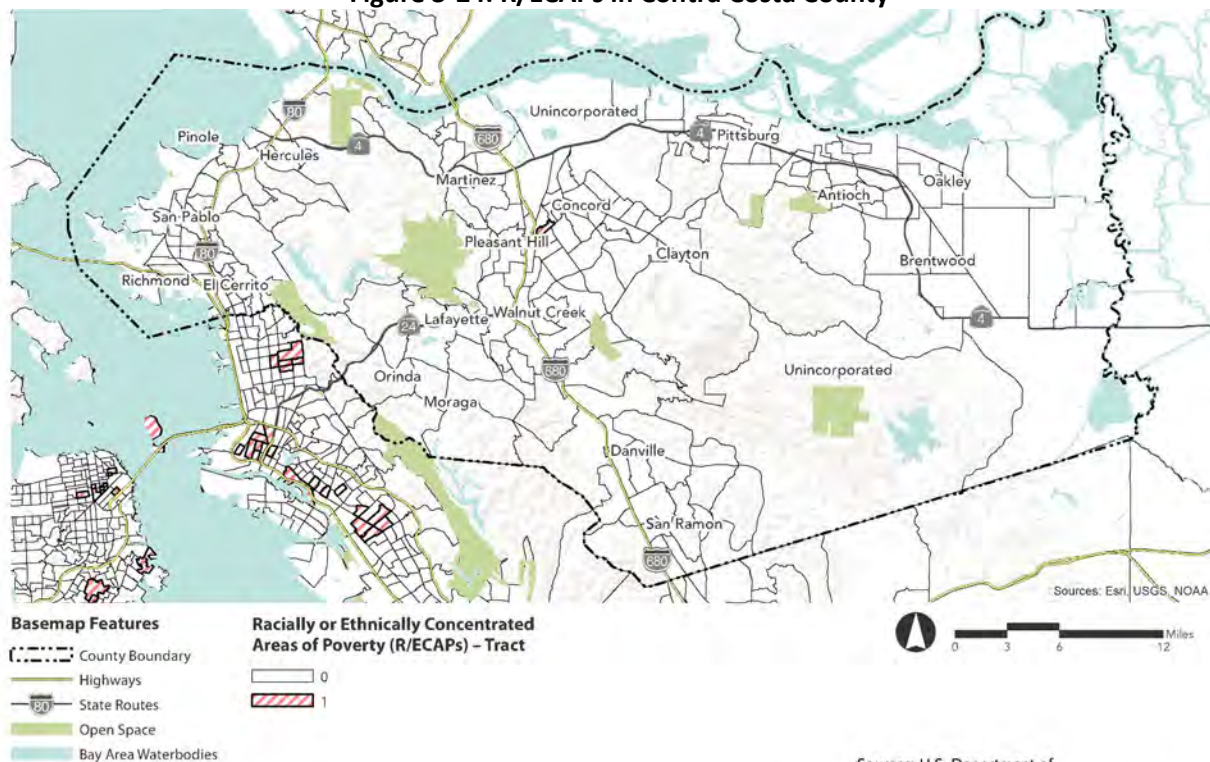
#### *Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)*

Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs) are geographic areas with significant concentrations of poverty and minority populations. HUD developed a census-tract based definition of R/ECAP that relies on a racial and ethnic concentration threshold and a poverty test. The threshold states that an area with a non-White population of 50% or more would be identified as a R/ECAP; the poverty test defines areas of extreme poverty as areas where 40% or more of the population live below the federal poverty line or where the poverty rate is three times the average poverty rate for the metropolitan area (whichever is lower). Thus, an area that meets either the racial or ethnic concentration and the poverty test would be classified as a R/ECAP. Identifying R/ECAPS facilitates an understanding of entrenched patterns of segregation and poverty due to the effects of historically racist and discriminatory laws.

### REGIONAL TRENDS

In Contra Costa County, the only area that meets the official definition of a R/ECAP is Monument Corridor in Concord (highlighted with red stripes in **Figure 3-24** below).

**Figure 3-24: R/ECAPs in Contra Costa County**



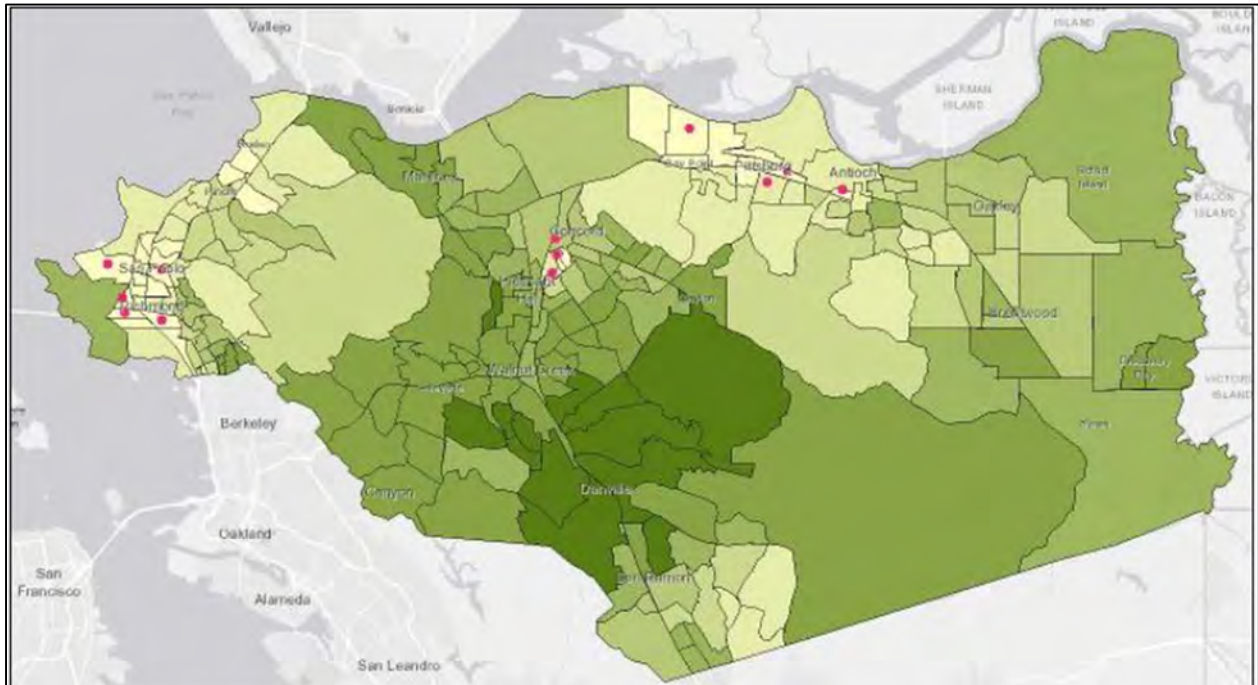
Sources: U.S. Department of Housing and Urban Development, 2009-2013 (HUD); County of Contra Costa, 2021.

### Expanded R/ECAPs in Contra Costa County

According to the 2020 Contra Costa County AI, however, the HUD definition that utilizes the federal poverty rate is not suitable for analysis in the San Francisco Bay Area due to the high cost of living. The HUD definition would severely underestimate whether an individual is living in poverty. The Contra Costa County AI proposes an alternate definition of a R/ECAP that includes majority-minority census tracts that have poverty rates of 25% or more. Under this definition, twelve other census tracts would qualify as R/ECAPs in the areas of Antioch (1), Bay Point (1), Concord (3), Pittsburg (2), North Richmond (1), Richmond (3) and San Pablo (1). Refer to **Figure 3-25** for the locations of R/ECAPS based on the expanded definition. Note that the Contra Costa County AI does not provide a legend for the map.

According to the 2012–2016 American Community Survey, 69,326 people lived in these expanded R/ECAPs, representing 6.3% of the County’s population. Hispanic and Black populations make up a disproportionately large percentage of residents who reside in R/ECAPs compared to the population of the County or Region as a whole. In Contra Costa County, approximately 53% of individuals living in R/ECAPs are Hispanic, nearly 18% are Black, 19.57% are Mexican American, 4.65% are Salvadoran American, and 1.49% are Guatemalan Americans. Families with children under 18 still in the household comprise almost 60% of the population in Contra Costa County’s R/ECAPs. To those already living in poverty, the higher rate of dependent children in their households would translate to a greater strain on their resources.

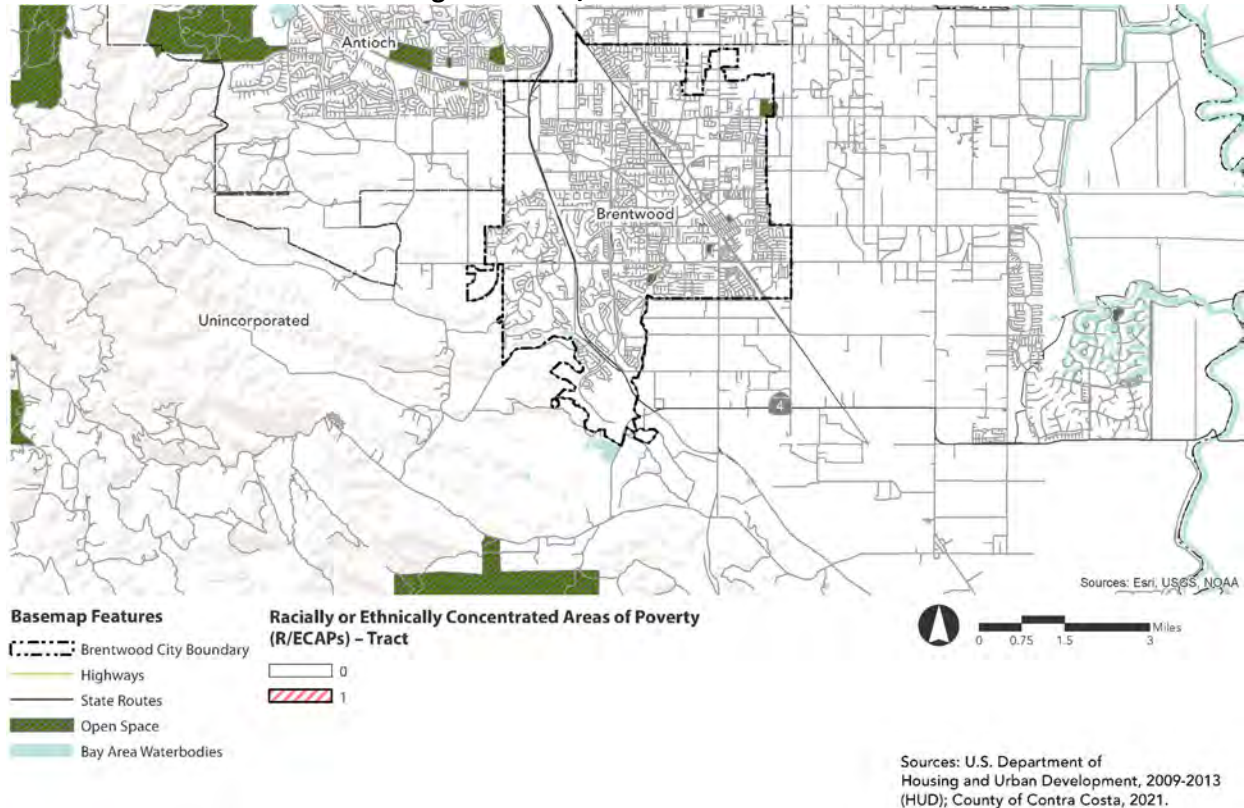
**Figure 3-25: Expanded R/ECAPs in Contra Costa County**



**LOCAL TRENDS**

The City of Brentwood has no (R/ECAPs) as defined by HUD.

**Figure 3-26: R/ECAPs in Brentwood**



**Racially Concentrated Areas of Affluence (RCAs)**

Racially Concentrated Areas of Affluence (RCAs) are defined by the HUD as communities with a large proportion of affluent and non-Hispanic White residents. According to a policy paper published by the HUD, non-Hispanic Whites are the most racially segregated group in the United States. In the same way neighborhood disadvantage is associated with concentrated poverty and high concentrations of people of color, distinct advantages are associated with residence in affluent, White communities. RCAs are currently not available for mapping on the AFFH Data Viewer. As such, an alternate definition of RCA from the University of Minnesota Humphrey School of Public Affairs is used in this analysis. RCAs are defined as census tracts where (1) 80% or more of the population is white, and (2) the median household income is \$125,000 or greater (slightly more than double the national median household income in 2016).

Data used in the analysis of RCA is from the 2015-2019 American Community Survey and measured at the census tract level. HCD has created an RCA metric to reflect California’s relative diversity and regional conditions, and to aid local jurisdictions in their analysis of racially concentrated areas of poverty and affluence pursuant to AB 686 and AB 1304. HCD’s RCA metric is created by first calculating a Location Quotient (LQ) for each California census tract using data from the 2015-2019 ACS. This LQ represents the percentage of total white population (White Alone, Not Hispanic or Latino) for each census tract compared to the average percentage of total white population for all census tracts in a given Council of Governments (COG) region. For example, a census tract with a LQ of 1.5 has a percentage of total white population that is 1.5 times higher than the average percentage of total white population in the given COG region. To determine the RCAs, census tracts with an LQ of more than 1.25 and a median income 1.5 times higher than the COG Area Median Income (AMI), or 1.5 times the State AMI, whichever is lower, are assigned a

numeric score of 1. A score of 1 indicates that a census tract is an RCAA. Census tracts that did not meet this criterion are assigned a score of 0.

The nationwide RCAA analysis identifies the following:

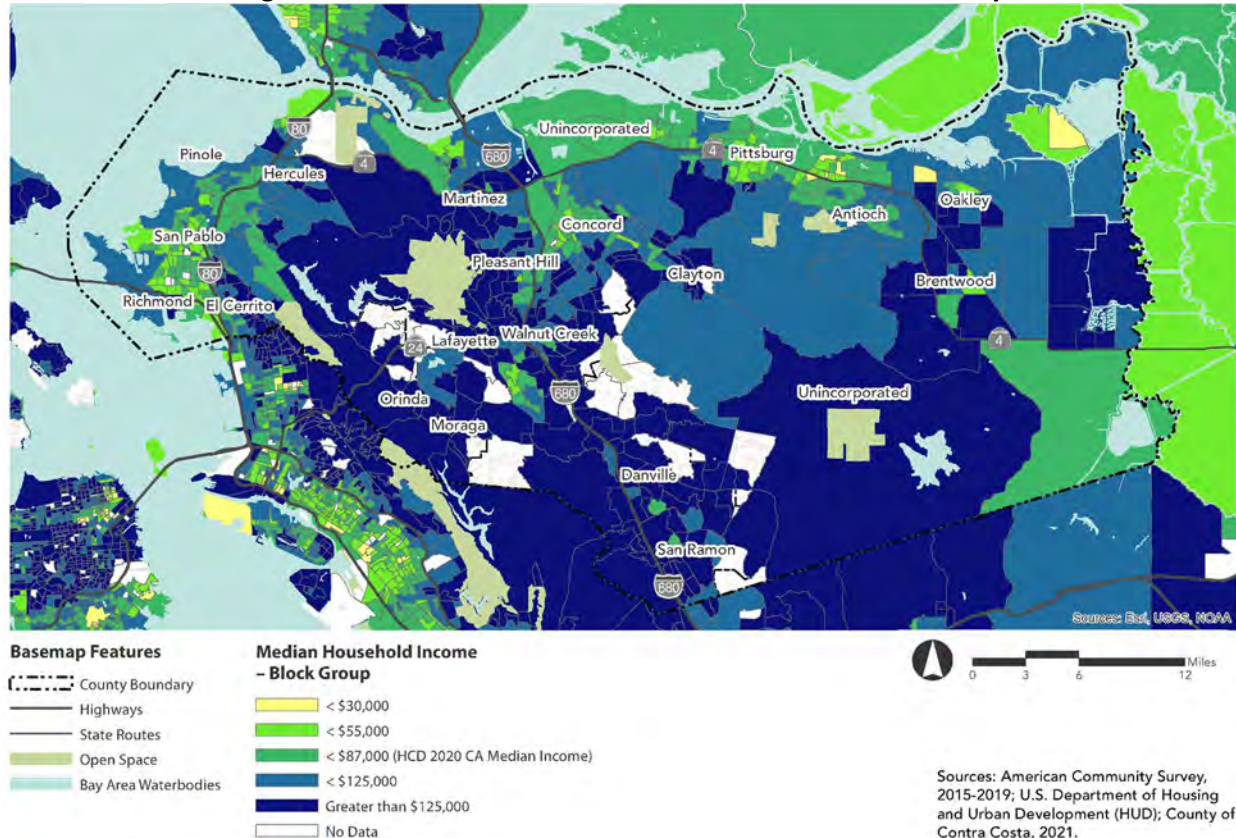
- RCAA tracts have more than twice the median household income of the average tract in their metro area.
- Poverty rates in RCAAs are significantly lower and are, on average about 20 percent of a typical tract.
- RCAA tracts are more income homogenous than R/ECAPs.
- The average RCAA is about 57 percent affluent, whereas the average R/ECAP had a poverty rate of 48 percent.

The typical RCAA tract has a rate of affluence 3.2 times that of a typical tract, whereas R/ECAPs on average had a poverty rate 3.2 times that of a typical tract. Overall, RCAAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices.

**REGIONAL TRENDS**

By cross-referencing **Figure 3-9** and **Figure 3-27**, a string of RCAAs that run from Danville to Lafayette and tapers off towards Walnut Creek emerges. This aligns with the cities’ racial demographic and median income (summarized in **Table 3-30** below). Although not all census tracts/block groups meet the criteria to qualify as RCAAs, there is a tendency for census block groups with higher white populations to have higher median incomes throughout the county.

**Figure 3-27: Median Household Income in Contra Costa County**

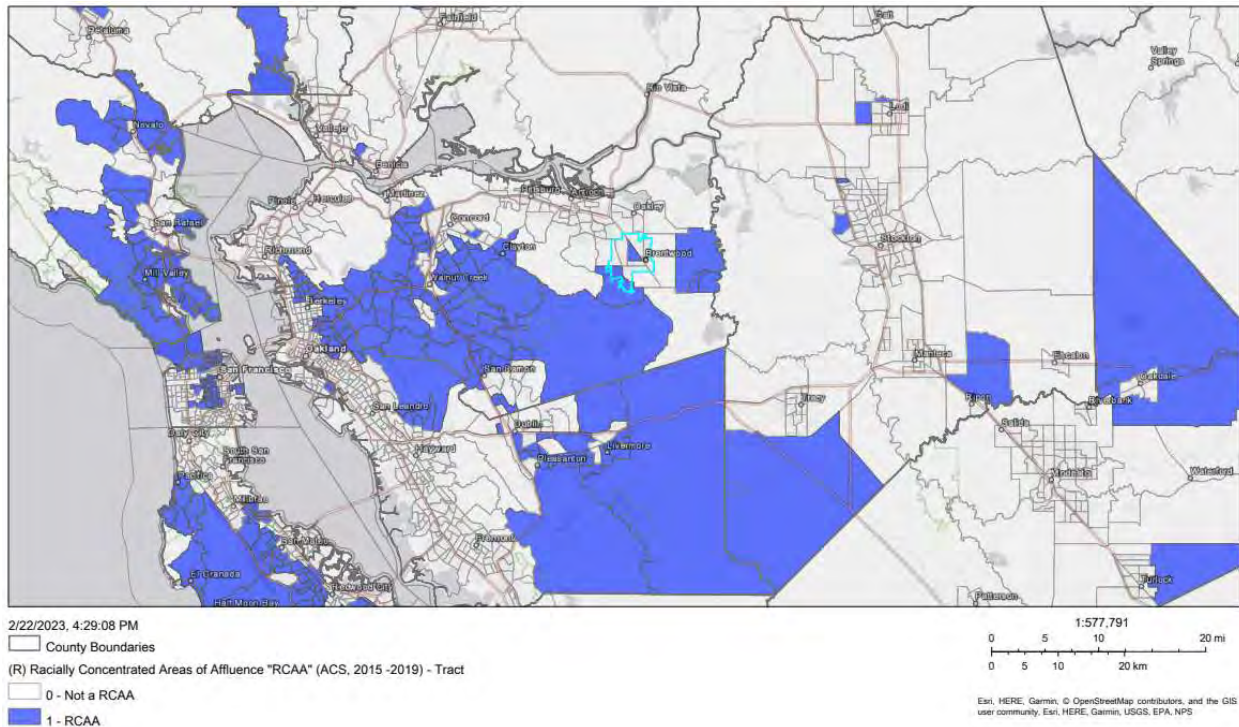


City	White Population	Median Household Income (2019)
Danville	80.53%	\$160,808
Lafayette	81.23%	\$178,889
Walnut Creek	74.05%	\$105,948

Source: DataUSA.io (2019)

As shown in **Figure 3-28**, there are RCAAs in the County and in jurisdictions surrounding Brentwood. The majority of the jurisdictions west and south of Brentwood shows signs of RCAA such as Livermore, Pleasanton, Dublin, San Ramon, Walnut Creek, and Lafayette.

**Figure 3-28: Racially Concentrated Areas of Affluence (RCAA), Brentwood**

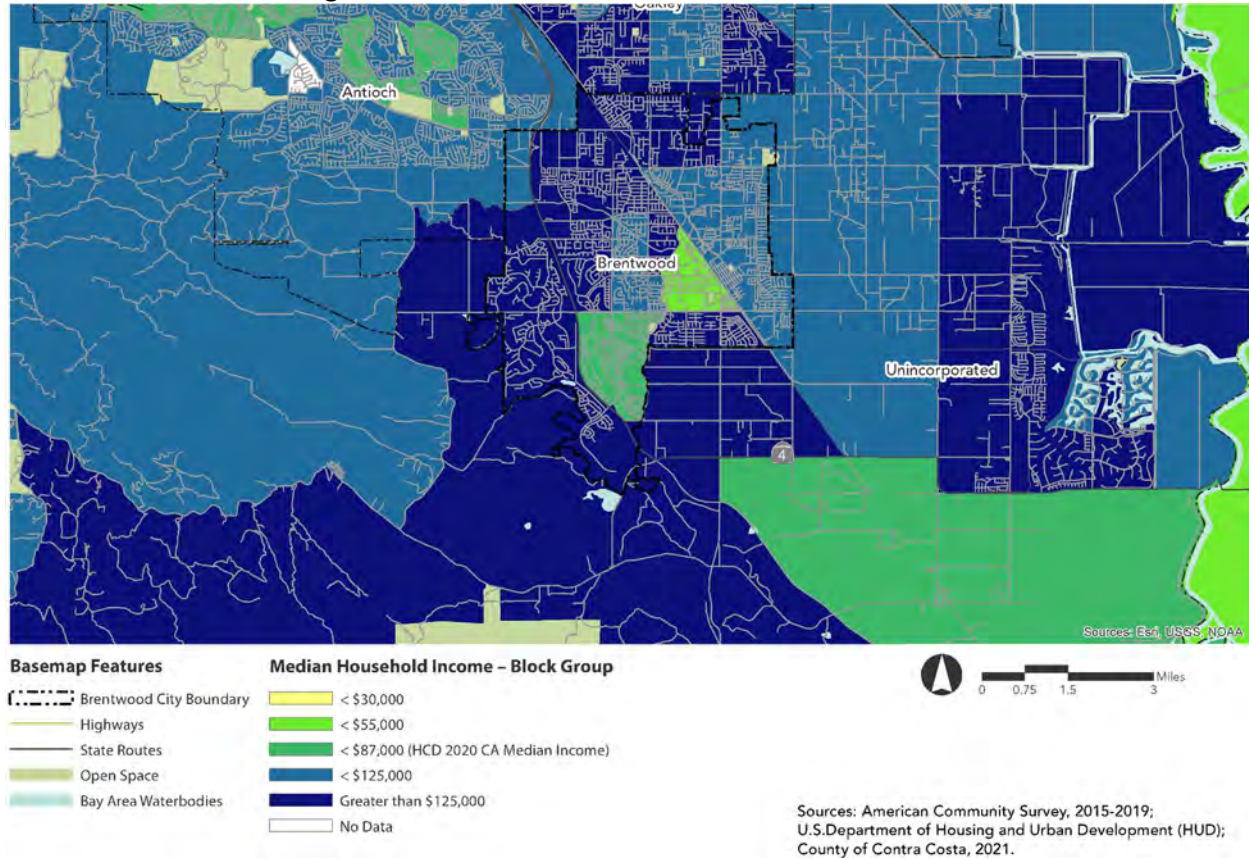


**LOCAL TRENDS**

**Figure 3-29** shows the median household income by block group in the City of Brentwood. Central Brentwood has the highest median income (> \$125,000). Median household income for block groups decreases as block groups radiate out from the center. The lowest median income in the city is less than \$55,000 near the southeast border. By cross-referencing **Figure 3-8** and **Figure 3-29**, the block group with the highest percentage of White population also has the lowest median income in the city. Areas with high median income do not overlap with areas where there are high percentages of White residents, thus not qualifying these areas as RCAAs.

Income above \$87,000 is considered above HCD’s 2020 Median Income for California. A small block group located in southern Brentwood has a median household income of between \$30,000–\$55,000, lower than the HCD Median Income for California. This tract correlates with tracts where over 80% of renters experience cost burden in **Figure 3-49**.

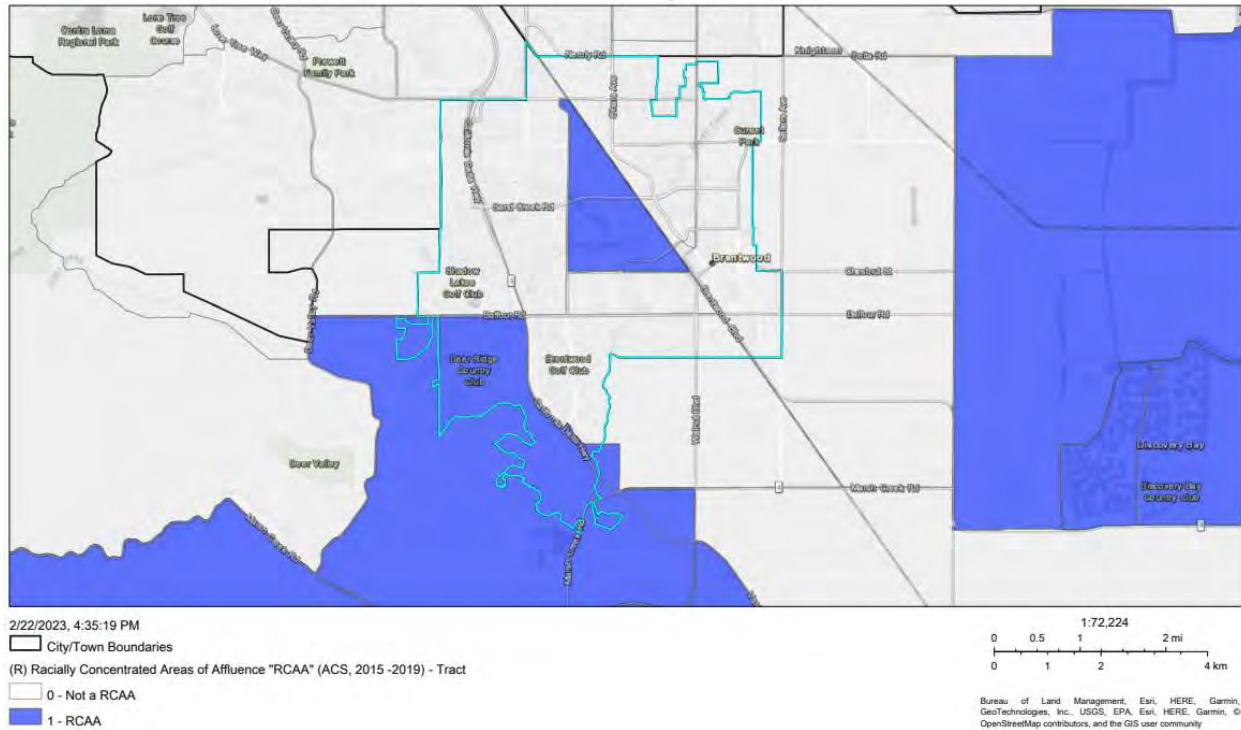
**Figure 3-29: Median Household Income in Brentwood**



**Figure 3-30** shows census tracts that meet the RCAA criterion. As illustrated, there are census tracts on the northern and southern side of the City that would be classified as an RCAA under HCD’s criterion. The areas classified as an RCAA are areas with higher median Household Income as shown in **Figure 3-29**. These areas are parts of the City where it is the least affordable for residents to live. Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions that foster inclusive communities free from barriers, which restrict access to opportunities based on protected classes, as defined by State law. The City has added programs to **Section 4: Housing Plan, Policy Action H.4a** to address RCAAs present in the City.



**Figure 3-30: Racially Concentrated Areas of Affluence (RCAA), Brentwood**



### Access to Opportunities

Access to opportunity is a concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents’ mobility and access to ‘high resource’ neighborhoods.

### TCAC Opportunity Maps

TCAC Maps are opportunity maps created by the California Fair Housing Task Force (a convening of the Department of Housing and Community Development (HCD) and the California Tax Credit Allocation Committee (TCAC)) to provide research and evidence-based policy recommendations to further HCD’s fair housing goals of (1) avoiding further segregation and concentration of poverty and (2) encouraging access to opportunity through land use policy and affordable housing, program design, and implementation. These opportunity maps identify census tracts with highest to lowest resources, segregation, and poverty, which in turn inform the TCAC to more equitably distribute funding for affordable housing in areas with the highest opportunity through the Low-Income Housing Tax Credit (LIHTC) Program.

TCAC Opportunity Maps display areas by highest to lowest resources by assigning scores (0–1) for each “domain” by census tracts – higher scores indicate higher “access” to the domain or higher “outcomes.” Refer to **Table 3-31** for a list of domains and indicators. The scores are a combination of the three domains and rank census tracts by the level of resources (low, moderate, high, highest, and high poverty and segregation). The opportunity maps also identify areas with poverty and racial segregation through the following criteria:

- Poverty: Tracts with at least 30 percent of population under the federal poverty line;
- Racial Segregation: Tracts with location quotient higher than 1.25 for Blacks, Hispanics, Asians, or all people of color in comparison to the County

Table 3-31: Domains and List of Indicators for Opportunity Maps	
Domain	Indicator
Economic	Poverty Adult Education Employment Job Proximity Median Home Value
Environmental	CalEnviroScreen 3.0 Pollution Indicators and Values
Education	Math Proficiency Reading Proficiency High School Graduation Rates Student Poverty Rates
<i>Source: California Fair Housing Task Force, Methodology for the 2021 TCAC/HCD Opportunity Maps, December 2020</i>	

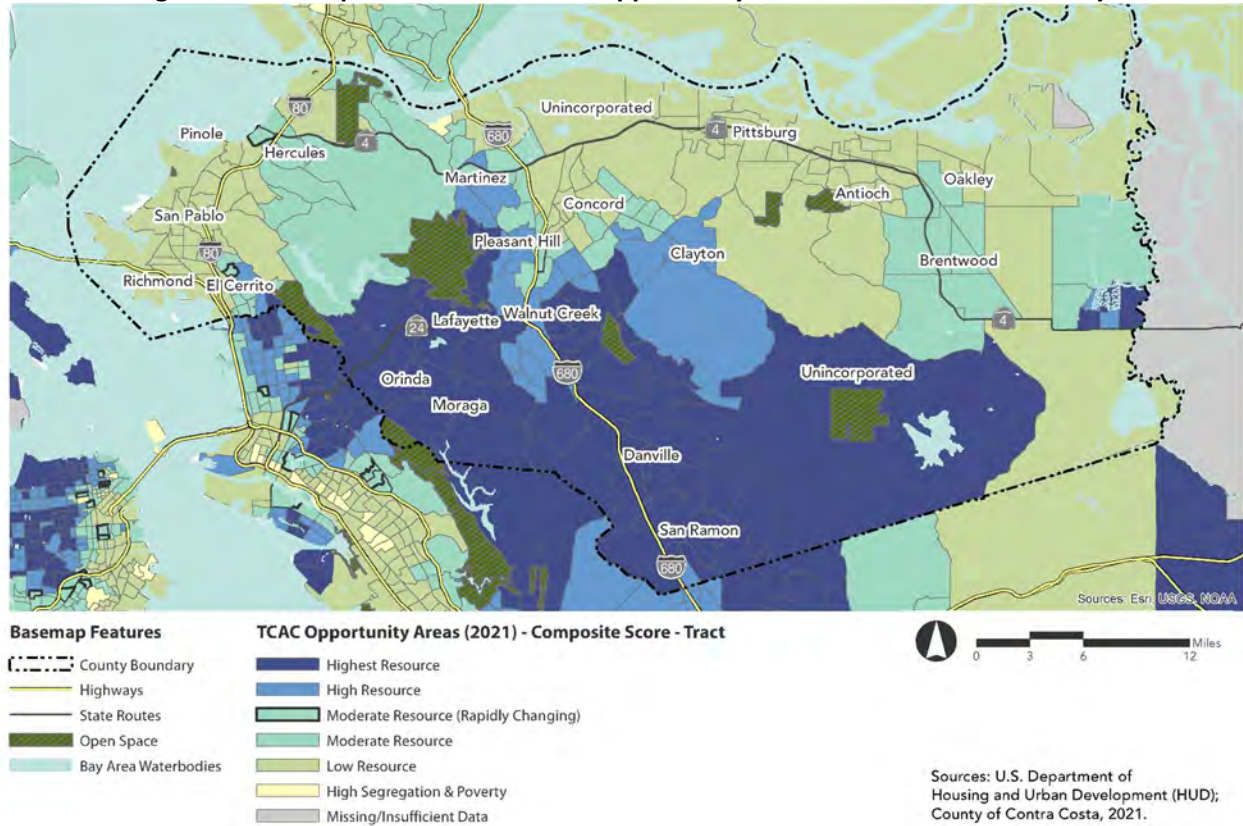
High resource areas have high index scores for a variety of opportunity indicators such as high employment rates, low poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards. High resource tracts are areas that offer low-income residents the best chance of a high quality of life, whether through economic advancement, high educational attainment, or clean environmental health. Moderate resource areas have access to many of the same resources as the high resource areas but may have fewer job opportunities, lower performing schools, lower median home values, or other factors that lower their indexes across the various economic, educational, and environmental indicators. Low resource areas are characterized as having fewer opportunities for employment and education, or a lower index for other economic, environmental, and educational indicators. These areas have greater quality of life needs and should be prioritized for future investment to improve opportunities for current and future residents.

Information from opportunity mapping can help highlight the need for housing element policies and programs that would help to remediate conditions in low resource areas or areas of high segregation and poverty, and to encourage better access for low and moderate income and black, indigenous, and people of color (BIPOC) households to housing in high resource areas.

**REGIONAL TRENDS**

**Figure 3-31** provides a visual representation of TCAC Opportunity Areas in Contra Costa County based on a composite score, where each tract is categorized based on percentile rankings of the level of resources within the region. The only census tract in Contra Costa County considered an area of high segregation and poverty is located in Martinez. Concentrations of low resource areas are located in the northwestern and eastern parts of the county (Richmond to Hercules and Concord to Oakley); census tracts with the highest resources are located in central and southern parts of the county (San Ramon, Danville, Moraga, and Lafayette).

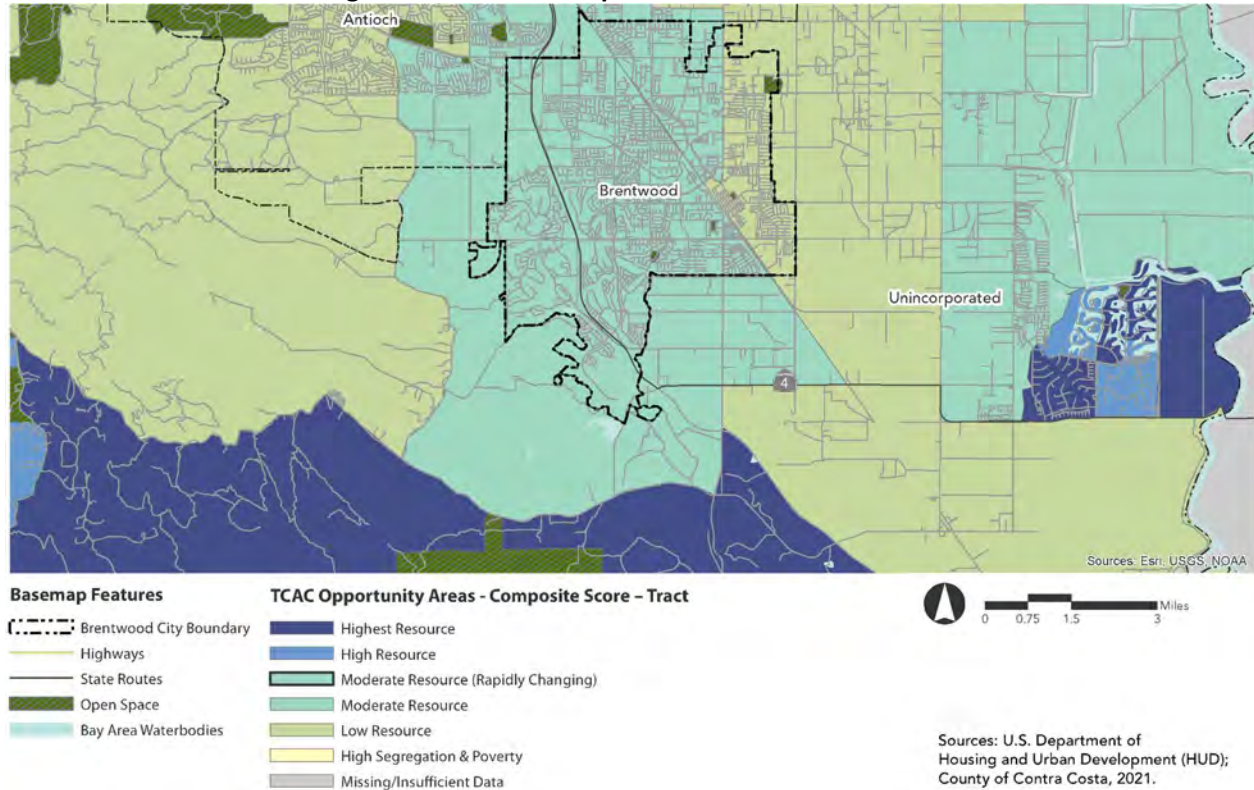
**Figure 3-31: Composite Score of TCAC Opportunity Areas in Contra Costa County**



**LOCAL TRENDS**

The City of Brentwood is composed of mostly moderate resource areas, with a small sliver on the east considered low resource (Figure 3-32). When compared to Figure 3-54, the eastern tracts correspond to those areas defined as sensitive communities, where sensitive communities are communities vulnerable to displacement due to rising property values.

**Figure 3-32: TCAC Composite Scores in Brentwood**



### Opportunity Indices

This section presents the HUD-developed index scores based on nationally available data sources to assess residents’ access to key opportunity assets in comparison to the County. **Table 3-32** provides index scores or values (the values range from 0 to 100) for the following opportunity indicator indices:

- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the index value, the higher the school system quality is in a neighborhood.
- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force participation, and educational attainment in a census tract. The higher the index value, the higher the labor force participation and human capital in a neighborhood.
- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that meets the following description: a 3-person single-parent family with income at 50% of the median income for renters for the region (i.e. the Core-Based Statistical Area (CBSA)). The higher the transit trips index value, the more likely residents in that neighborhood utilize public transit.
- **Low Transportation Cost Index:** This index is based on estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index value, the lower the cost of transportation in that neighborhood.
- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger

employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.

- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the index value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group.

Table 3-32: Opportunity Indices in Contra Costa County						
Index	School Proficiency	Transit Trip	Low Transportation Cost	Labor Market	Jobs Proximity	Environmental Health
<b>Total Population</b>						
White, Non-Hispanic	69.32	79.83	71.72	68.76	49.30	54.75
Black, Non-Hispanic	34.34	81.81	75.62	42.52	48.12	43.68
Asian or Pacific Islander, Non-Hispanic	59.43	80.81	72.22	66.87	45.27	52.22
Native American, Non-Hispanic	49.99	80.47	73.09	51.19	49.04	47.92
Hispanic	39.38	82.31	75.57	42.30	45.11	43.85
<b>Population Below Federal Poverty Line</b>						
White, Non-Hispanic	55.60	81.05	74.17	55.46	50.67	49.39
Black, Non-Hispanic	25.84	84.03	78.23	32.63	48.69	39.84
Asian or Pacific Islander, Non-Hispanic	46.48	84.04	77.75	52.15	50.02	41.52
Native American, Non-Hispanic	19.92	82.61	75.06	34.52	48.41	46.48
Hispanic	30.50	84.69	78.06	32.01	44.57	38.66
Note: American Community Survey Data are based on a sample and are subject to sampling variability. Source: AFFHT Data Table 12; Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA						

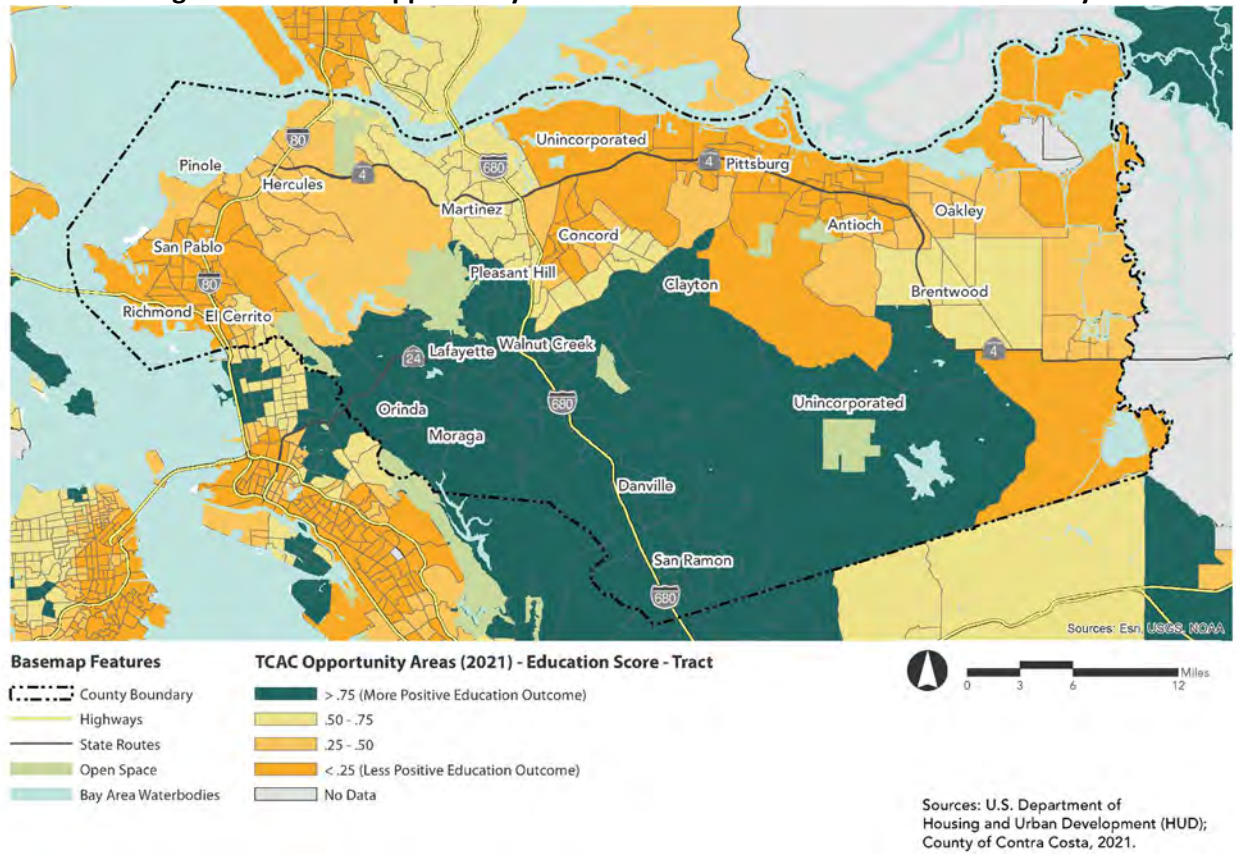
### Education

Housing and school policies are mutually reinforcing, which is why it is important to analyze access to educational opportunities when assessing fair housing. At the most general level, school districts with the greatest amount of affordable housing tend to attract larger numbers of LMI families (largely composed of minorities). As test scores are a reflection of student demographics, where Black/Hispanic/Latino students routinely score lower than their White peers, less diverse schools with higher test scores tend to attract higher income families to the school district. This is a fair housing issue because as higher income families move to the area, the overall cost of housing rises and an exclusionary feedback loop is created, leading to increased racial and economic segregation across districts as well as decreased access to high-performing schools for non-White students.

### REGIONAL TRENDS

According to the Contra Costa County AI, academic outcomes for low-income students are depressed by the presence of high proportions of low-income classmates; similarly situated low-income students perform at higher levels in schools with lower proportions of low income students. The research on racial segregation is consistent with the research on poverty concentration—positive levels of school integration led to improved educational outcomes for all students. Thus, it is important wherever possible to reduce school-based poverty concentration and to give low-income families access to schools with lower levels of poverty and greater racial diversity. The 2021 TCAC Opportunity Areas Education Composite Score for a census tract is based on math and reading proficiency, high school graduation rates, and student poverty rate indicators. The score is broken up by quartiles, with the highest quartile indicating more positive education outcomes and the lowest quartile signifying fewer positive outcomes.

**Figure 3-33: TCAC Opportunity Areas' Education Score in Contra Costa County**

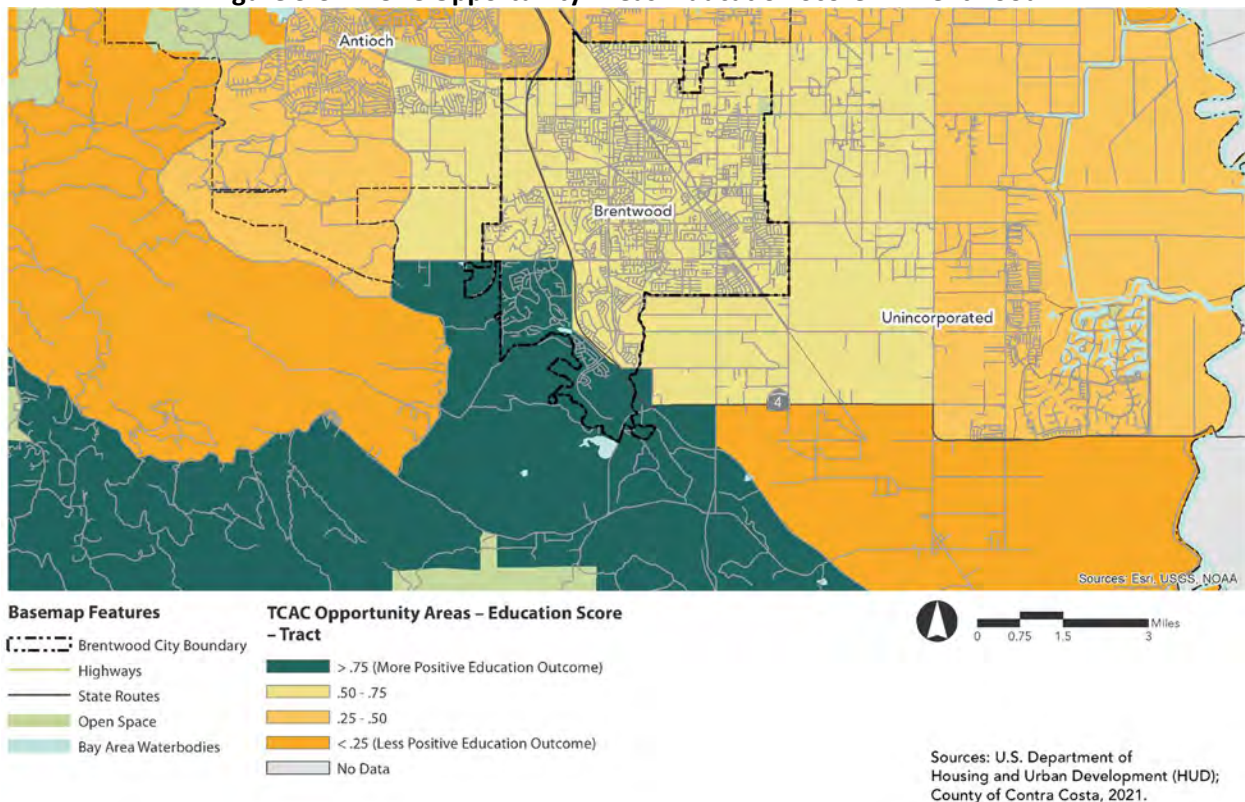


There are 19 public school districts in Contra Costa County, in addition to 124 private schools and 19 charter schools. **Figure 3-33** shows that the northwestern and eastern parts of the county have the lowest education domain scores (less than 0.25) per census tracts, especially around Richmond and San Pablo, Pittsburg, Antioch, east of Clayton, and Concord and its northern unincorporated areas. Census tracts with the highest education domain scores (greater than 0.75) are located in central and southern parts of the county (bounded by San Ramon on the south; Orinda and Moraga on the west; Lafayette, Walnut Creek, Clayton, and Brentwood on the north). Overlaying **Figure 3-27** and **Figure 3-34** reveals that areas with lower education scores correspond with areas with lower income households (largely composed of minorities) and vice versa. **Table 3-32** also indicates that index values for school proficiency are higher for White residents, indicating a greater access to high quality schools regardless of poverty status.

**LOCAL TRENDS**

The City of Brentwood is served by the Brentwood Union Elementary School District (BUESD) for elementary and middle schools and Liberty Union High School District (LUHSD) for high schools. The majority of the city has an Educational Score of 0.50–0.75. Southern tracts of the city have the highest percentile scores of above 0.75, which would indicate a more positive education outcome. Public schools in Brentwood Union Elementary School District (BUESD) have an average math proficiency score of 50% and a reading proficiency score of 59%. Public schools in Liberty Union High School District (LUHSD) have an average math proficiency score of 36% and reading proficiency score of 69%, higher than Contra Costa County’s, where the public school average for math proficiency is 19% and 21% for reading proficiency. In terms of minority enrollment, 59% of the student body is Hispanic in BUESD and 58% of the student body is Hispanic in LUHSD; 71% of the student body is Hispanic in the county. **Figure 3-34 shows that census tracts in the southern region of the City generally have more positive education outcomes.**

**Figure 3-34: TCAC Opportunity Areas’ Education Score in Brentwood**



### **Transportation**

Access to public transit is of paramount importance to households affected by low incomes and rising housing prices, especially because lower income households are often transit dependent. Public transit should strive to link lower income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage and increase housing mobility, which enables residents to locate housing outside of traditionally low-income neighborhoods.

Transportation opportunities are depicted by two indices: (1) the transit trips index and (2) the low transportation cost index. The transit trips index measures how often low-income families in a neighborhood use public transportation. The index ranges from 0 to 100, with higher values indicating a higher likelihood that residents in a neighborhood utilize public transit. The low transportation cost index measures cost of transportation and proximity to public transportation by neighborhood. It too varies from 0 to 100, and higher scores point to lower transportation costs in that neighborhood.

### **REGIONAL TRENDS**

Neither indices, regardless of poverty level, varies noticeably across racial/ethnic categories. All races and ethnicities score highly on both indices with values close in magnitude. If these indices are accurate depictions of transportation accessibility, it is possible to conclude that all racial and ethnic classes have high and relatively equal access to transportation at both the jurisdiction and regional levels. If anything, both indices appear to take slightly higher values for non-Hispanic Blacks and Hispanics, suggesting better access to transit and lower costs for these protected groups.

Contra Costa County is served by rail, bus, and ferry transit but the quality of service varies across the county. Much of Contra Costa County is connected to other parts of the East Bay as well as to San Francisco and San Mateo County by Bay Area Rapid Transit (BART) rail service. The Richmond-Warm Springs/South Fremont and Richmond-Daly City/Millbrae Lines serve El Cerrito and Richmond during peak hours while the Antioch-SFO Line extends east from Oakland to serve Orinda, Lafayette, Walnut Creek, Contra Costa Center/Pleasant Hill, Concord, and the Pittsburg/Bay Point station. An eastward extension, also known as eBART, began service on May 26, 2018. The extension provides service beyond the Pittsburg/Bay Point station to the new Pittsburg Center and Antioch stations. The Capitol Corridor route provides rail service between San Jose and Sacramento and serves commuters in Martinez and Richmond.

In contrast to rail transportation, bus service is much more fragmented in the County and regionally. Several different bus systems including Tri-Delta Transit, AC Transit, County Connection, and WestCat provide local service in different sections of the County. The lack of an integrated network can make it harder for transit riders to understand how to make a trip that spans multiple operators and adds costs during a daily commute.

Within Contra Costa County, transit is generally not as robust in east County despite growing demand for public transportation among residents. The lack of adequate public transportation makes it more difficult for lower-income people in particular to access jobs. Average transit commutes in Pittsburg and Antioch exceed 70 minutes. In Brentwood, average transit commute times exceed 100 minutes.

Transit agencies that service Contra Costa County include County Connection, Tri Delta Transit, WestCAT, AC Transit, and BART. The County Connection Bus (CCCTA) is the largest bus transit system in the county that provides fixed-route and paratransit bus service for communities in Central Contra Costa. Other non-Contra Costa agencies that provide express service to the county include:

- San Francisco Bay Ferry (Richmond to SF Ferry Building);



- Golden Gate Transit (Line 40);
- WHEELS Livermore Amador Valley Transit Authority (Route 70x);
- SolTrans (Route 80/82 and the Yellow Line);
- Capitol Corridor (Richmond/Martinez to cities between Auburn and San Jose);
- Fairfield & Suisun Transit (Intercity express routes);
- Altamont Corridor Express (commute-hour trains from Pleasanton);
- Napa Vine Transit (Route 29)

**Figure 3-35: Public Transit Routes in Contra Costa County**



**LOCAL TRENDS**

Brentwood is served primarily by the Tri Delta Transit (Eastern Contra Costa Transit Authority). Tri-Delta Transit provides local public transportation. Besides Brentwood, the buses stop in Antioch, Oakley, Bay Point, Pittsburg, Martinez, and Concord. The transit authority operates local and express routes on weekdays, local routes on weekends/holidays, and shuttle service to San Francisco 49ers home games. Major transfer points for majority of Tri Delta Transit’s routes include:

- Brentwood Park & Ride in Brentwood
- Antioch BART Station in Antioch
- Pittsburg Center BART Station in Pittsburg
- Pittsburg/Bay Point BART Station in Pittsburg
- Los Medanos College in Pittsburg

Tri Delta Transit operates 21 bus lines at different times. On weekdays, 16 bus lines operate throughout the cities of Pittsburg, Antioch, Oakley, Brentwood, and far-west of Martinez, California. On weekends, only 5 bus lines operate throughout cities of Pittsburg, Antioch, Oakley, and Brentwood only. Weekend bus-lines tend to be longer to cover segments of many weekday-bus lines. **Figure 3-36** shows Tri Delta Transit’s Weekday System Map, with Brentwood shown in the inset map.

Figure 3-36: Public Transit Routes in Brentwood

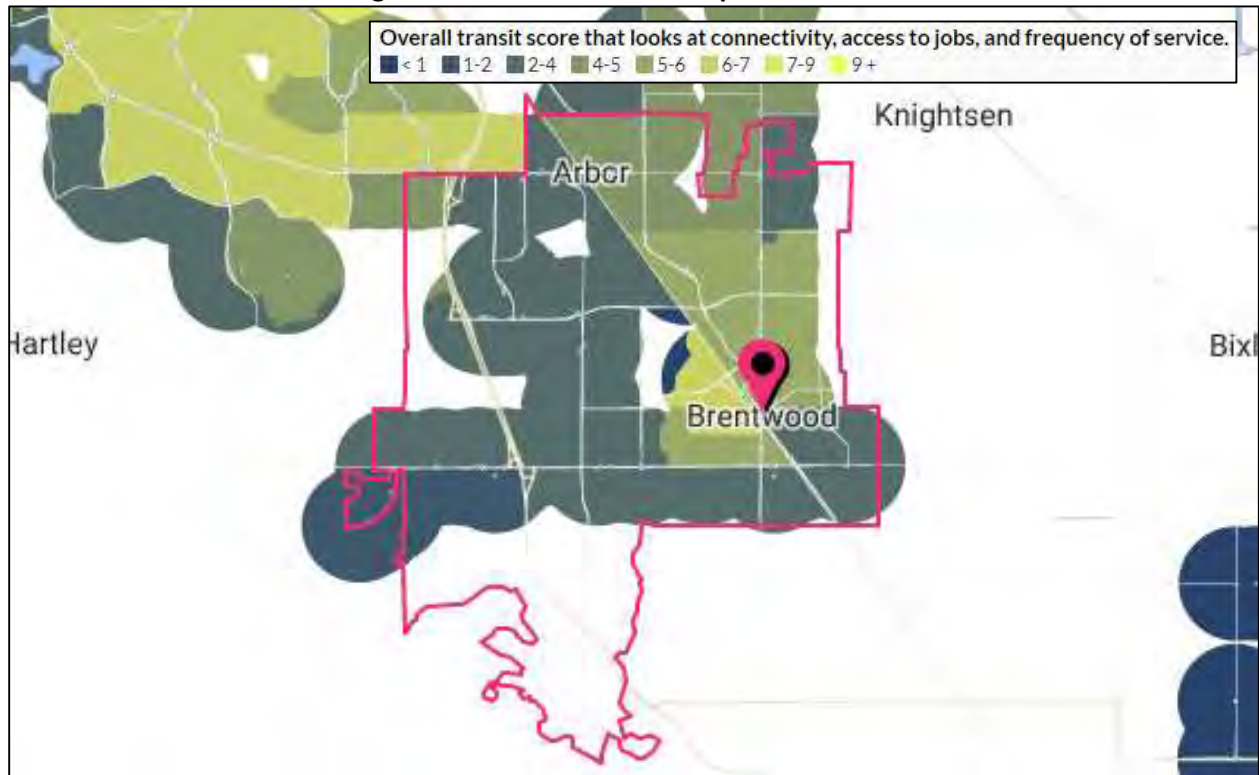


According to AllTransit, an online source of transit connectivity, access, and frequency data, 81.3% of jobs in Brentwood are located within half a mile of transit. However, only 3.26% of commuters use transit. AllTransit states that 0% of the population live near high-frequency transit, which may contribute to the low percentage of commuters who use public transit.

**Figure 3-37** is a map that illustrates transit scores from a range of 1< to >9, where higher scores indicate higher connectivity, access to jobs, and frequency of service. About 60% of the population live in areas with scores of 2–4; about 18% of the population live in areas with scores of 5–6; about 12% of the population live in areas with scores of 4–5. Areas with lower transit scores correlate with a high percentage of LMI populations.

Overall, AllTransit scores Brentwood 3.7/10 for its transit performance, which means that the city has a low combination of trips per week and low number of jobs accessible enabling few people to take transit to work. AllTransit further scores Brentwood 2/100 on its transit connectivity index based on the number of bus routes and train stations within walking distance for households in a given Block Group scaled by the frequency of service.

**Figure 3-37: Transit Metric Map in Brentwood**



**Economic Development**

Employment opportunities are depicted by two indices: (1) the labor market engagement index and (2) the jobs proximity index. The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood, taking into account the unemployment rate, labor-force participation rate, and percent with a bachelor’s degree or higher. The index ranges from 0 to 100, with higher values indicating higher labor force participation and human capital. The jobs proximity index quantifies the accessibility of a neighborhood to jobs in the region by measuring the physical distances between jobs and places of residence. It too varies from 0 to 100, and higher scores point to better accessibility to employment opportunities.

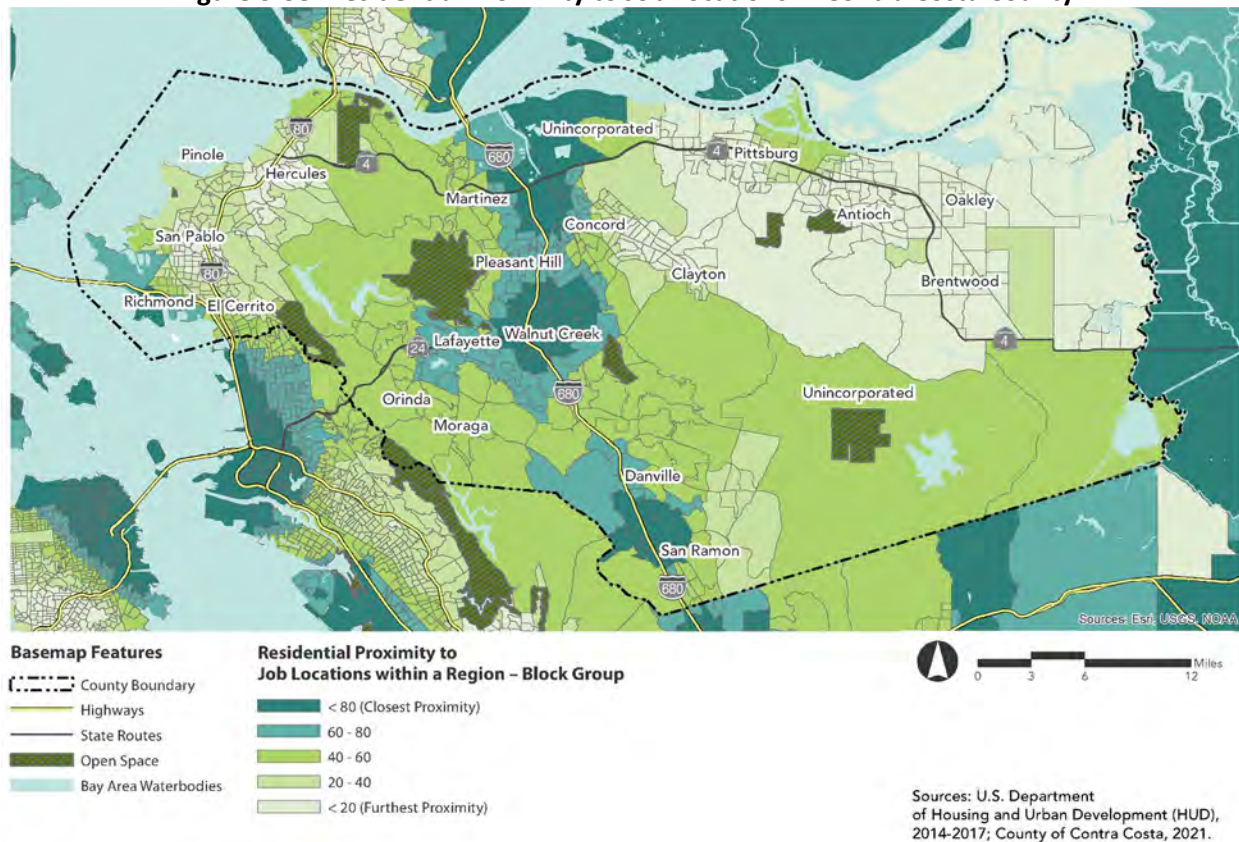
**REGIONAL TRENDS**

In Contra Costa County, non-Hispanic Whites and non-Hispanic Asians/Pacific Islanders are at the top of the labor market engagement index with scores of 66.76 and 66.87 respectively. Non-Hispanic Blacks and Hispanics score the lowest in the county with scores around 32. (Refer to **Table 3-31** for a full list of indices). **Figure 3-38** shows the spatial variability of job proximity in Contra Costa County. Tracts extending north from Lafayette to Martinez and its surrounding unincorporated areas have the highest index values followed by its directly adjacent areas. Cities like Pittsburg, Antioch, Brentwood, Oakley, and Hercules have the lowest index scores (less than 20). Hispanic residents have the least access to employment opportunities with an index score of 45.11, whereas White residents have the highest index score of 49.30.

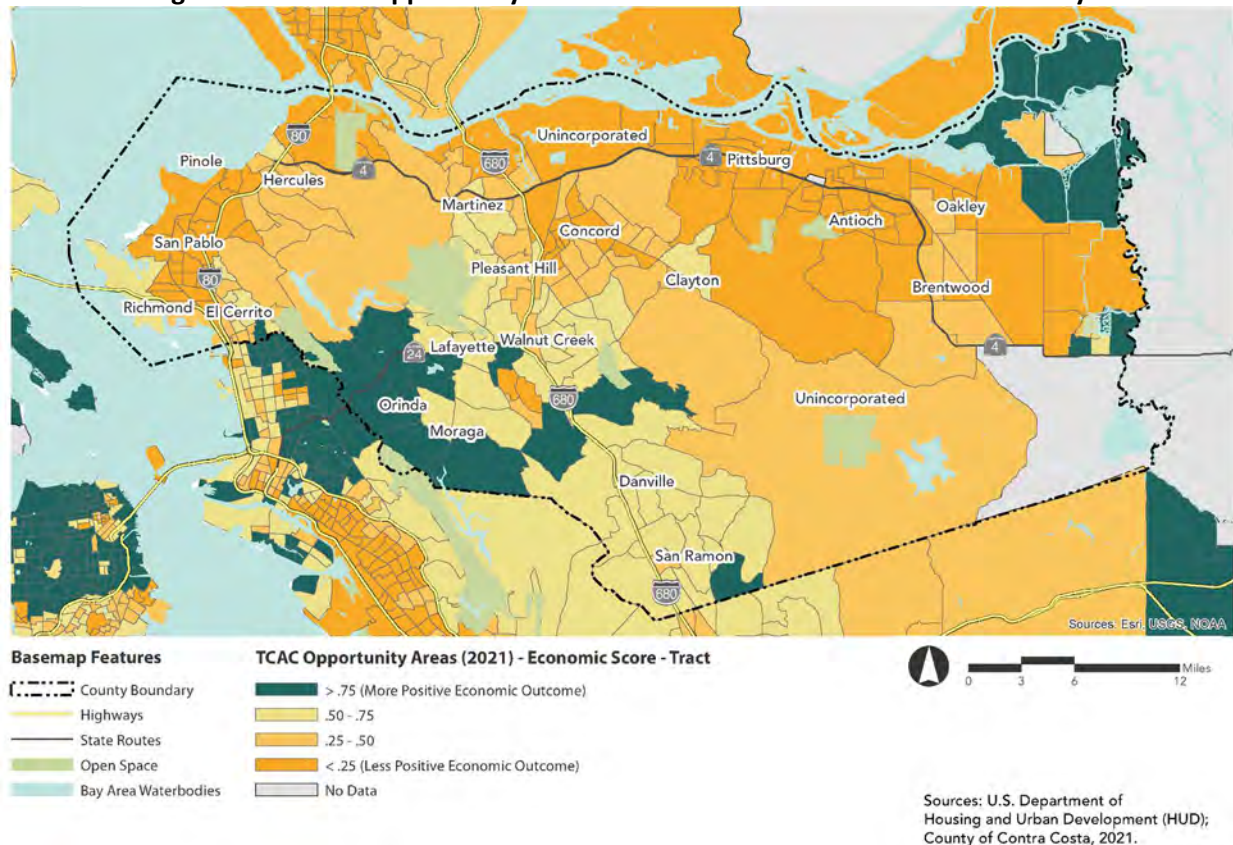
Contra Cost County has wide-variety of economic scores ranging from less than 0.25–greater than .75 (**Figure 3-39**). The County shows disparities in economic scores between the eastern and western regions, with the eastern region scoring lower than the western region.

At the end of 2021, Contra Costa County had an unemployment rate of 4.2%-22,900 residents were without a job. Antioch, Pittsburg, and Richmond were amongst the cities with the highest unemployment rates, 6.6%, 5.6%, and 5.2% respectively. These cities were closely followed by Brentwood, Oakley, and San Pablo. The unemployment rates in cities within Contra Costa County correspond with low opportunity index scores.

**Figure 3-38: Residential Proximity to Job Locations in Contra Costa County**



**Figure 3-39: TCAC Opportunity Areas’ Economic Score in Contra Costa County**



**LOCAL TRENDS**

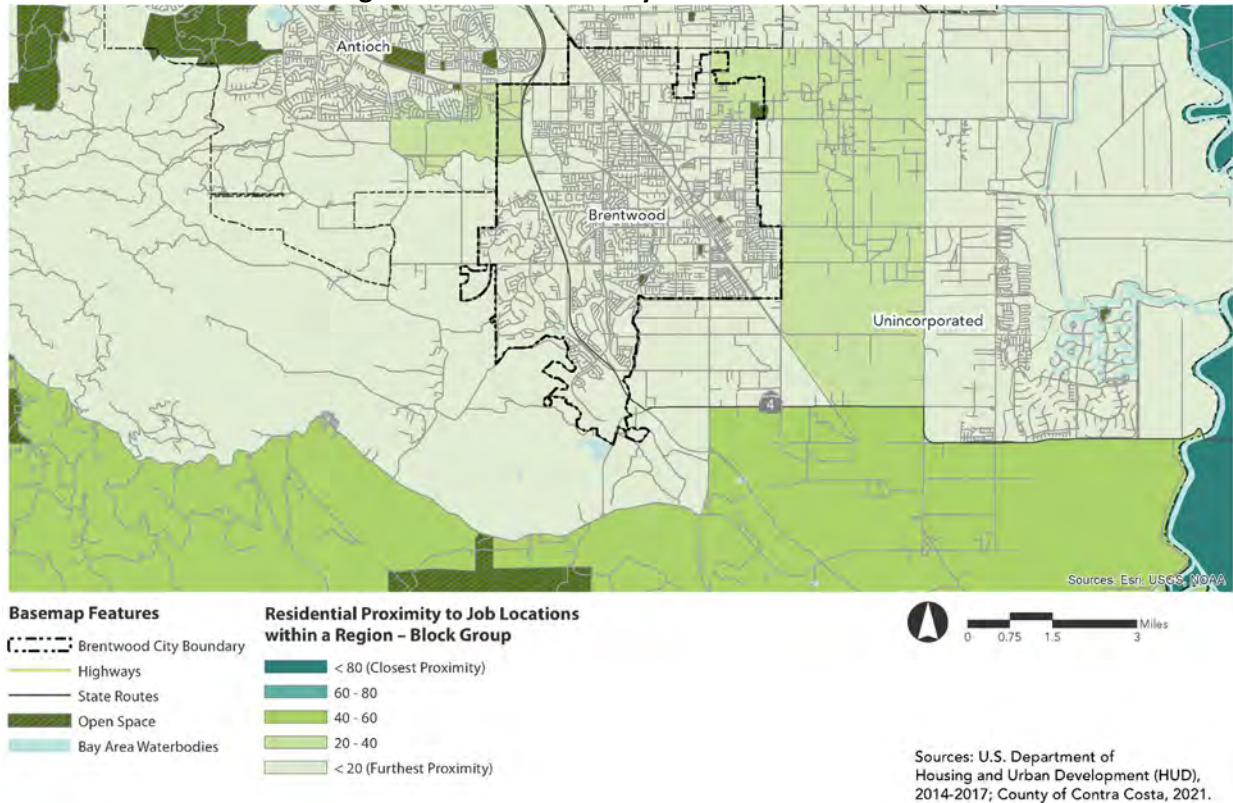
The TCAC/HCD Opportunity Area Maps include economic data, as shown in Figure 3-41. This data represents opportunity levels based on the following factors:

- Poverty – Percent of population with an income above 200 percent of the federal poverty line.
- Adult Education – Percent of adults aged 20-64 who are employed in the civilian labor force in the armed forces.
- Job Proximity – Number of jobs filled by workers with less than a Bachelor of Arts degree within a given radius (determined by the typical commute distance of low-wage workers in each region) or each census tract population-weighted centroid.
- Median Home Value – Value of owner-occupied units.

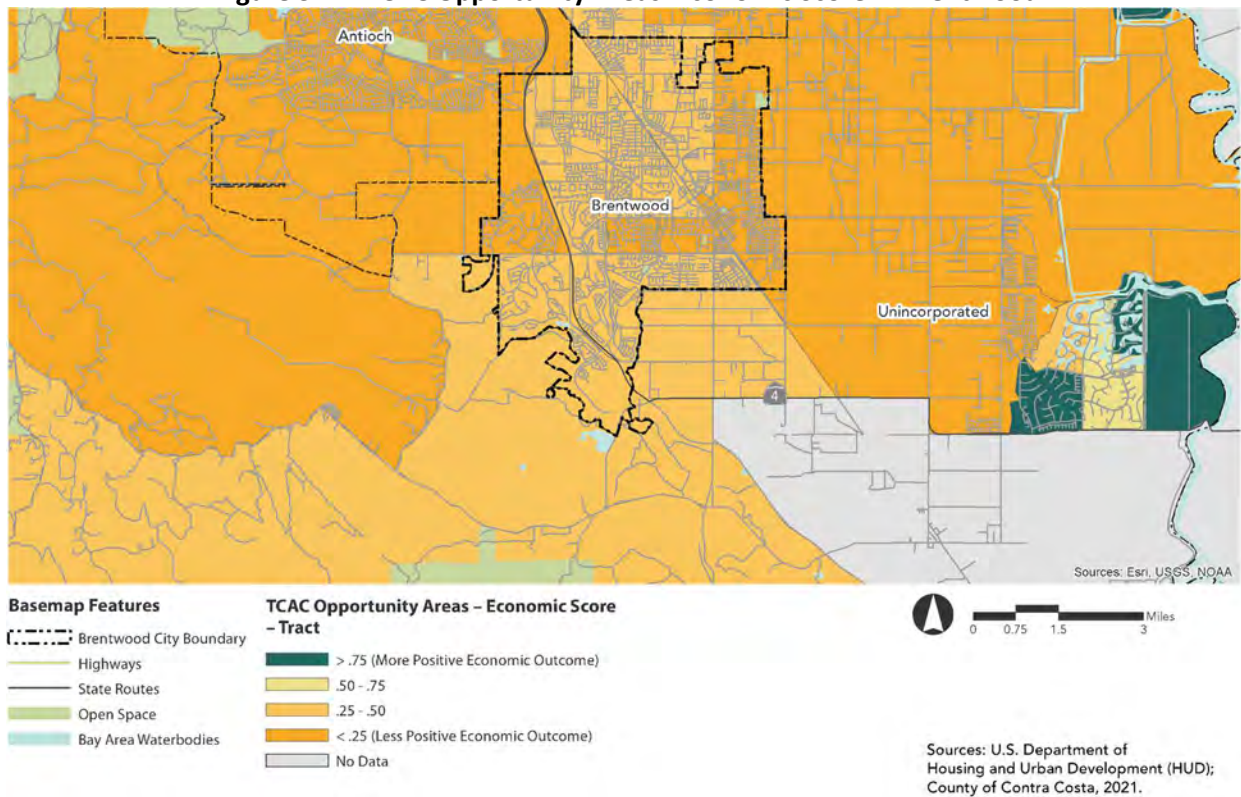
The City of Brentwood had an unemployment rate of 4.9% at the end of 2021. **Figure 3-40** shows the job proximity index by block group for the City of Brentwood. The majority of Brentwood has a Jobs Proximity Index of less than 20, meaning furthest proximity from jobs and longest commute times. Residents in northwest and northeast Brentwood are slightly closer in proximity with their jobs (indices of 20–40). Based on the ACS 2015-2019 5-year estimates, 18.64% of Brentwood residents have a commute time of 60 to 89 minutes. 15.25% of residents have a commute time of 45–59 minutes, and 13.62% of residents have a commute time of 90 or more minutes. According to the Contra Costa County AI, the average transit commute times in Brentwood exceed 100 minutes.

Overall, Brentwood has low-to-moderate economic scores ranging from less than 0.25–0.50 (**Figure 3-41**). Most of Brentwood have scores of 0.25–0.50. The most western and eastern parts of the city are in the lowest quartile of less than 0.25.

**Figure 3-40: Job Proximity Index in Brentwood**



**Figure 3-41: TCAC Opportunity Areas' Economic Score in Brentwood**



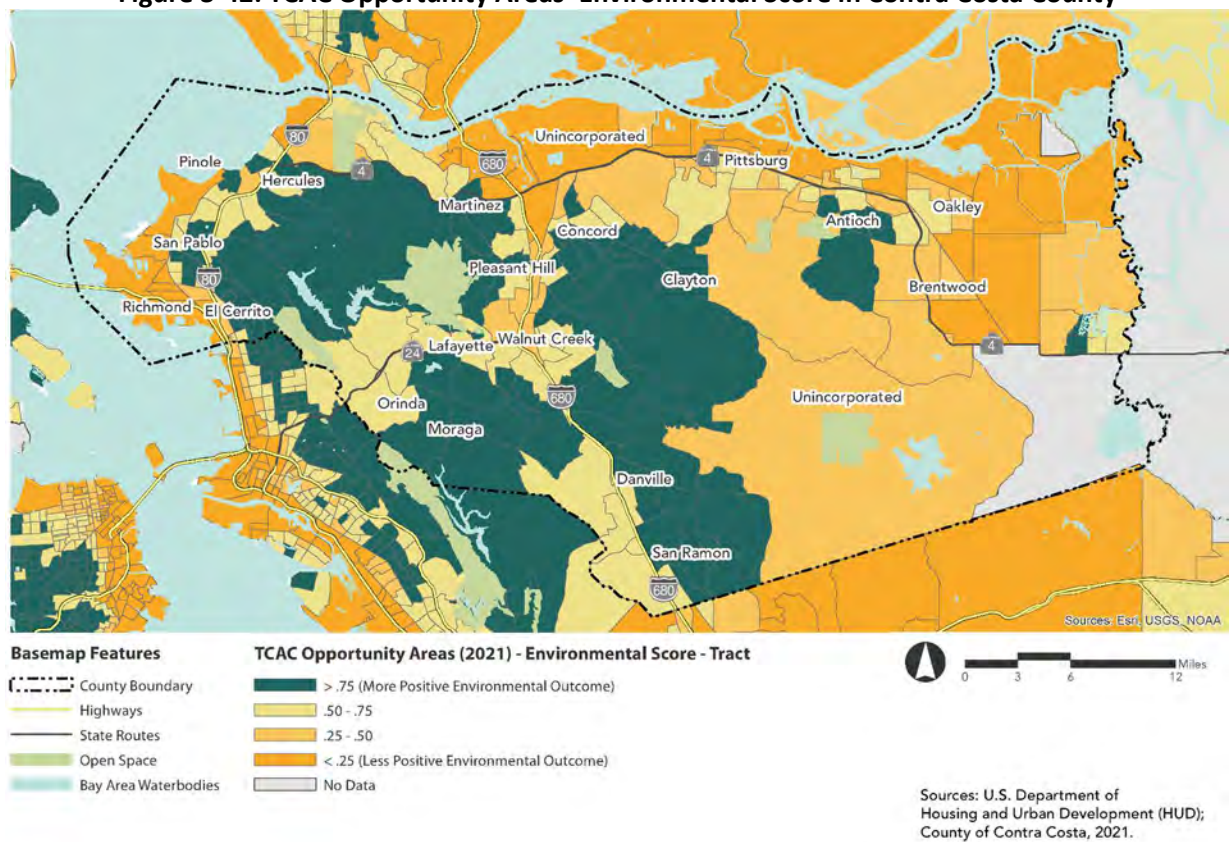
**Environment**

The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. Index values range from 0 to 100 and the higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood, where a neighborhood is a census block-group. There are modest differences across racial and ethnic groups in neighborhood access to environmental quality. All racial/ethnic groups in the Consortium obtained moderate scores ranging from low 40s to mid-50s. Non-Hispanic Blacks and Hispanics have the lowest scores amongst all residents in Contra Costa County with scores of 43; whereas non-Hispanic Whites and Asians/Pacific Islanders have the highest scores (over 50) amongst all residents in Contra Costa County (Refer to **Table 3-32**).

CalEnviroScreen was developed by the California Environmental Protection Agency (CalEPA) to evaluate pollution sources in a community while accounting for a community’s vulnerability to the adverse effects of pollution. Measures of pollution burden and population characteristics are combined into a single composite score that is mapped and analyzed. Higher values on the index indicate higher cumulative environmental impacts on individuals arising from these burdens and population factors.

The California Office of Environmental Health Hazard Assessment (OEHHA) compiles these scores to help identify California communities disproportionately burdened by multiple sources of pollution. In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviroScreen also considers socioeconomic factors such as educational attainment, linguistic isolation, poverty, and unemployment.

**Figure 3-42: TCAC Opportunity Areas’ Environmental Score in Contra Costa County**



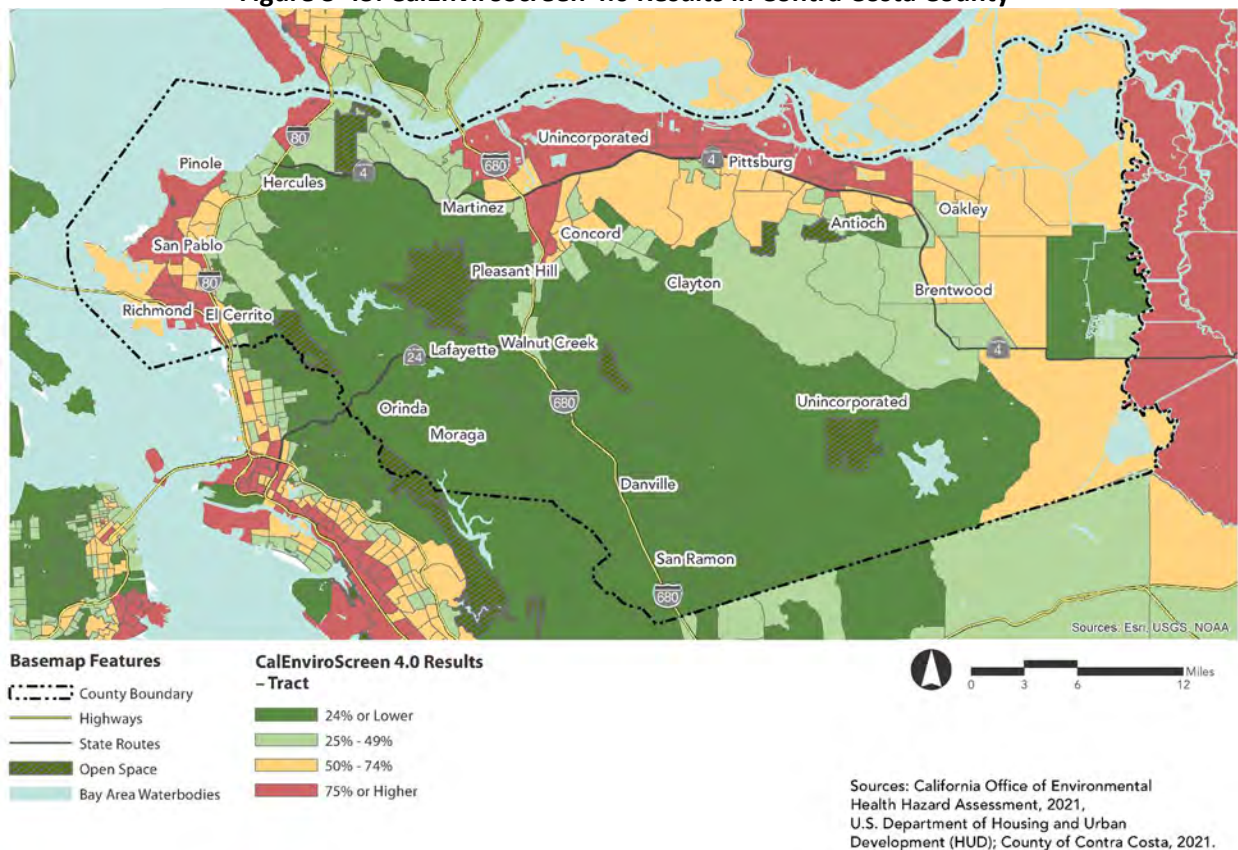


**REGIONAL TRENDS**

**Figure 3-42** above displays the Environmental Score for Contra Costa County based on CalEnviroScreen 3.0 Pollution Indicators and Values that identifies communities in California disproportionately burdened by multiple sources of pollution and face vulnerability due to socioeconomic factors. The highest scoring 25% of census tracts were designated as disadvantaged communities. In Contra Costa County, disadvantaged communities include census tracts in North Richmond, Richmond, Pittsburg, San Pablo, Antioch, Rodeo, and Oakley.

**Figure 3-43** shows updated scores for CalEnviroScreen 4.0 released by the California Office of Environmental Health Hazard Assessment. Generally speaking, adverse environmental impacts are concentrated around the northern border of the county (Bay Point to Pittsburg) and the western border of the county (Richmond to Pinole). Areas around Concord to Antioch have moderate scores and the rest of the county has relatively low scores. From central Contra Costa County, an almost radial gradient effect can be seen from green to red (least to most pollution).

**Figure 3-43: CalEnviroScreen 4.0 Results in Contra Costa County**



**LOCAL TRENDS**

Environmental Scores for the City of Brentwood, shown in **Figure 3-44**, are considerably lower than the rest of the county. The eastern parts of the city have a score of less than 0.25, indicating a less positive environmental outcome. The western parts of the city have a higher score of 0.25–0.50. Updated CalEnviroScreen Scores in **Figure 3-45** show a “necklace” of census tracts around north central Brentwood with scores between 50%–74%. [Table 3-33a and 3-33b compare two census tracts with the highest and lowest pollution burdens in the City.](#)

**Table 3-33a: CalEnviroScreen 4.0 for Census Tract 32.04 (Highest Pollution Burden)**

<u>Pollutant</u>	<u>Percentile*</u>	<u>Health Risk/Burden</u>	<u>Percentile*</u>
<b>Over Percentiles</b>		<b>Environmental Effects</b>	
<u>CalEnviroScreen 4.0</u>	<u>68</u>	<u>Cleanup Sites</u>	<u>0</u>
<u>Pollution Burden</u>	<u>51</u>	<u>Groundwater Threats</u>	<u>56</u>
<u>Population Characteristics</u>	<u>73</u>	<u>Hazardous Waste</u>	<u>64</u>
<b>Exposure</b>		<u>Impaired Waters</u>	<u>77</u>
<u>Ozone</u>	<u>40</u>	<u>Solid Waste</u>	<u>0</u>
<u>Particulate Matter 2.5</u>	<u>31</u>	<b>Socioeconomic Factors</b>	
<u>Diesel Particulate Matter</u>	<u>57</u>	<u>Education</u>	<u>59</u>
<u>Toxic Releases</u>	<u>31</u>	<u>Linguistic Isolation</u>	<u>62</u>
<u>Traffic</u>	<u>51</u>	<u>Poverty</u>	<u>55</u>
<u>Pesticides</u>	<u>64</u>	<u>Unemployment</u>	<u>82</u>
<u>Drinking Water</u>	<u>58</u>	<u>Housing Burden</u>	<u>61</u>
<u>Lead from Housing</u>	<u>24</u>	-	-
<b>Sensitive Populations</b>		-	-
<u>Asthma</u>	<u>67</u>	-	-
<u>Low Birth Weight</u>	<u>64</u>	-	-
<u>Cardiovascular Disease</u>	<u>70</u>	-	-

*\*Percentile derived using a weighted scoring system to determine average pollution burden/socioeconomic scores relative to other census tracts.*  
*Source: CalEnviroScreen 4.0. Accessed July 19, 2023.*

**Table 3-33b: CalEnviroScreen 4.0 for Census Tract 32.02 (Lowest Pollution Burden)**

<u>Pollutant</u>	<u>Percentile*</u>	<u>Health Risk/Burden</u>	<u>Percentile*</u>
<b>Over Percentiles</b>		<b>Environmental Effects</b>	
<u>CalEnviroScreen 4.0</u>	<u>37</u>	<u>Cleanup Sites</u>	<u>47</u>
<u>Pollution Burden</u>	<u>36</u>	<u>Groundwater Threats</u>	<u>55</u>
<u>Population Characteristics</u>	<u>38</u>	<u>Hazardous Waste</u>	<u>45</u>
<b>Exposure</b>		<u>Impaired Waters</u>	<u>77</u>
<u>Ozone</u>	<u>38</u>	<u>Solid Waste</u>	<u>0</u>
<u>Particulate Matter 2.5</u>	<u>30</u>	<b>Socioeconomic Factors</b>	
<u>Diesel Particulate Matter</u>	<u>44</u>	<u>Education</u>	<u>39</u>
<u>Toxic Releases</u>	<u>31</u>	<u>Linguistic Isolation</u>	<u>5</u>
<u>Traffic</u>	<u>49</u>	<u>Poverty</u>	<u>20</u>
<u>Pesticides</u>	<u>8</u>	<u>Unemployment</u>	<u>97</u>
<u>Drinking Water</u>	<u>58</u>	<u>Housing Burden</u>	<u>16</u>
<u>Lead from Housing</u>	<u>12</u>	-	-
<b>Sensitive Populations</b>		-	-
<u>Asthma</u>	<u>67</u>	-	-
<u>Low Birth Weight</u>	<u>7</u>	-	-
<u>Cardiovascular Disease</u>	<u>70</u>	-	-

*\*Percentile derived using a weighted scoring system to determine average pollution burden/socioeconomic scores relative to other census tracts.*  
*Source: CalEnviroScreen 4.0. Accessed July 19, 2023.*

Figure 3-44: TCAC Opportunity Areas' Environmental Score in Brentwood

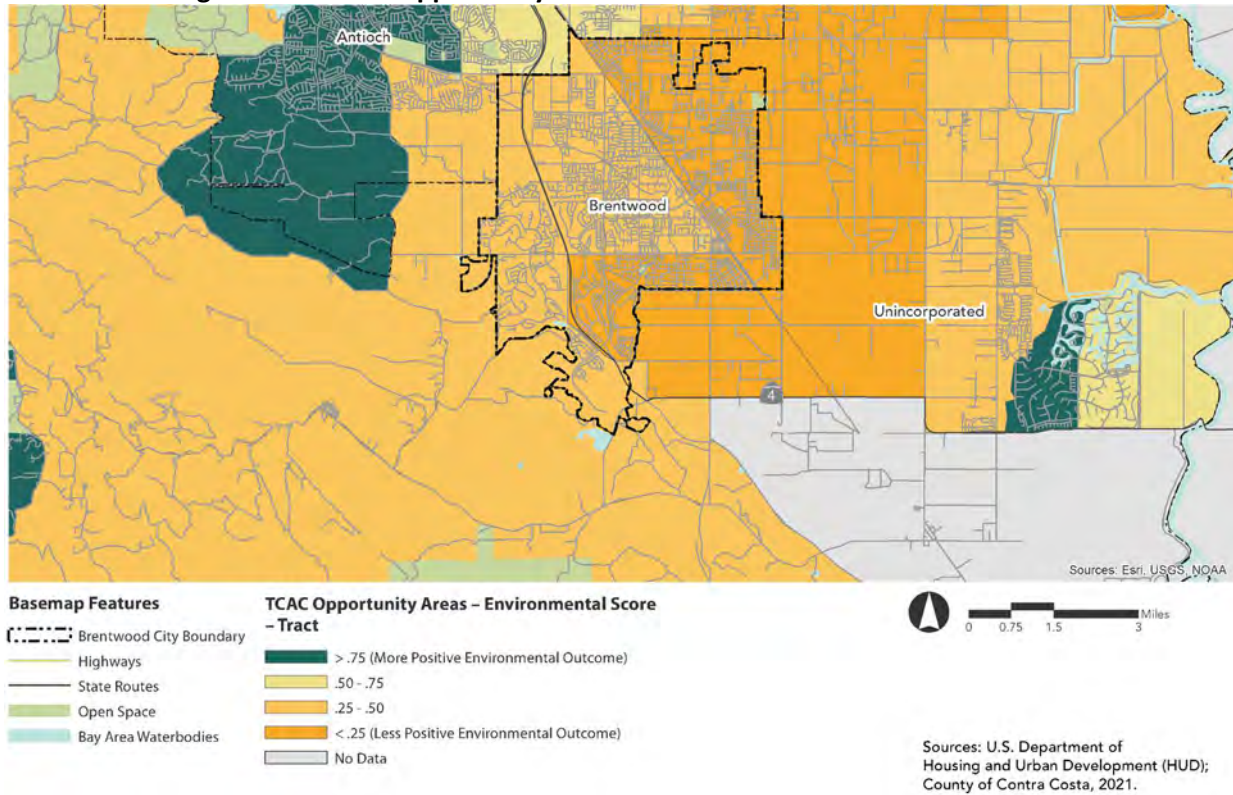
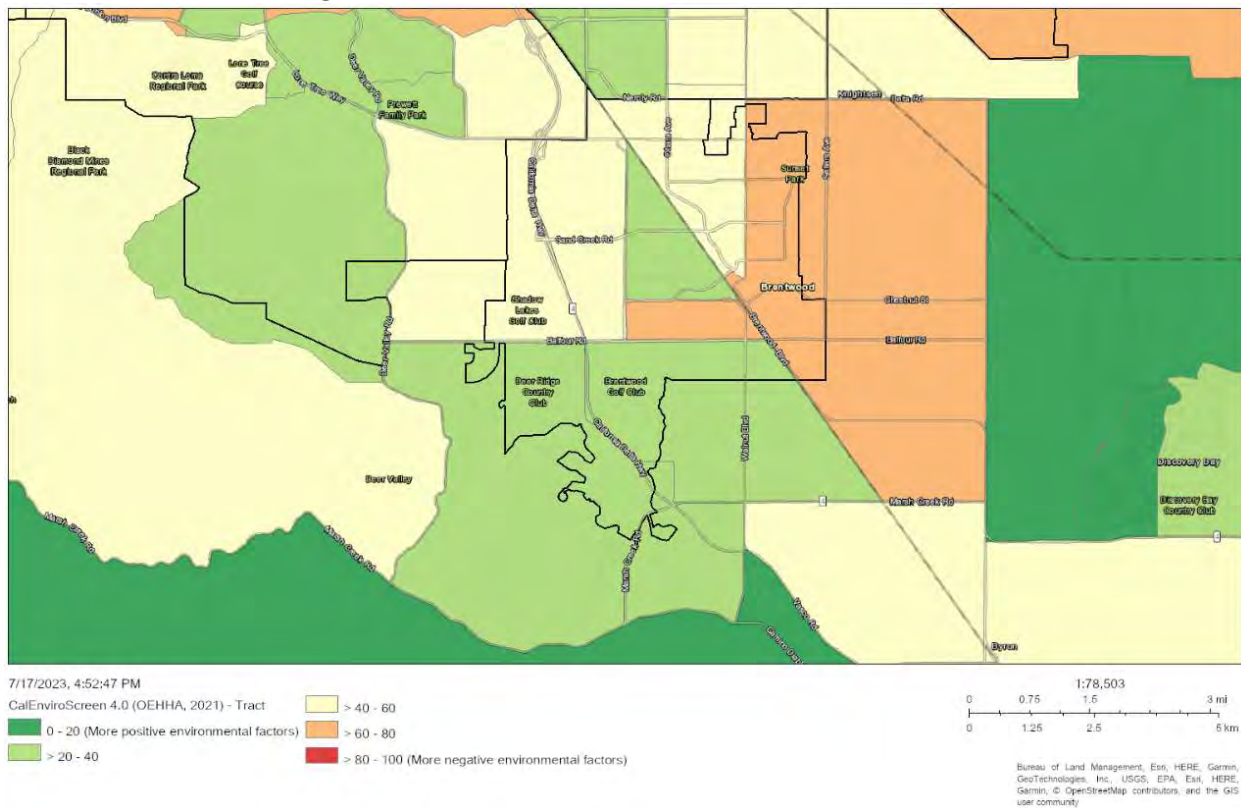


Figure 3-45: CalEnviroScreen 4.0 Results in Brentwood



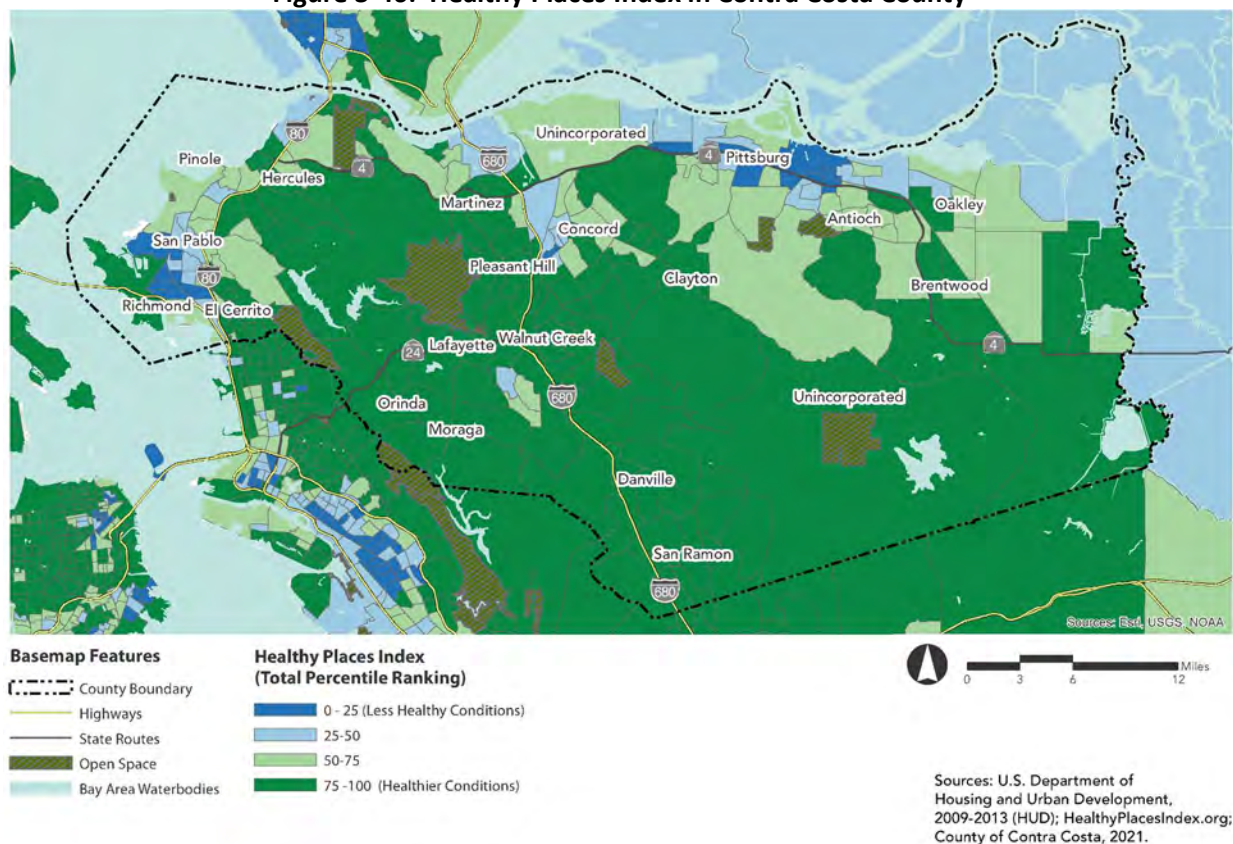
### Health and Recreation

The Healthy Places Index (HPI) is a new tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the state and combined 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate lower conditions.

#### REGIONAL TRENDS

**Figure 3-46** shows the HPI percentile score distributions for Contra Costa County. The majority of the County falls in the highest quarter, indicating healthier conditions. These areas have a lower percentage of minority populations and higher median incomes. The reverse is true for cities with the lowest percentile ranking, which indicates less healthy conditions, are Pittsburg, San Pablo, and Richmond. These areas have higher percentages of minority populations and lower median incomes.

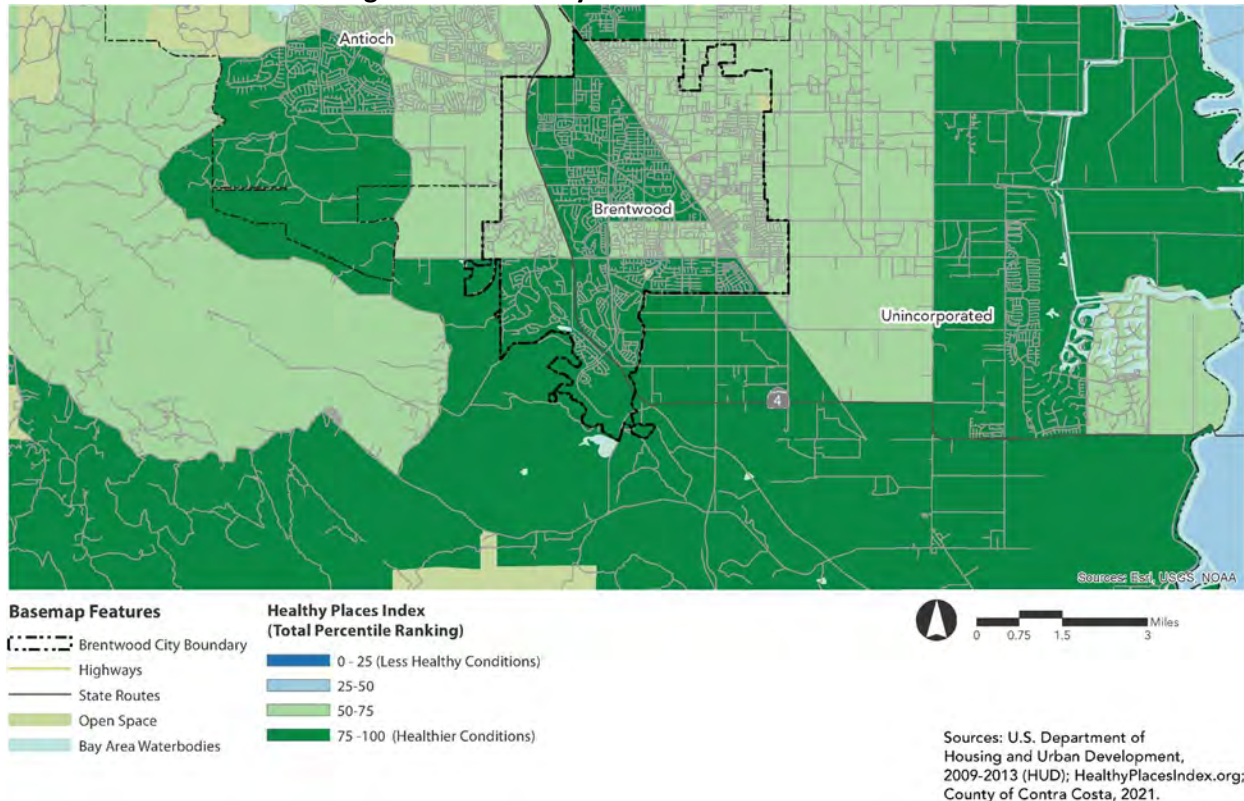
**Figure 3-46: Healthy Places Index in Contra Costa County**



#### LOCAL TRENDS

Over 50% of census tracts in Brentwood are within the highest quartile (75–100) in the Healthy Places Index (**Figure 3-47**). Northwest and northeast Brentwood have slightly lower percentile rankings (50–75); these tracts correspond with tracts that have lower median gross rent (less than \$2,000) and tracts that have high percentages of overpayment by renters.

**Figure 3-47: Healthy Places Index in Brentwood**



### Disproportionate Needs

Disproportionate housing needs generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census for HUD provides detailed information on housing needs by income level for different types of households in Contra Costa County. Housing problems considered by CHAS include:

- Housing cost burden, including utilities, exceeding 30% of gross income;
- Severe housing cost burden, including utilities, exceeding 50% of gross income;
- Overcrowded conditions (housing units with more than one person per room); and
- Units with physical defects (lacking complete kitchen or bathroom).

Severe housing problems are defined as households with at least 1 of 4 housing problems: overcrowding, high housing costs, lack of kitchen facilities, or lack of plumbing facilities.

According to the Contra Costa County AI, a total of 164,994 households (43.90%) in the county experience any one of the above housing problems; 85,009 households (22.62%) experience severe housing problems. Based on relative percentage, Hispanic households experience the highest rate of housing problems regardless of severity, followed by Black households and ‘Other’ races. **Table 3-33c** lists the demographics of households with housing problems in the County.

Hispanic and Black residents face particularly severe housing problems. These housing burdens are greatest in portions of Hercules (along with other cities like Richmond, North Richmond, San Pablo, Concord, Martinez, Pittsburg, Antioch, and Oakley).

**Table 3-33c: Demographics of Households with Housing Problems in Contra Costa County**

Demographic	Total Number of Households	Households with Housing Problems		Households with Severe Housing Problems	
White	213,302	80,864	37.91%	38,039	17.83%
Black	34,275	19,316	56.36%	10,465	30.53%
Asian/Pacific Islander	51,353	21,640	42.14%	10,447	20.34%
Native American	1,211	482	39.80%	203	16.76%
Other	10,355	5,090	49.15%	2,782	26.87%
Hispanic	65,201	37,541	57.58%	23,002	35.28%
<b>Total</b>	<b>375,853</b>	<b>164,994</b>	<b>43.90%</b>	<b>85,009</b>	<b>22.62%</b>

Source: Contra Costa County AI (2020)

There are significant disparities between the rates of housing problems that larger families (households of five or more people) experience and the rates of housing problems that families of five or fewer people experience. Larger families tend to experience housing problems more than smaller families. Non-family households in Contra Costa experience housing problems at a higher rate than smaller family households, but at a lower rate than larger family households. **Table 3-34** lists the number of households with housing problems according to household type.

**Table 3-34: Number of Households with Housing Problems by Household Type in Contra Costa County**

Household Type	No. of Households with Housing Problems
Family Households (< 5 people)	85,176
Family Households (> 5 people)	26,035
Non-family Households	53,733

Source: Contra Costa County AI (2020)

**Cost Burden**

Housing cost burden, or overpayment, is defined as households paying 30% or more of their gross income on housing expenses, including rent or mortgage payments and utilities. Renters are more likely to overpay for housing costs than homeowners. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs.

**REGIONAL TRENDS**

As presented in **Table 3-35**, almost 35.58% of all households experience cost burdens. Renters experience cost burdens at higher rates than owners (48.28% compared to 28.95%).

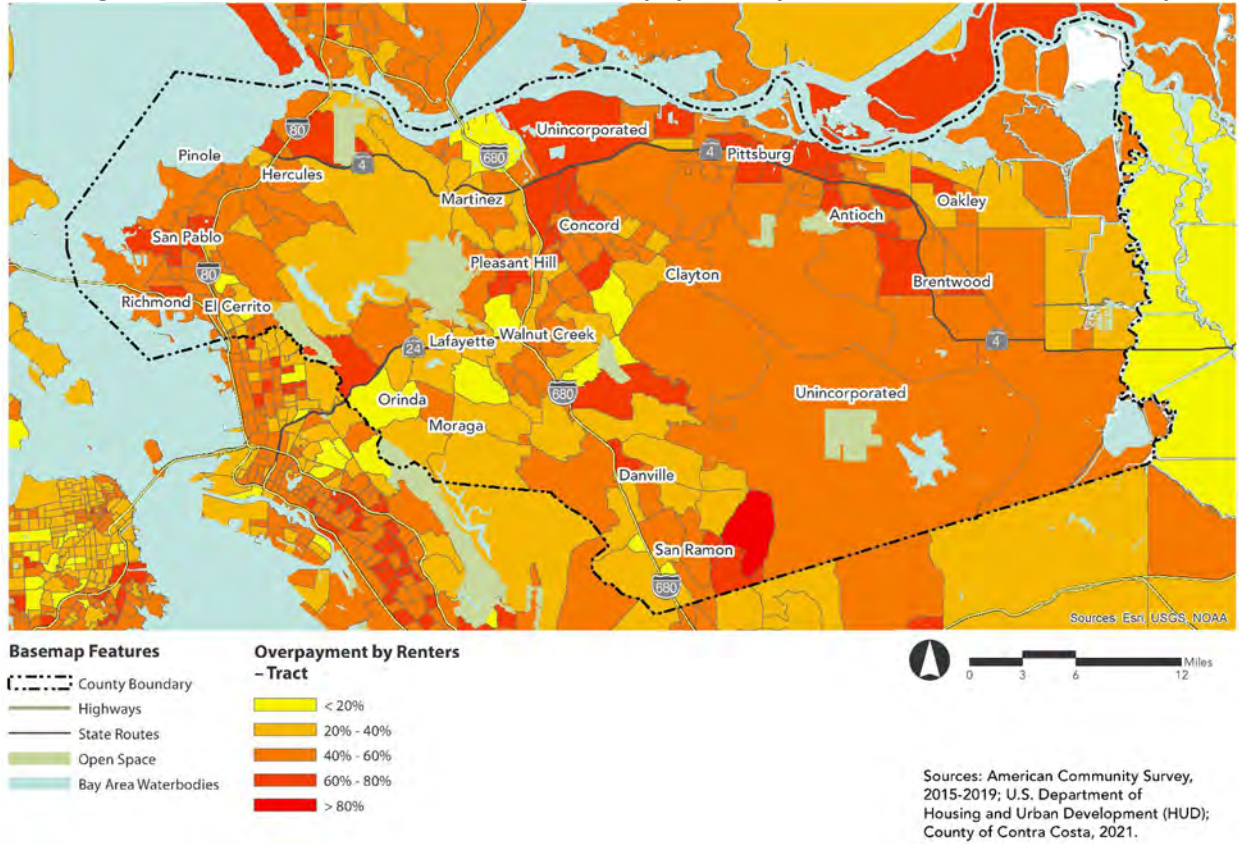
**Table 3-35: Households that Experience Cost Burden by Tenure in Contra Costa County**

Total Number of Households		Cost burden		Percentage of Households that Experience Cost Burden
		>30% to < 50%	> 50%	
Owners Only	257,530	44,535	30,010	28.95%
Renters Only	134,750	32,015	33,040	48.28%
All Households	392,275	76,550	63,050	35.59%

Source: <https://www.huduser.gov/portal/datasets/cp.html>

**Figure 3-48** shows concentrations of cost burdened renter households in and around San Pablo, Pittsburg, Antioch, west Brentwood and Oakley, East San Ramon, and northern parts of Concord towards unincorporated areas. In these tracts, over 80% of renters experience cost burdens. The majority of east Contra Costa County has 60–80% of renter households that experience cost burdens; west Contra Costa County has 20–40% of renter households that experience cost burdens. Census tracts with a low percentage of cost-burdened households are located between San Ramon and Martinez on a north-south axis. In these tracts, less than 20% of renter households experience cost burdens.

**Figure 3-48: Distribution of Percentage of Overpayment by Renters in Contra Costa County**



**LOCAL TRENDS**

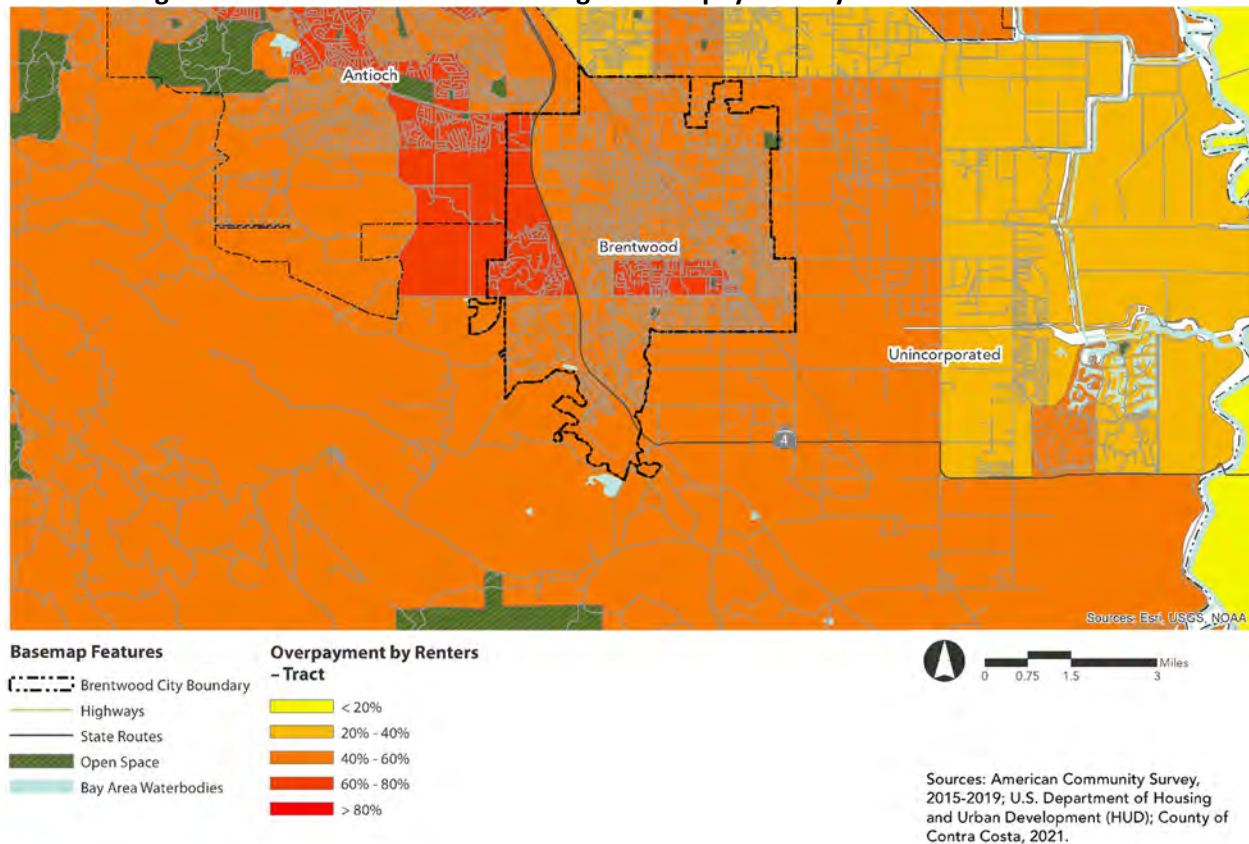
In Brentwood, almost 40% of all households experience cost burden. Similar to Contra Costa County, renters experience higher rates of cost burdens than owners (55.30% to 34.62%) at a higher rate than the county. Refer to **Table 3-36** below for households that experience cost burden by tenure.

Table 3-36: Households that Experience Cost Burden by Tenure in Brentwood				
Total Number of Households		Cost burden		Percentage of Households that Experience Cost Burden
		>30% to ≤ 50%	> 50%	
Owners Only	14,690	3,310	1,775	34.62%
Renters Only	4,855	1,315	1,370	55.30%
All Households	19,545	4,625	3,145	39.75%

Source: <https://www.huduser.gov/portal/datasets/cp.html>, 2014–2018

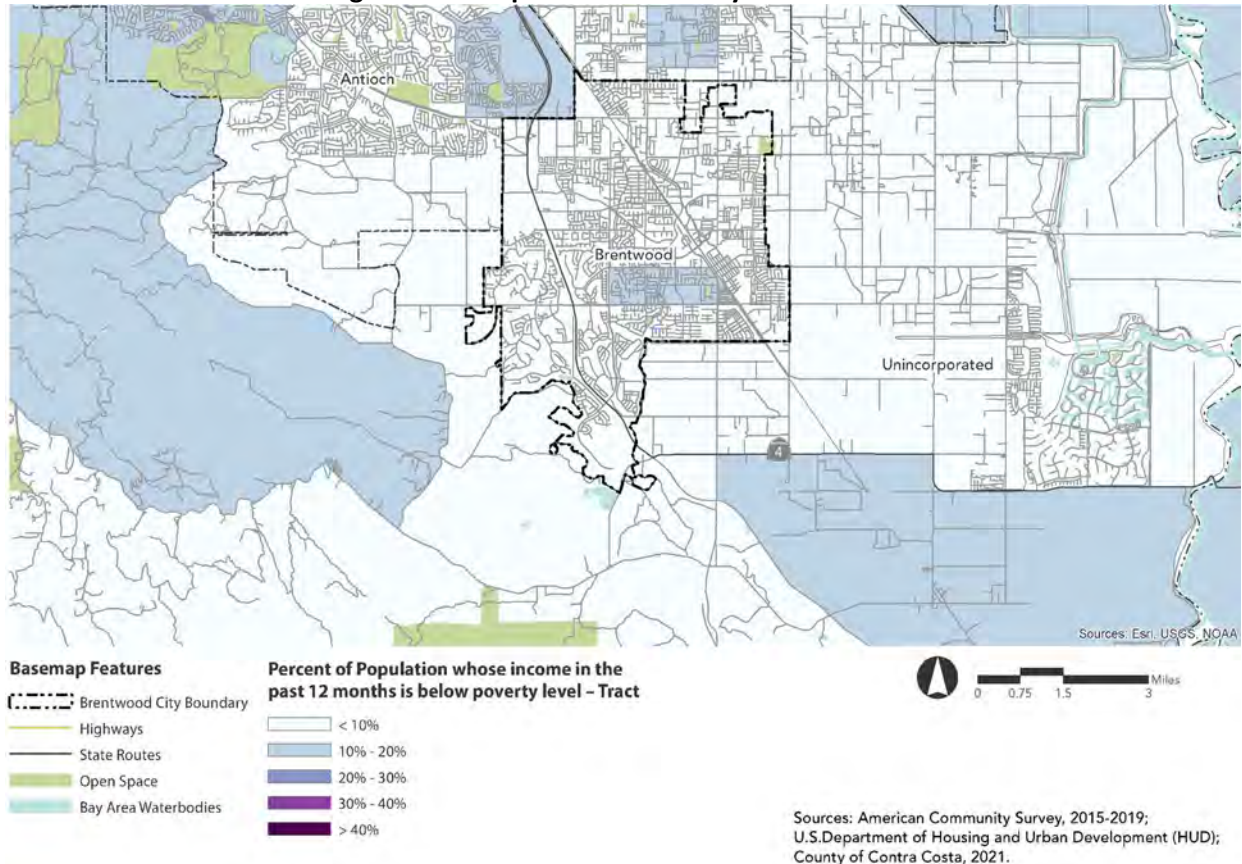
**Figure 3-49** shows high concentrations of cost burdened renter households in western and central parts of Brentwood (over 80%). The rest of the city have 60%–80% of cost burdened renter households. By overlaying **Figure 3-49** and **3-21**, areas where renters experience cost burdens correspond with areas that have high percentages of renters who are in the HCV program. Cost-burdened households have lower median gross rents, lower scores on the healthy places index, and low economic scores compared to other areas of the city. The tract that experiences high percentages of cost burden corresponds to the only tract in the city with populations whose incomes are below the poverty level, as shown in **Figure 3-50**.

**Figure 3-49: Distribution of Percentage of Overpayment by Renters in Brentwood**





**Figure 3-50: Population in Poverty in Brentwood**



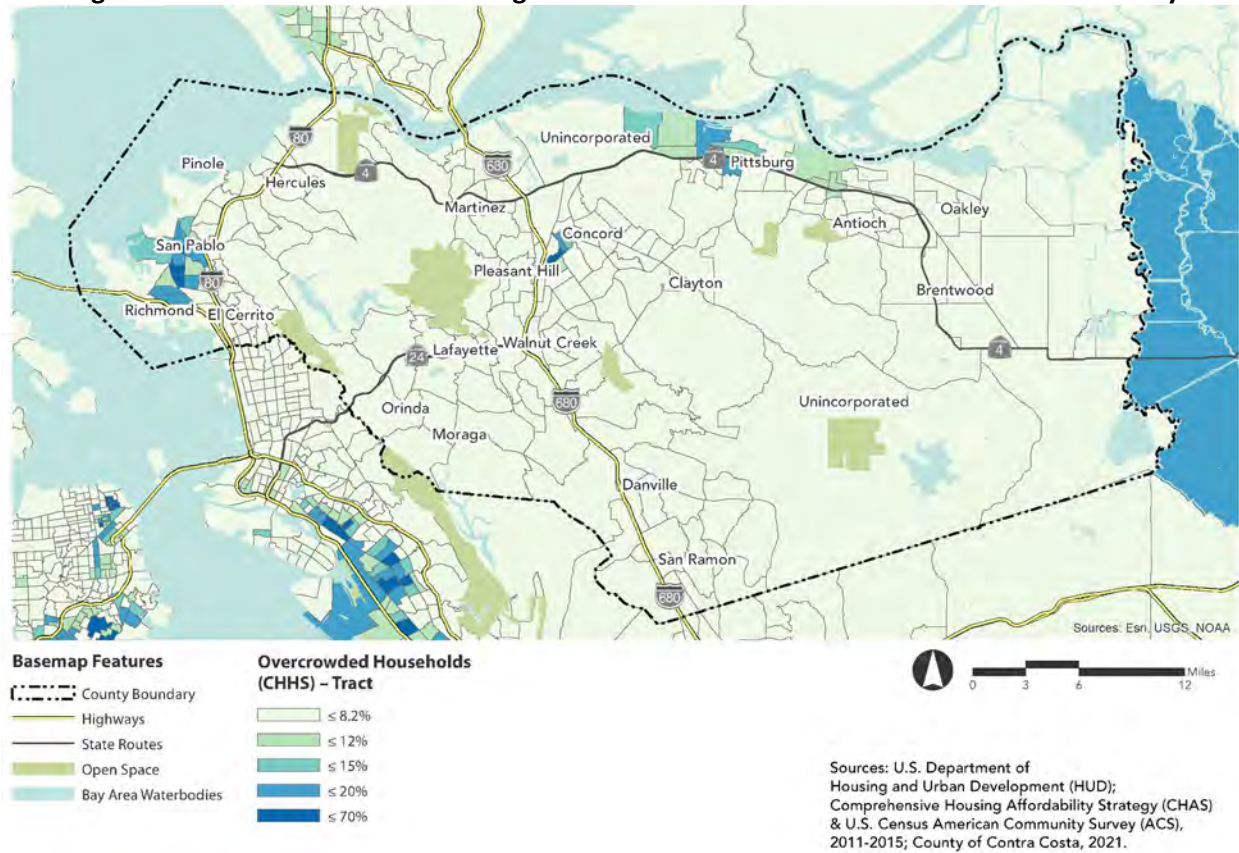
### Overcrowded Households

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen).

#### REGIONAL TRENDS

Figure 3-51 below indicates that Contra Costa County in general has low levels of overcrowded households. Tracts in San Pablo, Richmond, and Pittsburg with higher percentages of non-White population show higher concentrations of overcrowded households compared to the rest of the county. Monument Corridor, the only official R/ECAP in Contra Costa County, a predominantly Hispanic community in Concord, also exhibits more overcrowding than other parts of the County.

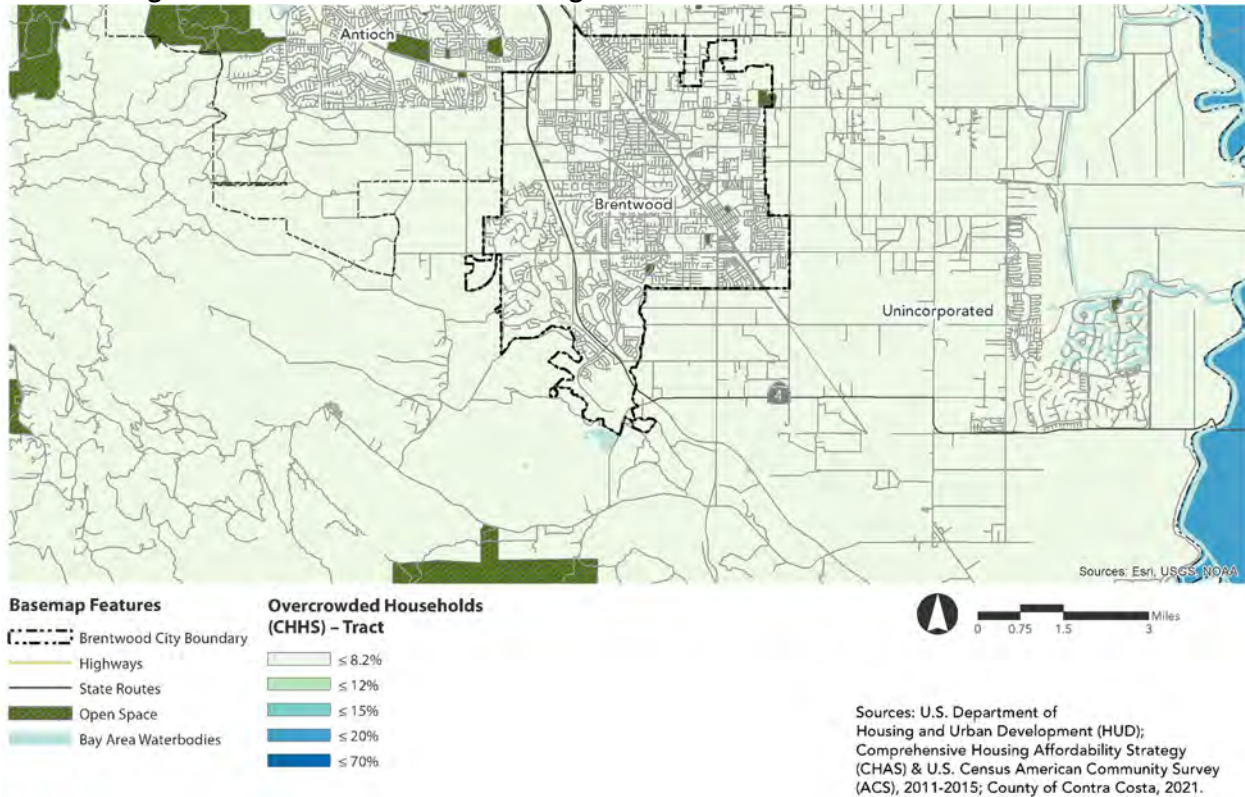
**Figure 3-51: Distribution of Percentage of Overcrowded Households in Contra Costa County**



#### LOCAL TRENDS

The City of Brentwood has a homogenous distribution of concentrations of overcrowded households as illustrated in Figure 3-52 below. All tracts in the city have less than 8.2% of overcrowded households. This could potentially be due to HCV use within the city, which could help maintain low levels of overcrowding even in areas where there is overpayment by renters. Furthermore, according to the ACS 2020 5-year estimates, the City of Brentwood has a high percentage (about 86%) of large housing units with 5 rooms and more. Only 0.40% of all housing units have 1 room, 0.80% have 2 rooms, 3.73% have 3 rooms, and 8.31% have 4 rooms. Large housing units could be another factor in the low percentage of overcrowding. The median number of rooms per housing unit is 6.8.

**Figure 3-52: Distribution of Percentage of Overcrowded Households in Brentwood**



**Substandard Conditions**

Incomplete plumbing or kitchen facilities can be used to measure substandard housing conditions.

**REGIONAL TRENDS**

According to 2015–2019 ACS estimates, shown in **Table 3-37**, 0.86% of households in Contra Costa County lack complete kitchen facilities and 0.39% of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

	Owner	Renter	All Households
Lacking complete kitchen facilities	0.19%	0.67%	0.86%
Lacking complete plumbing facilities	0.19%	0.20%	0.39%

*Source: American Community Survey, 2015-2019 (5-Year Estimates)*

**Table 3-38** below shows the substandard housing within Contra Costa County and the State of California from 2010 to 2019. The County has seen a drop in occupied housing units without complete plumbing and kitchen facilities from 2010 and 2019. In 2019, the County had a lower percent of occupied housing units without complete kitchen facilities compared to the State (0.9 percent and 1.1 percent, respectively). Furthermore, the County and the State had about the same percentage of occupied housing units without complete plumbing facilities by 2019.

Factors	Contra Costa County		State of California	
	2010	2019	2010	2019
Total Occupied Housing Units	368,087	394,769	12,392,852	13,044,266
Without Complete Plumbing Facilities	0.6%	0.4%	0.5%	0.4%
Without Complete Kitchen Facilities	1.5%	0.9%	1.1%	1.1%

*Source: American Community Survey, 5-Year Estimates, 2010, 2019.*

**Table 3-39** below displays the County’s housing stock by year built. Older housing may generally require more upkeep and regular maintenance and can cause a cost burden on both renters and homeowners. Units over 30 years of age are considered older and more at-risk of requiring upgrades. Approximately 56.6 percent of the County’s housing stock was built prior to 1980. About half of housing units within the County that are over 30 years of age and should be considered for major rehabilitation.

Year Built	Number of Occupied Housing Units	Percent
2014 or later	5,896	1.4%
2010 to 2013	7,275	1.8%
2000 to 2009	48,920	11.8%
1990 to 1999	51,483	12.4%
1980 to 1989	65,888	15.9%
1970 to 1979	78,180	18.9%
1960 to 1969	58,469	14.1%
1950 to 1959	52,903	12.8%
1940 to 1949	26,824	6.5%
1939 or earlier	17,881	4.3%

*Source: American Community Survey, 5-Year Estimates, 2019.*

**LOCAL TRENDS**

According to 2015–2019 ACS estimates, shown in **Table 3-40**, substandard housing conditions in Brentwood follow similar patterns in Contra Costa County, where higher percentages of renter households have substandard housing conditions compared to owner households. Brentwood has a higher percentage of households lacking complete kitchen facilities than the County.

	Owner	Renter	All Households
Lacking complete kitchen facilities	0.41%	0.67%	0.86%
Lacking complete plumbing facilities	0%	0.17%	0.17%

*Source: American Community Survey, 2015-2019 (5-Year Estimates)*

**Table 3-41** below shows the substandard housing within Brentwood and the State of California from 2010 to 2019. The City has seen a drop in occupied housing units without complete plumbing and kitchen facilities from 2010 and 2019. In 2019, the City had 0.5 percent of occupied housing units without complete kitchen facilities compared to 0.4 percent for the State. [As shown in Figures 3-52a and b, the](#)

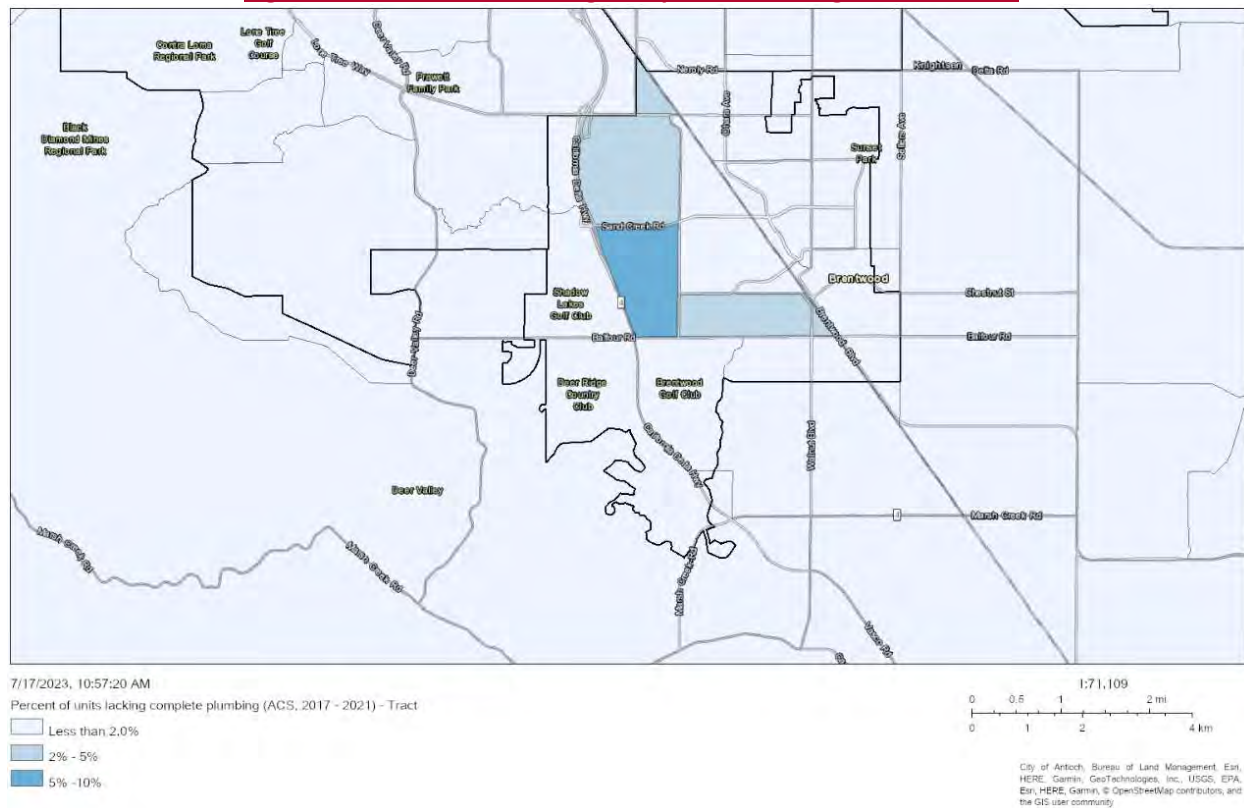
Brentwood 2023-2031 Housing Element

City has a few census tracts which report greater percentages of households lacking complete facilities. The data in Table 3-41 shows that over time substandard housing conditions have decreased in the City. The substandard units illustrated in the maps are located in areas of recent development interest; as such, substandard units may continue to decrease over time as new residential developments move forward and as the City’s Code Enforcement works with property owners.

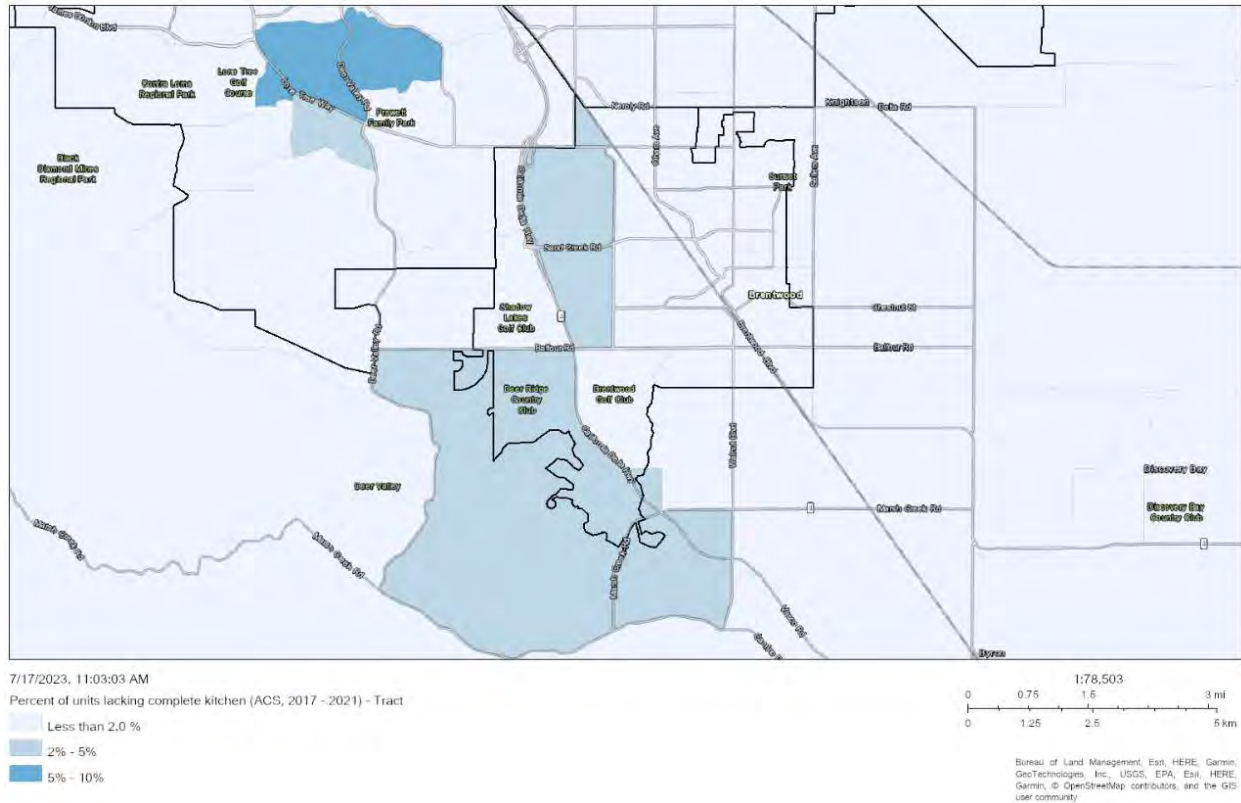
Factors	Brentwood		State of California	
	2010	2019	2010	2019
Total Occupied Housing Units	14,805	19,906	12,392,852	13,044,266
Without Complete Plumbing Facilities	0.8%	0.5%	0.5%	0.4%
Without Complete Kitchen Facilities	1.1%	0.9%	1.1%	1.1%

Source: American Community Survey, 5-Year Estimates, 2010, 2019.

**Figure 3-52a: Percent Lacking Complete Plumbing in Brentwood**



**Figure 3-52b: Percent Lacking a Complete Kitchen in Brentwood**



**Table 3-42** below displays the City’s housing stock by year built. Approximately 11.2 percent of the City’s housing stock was built prior to 1980. The majority of the City’s housing stock was built after 1980, which indicates newer housing units.

Year Built	Number of Occupied Housing Units	Percent
2014 or later	1,482	7.2%
2010 to 2013	1,158	5.6%
2000 to 2009	10,069	48.8%
1990 to 1999	4,578	22.2%
1980 to 1989	1,005	4.9%
1970 to 1979	999	4.8%
1960 to 1969	357	1.7%
1950 to 1959	605	2.9%
1940 to 1949	183	0.9%
1939 or earlier	191	0.9%

*Source: American Community Survey, 5-Year Estimates, 2019.*

The current distribution of the age of homes in Brentwood also indicates that a minority of homes in the City were built prior to the 1990 Americans with Disabilities Act (ADA), which may result in a lack of accessible homes for those residents experiencing a disability. The City’s older housing stock also reflects

a need to rehabilitate housing to meet minimum livability and quality requirements, which may be a barrier to homeowners and residents in Brentwood who have a lower income or a fixed income.

**Displacement Risk**

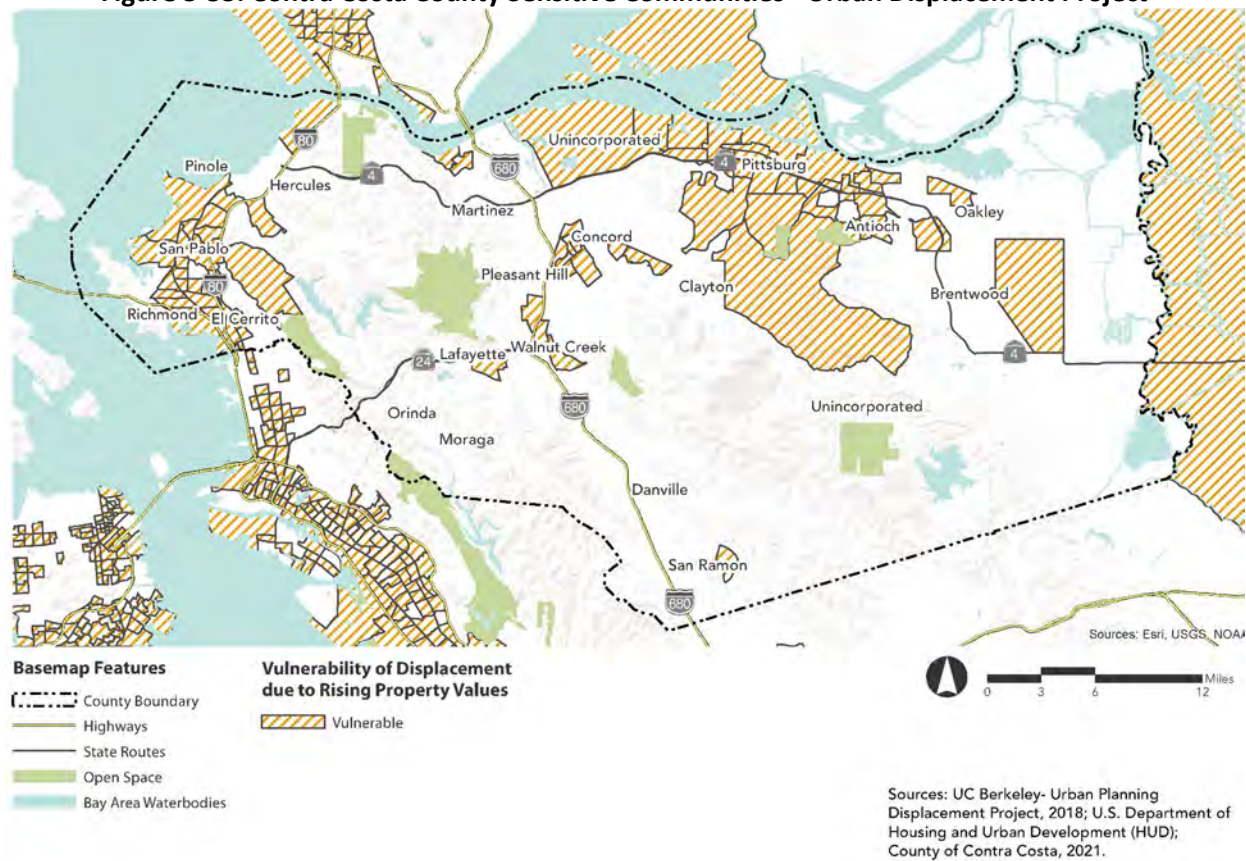
Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in. UC Berkeley’s Urban Displacement Project (UDP) states that a census tract is a sensitive community if the proportion of very low income residents was above 20% in 2017 and the census tracts meets two of the following criteria: (1) Share of renters above 40% in 2017; (2) Share of Non-White population above 50% in 2017; (3) Share of very low-income households (50% AMI or below) that are also severely rent burdened households above the county median in 2017; or (4) Nearby areas have been experiencing displacement pressures.

The potential for economic displacement risk can result from a variety of factors, including large-scale development activity, neighborhood reinvestment, infrastructure investments, and changes in local and regional employment opportunities. Economic displacement can be an inadvertent result of public and private investment, where individuals and families may not be able to keep pace with increased property values and market rental rates.

**REGIONAL TRENDS**

Using the methodology above, sensitive communities were identified in areas between El Cerrito and Pinole; Pittsburg, Antioch and Clayton; East Brentwood; and unincorporated land in Bay Point. Small pockets of Sensitive Communities are also found in central Contra Costa County from Lafayette towards Concord. Refer to **Figure 3-53**.

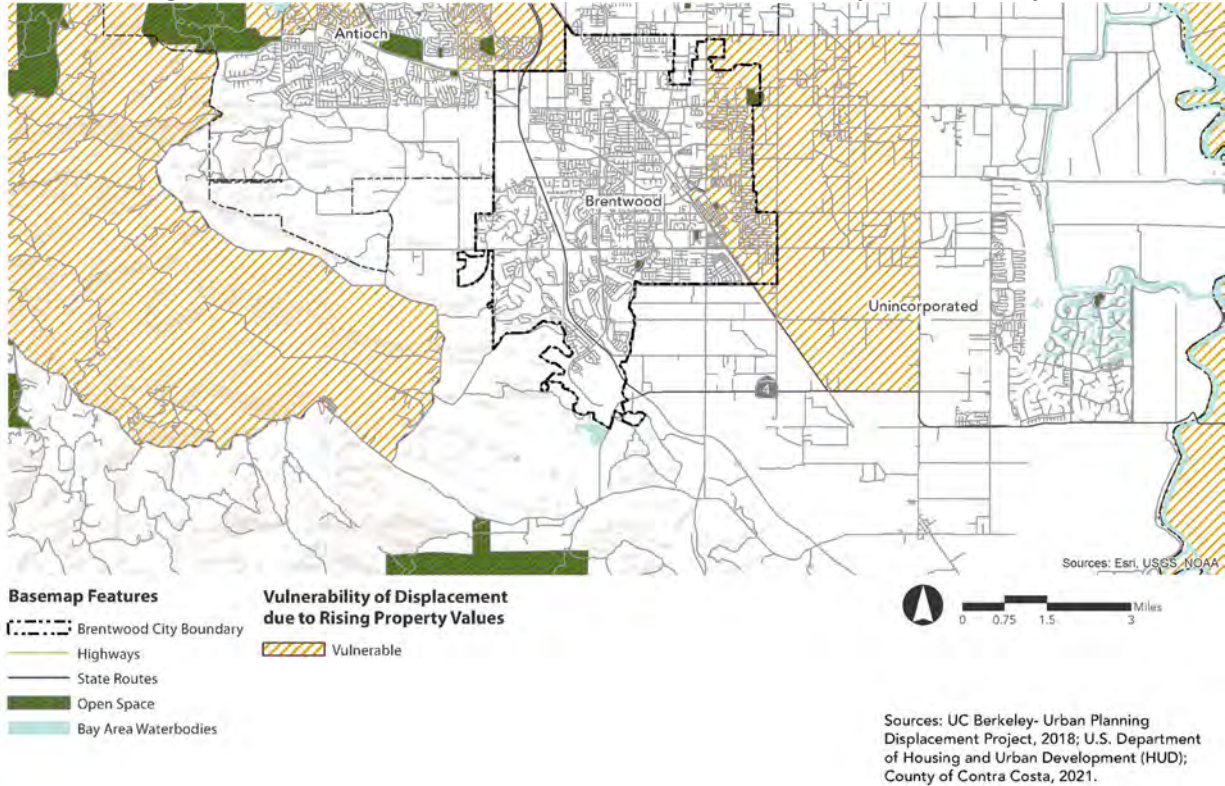
**Figure 3-53: Contra Costa County Sensitive Communities - Urban Displacement Project**



**LOCAL TRENDS**

In 2015, the UDP conducted research on gentrification and displacement in the Bay Area, which concluded that nearly 48% of Bay Area neighborhoods are experiencing displacement. However, in Brentwood, only the easternmost census tract (6013303103) was identified as having sensitive communities (see **Figure 3-54**). This area corresponds to block groups with higher percentages of non-white populations.

**Figure 3-54: Brentwood Sensitive Communities - Urban Displacement Project**



**Table 3-43** analyzes the easternmost census tract in the City, which is the most vulnerable to displacement. About 53.1 percent of this block group is comprised of non-white populations.



<b>Table 3-43: Areas Vulnerable of Displacement (2019)</b>		
<b>Data</b>	<b>6013303103</b>	
<b>Demographics</b>		
Population	12,652	
Households	3,907	
Renter Occupied	31.70%	
Median Income	\$93,697	
Low-Income Households	43.8%	
Speak English Less Than Very Well	9.5%	
Race/Ethnicity: Latino-White	White	47.0%
	Black	6.60%
	Asian	7.90%
	LatinX	33.50%
	Other	5.10%
<b>Housing</b>		
Median Rent	\$1,575	
Rent Gap	Tract rent is \$428.40 lower than nearby rents.	
Hot Market	No	
Displacement Type:	At-Risk of Displacement	
<i>Note: The Census greatly underestimates rent and home values.</i>		
<i>Source: California Department of Housing and Community Development – AFFH Data Viewer</i>		

In addition to displacement and gentrification data, the UC Berkeley Urban Displacement Project also analyzes the occurrence of anti-displacement policies, as defined below:

- **Just Cause Eviction Ordinance.** Just cause eviction statutes are laws that allow tenants to be evicted only for specific reasons. These “just causes” can include a failure to pay rent or violation of the lease terms.
- **Rent Stabilization or Rent Control.** Rent Control ordinances protect tenants from excessive rent increases, while allowing landlords a reasonable return on their investments. Such ordinances limit rent increase to certain percentages, but State law allows landlords to raise rents to the market rate once the unit becomes vacant.
- **Rent Review Board and/or Mediation.** Rent review boards mediate between tenants and landlords on issues related to rent increases and encourage them to come into voluntary agreement. As mediators, the board normally does not make binding decisions.
- **Mobile Home Rent Control.** Mobile home rent control places specific rent increase restrictions on the land rented by mobile homeowners, or the mobile homes themselves.
- **SRO (Single-Room Occupancy) Preservation.** Single room occupancies, also called residential hotels, house one or two people in individual rooms. Tenants typically share bathrooms and/or kitchens. These are often considered a form of permanent residence affordable for low-income individuals. SRO Preservation Ordinances help to preserve or create new SRO units.
- **Condominium Conversion Regulations.** In addition to state laws regulating the conversion of multi-family rental property into condominiums, many cities have enacted condominium conversion ordinances. These impose procedural restrictions and/or substantive restrictions on the ability to convert apartment units into condominiums to protect the supply of rental housing.
- **Foreclosure Assistance.** Many cities and counties have local programs that assist homeowners when they are at risk of foreclosure. These programs may be funded with federal grants.

- **Jobs-Housing Linkage Fee or Affordable Housing Impact/Linkage Fee.** Affordable housing impact/linkage fees are charges on developers of new market-rate, residential developments. They are based on the square footage or number of units in the developments and are used to develop or preserve affordable housing.
- **Commercial Linkage Fee/Program.** Commercial linkage fees are charged to developers per square foot of new commercial development. Revenues are used to develop or preserve affordable housing.
- **Housing Trust Fund.** A housing trust fund is a designated source of public funds—generated through various means—that is dedicated to creating affordable housing.
- **Inclusionary Zoning/Housing (Below Market Rate Housing).** Inclusionary housing policies require market-rate developers of rental or for-sale housing to rent or sell a certain percentage of units at affordable prices. Some policies include a provision for developers to pay “in-lieu fees” in place of building the housing; this revenue is used to develop affordable units elsewhere.
- **Density Bonus Ordinance.** Density bonuses allow developers of market-rate housing to build higher-density housing, in exchange for having a certain portion of their units offered at affordable prices.
- **Community Land Trusts.** Community land trusts are nonprofit, community-based organizations (supported by the city or county) whose mission is to provide affordable housing in perpetuity by owning land and leasing it to those who live in houses built on that land.
- **First Source Hiring Ordinances.** First Source hiring ordinances ensure that residents are given priority for new jobs created by municipal financing and development programs.

Table 3-44 identifies which of these polices the City has adopted.

Anti-Displacement Measures	Brentwood Policy Measure
Just Cause Eviction Ordinance	No
Rent Stabilization or Rent Control	No
Rent Review Board and/or Mediation	No
Mobile Home Rent Control	No
SRO Preservation	No
Condominium Conversion Regulations	Yes
Foreclosure Assistance	Yes
Jobs-Housing Linkage Fee	No
Commercial Linkage Fee	No
Housing Trust Fund	Yes
Inclusionary Zoning	Yes
Density Bonus Ordinance	Yes
Community Land Trusts	No
First Source Hiring	No
<i>Source: Urban Displacement Project, University of California Berkeley (2021), and the City of Brentwood.</i>	

**At-Risk Assisted Affordable Housing**

Jurisdictions are required by State Housing Element Law to analyze government-assisted housing that is eligible to convert from lower income to market rate housing over the next 10 years. State law identifies housing assistance as a rental subsidy, mortgage subsidy or mortgage insurance to an assisted housing development. Government assisted housing may convert to market rate housing for several reasons, including expiring subsidies, mortgage repayments, or expiration of affordability restrictions. Affordable covenants help to ensure that certain housing units remain affordable for an extended period of time. Covenants help balance the housing market in a community and provide lasting affordable options to low and very low-income households.

**Table 3-45** below provides a list of 96 housing units with affordability covenants, of which 9 housing units are at-risk of converting to market-rate between 2023 and 2033. Consistent with the requirements to analyze the impacts of the potential conversion of these units to market-rate units, this section provides an analysis of preservation of assisted housing units at-risk of conversion.

APN	Address	Income	Earliest Possible Date of Conversion	Assisted Units
010-650-010	621 Cashew Court	Moderate	2036	1
010-650-033	671 Armstrong Way	Very Low	2034	1
010-660-009	517 Edgefield Street	Very Low	2035	1
010-670-042	522 Coconut Place	Moderate	2035	1
010-770-018	300 Datenut Street	Moderate	2032	1
010-650-025	644 Macadamia Court	Moderate	2044	1
010-670-033	519 Coconut Place	Moderate	2033	1
010-660-049	504 Edgefield Street	Moderate	2032	1
010-670-007	172 Contiente Ave	Moderate	2033	1
010-770-040	623 Armstrong Way	Moderate	2033	1
010-660-064	532 Coconut Street	Moderate	2032	1
010-660-053	533 Coconut Street	Moderate	2032	1
010-660-003	204 Contiente Ave	Moderate	2032	1
010-770-031	588 Flowering Plum Place	Moderate	2043	1
010-770-005	541 Cashew Place	Moderate	2045	1
010-650-019	651 Macadamia Court	Moderate	2032	1
012-350-004	81 Rossano Street	Very Low	2053	1
013-380-105	828 Shasta Daisy Drive	Very Low	2049	1
013-400-013	124 Kingfisher Street	Low	2063	1
013-400-016	118 Kingfisher Street	Very Low	2050	1
013-400-023	95 Pelican Street	Very Low	2050	1
013-400-052	83 Roadrunner Street	Very Low	2056	1
013-400-053	81 Ibis Street	Very Low	2050	1
013-400-058	71 Roadrunner Street	Moderate	2062	1
013-400-064	111 Spruce Street	Low	2050	1
013-410-028	935 Oxford Lane	Moderate	2052	1
013-410-033	919 Oxford Lane	Moderate	2050	1
016-300-004	281 Washington Drive	Moderate	2050	1
016-300-016	251 Washington Drive	Moderate	2050	1
016-300-017	247 Washington Drive	Moderate	2050	1
016-300-110	352 Jefferson Drive	Moderate	2050	1
016-300-119	293 Washington Drive	Moderate	2064	1
016-300-217	1333 Harrison Lane	Moderate	2059	1

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<b>Table 3-45: City of Brentwood Assisted Housing Covenants (2023-2033)</b>				
<b>APN</b>	<b>Address</b>	<b>Income</b>	<b>Earliest Possible Date of Conversion</b>	<b>Assisted Units</b>
016-300-254	364 Jefferson Drive	Moderate	2065	1
018-470-004	1351 Tiffany Drive	Low	2050	1
018-520-030	1183 Tropicana Lane	Low	2057	1
018-520-070	2523 Albertine Lane	Low	2050	1
018-520-071	1133 Europena Drive	Low	2050	1
018-520-072	1272 Picadilly Lane	Low	2051	1
018-560-020	1085 Granville Lane	Very Low	2051	1
018-560-021	1237 Sheldon Drive	Low	2051	1
018-560-042	1135 Breton Drive	Low	2051	1
018-560-043	1097 Granville Lane	Low	2051	1
019-760-059	1500 Rampart Way	Very Low	2050	1
019-760-060	1999 Helena Way	Low	2050	1
019-840-090	1862 White Sands Street	Low	2051	1
019-850-007	2394 Tamalpais Avenue	Low	2051	1
019-840-029	2461 Mojave Drive	Very Low	2055	1
019-840-020	2442 Mojave Drive	Low	2055	1
019-850-089	2414 Tamalpais Court	Low	2055	1
019-850-081	2348 Blue Ridge Avenue	Low	2055	1
019-850-077	2345 Blue Ridge Avenue	Low	2055	1
019-850-053	2263 Black Stone Drive	Low	2056	1
019-850-072	2331 Blue Ridge Avenue	Low	2056	1
019-850-065	2317 Blue Ridge Avenue	Low	2056	1
019-850-018	2322 Blue Ridge Avenue	Low	2056	1
019-850-035	2284 Black Stone Drive	Very Low	2066	1
016-480-048	1652 Bedford Court	Low	2057	1
016-480-049	1650 Bedford Court	Very Low	2057	1
016-490-012-8	473 Milford Court	Low	2058	1
018-620-048	2600 Brookshire Street	Low	2059	1
018-610-079	1063 Steeple Boulevard	Very Low	2059	1
016-520-025-4	1355 Bellerose Court	Low	2059	1
017-640-041	816 Queen Palm Lane	Low	2060	1
016-460-053	614 Bristol Court	Low	2061	1
016-460-054	616 Bristol Court	Low	2061	1
016-490-028	470 Stratford Court	Low	2062	1
016-510-0066	708 Jennifer Street	Very Low	2063	1
016-510-0074	710 Jennifer Street	Very Low	2063	1
016-570-062	204 Sespe Creek Avenue	Low	2065	1
016-570-031	133 Scott Creek Way	Very Low	2065	1
016-580-073-1	175 Brush Creek Drive	Low	2066	1
016-580-038-4	162 Canary Creek Drive	Low	2066	1
016-590-068	208 Brush Creek Drive	Low	2066	1
<b>Total Units</b>				<b>75</b>
<b>TOTAL AT-RISK UNITS</b>				<b>6</b>

Property	Address	Financing	Placed in Service	Term/Expiration Year	Assisted Units
Arbor Ridge Apartments	2400 Shady Willow Lane	LIHTC	2005	55 years, 2060	36
Villa Amador Apartments	2101 Sand Creek Road	LIHTC, MHP, CalHFA Permanent Loan	2008	55 years, 2063	94
Marsh Creek Apartments	7251 Brentwood Blvd	LIHTC	1997	55 years, 2052	126
The Grove at Sunset Court	55 Havenwood Ave	LIHTC	2013	55 years, 2068	53
Sycamore Place	1100 Sycamore Court	PRAC/202 HUD Financing Program	1997	40 years, 2037	40
Sycamore Place Senior Housing	161 Sycamore Avenue	PRAC/202 HUG Financing Program	2005	55 years, 2060	39
Brentwood Garden Apartments	180 Sycamore Avenue	LIHTC	1998	55 years, 2053	80
Brentwood Park Apartments	160 Sycamore Avenue	LIHTC	1997	55 years, 2052	79
Brentwood Senior Commons	750 Larkspur Lane	LIHTC	2006	55 years, 2061	79
Green Valley Apartments	8510 Brentwood Blvd	LIHTC, RHCP	1992	60 years, 2052	28
<b>Total Units</b>					<b>654</b>
<b>TOTAL AT-RISK UNITS</b>					<b>0</b>

Source: California Housing Partnership - Affordable Housing Map and Benefits Calculator

**COST OF PRESERVING AT-RISK UNITS**

While there are many options to preserve at-risk units including providing financial incentives to property owners to extend lower-income use restrictions, purchasing affordable housing units by a non-profit or public agency, or providing local subsidies to offset the difference between the affordable and market rate units, the strategy considered below is to provide local rental subsidy to residents. The rent subsidy would provide financial assistance to residents if their affordable units converted to market-rate units. To determine the subsidy needed, fair market rents were compared to market-rate rents. **Table 3-46** below outlines an estimated monthly subsidy that would be required to preserve these at-risk units.

Unit Size	Monthly Rents		Number of Units At-Risk*	Difference	Monthly Subsidy	Annual Subsidy
	Fair Market <sup>1</sup>	Average Market Rate <sup>2</sup>				
Efficiency	\$1,538	N/A	0	-	-	-
1-Bedroom	\$1,854	N/A	0	-	-	-
2-Bedroom	\$2,274	\$3,150	0	\$876	\$0	\$0
3-Bedroom	\$3,006	\$3,000	0	(\$6)	\$0	\$0
4-Bedroom	\$3,578	\$3,597	6	\$19	\$114	\$1,368
<b>Total</b>						<b>\$1.368</b>

\*This is based upon the assumption that the single-family units at-risk of converting to market rate all contain 4 bedrooms.

Source:

1. HUD FY 2022 Fair Market Rent Documentation System – Oakland-Fremont, CA HUD Metro FMR Area.
2. Kimley-Horn and Associates Analysis – based on 39 single-family units listed for rent on August 3, 2022.

**COST OF REPLACING AT-RISK UNITS**

The City can also consider the cost of replacing the units with new construction. Construction cost estimates include all hard and soft costs associated with construction in addition to per unit land costs. The analysis assumes the replacement units are apartments with concrete block with steel frame buildings and parking provided on-site. Square footage estimates are based on estimated size of units to be replaced and assume housing units are developed on multi-family zoned properties. Land costs have been determined on a per unit basis. **Table 3-47** below estimates that \$2,396,591 would be required to replace the at-risk units.

Table 3-47: Replacement Cost of At-Risk Units					
Unit Size	Cost per Square Foot <sup>1</sup>	Average Square Foot per Unit <sup>2</sup>	Replacement Cost per Unit	Number of Units At-Risk*	Total Replacement Cost
Efficiency	\$160.35	N/A	-	-	-
1-Bedroom	\$160.35	N/A	-	-	-
2-Bedroom	\$160.35	1,582	\$253,673.70	0	\$0.00
3-Bedroom	\$160.35	1,854	\$297,288.90	0	\$0.00
4-Bedroom	\$160.35	2,491	\$399,431.85	74	\$2,396,591.10
<b>Total</b>					<b>\$2,396,591.10</b>
* This is based upon the assumption that the single-family units at-risk of converting to market rate all contain 4 bedrooms.					
Source:					
1. International Code Council – February 2022. Square Foot Construction Cost for a VA Structure.					
2. Kimley-Horn and Associates Analysis – based on 39 single-family units listed for rent on August 3, 2022.					

A variety of programs exist to help cities acquire, replace, or subsidize at-risk affordable housing units. The following summarizes financial resources available:

- **Community Development Block Grant (CDBG)** – CDBG funds are awarded to cities on a formula basis for housing activities. The primary objective of the CDBG program is the development of viable communities through the provision of decent housing, a suitable living environment and economic opportunity for principally low- and moderate-income persons. Eligible activities include administration, fair housing, energy conservation and renewable energy sources, assistance for economic development, public facilities and improvements and public services.
- **HOME Investment Partnership** – Local jurisdiction can receive funds by formula from the Department of Housing and Urban Development (HUD) to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include housing acquisition, rehabilitation, and development, homebuyer assistance, and rental assistance.
- **Section 8 Rental Assistance Program** – The Section 8 Rental Assistance Program provides rental assistance payments to owners of private, market rate units on behalf of very low-income tenants, senior citizens, disabled and/or handicapped persons, and other individuals for securing affordable housing.
- **Section 202/811 Program** – Non-profit and consumer cooperatives can receive no-interest capital advances from HUD under the Section 202 program for the construction of very low-income rental housing with the availability of supportive services for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. The capital advance funding can also provide project rental assistance for the properties developed using the funds. Eligible activities include acquisition, rehabilitation, new construction, and rental assistance.
- **California Housing Finance Agency (CalHFA) Multifamily Programs** – CalHFA’s Multifamily Programs provide permanent financing for the acquisition, rehabilitation, and preservation of

new construction of rental housing that includes affordable rents for low- and moderate-income families and individuals. One of the programs is the Preservation Loan program which provides acquisition/rehabilitation and permanent loan financing designed to preserve or increase the affordability status of existing multifamily housing projects.

- **Low-Income Housing Tax Credit (LIHTC)** – This program provides tax credits to individuals and corporations that invest in low-income rental housing. Tax credits are sold to those with high tax liability and proceeds are used to create housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.
- **California Community Reinvestment Corporation (CCRC)** – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for low-income families, seniors, and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation, and acquisition of properties.

The following organizations may potentially assist in preserving units at-risk of converting to market rate.

- ACLC, Inc
- East Bay NHS
- Affordable Housing Associates
- Eskaton Properties Inc.
- Rural California Housing Corp
- East Bay Asian Local Development Corporation
- Pacific Community Services, Inc.
- Rubicon Programs, Inc. Community Housing Development Corp.
- Satellite Housing Inc.
- Northern California Land Trust, Inc.
- Alameda County Allied Housing Program
- ROEM Development Corporation
- Neighborhood Housing Services of the East Bay
- L + M Fund Management LLC

### **Resources for Special Needs Households**

The analysis of disproportionate housing needs within Brentwood evaluated existing housing need, needs of the future housing population, and units within the community at-risk of converting to market-rate. A variety of factors affect housing needs for different households. Most commonly, disability, household income and households' characteristics shape the type and size of housing units needed, as well as accessibility based on existing units in a City. **Table 3-32** through **3-37** displayed data for demographic characteristics of Brentwood. Additional detailed analysis of the community demographics is outlined in **Section 2: Community Profile** of this Housing Element.

**Section 3.B: Financial Resources** provides information on financial resources available to meet the housing needs of special needs households. A variety of programs exist to help cities meet the needs of their communities. The following financial resources are available in the City and are summarized above:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership
- Section 8 Rental Assistance Program
- Section 202/811 Program
- California Housing Finance Agency (CalHFA) Multifamily Programs
- Low-Income Housing Tax Credit (LIHTC)
- California Community Reinvestment Corporation (CCRC)

The following is a partial list of organizations that may potentially assist with local housing, social services, and legal services:

- Fair Housing Advocates of Northern California (FHANC);
- Eden Council for Hope and Opportunity (ECHO) Fair Housing;
- Bay Area Legal Aid;
- Pacific Community Services.

### *Persons with Disabilities*

According to the 2015-2019 American Community Survey (ACS) 5-year estimates, 118,603 residents (10.9 percent of Contra Costa County's population) reported having one of six disability types listed in the ACS (hearing, vision, cognitive, ambulatory, self-care, and independent living). The percentage of residents detailed by disability are listed in **Table 3-26** above (9.24 percent in Brentwood). Note that an individual may report more than one disability. The greatest percentage of disabilities in Brentwood consist of ambulatory disabilities, followed by independent living, cognitive, hearing, self-care, and vision difficulties. The California Department of Developmental Services (CDDS) provides estimates of persons with developmental disabilities in Brentwood, as shown in **Section 2 Community Profile: Table 2-23**. As of January 2022, CDDS identified 373 juvenile persons and 285 adults of having developmental disability in the ZIP code 94513.

Many people with developmental disabilities can live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities may require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. The most common issue in supportive housing for persons with developmental disabilities is the transition from the person's living situation as a child to an appropriate level of independence as an adult as developmental disabilities exist before adulthood.

There are several housing types appropriate for people living with a developmental disability: rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 (veterans) homes. The design of housing-accessibility modifications, the proximity to services and transit, and the availability of group living opportunities represent some of the types of considerations that are important in serving the needs of this group. Incorporating 'barrier-free' design in all, new multi-family housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for residents with disabilities. Special consideration should also be given to the affordability of housing, as people with disabilities may be living on a fixed income

Referring to **Figure 3-12**, Brentwood has an overall low-to-moderate distribution of population with disabilities. The northern central part of the city has less than 10 percent of population with a disability; the rest of the city has 10 to 20 percent of population with a disability. In terms of geographic dispersal, there is a relatively homogenous dispersal of persons with disabilities. Ease of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

A number of proposed housing sites are located within the areas that have 10 to 20 percent of population with a disability. While the percentages are relatively low and similar to neighboring communities, the location of the potential future housing sites in these census tracts may provide opportunities for affordable housing in conjunction with or near services.



### **Patterns and Trends for Disproportionate Housing Needs Based On Disability**

Analysis of persons with disabilities indicates there are no significant concentrations within the City. As shown in **Figure 3-12**, there are census tract with 10 percent to 20 percent incidents of disability status. There is no indication that land use or access to opportunity affect concentrations of persons with disabilities. The City believes ADA requirements and other development standards will not restrict or concentrate persons with disabilities in the community. Federal/State law and City programs support fair housing opportunity and seek to reduce and/or eliminate potential impacts. The City has committed to the following programs to assist persons with disabilities:

- Action H.4i: Housing for Persons with Developmental Disabilities
- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.4g: Reasonable Accommodation
- Action H.4a: Affirmatively Further Fair Housing
- Action H.1k: Condominium Conversion
- Action H.4c: Disseminate Fair Housing Information
- Action H.2d: Affordable Housing Assistance

### ***Persons Experiencing Homelessness***

**Table 2-28** shows the population of persons experiencing homelessness in the County, in the City, and in the surrounding jurisdictions as reported by the Contra Costa County Point-In-Time Count. Brentwood experienced an overall increase since 2018 but reports a lower figure in 2021 compared to 2020. Brentwood had 2.2 percent of all persons experiencing homelessness in Contra Costa County in 2021.

People experiencing homelessness in Brentwood are those who do not have a fixed, regular, and adequate overnight residence, or whose overnight residence is a shelter, street, vehicle, or enclosure or structure unfit for habitation. Factors contributing to increases of homelessness may include the following:

- Lack available resources to support stable housing access
- Spikes in rent increase and lack of tenant protections
- Housing discrimination
- Evictions
- Lack of housing affordable to low- and moderate-income persons
- Increases in the number of persons whose incomes fall below the poverty level
- Reductions in public subsidies to the poor
- The deinstitutionalization of the mentally ill

Residents experiencing homelessness in Brentwood have exhibited the following unique challenges to housing:

- Need for increased affordable housing options
- Need for smaller housing unit options such as SRO's
- Rental assistance
- Higher likelihood for transitional and supportive housing
- Lack of access to emergency shelters

Homelessness is a serious issue in the City of Brentwood. As such, the City has also committed to the following programs:

- Action H.4f: Coordination with Agencies Serving the Homeless
- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.4j: Single-Room Occupancy (SRO) Units
- Action H.4h: Low-Barrier Navigation Center
- Action H.4b: Cooperative Association with Non-Profits
- Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents
- Action H.4a: Affirmatively Further Fair Housing
- Action H.2d: Affordable Housing Assistance

### **Patterns and Trends for Disproportionate Housing Needs Based On Homeless Status**

Analysis of homeless persons historically, has indicated that homeless persons in the City are located close to where services are offered. While by nature homeless in transient, there is typically higher incidents of homeless persons located in areas the provide services or fulfill the day to day needs of the population.

The City has evaluated the location of homeless persons in sheltered versus unsheltered living conditions. It was found that most known homeless persons in the community are currently living in unsheltered conditions. Current land use patterns and the built environment have no known influence on the location and extent of homelessness in the community. As persons experiencing homelessness are in need of low cost, emergency, or transitional housing shelter with access to services, a suite of housing Programs have been included in the Housing Element to support the specific needs of the community. These programs address local trends by supporting service-based housing to the most vulnerable populations in the City.

### ***Seniors***

The senior population, generally defined as those over 65 years of age, may have several special circumstances that lead to difficulty in finding adequate and affordable housing: limited and fixed incomes, high health care costs, higher incidence of mobility and self-care limitations, transit dependency, and living alone. Specific housing needs of the senior population include affordable housing, supportive housing (such as intermediate care facilities), group homes, and other housing that includes a planned service component. The City has a slightly higher average percent of persons over the age of 65 than the surrounding cities (15 percent), as shown in **Table 2-19**. **Table 2-20** also illustrates the tenure of senior households in the City of Brentwood and shows the majority of senior households are owner-occupied.

Of all senior households, 14 percent earn less than 30 percent of the Median Family Income (MFI), and 20.8 percent earn less than 50 percent of the MFI as shown in **Table 2-21**. In total, 51.7 percent of senior households are considered low-income and earn less than 80 percent of the MFI. Seniors may also face various disabilities. Smaller, more affordable housing units allow for a greater accommodation of senior lifestyles.

Seniors in Brentwood generally have exhibited the following unique challenges to housing:

- Having limited and fixed incomes
- Disproportionately higher healthcare costs, adding monthly living costs
- Require customized housing features due to mobility and selfcare limitations
- Transit dependency
- Limited in-home support, due to living alone

More than half of seniors within the city have median incomes that are less than the City's median income. In order to ensure fair housing for seniors, the following strategies have been included in **Section 4**:

- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.4b: Cooperative Association with Non-Profits
- Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents
- Action H.4g: Reasonable Accommodation
- Action H.4a: Affirmatively Further Fair Housing
- Action H.1k: Condominium Conversion
- Action H.4c: Disseminate Fair Housing Information
- Action H.1d: Monitor At-Risk Projects
- Action H.2d: Affordable Housing Assistance

### **Farmworkers**

Within Contra Costa County, there were a total of 1,310 hired farmworkers in 2017. A total of 450 are considered permanent, working 150 days or more, and a total of 860 farmworkers were considered seasonal, working only 150 days or less. Additionally, the County of Contra Costa reported 106 total migrant farmworkers.

In Contra Costa County, farmworkers earn one of the lowest estimated median salaries of \$35,142 annually, according to the California Employment Development Department. The HUD Comprehensive Housing Affordability Strategy considers this a very low-income for the City as it represents 32.2 percent of the average median income for the City. Limited income may be exacerbated by farmworker's tenuous and/or seasonal employment status. These employees and their households may reside in severely overcrowded dwellings, in packing buildings, or in storage sheds. Future housing in Brentwood may need to consider the needs of farm workers employed in and near the City.

Farmworker households have exhibited the following unique challenges to housing:

- Affordable housing options
- Higher incidents of cost burden for housing
- Rental and for sale housing options

Similar to other special needs groups, farmworkers needs are focused on affordability of housing and access to services that support lower monthly overall costs. To address these challenges the City must consider a variety of solution to address the above issues, such as affordable housing options for farmworkers and leveraging grants and funding opportunities.

While farmworkers do not make up a large group of residents within the City, the City has included **Action H.1: Farmworker and Employee Housing** to amend the City's Municipal Code to comply with the provisions for farmworker housing set forth in the Employee Housing Act. In addition, the following programs are included to promote the development of affordable housing units throughout the City that may be available to Farmworkers:

- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.4b: Cooperative Association with Non-Profits
- Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents
- Action H.4a: Affirmatively Further Fair Housing

- Action H.2d: Affordable Housing Assistance

### **Large Households**

The HCD defines large households as households of five or more individuals. Procuring resources for a large household requires a greater portion of income. This may lead households to find smaller, more affordable housing units, which may not be large enough to accommodate a large household and may lead to overcrowding. It may be more challenging for renters to secure larger housing units as multi-family rental units are typically smaller than single-family ownership units. Many apartment complexes do not typically have 4- or 5-bedroom units. As bedroom count increases, the affordability of a housing unit typically decreases.

**Table 2-24** shows that 15.3 percent of all households have five or more persons with five person households being the most common. According to the same table, renters represent a large portion of large households in the City. The provision of affordable housing may alleviate potential overcrowding burdens experienced by these households. While households over the size of four people typically make more money than the City’s median income, it shows that households with over four people typically allocate less money per person than households with four or fewer people.

According to the ACS 2020 5-year estimates, the City of Brentwood has a high percentage (about 86 percent) of large housing units with 5 rooms and more. Only 0.40 percent of all housing units have one room, 0.80 percent have two rooms, 3.73 percent have three rooms, and 8.31 percent have four rooms. Large housing units could be the reason the City has a low percentage of overcrowding. The median number of rooms per housing unit is 6.8.

In general, large person households have exhibited the following unique challenges to housing:

- Lack of affordable housing with sufficient bedroom counts
- Options for larger bedroom counts in rental units
- Higher monthly cost burden
- Affordable options for large family households
- Childcare needs for working families

The City has committed to the following programs in order to ensure fair housing for large households:

- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents
- Action H.4a: Affirmatively Further Fair Housing
- Action H.2d: Affordable Housing Assistance

### **Extremely Low-Income Households**

Extremely low-income (ELI) households are those that earn 30 percent or less of the median family income (MFI) for Contra Costa County. CHAS data indicates there are approximately 2,009 ELI households living in the City. **Table 2-6** identifies industries with salaries that could qualify as ELI, these include: Personal Care and Service, Healthcare Support, and Food Preparation and Serving Related.

ELI households represent approximately 10.1 percent of all Brentwood households. Of these households, 58.7 percent are renters and 41.3 percent are homeowners. ELI renter households represent about 5.6 percent of Brentwood renter households, and ELI owner households represent about 24 percent of Brentwood owner households.

Housing ELI households is generally challenging in Brentwood. **Table 2-26** shows White, Non-Hispanic Households experience the highest rates of extremely low-incomes, representing 40.1 percent of the total ELI Population. Hispanic households experience the second highest rates of extremely low-incomes.

A majority of extremely low-income households face a variety of housing problems. Additionally, some extremely low-income households could face other issues such as having special needs or disabilities that could exacerbate housing problems.

Extremely Low-Income Households in Brentwood have exhibited the following unique challenges to housing:

- Need for increased affordable housing options
- Markedly higher incidents of cost burden for housing
- Need for smaller housing unit options such as SRO's
- Rental assistance
- Higher incidents of homelessness

**Figure 3-18** shows the percent of population with low- to moderate-income levels by block group in the City of Brentwood. The block groups located in the most central portion of the city have the highest percentage of LMI populations (75 to 100 percent). Radiating from the center, block groups in the east have 50 to 75 percent of LMI populations, 25 to 50 percent towards the west, and less than 25 percent in the outermost portions towards the south and west. A section of block groups in central Brentwood have less than 25 percent of LMI population as well. Block groups with less than 25 percent of LMI correlate with block groups with median household income greater than \$125,000 and over 80 percent of overpayment by renters.

**Table 3-28** provides a list of households by income category and tenure in the City of Brentwood. Generally speaking, there are disparities between the incomes of homeowners and renters, a pattern observed on both the regional and local level. In Brentwood, only 28.9 percent of owner households are considered LMI (earns less than 80 percent of HAMFI) compared to almost 60 percent of renter households. The reverse is true for those of high-income households (more than 100 percent of HAMFI), where almost 65 percent of owner households are high income and only about 34 percent of renter households are high income.

Although Brentwood experiences higher median incomes, it is still important to provide improved access to resources and opportunities for all households. The City has committed to the following programs in order to ensure fair housing for families experiencing financial hardships and to address unique needs of extremely-low income households in the City:

- Action H.4e: Housing Opportunities for Special Needs Groups
- Action H.4b: Cooperative Association with Non-Profits
- Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents
- Action H.4j: Single-Room Occupancy (SRO) Units
- Action H.2d: Affordable Housing Assistance
- Action H.4a: Affirmatively Further Fair Housing
- Action H.1k: Condominium Conversion
- Action H.1b: Accessory Dwelling Units
- Action H.4c: Disseminate Fair Housing Information

- Action H.1d: Monitor At-Risk Projects
- Action H.2a: Compliance with Affordable Housing Ordinance
- Action H.3c: Development Incentives
- Action H.2b: Additional Development Incentives for Affordable Housing
- Action H.2l: Development Fees

### **Senate Bill 330 (SB 330)**

Effective January 1, 2020, Senate Bill 330 (SB 330) aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. Under this legislation, municipal and county agencies are restricted in ordinances and polices that can be applied to residential development. The revised definition of “Housing Development” now contains residential projects of two or more units, mixed-use projects (with two-thirds of the floor area designated for residential use), transitional, supportive, and emergency housing projects. SB 330 sets a temporary 5-year prohibition of residential density reduction associated with a “housing development project”, from January 1, 2020, to January 1, 2025. For example, during this temporary prohibition, a residential triplex cannot be demolished and replaced with a duplex as this would be a net loss of one unit.

The City has identified sites as part of its candidate sites analysis that have existing residential uses. A replacement program is included in **Section 4: Housing Plan**.

## ***2. Assessment of Contributing Factors***

The Contra Costa AI identifies the following regional goals for mitigating impediments to fair housing within jurisdictions in Contra Costa County:

- Increase available financial resources for affordable housing in order to better fund efforts to foster stable residential integration and increased access to opportunity;
- Provide for the production of additional affordable housing through market incentives and improvements;
- Increase residential racial and ethnic integration by increasing the supply of affordable housing for families in high opportunity areas;
- Increase the supply of permanent supportive housing for people with disabilities and services for people with disabilities;
- Reduce housing discrimination and discriminatory barriers to residential mobility;
- Address barriers to mobility for families and individuals in publicly-supported housing, including Housing Choice Voucher participants;
- Reduce the displacement of low-income communities of color by enhancing protections for vulnerable tenants and homeowners and preserving affordable housing in areas that are gentrifying or at risk of gentrification;
- Increase access to opportunity through targeted public investments and efforts to increase economic mobility within Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs);
- Increase and stabilize access to proficient schools;
- Increase coordination of housing and environmental health planning to support access to healthy homes and neighborhood; and
- Improve inter-jurisdictional coordination.

### Current Local Contributing Factors

As a part of the Housing Element, the City considers protected class (such as race, ethnicity, income, etc.) and opportunity indicators as key factors in fair housing. Federal, state, and local data provide regional context, background information and supportive data which helps the City to understand fair housing issues and to identify key fair housing factors for Brentwood. The section below uses available data to identify key trends and local contributing factors for fair housing. Key findings identified through this analysis are stated below:

- All but four census tracts earn an annual income higher than the State Median Income, many of which earn more than \$125,000.
- Census tracts earning equal or less than the State Median Income experienced lower access to resources.
- Census tracts earning equal or less than the State Median Income experienced higher environmental burdens.
- Census tracts earning equal or less than the State Median Income experienced a higher concentration of overpayment from both owners and renters.
- Native Hawaiian/Other Pacific Islander and Black or African American had the lowest loan approval rates in the City.
- The racial and ethnic groups with the highest levels of segregation is the Black or African American, non-Hispanic population and Hispanic or Latino population.
- The whole City experiences poor job proximity and transportation connectivity.

There are a number of elements that may contribute to fair housing issues throughout the community. The following provides potential contributing factors affecting fair housing in Brentwood:

- **Displacement of Residents Due to Economic Pressures** – Displacement of residents due to economic pressures may be a contributing factor to fair housing in Brentwood. Contra Costa County has been facing a major affordable housing crisis for years due to factors including insufficient housing production, especially in predominantly non-Hispanic White high-opportunity areas, and a strong regional economy. The rising housing costs during the COVID-19 exacerbated current conditions.
- **Availability of Affordable Housing** – **Section 2** of this Housing Element provides data on household and economic characteristics. The City has an unemployment rate of 4.3 percent and 32 percent of the employed population earn a lower income (below 80 percent of the Median Family Income for the region). In addition to allowing for the development of additional affordable housing units for current lower income residents, the City should provide additional resources and outreach to organizations and residents regarding aid available for those in need.
- **Environmental Justice Discrepancy** – Excessive exposure to harmful environmental pollutants often exacerbate and are exacerbated by socioeconomic issues such as lack of access to resources, healthy food, or housing. Lack of affordable housing in areas where resources are higher, exposure to harmful pollutants is lower and opportunities are more plentiful would mitigate this effect on the residents.
- **Access to Housing Opportunities for Special Needs Populations** – Affordability, design, and discrimination limit the supply of housing for special needs populations. For persons with disabilities, amendments to the Fair Housing Act, as well as State law, require ground-floor units of new multi-family construction with more than four units to be accessible; however, units built prior to 1989 are not required to be accessible to today's standards. Just over a quarter of the City's housing stock was built prior to 1989. Additionally, persons with disabilities, lower income households, single parents, and seniors may have limited incomes which make market-rate

housing inaccessible and they may require housing within close proximity to childcare or community services. A greater variety of housing types which cater to the needs of special housing needs populations in areas of opportunity and near services and resources may address this issue.

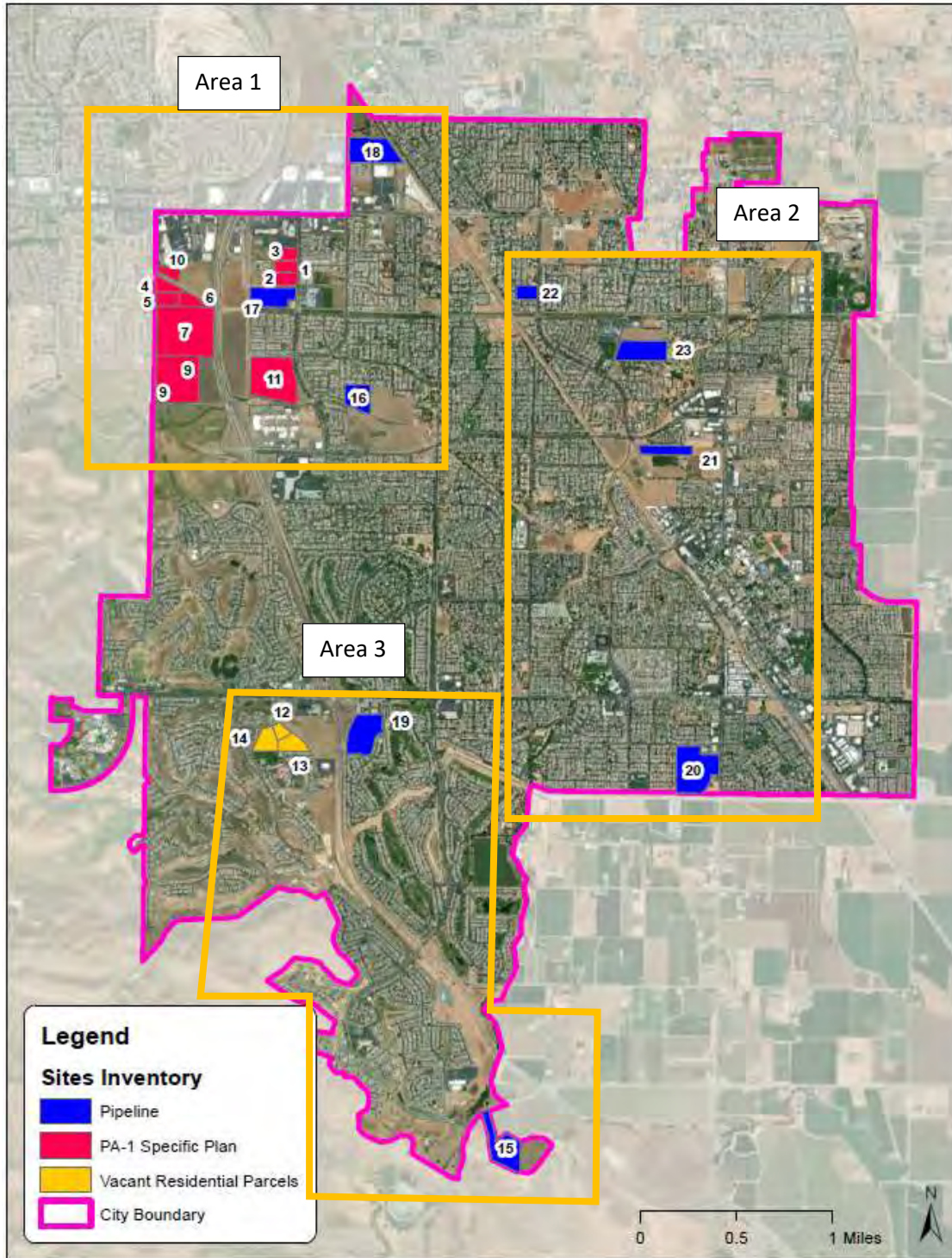
- **Racially Concentrated Areas of Affluence** – The City has two census tracts that are designated as RCAAs (32.02 and 40.01). RCAAs may represent a public policy issue to the extent that they have been created and maintained through exclusionary and discriminatory land use and development practices.

### **AFFH Findings and Sites Summary**

As noted before, the City has identified candidate sites to accommodate future housing growth based on existing access to community resources, services, and public transportation, while also considering the availability of land, developer interest, and general likelihood the sites would develop residential uses over the next eight years. **Figure 3-55** shows the three “regions” of the City where candidate sites have been identified in relation to the location of resources and services.



Figure 3-55: Sites Inventory Quadrants



### AREA 1

The TCAC Opportunity Maps identified Area One as an area with moderate resources that is rapidly changing. Area One has all the PA-1 Specific Plan sites. There are several restaurants and retail uses that are currently located along Lone Tree Way to the north and Sand Creek Road to the South. Shopping plazas such as the Slatten Ranch Shopping Center, Empire Shopping Center, and Lone Tree Plaza are all located in Area One. These plazas have big box retail stores such as Kohl's, Best Buy, Home Depot and JCPenney that are near each other. The Labor Market engagement index score for this area was scored between 40 to 60. Residents in Area One are slightly closer in proximity with their jobs compared to other parts of the City. Trader Joe's is also located within PA-1 area and Sprouts Farmers Market and Raley's are located to the south. Area One's close proximity to healthy food access places rates this area as one of the healthier conditions in the City (TCAC Opportunity Maps).

There are two pharmacies as well as a number of medical offices located in close proximity in Area One. Two elementary schools, Pioneer Elementary and Loma Vista Elementary, are also located in this area. Area One has access to four bus lines – Routes 384, 380, 385, and 395. The routes are currently located along Sand Creek Road, Shady Willow Lane, Canada Valley Road, and Lone Tree Way. The area is also bisected by John Marsh Heritage Highway (State Route 4) which connects the City to the rest of the County and the San Francisco Bay area. Hence, Area One has moderate connectivity, access to jobs, and frequency of services as identified in the AllTransit Map. As future developments are built throughout the years, residents in Area One will have access to the various resources and opportunities.

#### AFFH Findings for Area One:

- Along the City's western border reports a non-white population of approximately 21 to 40 percent. However, this data may be impacted by neighboring communities as the portion within Brentwood includes just a few housing units.
- Most of the City reports the same percentage of population with a disability (10 to 20 percent), including Area One.
- Average percentages of low- to moderate-income households; income in the area has increased between 2014 and 2019.
- The affordability index reports a median gross rent ranging from \$2,000 to \$2,500.
- TCAC moderate resource scores
- Moderate/low transit scores
- Moderate CalEnviroScreen pollution burden
- High Healthy Places Index score
- 40 to 80 percent overpayment by renters
- One neighborhood with 2 to 5 percent households lacking complete plumbing, and another neighborhood to the south with 5 to 10 percent
- One neighborhood with 2 to 5 percent households lacking a complete kitchen

In summary, Area One is experiencing a growth in development interest through the PA-1 Specific Plan and additional pipeline projects, in combination with increasing median incomes and average rental rates in comparison to the rest of the City. Access to transit in the area has been low, but with the development of PA-1 access may increase. In general, this area is appropriate for the development of housing at all income levels; as the area with the most lower income units, future households will have access to resources, won't be overly impacted by pollution burdens, and future developments will create opportunities for existing lower income households to have affordable rents and units with complete facilities.

As shown in **Table 3-48**, all of the low-income units are from the PA-1 sites. Area one has the most low-income, moderate-income, and above moderate-income units compared to the other two areas. As shown in the AFFH data viewer, Area One has the highest percentage of renter units with HCVs (>15%-30%). Furthermore, majority of the households have a median income greater than \$125,000. As a result, Area One can accommodate a greater variety of housing for different income categories. In general, the area is well supported with resources and will continue to be as PA-1 Specific Plan units are developed in this area.

Site Number	Map Category	Low- Income	Moderate- Income	Above Moderate- Income	Total
1	PA-1 Specific Plan	42	18	60	120
2	PA-1 Specific Plan	41	18	59	118
3	PA-1 Specific Plan	43	18	61	122
4	PA-1 Specific Plan	43	18	61.25	122
5	PA-1 Specific Plan	36	15	51	102
6	PA-1 Specific Plan	34	15	48.5	98
7	PA-1 Specific Plan	60	26	86.5	173
8	PA-1 Specific Plan	61	26	88	175
9	PA-1 Specific Plan	70	30	100	200
10	PA-1 Specific Plan	34	15	49	98
11	PA-1 Specific Plan	0	30	169	199
16	Pipeline	0	0	37	37
17	Pipeline	0	0	288	288
18	Pipeline	0	0	160	160
<b>TOTAL</b>		<b>464</b>	<b>229</b>	<b>1,318</b>	<b>2,011</b>

## AREA 2

Area Two consists of the northeastern portions of the City. Majority of the land uses in this area are residential and agricultural conservation. The TCAC Opportunity map has identified this area to have moderate to low resources. Brentwood Boulevard runs through Area two. There is renewed interest in redevelopment within this area of town with a new shopping center located on the southeast corner of Brentwood Boulevard and Sand Creek Road that include Chipotle, Panda Express, Starbucks, and Grocery Outlet, as well as Denny’s and Wendy’s still under construction. Directly across the street on the northeast corner is also a new gas station and 7-eleven. There are also dining options along Brentwood Boulevard which include Brentwood Cafe, Chicago’s Pizza, Starbucks, and McDonald’s. The Town Centre Plaza is also located within close distance to Brentwood Boulevard which has a CVS Pharmacy and a Safeway. There are also a few grocery stores located throughout the area, which include Eatwell Nutrition, Grocery Outlet, and Syria International Food. Schools in this area includes Mary Casey Black Elementary School, Bristow Middle School, Edna Middle School, Independence High School, La Paloma High School, and Liberty High School. Other services such as the United States Postal Service and the Brentwood Police Department are located near the southern portions of Area Two.

The AllTransit Map identified Area Two with a higher connectivity, access to jobs, and frequency of service. Tri Delta’s transit services serves Area Two with various bus routes. Along Brentwood Boulevard, routes 300X, 383, 384, and 391 connect the area to the rest of the City. Lone Tree Way bisects this area and connects to State Route 4, which connects the City to the County and to the San Francisco Bay Area.

AFFH Findings for Area Two:

- An RCAA exists partly within Area Two to the west of the train tracks and north of Central Boulevard.
- Highest percentage of non-white population.
- Most of the City reports the same percentage of population with a disability (10 to 20 percent), but Area Two reports a lower percentage at less than 10 percent.
- The affordability index reports a median gross rent ranging from \$2,000 to \$2,500.
- Area Two includes a large portion of land that reports 50 to 75 percent low- and moderate-income population and a smaller are that reports 75 to 100 percent low- and moderate-income population. Of the three areas, this is the only with low- and moderate-income population over 50 percent.
- Increase in median income between 2014 and 2019, except for the area surrounding the Woodgate Mobile Home Park.
- While mostly categorized at Moderate Resource, Area Two is the only portion of the City which contains Low Resource neighborhoods.
- High transit scores
- Low to high CalEnviroScreen pollution burden
- High Healthy Places Index score
- 40 to 80 percent overpayment by renters
- One neighborhood with 10 to 20 percent population below poverty level
- One neighborhood with 2 to 5 percent households lacking complete plumbing
- Sensitive community vulnerable to displacement due to rising property values east of Brentwood Boulevard

In summary, Area Two has the highest percentages of lower income households, non-white population, and low resource neighborhoods. The median income has mostly increased in the area, aside from the Woodgate Mobile Home Park, but the population remains sensitive to displacement. Access to transit has the highest score in this area, though this is the only area in the City with high pollution burden. The City has identified the lowest amount of lower income units in this area so as not to overburden existing, sensitive populations. However, the City continues to work on improving resources – the 2023/24 to 2027/208 Capital Improvement Program identifies the following completed improvements and future priorities:

- Completed Improvements:
  - Sunset Park Playground replacements to meet ADA accessibility guidelines and Consumer Product Safety Commission Guidelines.
- Future Priorities:
  - Brentwood Boulevard widening which includes two bike lanes, curb and gutter, medians, sidewalk on the east side, as well as streetlights and landscaping on each side of the roadway. The project is intended to improve safety and traffic flow and facilitate development.
  - Downtown Alley Rehabilitation from Midway to Park Way to update and replace aging infrastructure. These upgrades will allow the City to accommodate additional development in the Downtown area. For example, these types of improvements can enhance access and reduce infrastructure need for future developments.
  - Homecoming Park Playground play equipment replacements.
  - Lone Tree Way roadway improvements to support a new K-8 school anticipated to open in July 2024.

**Table 3-49** below shows the breakdown of RHNA by income category. Of the three sites, this area has the least amount of low-income sites and sites overall. All of the candidate sites located in Area Two are classified under a pipeline project. There are a few moderate-income and low-income units. As shown in the AFFH Data Viewer, majority of this area has a median income for households greater than \$125,000. Hence, the sites identified in Area Two have less diversity for lower-income households. Hence, majority of the housing dedicated to Area Two were designated to the above moderate-income group. Three sites were in the northern portions of Area Two where majority of the resources are concentrated. The fourth site was in the southern portion of Area Two where there are multiple parks and in close proximity to various grocery stores. Given the RCAA located within the area, the City will promote affordable ADU development as a method of promoting diversity and housing mobility in areas of opportunity.

Site Number	Map Category	Low- Income	Moderate- Income	Above Moderate- Income	Total
20	Pipeline	2	0	75	77
21	Pipeline	0	0	166	166
22	Pipeline	0	0	14	14
23	Pipeline	1	5	45	51
<b>TOTAL</b>		<b>3</b>	<b>5</b>	<b>300</b>	<b>308</b>

### AREA 3

Area Three is located in the City’s Southwestern area. The area offers close access to a number of medical and dental offices, an urgent care center, as well as a Walgreens Pharmacy. The R Paul Krey Elementary School and Oak Meadow Park are located just south of the candidate sites, and a Contra Costa County Fire Protection District station is just north of Balfour Road. Just north of the area along Balfour Road are a few dining and options, gas stations, and a bank.

Public transit is available to the north along Balfour Road. Route 385 connects the sites to the rest of the City. Similarly to the PA-1 area, the three vacant residential parcels are also located along State Route 4 for convenient access to other parts of the region and to the San Francisco Bay Area.

Residential development in Area 3 consists largely of 55 and over communities. The majority of development in the area began in the early 1990’s with the development of the Summerset 55 and older community consisting of over 2,000 single family homes. This was followed by the construction of the Trilogy 55 and over community in 2006 made up of approximately 1,100 single family homes, and more recently the Barcelona 55 and over community of 72 homes in 2018 and Kindred and Balfour 55 and over community in 2020 with 86 single family homes.

#### AFFH Findings for Area Three:

- One RCAA south of Balfour Road and West of Highway 4.
- Lowest percentage of non-white population in the City.
- 25 to 50 percent population earning a low- to moderate-income; median income in the area mostly increased, except for the area east of Highway 4 which experienced a decrease.
- The affordability index reports a median gross rent ranging from \$2,500 to \$3,000.
- Most of the City reports the same percentage of population with a disability (10 to 20 percent), including Area Three.
- TCAC moderate resource scores
- Low and non-existent transit scores
- Low CalEnviroScreen pollution burden

- High Healthy Places Index score
- 40 to 60 percent overpayment by renters
- One neighborhood with 2 to 5 percent households lacking a complete kitchen

In summary, Area Three has the lowest percent of lower income households and non-white population; the affordability index reports the highest gross rent range in the City. These factors add up to an RCAA; overpayment by renters is the lowest in this area as well given the higher incomes. As the area has developed through low density subdivisions planned around driving, access to public transportation has the lowest rating – where service is available. In order to improve diversity and create opportunities for lower income households, the City has identified three sites with the capacity to accommodate higher density developments. The City will continue to work with developers in facilitating affordable housing development and with the transit agency to extend services for new developments.

Overall, this area offers less services and resources than the PA-1 Specific Plan area as it is predominantly single-family neighborhoods; however, it provides for a greater variety of housing options at varying costs. As shown in **Table 3-50**, the table shows the breakdown of RHNA in Area Three. Of the five sites identified, three of them are categorized under Vacant Residential Sites. Candidate sites 8 through 10 are identified as currently vacant residential parcels and located south of Balfour Road and west of State Route 4. Area Three will also have 68 and 448 moderate-income units. These additional affordable units will assist in promoting diversity to address the existing RCAA. In addition, the City will promote affordable ADU development.

Site Number	Map Category	Low-Income	Moderate-Income	Above Moderate-Income	Total
12	Vacant Residential Sites	29	13	42	84
13	Vacant Residential Sites	60	26	84	170
14	Vacant Residential Sites	67	29	96	192
15	Pipeline	0	0	140	140
19	Pipeline	0	0	86	86
<b>TOTAL</b>		<b>156</b>	<b>68</b>	<b>448</b>	<b>672</b>



# Section 4

## *Housing Plan*

## Section 4: Housing Plan

The Housing Plan described in this Chapter includes the City’s goals, policies, and objectives for the 2023-2031 planning period. The Housing Plan addresses the need to plan for additional housing opportunities, remove constraints to affordable housing, improve the existing housing stock, and provide equal opportunities for all current and future residents of Brentwood.

These goals, policies, and programs were developed based on:

- Review of the City’s 5<sup>th</sup> Planning Cycle Housing Element;
- Input and feedback from the community, stakeholders, and decision makers;
- New State law requirements; and
- Analysis provided in the Community Profile and the Constraints, Resources, and Fair Housing Chapters of this 2023-2031 Housing Element.

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### **B. Summary of Quantified Objectives**



## A. Goals, Policies, and Actions

### H.1 - Housing Goal

**Facilitate a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.**

#### Housing Policies

- **Policy H.1-1:** Encourage adequate residential sites with densities distributed throughout the City for the production of new for-sale and rental residential units, emergency shelters, and transitional and supportive housing sites for existing and future residents.
- **Policy H.1-2:** Endeavor to ensure the supply of safe, decent, and sound housing for all residents.
- **Policy H.1-3:** Provide incentives for water and energy conservation measures in new housing and substantial housing rehabilitation projects.
- **Policy H.1-4:** Encourage multi-family rental units for Brentwood's population that include an adequate variety of choices of product types, price, unit sizes, amenities, and location of housing in the community and maintain an adequate supply of rental housing available to very-low-, low- and moderate-income persons. Minimize displacement of tenants, particularly seniors, disabled, and low- and moderate-income residents in rental apartments and encourage ownership of lower-cost residential units by prior renters through the regulation of condominium conversions.

#### Implementing Actions

##### Action H.1a: Biennial Evaluation

Conduct a biennial evaluation of the City's inventory of available sites, including very high-density residential sites, and take appropriate action to ensure an ongoing supply of available sites at appropriate densities to meet projected housing needs. This biennial evaluation shall include an assessment of the effect of the City's midrange density land use policy to ensure that it does not become a barrier or impact the cost to the development of additional housing opportunities and hinder the efficient use of the City's available vacant residential land supply. The biennial evaluation will also include an evaluation of factors such as built densities, development standards such as parking requirements, processing time, and impacts on approval and development costs. If the evaluation identifies constraints, the City will take action within one year to mitigate its impacts on development. In addition, should the Residential Growth Management Program be reinstated, the City shall evaluate the program for consistency with SB 330 requirements and include an evaluation of any impacts or constraints on the development of housing.

##### Objectives:

- Maintain adequate residential sites.
- Biennial evaluation of available sites, the City's midrange density land use policy, and factors such as built densities, processing time, and impacts on approval and development costs. Adopt amendments within one year if constraints are identified.

**Timing:** Biennial review and evaluation; amendments to occur within one year, if constraints are identified

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Funding Source:** General Fund

**Action H.1b: Accessory Dwelling Units**

The City is projecting 14 ADUs per year throughout the planning period – this is based on development trends since 2019 and does not exceed the total average. The City shall support and accommodate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) during the 2023-2031 planning period to meet projection figures detailed in **Appendix B** of this Housing Element.

**Objectives:**

- Amend the ADU ordinance to comply with State law.
- Implement a permit-ready ADU program (pre-approved ADU plans that do not require additional review).
- Post a user-friendly FAQ on the City’s website to assist the public and advertise ADU resources across online social media platforms.
- Create an expedited plan check review process.
- Research potential State and Regional funding sources for affordable ADUs and make information publicly available.

**Timing:** Amend the ADU ordinance by January 2025; Implement remaining objectives by January 2026; review ADU development annually; make program changes, if necessary, within six months

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.1c: ADU and JADU Monitoring**

The City shall monitor the development of ADU and JADU applications, location, affordability, and other relevant features to ensure adequate ADU development is occurring to meet the City’s 2023-2031 development goals. The City shall evaluate the need to adjust policies and actions if the pace of applications and development is less than anticipated in Appendix B. Should changes need to be made due to a gap in the numbers of ADUs projected and the number of ADUs permitted, the City shall make changes proportional to the gap identified. For example, if actual production and affordability of ADUs is far from anticipated trends, then density or fee incentives for projects incorporating ADUs or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

**Objectives:**

- Create and implement an ADU and JADU monitoring program.
- Annually review development trends and make changes proportional to potential gaps as needed – by the midpoint of the planning period, if actual production and affordability of ADUs is not keeping pace with assumed trends in the inventory, the City shall establish a process to provide additional incentives which may include, but are not limited to, density increases, fee incentives, or other strategies for projects incorporating ADUs, or other similar actions. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

**Timing:** Create a monitoring program by January 2025; annually review development trends and by the midpoint of the planning period; make program changes, if necessary, within six months

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.1d: Monitor At-Risk Projects**

Where assisted housing projects are “at risk” of reverting or converting to market rate pricing, develop strategies including potential expenditure of City housing funds to preserve their ongoing affordability. The City shall identify and implement opportunities to preserve ongoing affordability – such as, but not limited to, financial resources and technical assistance – so that existing affordable units are not at risk of converting to market rate after their restricted affordability term expires. If affordable units will be lost, opportunities to convert existing market-rate units to affordable units shall be investigated by determining whether provision of rehab improvement assistance or purchase of affordability covenants is warranted.

**Objectives:**

- Monitor units at-risk of converting to market-rate and outreach to property owners to identify resources and programs available to maintain affordability.
- Identify and pursue funding opportunities to assist in the preservation of at-risk, affordable units.
- Investigate opportunities to convert existing market-rate units to affordable units through rehabilitation improvement assistance.
- Comply with noticing requirements.
- Provide tenant education and assistance through a variety of methods including, but not limited to, informational materials online and in-person at City Hall, annual workshops or informational webinars, and/or partnerships with local organizations and agencies that provide assistance to renters and low-income households.
- Coordinate with qualified entities in identifying solutions to maintaining affordability for units at-risk of converting to market rate.

**Timing:** Monitor units through the planning period; outreach to property owners by January 2025; investigate opportunities for units at risk of converting to market rate annually; annually identify and pursue funding opportunities; comply with noticing requirements within 3 years, 12 months, and 6 months of the affordability expiration dates; begin coordinating with qualified entities by January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** State Funds, County CDBG and HOME Funds, City Housing Fund, and other potential funding sources

**Action H.1e: Community Education Regarding the Availability of Rehabilitation Programs**

Collaborate with the Contra Costa County HOME Consortium and CDBG Urban County to offer educational materials and events for lower-income households, owners, and managers of rental properties, non-English-speaking households, and other special needs groups about available rehabilitation programs and available affordable housing opportunities. Conduct targeted multi-lingual outreach using neighborhood and community organizations, the City and County websites, and various print, broadcast, and online media.

**Objectives:**

- Collaborate with relevant agencies and organizations to discuss and review available resources. Agencies and organizations the City currently collaborate and partners with include, but is not limited to, Contra Costa County HOME Consortium, CDBG Urban County, Village Drive Resource Center, ECHO Housing, Inc.
- Continue to host an annual City Council meeting with a CDBG representative to discuss rehabilitation funds for older housing units and programs to assist property owners.
- Proactively outreach to households and provide educational opportunities on available programs for special housing needs populations.

- Maintain informational materials online.
- Seek to assist in rehabilitating 30 housing units through community education and outreach efforts.

**Timing:** Annually collaborate with agencies and organizations, review informational materials, and conduct outreach; annually review rehabilitated units and resources available

**Responsible Agency:** Community Development Department; Contra Costa County CDBG/HOME Consortium

**Funding Source:** County CDBG and HOME funds

#### **Action H.1f: Housing Condition Survey**

Maintain a current housing condition survey of a representative sample of all housing units within the City. This survey should include the number of units in need of rehabilitation or replacement.

#### **Objectives:**

- Conduct a housing condition survey annually and advertise through the utilities bill, newsletters, newspaper, social media, and on the City’s website.
- Update the housing condition survey and annually monitor the number of units in need of rehabilitation. Update the survey every five years.
- Provide information online on resources available to units in need of rehabilitation.
- Identify new programs or actions needed to address units in need of rehabilitation depending on the data collected by the survey. This may include allocating additional funding towards assisting homeowners with upgrades, conducting informational workshops on available resources, sending out mailers to households in need of rehabilitation with resources, or other similar actions.

**Timing:** Update the survey by January 2025; update the survey every following five years; annually conduct the survey and provide information online on resources available

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

#### **Action H.1g: Residential Design Guidelines**

Continue implementation of the City’s approved Residential Design Guidelines and encourage a variety of housing types to continue to provide safe, sound, and attractive for units all residents. The intent of these guidelines is to express the housing design features the City would like to encourage in order to improve certainty and to minimize the processing time for design review applications. The City will also review the Residential Design Guidelines for subjective language and adopt modifications to promote objectivity – as of January 24, 2023, the City Council has approved to create objective standards for all residential uses by the end of 2023.

#### **Objectives:**

- Implement the Residential Design Guidelines.
- Annually meet with housing developers to provide them with information on the Residential Design Guidelines and receive input and feedback. If constraints are identified as part of the feedback received, the City will adopt amendments within 6 months.

**Timing:** Annually meet with developers, and adopt amendments within 6 months if feedback is received identifying constraints; amend the Residential Design Guidelines by January 2024; implement the guidelines throughout the 2023-2031 planning period

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund, SB 2 Planning and Development Grant

**Action H.1h: Code Enforcement**

Continue to provide both proactive and reactive code enforcement to encourage adherence to and address land use regulations and State and local laws, health and safety concerns, property maintenance, and nuisance conditions.

**Objectives:**

- Maintain code compliance.
- Assist homeowners in addressing code enforcement violations through technical assistance. The Code Enforcement Division currently mails informational materials to all new homeowners quarterly, and they also attend community events to provide educational materials and speak at HOAs.
- Seek and pursue funding opportunities to provide resources for homeowners.

**Timing:** Annually review the number and type of code enforcement cases, assist homeowners through technical assistance, and pursue funding opportunities

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.1i: Water Conservation Program**

Continue implementation of the City's Water Conservation Program. The program promotes the use of water conservation devices in existing structures, including use of low-flow toilets and shower heads, and water-conserving landscaping.

**Objectives:**

- Implement the Water Conservation Program.

**Timing:** Review effectiveness annually; changes, if necessary, to be made within one year

**Responsible Agency:** Public Works Department

**Funding Source:** CDBG, Water Enterprise

**Action H.1j: Energy Efficient Design**

Continue to implement the California Green Building Standards Code (CalGreen), encouraging new development and substantial rehabilitation projects to achieve a greater reduction in efficiency and conservation where feasible. Continue to encourage new development projects to meet LEED standards and apply for LEED certification.

**Objectives:**

- Implement the California Green Building Standards Code.
- Provide information on LEED certification online and outreach to housing developers with informational materials.

**Timing:** Review the California Green Building Standards Code for updates every three years; annually outreach to developers with information and maintain updated information online  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund

**Action H.1k: Condominium Conversion**

Continue implementation of the City’s adopted condominium conversion ordinance to regulate conversions of multi-family units and to mitigate tenant displacement and minimize displacement of seniors, disabled, and low- and moderate-income residents. Continue monitoring of condominium conversions to insure that a proposed conversion would not result in a disproportionate balance of available rental housing with a variety of choices in tenure, price, unit sizes, amenities, and location in the community. The City did not see any condominium conversions during the 5<sup>th</sup> cycle.

**Objectives:**

- Monitor condominium conversions.

**Timing:** Annually review condominium conversions and adopt ordinance amendments, if necessary  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund

**Action H.1l: Farmworker and Employee Housing**

California Health and Safety Code Sections 17021.5 and 17021.6 requires agricultural employee housing for six or fewer persons to be permitted by-right, without a Conditional Use Permit or other discretionary permit that is not likewise required of a family dwelling of the same type in the same zone, in single-family residential zoning districts, and in agricultural zones with no more than 12 units or spaces designed for use by a single family or household or 36 beds in a group quarters. The City shall amend the Zoning Code to comply with these State requirements. The Zoning Code shall also be amended to permit employee housing consisting of no more than 12 units or 36 beds in the same manner as other agricultural uses in the same zone.

**Objectives:**

- Amend the Zoning Code to comply with State requirements regarding farmworker and employee housing.

**Timing:** Amend the Zoning Code by January 2025  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund

**Action H.1m: Senate Bill 35 Streamlining**

The City shall establish written procedures to comply with California Government Code Section 65913.4 and publish those procedures for the public, as appropriate, to comply with the requirements of Senate Bill 35 (SB 35), Chapter 366 Statutes 2017. These requirements apply at any point in time when the City does not meet the State mandated requirements, based upon the SB 35 Statewide Determination Summary Report for Housing Element progress and reporting on Regional Housing Needs Assessment (RHNA). The City shall process development projects with at least 50 percent affordable units through a streamlined permit process set forth in State law. All projects covered by SB 35 are still subject to the objective development standards of the Brentwood Municipal Code, including the Building and Fire Codes. However, qualifying projects cannot be subject to discretionary review or public hearings; and in many

cases, the City cannot require parking. Reduced parking requirements would be established consistent with the requirements of SB 35 for qualified streamlining projects.

**Objectives:**

- Establish SB 35 procedures and provide information online.
- Develop and implement the program.

**Timing:** By January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.1n: Residential Incentives**

The Sites Inventory (**Appendix B**) identifies sites that allow mixed use development. To encourage residential development on these sites and maximize the development potential identified in the Sites Inventory, the City will promote existing residential incentives and identify potential new incentives as appropriate, including but not limited to, priority processing, granting fee waivers, granting concessions, providing technical assistance, providing funding support, and/or other similar incentives.

**Objectives:**

- Promote existing incentives and identify potential new incentives for the development of residential uses on sites identified in the Sites Inventory that allow both residential and non-residential uses.
- Establish and implement a residential incentives program to encourage residential development on mixed use sites. Annually promote the program to the development community.

**Timing:** Annually review and promote residential development incentives; establish and implement a residential incentives program by January 2025 promote the program to the development community annually

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.1o: Safety Element Update**

Senate Bill 1035 (SB 1035), Chapter 733 Statutes 2018 requires that the City revise the Safety Element to identify flood hazards and address the risk of fire hazards in certain lands upon each revision of the Housing Element. The City Council shall adopt amendments to the Safety Element in accordance with the requirements of SB 1035. **Objectives:**

- Adopt an updated Safety Element, which identifies and addresses flood and fire hazards.

**Timing:** By January 2025

**Responsible Agency:** Community Development Department, City Council

**Funding Source:** General Fund

**Action H.1p: Replacement Housing**

The City may have existing non-vacant sites included within the sites inventory that may contain vacant or demolished residential units that were occupied by lower-income households or households subject to affordability requirements within the last five years. The City will adopt a formal replacement housing program to ensure any units currently occupied by lower-income households, or households subject to affordability requirements within the last five years, that are lost for housing units are replaced in compliance with Government Code Section [66300](#).

**Objectives:**

- Adopt a replacement housing program for units lost that are currently occupied by lower-income households or households subject to affordability requirements of Government Code Section 66300 within the last five years.

**Timeframe:** Adopt program by January 2025

**Responsible Agency:** Community Development Department, City Council

**Funding Source:** General Fund

**Action H.1q: No Net Loss**

Consistent with SB 166 (No Net Loss), the City will monitor housing sites to ensure adequate sites to accommodate the remaining unmet RHNA by each income category are maintained at all times. Reporting is anticipated to coincide with preparation of the Annual Progress Reports. The City will track each site in its inventory and report annually to the City Council on the adequacy of available sites compared to the progress made towards meeting the RHNA.

If residential development is not sufficiently progressing towards building permits or if the City is not meeting the pro-rated share of the RHNA at all income levels by midway through the planning period, the City will evaluate its sites inventory and capacity to maintain adequate sites throughout the planning period and, if necessary, identify strategies to streamline and/or assist projects through entitlement (including, but not limited to, technical assistance, expedited review, and/or support of funding applications), adopt amendments to the ADU development regulations, or implement other strategies, such as General Plan and zoning changes to allow for greater residential densities.

**Objectives:**

- Monitor housing sites to ensure adequate sites to accommodate the remaining unmet RHNA by each income category.

**Timeframe:** Annually track status of identified sites and report to City Council (by April 1 of each year)

**Responsible Agency:** Planning Division

**Funding Source:** General Fund

**Action H.1r: Parking Standards for Studios and 1-Bedroom Units**

The City shall amend its parking standards for multi-family by requiring 1.5 parking spaces per 1-bedroom units and 1 parking space per 0-bedroom units.

The City will also continue to provide parking reductions as needed and for projects that comply with the City's Affordable Housing Ordinance.

**Objectives:**

- Adopt Zoning Code updates for multi-family unit parking requirements by requiring 1.5 parking spaces per 1-bedroom units and 0.5 spaces per 0-bedroom units.

**Timeframe:** Adopt the Zoning Code updates by January 2025

**Responsible Agency:** Planning Division

**Funding Source:** General Fund

**Action H.1s: CUP and Design and Site Development Review Findings**

As part of the Zoning Code Update, the City shall amend approval findings for CUP and Design and Site Development Review applications to replace subjective language with objective standards.



**Objectives:**

- Adopt Zoning Code updates removing subjectivity in application findings for CUPs and Design and Site Development Reviews.

**Timeframe:** Adopt the Zoning Code updates by January 2025

**Responsible Agency:** Planning Division

**Funding Source:** General Fund

**Action H.1t: Mid-Point Policy**

The City shall remove its mid-point policy to remove any added discretion or constraints, such as requiring the exercise of transferable agricultural credits, significant added amenities, extensive off-site public improvements, or other significant improvements for projects requesting densities above the mid-point for all residential land use categories.

**Objectives:**

- Adopt Zoning Code/General Plan updates removing discretion or constraints, such as requiring the exercise of transferable agricultural credits, significant added amenities, extensive off-site public improvements, or other significant improvements for projects requesting densities above the mid-point for all residential land use categories.

**Timeframe:** Adopt the Zoning Code/General Plan updates by January 2025

**Responsible Agency:** Planning Division

**Funding Source:** General Fund

## ***H.2 - Affordability Goal***

**Encourage housing that is affordable to all socio-economic segments of Brentwood's population.**

### **Housing Policies**

- **Policy H.2-1:** Encourage housing affordable and appropriate for a variety of Brentwood households at all economic levels throughout the City.
- **Policy H.2-2:** Support the use of available local, County, State, and Federal housing assistance programs.
- **Policy H.2-3:** Assist and cooperate with non-profit, private, and public entities to maximize opportunities to develop and preserve affordable housing.
- **Policy H.2-4:** Review and modify, when necessary, all standards and application processes to ensure that none act to constrain the production of affordable units.

### **Implementing Actions**

#### **Action H.2a: Compliance with Affordable Housing Ordinance**

All new residential projects shall provide affordable housing units in accordance with the City's adopted Affordable Housing Ordinance Chapter 17.725. The City will continue to review and monitor the ongoing effectiveness of the City's affordable housing ordinance to ensure developers provide a certain percentage of new homes to qualifying households at an affordable cost for the longest feasible time. The ordinance shall also continue to include a list of automatically available development incentives to encourage the construction of the inclusionary units, as well as provide the details for available alternatives to satisfy inclusionary housing obligations.

In 2022, the City approved an amendment to the Ordinance requiring multi-family developments to construct the required affordable units, instead of paying in-lieu fees, if the project proposes nine or more units. The City will continue to enforce this new requirement.

#### **Objectives:**

- Annually monitor development of affordable housing units and adjust ordinance as needed.
- Provide information on the Affordable Housing Ordinance online and annually outreach to housing developers to provide information on the Ordinance.

**Timing:** Annually monitor affordable housing production and provide information to housing developers

**Responsible Agency:** Community Development Department

**Funding Source:** City Housing Fund

#### **Action H.2b: Additional Development Incentives for Affordable Housing**

Use voluntary incentives to encourage the production of affordable housing, particularly housing affordable to extremely low-, very low-, and low-income groups, and provide incentives for the production of affordable housing where appropriate. Examples of such additional incentives include, but are not limited to, the following:

- Fast track processing. By expediting the development review process, carrying costs for lands being developed with affordable housing can be minimized.
- Fee Deferrals. Continue the provision of financial assistance for projects ensuring the long-term affordability of housing for very low- and low-income households through the use of additional fee deferrals of development processing and development impact fees until issuance of final inspection or 12 months from the date of deferral, whichever occurs first, or other similar incentives, so as to ensure the project's economic feasibility.
- Flexible Development Standards. Modification of the City's standards or approval of design modifications that increase the flexibility of the construction of affordable units for the necessary financial or other feasibility of the affordable housing development. Such modifications may include reduced lot sizes, home sizes, setback requirements, interior amenities, open space, and landscaping requirements.
- Direct Financial Assistance. Establish procedures, by January 2025, for the provision of direct financial assistance, if available, in the form of a loan or grant from the City housing funds for development of ownership and/or rental units affordable to lower income households in accordance with the City's affordable housing ordinance. Seek and pursue funding opportunities to enable the provision of financial assistance for the development of affordable units.
- Additional Concessions and Incentives. On a case-by-case basis, implement the provision of additional concessions or incentives consistent with State law and Brentwood's Housing Element for affordable units that exceed the requirements of the City's affordable housing ordinance.

**Objectives:**

- Provide incentives to affordable housing projects to encourage development of units.

**Timing:** Annually review incentives and effectiveness of the program; if necessary, changes to be made within one year; Establish direct financial assistance procedures by January 2025 and pursue funding annually

**Responsible Agency:** Community Development Department

**Funding Source:** City Housing Fund, and other potential funding sources

**Action H.2c: First-Time Homebuyer Assistance Program**

The City shall continue providing first-time homebuyer assistance services, either directly or through the Contra Costa Urban County and/or HOME Consortium, to lower income Brentwood residents to facilitate homeownership. This may include educational materials, referral information to existing programs, and/or down payment assistance depending upon available City financial resources.

**Objectives:**

- Provide informational materials on the First-Time Homebuyer Assistance Program online and outreach to the community.
- Annually host an in-person First-Time Homebuyer workshop with approved lenders, community groups, credit counseling, and other relevant groups/organizations to provide assistance to potential homebuyers.
- Assist 20 households in accessing First-Time Homebuyer assistance during the planning period.

**Timing:** Annually review households assisted and outreach conducted; annually host workshops

**Responsible Agency:** Community Development Department

**Funding Source:** City Housing Fund/County CDBG and HOME Funds

**Action H.2d: Affordable Housing Assistance**

Review the variety of potential financial assistance programs from both the public and private sectors to provide more affordable housing units. All available local, State, Federal, and private affordable housing programs for new housing and for the conservation and/or rehabilitation of existing housing will be identified for pursuit. City housing funds and other potential funding sources shall be leveraged to the greatest extent possible to create and preserve housing affordable to Brentwood’s workforce by encouraging developers to layer available public housing funds.

**Objectives:**

- Annually identify, pursue, and make affordable housing development funds available for affordable housing projects.
- At the time an application is submitted for affordable housing, the City shall review available funding sources and programs to determine if there are funds available for the project to claim.
- Provide technical assistance for developers to access financial assistance and funding sources.
- Coordinate with other public agencies to access resources and pursue funding opportunities.
- Utilize the Senior Analyst that manages affordable programs to be the point-of-contact for developers seeking information and assistance, as well as to identify and pursue funding opportunities.
- Through these resources and assistance, aim to facilitate the development of 50 extremely low-, 50 very low-, and 50 low-income units during the planning period.

**Timing:** Annual coordination with public agencies; review programs on a case-by-case basis; review affordable units annually; annually identify and pursue funding opportunities

**Responsible Agency:** Community Development Department

**Funding Source:** Private resources, County CDBG and HOME Funds, Federal and State funds, City Housing Fund, and other potential funding sources

**Action H.2e: Partnership Program**

When non-profit, private, and other public entities indicate interest in the development of affordable housing, the City will initiate a first meeting and subsequent follow-up contact to examine opportunities for cooperative efforts to expand the City’s supply of affordable housing. In addition to coordinating with interested entities, the City will proactively conduct outreach efforts to market available incentives and opportunities. Outreach may include, but is not limited to, email blasts, meetings, and phone calls with developers; website notices; social media posts; and other similar actions.

**Objectives:**

- Meet with developers and outside agencies when interest is expressed and follow up annually.
- Outreach to local and regional nonprofits and other entities engaged in building affordable housing to identify partnership opportunities.
- Host builder and developer roundtable meetings to identify opportunities and market available incentives and resources.
- Proactively market candidate sites and incentives to the development community to build relationships and interest.

**Timing:** Meet with developers and agencies on a case-by-case basis based on interest and annually follow-up; annually conduct proactive outreach to nonprofits and other entities to identify partnership opportunities; annually host a building and developer roundtable meeting; annually proactively market candidate sites and incentives to the developer community

**Responsible Agency:** Community Development Department

**Funding Source:** Private resources, County HOME and CDBG Funds, Federal and State funds, City Housing Fund, and other potential funding sources

**Action H.2f: Support Housing Sponsors**

Support non-profit and for-profit corporations in their efforts to make housing more affordable to lower- and moderate-income households. These efforts include, but are not limited to, written support letters for grant applications, identifying available sites for housing development (see related efforts in Program H.2e), City involvement in the development of such sites, and City financial support and contact of housing sponsors on an annual basis. This also includes collaborating with non-profit organizations or affordable housing developers in developing City-owned parcels with affordable housing units.

**Objectives:**

- Contact interested housing sponsors on an annual basis.
- Establish and implement a housing sponsors program aimed at supporting the development of affordable units through the following actions such as, but not limited to, support of grant applications, identifying available sites for housing development, City involvement in the development of such sites, and City financial support and contact of housing sponsors.
- Aim to facilitate the development of 50 affordable units from local partnerships and the housing sponsors program.

**Timing:** Annually outreach and review affordable housing units; biennially review efforts and make changes, if necessary; Establish the housing sponsors program by January 2024

**Responsible Agency:** Community Development Department

**Funding Source:** Private resources, HOME Funds, CDBG Funds, Federal and State Funds, City Housing Fund, and other potential funding sources

**Action H.2g: Streamline Application Process**

Continue efforts to streamline and improve the development review process, as well as eliminate any unnecessary delays and restrictions in the processing of development applications.

**Objectives:**

- Biennially review development review processes and meet with developers to identify potential constraint to the development of housing. If constraints are identified as part of the feedback received, the City will adopt amendments within 6 months.

**Timing:** Biennially meet with developers and review processes, and adopt amendments within 6 months if feedback is received identifying constraints

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2h: Land Acquisition**

The City shall identify opportunities to acquire appropriately located and residentially zoned land for the purpose of partnering with profit and non-profit developers to construct new affordable housing.

**Objectives:**

- Identify potential residential land for affordable housing, to the extent that financial and staff resources are available to proceed with purchase of land.
- Pursue funding opportunities for the acquisition of land for the purpose of partnering with organizations and developers to develop affordable housing.

**Timing:** Annually; 2023-2031

**Responsible Agency:** Community Development Department, City Council

**Funding Source:** City Housing Fund and other potential funding sources

**Action H.2i: Density Bonus Ordinance**

Assembly Bill 2345 (AB 2345), Chapter 197 Statutes 2020 requires a density bonus of up to 50 percent when a qualifying percentage of Below Market Rate (BMR) units are proposed. Among other things, Government Code Section 65915 also authorizes an applicant to receive:

- Two incentives or concessions for projects that include at least 17 percent of the total units for lower-income households, at least 10 percent of the total units for very low-income households, or at least 20 percent for persons or families of moderate-income in a development in which the units are for sale;
- Three incentives or concessions for projects that include at least 24 percent of the total units for lower-income households, at least 15 percent of the total units for very low-income households, or at least 30 percent for persons or families of moderate-income in a development in which the units are for sale; and
- Four incentives or concessions for projects that meet additional State law requirements

The City shall update its Density Bonus Ordinance to comply with State law requirements.

**Objectives:**

- Update the Density Bonus Ordinance in compliance with State law requirements. As of February 2023, the City Council has authorized Staff to move forward with a focused update of the Zoning Ordinance, including the Density Bonus Ordinance, and is anticipated to be completed by mid-2024.

**Timing:** By December 2024; review annually and update as necessary; 2023-2031

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2j: Priority Building Inspections for Affordable Housing Projects**

The City will give priority to low- and very low-income housing projects for building inspections carried out during various stages of the construction process.

**Objectives:**

- Provide priority building inspections to housing projects with lower-income units.

**Timing:** On a case-by-case basis; 2023-2031

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2k: Support Flexibility for Certain Residential Development Standards**

The City has adopted development standards for all residential zoning designations and, as of February 2023, has begun the process of drafting objective development standards. However, applicants may elect to propose their own development standards through the rezoning and planned development amendment processes. The City shall provide the guidance and direction to foster context sensitive development that enhances the community while providing greater flexibility to encourage future development.

**Objectives:**

- Provide information online on programs available for projects proposing affordable housing units and collaborate with developers on potential opportunities for flexible development standards on certain vacant lots.
- Adopt objective development standards and conduct community and developer outreach as part of the process. This outreach may include, but is not limited to, workshop, meetings, informational handouts, e-blasts, newsletters, and phone calls.

**Timing:** Annually review affordable housing unit development; collaborate with developers on a case-by-case basis; Adopt objective development standards by January 2024

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2l: Development Fees**

The City shall monitor required development fees including in-lieu fees, development impact fees, and processing fees, with the aim of reducing constraints on the development of affordable residential projects, including, but not limited to, senior housing, housing for farmworkers, emergency/transitional housing, housing for persons with disabilities (including developmental), single room occupancies, and accessory dwelling units. To respond to changing local market conditions during the planning period, the City shall revise required development fees, if it is deemed appropriate.

Where fees are established and administered by regional agencies, such as the Regional Transportation Development Impact Fee, the City shall request the administering agency to review and reduce fees if the City has determined that the agency's fee is constraining residential development, particularly development of affordable housing and/or housing for special needs groups.

**Objectives:**

- Address potential constraints to affordable housing as it relates to development fees.
- Conduct a Community Development comprehensive fee update.

**Timing:** Annually monitor and review development fees; if changes are deemed necessary, amend fee schedules or collaborate with external agencies to amend fee schedules within one year; Conduct a Community Development comprehensive fee update for Fiscal Year 2024-2026

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2m: Water and Sewer Priority**

Following adoption of the Housing Element, the City shall provide the water and sewer providers with a copy of the Housing Element. The copy of the Housing Element will be accompanied by a letter identifying the City’s 2023-2031 RHNA allocation for lower- income units and will refer the water and sewer providers to the requirements of State law set forth at Government Code Section 65589.7 regarding the granting of a priority for provision of water and sewer services to proposed developments that include housing units affordable to lower-income households.

**Objectives:**

- Comply with requirements of State law associated with provision of Housing Element to water and sewer providers.

**Timing:** Upon adoption of the 2023-2031 Housing Element, and immediately following the adoption of subsequent amendments to the Housing Element

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2n: Affordability Monitoring**

Continue to require affordable housing projects that receive City assistance to enter into an affordable housing agreement with the City that includes provisions to ensure initial and continuing affordability – this is required per Ordinance. For rental projects, the affordable housing agreement shall include provisions requiring annual monitoring to ensure that the affordable units are assisting income-eligible households. For for-sale projects, the affordable housing agreement shall include sale and resale provisions that ensure the execution and recordation of deed restrictions to ensure continued affordability for the term of the affordable housing agreement.

**Objectives:**

- Monitor affordable housing projects that receive City assistance.
- Per City Ordinance, continue to require affordable housing projects that receive City assistance to enter into an affordable housing agreement with the City that includes provisions to ensure initial and continuing affordability.

**Timing:** Monitor existing and proposed affordable housing projects on a project-by-project basis; 2023-2031

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.2o: By-Right Development of 5<sup>th</sup> and 4<sup>th</sup> Cycle Sites**

Pursuant to Government Code section 65583.2(c), adopt amendments to the Zoning Code to allow by-right development for projects proposing 20 percent or more of the total units as affordable to lower income households if the site is non-vacant and previously identified with the same zoning in the 5<sup>th</sup> Cycle Housing Element or if the site is vacant and previously identified with the same zoning in the 5<sup>th</sup> and 4<sup>th</sup> Cycle Housing Elements.

**Objectives:**

- Allow by-right development for qualifying sites pursuant to Government Code section 65583.2(c).

**Timeframe:** Adopt amendments by January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund



**Action H.2o: Monitor Effects of Regional Fees**

Like other jurisdictions in the county, Brentwood is subject to regional transportation impact fees levied by Contra Costa County. The City shall monitor the effects of these fees on housing costs and production and continue to work with the East Contra Costa County Regional Fee and Financing Authority (ECCCRFFA), a Joint Powers Authority (JPA) that levies the fee and operates through the TRANSPLAN Committee, to ensure that the fees are equitable and appropriately applied and adjusted. The City shall also support, and work with the ECCCRFFA to pursue, a fee reduction or exemption for high-density housing near transit, and affordable housing developments, as feasible.

**Objectives:**

- Continue to appoint one City Council Member and one Planning Commissioner to represent the City of Brentwood on the ECCCRFFA.
- Continue to participate in regular meetings of the JPA, and work with the other members of the ECCRFFA to pursue and support reductions to the regional fee for higher-density residential uses near major transit stops and affordable housing developments.

**Timeframe:** Periodically and throughout the planning period, as fees are reevaluated

**Responsible Agency:** City Council and Planning Commission

**Funding Source:** General Fund

### ***H.3 - Equitable Distribution of Affordable Housing Goal***

**Encourage an equitable distribution of housing for all economic groups throughout the community.**

#### **Housing Policies**

- **Policy H.3-1:** Facilitate the integration of new lower income households into the fabric of the community, avoiding, where feasible, identifying housing developments or portions of a development as being restricted to very low-, low-, or moderate-income households.
- **Policy H.3-2:** Facilitate infill and new residential projects within all areas of the City as a means of making each neighborhood more attractive for all types of housing units thereby encouraging future private economic investment in the community.
- **Policy H.3-3:** Maintain an inventory of lands that equitably distributes, through General Plan land use designations and zoning, low-, medium-, high-, and very high-density residential development throughout the community.

#### **Implementing Actions**

##### **Action H.3a: Affordable Housing Design and Distribution**

All affordable units within a mixed-income subdivision shall be harmonious and comparable to the market-rate units in exterior design, quality of materials and architectural elements, and overall construction quality. Affordable units may have different interior amenities and/or slightly different dimensions than market rate units in a residential development. Affordable units in a mixed-income development shall be dispersed throughout the residential development so as to prevent the concentration of affordable units.

##### **Objectives:**

- Monitor affordable housing design and distribution requirements and make information on requirements available to developers and the community online.
- Adopt revisions to mixed-use design requirements following the adoption of the objective development standards.

**Timing:** Monitor requirements as projects are proposed; provide informational materials online by January 2025; review and update, if necessary, on a biennial basis; Adopt revisions following the adoption of the objective development standards

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

##### **Action H.3b: Community Education**

Continue to educate the community about annual incomes for typical occupations and the equivalent “buying power” of these incomes in today’s housing market. As part of this program, ensure that the community is aware of the income ranges of very low-, low-, and moderate-incomes, and of the typical occupations that fall into these categories.

##### **Objectives:**

- Maintain informational materials online.

- Annually host events/workshops to inform the community of affordable housing programs and provide informational sessions on the housing market, density examples, and community need.
- Annually create and advertise informational materials related to housing such as, but not limited to, the housing market, resources available to the community, development projects, what different densities look like, FAQ on affordable units, and the inclusionary ordinance.

**Timing:** Update materials by January 2025; review and update, if necessary, on a biennial basis; host community events annually; Create and advertise informational materials annually

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund, City Housing Fund

### **Action H.3c: Development Incentives**

Maintain the existing package of incentives to facilitate development of housing intended for extremely low-, very low-, low-, and moderate-income households in a manner which does not distinguish such “affordable” housing from “market rate” housing in the same area. Provide package to housing developers and interested parties at meetings and on the City’s website.

#### **Objectives:**

- Provide a package to relevant entities and online summarizing available incentives for the development of units affordable to lower- and moderate-income households.
- Biennial review of the incentive package with the development community to receive feedback on the efficacy of the incentives. Within one year of receiving feedback, identify if changes to the package are necessary to further incentivize affordable development.

**Timing:** Update materials by January 2024; review and update, if necessary, on a biennial basis

**Responsible Agency:** Community Development Department, Planning Commission, City Council

**Funding Source:** General Fund

### **Action H.3d: Marketing Materials**

Prepare marketing materials to be provided to the building industry, outlining opportunities for the development of housing projects. The City shall provide materials to housing developers and interested parties at meetings and on the City’s website.

#### **Objectives:**

- Provide marketing materials to affordable housing developers and include an inventory of sites and information regarding housing needs (also see similar actions in Action H.2e and H.2f).

**Timing:** Update materials by January 2024; review and update on a biennial basis

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund, City Housing Fund, and other potential funding sources

### **Action H.3e: Meet with Potential Developers**

As infill sites become available on the open market, the City shall actively seek out potential developers as a means of generating interest on their part to undertake residential projects.

#### **Objectives:**

- Outreach to developers with potential residential development opportunities.

**Timing:** Annually outreach to developers; annual review of developer interest and outreach methods  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund, City Housing Fund, and other potential funding sources

**Action H.3f: Housing for Extremely Low-, Very Low-, and Low-Income Residents**

Assist developers in accessing City, County CDBG and HOME Funds, Federal, and State housing development programs and funds to undertake development of housing projects for extremely low-, very low-, and low-income households.

**Objectives:**

- Meet with housing developers to discuss available programs and funding sources to develop lower-income housing units.
- Provide technical assistance to affordable housing developers in the form of one-on-one meetings to review applications and potential projects with affordable housing staff, share financing and funding resources, connect potential applications to other agencies or organizations with additional resources and assistance.
- Provide written support letters for funding applications from affordable housing developers.

**Timing:** Annually meet with developers; annually provide technical assistance and support funding applications  
**Responsible Agency:** Community Development Department  
**Funding Source:** CDBG, HOME, City Housing Fund, Federal and State funds, and other potential funding sources

**Action H.3g: Improve Participation in Existing Local Housing Assistance**

Provide access to available housing assistance programs for Brentwood residents through improved marketing and outreach efforts including providing information at annual forums, scheduling appointments with County housing program specialists in Brentwood, providing multilingual brochures, and posting housing program information on the City's website.

**Objectives:**

- Conduct multilingual outreach to the community with available housing assistance programs.

**Timing:** Annually conduct multilingual outreach; Annually review effectiveness of the program to determine if adjustments need to be made regarding outreach methods; if changes are deemed necessary, implement within six months  
**Responsible Agency:** Community Development Department  
**Funding Source:** City Housing Fund and other potential funding sources

## H.4 - Housing Opportunities Goal

### Promote equal housing opportunities for all residents of Brentwood.

#### Housing Policies

- **Policy H.4-1:** Encourage and support the enforcement of laws and regulations prohibiting discrimination in lending practices and in the sale or rental of housing.
- **Policy H.4-2:** Facilitate the provision of housing opportunities for those residents of the City who have special housing needs including farmworkers, the elderly, disabled, developmentally disabled, large families, and the homeless.

#### Implementing Actions

##### Action H.4a: Affirmatively Further Fair Housing

Pursuant to Assembly Bill 686 (AB 686), Chapter 958 Statutes 2018, the City shall affirmatively further fair housing by taking meaningful actions that foster inclusive communities free from barriers that restrict access to opportunities based on protected characteristics, as defined by State law. The City shall collaborate with the community, stakeholders, and appropriate organizations and agencies to address potential constraints to fair housing. This may include, but is not limited to:

- Analyzing and identifying barriers to entry into homeownership or rental opportunities;
- Reviewing restrictions that may prevent disadvantaged groups from locating in Brentwood;
- Fostering a more inclusive community for all disadvantaged groups.

In addition, the City has identified factors contributing to fair housing issues in Section 3.E.2. These factors include: displacement of residents due to economic pressures, availability of affordable housing, and environmental justice discrepancy. The City will take the following actions to address each contributing factor.

Action H.4a – Contributing Factors and Actions			
Contributing Factor	Meaningful Action	Geographic Target <sup>1</sup>	Priority and Timeline
<b>Housing Mobility</b>			
Availability of Affordable Housing	Conduct landlord outreach to expand the location of participating voucher properties. <b>Metric:</b> Identify 5 additional properties throughout the planning period to participate in the voucher program.	<u>Area 1 and 3</u>	<b>Low</b> Annually conduct outreach. Mid-Cycle review of progress; if changes are deemed necessary, implement within one year.
	<u>Annually host an educational workshop on voucher programs and source of income discrimination.</u> <b>Metric:</b> <u>Aim to engage a minimum of 15 individuals (renters and landlords) per workshop.</u>	<u>City-wide</u>	<b>Low</b> <u>Annually</u>

Action H.4a – Contributing Factors and Actions			
Contributing Factor	Meaningful Action	Geographic Target <sup>1</sup>	Priority and Timeline
	<p>Work with and incentivize developers to develop four or more units in a building when possible and identify opportunities for more units or lot consolidations. <u>Incentives may include, but are not limited to, technical assistance, development standards flexibility, and/or reduced fees.</u></p> <p><b>Metric:</b> Work with developers to maximize potential units per site, including building affordable units. <i>(Note: per the 2022 Inclusionary Ordinance update, projects over nine units cannot pay in-lieu fees and must build the affordable units).</i></p>	<u>Area 1 and 3</u>	<b>Low</b> Annually coordinate with housing developers and provide assistance on a case-by-case basis.
	<p>Facilitate collaboration between local governments and community land trusts through annual meetings as a mechanism to develop affordable housing in higher-opportunity areas, as well as work with local agencies and departments in improving TCAC opportunity ratings in areas of need.</p> <p><b>Metric:</b> Facilitate the development of 100 affordable units within <u>relatively</u> higher-opportunity areas.</p>	City-Wide, with a focus on improving opportunity scores in <u>Area 2</u>	<b>Moderate</b> Maintain and update candidate sites list and annually provide opportunities to relevant agencies and organizations. Offer collaboration and assistance.
Housing Choices and Affordability in Areas of Opportunity			
Environmental Justice Discrepancy	<p>Review <u>and implement changes in the zoning code and standards</u>, permit streamlining, fees, incentives and other approaches to increase housing choices and affordability (e.g., duplex, triplex, multifamily, ADU, transitional and supportive housing, group homes) in higher opportunity areas, as well as improve opportunity ratings in areas of need.</p> <p><b>Metric:</b> Facilitate the development of 100 affordable units within <u>relatively</u> higher-opportunity areas.</p>	<u>Area 1 and Area 3, relatively higher income areas including RCAA neighborhoods.</u>	<b>High</b> By January 2025 <u>establish an incentive plan and begin implementation in 2026. Conduct a Mid-Cycle review; if changes are deemed necessary, implement within one year.</u> <u>See Action H.1q: No Net Loss for additional actions.</u>
<u>Availability of Affordable Housing</u>	<u>Continue to implement inclusionary zoning regulations and promote the creation of affordable units over the payment of in-lieu fees.</u>	<u>City-wide</u>	<b>High</b> <u>On a project-by-project basis</u>

Action H.4a – Contributing Factors and Actions			
Contributing Factor	Meaningful Action	Geographic Target <sup>1</sup>	Priority and Timeline
	<p><u><b>Metric:</b> Aim for 75 percent of projects subject to inclusionary requirements building affordable units instead of using alternative methods of meeting the requirements, such as in-lieu fees.</u></p>		
	<p><u>Assist with the construction of affordable housing for special housing needs population, including, but not limited to, providing technical assistance, streamlined review, reduced development fees.</u></p> <p><u><b>Metric:</b> Aim to facilitate the construction of 100 units for special needs populations</u></p>	<p><u>City-wide, with a focus on areas in close proximity to community resources</u></p>	<p><b>Moderate</b> <u>Throughout the planning period</u></p>
<p><u>Racially Concentrated Areas of Affluence</u></p>	<p><u>Affirmative marketing to promote equal access to government-assisted housing and to promote housing opportunities throughout that City and within RCAAs. This may include, but is not limited to, noticing of affordable units/projects through direct mail targeted outreach to lower income census tracts; publishing advertising materials in multiple languages, informing service agencies, and outreach to community organizations and places of worship.</u></p> <p><u><b>Metric:</b> Conduct affirmative marketing for each new housing development which includes affordable units.</u></p>	<p><u>City-wide, with a focus on RCAAs/ Area 3</u></p>	<p><b>Moderate</b> <u>On a project-by-project basis</u></p>
	<p><u>Facilitate the development of 112 ADUs through Action H.1b. and promote ADU development in areas of opportunity and RCAAs.</u></p> <p><u><b>Metric:</b> Facilitate the construction of 112 ADUs with 66 affordable to lower income households and 34 affordable to moderate income households.</u></p>	<p><u>City-wide, with a focus on RCAAs/ Area 3</u></p>	<p><b>Moderate</b> <u>Throughout the planning period. See Action H.1c for monitoring and planning mid pint review timeframes.</u></p>
	<p><u>Review future policies and programs for potentially restrictive practices that would limit diversity in RCAAs.</u></p> <p><u><b>Metric:</b> As long-range plans are updated, or as policies and programs are proposed, review language for potentially restrictive practices that would limit diversity with RCAAs.</u></p>	<p><u>RCAAs/ Area 3</u></p>	<p><b>Low</b> <u>As long-range plans are updated, or as new policies and programs are proposed</u></p>
	<p><u>Establish specific incentives for the development of affordable units the RCAAs</u></p>	<p><u>RCAAs/ Area 3</u></p>	<p><b>Moderate</b></p>

Action H.4a – Contributing Factors and Actions			
Contributing Factor	Meaningful Action	Geographic Target <sup>1</sup>	Priority and Timeline
	<p><u>and high opportunity areas, including, but not limited to, permit streamlining and reduced fees. For example, the City has identified 3 candidate sites in this area for a total of 156 LI units. Incentives could be specific to these sites or other sites that allow high-density housing and may include, but are not limited to, reduced fees, technical assistance, and support to funding applications.</u></p> <p><b>Metric:</b> <u>Aim to facilitate the construction of 75 affordable units within RCAs.</u></p>		<u>Throughout the planning period</u>
Community Conservation and Revitalization			
Environmental Justice Discrepancy	<p>Research and establish targeted investments in areas of most need focused on improving community assets such as schools, recreational facilities and programs, social service programs, parks, streets, active transportation and infrastructure.</p> <p><b>Metric:</b> <u>Complete at least 4 targeted investments, totaling approximately \$30 million, aimed at improving TCAC Opportunity scores for census tract 31.03 (Area 2).</u></p>	<u>Area 2</u>	<b>High</b> Begin implementation by January 2026. <u>Create a plan for targeted investments by January 2025.</u>
	<p>Develop a proactive code enforcement program that targets areas of concentrated rehabilitation needs, results in repairs and mitigates potential cost, displacement and relocation impacts on residents. Identify target areas through annual windshield surveys and neighborhood visits. <u>Program will be paired with additional information on funding and resources to the City and/or County’s housing home repair or rehab programs.</u></p> <p><b>Metric:</b> Identify areas of need and establish targeted investments and programs to address rehabilitation need.</p>	City-wide – specific target areas will be identified annually and may be subject to change based on the review <u>with a focus on Area 2</u>	<b>High</b> <u>Develop</u> by January 2026. <u>Implement annually and throughout the planning period.</u>
	<u>Complete the first phase of Brentwood Boulevard widening to improve safety, traffic flow, and facilitate development.</u>	<u>Brentwood Boulevard</u>	<b>High</b> <u>By June 2026</u>
	<u>Complete the Downtown Alley Rehabilitation from Midway to Park Way to accommodate additional development in</u>	<u>Downtown Alley from Midway to Park Way</u>	<b>High</b> <u>By January 2025</u>



Action H.4a – Contributing Factors and Actions			
Contributing Factor	Meaningful Action	Geographic Target <sup>1</sup>	Priority and Timeline
	<u>the Downtown, enhance access, and reduce infrastructure need for future developments.</u>		
	<u>Complete the Homecoming Park Playground play equipment replacements.</u>	<u>Homecoming Park</u>	<b>High</b> <u>By January 2025</u>
	<u>Complete the Lone Tree Way roadway improvements to support a new K-8 school anticipated to open in July 2024.</u>	<u>Lone Tree Way roadway</u>	<b>High</b> <u>By January 2025</u>
<u>Housing for Special Needs Populations</u>	<u>Create and promote informational materials on housing accessibility, rehabilitation, and maintenance resources.</u> <b>Metric:</b> <u>Aim to assist 10 households with accessibility, rehabilitation, and maintenance needs.</u>	<u>City-wide, with a focus on Areas 1 and 2</u>	<b>Moderate</b> <u>Develop materials by January 2025 and advertise annually throughout the planning period</u>
	<u>Annually host a workshop with relevant community organizations and groups to discuss the needs of persons with disabilities and identify whether additional resources and development concessions are needed. If necessary changes are identified, adopt amendments within 6 months.</u> <b>Metric:</b> <u>Aim to a engage a minimum of 15 individuals and organizations per workshop.</u>	<u>City-wide</u>	<b>Moderate</b> <u>Throughout the planning period</u>
	<u>Extend search times for particular groups with housing choice vouchers, such as larger families with children, persons with disabilities, or seniors.</u> <b>Metric:</b> <u>Extend search times for special needs populations</u>	<u>City-wide</u>	<b>High</b> <u>By January 2026</u>
Protection from Displacement			
<u>Displacement from Economic Pressures</u>	<u>Maintain multi-lingual informational materials on tenant legal counseling and resources and provide materials annually to local organizations that serve non-English speakers.</u> <b>Metric:</b> <u>Aim to protect a minimum of 10 households from displacement through tenant resources throughout the planning cycle.</u>	<u>City-wide with a focus on Area 2</u>	<b>High</b> <u>Create materials by August 2024; update as necessary. Distribute materials annually.</u>
	<u>Create and promote informational materials on the location of participating</u>	<u>City-wide</u>	<b>Low</b> <u>Publish materials by January 2026</u>

<b>Action H.4a – Contributing Factors and Actions</b>			
<b>Contributing Factor</b>	<b>Meaningful Action</b>	<b>Geographic Target<sup>1</sup></b>	<b>Priority and Timeline</b>
	<u><a href="#">voucher properties and availability of voucher programs/financial assistance.</a></u> <u><a href="#">Metric: Publish materials and update as necessary</a></u>		<u><a href="#">and update as necessary</a></u>
<u><a href="#">1. See Figure 3-55, in Section 3 of this Housing Element, for an outline of the geographic areas.</a></u>			

**Timing:** 2023-2031; annually review each actions individual timeline and make changes as necessary  
**Responsible Agency:** Community Development Department  
**Funding Source:** Private Resources, Federal and State funds, CDBG, HOME, City Housing Fund, and other potential funding sources

**Action H.4b: Cooperative Association with Non-Profits**

Continue to refer cases and questions to Bay Area Legal Aid, Housing Rights Inc., Shelter, Inc., and Pacific Community Services for assistance.

**Objectives:**

- Maintain information online on non-profits that provide fair housing assistance and services and, on a need basis, refer cases and questions to said non-profits.

**Timing:** On a case-by-case basis; review information available online annually  
**Responsible Agency:** Community Development Department  
**Funding Source:** City Housing Fund

**Action H.4c: Disseminate Fair Housing Information**

The City shall disseminate fair housing information widely in the community in multiple languages. This effort shall include providing information to local apartment managers and realtors involved in residential rental real estate transactions, providing information at the Brentwood public library, at City Hall, at the Brentwood Community Center and Senior Center, at the Police Department, and at social service offices in Brentwood, on a space-available basis, serving special needs groups including lower-income households.

**Objectives:**

- Disseminate fair housing information annually throughout the community and annually meet with local organizations and agencies to provide information on available resources.

**Timing:** Review annually; meet with organizations and agencies annually  
**Responsible Agency:** Community Development Department  
**Funding Source:** City Housing Fund

**Action H.4d: Foreclosure Prevention and Loan Modification Information**

The City shall continue to provide foreclosure prevention and loan modification information on its website, sponsor workshops for the community, and refer owners to non-profit counseling and service providers for legal, credit, foreclosure, and loan modification counseling.

**Objectives:**

- Maintain information online on resource for foreclosure prevention and loan modification.

**Timing:** Review annually; annually collaborate with local organizations and agencies on available resources

**Responsible Agency:** Community Development Department

**Funding Source:** City Housing Fund

**Action H.4e: Housing Opportunities for Special Needs Groups**

Encourage housing opportunities to meet the special housing needs of farmworkers, elderly, disabled, developmentally disabled, large families, female-headed households, and persons experiencing homelessness. Encourage affordable housing developers to provide units for special needs persons or households, when feasible and appropriate.

**Objectives:**

- Facilitate the construction of 50 special needs units (farmworker, affordable senior, disabled, developmentally disabled, large households, female-headed household, homeless) during the planning period.
- Annually coordinate with housing developers to discuss potential constraints and resources for developing housing for special needs groups.

**Timing:** 2023-2031; annually coordinate with housing developers and review progress in providing housing for special needs groups

**Responsible Agency:** Community Development Department

**Funding Source:** Private Resources, Federal and State funds, CDBG, HOME, City Housing Fund, and other potential funding sources

**Action H.4f: Coordination with Agencies Serving the Homeless**

The City shall cooperate with public and private agencies to develop housing (including transitional housing), family counseling, and employment programs for the homeless. The City shall participate in regional efforts to combat homelessness, including coordination with the Contra Costa Interjurisdictional Council on Homelessness and participation in the Contra Costa Homeless Continuum of Care.

**Objectives:**

- Participate in local and regional efforts to address the needs of persons experiencing homelessness.
- As available, provide funding assistance and support funding applications for efforts addressing homelessness.
- Seek and pursue funding opportunities to address homelessness in the City and participate in regional efforts.

**Timing:** Annually coordinate with public and private agencies; review funding and available assistance annually; annually pursue funding opportunities

**Responsible Agency:** Community Development Department and Contra Costa County

**Funding Source:** Homeless Agencies, Federal and State funds

**Action H.4g: Reasonable Accommodation**

Pursuant to Government Code Section 65583, the City is obligated to analyze and demonstrate local efforts to remove potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels and for persons with disabilities. The Fair Housing Act, as amended in 1988, requires that cities and counties provide reasonable accommodation with regard to rules, policies, practices, and procedures where such accommodation may be necessary to afford

individuals with disabilities equal housing opportunities. Reasonable accommodation provides a basis for residents with disabilities to request flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain regulations or requirements to ensure equal access to housing opportunities. The City is required to consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be appropriate under the factors set forth in Brentwood Municipal Code Chapter 17.760.

In compliance with Government Code Section 65583, the City shall continue to provide reasonable accommodations for persons with disabilities pursuant to Brentwood Municipal Code Chapter 17.760.

**Objectives:**

- Maintain updated information on reasonable accommodations on the City’s website.
- Biennially review and update applicable procedures and/or requirements to remove potential constraints.
- Provide information on housing resources available to persons with disabilities to the Regional Center and other local groups or organizations serving the needs of persons with disabilities.

**Timing:** Review biennially, and if determined necessary, amend the Zoning Code within six months; annually provide information on housing resources to the Regional Center and other local organizations and groups serving the needs of persons with disabilities.

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4h: Low-Barrier Navigation Center**

Assembly Bill 101 (AB 101), Chapter 159 Statutes 2019 requires 'by right' approval of low-barrier navigation centers in areas zoned for mixed uses and nonresidential zones permitting multifamily uses that meet specified requirements. The City shall adopt regulations and procedures for this type of use and establish a ministerial approval process for low-barrier navigation centers. In the interim, any submitted application for this use type shall be processed in accordance with State law.

The City shall also monitor the effectiveness and appropriateness of these regulations and procedures. Should any amendments be warranted pursuant to State law, the City shall amend the Municipal Code.

**Objectives:**

- Adopt and implement procedures and regulations to process low-barrier navigation centers. Procedures shall include establishing a ministerial approval process pursuant to State law.

**Timing:** Adopt and implement by January 2025; review annually

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4i: Housing for Persons with Developmental Disabilities**

The City shall encourage construction and rehabilitation of housing with supportive services targeted for persons with developmental disabilities, including collaborating with developers of supportive housing to identify opportunities, resources, and potential constraints. The City shall establish regulatory incentives, such as expedited permit processing and fee deferrals, to projects targeted for persons with developmental disabilities. The City shall seek State and Federal funding and support funding applications for housing construction and rehabilitation targeted for persons with developmental disabilities, as staff resources allow. The City shall maintain information online on housing and services available for persons with developmental disabilities.

**Objectives:**

- Collaborate with housing developers and local organizations to identify the needs of local persons with developmental disabilities.
- Seek State and Federal funding and support funding applications.
- Establish regulatory incentives for projects proposing housing for persons with developmental disabilities.

**Timeframe:** Implement by January 2027; annually meet with developers and organizations and seek funding opportunities; review annually

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4j: Single-Room Occupancy (SRO) Units**

Single-Room Occupancy (SROs) Units may provide a valuable source of affordable housing for individuals and may serve as an entry point into the housing market for persons who previously experienced homelessness. The City’s Municipal Code conditionally permits SROs in the COR and CR zoning district.

**Objectives:**

- Define Single-Room Occupancy Units in the Municipal Code.
- Collaborate with local organizations and agencies to discuss the needs of persons who previously experienced homelessness.
- Support and, when possible, fund local and regional efforts to address the housing needs of persons in Brentwood who previously experienced homelessness.

**Timing:** Add a definition of SRO in the Municipal Code by January 2026; collaborate with organizations annually; annually review funding resources; make changes as necessary throughout the planning period

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4k: Emergency Shelters**

Pursuant to the provisions of SB 2, [AB 139](#), [and AB 2339](#) the City will continue to facilitate the establishment of emergency shelters to assist those experiencing homelessness. The City will update the Municipal Code to comply with AB 139 parking requirements [and AB 2339](#).

**Objectives:**

- [Amend the Municipal Code parking requirements for emergency shelters in compliance with AB 139.](#)
- [Amend the Municipal Code to allow emergency shelters by-right in at least one zone that allows residential and revise the definition of emergency shelters pursuant to AB 2339 \(2023\).](#)

**Timing:** Adopt amendment by January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4l: By-Right Permanent Supportive Housing (AB 2162)**

Pursuant to Government Code section 65651, supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including non-residential zones permitting multifamily uses.

**Objectives:**

- Amend the Municipal Code to permit by-right permanent supportive housing in compliance with Government Code section 65651.

**Timing:** Adopt amendment by January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4m: Reasonable Accommodations**

The Brentwood Zoning Code allows a request for reasonable accommodation to be made by any person with a disability, their representative or any entity, when the application of a zoning law, building regulation, or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. An individual with a disability is defined as any individual who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment.

As part of the ongoing Zoning Code update, the City will amend reasonable accommodations to remove subjective requirements to application findings and constraints.

**Objectives:**

- Adopt Zoning Code updates removing subjectivity and constraints in application finding requirements.

**Timing:** Adopt the Zoning Code updates by January 2025

**Responsible Agency:** Community Development Department

**Funding Source:** General Fund

**Action H.4n: Definition of Family**

The City’s Zoning Code defines “Family” as “the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit including the joint use of and responsibility for common areas, sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses. If the dwelling unit is rented, this means that all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease for the entire dwelling, with joint use and responsibility of the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than by the landlord or property manager.”

As part of the ongoing Zoning Code update, the City will amend its definition of “Family” to remove the requirement that all household members be under a single lease to be considered a family.

**Objectives:**

- Adopt Zoning Code updates removing constraints posed by the City’s definition of “Family” to comply with State law requirements.

**Timing:** Adopt the Zoning Code updates by January 2025  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund

**Action H.4o: Residential Care Facilities**

Large residential care facilities occupy a large family home and provide adult or child group home, social rehabilitation center, or adult or child day care center. Approval of a CUP is currently required for large residential care facilities, potentially creating a constraint to the development of this housing type. The City will revise the Zoning Code to remove the CUP requirement and establish a processes and requirements for large residential care facilities to allow these uses in the same way as other residential uses in the same zone.

**Objectives:**

- Adopt Zoning Code updates to allow residential care facilities in all zones allowing residential uses in the same was as other residential uses in the same zone.

**Timing:** Adopt the Zoning Code updates by January 2025  
**Responsible Agency:** Community Development Department  
**Funding Source:** General Fund

**B. Summary of Quantified Objectives**

**Table 4-1** summarizes the City’s quantified objectives for the 2023-2031 planning period by income group.

<b>Table 4-1: 6<sup>th</sup> Planning Cycle Quantified Objectives</b>						
Objectives	Units by Income Level					TOTAL UNITS
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
RHNA	402		232	247	641	<b>1,522</b>
Home Repair/ Rehabilitation	30					<b>30</b>
Special Needs Units	50					<b>50</b>
First-Time Homebuyer	15			5	0	<b>20</b>
Affordable Housing Assistance	50	50	50	0	0	<b>150</b>
Conservation of At-Risk Affordable Housing Units	6			0	0	<b>6</b>



## **Appendix A**

### ***REVIEW OF PAST PERFORMANCE***



## Appendix A: Review of Past Performance

The following is a review of the City of Brentwood’s housing project and program performance in the 2015-2023 Planning Period. It is an evaluation of the 5<sup>th</sup> Cycle’s Policy Program and considers all current and existing programs and projects, as well as the most current effectiveness and appropriateness for the 2023-2031 6<sup>th</sup> Cycle.

### Appendix A Contents

#### A. Program Evaluation for Households with Special Needs

1. Seniors
2. Persons with Disabilities
3. Large Households
4. Farmworkers
5. Single-Parent Households
6. Persons Experiencing Homelessness
7. Extremely Low-Income Households

#### B. 5<sup>th</sup> Planning Cycle Program Accomplishments

### A. Program Evaluation for Households with Special Needs

As part of analyzing prior programs, this Appendix A must provide an outline of the effectiveness of goals, policies, and programs in the housing needs of Brentwood’s special needs populations. The following section identifies 5<sup>th</sup> Cycle accomplishments by special needs groups.

#### 1. Seniors

**Section 2: Community Profile** shows that 15 percent (9,279 residents) of Brentwood residents are over the age of 65. Senior housing is permitted in the form of community care facilities, which are permitted with six or fewer persons in the agricultural, residential, and commercial zoning districts, as well as conditionally permitted with seven or more persons in residential and commercial zoning districts. Supportive housing may be used for senior care and is permitted with six or fewer persons in the agricultural and residential zoning districts, as well as conditionally permitted with seven or more persons in the residential and commercial zoning districts. In addition, Chapter 17.720 of the Brentwood Municipal Code provides for density bonuses and other incentives for the development of Senior Housing.

The Housing Choice Voucher Program extends rental subsidies to low-income households, including families, seniors, and the disabled. The Housing Authority of the County of Contra Costa (HACCC) provided Housing Choice Vouchers to over 9,000 households in Contra Costa County. In Brentwood, the Housing Choice Vouchers paid Brentwood landlords approximately \$1,600 per month towards rent assistance in 2021.

The City continues to implement and monitor actions related to access to housing for seniors. The City continues to regulate conversions of multi-family units, minimize displacement of seniors, and monitor required development fees to reduce constraints on the development of affordable residential projects,

including senior housing. While no housing projects took advantage of condominium to multi-family unit conversion applications during the 5<sup>th</sup> Cycle, the City provides information online on the City's website and promotes the incentives in conversations with developers.

In addition, the City of Brentwood provides further information regarding senior housing and programs on its website. Senior housing listed on the City's website include subsidized senior housing projects such as the Sycamore Place I and II Apartments and apartment complexes and mixed family projects that include subsidized senior units such as Brentwood Senior Commons, Los Nogales Apartments, Towne Center Commons, and Villa Amador. There are a variety of programs and community resources for Brentwood seniors. Café Costa provides nutritious lunches to Brentwood seniors ages 60 and up. Contra Costa County Food Bank Brown Bag Program also distributes free supplemental food twice per month for low-income seniors ages 55 years or older.

## ***2. Persons with Disabilities***

Persons with disabilities may require varying accessibility improvements and may also have limited ability to earn adequate income. According to 2019 ACS data, about 11.6 percent of Brentwood residents have at least on disability. Of that percentage, 48.1 percent have ambulatory difficulty. The following most common disabilities in Brentwood are ambulatory and independent living difficulties.

The City partners with County-wide groups, such as the Contra Costa County Developmental Disabilities Council, Network of Care, and Department of Public Social Services, to provide various supportive services including information regarding federal and state programming and linkage, and referrals to regional disability resources. Additionally, the City continues to encourage the development of housing types accessible for people living with a disability, such as rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs of home purchase, HUD housing, and SB 962 (veteran) homes.

## ***3. Large Households***

Large Households consist of five or more residents and may have a harder time finding adequately sized units to avoid overcrowding. **Section 2** of this Housing Element shows that approximately 15.3 percent of Brentwood households have five or more members. This percentage consists of 9.7 percent 5-person households, 3.8 percent 6-person households, and 1.8 percent 7-or-more person households.

Larger, lower income families may qualify for Housing Choice Vouchers. As noted above, HACCC provided Housing Choice Vouchers to Brentwood households. The Housing Choice vouchers paid Brentwood landlords approximately \$1,600 per month towards rent assistance in 2021. The City continues to encourage affordable housing development for large households through CDBG and HOME funds, partnerships with developers and entities, and providing homebuyer assistance.

## ***4. Farmworkers***

Farmworkers include persons seasonally or permanently employed in the agricultural industry and generally earn lower incomes than many other workers. According to 2019 ACS data, there are 184 Brentwood residents employed in the agriculture, forestry, fishing, hunting, and mining sector. The California Employment Development Division reports the median salary for those employed in the farming, fishing, and

forestry occupation in the Oakland-Hayward-Berkeley Metropolitan Division, which is inclusive of Alameda and Contra Costa Counties, as \$35,142 in the 2018-2028 period. Within Contra Costa County, there were a total of 1,310 hired farmworkers in 2017. A total of 450 are considered permanent, working 150 days or more, and a total of 860 farmworkers were considered seasonal, working only 150 days or less. Additionally, the County of Contra Costa reported 106 total migrant farmworkers.

Given new provisions in the California Health and Safety Code Sections 17021.5 and 17021.6, a program has been included in the Housing Plan to permit, by-right, farmworker and employee housing in single-family zone districts for six or fewer persons and in agricultural zoning districts for up to 12 units or 36 beds.

### **5. Single-Parent Households**

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Single parents make up 30 percent of Brentwood households, with 20.8 percent being single mothers and 9.2 percent being single fathers.

The City offers a variety of community resources for children and single parents in the community. The Brentwood Union School District (BUSD) serves over 9,000 students from preschool through adult education courses. The BUSD includes eight elementary schools and three middle schools.

### **6. Persons Experiencing Homelessness**

Homelessness has become an increasingly important issue in the region and throughout the State of California. There are a number of factors that may contribute to a person experiencing homelessness; **Section 2: Community Profile** provides a detailed definition of “homelessness” and an analysis of the City and County’s unhoused population.

The City partners with the Contra Costa Health Services Department for the County of Contra Costa Continuum of Care (CoC) program. The Contra Costa CoC provides homeless assistance, coordination, and programs. The CoC has a network of more than 50 private and public sector organizations and homeless service providers designed to promote community-wide planning and the strategic use of resources to address homelessness in the County.

Additionally, the City of Brentwood partners with Shepherd's Gate – which has locations in both Brentwood and Livermore – and offers a total of 95 beds between the two locations for persons experiencing homelessness. Other regional homeless shelters that serve the people of Contra Costa County include Bay Area Rescue Mission - Men's Shelter, Bay Area Rescue Mission - Women and Family Shelter, and SHELTER, Inc. of Contra Costa.

### **7. Extremely Low-Income Households**

Extremely low-income households are those that earn 30 percent or less of the household median family income (HMF) for Contra Costa County. Extremely low-income households may require rental assistance and other community service assistance. According to CHAS data, there are approximately 1,985 extremely low-income households in Brentwood, including both renters and homeowners.

Throughout the 5<sup>th</sup> Cycle, the City coordinated with a number of developers to develop affordable housing units, including units affordable to extremely low-income households. The City also continues to encourage the development of housing types accessible for extremely low-income households, such as rent subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, Section 8 vouchers, special programs of home purchase, HUD housing, and SB 962 (veteran) homes.

## B. 5<sup>th</sup> Planning Cycle Program Accomplishments

**Table A-1** provides detailed, program-specific accomplishments for 2015-2023. The City of Brentwood has demonstrated significant effort in working towards accomplishing many of the objectives established in the 5<sup>th</sup> Planning Cycle Housing Element. The City's successful programs have been identified as ongoing for the 6<sup>th</sup> Planning Cycle. Various programs have been modified in the 6<sup>th</sup> Cycle Housing Plan to account for new requirements and changes in State Law.

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Goal H 1</b> HOUSING: Provide a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.</p>		
<p><b>Action H 1a:</b> Biennial Evaluation: Conduct an bi-annual evaluation of the City's inventory of available sites, including very high density residential sites, and take appropriate action to ensure an ongoing supply of available sites at appropriate densities to meet projected housing needs. This bi-annual evaluation shall include an assessment of the effect of the City's midrange density land use policy to ensure that it does not become a barrier or impact the cost to the development of additional housing opportunities and hinder the efficient use of the City's available vacant residential land supply. The bi-annual evaluation will at a minimum evaluate factors such as built densities, processing time, and impacts on approval and development costs. If the evaluation identifies the mid-range policy as a constraint, the City will take action within one year to mitigate its impacts on development. In addition, should the Residential Growth Management Program be reinstated, the City shall include an evaluation of any impacts or constraints on the development of housing. <b>Objectives:</b> The objective is to maintain adequate residential sites.</p>	<p>The City has had relatively few land use changes since the adoption of its Housing Element. All land use changes are evaluated at the time of processing to ensure that adequate residential acreage remains available for all income levels to meet the City's RHNA.</p>	<p><b>Ongoing.</b> The City will continue to monitor and evaluate land use policies throughout the 6<sup>th</sup> planning cycle for potential constraints to housing development.</p>
<p><b>Action H 1b:</b> Second Unit/Accessory Units: Continue to encourage the use of second units in single-family residential areas in meeting the City's low- and moderate-income housing objectives. The second unit should neither adversely affect nor alter the character of the surrounding single-family neighborhood. <b>Objectives:</b> On-going implementation anticipated to result in 25 new second units during the planning period.</p>	<p>The City has been successful in updating its Accessory Dwelling Unit ordinance in order to be in conformance with State regulations. From 2018-2020, the City was successful in encouraging accessory dwelling units.</p> <p>2018: added 22 units 2019: added 22 units 2020: added 20 units</p> <p>It is anticipated that additional accessory dwelling units will be added throughout the planning period.</p>	<p><b>Modify.</b> The program is modified for the 6<sup>th</sup> cycle to include additional objectives in order to continue facilitating the development of ADUs as a strategy to meet the City's RHNA.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Action H 1c:</b> Emergency Shelters and Transitional and Supportive Housing Sites: As required by Government Code Section 65583, the City shall amend the Zoning Ordinance to allow for the development of at least one year-round emergency shelter to fulfill the City’s need as a permitted use without a conditional use permit within the PD 38 zoning district. Development standards shall encourage and facilitate the development of or conversion to emergency shelters. Additionally, the City shall facilitate the approval of transitional and supportive housing sites within the community by amending the zoning ordinance to add a definition for Transitional and Supportive Housing as defined in Section 50675.2(h) of the Health and Safety Code and allow such housing within all zones that allow residential uses subject to the same requirements as residential development within those zones.</p> <p><b>Objectives:</b> Objective is to accommodate emergency shelters, transitional housing, and supportive housing.</p>	<p>The City added a chapter to its Zoning Ordinance addressing emergency shelters. This chapter is an amendment to the Planned Development 38 Zone text to allow emergency shelters as a permitted use within Subarea C. This chapter also is an amendment to the definitions chapter to address transitional and supportive housing within all residential zoning designations.</p>	<p><b>Completed.</b> The City successfully amended its Zoning Ordinance to accommodate emergency shelters, transitional housing, and supportive housing.</p>
<p><b>Action H 1d:</b> Monitor At-Risk Projects: One year prior to each Housing Element update, determine the status of financial incentives for assisted housing projects to determine whether income restrictions on such projects are “at risk” of being lifted, thereby terminating the “affordability” of the project. Where assisted housing projects are “at risk,” develop strategies including potential expenditure of City housing funds to preserve their ongoing affordability. The City shall consider opportunities to preserve ongoing affordability by providing financial resources and technical assistance so that existing affordable units are not at risk of converting to market rate after their restricted affordability term expires. If affordable units will be lost, opportunities to convert existing market rate units to affordable units shall be investigated by providing rehabilitation improvement assistance to owner-occupied single units and to</p>	<p>The City continues to consider opportunities to preserve ongoing affordability by providing financial resources and technical assistance so that existing affordable units are not at risk of converting to market rate after their restricted affordability term expires.</p>	<p><b>Ongoing.</b> The City will continue to monitor at-risk units and work with property owners to maintain affordability throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p>owners of apartment complexes or by purchasing affordability covenants.  <b>Objectives:</b> The objective is to identify any at-risk units (there are currently none) one year prior to the next Housing Element Update.</p>		
<p><b>Action H 1e:</b>                      Community Education Regarding the Availability of Rehabilitation Programs: Encourage the Contra Costa County HOME Consortium and CDBG Urban County to educate lower-income households, owners, and managers of rental properties, non-English-speaking households, and other special needs groups about available rehabilitation programs and available affordable housing opportunities by using neighborhood and community organizations, the City and County websites, and various print, broadcast and online media.  <b>Objectives:</b> Objective is rehabilitation of 30 units.</p>	<p>The City continues to encourage the education of lower-income households, owners, and managers of rental properties, non-English-speaking households, and other special needs groups about available rehabilitation programs and available affordable housing opportunities by using neighborhood and community organizations, the City and County website, and various print, broadcast, and online media.</p>	<p><b>Ongoing.</b>                      The City will continue to outreach to the community and seek to assist 30 units throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1f:</b>                      Housing Condition Survey: Maintain a current housing condition survey of a representative sample of all housing units within the City. This survey should include the number of units in need of rehabilitation or replacement.  <b>Objectives:</b> Objective is to maintain a current survey.</p>	<p>The City continues to maintain a current housing condition survey of a representative sample of all housing units within the City.</p>	<p><b>Ongoing.</b>                      The City will continue to maintain a survey of housing units throughout the community throughout the 6<sup>th</sup> planning cycle to identify needs and units in need of rehabilitation.</p>
<p><b>Action H 1g:</b>                      Residential Design Guidelines: Continue implementation of the City’s approved Residential Design Guidelines and encourage a variety of housing types to continue to provide safe, sound, and attractive housing for all residents. The intent of these guidelines is to express the housing design features the City would like to encourage in order to improve certainty and to minimize the processing time for design review applications.  <b>Objectives:</b> Objective is continued implementation of the Residential Design Guidelines.</p>	<p>The City continues to implement the adopted Residential Design Guidelines by evaluating all new residential projects for compliance with the Guidelines.</p>	<p><b>Ongoing.</b>                      The City will continue to implement the adopted Residential Design Guidelines throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Action H 1h:</b> Code Enforcement: Provide both proactive and reactive code enforcement to ensure adherence to and address land use regulations and State and local laws, health and safety concerns, property maintenance, and nuisance conditions. <b>Objectives:</b> Objective is to maintain code compliance.</p>	<p>The City continues to be proactive and reactive with code enforcement to ensure adherence to and address land use regulations and State and local laws, health and safety concerns, property maintenance, and nuisance conditions.</p>	<p><b>Ongoing.</b> The City will continue to be proactive and reactive with code enforcement throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1i:</b> Water Conservation Program: Continue implementation of the City's Water Conservation Program. The program promotes the use of water conservation devices in existing structures, including use of low-flow toilets and shower heads, and water-conserving landscaping.</p>	<p>The City adopted an ordinance in compliance with State law to reduce overall water consumption by 35 percent and has achieved this goal by 2015. The City continues conservation efforts by promoting the use of water conservation devices in existing structures.</p>	<p><b>Ongoing.</b> The City will continue to implement the Water Conservation Program throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1j:</b> Landscaping Water Efficiency: Implement the City's adopted model water efficiency landscape ordinance in accordance with Assembly Bill 1881, the Water Conservation in Landscaping Act, to conserve water and reduce consumption by 20% by the year 2020. <b>Objectives:</b> Objective is to achieve a 20% consumption reduction by 2020.</p>	<p>By 2016, the City updated its Water Efficient Landscape Ordinance to be in compliance with State law. In 2018, the City has adopted a model water efficiency landscape ordinance in accordance with Assembly Bill 1881, and Water Conservation in Landscaping Act. The City aimed to conserve water and reduce consumption by 20 percent by the year 2020.</p>	<p><b>Ongoing.</b> The City will continue to implement the City's adopted model water efficiency landscape ordinance throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1k:</b> Energy Efficient Design: Continue to implement the California Green Building Standards Code (CalGreen), encouraging new development and substantial rehabilitation projects to achieve a greater reduction in efficiency and conservation where feasible. Continue to encourage new development projects to meet LEED standards and apply for LEED certification. <b>Objectives:</b> Objective is continued compliance with CalGreen.</p>	<p>The City continues to implement the California Green Building Standards Code (CalGreen) and encourages new development and substantial rehabilitation projects to achieve a greater reduction in efficiency and conservation where feasible. The City also continues to encourage new development projects to meet LEED standards and to apply for LEED certification.</p>	<p><b>Ongoing.</b> The City will continue to implement the California Green Building Standards Code (CalGreen) throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1l:</b> Condominium Conversion: Continue implementation of the City's adopted condominium conversion ordinance to regulate</p>	<p>The City continues to implement the adopted condominium conversion ordinance to regulate conversions of multi-family units and to mitigate</p>	<p><b>Ongoing.</b> The City will continue to implement the adopted condominium</p>



**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p>conversions of multi-family units and to mitigate tenant displacement and minimize displacement of seniors, disabled, and low- and moderate-income residents. Continue monitoring of condominium conversions to insure that a proposed conversion would not result in a disproportionate balance of available rental housing with a variety of choices in tenure, price, unit sizes, amenities, and location in the community.</p> <p><b>Objectives:</b> Objective is to ensure that there is not a significant adverse impact associated with condominium conversions.</p>	<p>tenant displacement and minimize displacement of seniors, disabled, and low- and moderate-income residents. The City continues to monitor condominium conversions. In 2018, 2019, and 2020, the City has not received any applications for condominium conversions.</p>	<p>conversion ordinance and monitor condominium conversions throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 1m:</b>                      Farmworker Housing: Revise the definition of “agriculture” in the Zoning Code to identify that employee housing, as identified by Health and Safety Code Section 17021.6, is considered an agricultural use and is subject to the same permitting requirements and standards as any other agricultural use in the same zone.</p> <p><b>Objectives:</b> Objective is to accommodate farmworker housing</p>	<p>By 2018, the City has revised its definition of “agriculture” in the zoning code and continues to identify that employee housing is considered an agricultural use and is subject to the same permitting requirements and standards as any other agricultural use in the same zone.</p>	<p><b>Modify.</b>                      The City successfully amended the Zoning Code to accommodate farmworker housing. The program is modified for the 6<sup>th</sup> planning cycle to include updates to State law related to farmworker and employee housing.</p>
<p><b>Action H 1n:</b>                      Family: Revise the definition of “family” in the Zoning Code to remove the phrase “related by blood, marriage, cooptation or adoption.”.</p> <p><b>Objectives:</b> Objective is to ensure fair housing.</p>	<p>The City continues to ensure fair housing. By 2015, the City has revised its definition of “family” in the zoning code to remove the phrase “related by blood, marriage, cooptation, or adoption.”</p>	<p><b>Completed.</b>                      The City successfully revised its definition of “family” during the 5<sup>th</sup> planning cycle.</p>
<p><b>Action H 1o:</b>                      Affordable Housing Requirement: Revise the density bonus language at Section 17.725.006 of the Zoning Code to identify the density bonus allowed for the City’s affordable housing requirement is not the same as the density bonus allowed under State law. The revision is to change the title of the paragraph to “Density Incentive” and to refer to the potential increase in density associated with the affordable housing requirement as a “density incentive” rather than a “density bonus” so that it is not confused with the density bonus provisions of State law, as established by Zoning Code Chapter 17.720.</p>	<p>The City continues to encourage affordable housing. By 2015, the City revised the density bonus language to identify the density bonus allowed for the City’s affordable housing requirement is not the same as the density bonus allowed under State Law.</p>	<p><b>Completed.</b>                      The City amended its Zoning Code to clarify language relating to density bonuses during the 5<sup>th</sup> planning cycle.</p>

Table A-1: 5 <sup>th</sup> Planning Cycle Program Accomplishments		
Policy Actions	Program Accomplishments	Status for Sixth Cycle
<b>Objectives:</b> Objective is to encourage affordable housing.		
<b>GOAL H 2</b> AFFORDABILITY: Provide housing that is affordable to all socio-economic segments of Brentwood's population.		
<p><b>Action H 2a:</b> Compliance with Affordable Housing Ordinance: All new residential projects, with the exception of multi-family apartment units, shall provide affordable housing units in accordance with the City's adopted affordable housing ordinance. The City will continue to review and monitor the ongoing effectiveness of the City's affordable housing ordinance to ensure developers provide a certain percentage of new homes to qualifying households at an affordable cost for the longest feasible time. The ordinance shall also continue to include a list of automatically available development incentives to encourage the construction of the inclusionary units as well as provide the details for available alternatives to satisfy inclusionary housing obligations.</p> <p><b>Objectives:</b> Annually track development of affordable housing units and adjust ordinance as needed.</p>	<p>The City continues to track development of affordable housing and adjust the ordinance as needed.</p> <p><u>2015, 2016</u> The City successfully negotiated for the inclusion of five housing units integrated into new subdivisions, which construction was completed in 2015. The City collected \$863,729.96 for in-lieu fees.</p> <p><u>2017</u> The City successfully negotiated for the inclusion of 11 deed restricted units integrated into new subdivisions. Construction of these units were completed in 2017.</p> <p><u>2018, 2019</u> The City continues to investigate options for amending the affordable housing ordinance in order to create more affordable units.</p> <p><u>2020</u> The City was successful in amending its affordable housing ordinance by increasing the percentage from 2 percent to 10 percent in order to create more affordable housing units.</p>	<p><b>Ongoing.</b> The City will continue to track affordable housing development throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2b:</b> Additional Development Incentives for Affordable Housing: Use voluntary incentives to encourage the production of affordable housing, particularly housing affordable to extremely low, very low,</p>	<p>The City continues to provide incentives to affordable housing projects and to encourage development of units.</p>	<p><b>Ongoing.</b> The City will continue to encourage and provide incentives for the development of affordable housing</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p>and low income groups, and provide incentives for the production of affordable housing where appropriate. Examples of such additional incentives include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Density. Allow density to exceed allowable mid-range density.</li> <li>• Fast track processing. By expediting the development review process, carrying costs for lands being developed with affordable housing can be minimized.</li> <li>• Fee Deferrals. Consider the provision of financial assistance for projects ensuring the long term affordability of housing for very low and low income households through the use of additional fee deferrals of development processing and development impact fees until issuance of final inspection or 12 months from the date of deferral, whichever occurs first, or other similar incentives, so as to ensure the project’s economic feasibility.</li> <li>• Flexible Development Standards. Consider modification of City’s standards or approval of design modification that increase the flexibility of the construction of affordable units may be considered for the necessary financial or other feasibility of the affordable housing development. Such modifications may include reduced lot sizes, home sizes, setback requirements, interior amenities, open space, and landscaping requirements.</li> <li>• Flexible Zoning. Consider modification of development standards to allow the ability to construct duplexes and triplexes on corner lots within single-family areas. City zoning and subdivision requirements can be modified to permit the construction of duplexes and triplexes on corner lots within single-family areas. By accomplishing this, affordable housing can be integrated into single-family neighborhoods.</li> </ul>		<p>development throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<ul style="list-style-type: none"> <li>• Direct Financial Assistance. Consider authorization of provision of direct financial assistance, if available, in the form of a loan or grant from the City housing funds for development of ownership and/or rental units affordable to lower income households in accordance with the City’s affordable housing ordinance.</li> <li>• Additional Concessions and Incentives. Consider, on a case-by-case basis, the provision of additional concessions or incentives consistent with State law and Brentwood’s Housing Element for affordable units that exceed the requirements of the City’s affordable housing ordinance.</li> </ul> <p><b>Objectives:</b> Objective is to provide incentives to affordable housing projects and to encourage development of units (see Action H 2d for numeric objectives).</p>		
<p><b>Action H 2c:</b>                      First-Time Homebuyer Assistance Program: The City shall continue providing first-time homebuyer assistance services, either directly or through the Contra Costa Urban County and/or HOME Consortium, to lower income Brentwood residents to facilitate homeownership. This may include educational materials, referral information to existing programs, and/or down payment assistance depending upon available City financial resources.  <b>Objectives:</b> Assist 20 households during the planning period.</p>	<p>The City continues to provide first-time homebuyer assistance services to lower income Brentwood residents to facilitate homeownership.</p> <p>In 2017, the City was successful in providing two down payment assistance loans for a total of \$30,000.</p> <p>In 2018, the City was successful in refinancing one down payment assistance loan.</p> <p>In 2019, the City was successful in refinancing one down payment assistance loan.</p> <p>In 2020, the City was successful granting down payment assistance loans for three new loans for low-income homeowners for a total of \$38,000.</p>	<p><b>Ongoing.</b>                      The City successfully provided first-time homebuyer assistance services throughout the 5<sup>th</sup> planning cycle. The City will continue to do so throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Action H 2d:</b> Affordable Housing Assistance: Explore the variety of potential financial assistance programs from both the public and private sectors to provide more affordable housing units. All available local, State, Federal, and private affordable housing programs for new housing and for the conservation and/or rehabilitation of existing housing will be pursued. City housing funds and other potential funding sources shall be leveraged to the greatest extent possible to create and preserve housing affordable to Brentwood’s workforce by encouraging developers to layer available public housing funds</p> <p><b>Objectives:</b> Objective (in conjunction with other actions) is to provide 20 extremely low, 50 very low, and 50 low income units during the planning period.</p>	<p>The City continues to explore a variety of potential financial assistance programs from both public and private sectors to provide more affordable units.</p>	<p><b>Ongoing.</b> The City will continue to explore funding options for affordable housing developments and seek to facilitate 120 total lower income units throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2e:</b> Partnership Program: When non-profit, private, and other public entities indicate interest in the development of affordable housing, the City will initiate a first meeting and subsequent follow-up contact to examine opportunities for cooperative efforts to expand the City’s supply of affordable housing.</p> <p><b>Objectives:</b> Meet with developers and outside agencies when interest is expressed and follow up annually.</p>	<p>The City continues to respond to requests or interest in partnership for the development of affordable housing.</p>	<p><b>Ongoing.</b> The City will continue to work with developers and organizations to create partnerships with the goal of facilitating the creation of affordable housing units throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2f:</b> Support Housing Sponsors: Support non-profit and for-profit corporations in their efforts to make housing more affordable to lower and moderate-income households. This effort will include on-going support of grant applications, identifying available sites for housing development, City involvement in the development of such sites, and consideration of City financial support and contact of housing sponsors on an annual basis.</p> <p><b>Objectives:</b> Objective is to provide affordable housing units, in conjunction with other actions (see Action H 2d for numeric objectives).</p>	<p>The City continues to support non-profit and for-profit corporations in their efforts to make housing more affordable to lower and moderate-income households. The City continues to contact interested housing sponsors on an annual basis.</p>	<p><b>Ongoing.</b> The City will continue to support non-profit and for-profit entities in efforts to develop affordable housing units throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Action H 2g:</b> Streamline Application Process: Continue efforts to streamline and improve the development review process, as well as eliminate any unnecessary delays and restrictions in the processing of development applications. <b>Objectives:</b> Biennially review the development review process.</p>	<p>The City continues to review the development review process for improvements. In 2018, the City has completed an update for all development applications, which clearly outlines submittal materials required and expected processing times, in order to expedite processing and minimize incomplete applications.</p>	<p><b>Ongoing.</b> The City will continue its efforts to streamline and improve the development review process and remove any potential constraints throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2h1:</b> Land Acquisition: The City shall consider opportunities to acquire appropriately located and residentially-zoned land for the purpose of partnering with profit and non-profit developers to construct new affordable housing. <b>Objectives:</b> Consider potential residential land for affordable housing, to the extent that financial and staff resources are available to proceed with purchase of land.</p>	<p>The City continues to consider opportunities to acquire land to partner with developers for the creation of affordable housing units.</p>	<p><b>Ongoing.</b> The City will continue to consider opportunities to acquire land to partner with developers for the creation of affordable housing units throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2h2:</b> Density Bonus: Revise density bonus ordinance concurrent with adoption of housing element update.</p>	<p>In 2019, the City adopted a zoning ordinance amendment to the municipal code to update the density bonus ordinance to comply with State law.</p>	<p><b>Modify.</b> The program is modified to account for new State laws.</p>
<p><b>Action H 2i:</b> Priority Building Inspections for Affordable Housing Projects: The City will give priority to low and very low income housing projects for building inspections carried out during various stages of the construction process.</p>	<p>The City continues to give priority to low and very low-income housing projects for building inspections carried out during various stages of the construction process.</p>	<p><b>Ongoing.</b> The City will continue to give priority building inspections for affordable housing projects throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 2j:</b> Improve Certainty of Residential Development Standards: The City has adopted development standards for all residential zoning designations. However, in order to maintain flexibility for the developer in providing affordable units, applicants may elect to create their own development standards through the rezoning and planned development amendment processes. The development standards for vacant residential land shall provide the guidance and direction to foster context sensitive development that enhances the</p>	<p>The City continues to improve residential development standards and to maintain flexibility for developers in providing affordable units.  <u>2015, 2016</u> The City was successful in the completed construction of five low-income units with deed restrictions. The City allowed the rezoning of the three properties in which these units are located to accommodate project</p>	<p><b>Ongoing.</b> The City successfully continued to review and revise its residential development standards and flexibility for affordable units throughout the 5<sup>th</sup> planning cycle. The City will continue to do so throughout the 6<sup>th</sup> planning cycle.</p>

Table A-1: 5 <sup>th</sup> Planning Cycle Program Accomplishments		
Policy Actions	Program Accomplishments	Status for Sixth Cycle
community and provides greater certainty to encourage future development.	<p>specific development standards to facilitate construction.</p> <p><u>2017</u> The City was successful in the completed construction of 11 units with deed restrictions. The City allowed the rezoning of the three properties in which these units are located to accommodate project specific development standards to facilitate construction.</p> <p><u>2018, 2019</u> The City adopted development standards for all residential zoning designations.</p> <p><u>2020</u> The City initiated an update to its entire zoning ordinance to include residential development standards for improved certainty for developers.</p>	
<p><b>Action H 2k:</b> Development Fees: The City will continue to monitor required development fees including in-lieu fees, development impact fees, and processing fees, with the aim of reducing constraints on the development of affordable residential projects, including, but not limited to, senior housing, housing for farmworkers, emergency/transitional housing, housing for persons with disabilities (including developmental), single room occupancies, and second units. To respond to changing local market conditions during the planning period, the City shall revise required development fees, if it is deemed appropriate. Where fees are established and administered by regional agencies, such as the Regional Transportation Development Impact Fee, the City will request the administering agency to review and reduce fees if the City has determined that the agency’s fee is constraining</p>	<p>The City continues to biennially review and monitor required development fees with the aim of reducing constraints on the development of affordable housing projects.</p>	<p><b>Ongoing.</b> The City will continue to review its development fees to avoid create potential constraints to the development of affordable housing units throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p>the residential development, particularly development of affordable housing and/or housing for special needs groups.  <b>Objectives:</b> Objective is to address potential constraints to affordable housing.</p>		
<p><b>Action H 2l:</b>                      Water and Sewer Priority: Following adoption of the Housing Element, the City will provide the water and sewer providers with a copy of the Housing Element. The copy of the Housing Element will be accompanied by a letter identifying the City’s 2014-2022 RHNA allocation for lower income units and will refer the water and sewer providers to the requirements of State law set forth at Government Code Section 65589.7 regarding the granting of a priority for provision of water and sewer services to proposed developments that include housing units affordable to lower income households.  <b>Objectives:</b> Objective is comply with requirements of State law associated with provision of Housing Element to water and sewer providers</p>	<p>The City has provided the water and sewer providers with a copy of the Housing Element and a letter identifying the City’s 2014-2022 RHNA allocation for lower income units to grant priority for provision of water and sewer services to proposed developments that include housing units affordable to lower-income households.</p>	<p><b>Ongoing.</b>                      The City will provide the adopted 6<sup>th</sup> planning cycle Housing Element to water and sewer providers.</p>
<p><b>Action H 2m:</b>                      Affordability Monitoring: Require affordable housing projects that receive City assistance to enter into an affordable housing agreement with the City that includes provisions to ensure initial and continuing affordability. For rental projects, the affordable housing agreement shall include provisions requiring annual monitoring to ensure that the affordable units are assisting income-eligible households. For for-sale projects, the affordable housing agreement shall include sale and resale provisions that ensure the execution and recordation of deed restrictions to ensure continued affordability for the term of the affordable housing agreement.</p>	<p>The City continues to require affordable housing projects that receive City assistance to enter an affordable housing agreement with the City.</p>	<p><b>Ongoing.</b>                      Throughout the 6<sup>th</sup> planning cycle, the City will continue to require affordable housing projects that receive City assistance to enter an affordable housing agreement with the City.</p>
<p><b>GOAL H 3</b>                      EQUITABLE DISTRIBUTION OF AFFORDABLE HOUSING: Achieve and maintain an equitable distribution of housing for all economic groups throughout the community</p>		
<p><b>Action H 3a:</b></p>	<p>The City continues to monitor development with affordable units to ensure that they blend in with the</p>	<p><b>Ongoing.</b></p>



**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p>Affordable Housing Design and Distribution: All affordable units within a mixed-income subdivision shall be harmonious and comparable to the market-rate units in exterior design, quality of materials and architectural elements, and overall construction quality. Affordable units may have different interior amenities and/or slightly different dimension than market rate units in a residential development. Affordable units in a mixed-income development shall be dispersed throughout the residential development so as to prevent the concentration of affordable units.</p>	<p>market rate units and are dispersed throughout the project.</p>	<p>The City will continue to monitor affordable housing development throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 3b:</b> Community Education: Continue to educate the community about annual incomes for typical occupations and the equivalent “buying power” of these incomes in today’s housing market. As part of this program, ensure that the community is aware of the income ranges of very low, low, and moderate incomes, and of the typical occupations that fall into these categories.</p>	<p>The City continues to hold workshops/seminars to inform the public regarding affordable housing programs. The City also continues to work with preferred lenders to provide information regarding the City’s first time homebuyers program and its affordable housing program.</p>	<p><b>Ongoing.</b> The City will continue to inform and engage the community on affordable housing programs and assistance available throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 3c:</b> Development Incentives: Maintain a package of incentives to facilitate development of housing intended for extremely low, very low, low, and moderate income households in a manner which does not distinguish such “affordable” housing from “market rate” housing in the same area (see Actions H 2b through H 2i). Provide package to housing developers and interested parties at meetings and on the City’s website. <b>Objectives:</b> Review and update the package, as necessary, on a biennial basis.</p>	<p>The City continues to review and update, as necessary, on a biennial basis, a package of incentives to facilitate the development of housing intended for extremely low-, very low-, low-, and moderate-income households. The City continues to provide this package to housing developers and interested parties at meetings and on the City’s website.</p>	<p><b>Ongoing.</b> The City will continue to provide information on available incentives to housing developer throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 3d:</b> Marketing Materials: Prepare marketing materials to be provided to the building industry, outlining opportunities for the development of housing projects. Provide materials to housing developers and interested parties at meetings and on the City’s website. <b>Objectives:</b> In conjunction with Action H 3c, update materials provided to affordable housing developers to include an inventory</p>	<p>The City continues to prepare and provide marketing materials, as necessary, on a biennial basis, to housing developers and interested parties at meetings and the City’s website.</p>	<p><b>Ongoing.</b> The City will continue to provide updated materials to housing developers on the sites inventory and community housing needs throughout the 6<sup>th</sup> planning cycle.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
of sites and information regarding housing needs by 2016. Review and update the package, as necessary, on a biennial basis.		
<p><b>Action H 3e:</b> Meet with Potential Developers: As infill sites become available on the open market, actively seek out potential developers as a means of generating interest on their part to undertake residential projects. Additional outreach efforts to developers shall occur on an annual basis.</p>	The City continues to seek out potential developers as a means of generating interest to undertake residential projects.	<p><b>Ongoing.</b> The City will continue to outreach to developers with potential residential development opportunities throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 3f:</b> Housing for Extremely Low, Very Low and Low Income Residents: Use and encourage developers to use City, County CDBG and HOME Funds, Federal, and State housing development programs and funds to undertake development of housing projects for extremely low, very low and low income households <b>Objectives:</b> Objective is to provide affordable housing units, in conjunction with other actions (see Action H 2d for numeric objectives).</p>	The City continues to provide affordable housing units by using and encouraging developers to use City, County CDBG and HOME Funds, Federal, and State housing development programs and funds to undertake development of housing projects for extremely low-, very low-, and low-income households.	<p><b>Ongoing.</b> The City will continue to outreach to and provide information to developers on available programs and funding sources.</p>
<p><b>Action H 3g:</b> Improve Participation in Existing Local Housing Assistance Programs: Provide access to available housing assistance programs for Brentwood residents through improved marketing and outreach efforts including providing information at annual forums, scheduling appointments with County housing program specialists in Brentwood, providing multilingual brochures, and posting housing program information on the City’s website.</p>	The City continues to provide access to available housing assistance programs for Brentwood residents. By 2018, the City has included information on its website regarding housing assistance programs.	<p><b>Ongoing.</b> The City will continue to outreach to the community with available housing assistance programs throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>GOAL H 4</b> HOUSING OPPORTUNITIES: Provide equal housing opportunities for all residents of Brentwood.</p>		
<p><b>Action H 4a:</b> Cooperative Association with Non-Profits: Continue to refer cases and questions to Bay Area Legal Aid, Housing Rights Inc., Shelter, Inc., and Pacific Community Services for assistance.</p>	The City continues to refer members of the community to various shelters and other non-profits for assistance.	<p><b>Ongoing.</b> The City will continue to coordinate with non-profits to provide fair housing assistance and provide information online.</p>

**Table A-1: 5<sup>th</sup> Planning Cycle Program Accomplishments**

Policy Actions	Program Accomplishments	Status for Sixth Cycle
<p><b>Action H 4b:</b> Disseminate Fair Housing Information: The City shall disseminate fair housing information widely in the community in multiple languages. This effort shall include providing information to local apartment managers and realtors involved in residential rental real estate transactions, providing information at the Brentwood public library, at City Hall, at the Brentwood Community Center and Senior Center, at the Police Department, and at social service offices in Brentwood, on a space- available basis, serving special needs groups including lower income households.</p>	<p>The City continues to distribute fair housing information periodically throughout the year to various entities and locations throughout the City as new information is acquired.</p>	<p><b>Ongoing.</b> The City successfully provided fair housing information throughout the 5<sup>th</sup> planning cycle and will continue to do so, including meeting with local agencies and organizations, throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 4c:</b> Foreclosure Prevention and Loan Modification Information: The City shall continue to provide foreclosure prevention and loan modification information on its website, sponsor workshops for the community, and refer owners to non-profit counseling and service providers for legal, credit, foreclosure, and loan modification counseling.</p>	<p>The City continues to provide foreclosure prevention and loan modification on its website, sponsor workshops for the community, and refer owners to non-profit counseling and service providers.</p>	<p><b>Ongoing.</b> The City maintained information online regarding foreclosure prevention and loan modification and will continue to do so throughout the 6<sup>th</sup> planning cycle.</p>
<p><b>Action H 4d:</b> Housing Opportunities for Special Needs Groups: Provide housing opportunities to meet the special housing needs of farmworkers, elderly, disabled, developmentally disabled, large families, and the homeless. Encourage affordable housing developers assisted through Actions H 2c, H 2e, H 2g, and H 3f to provide units for special needs persons or households, when feasible and appropriate. Annually review the progress in providing housing for the special needs groups. <b>Objectives:</b> Objective is to provide 50 special needs units (farmworker, affordable senior, disabled, developmentally disabled, large households, single female head o household, homeless) during the planning period.</p>	<p>The City continues to provide housing opportunities to meet special housing needs and to encourage affordable housing developers to provide units for special needs persons or households. The City continues to review the progress in providing housing for the special needs groups on an annual basis.</p>	<p><b>Ongoing.</b> The City has successfully continued to provide opportunities for special needs groups throughout the 5<sup>th</sup> planning cycle. Throughout the 6<sup>th</sup> planning cycle the City will coordinate with housing developers and continuously review resources and constraints.</p>
<p><b>Action H 4e:</b> Coordination with Agencies Serving the Homeless: The City shall cooperate with public and private agencies to develop housing</p>	<p>The City continues to be in contact with the County and other organizations regarding its homeless population and programs available.</p>	<p><b>Ongoing.</b> The City has successfully coordinated with local and regional</p>

Table A-1: 5 <sup>th</sup> Planning Cycle Program Accomplishments		
Policy Actions	Program Accomplishments	Status for Sixth Cycle
(including transitional housing), family counseling, and employment programs for the homeless. The City shall participate in regional efforts to combat homelessness, including coordination with the Contra Costa Interjurisdictional Council on Homelessness and participation in the Contra Costa Homeless Continuum of Care.		agencies and will continue to do so through the 6 <sup>th</sup> planning cycle to continue addressing the needs of persons experiencing homelessness.
<b>Action H 4f:</b> Reasonable Accommodation: Amend the Zoning Ordinance within one year to include a written reasonable accommodation policy for persons with disabilities seeking fair access to housing in the application of the City’s land use, zoning laws, development policies and procedures pursuant to the Federal Fair Housing Amendments Act of 1988.	By 2015, the City successfully adopted an ordinance for reasonable accommodation for persons with disabilities seeking fair access to housing in the application of the City’s land use, zoning laws, development policies, and procedures pursuant to the Federal Fair Housing Amendments Act of 1988.	<b>Modify.</b> The City successfully completed this program during the 5 <sup>th</sup> planning cycle. The program is modified for the 6 <sup>th</sup> cycle to include annual reviews for potential constraints to persons with disabilities.



# Appendix B

## *Candidate Sites Analysis*

## Appendix B: Candidate Sites Analysis

The Housing Element is required to identify sites by income category to meet the City’s Regional Housing Needs Allocation (RHNA). The sites identified within the 2023-2031 Housing Element represent the City’s ability to accommodate housing at the designated income levels during the 2023-2031 planning period. This Appendix provides detailed information on the sites identified to meet the City’s RHNA, including:

- Assessor Parcel Number (APN)
- Address
- Size (Acres)
- Zoning
- General Plan Land Use
- Ownership
- Existing On-site Uses
- Density
- Potential Development Capacity (Dwelling Units)

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## A. RHNA Strategies

**Table B-1** shows the City’s 2023-2031 RHNA by income category and how the RHNA will be accommodated. The analysis demonstrates the City has the capacity to meet the RHNA through a variety of methods, including:

- Projects in the development pipeline;
- Future development of accessory dwelling units (ADUs);
- Capacity on existing, residentially-zoned sites; and

Table B-1: Summary of Sites Inventory					
	Extremely Low- /Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income	Total
<i>RHNA (2023-2031)</i>	402	232	247	641	1,552
Projects in the Pipeline and Estimated ADUs					
Projects in the Pipeline	3		5	1,011	1,019
Projected ADU Production	66		34	12	112
Existing Zoning Capacity					
Vacant Residential Land	156		68	222	446
PA-1 Specific Plan	464		229	833	1,526
Sites Inventory Total					
<b>Total Units</b>	<b>689</b>		<b>336</b>	<b>2,078</b>	<b>3,103</b>
RHNA Buffer	9%		36%	224%	100%

### 1. Adequacy of Sites to Accommodate RHNA

#### Availability of Water, Sewer, and Dry Utilities

The City has existing or planned water, sewer, and dry utilities that have been designed and located to accommodate potential residential development identified for the 2023-2031 Housing Element.

The City’s Wastewater Division provides sanitary sewer service. The City operates one wastewater treatment plant, which has a current capacity of five million gallons per day (MGD). The City is currently in the process of expanding the treatment capacity to 6.4 MGD which should be sufficient for the buildout of the City per the City’s General Plan – including the 2023-2031 RHNA. The City provides water treatment and distribution and wastewater collection, treatment, and disposal services for its residents and businesses. The City’s untreated water sources include groundwater extracted from the San Joaquin Basin, and surface water from the San Joaquin River Delta through purchase of surplus irrigation water from the East Contra Costa Irrigation District (ECCID). The City’s Wastewater Treatment Plant receives wastewater from approximately 19,000 residential connections and 500 commercial business connections. The City’s Wastewater Treatment Plant produces tertiary filtered and disinfected water suitable for non-potable reuse.

Under the City’s Public Works Department, the Water Operations Division is the water provider for residents in Brentwood. The City’s water supply consists of both surface water from the Sacramento-San Joaquin River Delta and groundwater from existing wells located in the East Contra Costa Subbasin within the larger San Joaquin Valley Groundwater Basin. The City’s water distribution system consists of three pressure zones, one potable water treatment plant, five active groundwater wells, six water reservoirs, seven water booster pump stations, and 347 miles of water mains within city-limits. The City’s water

system serves more than 20,000 connections. The City obtains approximately 5 MGD from City wells, 6 MGD from Contra Costa Water District’s Randall Bold Water Treatment Plant, and 15 MGD from the Brentwood Water Treatment Plant. The City is currently in the process of planning for the expansion of the Brentwood Water Treatment Plant to 30 MGD. According to the 2020 Brentwood Urban Water Management Plan, the City has always met system water demand and expects no reductions from normal year supply. While the City is taking steps to accommodate future buildout over the next 30 to 40 years, existing infrastructure can currently accommodate the entire RHNA.

Electric power within the City is supplied by Pacific Gas and Electric (PG&E). Most electric power is brought to electric substations in the region via transmission lines connected to the statewide grid system. Electric power capacity is looked at on a subregional (rather than citywide) basis. Local electrical capacity is a function of transmission network capacity to bring this power to the subregion, capacity of the local substations to lower the voltages (or step down the power) to deliverable suitable voltage, and the ability of the local distribution network to deliver adequate power to customers.

Natural gas is supplied directly to residential and commercial customers by PG&E. Natural gas is pumped from underground reservoirs into large transmission pipelines, which transport the gas to local distribution pipelines. Some local distribution systems lead to underground storage. These natural gas storage areas are utilized during seasonal peaks.

The General Plan Conservation and Open Space Element establishes policy programs which promote energy conservation and efficiency in new and existing buildings throughout the City.

Each site in the Sites Inventory has been evaluated to ensure there is adequate access to utility services and connections, including water, sewer, and dry utilities. Each site is situated with a direct connection to a public street that has appropriate water and sewer mains and other infrastructure services.

## ***2. Accessory Dwelling Units and Junior Accessory Dwelling Units***

In addition to primary dwelling units, there is capacity for the development of Accessory Dwelling Units (ADUs) and Junior ADUs on existing and future single-family properties. It is anticipated an additional 112 ADUs can be accommodated throughout the community during the 2023-2031 planning period. This is equivalent to 14 ADUs per year throughout the planning period – this is based on development trends since 2019 and does not exceed the total average.

The State Department of Housing and Community Development (HCD) has supported a strategy for estimating future development of ADUs in the City based on the average number of ADUs from past performance (2019 to 2022).

**Table B-2** displays the City’s past performance in permitting ADUs from 2019 through 2022. The data shows that in total, the City received an increase in ADU development interest but the figures have fluctuated year-by-year. Although there was a slight decline in 2022 with only 12 units permitted, there were a total 17 permits under review as of January 1<sup>st</sup> 2023. Using the “Safe Harbor” approach to ADU projection, the City has estimated a total of 14 ADUs per year during the Planning Cycle based on the average production between 2019 and 2022. The estimates are consistent with the City’s most recent ADU trends, including permits currently under review, and are reflective of the changes in State law and the City’s ability to streamline review and approval of applications.



Year	ADU Permitted and Projected
2019	9
2020	20
2021	16
2022	12
<b>Annual Projection (2023-2030)</b>	<b>14 per year*</b>
2023	14
2024	14
2025	14
2026	14
2027	14
2028	14
2029	14
2030	14
<b>Projection Period Total</b>	<b>112</b>

\*Estimate based on the average of ADUs permitted between 2019 and 2021.

Additionally, to facilitate the development of ADUs available for lower-income households, Program H.1b is included in the **Housing Plan**. For the purposes of Sites Inventory, the City assumes a percentage of ADUs will be affordable based on the *Using ADUs to Satisfy RHNA Technical Memo*, produced by the Association of Bay Area Governments (ABAG). ABAG’s analysis consisted of the following steps to finalize proportions:

- Calculated maximum rent limits for RHNA income categories for one-person and two person households by county;
- Surveyed rents for ADUs in the ABAG region;
- Used survey data to determine proportion of ADUs within each income category; and
- Created assumption of how many persons will occupy each ADU.

Using ABAG’s analysis, **Table B-3** shows estimated ADU projections for Brentwood by income category.

Income Category	Percentage	Units
Low- and Very Low-Income	60%	66
Moderate-Income	30%	34
Above Moderate-Income	10%	12
<b>Total</b>		<b>112 units</b>

### 3. Projects in the Pipeline

HCD guidance defines pipeline projects as residential projects that are approved, permitted, or receive a certificate of occupancy after the beginning of the RHNA period, and states that they may be credited toward meeting the RHNA based on the affordability and unit count of the development. **Table B-4** shows eight projects in the pipeline totaling 968 units, including two low-income units and 966 above moderate-income units.

Also shown in Table B-4, the average time between a project receiving entitlements and submitting an application for Building Permits is just under 60 days. This is a quick turnaround time, which illustrates the markets interest in getting projects approved and built as quickly as possible. As such, it is not considered a constraint to development.

Table B-4: Projects in the Pipeline<sup>1</sup>

Project Name	Project Status (April 2022)	Map ID	Planning Approval	Submittal for Building Permits	Projected Units				Total
					Very Low-Income	Low-Income	Moderate - Income	Above Moderate-Income	
Cowell Ranch Marsh Creek Road	Approved	11	<u>8/28/18</u>	<u>N/A</u>	0	0	0	140	140
Parkside Villas (formerly Seasons at Parkside) 1925 Apricot Way	Under Construction	12	<u>2/1/22</u>	<u>3/22/22</u>	0	0	0	37	37
Amber Lane Apartments South of Amber Ln. and west of Shady Willow Ln.	Under Construction	13	<u>1/14/20</u>	<u>1/28/20</u>	0	0	0	288	288
Bennett Estates 3405 O'Hara Avenue	Under Construction	18	<u>6/1/21</u>	<u>8/5/21</u>	0	0	0	14	14
Chandler 2800 Empire Ave.	Under Construction	14	<u>12/4/18</u>	<u>4/1/20</u>	0	0	0	160	160
Kindred & Balfour 131 Summerset Dr.	Under Construction	15	<u>6/2/21</u>	<u>6/15/21</u>	0	0	0	86	86
Orchard Trails South of Continent Ave. and west of Walnut Blvd.	Under Construction	16	<u>11/10/20</u>	<u>12/1/20</u>	0	2	0	75	77
Silvergate Apartments South of Sand Creek Rd. and east of O'Hara Ave.	Under Construction	17	<u>12/5/17</u>	<u>6/4/18</u>	0	0	0	166	166
Orchard Grove Adams Lane and Gracie Lane	Approved	18	<u>9/13/22</u>	<u>11/10/22</u>	0	1	5	45	51
<b>Total Projected Units</b>					<b>0</b>	<b>3</b>	<b>5</b>	<b>1,011</b>	<b>1,019</b>

<sup>1</sup> Project unit projections are planning-level assumptions and are subject to change. Table is based upon available data at the time the draft document was prepared.

## B. Very Low- and Low-Income Sites Inventory

This section contains a description and listing of the sites identified to meet the City’s very low- and low-income allocation.

### *1. Strategy for Accommodating Very Low- and Low-Income RHNA*

#### **Existing Zoning and Land Use**

HCD has identified 30 dwelling units per acre as the default density, or feasible density to accommodate very low- and low-income housing applicable to Brentwood. The City has three land use designations that can accommodate residential development at this density, including the Residential – Very High Density (R-VHD) and two designations within the PA-1 Specific Plan– Transit Village (TV) and Multi-Family Very High Density Residential (MFVHDR). Parcels within these land use designations were analyzed for compliance with Assembly Bill 1397 (AB 1397) requirements and analyzed for vacancies or opportunity for redevelopment.

Existing vacant, residentially zoned parcels can accommodate 156 very low- and low-income units. Utilizing the City’s existing residentially zoned land, Specific Plans, ADU assumptions, and projects in the pipeline, the City can accommodate 109 percent of the very low- and low-income allocation.

#### **Priority Area One Specific Plan**

The Priority Area One Specific Plan (PA-1) was recently updated in October 2022 and establishes development standards and design guidelines to create a mixed-use center that provides a wide array of opportunities for working, living, agriculture, and outdoor recreation in a pedestrian-friendly and aesthetically pleasing setting that attracts both local and regional residents. Three land use designations are projected to accommodate residential development on the site:

- **Transit Village.** The Transit Village designation is zoned to allow a minimum residential density of 25 dwelling units per acre with a maximum of 40 dwelling units per acre. Based on the existing general plan, density is projected at the midpoint of 32.5 dwelling units to the acre with a residential capacity of 75 percent.
- **Multi-Family Very High Density.** The Very High Density designation is zoned to allow a minimum residential density of 15 dwelling units per acre with a maximum of 35 dwelling units per acre. Based on the existing general plan, density is projected at the midpoint of 25 dwelling units to the acre.
- **High Density.** The High Density designation is zoned to allow a minimum residential density of 10 dwelling units per acre with a maximum of 20 dwelling units per acre. Based on the existing general plan, density is projected at the midpoint of 15 dwelling units to the acre. No very low- and low-income affordable units anticipated in PA-1 are projected to develop within this designation (although this land use designation may provide moderate income units).

Based on the City’s affordability assumption of 35 percent it is expected that 464 affordable units will develop on identified parcels within the three land use designations. Total residential development included in the inventory, across approximately 67 acres in the three land use designations identified in the Specific Plan, is projected to be 1,526 units.

**Projects in the Pipeline**

As shown in **Table B-4**, there are nine projects currently in the pipeline to realize a total of 1,019 units, including three deed-restricted low-income units and five deed-restricted moderate-income units. The table includes the status of these projects as of February 2023. The Orchard Trails project, which includes the two low-income units, is currently under construction, and the recently approved Orchard Grove project, which includes one deed-restricted low-income units and five deed-restricted moderate-income units. No further affordability information is available as of February 2023.

**2. Calculation of Unit Capacity**

**Site-by-Site Calculation**

The City has identified unit capacity on sites considering existing development and the feasibility of adding housing, development standards for the respective zone, and the feasible buildable acreage of the site. Then unit capacity was calculated by multiplying the net acreage of the site (considering existing environmental issues and existing structures) by the assumed density. A sample site calculation for a site is shown below in **Table B-5**.

Table B-5: Sample Sites Calculation	
Site Descriptor	Data
Unique ID	2
APN	019032011
Zone	PA-1 (MFVHDR)
Assumed Density	25 dwelling units/acre
Existing Use	Vacant/seasonal agriculture
Existing Structures	None
Buildable Acreage	4.75 acres
Total Net Units	118 units
Low/Very Low-Income Affordability Assumptions	35%
Low/Very Low-Income Unit Yield	41 units
Moderate-Income Affordability Assumptions	15%
Moderate-Income Unit Yield	18 units
Above Moderate-Income Unit Yield	59 units

**Realistic Capacity**

Development calculations for identified sites assume a mid-point density range so as to provide a conservative estimate.

For residential-only parcels, the mid-point density calculation roughly equates to 80 percent of the maximum density permitted. For example, candidate site #12 has a gross acreage of 3.39 and a permitted density between 20.1 and 30 units per acre; a mid-point density of 25 units per acre is assumed (80 percent of the maximum would be 24 units per acre), which results in 84 net units including 29 affordable to lower income (35 percent), 13 affordable to moderate income (15 percent), and 42 affordable to above moderate income (50 percent).

For mixed-use parcels, an additional 75 percent reduction is added to the mid-point density calculation to provide a further conservative estimate and avoid a potential no-net-loss situation should non-residential uses be developed (analysis in the following “Mixed-Use Capacity” section provides development trends showing residential development is largely favored over non-residential). For example, candidate site #4 has a buildable acreage of 5 and a permitted density between 25 and 40 units per acre; a mid-point density of 32.5 units per acre is assumed and a 75 percent reduction is added which results in 122 net units

including 43 affordable to lower income (35 percent), 18 affordable to moderate income (15 percent), and 61 affordable to above moderate income (50 percent).

It should be noted that the City does not generally receive development applications at densities below the range allowed in residential zoning districts. Table B-6 shows that density yield in recent projects either meets or exceeds the maximum density permitted.

The majority of the development in Brentwood in recent years has been low-density single-family development. There have only been two higher density projects in the last ten years, which are included in the Pipeline projects and listed below as Silvergate and Amber Lane. Each of the projects have yielded 100 percent of the development capacity within their zone.

- **Silvergate – Pipeline Project 17**

The site is designated by the General Plan as BBSP (Brentwood Boulevard Specific Plan). The BBSP contains several different use categories, also known as district zones. The subject property is part of the COIR (Commercial/Office/Industrial/Residential) zone, which allows high density residential, with a density range from 11 to 20 dwelling units per acre, while commercial, office, and light industrial development is also allowed. The proposed development is an apartment complex consisting of 166 units on 8.3 acres, for a density of 20 units per acre achieving a yield of 100 percent of the maximum allowed by the underlying zoning. No commercial, office, or light industrial development was proposed as part of the project.

- **Amber Lane – Pipeline Project 13**

The site is designated by the General Plan Land Use Map as Priority Area – 1 (PA-1). The project site is located within the PA-1 Specific Plan area’s High Density Residential (HDR) zone with an allowable density range from 10 to 20 dwelling units per acre. The proposed development is an apartment complex consisting of 288 units on 14.4 acres, for a density of 20 units per acre achieving a yield of 100 percent of the maximum allowed by the underlying zoning.

- **Orchard Grove – Pipeline Project 18**

The site is designated by the General Plan Land Use Map as R-VLD (Residential-Very Low Density). The project site is located within the R-1-E (Single Family Residential) zone with an allowable density range from 1.1 to 3 dwelling units per acre. The proposed development is a detached single-family development consisting of 51 single-family homes, for a density of 3.03 units per acre. The application included one deed-restricted low-income unit and five deed-restricted moderate-income units to qualify as a Density Bonus project to achieve a yield of 101 percent of the maximum allowed by the underlying zoning.

To supplement regional data, the neighboring city of Antioch has approved several multi-family projects in recent years, including two with yields over 100 percent (**Table B-6**). The AMCAL project is a 100 percent affordable project. A senior density bonus request was approved to achieve of yield of 106 percent of the maximum allowed by the underlying zoning.

Overall, recent project yields ranged from 80 percent to 106 percent of the allowed density, with an average yield of 94 percent. In Brentwood alone, the 100 percent capacity assumption is deemed reasonable given these trends.

Table B-6: Regional Residential Development Yields							
Project	Acres	Zoning	Allowed Density (DU/AC)	Units	Built Density (DU/AC)	Yield	Status
<b>Brentwood</b>							
Silvergate	8.3	COIR	11-20	166	20	100%	Under Construction
Amber Lane	12.4	PA-1 (HDR)	11-20	288	20	100%	Under Construction
Orchard Grove	16.8	R-1-E	1.1-3	51	3.03	101%	Entitled 2022
<b>Antioch</b>							
AMCAL	14.9	R-25	25	394	26.5	106%	Under Construction
Wildflower Station (Multi-Family)	7	P-D	As Built	98	14	N/A	Completed 2020
Wildflower Station (Single-Family)	4.5	P-D	As Built	22	4.9	N/A	Completed 2020
Almond Knolls	2.9	R-20	20	58	20	100%	Completed 2020
Deer Valley Estates	37.6	P-D	3.6	121	3.22	89%	Entitled 2021
The Ranch	253.5	P-D	As Built	1,177	4.6		Entitled 2020
Quail Cove	5.6	P-D	6	30	5.4	90%	Completed 2021
Oakley Knolls	5.6	P-D	6	28	5	83%	Under Construction
Creekside Vineyard at Sand Creek	59	P-D	4.6	220	3.7	80%	Entitled 2021
<b>Average Yield</b>						<b>94%</b>	
<b>Average Yield Excluding P-D Zones</b>						<b>101%</b>	
<i>Source: City of Antioch and Urban Planning Partners, 2022.</i>							

### MIXED-USE CAPACITY

Five sites have been identified as part of the PA-1 Specific Plan which allow for both residential and commercial uses. The PA-1 (TV) zone requires ground-floor commercial on all multi-family residential projects. Density for standalone residential projects in the TV zone is 25 to 40 dwelling units per acre; for mixed-use projects, the residential/commercial mix ratio is a required first floor full commercial and a minimum 10 percent of the total project for commercial. As detailed in the section above, the assumed density for these sites includes a mid-point calculation (32.5 units per acre) plus an added reduction of 75 percent for the required commercial components. A total of 592 units are possible on these five sites, including 207 affordable to lower income households.

Projects listed in Table B-7 include one project zoned mixed-use currently under construction with a 100 percent unit yield – resulting in 166 units (Silvergate). Two additional projects with mixed-use zoning have submitted Preliminary Review applications and propose a total 690 units. Preliminary Review Application #1 proposes horizontal mixed-use with commercial on the first 150 feet along Brentwood Boulevard with a unit yield of 73 percent, or 93 percent net. Preliminary Review Application #2 proposes a mixed-use development with ground floor retail and 162 units 100 percent affordable to lower income households with a unit yield of 125 percent. In general, a 75 percent development capacity for mixed-use sites is considered feasible based on the City’s recent development history and large residential development interest. To further ensure the development of these five sites, Action H.1n is included in the Housing Plan

to establish and implement a residential incentives program encouraging residential development on mixed use sites.

The PA-1 (TV) zone allows for 100 percent commercial uses. As listed above, Silvergate is the only comparable project in a mixed-use zone and it includes residential uses. The City has not received any development applications for commercial-only projects on sites that also allow residential uses. Residential development continues to be the top interest within Brentwood. The City has now received three SB 330 Preliminary Applications on other similarly zoned mixed-use sites that allow for 100% commercial development yet have proposed 100 percent residential development. Furthermore, AB 2011 now paves the way for residential development in commercial zones and has already begun gaining interest from the development community, as detailed below.

### **AB 2011**

In 2022, Governor Newsom signed into law the Affordable Housing and High Road Jobs Act (AB 2011), and the Bill went into effect on July 1, 2023. The bill makes affordable housing a by-right use on commercially zoned lands and mixed-income housing by-right along commercial corridors, as long as the projects meet specified affordability, labor, and environmental criteria.

As of August 2023, the City has already received one AB 2011 application on a commercial site proposing 33 units per density with 20 percent affordable units. This is the first application in Contra Costa County. As part of the proposed project, the applicant is also seeking a density bonus for development concessions and waivers. This highlights the development potential and interest for residential development on parcels zoned commercial.

### **Affordability Assumptions**

All sites identified with the appropriate zoning are assumed to develop with 35 percent of units affordable to very low- and low-income households. The goals of the 2023-2031 Housing Element include creating more opportunities for affordable housing and to work with the affordable housing development community to bring additional very low- and low-income housing opportunities to Brentwood.

While the City has had limited affordable housing development in past years, there has been a recent increase in proposed projects with affordable components, as well as City actions to increase access to housing for all segments of the population.

In 2020, the Affordable Housing Ordinance was modified to include affordability requirements for rental units and increase the affordability requirement from 2 percent to 10 percent. In 2022 the Ordinance was modified to increase the affordability requirement from 10 percent to 13 percent. Due to these updates, the City is currently processing seven projects that include the newly required ten to thirteen percent affordable unit requirements based on when the projects are deemed complete. As **Table B-4** also shows, the Orchard Trails project is currently under construction and includes two deed-restricted units affordable to low-income households and the Orchard Grove project recently approved includes one deed-restricted low-income unit and five deed-restricted moderate-income units

While past performance is limited, the City has made efforts to promote the development of housing affordable to Brentwood's current and future residents. Through this Appendix, the City has identified sufficient land to accommodate the 2023-2031 RHNA for all income levels. The **Section 4: Housing Plan** also includes a number of programs that will assist in the development of affordable units throughout the 6<sup>th</sup> Planning Cycle.

### **3. Adequacy of Sites to Accommodate Very Low- and Low-Income Housing**

#### **Vacant Sites**

As part of the candidate sites inventory, the City has identified 4 sites which include very low- and low-income units. The units on these sites represent 21.3 percent of the RHNA for very low- and low-income units. To identify this percent, the City used the following calculation:

$$\frac{(\text{Lower income RHNA} - \text{lower income pipeline units} - \text{lower income ADU projections} - \text{lower income units on non-vacant sites})}{\text{lower income RHNA}} = \text{lower income units on vacant sites}$$
$$(634 - 3 - 66 - 430) = 135/634 = 21.3 \text{ percent}$$

It should be noted that 4 additional sites are vacant of structures and have improvement values of \$0 but cannot be considered vacant due to their seasonal agricultural uses. Despite this classification, the property owners are working with developers to construct residential projects. The sites are not zoned for agriculture; however, the seasonal use allows the property owners to benefit from their land until they move forward with development. Were these sites considered vacant, the City would be able to claim 66.6 percent of its lower income units on vacant sites. More information on these properties is included in the following “Non-Vacant Sites” section.

#### **Non-Vacant Sites**

The City has identified five non-vacant sites to accommodate a portion of the lower income allocation. These are sites over about 23 total acres, seasonally agricultural, and have five older residential units in total. The sites are entirely consolidated within PA-1, which is being developed as part of a master-planned development. In 2022, the City adopted amendments to PA-1, which had the support and involvement of the property owners who are also large landowners and developers within the community.

Historically, the City has fully developed on previously agricultural land. Brentwood and the surrounding area once represented a major agricultural center and the largest shipping point for grains between New Orleans and San Francisco. In the early 1900s Brentwood was a thriving township with much agricultural land for cattle, grains, fruits, and vineyards. By 1930, the area was producing thousands of acres of apricots, peaches, and cherries. At the onset of the Great Depression many farmers in midwestern states headed for California where they could find employment harvesting crops. Many of these families planted their roots in Brentwood and made the area their permanent home. In 1948, the City of Brentwood was incorporated. Initial development patterns throughout the City began east of the San Pablo Tulare railroad tracks and around the Train Station and Downtown Brentwood where City hall and the majority of the store were located. Growth later began to spread west with the rerouting of Highway 4 relocating traditional traffic patterns from Brentwood Boulevard to the Highway. What was once an entirely agricultural area, Brentwood has become a residential community.

Throughout the 5<sup>th</sup> Cycle, the City has approved seven applications for residential developments on previously agricultural land, and three additional Preliminary Review applications have been received. The seven projects include a total of 918 units.

The City has received two letters of support from the property owners of Candidate Sites 7, 8, and 9 – they are included in Appendix C. The letters state that Site 9 is currently in contract with a developer for the development of 8 of the 36 acre property for high density residential and the property owner of Sites 7 and 8 have signed a letter of intent with Alliance Residential Properties to sell a portion of their land for residential development.



In sum, the five non-vacant sites identified do not present a significant constraint to the development of future housing.

Project	Use	Acres	Zoning	Allowed Density (DU/AC)	Units	Built/Proposed Density	Yield	Status
1925 Apricot Way – Parkside Villas <i>(Pipeline Project 16)</i>	Agricultural Land	10.76	PD-35	1.1-5	36	3.35	67%	Under Construction
Orchard Grove – <i>(Pipeline Project 23)</i>	Agricultural Land	16.82	R-1-E	1.1 - 3	51	3.03	101%	Approved
Amber Lane Apartments <i>(Pipeline Project 17)</i>	Agricultural Land	14.4	PA-1 (HDR)	10-20	288	20	100%	Under Construction
Silvergate Apartments <i>(Pipeline Project 21)</i>	Agricultural Land	8.3	BBSP (COIR Mixed Use)	11-20	166	20	100%	Under Construction
Cowell Ranch <i>(Pipeline Project 15)</i>	Agricultural Land	29.19	PD-65	5	140	4.8	96%	Approved
Orchard Trails <i>(Pipeline Project 20)</i>	Agricultural Land	25.57	PD-47	1.1-5	77	3	60%	Under Construction
Chandler <i>(Pipeline Project 18)</i>	SFR w/ Agricultural Land	20	PD-38	5.1-11	160	8	72%	Under Construction
Preliminary Review 1 <a href="#"><u>(Horizontal mixed use with Commercial first 150’ along Brentwood Blvd)</u></a>	SFR w/ Agricultural Land	36.03 (28.27 net)	BBSP (COIR Mixed Use)	11-20	528	14.54 (18.6 net)	73% (93% net)	<a href="#"><u>Preliminary Review</u></a>
Preliminary Review 2 <a href="#"><u>(Mixed-Use Project with ground floor retail and 100% affordable units)</u></a>	Multi-tenant retail building	6.5	BBSP (COIR Mixed Use)	11-20	162	25	125%	<a href="#"><u>Preliminary Review</u></a>
Preliminary Review 3 <a href="#"><u>(Only 8-acres are currently allocated as MFVHDR)</u></a>	Agricultural Land	12.8	PA-1 (MFVHDR)	15-35	219	17	49%	<a href="#"><u>Preliminary Review</u></a>

### Replacement Analysis

The Sites Inventory includes five sites with existing residential units. All are within PA-1 and each contains a single rural housing unit. As such, Program H.1p is included in the **Housing Plan** to ensure demolished residential units occupied by lower-income households, or households subject to affordability requirements within the last five years, are replaced in compliance with Government Code Section 65915.

### Identification of Small or Large Parcels

AB 1397 identifies parcels measuring between half an acre and ten acres to be appropriate for the development of affordable housing units. Parcels that are less than half an acre (“smaller”) or above 10 acres (“larger”) are not deemed adequate to accommodate lower income housing needs unless past performance shows a tendency for affordable housing projects to develop on smaller or larger sites.

The City has not identified any small or large parcels to accommodate lower income units. [Candidate Site #11, as part of the PA-1 Specific Plan, has a total of 13.3 acres of land identified for development capacity but no lower income housing units have been identified on this parcel. All parcels in the PA-1 Specific Plan will be parcelized prior to residential development; the Specific Plan has an adopted land use map which includes designating the acreage for each type of use and subdistrict. More details on the Specific Plan are available in Section 3 of this Housing Element.](#)

However, the City has recently received Preliminary Review Applications for a 12-acre high-density residential development within PA-1, as well as a 28-acre high-density residential development elsewhere in the City. Recent trends have also shown that with the approval in Brentwood of the Amber Lane pipeline project, which is situated on a 14.4 acre parcel, and the recently approved 15 acre 100 percent affordable development in Antioch, there is a high level of developer interest in larger sites.

## C. Moderate- and Above Moderate-Income Sites Inventory

This section contains a description and listing of the sites identified to meet Brentwood’s moderate- and above moderate-income allocation.

### *1. Strategy for Accommodating Moderate and Above Moderate-Income Allocation*

Utilizing pipeline projects, projected ADU development, Specific Plans, and existing residential zoning, the City can fully accommodate Brentwood’s 247 unit moderate-income and 641 unit above moderate-income allocation.

#### **Existing Zoning and Land Use**

Existing vacant, residentially zoned parcels can accommodate 68 moderate- and 222 above moderate-income units. Utilizing the City’s existing vacant, residentially zoned land, Specific Plans, ADU assumptions, and projects in the pipeline, the City can accommodate 136 percent of the moderate-income allocation and 324 percent of the above moderate-income allocation.

#### **Priority Area One Specific Plan**

As stated above, the PA-1 Specific Plan has three residential land use designations that can accommodate the entirety of the moderate- and above moderate-income RHNA. PA-1 can accommodate a total of 1,526 units – 229 of which are affordable to moderate-income households and 833 affordable to above moderate-income households.

#### **Projects in the Pipeline**

As shown in **Table B-4**, the City has nine projects in the pipeline to develop five moderate-income units and 1,011 above-moderate income units. Of these projects, two have received Planning approval and seven are currently under construction.

### *2. Calculation of Unit Capacity*

#### **Selection of Sites**

The Sites Inventory contains a selection of sites that are most likely to be developed for moderate- and above moderate-income housing. For the purpose of identifying sites with the potential to be developed within the planning period, this analysis considered existing zoned parcels that permit residential as a primary use.

For the purposes of this analysis, projected ADU assumptions were calculated separately as outlined within Section 2 above. ADUs represent additional potential units to meet the City’s RHNA.

### **Affordability Assumptions**

All sites identified with the appropriate zoning are assumed to develop with 15 percent of units affordable to moderate-income households. The goal of the 2023-2031 Housing Element is to create more opportunities for affordable housing and to work with the affordable housing development community to bring additional moderate-income housing opportunities to Brentwood.

### **Assembly Bill 725**

Assembly Bill 725 (AB 725) requires jurisdiction to identify at least 25 percent of their moderate- and above moderate-income RHNA on sites with zoning that allows at least four units of housing (and no more than 100 units for moderate-income).

The above moderate-income RHNA is fully accommodated for through projects in the pipeline. In addition, all candidate sites identified in **Table B-8** permit multi-family residential developments with density ranges starting at ten dwelling units per acre and going up to 40 dwelling units per acre – in compliance with AB 725 requirements.

## **D. Affirmatively Furthering Fair Housing**

As detailed in this Appendix, sites were selected based on availability of land, existing development plans, as well as propensity for development throughout the planning period. As it relates to affirmatively furthering fair housing, access to resources, services, and public transportation were considered for the location of lower-income units. Lower-income units are proposed through the PA-1 Specific Plan and Vacant Land, as illustrated in **Figure B-1**.

### **1. PA-1 Specific Plan Area**

The PA-1 Specific Plan area will offer a variety of commercial and retail uses as it develops, as well as a many employment opportunities. A number of restaurants and retail uses are currently located along Lone Tree Way to the north and Sand Creek Road to the south. Trader Joe’s and Target Grocery stores are located north of the PA-1 area and Sprouts Farmers Market and Raley’s are located to the south.

For medical services, two pharmacies are located north of Lone Tree Way and a number of medical offices are within close proximity of the PA-1 area. Two elementary schools are also located in close proximity (Pioneer Elementary and Loma Vista Elementary). Bristow Middle School is located nearby, as are Independence High School and Liberty High School.

The PA-1 area has access to four bus lines – Routes 384, 380, 385, and 395. The routes are currently located along Sand Creek Road, Shady Willow Lane, Canada Valley Road, and Lone Tree Way. The area is also bisected by John Marsh Heritage Highway (State Route 4) which connects the City to the rest of the County and the San Francisco Bay area.

In general, the area is well supported with resources and will continue to be as the PA-1 Specific Plan is developed.

## 2. Vacant Residential Land

Candidate sites 12 through 14 are identified as currently vacant residential parcels and located south of Balfour Road and west of State Route 4. Just north of the area along Balfour Road are a few dining and options, gas stations, and a bank.

The area offers close access to a number of medical and dental offices, an urgent care center, as well as a Walgreens Pharmacy. The R Paul Krey Elementary School and Oak Meadow Park are located just south of the sites, and the East Contra Costa Fire Protection District station is just north of Balfour Road.

Public transit is available to the north along Balfour Road. Route 385 connect the sites to the rest of the City. Similarly to the PA-1 area, the three vacant residential parcels are also located along State Route 4 for convenient access to other parts of the region.

Overall, this area offers less services and resources than the PA-1 Specific Plan area as it is predominantly single-family neighborhoods; however, it provides for a greater variety of housing options at varying costs.

## E. Summary of RHNA Status and Sites Inventory

The City has reviewed all sites for environmental concerns and considerations as well as development and land use restrictions. Additionally, each site has been reviewed for existing use; access to infrastructure, water, utilities; and additional development constraints. Where the analysis showed increased barriers to development related to environmental concerns, infrastructure concerns or existing conditions and development concerns (such as slope and grading, hazardous surrounding uses, restrictive development standards) the sites were removed. The result is a list and analysis of sites that are most ripe for development or redevelopment for housing.

## F. Sites Identified to Accommodate RHNA and Maps

**Figure B-1** below maps all sites identified to accommodate the City's 2023-2031 RHNA. **Table B-8** is the Sites Inventory sorted by Unique ID.

Figure B-1: Sites Inventory Map

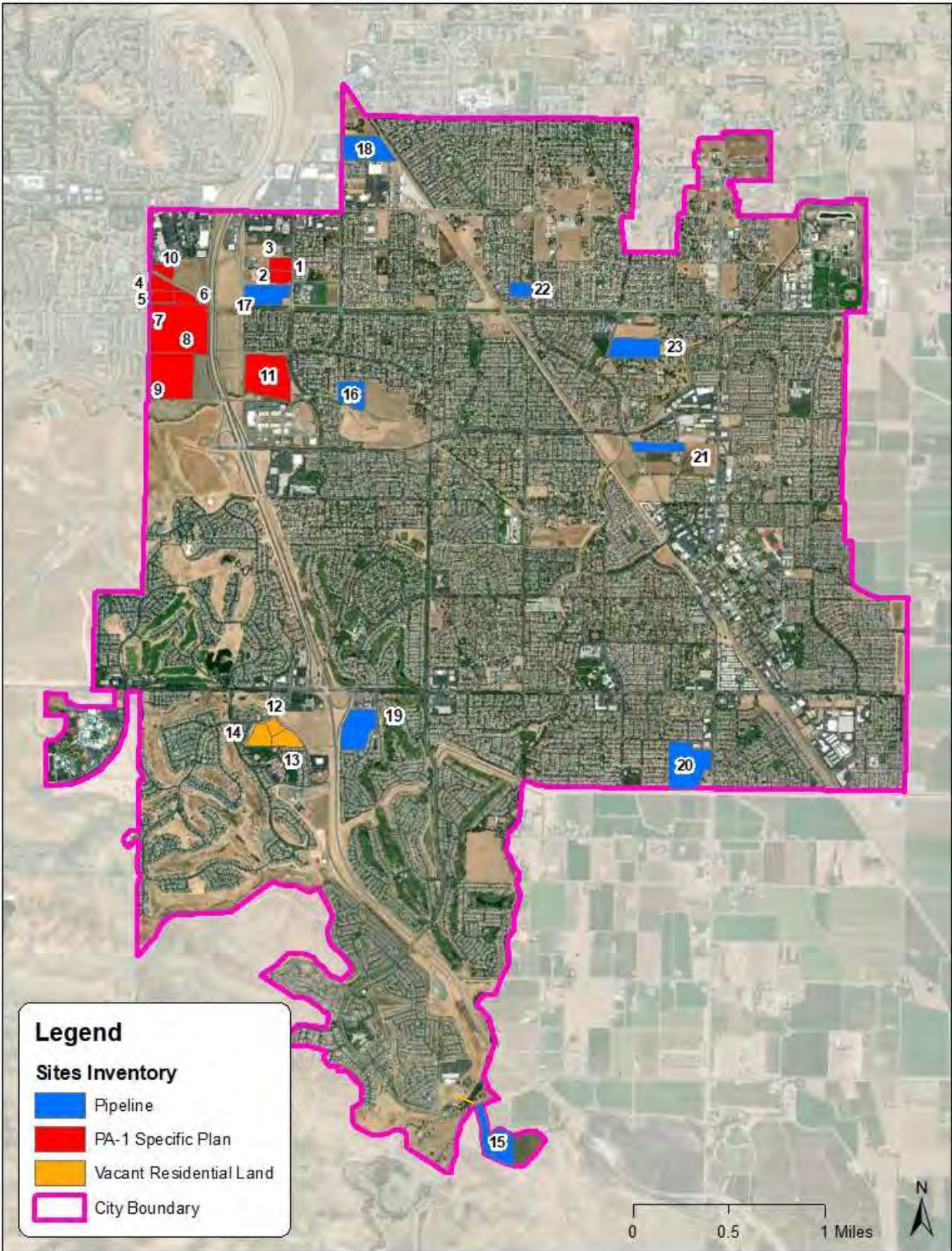


Table B-8: Brentwood 6<sup>th</sup> Cycle Sites Inventory

ID	APN	Street Address	Existing Units	Vacancy	Gross Acreage	Buildable Acreage	5 <sup>th</sup> Cycle Site	4 <sup>th</sup> Cycle Site	ZONING	GPLU	Assumed Density	Net Potential Units	Net Units by Income Category			Assumed Income Category	Category	Existing Use and Additional Information
													Low	Mod.	Above Mod.			
<b>Specific Plan Sites</b>																		
1	019032010	2251 SHADY WILLOW LN	1	No	4.80	4.80	No	No	PA-1 (MFVHDR)	PA-1	25	120	42	18	60	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It contains an existing residential unit and some land for seasonal agricultural use. Property owners have been involved and in support of redevelopment through PA-1.
2	019032011	2201 SHADY WILLOW LN	0	No	4.75	4.75	No	No	PA-1 (MFVHDR)	PA-1	25	118	41	18	59	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It is vacant with seasonal agricultural use. <u>The improvement value for this site is \$0.</u> Property owners have been involved and in support of redevelopment through PA-1.
3	019032029	2301 SHADY WILLOW LN	1	No	4.88	4.88	No	No	PA-1 (MFVHDR)	PA-1	25	122	43	18	61	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It contains an existing residential unit, storage for cars and parts, and some land for seasonal agricultural use. Property owners have been involved and in support of redevelopment through PA-1.
4	019020059	5225 HEIDORN RANCH RD	1	No	5.41	5.41	No	No	PA-1 (TV)	PA-1	32.5 (x 75%)	122	43	18	61	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It contains an existing residential unit and land for seasonal agricultural use. Property owners have been involved and in support of redevelopment through PA-1.
5	019020076	5305 HEIDORN RANCH RD	1	No	4.20	4.20	No	No	PA-1 (TV)	PA-1	32.5 (x 75%)	102	36	15	51	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It contains an existing residential unit, an equine pasture, and land for seasonal agricultural use. Property owners have been involved and in support of redevelopment through PA-1.
6	019020083	5315 HEIDORN RANCH RD	1	No	4.00	4.00	No	No	PA-1 (TV)	PA-1	32.5 (x 75%)	98	34	15	48.5	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It contains an existing residential

Table B-8: Brentwood 6<sup>th</sup> Cycle Sites Inventory

ID	APN	Street Address	Existing Units	Vacancy	Gross Acreage	Buildable Acreage	5 <sup>th</sup> Cycle Site	4 <sup>th</sup> Cycle Site	ZONING	GPLU	Assumed Density	Net Potential Units	Net Units by Income Category			Assumed Income Category	Category	Existing Use and Additional Information
													Low	Mod.	Above Mod.			
<b>Specific Plan Sites</b>																		
																		unit and vacant land. Property owners have been involved and in support of redevelopment through PA-1.
7	019081024	HEIDORN RANCH RD	0	No	48.9	7.1	No	No	PA-1 (TV)	PA-1	32.5 (x 75%)	173	60	26	86.5	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It is vacant with seasonal agricultural use. <a href="#">The improvement value for this site is \$0.</a> Property owners have been involved and in support of redevelopment through PA-1 – <a href="#">letter of support for residential development on this site is included in Appendix C.</a>
8	019081024	HEIDORN RANCH RD	0	No	48.9	7	No	No	PA-1 (MFVHDR)	PA-1	25	175	61	26	88	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It is vacant with seasonal agricultural use. <a href="#">The improvement value for this site is \$0.</a> Property owners have been involved and in support of redevelopment through PA-1 – <a href="#">letter of support for residential development on this site is included in Appendix C.</a>
9	019081021	HEIDORN RANCH RD	0	No	35.7	8	No	No	PA-1 (MFVHDR)	PA-1	25	200	70	30	100	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It is vacant with seasonal agricultural use. <a href="#">The improvement value for this site is \$0.</a> Property owners have been involved and in support of redevelopment through PA-1 – <a href="#">letter of support for residential development on this site is included in Appendix C.</a>
10	019020055	HEIDORN RANCH RD	0	Yes	4	4	No	No	PA-1 (TV)	PA-1	32.5 (x 75%)	98	34	15	49	Low and Very Low	PA-1	This site is identified as part of the PA-1 Specific Plan. It is entirely vacant. Property owners have been involved and in support of redevelopment through PA-1.

Table B-8: Brentwood 6<sup>th</sup> Cycle Sites Inventory

ID	APN	Street Address	Existing Units	Vacancy	Gross Acreage	Buildable Acreage	5 <sup>th</sup> Cycle Site	4 <sup>th</sup> Cycle Site	ZONING	GPLU	Assumed Density	Net Potential Units	Net Units by Income Category			Assumed Income Category	Category	Existing Use and Additional Information
													Low	Mod.	Above Mod.			
<b>Specific Plan Sites</b>																		
11	019092046	2483 OLD SAND CREEK RD	1	No	32.6	13.3	No	No	PA-1 (HDR)	PA-1	15	199	0	30	169	Moderate	PA-1	This site is identified as part of the PA-1 Specific Plan. <u>It contains an existing residential unit, barn, and land for seasonal agricultural use.</u> Property owners have been involved and in support of redevelopment through PA-1.
<b>Vacant Residential Sites</b>																		
12	010840010	JOHN MUIR PKWY	0	Yes	3.39	-	Yes	Yes	PD (R-VHD)	R-VHD	25	84	29	13	42	Low and Very Low	Vacant Land	Entirely vacant site
13	010840011	JOHN MUIR PKWY	0	Yes	6.81	-	Yes	Yes	PD (R-VHD)	R-VHD	25	170	60	26	84	Low and Very Low	Vacant Land	Entirely vacant site
14	010840012	JOHN MUIR PKWY	0	Yes	7.70	-	Yes	Yes	PD (R-VHD)	R-VHD	25	192	67	29	96	Low and Very Low	Vacant Land	Entirely vacant site
<b>Pipeline Projects</b>																		
15	007380002	Marsh Creek Road	0	Yes	28	-	No	No	PD-64	PD	5	140	0	0	140	Above Moderate	Pipeline	Seasonally agricultural land identified as part of the Cowell Ranch pipeline project which has received Planning approval.
16	019092032	1925 Apricot Way	0	Yes	10.76	-	Yes	Yes	PD-35	R-LD	3	37	0	0	37	Above Moderate	Pipeline	Vacant site identified as part of the Parkside Villas pipeline project which has received Planning approval.
17	019031006	South of Amber Lane and west of Shady Willow Lane	0	Yes	14.43	-	No	No	PA-1 (HDR)	PA-1	20	288	0	0	288	Above Moderate	Pipeline	Previously vacant site currently under construction as part of the Amber Lan Apartments pipeline project.
18	018740116	2800 Empire Avenue	0	Yes	0	-	No	No	PD-38	PD	-	160	0	0	160	Above Moderate	Pipeline	Previously vacant site currently under construction as part of the Chandler pipeline project.
19	010440152	131 Summerset Drive	0	Yes	0	-	No	No	PD-21	PD	-	86			86	Above Moderate	Pipeline	Previously vacant site currently under construction as part of the Kindred & Balfour pipeline project.
20	016300138	South of Contiente Avenue and west of Walnut Boulevard	0	Yes	0.83	-	No	No	PD-42	PD	-	77	2		75	Low and Very Low	Pipeline	Seasonally agricultural land currently under construction as part of the Orchard Trails pipeline project.
21	016120025	South of Sand Creek Road and east of O'Hara Avenue	0	Yes	8.31	-	Yes	No	BBSP	BBSP	20	166	0	0	166	Above Moderate	Pipeline	Previously vacant site currently under construction as part of the Silvergate Apartments pipeline project.
22	018090012	3405 O'Hara Avenue	0	Yes	5.0	-	Yes	Yes	R-1-10	R-LD	-	14	0	0	14	Above Moderate	Pipeline	Previously vacant site currently under construction as part of



**Table B-8: Brentwood 6<sup>th</sup> Cycle Sites Inventory**

ID	APN	Street Address	Existing Units	Vacancy	Gross Acreage	Buildable Acreage	5 <sup>th</sup> Cycle Site	4 <sup>th</sup> Cycle Site	ZONING	GPLU	Assumed Density	Net Potential Units	Net Units by Income Category			Assumed Income Category	Category	Existing Use and Additional Information
													Low	Mod.	Above Mod.			
<b>Specific Plan Sites</b>																		
																		the Bennett Estates pipeline project.
23	016040005	East of Adams and north of Gracie Lane	0	Yes	16.82	-	Yes	Yes	R-1-E	R-VLD	-	51	1	5	45	Low and Very Low	Pipeline	As part of the Orchard Grove pipeline project.



## **Appendix C**

### *Summary of Community Engagement*

## Appendix C: Summary of Community Engagement

Section 65583 of the Government Code states, “local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” Meaningful community participation is also required in connection with the City’s Assessment of Fair Housing (AF). As such, a summary of community participation is included within this Appendix.

### Appendix C Contents

#### A. Summary of Community Engagement

- C.1 Joint City Council and Planning Commission Workshop
- C.2 Online Community Survey
- C.3 Joint City Council and Planning Commission Workshop
- C.4 City Council Meeting
- C.5 City Council and Community Meeting
- C.6 Planning Commission Meeting
- C.7 City Council Meeting
- C.8 Flyers/Outreach Materials
- C.9 Public Review Draft

#### A. Outreach Efforts

As part of the 2023-2031 Housing Element Update process, the City conducted a variety of outreach and engagement efforts beginning in Spring 2022. A summary of community engagement and outreach for the 2023-2031 Housing Element is outlined below:

- **Housing Element Update Webpage:** A webpage was created to provide background information and guide the public to outreach events and resources throughout the course of the update process and is translatable in multiple languages. The website provides information about the update process, key features of the housing element, recorded meetings, a project timeline, resources, and contact information. The website also provided a link to the community survey as well as a contact form for interested persons to sign up for the email list and provide comments to the Housing Element Update team.  
The website is available at: <https://brentwoodhousingelement.com/>.
- **Joint Planning Commission and City Council Workshop:** On April 14, 2022, Staff presented to Planning Commission, City Council, and members of the public during a joint workshop. The presentation provided introductory information on the Housing Element Update process, details on the City’s RHNA allocation, and key milestones. The agenda item was organized to solicit input and recommendations from Planning Commission, City Council, and members of the public. Live Spanish translation was provided during the workshop and both the English and Spanish, including all presentation materials being presented in both English and Spanish during the meeting. Recordings of the meeting in both English and Spanish are available on the Housing Element

local markets in both English and Spanish in order to encourage public involvement. In addition, social media posts were published in both English and Spanish multiple times prior to the hearing.

- **Online Community Survey:** From April 2022 to June 2022, the City released an online community survey to solicit feedback and input on housing conditions in the City for the purpose of developing policy programs. The survey was made available in English and Spanish; it was linked on the Housing Element Update webpage and advertised to the community through the water bill in both English and Spanish, City Newsletter, posted flyers in neighborhood serving businesses in both English and Spanish, email blasts, and social media posts with paid targeted advertising to special needs populations and the local Spanish speaking community. Advertisements were also posted on social media by local organizations who serve the City's special needs population such as the Village Community Resource Center as well as emails to all parents within the Brentwood Unified School District in both English and Spanish.
- **Joint Planning Commission and City Council Workshop:** On June 1, 2022, Staff presented to Planning Commission, City Council, and members of the public during a joint workshop. The presentation provided a summary of RHNA and the proposed sites strategy, as well as changes in Housing Element Law. The agenda was organized to solicit input from Planning Commission, City Council, and members of the public. Live Spanish translation was provided during the workshop and both the English and Spanish recordings of the meeting are available on the Housing Element Update webpage.
- **City Council Workshop:** On July 21, 2022, Staff presented the City Council with updated RHNA sites strategy options. The presentation detailed three different strategies and the implications of each. The agenda was organized to solicit feedback from the Council and receive a recommendation on which strategy to move forward with. Live Spanish translation was provided during the workshop and both the English and Spanish recordings of the meeting are available on the Housing Element Update webpage.
- **City Council and Community Meeting:** On August 30, 2022, Staff informed the City Council of the available Public Review Draft Housing Element and presented details on how the candidate sites inventory had been revised to incorporate feedback received. The meeting also provided meeting attendants with details on where to find the Draft and how to provide feedback through the public review period. Live Spanish translation was provided during the meeting and both the English and Spanish recordings of the meeting are available on the Housing Element Update webpage.
- **Planning Commission Meeting:** On September 20, 2022, Staff presented the Planning Commission with an information update on the Housing Element update and the available Public Review Draft. The goal of the meeting was to solicit feedback from the Planning Commission.
- **City Council Meeting:** On September 27, 2022, Staff presented the City Council with a final version of the Draft 6<sup>th</sup> Cycle Housing Element and summary of comments received on the Public Review Draft. The intent of the meeting was to gather final feedback on the sites inventory and to receive approval from the City Council to submit the Draft Housing Element to HCD for review.
- **HCD Revisions Draft:** Following revisions to the Draft 6<sup>th</sup> Cycle Housing Element addressing comments made by HCD, the City made the Draft available to the public for a 7-day public review. This included outreach to stakeholders and interested parties to notify them of the available draft.

- **Planning Commission Hearing:** On February 28, 2023, the Planning Commission held a special meeting to consider a recommendation to the City Council on an amendment to the General Plan to update the Housing Element for the 2023-2031 (6<sup>th</sup> Cycle).
- **City Council Hearing:** On March 14, 2023, the City Council adopted an amendment to the General Plan to update the Housing Element for the 2023-2031 (6<sup>th</sup> Cycle).
  
- **Multilingual Outreach:** Multilingual outreach was identified by the Brentwood City Council as a top need at the very beginning of the outreach process. As such, the City made public meetings and workshops available in Spanish, and all public outreach materials were also made available in Spanish. In addition, public hearing notices and agendas for all meetings were also posted in both English and Spanish as well as posted on all City social media outlets.
- **Direct Outreach to the Community:** The City has conducted direct outreach to various community groups, developers, stakeholders, and interested community members throughout the Housing Element update process. This has included advertising for public meetings and workshops, surveys, and draft releases. The intent of the outreach was to solicit the participation and feedback from all community members. The following lists the organizations and companies that were contacted throughout the process in advance of every community meeting and public hearing, in addition to 207 individual community members:
  - BRIDGE Housing
  - Christian Church Homes of Northern California (CCHNC)
  - Ecumenical Association For Housing (EAH)
  - Eden Housing
  - First Community Housing (FCH)
  - Hijas Del Campo
  - Mercy Housing of California
  - MidPen Housing Corporation (MidPen)
  - Resources for Community Development
  - Satellite Affordable Housing Associates
  - Sunflower Hill
  - Meta Housing
  - Village Community Resource Center
  - Blackhawk Properties
  - Bradford Communities
  - Building Industry Association Bay Area
  - Carlson Barbee and Gibson
  - Century Communities
  - D. R. Horton
  - Denova Homes
  - Discovery Builders
  - Integral Communities
  - Isakson and Associates
  - K. Hovnanian Homes
  - KB Homes
  - Lyon Homes
  - Martin Land Company
  - Meritage Homes
  - Mission Peak Company
  - Nuvera Homes
  - Pulte Homes
  - Richland Communities
  - Shea Homes
  - Signature Homes
  - Strauss Design
  - The Grupe Company
  - The True Life Companies
  - Tri Pointe Homes
  - Van Daele Homes
  - Westgate Ventures
  - Wood Rodgers

This Appendix contains all public comments regarding the Housing Element received by the City at scheduled public meetings. As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

## C.1 Joint City Council and Planning Commission Workshop

This section contains all materials created for the April 14, 2022, joint Planning Commission and City Council workshop. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat. A recording of the workshop is available in both English and Spanish on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.



## 2023-2031 Housing Element Update Joint Planning Commission and City Council Meeting

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The City of Brentwood is currently updating its 2023-2031 Housing Element. The State-required Housing Element plans for the City's housing needs at all income levels and establishes policies and programs that comply with State laws. All cities across the State are required to update their Housing Elements every 8 years to account for changes in community needs and new laws. Please join us virtually to learn about the update process, State requirements, and what opportunities the community has to provide input and give feedback.

**When:** Thursday April 14, 2022 at 6:00PM

**Where:** Zoom - <https://brentwoodca-gov.zoom.us/j/76013970037>

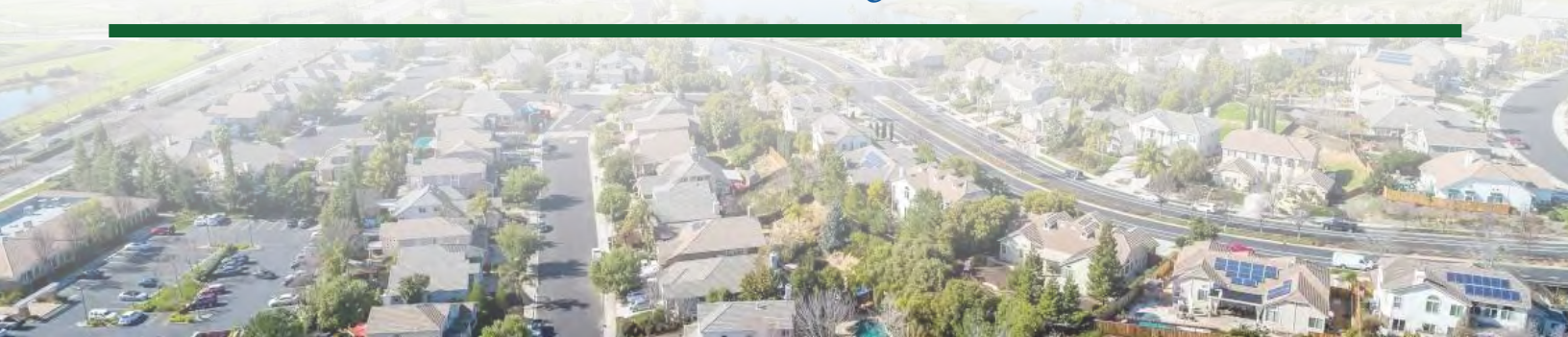
Please also help us better understand your housing needs and provide initial feedback on housing conditions in Brentwood by completing this survey:

<https://forms.office.com/r/KYZjmQDjA5>

For more information about the Housing Element Update please visit:

[www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)

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## Actualización del Elemento de Vivienda 2023-2031 Reunión conjunta de la Comisión de Planificación y el Consejo de la Ciudad

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. El Elemento de Vivienda requerido por el Estado planifica las necesidades de vivienda de la Ciudad en todos los niveles de ingresos y establece políticas y programas que cumplen con las leyes estatales. Todas las ciudades del Estado están obligadas a actualizar su Elemento de Vivienda cada 8 años para tomar en cuenta los cambios en las necesidades de la comunidad y las nuevas leyes. Acompáñenos en forma virtual para aprender sobre el proceso de actualización, los requisitos del Estado, y las oportunidades que tiene la comunidad para aportar información y ofrecer opiniones.

**Cuándo:** Jueves, 14 de abril de 2022 a las 6:00 p.m.

**Dónde:** Zoom - <https://brentwoodca-gov.zoom.us/j/76013970037>

Le pedimos también que nos ayude a entender mejor sus necesidades de vivienda y brinde información inicial sobre las condiciones de vivienda en Brentwood, contestando esta encuesta:

<https://forms.office.com/r/KYZjmQDjA5>

Para obtener más información sobre la actualización del Elemento de Vivienda, conéctese a: [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)



APRIL 14, 2022  
CITY COUNCIL/PLANNING COMMISSION WORKSHOP AGENDA

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\***  
**UPDATED, MARCH 17, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this joint City Council/Planning Commission meeting will be held exclusively via teleconference, using the Zoom video conferencing system. At this time, public participation will be available exclusively via telephone or teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the City Council/Planning Commission meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council/Commission) using any of the following methods:

1. **Zoom:** [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc) or **Zoom Webinar ID:** 760 1397 0037

As the City Council Chamber will not be open to the public, individuals may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the “Raise Hand” feature on Zoom to request to speak. The meeting host will call on you, by name, and microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) or 925.516.5182.)*

**The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas’ link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)**

2. **Telephone**

If you wish to comment during the meeting via telephone, you may “raise your hand” virtually on most devices by pressing \*3, and you will be called upon when it is your time to speak. After speaking, please press \*3 again to remove the “raise your hand” feature. If that feature does not work on your device, please email [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line “Request to Speak – Agenda Item #” and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

3. **E-mail**

Public comments can also be submitted via e-mail to [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:

- § distributed to the Council/Commission via email before the meeting,
- § posted online for public inspection at <https://www.brentwoodca.gov/councilmeetingonline>, and
- § later summarized in the meeting minutes.

**Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the City Council/Planning Commission, posted online within one day following the meeting, and will be summarized in the meeting minutes.** The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based

options listed above, the City Council/Planning Commission will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the City Council/Planning Commission receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 12:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

The Closed Captioning provided via Zoom is auto generated it is not the official record and is provided as a convenience

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Pursuant to Section 54956 of the California Government Code, a  
special joint meeting for a workshop of the  
**City Council and the Planning Commission**  
is hereby called for:  
**6:00 p.m.** on Thursday, April 14, 2022

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Immediately following the staff presentation,  
public comment will be taken.

#### **WORKSHOP**

1. Call to Order/Roll Call: A Workshop of the City Council and Planning Commission
2. Introduction of the 2023-2031 Housing Element Update and 6th Cycle Regional Housing Needs Allocation, and community engagement opportunities. (Alexis Morris/Jennifer Hagen)
3. Adjournment

Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the City Council/Planning Commission less than 72 hours before this meeting will also be made available for review on the City's website at [www.brentwoodca.gov/councilmeetingonline](http://www.brentwoodca.gov/councilmeetingonline).

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#### **NOTICE**

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

#### **POSTING STATEMENT**

On April 6, 2022, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## JOINT WORKSHOP AGENDA ITEM NO. 2

**Meeting Date:** April 14, 2022

**Subject Title:** Introduction of the 2023-2031 Housing Element Update and 6th Cycle Regional Housing Needs Allocation process, including review of the draft Community Engagement Plan and report on the status of the current (5th Cycle) Housing Element, as well as overview of recent changes to Housing Element law

**Prepared By:** Jennifer Hagen, Senior Planner

**Submitted By:** Alexis Morris, Community Development Director  
Erik Nolthenius, Planning Manager

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### PURPOSE AND RECOMMENDATION

This introductory workshop serves as an official launch for the Housing Element Update and includes an introduction to Kimley-Horn, who will be assisting staff with this effort. The workshop will provide for public comments, staff presentation, and the City Council and Planning Commission discussion on an overview of the Housing Element Update process, including an update on the 6th Cycle Regional Housing Needs Allocation (RHNA) process, a report on status of the current (5th Cycle) Housing Element, and changes to Housing Element law since the last update.

### PREVIOUS ACTION

The City Council authorized execution of an agreement for consulting services with Kimley-Horn to assist with the 2023-2031 (6th RHNA Cycle) Housing Element Update on October 12, 2021.

### BACKGROUND

#### What is a Housing Element?

The Housing Element is one of seven mandated elements of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. Rising housing costs are not just a statewide or regional issue, but directly impact Brentwood residents and those faced with rising housing prices and increased incidence of homelessness.

Periodic updating of the Housing Element is required by State law; and thus, the Element reflects the State's housing goal of "attaining decent housing and a suitable living environment for every California family," as well as incorporating the unique concerns of the community. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (the 5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023, to address the period from 2023-2031.

State law establishes a series of very specific requirements as to the scope, content, and process by which a Housing Element is updated and adopted, including review and approval

(known as certification) by the California Department of Housing and Community Development (HCD).

Unlike the majority of the other required General Plan elements, the Housing Element must include very specific information to pass legal muster. In accordance with State law, Brentwood's Housing Element must look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs across income levels. The inventory of available sites, or "Sites Inventory," will be a key component of a Housing Element in which the City must identify land zoned for housing to meet the RHNA. Local governments must involve the public from all economic segments of the community in developing the Housing Element; a robust public outreach plan is discussed in this memo and is anticipated to be a key component of the project.

#### What Are the Components of a Housing Element?

State law defines the required content of the Housing Element, with key components including:

1. **Housing Needs Assessment:** Examine demographic, employment and housing trends and conditions that affect the housing needs of the community.
2. **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Affirmatively Furthering Fair Housing (AFFH):** Review to ensure that City regulations, programs and activities affirmatively further fair housing, and create meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.
4. **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure that there is adequate capacity to address the RHNA.
5. **Community Outreach and Engagement:** Implement a robust community outreach and engagement program, with a particular focus on outreach to traditionally underrepresented groups.
6. **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to the maintenance, improvement, and development of housing for all income levels. The analysis must specifically determine whether local regulatory standards impose an actual constraint on housing development and show local efforts to remove constraints that may hinder the City from meeting its housing needs.
7. **Policies and Programs:** Establish policies and programs to fulfill the identified housing needs.

During the Housing Element Update, the City Council, Planning Commission, and the public will have the ability to provide input on each key project milestone.

The timely development and implementation of a Housing Element Update is essential to avoid the serious ramifications that come from failing to do so. Among these consequences could be the inability of the City to qualify for certain state or federal funding programs for transportation, infrastructure, and housing; shortened deadlines for completing any necessary rezones associated with Housing Element Law compliance; and findings that the City is not in substantial compliance with the Housing Element Law pending any required rezoning.

#### Annual Progress Report and Progress Towards RHNA

Each year, the City is required to provide an Annual Progress Report (APR) to the State, which reports housing unit production compared to RHNA targets, as well as describes the status of the various policies and programs included in the Housing Element. The report was presented

to the City Council at its March 22<sup>nd</sup> meeting. Table 1 summarizes the RHNA and the overall production of housing for the current cycle. In the current (5<sup>th</sup>) cycle, 74 affordable (very low-, low- and moderate-income) units have been produced thus far, which is about 15 percent of the total affordable allocation of 481 units.

**Table 1: Current Cycle (2015-2023) RHNA Progress**

Income Level		RHNA Allocation	2015	2016	2017	2018	2019	2020	2021	Total Units	Total Remaining
Very Low	DR	234	-	-	2	-	-	-	2	4	230
	NDR		-	-	-	-	-	-	-		
Low	DR	124	5	3	-	-	-	-	-	11	113
	NDR		-	-	-	-	3	-	-		
Moderate	DR	123	-	-	-	-	-	-	-	59	64
	NDR		-	-	1	22	-	20	16		
Above-Moderate		279	449	540	503	323	321	268	724	3,128	-
<b>Total RHNA</b>		<b>760</b>									
<b>Total Units</b>			<b>454</b>	<b>543</b>	<b>506</b>	<b>345</b>	<b>324</b>	<b>288</b>	<b>742</b>	<b>3,202</b>	<b>407</b>
<i>DR = Deed Restricted</i> <i>NDR = Not Deed Restricted</i>											

Key Changes in Housing Element Law

In recent years, the State has adopted significant new housing-related legislation, which will influence and shape the upcoming Housing Element Update. These include but are not limited to:

- **Housing Crisis Act (SB 330)** - Makes changes to land use and zoning law to encourage housing production, by limiting the scope of local review of housing projects to objective standards only for qualifying projects; limiting the ability of cities to change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use or reduce the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below that which was in effect on January 1, 2018; limiting the number of public hearings for projects; and shortening review timeframes.
- **Streamlined Ministerial Approval Process (SB 35)** - Requires a streamlined ministerial approval process for development in cities that have not yet made sufficient progress towards their allocation of their RHNA. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements.
- **Adequate Housing Element Sites (AB 1397)** - Strengthens local governments' obligation to identify a supply of adequate sites available to meet their share of regional housing needs at all income levels.
- **Accessory Dwelling Units (Multiple bills)** - In recent years, the State has facilitated the development of accessory dwelling units (ADUs) by adopting and updating laws limiting local regulation of this housing type. These may be counted toward a local agency's RHNA through the processes established by HCD.
- **No Net Loss (SB 166)** - Requires jurisdictions to maintain adequate sites to always accommodate its remaining regional housing needs allocation throughout the housing element planning period, rather than only at adoption.

- **Affirmatively Furthering Fair Housing - AFFH (AB 686)** - Requires Housing Elements to demonstrate the local jurisdiction is affirmatively furthering fair housing. Specifically, AFFH requires taking meaningful actions that, taken together:
  - Address significant disparities in housing needs and in access to opportunity
  - Replace segregated living patterns with truly integrated and balanced living patterns
  - Transform racially and ethnically concentrated areas of poverty into areas of opportunity, and
  - Foster and maintain compliance with civil rights and fair housing laws.
- **Housing Element Enforcement (AB 72)** - Allows HCD to review any action or lack of action by a jurisdiction that is allegedly inconsistent with its housing element. HCD can revoke housing element compliance and notify the Attorney General.

The new legislation has reinforced local governments' obligation to identify a supply of adequate sites available to meet their RHNA share at all income levels. Further, under the rubric of No Net Loss, it requires jurisdictions to maintain adequate sites to continuously accommodate their remaining RHNA throughout the Housing Element planning period, instead of only at adoption. Therefore, a site that is zoned for a certain number of units must provide that number of units at the allocated affordability level; if a development project is approved for a fewer number of units the remaining number of units must be allocated to a different site, resulting in "no net loss" of units.

In addition, the State laws require additional analysis of AFFH and fair housing and segregation, placing a greater obligation on the City to demonstrate that the City is affirmatively furthering fair housing. This will require a large amount of staff and consultant time and effort to demonstrate that our outreach efforts are going beyond simply giving the public an opportunity to provide input and will be proactive and broadly conducted through a variety of methods to assure access and participation. In a growing effort by the state to increase accountability and enforcement of these new state laws and to better address the housing needs of Californians, as part of the 2021-2022 state budget, HCD increased its accountability efforts and formed the Housing Accountability Unit (HAU). The HAU will be in charge of holding jurisdictions accountable for their housing element commitments, as well as with other state housing laws. Violations of these state laws may lead to consequences including revocation of housing element certification and/or referral to the California Office of the Attorney General.

#### 6<sup>th</sup> Cycle RHNA Process and Status

As part of the Housing Element update, HCD requires each jurisdiction in the state to demonstrate capacity to meet their local "fair share" of the assigned Regional Housing Needs Determination (RHND), including total housing units across a series of affordability categories. The RHNA is then determined and assigned through a process led by HCD and regional Councils of Governments (for the Bay Area, this is ABAG/MTC). The City of Brentwood has been allocated a total of 1,522 units for the upcoming cycle.

Table 2 summarizes the current RHNA in comparison to 5<sup>th</sup> Cycle allocations. As the estimate shows, the projection would more than double the number of units assigned in the current cycle. Compared to the 5<sup>th</sup> Cycle, Very-Low and Low-income allocations together increase by 276 units, and the Above-Moderate income category by 362 units.

**Table 2: 6th Cycle RHNA and Comparison to 5th Cycle**

	5th Cycle RHNA (2015-2022)	6th Cycle RHNA (2023-2031)	
Category	Units	Units	Comparison to Cycle 5
<b>Very Low</b>	234	402	+168
<b>Low</b>	124	232	+108
<b>Moderate</b>	123	247	+124
<b>Above-Moderate</b>	279	641	+362
<b>TOTAL</b>	<b>760</b>	<b>1,522</b>	<b>+762</b>

**DISCUSSION**Housing Element Process and Schedule

The Housing Element Update began in November 2021, and will be drafted throughout 2022 and early 2023. It will reflect a robust process with significant engagement with the public, key stakeholders, the City Council and the Planning Commission throughout, to ensure a community-wide conversation about housing policy, future housing sites, and strategies and actions to meet the City’s assigned RHNA. Staff and the consultant have been diligently working on the extensive outreach efforts that are ready to be launched to seek initial input on the Housing Element Update, including this initial community meeting/joint workshop with the City Council and Planning Commission, communication with key stakeholders (such as housing developers and community services providers), and an online community survey.

A simplified schedule with key dates is shown in Table 3 below. Initial steps in the process began in November 2021. As the project proceeds through the summer, there will be an extensive review of existing housing conditions, policies, and programs for inclusion in the Housing Element. Critical to the process will be the sites inventory, whereby sites to accommodate the City’s RHNA allocation will be analyzed. Following completion of the sites analysis, the public review draft of the Housing Element will be created, and taken through a review process that incorporates a required review by HCD, as well as input from the City Council and Planning Commission.

**Table 3: Project Schedule**

Task	Month
Introductory Kick-Off Meeting with City Council and Planning Commission	April 2022
Community Survey	April 2022
Prepare Technical Studies, Housing Needs, Constraints and Resources Baseline Review	February – May 2022
Stakeholder and Focused Community Outreach	May-June 2022
Community Workshop - Land Use Strategies and Housing Policies	May-June 2022
Start of Public Review Draft 30-Day Review Period*	June - July 2022
Start of HCD 90-Day Review Period	August - September 2022
Public Hearings to adopt Housing Element	December 2022 - January 2023
<i>* New this cycle, if any comments are received during the Public Review Period, the City must take at least 10 business days to consider and incorporate public comments.</i>	



### Housing Element Public Engagement Plan

Staff and Kimley-Horn have prepared a Community Engagement Plan that outlines several outreach activities over the duration of the Project. Currently, the Engagement Plan describes the majority of the outreach activities as virtual events given the COVID-19 restrictions that were in place at the onset of the Housing Element Update process. Although the majority of the activities are currently described as virtual, staff is in discussion with Kimley-Horn regarding how future activities may transition to in-person. Since the current contract with Kimley-Horn did not include in-person appearances, and since their staff is based in different regions throughout the State, staff is evaluating whether an additional contract amendment may be required to accommodate in-person meetings. Community outreach efforts have now begun and will continue through the adoption of the Housing Element Update in 2023. The public will have many opportunities to obtain information and provide input in a variety of ways, including:

- Project website;
- Community workshops;
- Informational handouts;
- Housing Element Public Review Draft;
- City Council and Planning Commission Joint Sessions; and
- Final Public Hearings with Planning Commission and City Council.

The Engagement Plan identifies dedicated community meetings, held in a workshop format, to provide information and seek broad community input in the process. The outreach activities have been designed to engage a wide representation of the Brentwood community. The Engagement Plan includes efforts to target the engagement of community members who have not traditionally participated in community outreach events and may be harder to reach. Creative methods to engage senior citizens, those for whom English is not their first language, persons with limited access to technology, those living in disadvantaged areas, and other underrepresented groups in Brentwood will be included in the Engagement Plan.

### *Outreach and Communication Tools*

The Housing Element Update website will serve as the primary medium through which community members access information and project documents and learn about the Housing Element Update. The website will be user-friendly and updated regularly to include content that will reflect public engagement opportunities as they are scheduled and material available for public review. The website has been created with a project-specific URL to identify with the project: [BrentwoodHousingElement.com](http://BrentwoodHousingElement.com)

The website will allow a convenient access point for interested parties to sign up to be notified about future meetings and upcoming events and will include pages dedicated to public engagement, project documents, and "Frequently Asked Questions." In addition, the website will provide opportunities for interactive involvement through an on-line survey and other tools. These will occur alongside more traditional methods of outreach such as press releases, print media, and other publicity.

The project website and most outreach materials for the community meetings will also be provided in English and Spanish, with opportunities for Spanish-speaking engagement during each meeting through interpretation services for all virtual meetings and/or in-person meetings. If the City Council determines that other language translation is appropriate, this can be accommodated. Although translation services were not fully scoped as part of the Housing Element Update contract with Kimley-Horn, funding for initial translation services have been identified. Funding for the remainder of the translation services planned for is currently being

evaluated. All Project materials, recordings, and summaries will be provided on the Project website for community accessibility as well.

To aid in soliciting participation from disadvantaged communities, the City is in the process of identifying interested parties and stakeholders to be regularly engaged, as well as to aid in soliciting participation from their organizations and members. City staff will then continue to communicate and engage with participating community members and stakeholders throughout the update process including notification of all public meetings and hearings.

**FISCAL IMPACT**

There is no financial impact anticipated as a result of this initial discussion. The cost of the update was included as part of the adopted 2021/22 – 2025/26 Capital Improvement Program which included the Housing Element Update (CIP Project No. 337-37258) with subsequent amendment to the 2021/22 Operating Budget approved by the City Council on October 12, 2021.

Attachment A - "What is a Housing Element?" (English and Spanish versions), based on ABAG Regional Technical Assistance



# What is a Housing Element?



A Housing Element is how local jurisdictions plan to meet the housing needs of everyone in the community. At its core a Housing Element is an opportunity to have a community conversation about how to address local housing challenges and find solutions. The Housing Element is one important part of a city or county's General Plan, which serves as the blueprint for how a city or county will grow and address changing needs for development. Every eight years, every city, town and county must update their Housing Element and have it certified by the California Department of Housing and Community Development.

A Housing Element is a local plan, adopted by a city, town or county that includes the goals, policies and programs that direct decision-making around housing.

All jurisdictions in the Bay Area must update their Housing Element for the 2023-2031 planning period. Local jurisdictions look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs across income levels.

The Inventory of Available Sites, or "Sites Inventory," is a key component of a Housing Element where jurisdictions identify if they have enough land zoned for housing to meet the future need.

Local governments must involve the public from all economic segments of the community in developing the Housing Element.

- State law does not require that jurisdictions **build** or **finance** new housing, but they must **plan** for it.
- Every city in California receives a target number of homes to plan for. This is called the Regional Housing Needs Allocation or RHNA.
- The state of California determines the number of new homes the Bay Area needs to plan for – and how affordable those homes need to be – in order to meet the housing needs of people at all income levels.
- The Association of Bay Area Governments convened diverse stakeholders in a Housing Methodology Committee to distribute the region's housing allocation to each jurisdiction in the Bay Area.
- Housing elements must be updated every eight years and must be certified by the California Department of Housing and Community Development.



# What are the Components of a Housing Element?



The Housing Element typically includes:

1. **Housing Needs Assessment:** Examine demographic, employment and housing trends and conditions that affect the housing needs of the community.
2. **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure that there is adequate capacity to address the Regional Housing Needs Allocation.
4. **Community Outreach and Engagement:** Implement a robust community outreach and engagement program, with a particular focus on outreach to traditionally underrepresented groups.
5. **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs:** Establish policies and programs to fulfill the identified housing needs.

## What Happens if a Jurisdiction Does Not Adopt a Housing Element?

If a city does not comply with State law, it can be sued. In addition to facing significant fines, a court may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance. Additionally, local governments may lose the right to deny certain projects. These and other consequences are established in state law; Housing Elements are subject to regulatory oversight by the California Department of Housing and Community Development. ABAG does not play a direct role in regulating local Housing Elements.



# ¿Qué es un Elemento de Vivienda (Housing Element)?



Un Elemento de Vivienda es la manera en que las jurisdicciones locales planean cómo satisfacer las necesidades de vivienda de todos los miembros de la comunidad.

Fundamentalmente, un Elemento de Vivienda es una oportunidad para tener una conversación con la comunidad sobre cómo abordar los retos locales de vivienda y encontrar soluciones. El Elemento de Vivienda es una parte importante del Plan General de una ciudad o condado, que sirve como proyecto de cómo una ciudad o condado crecerá y abordará las necesidades cambiantes de desarrollo. Cada ocho años, cada ciudad, pueblo y condado debe actualizar su Elemento de Vivienda y obtener la certificación del Departamento de Vivienda y Desarrollo Comunitario de California.

Un Elemento de Vivienda es un plan local, aprobado por una ciudad, pueblo o condado, que incluye las metas, las políticas y los programas que dirigen la toma de decisiones en temas de vivienda.

Todas las jurisdicciones en el Área de la Bahía deben actualizar su Elemento de Vivienda para el período de planificación 2023-2031. Las jurisdicciones locales analizan tendencias de vivienda, la zonificación y limitaciones del mercado, y evalúan diversos enfoques para satisfacer las necesidades de vivienda para personas de todos los niveles de ingresos.

El Inventario de sitios disponibles (*Inventory of Available Sites*), o "Inventario de Sitios", es un componente clave de un Elemento de Vivienda en el que las jurisdicciones identifican si tienen suficientes terrenos zonificados para viviendas para satisfacer la necesidad futura.

Los gobiernos locales deben invitar la participación del público de todos los segmentos económicos de la comunidad durante el desarrollo del Elemento de Vivienda.

- La ley estatal no obliga a las jurisdicciones a **construir** o a **financiar** nuevas viviendas, sin embargo, deben *planificarlas*.
- Cada ciudad en California recibe un número objetivo de hogares que debe planificar. A esto se le llama Asignación Regional de Vivienda Necesaria (RHNA, por sus siglas en inglés).
- El estado de California determina el número de hogares que el Área de la Bahía necesita planificar, y qué tan accesibles en precio esos hogares necesitan ser, para poder cumplir con las necesidades de vivienda de las personas a todo nivel de ingreso.
- La Asociación de Gobiernos del Área de la Bahía convocó a una variedad de partes interesadas en un Comité de Metodología de Viviendas para distribuir la asignación de viviendas de la región a cada jurisdicción en el Área de la Bahía.
- Los elementos de vivienda deben actualizarse cada ocho años y deben ser certificados por el Departamento de Vivienda y Desarrollo Comunitario de California.



# ¿Cuáles son los componentes de un Elemento de Vivienda?



El Elemento de Vivienda suele incluir:

1. **Evaluación de las necesidades de vivienda:** Examinación de las tendencias y condiciones demográficas, de empleo y de vivienda que afectan las necesidades de vivienda en la comunidad.
2. **Evaluación de desempeño anterior:** Analizar el Elemento de Vivienda anterior para medir el progreso de implementación de políticas y programas.
3. **Inventario de los sitios de vivienda:** Identificar la ubicación de los sitios disponibles para el desarrollo o la renovación de viviendas para garantizar que haya una capacidad adecuada para abordar la Asignación Regional de Vivienda Necesaria.
4. **Divulgación y participación comunitaria:** Implementar un programa sólido de divulgación de información y participación comunitaria, con un enfoque particular en la participación de los grupos tradicionalmente subrepresentados.
5. **Análisis de las limitaciones:** Analizar y recomendar soluciones para las barreras gubernamentales y no gubernamentales existentes y potenciales en el desarrollo de viviendas.
6. **Políticas y programas:** Establecer políticas y programas para satisfacer las necesidades de vivienda identificadas.

## ¿Qué sucede si una jurisdicción no adopta un Elemento de Vivienda?

Si una ciudad no cumple con la ley estatal, se le puede demandar. Además de hacerse acreedor de multas significativas, la ciudad podría ver limitada por un tribunal su autoridad en la toma de decisiones sobre el uso del suelo local, hasta que la jurisdicción cumpla con su Elemento de Vivienda. Asimismo, los gobiernos locales pueden perder el derecho a rechazar determinados proyectos. Estas y otras consecuencias están establecidas en la legislación estatal; los Elementos de Vivienda están sujetos a la supervisión normativa del Departamento de Vivienda y Desarrollo Comunitario de California. La ABAG no tiene un rol directo en la regulación de los Elementos de Vivienda locales.

## C.2 Online Community Survey

This section contains the online community survey results and the outreach materials related to it. The survey was open from April to June 2022.



HERITAGE ▪ VISION ▪ OPPORTUNITY

# 2023-2031 Housing Element Update Community Survey

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The City of Brentwood is currently updating its 2023-2031 Housing Element which establishes policies and programs to address housing needs at all income levels throughout the community.

## **Make your voices heard! Take the Housing Element Community Survey**



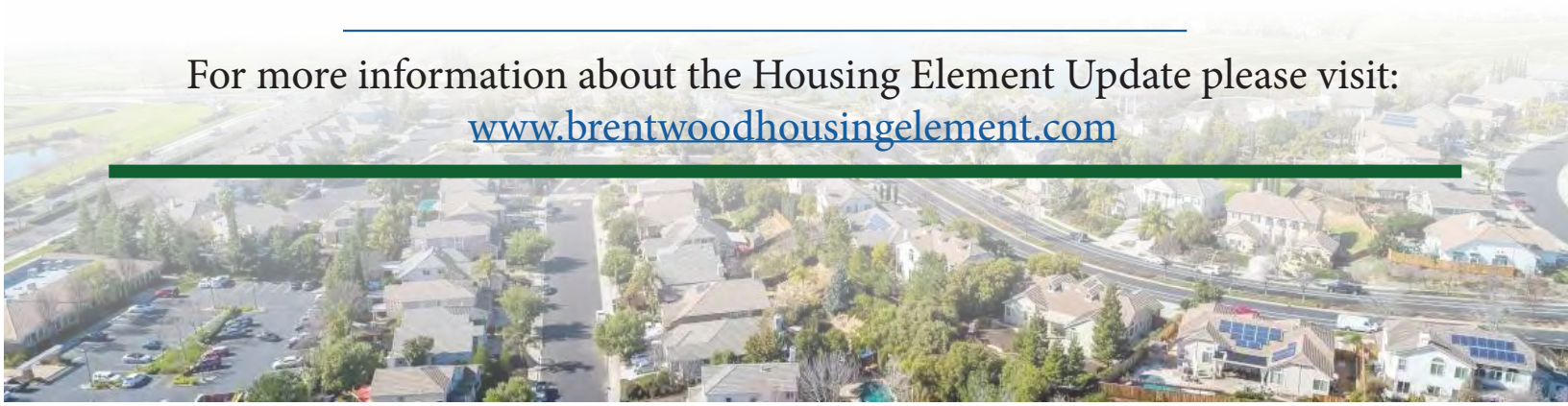
Be the first to fill out our Housing Element Update Community Survey. The feedback provided in the survey will help inform and plan for the future of housing in Brentwood and is intended to assist in creating policies and programs that appropriately address the housing needs of current and future Brentwood residents.

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For more information about the Housing Element Update please visit:

[www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)

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## Actualización del Elemento de Vivienda 2023-2031 Encuesta de la comunidad

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La Ciudad de Brentwood está preparando actualmente el Elemento de Vivienda de 2023-2031, el cual establece políticas y programas para abordar las necesidades de vivienda en todos los niveles de ingresos en toda la comunidad.

### ¡Haz que tus voces sean escuchadas! Responda la Encuesta Comunitaria del Elemento de Vivienda



Sea el primero en completar nuestra Encuesta comunitaria de actualización de Elementos de Vivienda. La retroalimentación proporcionada en la encuesta ayudará a informar y planificar el futuro de la vivienda en Brentwood y está destinada a recopilar comentarios e identificar tendencias sobre las preferencias de vivienda, las necesidades y las futuras oportunidades de vivienda en la ciudad.

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Para obtener más información sobre la actualización del Elemento de Vivienda, conéctese a:

[www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)

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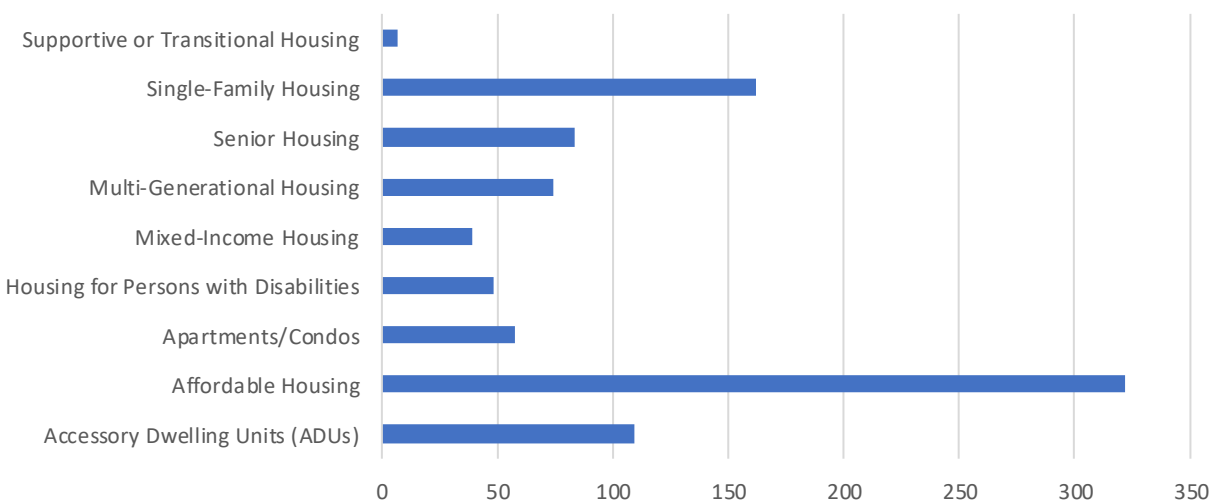
## Community Survey Report

On April 1, 2022, the City of Brentwood launched an online community survey to gather input and feedback regarding potential policy programs and housing needs within the community. The survey was available through June 10, 2022, on the Housing Element Update website. In total, the survey gathered 514 responses; below is a summary of the responses.

### Housing Types

#### 1. What housing types do you think are missing in Brentwood? (Select as many as applicable)

When asked what housing types are missing in Brentwood, respondents believed that affordable housing, single-family housing, and accessory dwelling units (ADUs) were missing most. Respondents believe that affordable housing is the housing type that is missing most in Brentwood. The responses indicate that the community may be favorable to increased affordable housing options in the City. Respondents also believed that more single-family housing would benefit the City and its residents. This responses indicates that ADUs may be an important housing type to increase affordable housing options in Brentwood.



Respondents were given an “Other” option where they could provide comments and feedback that were not listed above. A summary of those comments is provided below:

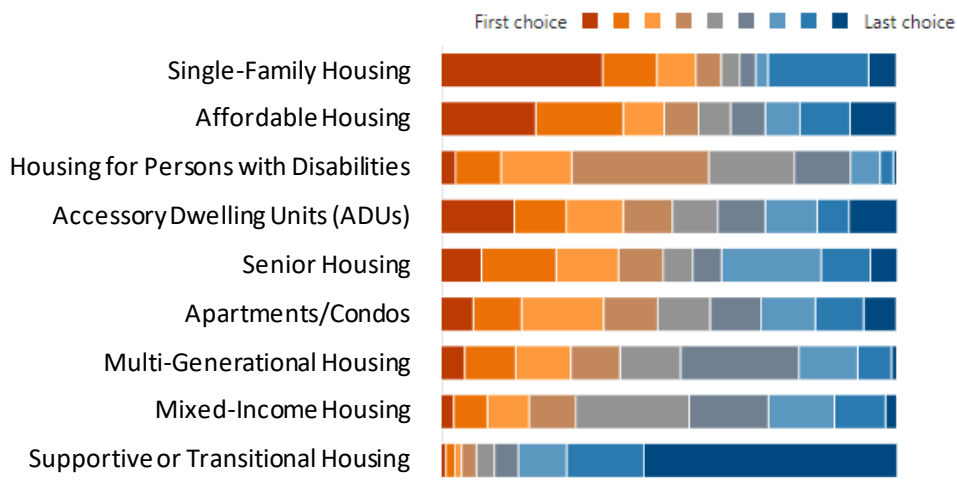
- A majority of respondents who selected “Other” mentioned that there was enough housing in Brentwood and they did not want more housing to be built in the City. Most respondents did not provide reasons why they did not want any new housing in the City. A few respondents cited traffic and essential infrastructure limitations as the reason why new housing should be limited or stopped. Others believed that the City is overbuilt or overpopulated and did not need new housing. Two respondents believed that a growth moratorium would be beneficial to the City.
- Some respondents provided comments suggesting that Brentwood needs more townhouses, condos, and condos for sale. The respondents indicated that although there are condos in the City, many are for low-income residents or for rent. Others believe that the existing condos may not be in safe locations. Question #1 had “Apartment/Condos” as an option, and it was the sixth

highest grossing option. The respondent feedback may indicate a need for townhomes and condos.

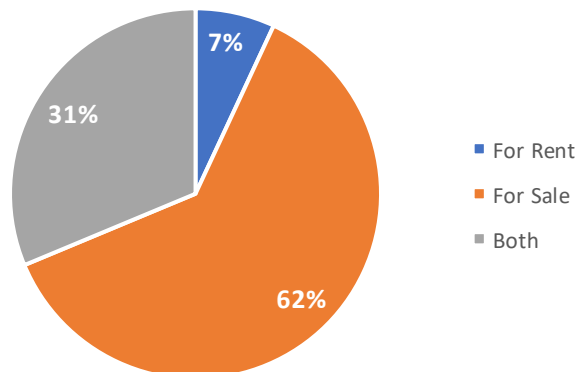
- Some respondents believed that Brentwood needs more “high-end” and exclusive communities with higher-income homes. Other respondents believed that there is a need for more single-family homes with bigger lots and ranches.
- The rest of the respondents believe that the City has a sufficient mix of all housing types that meets the needs of Brentwood residents. Some suggested that because the City has a sufficient mix of housing types, there should be an emphasis on providing more restaurants, amenities, entertainment attractions, and activities for residents instead of building more homes. There is a sentiment that there has been too many gas stations constructed in the Brentwood and there should be a greater variety of land uses.

See Attachment 1 for detailed responses.

**2. Of the housing types listed above, please rank which you would like prioritized in future development. (First choice being the most important and last choice being the least important)**

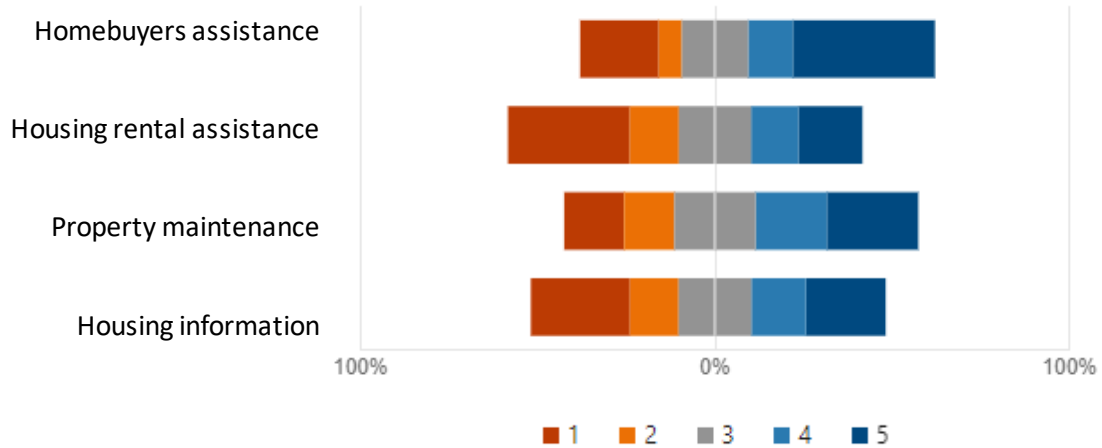


**3. What type of housing would you like to see more of – for sale or for rent?**

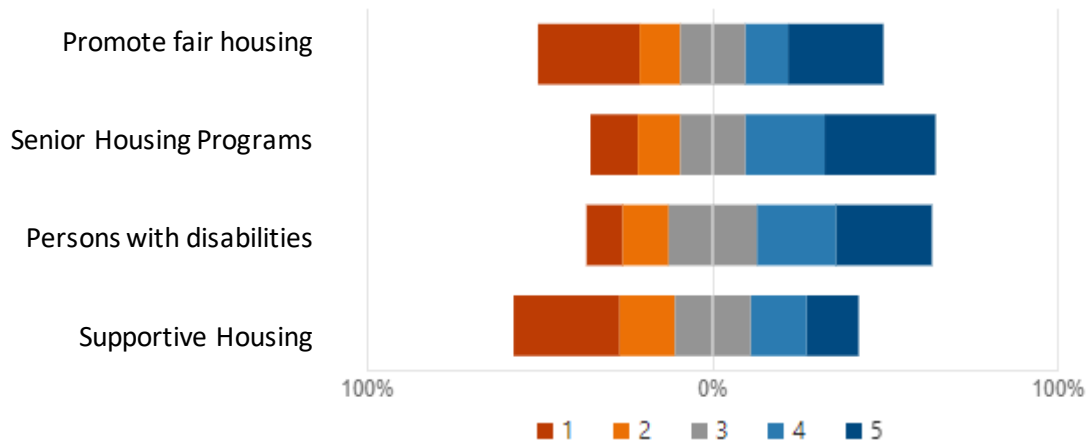


## Housing Programs

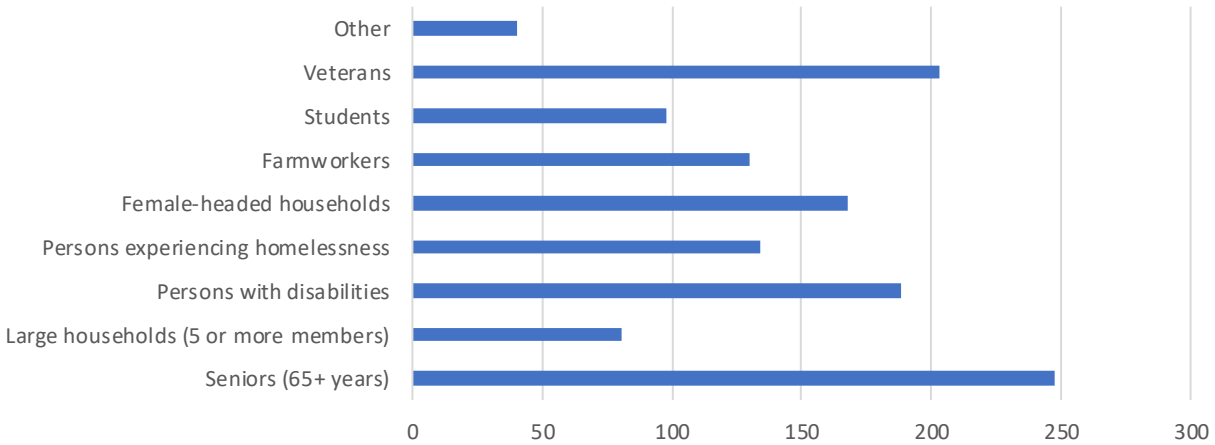
**4. Community Assistance - This section will help us in developing policy programs to help households access information and/or funding assistance. Please rate the following based on importance to the community. (1 being the least important and 5 being the most important)**



**5. Fair Housing - This section will help us in developing programs to assist special needs groups in accessing housing that meets their particular needs and is affordable to all income levels. Please rate the following based on importance to the community. (1 being the least important and 5 being the most important)**



**6. Which of the following special needs groups listed below do you believe are most in need of housing and/or related services in Brentwood? (Select as many as applicable)**



**7. Please describe your vision for the future of housing in Brentwood.**

Respondents were asked to describe their vision for the future of housing in Brentwood. A summary of the responses is provided below.

Many respondents shared a common interest in the development of all housing types at all income levels for both sale and rent. Many respondents believe that there is a need for more dense, affordable housing throughout the City. Some respondents shared their frustration with not being able to afford rent or a mortgage in Brentwood even with an above median salary. Others highlighted the fact that first time homebuyers and young professionals cannot find homes for sale at reasonable prices. The most common needs were for affordable housing and “workforce” housing in order to house low income, young, or seniors. A lack of affordable and mid-level housing has forced many to be overburdened with housing costs. Some respondents placed emphasis on equitable distribution of housing types in Brentwood. Many believe that it is important to develop a variety of housing types at various income levels and disburse them around the City so as not to concentrate housing types or income levels in specific areas.

Many respondents believe that it is important to develop dense, mixed-use housing in the downtown area because it creates a welcoming, walkable area for those living nearby. Overall, most respondents in favor of higher density housing also believed that condos, townhouses, and apartments were the best housing type for Brentwood. Respondents believe that higher density development will reduce housing costs which they believe is required. Some respondents support denser housing types but believe that it is important to limit dense, mixed-use housing to the downtown area to prevent negatively affecting the neighborhood character.

Many others are opposed to any housing development. Most cited congestion, overcrowding, housing costs, crime, and a loss of neighborhood character as reasons why any new housing development should be stopped or limited. A common theme was the idea that Brentwood is not equipped with adequate infrastructure, services, and resources to accommodate a larger population. Many fear that a larger population will increase congestion, pollution, and crime. Some current residents are open to some

## City of Brentwood

### 2023-2031 Housing Element Update

housing types over others. Some oppose all housing development because they believe that the City is built out enough and any new development will negatively affect the neighborhood character.

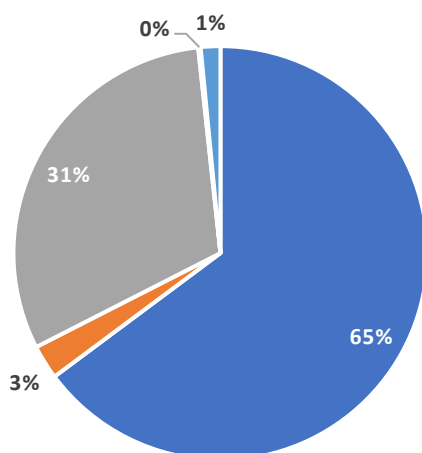
A common theme amongst some respondents is the emphasis on preserving the existing farmland and agriculture culture in Brentwood. Some respondents voiced their concern of a loss of farmland. Many stated that they moved to Brentwood to live in a rural, agricultural, neighborhood but they now feel like that is lost. Many respondents believe that housing developments are the reason for the loss of farmland and agricultural character. Some respondents support responsible, thought-out housing developments that do not encroach on open space or farmland. A majority of those in support of farmland preservation do not oppose housing so long as it does not reduce or jeopardize existing farmland.

Many respondents support the development of higher-income single family homes that can support families with higher incomes. Some believe that Brentwood has placed too much emphasis on low-income and high-density housing and not enough on high-income housing. Some respondents desire bigger homes with more open space and privacy. Some respondents believe that low-income housing reduces the desirability of Brentwood and do not support more of it.

Some respondents shared a desire to have more amenities such as parks, open space, and attractive commercial centers in Brentwood. Many believe that there are enough gas stations, car washes, and convenience stores and not enough attractive, quality stores and commercial centers. Some believe that Brentwood does not offer enough amenities and entertainment. One respondent believes that Brentwood can become a place people want to visit if the City attracts commercial center development. A similar sentiment is that if Brentwood's population increases, there is a need for more quality stores to serve the population.

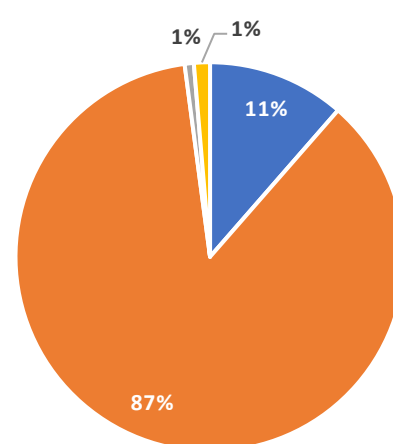
*See Attachment 2 for detailed responses.*

**8. Do you live or work in Brentwood?**



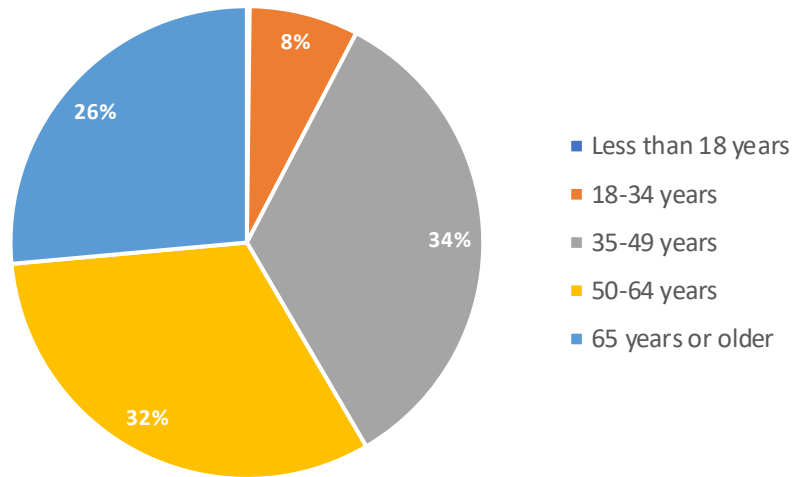
- I live in Brentwood
- I work in Brentwood
- Both
- I own property in Brentwood that I rent to others
- Neither

**9. Are you a renter or homeowner?**



- Renter
- Homeowner
- Neither
- Other

**10. What is your age?**



Attachment 1: Mission Housing Types Written Comments

Table 1 – Missing Housing Types
Brentwood is already full of all types of houses.
Create a growth moratorium cap
Don't need more housing
Executive Housing Upper income
Gated multi-million dollar homes
Have too many already.
High end custom or semi-custom single family homes
homes with side yards and back yards!!!
I don't think we need anymore houses
I think w have enough housing. We are exceeding out road loads as it is. Balfour, O'Hara, Brentwood blvd not design for this much traffic. Please stop building
If you want good feedback, you should include a definition of these terms.
Just condos
Just condos for purchase not low income
Meet employed Brentwood residents needs.
N/A. No new houses
New housing with larger lots
NO MORE HOUSES !!!
No more housing
No more housing is required. The housing is outpacing the infrastructure.
No more housing. We don't have the water or electricity
No opinion
no type of housing is missing
None
None - city is becoming overcrowded
None - need construction permit limits
None - STOP BUILDING
None - Too many people here already
None of the above
None of the above
None of the above, feel there is sufficient mix of all housing types
None of these, stop trying to lower the value of my home
None unless mandated by law.
None!!
None, no more houses needed
None, Brentwood is overpopulated
None, start building more restaurants and things to do. All you do is build houses and gas stations
None, we have enough already built and planned
None, we have too much housing as is, with such few EMS resources and traffic logistics.



Table 1 – Missing Housing Types
None, we need to stop building
None. There shouldn't be more added
None. Too many houses
None-too much housing
not missing any
Nothing. We have enough
Overbuilt already
Ranches
single family homes on large lots
Stop Building
There are enough houses in Brentwood
There too many houses in Brentwood.
Too many houses already
Too many houses already.
unable to locate nice condos or townhouses in a good land safe location to purchase!!!!
We do not need more housing. We need more businesses, restaurants, and amenities. That does not include gas stations or car washes.
We have enough houses. Preserve agriculture.
We have enough housing. Let go for zero growth to preserve our beauty and agricultural heritage
We seem to have all of them covered.

Attachment 2: Vision for the Future Written Comments

Table 2 – Vision for the Future
I want Brentwood to prioritize taking care of the property we have now including lots and open spaces. I agree with the planning that brought our community to where it is. I don't want more building. **this form with numbering 5 being most important is confusing usually 1 is most important.
Green, functional, one story homes, simple but attractive.
Homes that are not built so close together with larger green space between. So many streets in the developments of Brentwood are full of driveways with no on street parking or adequate placement for trash bins. Solar systems should be on every house which includes car charging units Brentwood should create programs that provide grants for homeowners to add solar to existing homes. Also builders should be required to have solar systems and car charging units on all new homes. New home roof lines should be designed large enough to allow for best placement of solar panels that provide adequate and efficient electrical supply. Rainwater catchment systems should be included with every new build. This water could supply sprinkler systems for gardens and landscaping. 25% of new homes should be priced for low to moderate income home buyers. Sound proofing for all new housing.
Build Live Work mixed use housing that would bring small businesses of all types including trades, tech, artists.
Every person living in Brentwood or from Brentwood and trying to live there is considered a citizen of Brentwood no matter what their immigration status. The city will provide them affordable housing even if it must be a campground set up for long term stays.
Good mix of housing, including housing that is accessible for retail and other essential service industry workers, geographically dispersed equitably throughout the city, especially close to retail centers and schools
More attention to productive members of the community, especially veterans and seniors.
Bringing more young families to area to help Brentwood thrive. Bringing more AFFORDABLE housing for seniors on a fixed income with quality living arrangements that satisfy the needs of seniors. What is currently available DOES NOT meet the needs of aging, independent seniors!
Affordable housing for types of income
Family community center for all ages - let's all age in Brentwood!
More affordable renting. We'll be moving in September and our rent will go up by \$400-\$800...and all we need is a 4 bed house with a bed/bath downstairs for my mom.
Balanced and vibrant
Variety of homes!
Housing type and size constructed according to well developed plan that considers traffic volume and services availability.
Provide resources for homeless, have multiple dwelling developments in appropriate areas, and encourage ADUs to assist with the housing shortage in the area.
Currently I believe Brentwood is on correct path
No homelessness
The Innovation Center's East District should contain "mixed-use" with 3-4 floors of housing above ground floor commercial space. We need to diversify the housing types in the city so households will have a choice and not have to settle for purchasing traditional single family homes. There are

Table 2 – Vision for the Future	
	millennials (under the age of 40) and empty nesters who do not wish to own nor tend to yards, etc. who would be more inclined to rent in a densely mixed-use community.
	affordable
	It currently appears Brentwood is addressing a wide variety of housing markets (lots of apartments, high-end homes, etc). It would be nice to see more ADUs in the mix.
	All levels of housing. There needs to be a way to build housing that persons with one income can live in Brentwood! My daughter is a first year teacher and cannot afford any apartment currently in Brentwood
	Slow steady growth
	Don't punish people by raising the assessed value of their home just because they make improvements/repairs/additions or remodel to accommodate changing family needs (ie. a family member becomes disabled, or just because an adult child needs to live at home due to lack of affordable housing). A tax break for doing this would be even better, but at the bare minimum, don't make it cost prohibitive and difficult. Thanks for asking!
	I love Brentwood. I love the connection to the farms and the land, and to family. Farm to table. Farmers Market. Supporting local. Sustainable. I'm not interested in seeing big city. Dense housing. Section 8. Crime. Grunge. Drugs. Trash. Uncaring people. Creating environments that alienate people. I love the mix of old homes downtown with the new. Character. A place to relax and call home, and a place to also work hard and nurture great children and food for the nation and the world. Did you know that Brentwood corn is a specialty dish in London? I have rented and owned all my life. Renters can be a mixed bag when they don't "own" property. What I prefer to see: Renters/owners/seniors in ADUs, small-footprint homes, duplexes, and even shared housing, where the inhabitants actually have an "investment" in their abode and surroundings, and can feel less alienated without paying a fortune for housing. When people don't have a stake in their home, they tend not to care about their home and what's around them. I also would like to see more ADU and AirBNB activity for seniors, students, for people who just can't afford or don't have the time to upkeep a massive home, and for tourism too, of course. When you live "small" and "simple", you tend to have more time and more funds to enjoy and participate in your community. I think a mix of "small" with "big" could help address the gaps and debates in the "fair housing" divide. Also, it's very hot here, and at times very windy. We need more trees to cool and protect the city and surrounding areas, and to clean the air.
	Balanced with supporting infrastructure (roads, traffics control, transportation, schools)
	While continuing with the "agricultural town" feeling I was welcomed to in the "80's", I, along with my children would love to experience the "American Dream" of home ownership- as first time homeowners in the town we grew up in "Brentwood!" I feel there are many families in our situation (low-income)with the same dream. Families who love their town show it in their communities. We appreciate each other, learn through our differences and strengthen each other through our commonalities. That is the Brentwood I know and love. I hope future generations will be able to experience the same blessing I hope for. Thank you
	One in which we respect our ULL but also develop affordable housing as mandated by RHNA. Why are we still approving market-rate housing?
	Affordable housing for single moms. More programs for the low income.
	Housing to accommodate retirement, multi generation, or young families
	Affordable housing with many different options to choose from (apartments, houses, etc)

Table 2 – Vision for the Future
Housing for the less fortunate
Affordable housing for low income families. Especially rental homes for workers struggling to pay rent.
I don't want a Brentwood where a builder can buy the house next to mine, tear it down, and replace it with a 4 plex with little thought about parking and the increased number of cars driving in the neighborhood. California Government has caused much of the problems that resulted in a lack of affordable housing. We need reasonable regulations to address zoning and housing. Currently Government is the biggest enemy of affordable housing with requirements that only increase the cost of housing with little thought about the big picture and the final cost to the builders, and ultimately the buyer. We can't just keep throwing money to homeless housing when many of the homeless want to live without rules and thus don't want to live in a homeless hotel or shelter. Let's address the reason behind homelessness and not a feel good approach that doesn't address the root of the problem.
Beautiful, peaceful neighborhood, great school, a lot parks and walking trails.
I heard that we are looking at a maximum population of 80,000. That seems like a good number to me. I do not want to be a Walnut Creek nor do I want to be an O
A city that facilitates development other than mini-mansions. A city where my kids can afford to buy or rent here.
Neighbors who respect their neighbors,, would be wonderful... no matter what type of dwelling they live in.
more affordable.
We have a large community of teachers and high schools in Brentwood. I'm grateful for the opportunity to teach and live in Brentwood however have only been able to rent. I would like to see more affordable housing especially for teachers with either a down payment assistance incentive or the teacher next door program. Teachers have been teaching here for so long and they're starting to move out of state and with teacher shortages it has been a challenge to keep teachers here. I've been in the district since 1996 and there are so many teachers who have been teaching in Brentwood from generation to generation. Especially homes in our farming community.
Limit future housing developments and add high class commercial development. We also need more parks and open spaces. We already have too much traffic, not enough services (emergency), and not enough water to support more residents.
In the future to provide more affordable housing, apartment style housing that I could live in on my own as a young adult, and to solve the regions housing crisis, and two create relatively dense and walkable neighborhoods creating a more diverse and well rounded city. I would like to see most of the rest of the empty land in our city filled with mid to high density mixed use development.
A growing community with accessible, affordable housing for several generations of interconnected families. A place where single family home ownership is within reach of new and established residents in California.
I think making it affordable for families instead of just investors would be best for Brentwood.
Accesible para la comunidad
Young people transitioning from their childhood homes need a place to live if they want to stay in Brentwood. There are few choices. More affordable housing for this demographic is needed. Brentwood also has no place for homeless to sleep. It needs to be addressed or it will be addressed informally, which is not going to be the best way of helping our homeless population.

**City of Brentwood**

2023-2031 Housing Element Update

Table 2 – Vision for the Future
Affordable housing for all who want to live here, who are born and raised here and would like to remain here but can't because either too expensive or not enough good / high paying jobs!
Lower density, do not want a repeat of mistakes made in Pittsburg and then Antioch
Affordable housing so people at all income levels can live in Brentwood. Higher density allowed to achieve this vision.
Affordable homes for the middle class that make \$100k to \$130k and save money and pay taxes but still can't afford a home here in Brentwood
Cap construction at 75,000 homes, condos. There is a real need for improved external maintenance of yards, common areas (Garin Parkway from Balfour to 2nd street). Many yards are poorly maintained creating a blight in Brentwood
Walnut Creek with broad open plazas and a vibrant downtown with stores and restaurants
Consistent growth while maintaining that small town feel.
I envision Brentwood being a safe happy community that is affordable for younger people to achieve the "American Dream".
Housing and infrastructure need to expand at the same time. Vasco is a significant artery for many commuters that live in Brentwood but must commute to higher-paying jobs. Rising commute times make it harder to stay in Brentwood. Pay for higher housing closer to work or commute 2 hours and miss out on time with your family and community.
Availability
More affordable housing.
Affordable housing market and less competitive
More mixed housing projects to promote diversity, equity and inclusion. Include affordable housing, senior housing, multigenerational housing, as well as housing for people with disabilities together for a better mix.
Affordable places to live. More business, like better restaurants, recreation.
I would like mixed use, mixed income neighborhoods that are designed to be walkable and not rely on driving so much, and which encourage community and connection rather than isolation and disconnection. I would like more accessible and affordable housing for people who work in Brentwood and young people who grew up here who can't afford to live here. Smaller entry level first time buyer homes for young families and more affordable rental housing.
affordable housing programs for all
I see Brentwood maintaining the slow growth of housing, maintaining most of its agricultural spaces alive
Brentwood ha crecido mucho en los últimos años y pues ya se mira como una ciudad porque hay cada día mas casas y por lo consiguiente económicamente ha incrementado cada día más y eso significa que también contará con muchas fuentes de empleo
Affordable housing for every type of income and retirees!!!
I see Brentwood as a city leading in housing homeless people in the smartest and sustainable way possible. A city where inequality is low.
That there will be equal housing for all
Affordable housing options
More Below market rate homes
I would like to see much more mixed use housing in areas like downtown and the Streets of Brentwood

Table 2 – Vision for the Future
My vision includes the various types of housing identified above integrated in such a way that agriculture is viable
General note I don't know the definition of several categories mentioned above such as "fair housing ". I believe the terms have meaning to special interest growth at may be at odds to society at large.
Poder acceder a ellas ya que la gente que está comprado es de otros lados y los que vivimos a quw l por años no podemos debidos a Los Altos precios
Affordable housing rent and sale
The lack of affordable housing in the San Francisco Bay Area is one of the defining social issues of our time and place. According to recent US Census data, nearly one quarter of households in our Brentwood community pays more than half of their monthly income toward housing – far above a sustainable level. These individuals and families teeter at the precipice of homelessness, where one missed paycheck or unexpected expense could plunge them into instability that would affect every aspect of their lives and reverberate throughout the community. A mixed-income model places priority on housing and serving low-income persons while integrating members of other socioeconomic groups. By bringing these populations together, housing is stabilized for middle and low-income persons. Vision: An inclusive mixed-income community that features low-income supportive housing, low-income senior housing, middle-income rental units, first time home buyer housing, and student housing complementing existing large single-family homes.
No more building without emergency services to support. No one is homeless!
No more huge box-like apartments. Make apartments pleasant to look at and less like institutional buildings
We protect the available affordable housing and look for opportunities to add more that can be well maintained in areas that are properly zoned.
Well balanced to the community that SERVES US. "Work Here, Live Here". Equal opportunity for all regardless of status
More affordable housing available maybe multi family homes. Less unaffordable large single family homes. I am glad to see more apartments units are being built this year.
Housing availability to enable homeless to be taken off of the streets, or at least removed because Brentwood has housing available for them. Affordable senior living is a huge deal as well.
My fear is my adult kids will not be able to afford to live here, even with being highly educated and having good jobs. Brentwood is just too expensive, especially for single people. I'd like to see there be at least affordable rental homes/apartments/condos for this upcoming generation and future generations.
In placing high density housing consider placing it by services needed for that community such as groceries and transportation.
Juicy cultural and racial. Affordable or sub sized housing
More family single story homes
Affordable housing!
Affordable housing especially condominiums and townhomes instead of continuing to build large homes on small lots.
As a single woman over age 65, I would like to see more affordable housing for purchase. It seems that most homes in this city are two-story dwellings. I would like to see a better selection of single story homes. We seem to be returning to a multi-generational lifestyle as we care for parents, or

Table 2 – Vision for the Future
perhaps as adult children need to move back in with families. Floorplans to accommodate this lifestyle would probably be popular.
Equal housing for low and moderate income households
Safe and affordable
Please preserve the farms for the next generation.
affordable, well-planned, planting of many trees
Provide housing of all types only if the streets and service sector can sustain them. For example, if you plan to build housing of any type in north east part of town, then Lone Tree needs to expand from Fairview to Brentwood Blvd. and not in piecemeal fashion.
We need lots of housing. Let’s use every inch of open space to get people into homes they can afford.
Using infill to create a dense urban area with large greenspace and convenient public transit for in-town and out-of-town access
A BEAUTIFUL WORLD
affordable homes where a family income of over 100k a year can still afford to buy a home in Brentwood.
In order to maintain a livable community, it is important to provide services for seniors who may have disabilities, as Brentwood has a history which is founded on the young people who could afford to buy where they grew up in past generations and who now wish to remain comfortably as they age and disabilities arise for them. Brentwood also needs to make room for those with disabilities who prefer the agriculture and history that Brentwood offers in a Family-centered community. Affordable housing for first-time buyers sustains the latter two visions for the next century.
More affordable housing for seniors. The opportunity to buy lot mobile house is on.
I think you should build more affordable housing. I think you should build up and it should be mixed housing, with some subsidized and some affordable. People with disabilities need special help. I suppose they would be happy in multi-story buildings with elevators. Parks and transportation also super important to be in the mix.
More schools for the ever growing community and families that will be our future
Less new building that is expanding on agricultural land without first improving expansion of new business and road improvements.
AFFORDABLE housing especially for Seniors and disabled
Bedroom community with viable resources and amenities supporting the city. Better services for farmworkers with more protections for the farmworker vs the farmer.
More affordable housing. Continued maintenance of parks. Maintain balance of housing and open space.
Get away from McMansions and provide units that are reasonable in size - nothing over 2000 sq feet.
Better than this bedroom community drowning in oversized, cookie cutter houses that nobody but implants can afford
We need more low income housing
I envision Brentwood’s housing providing affordable housing for families and singles.
affordable with a fair mix of open space, farms, single family, apts and condos. special emphasis on services for 65 + and veterans.
Future housing in Brentwood should be fair and affordable for residents already living here, along with those looking to move to this area.

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No overcrowding. Condos which provide affordable home ownership
Less housing until emergency services can be caught up to national standards. No more new housing until the fire department and emergency services can respond inner efficient manner.
smart, well rounded growth. Improved infrastructure to support that growth.
Mostly single family homes, with increased condo and apartment opportunities
Smaller homes, walk-able.
There has been more than enough single family homes built in town over the last 20 years. I have yet to see any single family home projects not allowed even on irreplaceable farmland; it seems like every single open space is being built on. We need infill building of apts for low income & younger people.
Please, do not forget our teachers! Currently a teacher on a single income can NOT afford to buy a house in Brentwood. People move to Brentwood also because of our great schools and incredible teachers. It is a shame that with the current state of things teachers might be pushed to live outside of the great city of Brentwood.
KEEP OUR FARMLANDS, ORCHARDS, AND AGRICULTURE STRONG. THIS GIVES BRENTWOOD IT'S VALUE!
A home where I can continue to raise my kids. At this rate it's too expensive for young families we need more affordable housing to make Brentwood more diverse
Not putting too many homes in one area and building more schools
More smaller homes like condos or townhomes.
I have teenager, and I want them to be able to afford to buy a house or condo in the future.
Please only build the absolute minimum number of houses required to fulfill state demands, until such time as the state returns control of housing decisions to the city.
My Vision of Brentwood with regards to housing is hopeful but only if we're able to get people into city council and on boards and commissions to get the right kind of developers and builders in our city to build enough housing to satisfy the demand
Higher concentration of multi family housing downtown to bring greater vitality and viability to the area
I'd like Brentwood to continue to be a place where teachers and firefighters and single income families can find housing and live where they work. I'd like my kids to be able to come back here after college and be able to get an apartment. This isn't happening anymore.
A nice mix of houses and condos for all income levels.
High tech city with access to BART
Brentwood needs to maintain its charm and a small town feel - a town that is safe and family friendly where our children should be able to ride bikes and walk home without adult supervision when they are old enough. Home prices should not be impacted by bringing in mixed house. For these \$1M+ homes we pay quite a bit of taxes to have that environment.
More mixed use types, condos, SFH. Basically any housing
Please keep low income housing out of Brentwood. We moved away from the Bay Area because of the crime that came with it in our neighborhoods and schools. Thank you
Less building overall. More focus on town cleanliness and emergency response time.
Brentwood is a safe bedroom community with senior citizens and large families. Brentwood has an excellent police department, offers plenty of parks to the residents, provides an excellent vision for the future, and needs to remain in this condition going forward. The City needs to be smart in how it



Table 2 – Vision for the Future
deploys these state mandates where it will be a win win for the current residents and allow the City to meet these requirements without the residents seeing any difference from today's lifestyle.
Continue to be a beautiful small town that is family oriented.
Don't build more than our streets can handle. Don't put low income housing near upper class neighborhoods
A vibrant multi culture/racial city
There is nothing wrong with building more houses, condos, etc but we already know how congested Vasco and H-4 even during pandemic. I hope that Brentwood, Antioch, Oakley, and Disco Bay would pay attention to the already very congested traffic in these two major roads before even talking about more houses.
Keep Brentwood a small town environment
Save farms. Build better roads. Less development.
Infrastructure that meets new housing. Eg street improvement, highway access.
Executive style homes and Ranches
Brentwood needs to be the next Pleasanton and Livermore and not Antioch. Brentwood should focus on smart high end growth. We need luxury homes like Ruby Hill in Pleasanton. Brentwood should be known for beautiful organic farms, farm to table restaurants, and high end homes. Many people are moving from Silicon Valley here to raise a family and want a nice home with lots of space. We don't need more apartments, low income housing, gas stations, car washes, or liquor stores to bring down Brentwood. The seniors that live here and spend there money want to live in a nice area that they feel safe in. Let's not cater to the people that don't put money back into Brentwood all they do is increase crime and cause property values to fall.
Stop growing. U are ruining the city ot was.
Brentwood should focus on home ownership for upper middle class families with careers.
I would like to see a focus on larger lot sizes and emphasis on higher end housing .
Housing areas where they look like well maintained parks.
affordable housing for people with incomes below \$75,000 per year - so that means rent or mortgages below \$2000 per month.
I'm concerned about too much density in the City. I would like to see more housing for those with disabilities and that need support. I think developers will put as much housing on a lot that possible (that is their business motivation), but Brentwood can be choosy now with what type of housing is available. The City will need to continue to have viable open space for our residents.
More townhomes for 1st time homebuyers. Housing for persons with disabilities. Maintaining current zoning
I'm not in agreement with any policies or legislation that would dictate to homeowners to rent rooms to people of low, or no income against their will.
Mixed Cost housing in same subdivision, don't build the "projects" will all subsidized Housing in the same area.
As Brentwood will inevitably expand my vision will be to keep our community to the same standards. Considering developments location and the impact on schools, parks and traffic. Main streets are becoming very difficult to go through during high volume times (weekends, after work). Stores are becoming more crowded. If more affordable housing becomes more accessible- it needs to have standards that reflect Brentwood. Clean landscaping and upkeep and a park.
Lots of variety.

Table 2 – Vision for the Future
do not become Antioch
Vibrant small businesses, especially healthy and diverse restaurants. Please no more fast food. We have more than enough of those.
Stop making it a bedroom community. Please look into more smarter housing no more sprawl...seems the developers give Brentwood money and the city replies "Yes to all your demands!"
We have enough housing so far. We need services to support the community that's here
I would like to see a slow in development in Brentwood. Also, I would like to see primarily single family homes. What drew me to Brentwood in the first place was the open spaces and minimal apartment/condo complexes. I would like to see more large lot homes such as ranchettes.
Brentwood needs to promote housing that continues to showcase the charm and character it has been known for, that of a bedroom community surrounded by farm to table markets, and suburbia. Too many apartments, and low income housing will bring transients, and more crime.
I would just encourage that affordable housing be spread out through the city not just built on one side of the city.
I love the open space here and would hate to see it all consumed by housing. Brentwood is special because it is not inundated with folks from neighboring cities.
Slow growth. some apartments. Special needs is great. Support for ne'er-do-wells is bad. Do not want turn into Antioch.
Many homes in Brentwood are already orientated to the over 50 people . I think a community like Rossmore is needed for the people of advancing age and health problems. There are many people are in that age group and more are coming. They need a city that can accommodate them. They need a quiet area where they can have their declining years of their life in safe environment. Many of the surrounding areas can accommodate the younger set.
In the future there will be so many houses and so much traffic people will move on to more affordable housing and a small town (like this used to be).
I think we have too many houses already. No more building. We don't have the Infrastructure or land left to build anymore.
I believe that we should curtail building in Brentwood in terms of housing. I think it would be more beneficial to provide more open space, Improve bike and walking access to all parts of Brentwood. Create/develop a youth recreation Center, along the lines of a girls and boys club or YMCA type facility.
Keeping of open space. Love the farms and open fields.
Single parents being able to afford housing on a single income without having to go through low income housing. More jobs and less single family home developments. More fire departments and middle/high schools to accommodate the growth of students from all these homes.
Match the housing to the employed and non-employed (including retired) residents. With a proper match and amount of housing, commuting could and should be minimized.
I would love to see more affordable housing options. Providing this will bring much needed diversity and new ideas to the city.
A selection of duplexes or 4-plexes that allow ownership at a lower cost.
We are doing better than the adjacent cities around, we should keep managing what we done. Specially the crime issue.
Brentwood need a nice shopping mall, instead more houses. Shopping Mall which will bring different people, different business into Brentwood , Brentwood will become a destination for people to visit.

Table 2 – Vision for the Future
I would like to keep Brentwood environmentally pleasant, unsaturated with less homes and people, and provides a feeling of breathe-ability. I would like to see more greenery (grass and trees), uncongested streets in and out of the community, a place of safety and security.
Realtors who don't steer the mid to low income families who want live in safe neighborhoods and not be judge solely because you don't have 3 times amount of income to cover an income check there are a lot of prejudice and racist's realtors and home owners and have experienced this first hand for many months because of the pandemic made it tailored to realtors to only approve those who have pre qualified for housing in the area.
continue with a healthy farm community for years to come
Mix of nicely maintained housing for people who take pride in where they live.
Stop the growth of expensive housing. Even senior housing is expensive in Brentwood. Our roads and schools are not equipped for this influx. We also don't have careers out here.
We need to stick to the plan. Look at what land we have left and decide if the way they are zoned makes sense.
A good mix of something for everyone.
Affordable and attractable business policy for companies to move and provide employment opportunities for the residents.
Keeping what farm land that we can and also build homes that are affordable to the working families that work in our area
Back to base for each unit/house have job in town
Safe and attractive neighborhoods complimented by well maintained parks, trails and open space
The use of property as it was zoned.
Infrastructure balance, there must be enough supermarkets, shops, water, to support all of the homes being built.
Spread out, well planned communities that focus on families. A town that is not filled with low income apartments, where families feel safe and value the town
I would prefer more affordable housing in the form of Condos vs. Apartments.
I envision growth in the area of homeownership opportunities for low-income families, such as myself, whose hearts belong to Brentwood, without changing the landscape and small town vibe we've always appreciated. Thank you
We need to adhere to the plan that has been set. Do no rezone locations.
Build the technology park to attract businesses
Controlled growth
Housing that families can afford and keeping neighborhoods clean and safe. Neighborhood watch and housing that doesn't exceed the capacity of our schools. No over development.
Nice
Preserve our farm town. Don't push our farmers out just to build homes. We are a beautiful small farm town, the soil here is fruitful. Build homes on bigger lots. Stop trying to overcrowd. Homes are on top of each other now.
Retain the current look and feel of the community, and only increase the density as mandated by state law.
Controlled housing that considers and plans for limited services such as water, parking, fire, police and schools. Brentwood should not over build new homes where/when services are already over

Table 2 – Vision for the Future
used. Services should be increased as housing is built and be ready as new homes come on the market.
Housing prices stabilize. Not as many "cookie cutter" houses.
Less apartments. Less crime. Less affordable housing. Fewer homeless encampments and no additional transitional housing programs. Zero tolerance for drug dealers and gangs moving into the city. If more housing needs to be added, gated 55+ communities are the best choice. Assisted living facilities are needed. Remaining open spaces should be preserved as parks or green areas.
More single story homes since we need them as we age. We don't want them only in age restricted communities. Too many apartments now being built Stop that. Some sort of central shopping. Maybe a two story enclosed mall. Too hot and cold here for an open one. More police and fire personnel. More grocery store options. Like Whole Foods Stop building out all the open space.
no to low cost housing in Brentwood, it will lower the market value of houses here in Brentwood
Slow it down. It won't be sustainable.
Maintain that small town feel.
Home value growth
Family oriented housing mostly made up of multi-generational and single family with the bare minimal multi-family (apartments) and low income properties to meet State requirements.
Keep Brentwood as rural as possible We moved here to get away from over populated towns and traffic. In the 4years we have been here the town has already started to lose its rural charm.
No section 8
I would like to see more affordable housing options, but I am not in favor of more building. I would like to see the agricultural area preserved.
No more condos/apartments, no low income housing, or new housing. We are streets and our schools are congested enough.
Comfortable family homes with space for plants
Less than 70,000 population would be best
Our city is already bursting at the seams. We don't have the emergency services or support systems in place to build any more residential housing whether it's apartments, single family homes, etc. We need more police to deal with all the riff raff making it's way into Brentwood. This city is losing its charm. A moratorium is what we need on all future home building. This state has gotten so lost!!!
More parks, sports complexes, open space. Schools, roads, and infrastructure need to increase in order to keep up with the increase of housing.  Ingress and egress surrounding the schools are a mess and should be addressed. 30 minutes to drop off/ pick up at a school within the city is unacceptable and is based on poor planning and lack of city government action.  An increase in affordable housing and low income complexes drive down home value and make the commute into and out of the city less tolerable.  Increase the police budget so retail theft, homelessness, and blight can be addressed properly.  The vision is a clean, safe, crime free city, where families that can afford to live here have a place they can relate to and want to be productive, contributing members of the community.

Table 2 – Vision for the Future
No water, no electricity, no more housing, until those issues are solved.
Continue the feeling of a small community with rural farming areas close by. Maintain law and order by minimizing densely populated areas.
I would prefer that if Brentwood grows it does so to the East. Additionally, I hope that jobs come with the growth as not to further increase traffic on Hwy 4 and Vasco Rd.
We'd like Brentwood to continue to be an environment that is safe for our children and elderly and the whole community. That our surroundings are kept clean and neat and safe, with homeowners willing to do their share in the work of keeping Brentwood a city that we are all proud to call Home.
3x's the land for every house built - meaning you keep Brentwood green
Small town feel.
Brentwood doesn't need more housing. Brentwood needs more long term jobs.
No more housing!!!! No big box stores!!! Follow through with the Brentwood Blvd plan get rid of all that crappy homes and stores and revamp it all we should look like Danville or Alamo not Concord! Prioritize the farms highlight all the farms all the time. No more football player owned farms he left us anyway! Force knightsen to clean up or take them over.
Brentwood is beautiful the way she is. No more homes, apartments, senior facilities. No more developers in Brentwood. We see what they do when you don't succumb to their wants (Deer Ridge)
I would like the city to consider building of new homes/apartments done. We are stretching our resources too thin. Water resources and emergency services.
Stop building high density housing and creating new issues: increasing the use of resources such as water (apparently there isn't enough for those who already live here and pay to be here, many 20+ years), emergency services, roads, and empty malls/buildings. It appears the city needs people who better understand business.
I moved my family to Brentwood from the South Bay because of its charm, young family oriented, open spaces, suburban and rural. We wanted to get away from the crowd and chaos of a metropolitan city. I would so much would like to keep Brentwood this way. Opening Brentwood to affordable housing will definitely change the environment, and will bring in more crime to our city. Let's keep Brentwood as is.
would like to see better maint of existing housing and support of same
Less trac houses. Larger yards on new build single family
I hope for Brentwood to remain a small and safe community for families.
I would like to see no more houses. And definitely no apartments.
Less growth and more investments in infrastructure. Better commuter experience on Vasco, more public transit, more schools. Cannot blindly build dwellings without FIRST addressing infrastructure needs. To do so is lunacy.
No more is necessary. Leave the community as is. The road infrastructure can barely manage the Brentwood infrastructure as is.
Leave it as it is now
I think we need to create more workplaces locally before building more homes.
Slow it down....infrastructure is not maintained to add any more high density housing!
Halted. Too much development and losing community feel and atmosphere.
Not enough water in the entire state, let alone Brentwood, no new building should be initiated.
Brentwood's current housing situation is fine, it would be good to encourage builders to allow for more room between properties so people can adequately store garbage cans/basketball hoops or

Table 2 – Vision for the Future
even recreational vehicles to minimize the need for additional storage facilities around town. Also, the impact on the roadways leading in and out of Brentwood need to be addressed before additional housing. Those of us who have commuted for years on Vasco have seen our commute increase by over an our each way. Please work with government agencies to open up Vasco and the congestion before increasing housing. There are not enough high compensation jobs in Brentwood/Oakley/Antioch to afford the increasing home prices so we are forced to commute.
Less people and apartments
A balance of businesses vs homes vs traffic impact studies that support continuation of building density and what infrastructure the city plans to relieve congestion ~ growth is inevitable and so is balance.
I believe the city is becoming overcrowded...it is too condensed; with more people/housing units, you will need additional services and roads.
Model the issuance of housing permits similar to Livermore
For Brentwood to get their infrastructure up to par and to stop big developers from ruining our once small town. I left the big city for the small town Brentwood was back in 2003.
No more building of any housing. Cap the population at current levels. Even better, reduce the population so the character of the area is preserved.
Everyone who is able to afford a house in Brentwood should be able to get one. We create addition problem when we try to artificially impose our will on the market.
Maintain Brentwood small town feel
Please stop building car washes and gas stations. You have put so many gas stations into the city of Brentwood and probably don't even understand what underground storage tanks do to the surrounding area. You have congested this area with nothing but crappy little stores that can't stay open you have ruined the small town feel of Brentwood. Stop it. I moved back here to feel at home and you guys have ruined the city stop building bull crap. Stop lowering the value of my home with affordable housing, And filling every nook and cranny with apartments when we can't even travel to the grocery store without waiting in line for 45 minutes because the connectivity in the city is not good. You have ruined Brentwood please fix it
Smart housing, which includes but is not limited to: Future proof infrastructure Future proof roads Strategic ares of growth
Stop building!! Ruining Brentwood.
No more housing. Keep our small town feel. Keep our quality neighborhoods. No more houses, impacting our schools and making more traffic!
Less people because its already overcrowded
To many people and everywhere crowded and nothing for people to do.
Stop building houses. Put a program in place that owners of rental properties need to maintain their landscaping or risk being fined. Build more schools to support the growth that is already happening and planned. Do not allow SB9 to infect our housing communities and drive our property values down.
We enjoy living in Brentwood, because, for the last several years, it has been a peaceful "small town" - good for raising a family. However, in recent years, crime has gone up, EMS services are inadequate, and traffic is increasing. Our city needs more commercial and retail growth and no more new housing

Table 2 – Vision for the Future
(especially high density housing). Keep Brentwood great by keeping it a family-friendly city with a “small town” feel.
My vision is that the homelessness is going to get out of control it seems that its not being deal with.
Less apartments, more family homes. Brentwood is not meant to house this many people with infrastructure that can’t support it.
The future of Brentwood is not looking great for families. You're showing pictures of fields and trees and all you want to do is develop and ruin this community.
we have adequate housing and need more business/commercial property
Certainly not to build the monstrosity on Lone Tree and O’Hara. Planners need to be mindful of the entire space to be occupied and the surrounding area. For example, we have an over abundance of gas stations and car washes for our fair city. It’s almost as if the people who approved one after the other had zero knowledge that what they were approving was already present. Case in point, there are 3-4 gas stations and/or car washes within a few blocks of each other on the very same road (located on Brentwood Blvd between Sand Creek and Lone Tree).
Have a larger minimum lot size. Keep the urban boundary. Improve roadways to alleviate congestion.
Less affordable for criminals and illegals
A sanctuary for low income seniors with lots of family's with master community development integration, parks, trees as always
Restricted and well thought out planning, the city is getting very congested and quality of life is being impaired.
make street lights, roads and highways more smooth and safe
Limited housing development. Brentwood is getting crowded and has traffic congestion. Keep land and farm open for agriculture. Need more green and open space areas.
I would like to see Brentwood capped at 80K-90K population. The infrastructure can't withstand much more without creating more local jobs. Traffic is becoming unbearable as it is now. Housing needs to stick to the general plan with a mix of single family, low income, senior, and disability housing. We need more areas for kids to get involved (community centers or sports programs offered by the city.
More high-level income housing. Limiting low income housing and apartment. Encouraging new businesses, restaurants.
Continue with similar to current Master Plan. Keep high density housing projects on outskirts or near high density urbanized areas (away from single family residences). Keep single family projects to 2 or story units maximum and high density to 3 story buildings. Do not urbanize residential areas. Minimize affordable housing projects to prevent violent crime migrating from neighboring cities.
My vision would be that Brentwood provides safe and clean neighborhoods. Homes where families can have a good education for their children. Seniors and veterans have affordable housing in a community that is supportive.
Community where residents themselves take pride in their city and ensures it is clean, well taken care of not liter filled and in state of disgrace, but could rubies to welcome families year after year to take part and experience our farms and community.
No more traffic. Less building, more open space. Quit using more and more water, before we all have to ration.
Respecting current zoning to keep neighborhoods in tact. Peoples life savings have been spent in the types of neighborhoods in which they want to live either for raising their families or living in retirement.

**City of Brentwood**

2023-2031 Housing Element Update

Table 2 – Vision for the Future
Enough low income houses for family and seniors
Protect important farmland east and south of Brentwood. Build between Brentwood and Antioch / Oakley borders to the west where land isn't being actively cultivated.
No new development until infrastructure is in place. Public transportation, schools and fire services. No more gas stations, 7-11 type stores or Grocery outlets need to be built. We need good restaurants, which are few and far between.
Plenty of green space and healthy food sources within east access of neighborhoods
We need units that a single senior can afford with marginal retirement
No more developments.
More mid-priced single family homes. Limit the amount of section eight allowed in the city ! More oversight for properties that are not being maintained (ie: overgrown vegetation, too many vehicles on the street, degraded concrete & weathered structures) !
Possible tiny home communities
My family has lived in Brentwood since the 30s. I've seen many changes, We Should 1st. develop better infrastructure of our city to accommodate more housing of any kind. Without more Schools, Fire and Emergency Services the CITY is putting their tax paying Citizens that they already have at RISK!
Renew the senior housing proposal at Balfour and Deer Valley. It was great
I would like to see single family homes, not a congested Brentwood.
Keeping a small family oriented town.
Safe, recreational and affordable City with farmland and parks.
A family oriented community with a quality standard of living. Large police officer pool, upscale restaurants, etc,
Keeping low income housing to a minimum.
Small, safe community with an emphasis on parks and recreation
Keep it nice. No more traffic, No more housing, A cap on property taxes for retired seniors.
Please enforce ordinances that prohibit parking boats RVs inoperable vehicles large work trucks and trailers in driveways and on streets!
A crime less community where we can raise families safely, and where dwellers care and keep their properties kept up
Stop building period, until some roads in and out are planned
Not to look like Emeryville or Berkeley. Have room to park cars in driveways. Houses spread out and not up.
Affordable housing for seniors (65+). Duplexes and condos for purchase.
Affordable single story condos for seniors
I think best for me if Brentwood city they will allow to build a shopping mall like in Concord
Provide affordable housing to the senior community
Increase the number of senior housing options
Quality, well- maintained and safe neighborhoods featuring green belts and parks
Protected farmlands adjoining smaller developments. Brentwood is growing too fast
Less low income apartments- more single family homes.
Housing for seniors



Table 2 – Vision for the Future
A Lot Less!!!! Brentwood is not longer the close nit family friendly community. Too many people over running the City. Bring big jobs, not more houses!!!!
I would like to see a slow growth in Brentwood. I do not want any more traffic and crowding here. There is not enough water for new homes and all the families they will bring. Our water needs to go to our farms. I do not want to lose the small town atmosphere and relative safety in our community.
single family homes with NO low income or any other government assistance
A community of single family homes for sale, not to rent. More enforcement requiring owners to abide by Brentwood's housing codes, rules and regulations (e.g. Cars parked on the driveway, not the grass or in front of neighbor's homes, no work vehicles of a certain size parked on or near the homes, require all home owners to take care of their landscapes) If the City of Brentwood regularly maintains the medians, streets and parks; the homeowners should be required to as well. Move all apartments and low income housing units to areas outside the city boundaries.
No re-zoning. No further congestion / overcrowding. In most cases, we are already there. Way too much stagnant traffic around schools- especially elementary schools throughout the day. Prevent school overcrowding. Brentwood has grown way too fast. Enforcement is seriously lacking. It seriously diminishes benefits of time and money spent.
Keep the agricultural uniqueness of Brentwood, NO STACK AND PACK CRAP. We do not want Brentwood to turn into Dublin. Single family homes with yards for children and pets (that is why people drive hours for commute) to have the opportunity for a small town life. PLEASE DON'T DESTROY IT. With little to no employment in Brentwood, keep it small with the hometown feel. Please consider the HWY 4 road noise in any future development and please stop catering to the builders to develop the land from farm to profit.
Single family neighborhoods that are not affected by crime and homeless vagrants
upscale housing and shopping similar to Walnut Creek or Pleasant Hill.
I would like Brentwood to maintain its small town atmosphere but develop into a destination city for its farms and vineyards and shopping
Small home town feel where neighbors know and talk to each other.
More quality homes owned by good members of society
Local control with no state or federal interference.
Restrain the building of new houses as much as possible to maintain the quality of life in our city
A safe place for families, with good schools . A place where homeowners are responsible and respect their neighbors and their community.
More single family dwellings on larger lots.
Do not over built the area
I would love to see more housing built in Brentwood with improvements to the roads (wider/better)
Larger homes with larger lots & well manicured neighborhoods. Maintain the cleanliness of the City. Brentwood is currently an escape from the tightly packed housing issues of the inner Bay Area, and is also extraordinarily safe. Please oppose urbanization of this lovely city. Maintain open spaces as much as possible, continue to use funding for public works and beautification measures. There's a reason why even this survey maker chose to make the background pictures of Brentwood as flowering trees and the Deer Ridge/Shadow Lakes neighborhoods.
Dwell with Nature's Harmony
Keep the building of new homes limited...Don't want this city to turn into a low income area...keep it family oriented with slow steady we'll thought our growth that is good for the hard working families of this community.

**City of Brentwood**

2023-2031 Housing Element Update

Table 2 – Vision for the Future
More affordable single family homes
Family oriented safe quiet place
Majority single family housing that caters to families and provides a safe environment for kids to walk city and play in parks. No high-density or transitional / transient apartments
Less building period. Enough already. Keep some open space as we are already crowded.
I would like to see more upscale housing with upscale shopping centers. Brentwood is a great city with amazing housing as it is, but would love to see this city as people in Southern California see their Brentwood.
Stop allowing developers to have tiny lots with houses built right to the edge of lot lines. Stop building low income/affordable homes. Lets try to be a Danville of east county, NOT like Antioch.
Stop the growth of apartments/condominium complexes and put controls on renters/landlords that require the upkeep of their properties.
Smart growth. Not these ramrod developer friendly builds
Bigger lot sizes for housing that will be approved. No more houses, concentrate on bringing businesses to the area.
Clean safe city free of the homeless California scourge
No more apartments and no more low cost housing.
Safe place to raise a family
That we don't add too much condensed housing, especially in established neighborhoods. They weren't planned for that. We need more entry level homes such as condos and townhomes rather than all of these apartments. There are way too many apartments on shady willow. We also need to attract higher income levels with larger lots. We need a mix of people in Brentwood, we shouldn't only be attracting low income, we should attract a variety of income level citizens.
The future is bleak. Governmental intervention has ruined Brentwood. It is probably too late. Stop. Repent. Fire all managers and consultants now. Restore common sense and an open market and society will self-regulate.
Do not rezone single-family areas into cramped and overcrowded apartment/condo areas. People move to Brentwood to get AWAY from the super densely populated inner Bay Area. Don't let Brentwood turn into San Jose.
Do not over build the area!
to stay safe and secure
No high-density developments.
Currently, 0 lot high volume housing projects without upgrades to infrastructure is diminishing the value of current homes. We need more commerce not homes
housing shouldn't adversely affect roadways that still need upgrades, ie; Lone Tree to O'hara. please fix this roadway.
Parkways need to be considered before any more new developments are built. The traffic is terrible. It takes a long time just to travel from one side of town to the other because of all the cars.
Good neighborhood, lower crime, no homeless view, no panhandlers, create middle and upper income jobs, not in any particular order
Continue the path of developing a community that is safe, excellent educational opportunities and supportive of the Arts.

Table 2 – Vision for the Future
Brentwood is a beautiful growing community for working families. We love the beautiful parks and downtown. I love that the trails are clean and safe. I would hope to see Brentwood continue down the path of being a family-oriented town geared toward working families. We do not need affordable living, homeless shelters, apartments which will inevitably bring in crime and blight from Antioch and Pittsburgh.
Don't change R-1-10. No rezoning. Keep Brentwood as is. WORK ON DEVELOPING COMMERCE AND BRINGING IN GOOD PAYING JOBS. If special interest groups or government agencies or new regulations are forcing Brentwood to change then put a moratorium on Housing and work on developing good paying jobs and resume housing later. JOBS HERE FIXES EVERYTHING!!!
I'd like to see the general plan followed, it is only fair to the people who bought housing for their specific zone. I worked hard and saved money, planned and bought my house. It is not fair to after the fact change the zoning of it for the surrounding neighborhoods. I'd like to see the general plan followed.
Less apartments, more single family homes. Clean, safe, well maintained neighborhoods. No homeless.
I would like to see mix-use housing with transit access nearby the Bart Extension, and bus pick-up areas. I would like to see housing projects mixed into large areas of open space, so our neighborhoods have trees, parks, and more open space. Lots that are small, and are stacked upon one another look very much like a Daily City or a large city plan. I know we can much better!
Slow down before we become another Antioch
No more new homes until water is worked out
Single family homes, construction no taller than 2 stories
Suburban living
Family friendly, safe
Big lots for families, space in schools, no traffic
Brentwood has always been a family community. There are so many different dynamics of families these days you need a variety of housing options.
No more building. No more new housing. Stop. Enjoy the Brentwood hills and small town.
I would hope to see Brentwood remain a family community with most homes owned by families and less homes owned and rented out by developers and investors.
less hotels/low income housing.
Family homes with strong community bonds.
Slow down the building! The city is expanding far too quickly and we are not equipped to deal with it on so many aspects - traffic is heavier, roads are wearing out, less parking, not enough grocery stores/restaurants. Seems the city is too focused on housing and not how to SUPPORT that housing.
Less housing and more upscale commercial and business opportunities. Plus more activities of things to do in the area. Wineries, high end restaurants, indoor and outdoor sports recreational centers, bring back golf courses, concert venues, fun centers such as Top Golf, batting cages, etc.
Stop building homes and start bringing in more businesses, i.e. jobs, jobs, jobs. Stop building grass-filled parks (we don't need anymore parks) and build sports complex (large indoor facility that can host basketball, volleyball, soccer, etc.), if run properly, this can be a large source of revenue.
No more apartments and no more high density low income housing.
A clean safe community to raise my children

Table 2 – Vision for the Future
Please keep Brentwood a city where people who work hard, raise families, and contribute to their society live. Please remove section 8. With the expansion of BART into Antioch, the park and ride near Dainty Ave, and the recession, the homeless and criminal population who come from the Bay Area have infiltrated our great city and many like minded individuals who's income pays for the city's taxes are likely to leave if this issue continues. Many folks here have been here all our lives and enjoy the small city Brentwood is.
Low density housing north of sand creek, med/high density should only be in areas where infrastructure can accommodate (new development in southern Brentwood, etc). Lone tree is already too congested.
The future of housing in Brentwood should focus on affordability while maintaining it's family oriented charm.
Brentwood need more housing tracks like Trilogy
I like Brentwood with single family home
Single house dwellings
Quit building transcient apartments. Brentwood was always a family oriented community and is now being destroyed by the leftist ideology.
I would like to see housing development slow down in Brentwood. We are out building our resources and it shows.
To not be ruined with low income housing or to have multiple family dwellings in the middle of single family home neighborhoods
Attention to maintaining beautiful neighborhoods and walkways. It's disappointing to shop around in the brand new developments and they are crammed in with a loss of the priority of also having beautiful spaces within a neighborhood.
Leave it alone. Affordable housing brings crime and lower property value. Plus, I shouldn't have to pay for me to live in Brentwood and then for another family. Government should stay out of it.
Don't bring in a flood of low income tax payer funded housing. That brings nothing but crime and lower home values for the people that work hard to live here.
stop building so much housing especially low income, just bring rift raft. we need better stores and security
Single family housing. No apartments or condos. Larger parks for children to play. Keeping the small town vibe.
Single family homes only and no multi family homes but only after traffic concerns are resolved to accommodate more homes, especially local highways and freeways.
safe, family oriented housing environment
I would like to see more affordable single family homes.
Family neighborhoods, available apartments/condos for rent, low-income or homelessness housing available but NOT located next to higher income housing,
Keep Brentwood a upper-middle class community; do not allow it to become another Antioch or Pittsburg. Focus on keeping the community safe and focus housing on upper-middle class and seniors. We do NOT need more "affordable" housing and rentals occupied by homeless and criminals!
Maintain a clean neighborhood, family life activities and respectful community
Limited apartments. So disappointed with Brentwood building apartments near Pioneer Elementary without vote of residence!
Shame on you for devaluing our homes and communities.

Table 2 – Vision for the Future	
	<p>Stop with Government handouts. Let families take care of their own. We have enough housing. No more apartments, condos, section 8 or high density housing, just brings in more of those who DO NOT own or care about Brentwood or others. Get a job, go to school, work to buy a home. Do not tax others and give to those who do not earn it. Help our Veterans who volunteered to serve not illegals or those who choose not to serve in armed forces. Brentwood was a nicer place to live 40 years ago. More housing just brings more problems. More government brings more people who do not work. People come to Brentwood and bring their city ways and Democrat values with them and destroy what was once beautiful and more open and free. I will move if Brentwood keeps building and it will so I will move. Say NO to State housing requirements or eliminate or change them. Do not take the Money. Do what Brentwood residents want NOT what Sacramento or Washington DC wants. But I see what is going on in Brentwood and it will not stop. Brentwood has become Democrat cesspool just like Antioch, Pittsburg, Oakland, SF, etc. More crime, more homeless, more drugs, more ungodly, more Government control and that is what Democrats LOVE, control because they know better than the people. Brentwood used to be Republican 40+ years ago. Less government, more freedoms and more farms. People knew each other. Brighter Future of Brentwood is gone so housing does not matter. Look at San Francisco that is Brentwoods future. Yes I will move and take my values and money to a place that offers more peace and freedom than the cesspool that Brentwood will become if it doesnt reverse course and stop building anything but single family homes. Want higher density housing move to another city and take your values there. But when government gets involved it costs more to do little when compared to private industry. Government does not have to make a profit but forces private people to and then takes what they have and calls it good. I work for government and try to make changes but too many people high up are corrupt and greedy or truly beleive they are doing good but are blind or sinful in there ways. God Help us. Thank you for listening. Know it will probably not make a difference but I still have hope and it's NOT in Brentwood!</p>
	High end housing to balance out what is forced upon us by state regulations.
	Limit housing, too much housing and crime now with not enough utilities and infrastructure to support it.
	No Rezone
	Building new houses needs to slow down. Where is all the water going to come from for all those new houses when the state is telling homeowners to stop using water
	Stop Building without First developing Freeway and Road infrastructures to support the expansion of future building. Traffic congestion is very high due to poor road infrastructure to support the expansion of people. Stop the traffic issues caused by housing development. Stop using up all the open land. Hence why we settled in Brentwood.
	It is growing too fast. Too many new housing tracks that are not affordable.
	Safe housing that can accommodate the varied needs of all the community including the homeless.
	Safe and happy Brentwood
	Housing, living, recreational areas all equal and accessible to all citizens
	Brentwood is already overcrowded. Water is becoming scarce. Roads are overcrowded. We don't need more houses.
	Do not turn Brentwood into Antioch or Pittsburg ie, low income housing, increased crime and homelessness.
	Current status for family housing
	Structured short term housing for homeless

Table 2 – Vision for the Future
No more development. People sell/rent out their own houses, not management companies. Brentwood’s small town, farm feel is what draws people here and the city’s plans of development has completely uprooted our culture through destroying our land, water, and resources. Just for more money. Very sad.
I would like to see a stricter imposition on curbing housing expansion. Our schools are busting at the seams, our fire and emergency services are overworked, and our streets are becoming more and more congested. We are destroying the fabric of our community. We need to plan for more grocery stores, restaurants, and small businesses. Every open square inch of dirt does not need to be filled with some sort of housing just because we can.
Brentwood is an agricultural town. That’s what makes it special. Once you build on every acre of open space, our agricultural heritage will be gone forever. Preserve that which makes Brentwood special and beautiful.
Much like the current California Coastal Commission, I would like to see near zero future home development of any type if an effort to retain the rural and agricultural nature of this valley. Look at how beautiful our coastline has remained, from Santa Barbara to the far north coast.
To stop over building. This once quaint town was never meant to be this size with the infrastructure currently in place. It’s dangerous to drive on most roads and certainly over highway 4 and Vasco. Take a deep breath and let other cities build out while we figure out how to fix our roadway and supporting elements. And for God’s Sake, leave the farms and open hills as is, please!
Only housing that is supported fully by infrastructure, e.g., no over-crowding of schools, sufficient fire and police protection, no increase in traffic (our commute traffic situation is already not conducive to a healthy lifestyle). Well thought-out neighborhoods that put the top priority as the residents’ wellbeing (both existing and future residents). Perhaps mixing neighborhoods with all ranges of income levels would be the best plan to ensure the highest quality of life for all.
A place where you can own property and enjoy peace from persons in your personal business.
No low income housing! Very few apartments. We do not want to become the next Anitoch or Oakland.
A community with housing for all groups and all incomes.
High or higher density housing should have close highway 4 access so that our main roads are not jammed up. It’s sensible to build near the highway. Do not approve high density housing on the east side of town. Also, infrastructure such as schools, police, fire and roads must be supported as the city population grows. Parking should be considered with all housing development because households own multiple cars.
I feel that currently Brentwood has sufficient housing. The City is also maxed out on gas stations, fast food restaurants and 7/11, Quick Stop type stores. Brentwood should try to enhance the City with High Tech employment work complexes to provide living wage employment opportunities and reduce the need to commute as the City of Livermore has done.
At this point in Brentwood’s development we need to focus on balancing housing and jobs. NO MORE residential building until infrastructure and jobs catch up.
Housing developments with enough green space at all income levels to enable human thriving.
No more @#% homes.... Let’s be like southern CA and run out of water...
No low income housing close to nice neighborhoods please
Less retirement communities, more family based housing.
Affordable options for our children as they become working adults. Housing programs/options for our homeless.

**City of Brentwood**

2023-2031 HousingElement Update

Table 2 – Vision for the Future
We need more fire and police before we expand housing.
Limited housing, I don't want Brentwood to have overgrowth and be like all those other cities in the East Bay. The beauty of this city is that it has open spaces. Stop developing!
same as now. more golf courses
Growing with thoughts toward the future. Traffic and balance should be held in mind, thinking about our agricultural history and treating it with the respect it deserves.
LIMIT MORE HOUSING AS MUCH AS POSSIBLE , TOO MUCH TRAFFIC, CRIME ETC
A good balance of jobs-related developments and single family housing.

### C.3 Joint City Council and Planning Commission Workshop

This section contains all materials created for the June 1, 2022, joint Planning Commission and City Council workshop. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat. A recording of the workshop is available in both English and Spanish on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.





## 2023-2031 Housing Element Update Joint Planning Commission and City Council Meeting

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The City of Brentwood is currently updating its 2023-2031 Housing Element. As part of the update, the City must identify strategies to accommodate the Regional Housing Needs Allocation (RHNA) of 1,522 housing units over the next eight years. In addition, a number of new State laws have been adopted since the last update to the City's Housing Element in 2015 which will need to be addressed and included in the policy plan.

Please join us to learn about the City's proposed strategies to accommodate RHNA and the new policies that will be added to the Housing Element to maintain compliance with State laws and requirements.

**When:** Wednesday June 1, 2022 at 6:00PM

**Where:** Zoom - <https://brentwoodca-gov.zoom.us/j/76013970037>

For more information about the Housing Element Update please visit:

[www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)

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## Actualización del Elemento de Vivienda 2023-2031 Reunión conjunta de la Comisión de Planificación y el Consejo de la Ciudad

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. Como parte de la actualización, la Ciudad debe identificar estrategias para dar cabida a la asignación de necesidades regionales de vivienda (RHNA) de 1,522 unidades de vivienda en los próximos ocho años. Además, se han adoptado varias leyes estatales nuevas desde la última actualización del Elemento de Vivienda de la Ciudad en 2015, las cuales se tendrán que incluir y tomar en cuenta en el plan de políticas.

Acompáñenos para conocer las estrategias propuestas de la Ciudad para dar cabida a la asignación RHNA y las nuevas políticas que se agregarán al Elemento de Vivienda para mantener el cumplimiento de las leyes y requisitos estatales.

**Cuándo:** Miércoles, 1 de junio de 2022 a las 6:00 p.m.

**Dónde:** Zoom - <https://brentwoodca-gov.zoom.us/j/76013970037>



Para obtener más información sobre la actualización del Elemento de Vivienda, conéctese a:  
[www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)



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## JOINT WORKSHOP AGENDA ITEM NO. 2

**Meeting Date:** June 1, 2022

**Subject Title:** Update and discussion of the 6<sup>th</sup> Cycle Housing Element Update, Regional Housing Needs Allocation (RHNA) sites strategies, and implications of new State legislation on the City's policies and programs.

**Prepared By:** Ines Galmiche, Kimley Horn  
Jennifer Hagen, Senior Planner

**Submitted By:** Alexis Morris, Community Development Director  
Erik Nolthenius, Planning Manager

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### **PURPOSE AND RECOMMENDATION**

This workshop includes an update and summary of RHNA and the sites strategies being used to identify sites to accommodate the City's "fair share," as well as a brief summary of key changes in Housing Element Law and possible implications as to City programs. The workshop will include a staff presentation, as well as public comments and City Council/Planning Commission discussion. No direction or action is being requested as part of this workshop.

### **PREVIOUS ACTION**

The City Council authorized execution of an agreement for consulting services with Kimley-Horn to assist with preparation of the 2023-2031 (6<sup>th</sup> RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

### **BACKGROUND**

The Housing Element is part of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs, including proposed actions to facilitate the provision of housing to meet those needs at all income levels. State law requires periodic updating of the Housing Element; and thus, the element reflects the State's housing goal of "attaining decent housing and a suitable living environment for every California family," as well as incorporating the unique concerns of the community. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023, to address the 2023-2031 planning period.

### **DISCUSSION**

#### **6<sup>th</sup> Cycle RHNA Process and Status**

As part of the update, HCD requires each jurisdiction in the State to demonstrate capacity to meet their local "fair share" of the assigned Regional Housing Needs Allocation (RHNA), including total housing units across a series of affordability categories. The RHNA is then determined and assigned through a process led by HCD and regional Councils of Governments

(for the Bay Area, this is ABAG/MTC). The City of Brentwood has been allocated 1,522 units at various income levels for the upcoming cycle.

As a key component of the updated Housing Element, the City must document, through a detailed, parcel-specific inventory, that there are sufficient sites available at the time of adoption of the element to accommodate the entirety of its RHNA. The adequacy of the sites inventory will be evaluated by the State Department of Housing and Community Development (HCD). Although HCD will review the entire inventory, it pays particular attention to sites identified to accommodate the City’s lower-income RHNA, based on criteria intended to show the various sites’ realistic capacity to develop residential uses during the eight-year planning period of the Housing Element.

It is important to note that identifying sites to accommodate the RHNA is a planning requirement; it is not a mandate or quota for the City to construct housing units. While the City must report annually on production of housing relative to its RHNA numbers, there are no direct penalties at this time for failing to meet the allocation. That being said, there are more indirect consequences. For example, recent State law has implemented streamlining requirements and reduced local discretion over approval of housing projects, some of which is specifically targeted at jurisdictions whose housing production has fallen short of the RHNA.

Table 1 summarizes the 6<sup>th</sup> Cycle RHNA for the City of Brentwood. The RHNA is distributed among the following income categories, each of which represent relative affordability to households as a proportion of the Countywide Area Median Income (AMI).

**Table 1: RHNA Allocation Breakdown**

Income Category	Percentage of Area Median Income	Brentwood RHNA
<b>Extremely Low Income (ELI)*</b>	<30%	402
<b>Very Low Income (VLI)*</b>	31-50%	
<b>Low Income (LI)</b>	51-80%	232
<b>Moderate Income (MI)</b>	81-120%	247
<b>Above-Moderate Income (AMI)</b>	>120%	641
<b>Total</b>		<b>1,522 Units</b>
* The RHNA does not split out Extremely-Low and Very-Low Income Units; however, jurisdictions are required to account for both categories in the Housing Element’s Quantified Needs Assessment, typically assuming an even split between units in each income category.		

**Analysis of Existing/Baseline Zoning Capacity**

In order to provide a comprehensive analysis of the City’s existing zoning capacity, staff has identified the following components to address the City’s 6<sup>th</sup> Cycle RHNA, discussed in further detail below.

- **Existing Residential Zoning** - This includes parcels zoned for residential uses with capacity to add new housing units within the City’s single-family and multi-family residential zoning districts.<sup>1</sup>
- **Capacity in existing Specific Plans** - This includes parcels within the PA-1 Specific Plan, Brentwood Boulevard Specific Plan, and Downtown Specific Plan that allow for residential uses with capacity to add new housing units.

<sup>1</sup> Although all vacant or underutilized residential parcels may be included within the inventory, the focus will be on sites that can accommodate the largest number of below market rate housing at the highest densities. Therefore, not all residentially zoned sites will be listed.

- **Pipeline Projects** - The “pipeline” of residential projects already entitled or expected to be entitled in the coming one- to two-year period, including projects under construction but which would not have building permits finalized by June 30, 2022.<sup>2</sup> This includes new projects to be approved under the City’s revised Affordable Housing Ordinance.
- **ADU Production** - Other anticipated housing production, including ADU’s. HCD has issued a determination to allow local jurisdictions to “count” ADU production as a component of the sites inventory, based on a formula that considers the average annual number of ADU permits issued in the city over the last three years, multiplied over the Housing Element’s eight-year planning period.<sup>3</sup>

Together, existing residentially-zoned properties, pipeline projects, and ADUs constitute a baseline of zoned capacity that can accommodate the City’s RHNA. The difference between this number, and the RHNA in each category, represents the “buffer” in each category. Table 2 below summarizes the results of staff’s initial evaluation of existing residential development capacity and the difference between that number and the RHNA.

While changes may still be made before finalizing the baseline number of units and overall capacity, the initial analysis indicates that the City’s existing land use and zoning regulations allow adequate housing development to meet the full RHNA and that the City may thus not need to rezone any parcels. This initial analysis will be confirmed as staff finalizes the sites inventory. If rezoning is determined to be needed, it is likely to be a small number of parcels.

**Table 2: Summary of Preliminary Analysis of RHNA and Sites Strategies**

Summary of Preliminary Analysis of RHNA and Sites Strategies					
	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Total
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
RHNA Strategies Under Existing Zoning					
Projects Currently in the Pipeline	17		39	1,481	1,537
PA-1 (Innovation Center)	498		1,024	429	1,951
Vacant Residential Land	134		44	835	1,013
Projected ADU Production	80		41	14	135
<b>Total Unit Potential</b>	<b>729</b>		<b>1,148</b>	<b>2,759</b>	<b>4,636</b>
Buffer	15%		365%	330%	199%

<sup>2</sup> The Housing Element 6<sup>th</sup> RHNA Cycle reporting period technically begins on July 1, 2022, meaning that units for which building permits are finalized (i.e., approved for occupancy) on or after this date, can be included in the 2023-2031 inventory.

<sup>3</sup> ABAG has prepared a preliminary ADU Affordability Report, currently under review by HCD, intended as a basis to allocate ADU production into the various RHNA affordability categories. If HCD accepts the report’s analysis, ADU’s would be permitted to be counted at the following income levels: 30% Very Low Income, 30% Low Income, 30% Moderate Income, 10% Above Moderate Income. The inventory assumes this allocation, but it may need to be adjusted based on HCD’s direction.

### **Policies and Program Considerations and Implications of New State Law**

As part of the Housing Element Update, staff will provide an evaluation and review of the existing policies and programs, which will provide the implementation status of the current Housing Element programs. The purpose of this is to evaluate which programs have been successful and should be continued, and which programs have been ineffective and should be eliminated or modified. The evaluation is required by state law and will also include a comprehensive review of existing policies and programs to determine if there are any gaps to be addressed, or programs that could be considered for inclusion in the Housing Element to better meet community housing goals and to verify that all new legislative requirements are being addressed and are integrated into the Housing Element update.

In recent years, the State has adopted a significant amount of new housing-related legislation, which will influence and shape the current Housing Element Update. These include but are not limited to the following:

- Housing Crisis Act (SB 330) - Makes changes to land use and zoning law to encourage housing production, by, among other things, limiting the scope of local review of qualifying housing projects to objective standards only, limiting the number of public hearings for projects, and shortening review timeframes.
- Adequate Housing Element Sites (AB 1397) - Strengthens local governments' obligation to identify a supply of adequate sites available to meet their share of regional housing needs at all income levels, and make those sites available early in the housing element planning period with access to public infrastructure.
- No-Net-Loss (SB 166) - Requires jurisdictions to maintain adequate sites to continuously accommodate its remaining regional housing needs allocation throughout the housing element planning period.

An initial analysis of the existing programs indicate that some modifications or additions to our current goals and policies will be required to reflect changes in State law and provide more specificity in terms of City actions. Modified or new program actions that will need to be addressed in the Housing Element will include the following:

- **Facilitation of Accessory Dwelling Unit production and monitoring** – New legislation (AB 68, AB 881, SB 13, AB 587, AB 670, AB 671) requires Cities to promote the development of ADUs and establish streamlined approval processes for ADU applications. As future ADU development is proposed as a strategy to accommodate RHNA, the City must establish specific actions to facilitate development over the next eight years.
- **Farmworker and Employee Housing** – California Health and Safety Code Sections 17021.5 and 17021.6 require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds.
- **Senate Bill 35 Streamlining Procedures** - Streamlines multifamily housing project approvals, at the request of a developer, in a city that fails to issue building permits for its share of the regional housing need by income category. In an SB 35 City, approval of a qualifying housing development on qualifying site is a ministerial act, without CEQA review or public hearings.

- **Safety Element Update and Environmental Justice Policies** – SB 1035 requires that the City revise the Safety Element to identify flood hazards and address the risk of fire hazards in certain lands upon each revision of the Housing Element. SB 1000 requires that the City incorporate environmental justice policies within the General Plan.
- **Density Bonus Ordinance Update** – AB 2753 requires local governments to provide determinations to developers regarding the amount of density bonus for which a development is eligible, all reductions in parking requirements for which the applicant is eligible and whether the applicant has provided adequate information for the local government to make a determination regarding any requested incentives, concessions, waivers or reductions in required parking. AB 2372 authorizes cities or counties to grant a developer of an eligible housing development under the State Density Bonus Law a floor area ratio bonus in lieu of a bonus based on dwelling units per acre. Additionally, SB 1227 allows student housing projects where at least 20 percent of the units are affordable for lower income students to receive a 35 percent density bonus, as well as requires the development to provide priority to students experiencing homelessness.
- **Affirmatively Further Fair Housing** – AB 686 requires a public agency to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing and not take any action that is inconsistent with this obligation. Additionally, an assessment of fair housing practices must now be included in upcoming housing elements.
- **Low-Barrier Navigation Center** – AB 101 requires local governments to provide “by right,” CEQA-exempt approvals to certain qualifying navigation centers that move persons experiencing homelessness into permanent housing, as well as creates additional incentives for cities to comply with their mandates to plan for sufficient housing under Housing Element law.

## NEXT STEPS

As noted, the creation of the sites inventory is an important initial step in the Housing Element process. Following this meeting, staff and the consultant team will continue to develop and refine the analysis of existing sites and solidify the existing capacity that can be used to address our RHNA.

Staff also notes that in addition to working on reviewing the sites inventory and goals and policies, staff and the consultant team are continuing to advance other components of the Housing Element. These include:

- Conclusion and summary of input from the initial on-line community survey. The survey will continue to be posted through Friday, June 10<sup>th</sup> and staff encourages everyone who wished to participate to please visit [https://brentwood.info/housing\\_element\\_survey](https://brentwood.info/housing_element_survey). As of Friday May 27<sup>th</sup>, there have been 459 submissions of the Community Survey.
- Completion of the Public Review Draft of the 2023-2031 Housing Element Update that will address all of the mandatory informational requirements and analyses supporting the Housing Element, including findings of the required housing needs assessment; analysis of constraints to housing; and evaluation of existing Housing Element policies and programs. This draft report is anticipated to be published and presented to the City Council and Planning Commission in July ahead of submission to California Department of Housing and Community Development (HCD).

**CONCLUSION**

Staff is recommending that the City Council and Planning Commission review, discuss, and receive public comments on the Housing Element Update RHNA sites strategies, and implications of new State legislation on the City's policies and programs. No direction or action is being requested as part of this workshop.



## C.4 City Council Meeting

This section contains all materials created for the July 21, 2022, City Council meeting. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat. A recording of the meeting is available in both English and Spanish on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.



**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\***  
**UPDATED APRIL 21, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this City Council meeting will be held exclusively via teleconference, using the Zoom video conferencing system. At this time, public participation will be available exclusively via telephone or teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the City Council meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council) using any of the following methods:

1. **Zoom:** [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc) or **Zoom Webinar ID:** 760 1397 0037

Phone Numbers:

**Dial (for higher quality, dial a number based on your current location):**

**US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free)**

As the City Council Chamber will not be open to the public, individuals may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the “Raise Hand” feature on Zoom to request to speak. The meeting host will call on you, by name, and enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) or 925.516.5182.)*

The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas’ link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)

2. **Telephone**

If you wish to comment during the meeting via telephone, you may “raise your hand” virtually on most devices by pressing \*9, and you will be called upon when it is your time to speak. After speaking, please press \*9 again to remove the “raise your hand” feature. If that feature does not work on your device, please email [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line “Request to Speak – Agenda Item #” and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

3. **E-mail**

Public comments can also be submitted via e-mail to [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:

- § distributed to the Council via email before the meeting,
- § posted online for public inspection at <https://www.brentwoodca.gov/councilmeetingonline>, and
- § later summarized in the meeting minutes.

**Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the City Council, posted online within one day following the**

**meeting, and will be summarized in the meeting minutes.** The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based options listed above, the City Council will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the City Council receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 3:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

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Pursuant to Section 54956 of the California Government Code,  
a special meeting of the City Council is hereby called for  
**JULY 21, 2022, at 6:00 p.m.** or as soon thereafter as possible.

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**Following the staff presentation of the agenda item, and before direction is provided, public comment will be taken.**

**CALL TO ORDER/ROLL CALL:** A special meeting of the City Council

- A. Housing Element Update - Introduction of and direction to staff regarding the analysis of existing residential zoning capacity within the City including review of a list of potential sites under consideration for inclusion in the Housing Element Sites Inventory for the 2023-2031 (6th Cycle) Housing Element Update, as well as an evaluation of site inventory and affordability assumption strategies to address the City's Regional Housing Need Allocation (RHNA). (Alexis Morris/Jennifer Hagen)

## **ADJOURNMENT**

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### POSTING STATEMENT

On July 7, 2022, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## MEMORANDUM

**DATE:** July 6, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Hagen, Senior Planner  
Alexis Morris, Community Development Director

**SUBJECT:** July 21, 2022 Housing Element Workshop Executive Summary

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### Workshop Objectives

At the July 21, 2022 Workshop, staff is requesting the City Council's input and direction on the list of sites to be carried forward for analysis in the Housing Element Update. The workshop is intended to accomplish the following objectives:

1. Present the initial framework for the site inventory, including HCD accepted assumptions and principles that may be used to develop the inventory.
2. Introduce the analysis of existing residential zoning capacity within the city, including the preliminary site list from which the site inventory will be compiled, and evaluation of the number of units for which additional sites may be needed to address the City's RHNA utilizing three different strategies that include varying affordability assumptions and ADU projection assumptions.
3. Receive direction from the City Council on which Site Inventory Strategy, as described in the Site Inventory and Affordability Assumption Strategies section of this report, to move forward with when preparing affordability projections and the Draft Housing Element Update.

### Developing the Site Inventory

The attached staff report provides background information on the framework for the site inventory, including HCD accepted assumptions and principles as outlined in the HCD Site Inventory Guidebook, which is attached for reference.

To move forward in the planning process in drafting the Housing Element Update, it is imperative that the City Council provide direction on which strategies should be used in forming baseline site inventory and affordability assumptions. Important things to consider when selecting the baseline site inventory strategy are:

1. Planning for vs. constructing housing: The City is not required to build housing, but is required to plan for sufficient housing to meet its regional housing need. All of the strategies summarized below utilize the City's existing General Plan designations and do not require any changes to the General Plan.

2. Importance of a buffer and “no net loss” requirements: Each time the City approves a project on a site listed in the housing element, it must compare the project with both the number of units shown in the housing element and the projected income level. If either the project has fewer units than shown in the housing element, or the units are developed at a different income level, the City must demonstrate that it still has enough properly zoned sites to meet the RHNA at all income levels. If there are not enough properly zoned sites in the inventory, the City must identify and make available additional sites within 180 days, which may require rezoning.
3. Penalties for not constructing all units assigned by the RHNA: If fewer units are built in the City than included in the City’s RHNA, at present the only consequence is that developers may submit applications under SB 35, which is described in further detail in the report.
4. Penalties for not having a Housing Element Approved by HCD: Cities with non-compliant Housing Elements may be referred by HCD to the Attorney General or may be sued by private parties. Certain state housing funds also require that the City have a housing element approved by HCD. If a court agrees that the housing element does not comply with state law, the court may restrict the City’s ability to approve certain projects or order the City to approve certain projects, and the City would likely be required to pay attorney’s fees to the successful plaintiffs.

The attached staff report includes a draft site inventory table and map for reference that shows existing vacant/underutilized residential parcels, their buildable acreage, zoning and land use designations, and allowable and mid-range densities.

There are also three potential strategies identified that would allow the City to move forward with the provided draft site inventory that would not require any rezoning of sites within the City at this time. Staff has provided analysis of each strategy that includes a description of the scenario’s affordability assumptions, the buffer each strategy would provide, the likelihood of HCD acceptance, the likelihood of requiring no net loss, and CEQA implications. The strategies provided are only a sample of the strategies and assumptions that could be utilized to address the City’s RHNA. There will be an opportunity at June 21<sup>st</sup> workshop to use in real time, a model to make affordability and site assumption adjustments as necessary. A summary of each of the three identified strategies are included on the following page.

	Strategy 1	Strategy 2	Strategy 3
<b>Description</b>	No Rezoning Required, Reduced Affordability with Increased ADU Assumptions	No Rezoning Required, HCD Approved Methodology	No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions
<b>HCD-supported</b>	No	Yes	Yes
<b>Affordability Assumptions*</b>	21% Low and Very Low, and 6% Moderate	100% Low and Very Low, and 100% Moderate	30% Low and Very Low, and 10% Moderate
<b>Affordable Unit Potential</b>	VL/L: 635 units Mod: 264 units AMod: 4,183 units Total: 5,082 units	VL/L: 2,321 units Mod: 851 units AMod: 1,775 units Total: 4,947 units	VL/L: 755 units Mod: 347 units AMod: 1,405 units Total: 4,947 units
<b>Buffer</b>	0% Low/Very Low, 7% Moderate-, and 553% Above Moderate	266% Low/Very Low, 245% Moderate-, and 177% Above Moderate	19% Low/Very Low, 40% Moderate-, and 500% Above Moderate
<b>No Not Loss Implications</b>	Highly likely to trigger no net loss	Least likely to trigger no net loss	More likely than Strategy 2 to trigger no net loss
*Affordability assumptions are based on the site inventory with the assumption that sites that allow 30 du/ac (default density) or more can accommodate capacity for lower-income units and sites that allow 15 to 25 du/ac can accommodate capacity for moderate-income units.			

### 5<sup>th</sup> Cycle Housing Element Sites

Lastly, for reference purposes, staff has included the adopted 2015 5<sup>th</sup> Cycle Housing Element Sites Inventory, broken down between multi-family and single-family residential parcels. Staff has included columns that indicate their buildable acreage, zoning and land use designations, the stated capacity in the previous inventory, whether the sites were developed during the planning period, how many units were developed, whether the site is recommended to be carried over into the current cycle, and if not carried over, why. It should be noted that staff is not recommending to carry over any sites that do not yield a minimum of 10 units.



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## CITY COUNCIL WORKSHOP AGENDA ITEM A

**Meeting Date:** July 21, 2022

**Subject Title:** Housing Element Update - Introduction on the analysis of existing residential zoning capacity within the city including review of a list of potential sites under consideration for inclusion in the Housing Element Site Inventory for the 2023-2031 (6th Cycle) Housing Element Update, as well as an evaluation of Site Inventory and affordability assumption strategies needed to address the City's Regional Housing Need Allocation (RHNA).

**Prepared By:** Jennifer Hagen, Senior Planner

**Submitted By:** Alexis Morris, Community Development Director  
Erik Nolthenius, Planning Manager

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### **PURPOSE AND RECOMMENDATION**

Work is proceeding on the 2023-2031 (6th Cycle) Housing Element Update, which among other components, will include an updated inventory of sites that can accommodate the City's Regional Housing Need Allocation (RHNA). As a starting point for creating the Housing Element Updated Site Inventory, staff has identified a list of sites that under the existing General Plan and Zoning designations allow for residential development at various densities. Staff has provided a map (Attachment 4) and list identifying each site (Attachment 3), as well as a calculation of the estimated yield of units for each based on the mid-point density allowed in each Zoning District or General Plan designation.

#### Workshop Objectives

At tonight's workshop, staff requests the City Council's input and direction on the list of sites to be carried forward for analysis in the Housing Element Update. This workshop is intended to accomplish the following objectives:

1. Present the initial framework for the site inventory, including HCD accepted assumptions and principles that may be used to develop the inventory.
2. Introduce the analysis of existing residential zoning capacity within the city including the preliminary site list from which the site inventory will be compiled, and evaluation of the number of units for which additional sites may be needed to address the City's RHNA utilizing three different strategies that include varying affordability assumptions and ADU projection assumptions.
3. Receive direction from the City Council on which Site Inventory Strategy, as described in the Site Inventory and Affordability Assumption Strategies section of this report, to move forward with when preparing affordability projections and the Draft Housing Element Update.

## **PREVIOUS ACTION**

The City Council authorized execution of an agreement for consulting services with Kimley-Horn to assist with preparation of the 2023-2031 (6<sup>th</sup> RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

On June 1, 2022, staff presented an update on the Housing Element Update including Regional Housing Needs Allocation (RHNA) site strategies, and implications of new State legislation on the City's policies and programs. The City Council directed staff to return with a draft site inventory when available for review.

## **BACKGROUND**

The Housing Element is part of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs, including proposed actions to facilitate the provision of housing to meet those needs at all income levels. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023, to address the 2023-2031 planning period<sup>1</sup>.

### 6<sup>th</sup> Cycle RHNA

As has been previously outlined to the City Council, the City has been assigned a 6th Cycle RHNA of 1,522 housing units at various levels of affordability. As a key component of the updated Housing Element, the City must document, through a detailed, parcel-specific inventory, that there are sufficient sites available today to accommodate the entirety of its RHNA. If the City does not have enough adequate sites identified and currently zoned to accommodate the assigned RHNA, additional sites will need to be identified and ultimately rezoned.

The adequacy of the site inventory will be evaluated by the State Department of Housing and Community Development (HCD). Although HCD will review the entire inventory, it pays particular attention to sites identified to accommodate the City's lower-income RHNA, based on criteria intended to show the various sites' realistic capacity to develop during the eight-year planning period of the Housing Element.

### Ramifications of Failure to Meet RHNA

At present, there is no requirement that enough homes be constructed in a city or county to meet the community's RHNA. If fewer units are built in the City than included in the City's RHNA, at present the only consequence is that developers may submit applications under SB 35. SB 35 allows developers to submit housing developments meeting certain requirements, including specified percentages of affordable housing and payment of prevailing wages, if fewer units are being constructed in the city to meet its above moderate, very low, or low-income RHNA requirements. Projects eligible for SB 35 must be approved ministerially without CEQA review under strict timelines. In the current 5<sup>th</sup> cycle, most jurisdictions in California, including Brentwood, are subject to SB 35. Brentwood must streamline projects that apply for SB 35 approval, set aside at least 50% of units for lower-income residents, and meet all of the other requirements. To date, no such project has been submitted to the City.

HCD has also formed the Housing Accountability Unit (HAU) to investigate violations of housing laws and may refer violators to the Attorney General. HCD has emphasized that it expects cities

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<sup>1</sup> It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for our jurisdiction, there is a 120-day grace period that is allowed in order to gain compliance with HCD



to implement the programs included in their housing elements. To date, its emphasis has been on programs that propose changes in zoning.

## **FRAMEWORK CONSIDERATIONS FOR DEVELOPING THE SITES INVENTORY**

The following outlines some of the key assumptions and “building blocks” that provide the framework for developing the sites inventory that are both acceptable to HCD and were used to develop the analysis presented to the City Council on June 1<sup>st</sup>.

### Zoning Capacity and Density Assumptions for Initial Inventory

City staff and the consultant team have evaluated the City’s residential land inventory (i.e. sites zoned for residential use “today” with capacity to accommodate additional development) starting with a review of the adopted 2015 (5<sup>th</sup> Cycle) Housing Element Site Inventory which is included in Attachment 6a and 6b for reference. In addition to the existing capacity, staff and the consultant team also reviewed the “pipeline” of residential projects already entitled in the coming one- to two- year period and Accessory Dwelling Unit projections (ADU projections are described in greater detail further in the report). This comprehensive list of sites with associated map are included as Attachment 3 and 4, and together, constitute a baseline of properties that can potentially accommodate at least a portion of the City’s RHNA. A map of the City showing all properties that have general plan designations that allow for residential development has been included for reference as Attachment 2. It should be noted that the PA-1 Specific Plan, Brentwood Boulevard Specific Plan, and Downtown Specific Plan have multiple areas which allow for residential and mixed use development under the various designations, but only have one General Plan designation for the entire specific plan area; therefore, the General Plan map does not depict all of the residential sites allowed under the specific plans.

### “No Net Loss” Law and Housing Buffer

HCD recommends identifying sites with zoning capacity sufficient to provide between 15 and 30 percent more units than the identified lower income RHNA, often called the housing “buffer”<sup>2</sup>. This is to ensure that the City has enough properly zoned sites throughout the eight-year planning period. Under a provision of state law called the “no net loss” law, each time the City approves a project on a site listed in the housing element, it must compare the project with both the number of units shown in the housing element and the projected income level. If either the project has fewer units than shown in the housing element, or they are developed at a different income level, the City must demonstrate that it still has enough properly zoned sites to meet the RHNA at all income levels. For instance, if a site is identified as suitable for 100 lower income units, but a project is proposed with 100 units but only 10 lower income units, then the City must show that it still has enough properly zoned sites to accommodate its lower income RHNA. If there are not enough properly zoned sites in the inventory, the City must identify and make available additional sites within 180 days, which may require rezoning. A buffer is particularly important for sites shown as suitable for lower income housing.

### General Plan Consistency

In addition to including a buffer, staff recommends maintaining consistency with the General Plan to estimate potential unit capacity for the sites, using an “average or mid-point” density for all sites. Alternatively, the City could require a minimum density on each site and use that to calculate realistic capacity<sup>3</sup>. The mid-point assumption can be supported by the General Plan and past project approvals (development at or above the mid-point density).

Based on guidance provided by HCD for higher-density housing sites, the inventory needs to reflect a realistic capacity that takes account aspects like physical constraints, necessary on-site infrastructure and circulation, parking, and development standards like height and setback requirements. Using an average or mid-point density for high-density sites will help to align the

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<sup>2</sup> Page 22 of the HCD Sites Inventory Guidebook included as Attachment 1

<sup>3</sup> Page 19 of HCD Sites Inventory Guidebook included as an Attachment 1

initial inventory with these realistic capacity assumptions going forward, and not be overly aggressive in the assumed capacity for particular sites.

#### Default Densities and Capacity Assumptions by Affordability Level

The inventory process requires the City to identify the density ranges at which each site will be developed. As discussed previously, staff has recommended using an “average or mid-point” density for all sites, including low, medium and high-density ranges to not be overly aggressive.

With respect to the various income categories for which the inventory must show adequate capacity, State law provides for a “default density<sup>4</sup>” which is a zoning density which can be assumed to be suitable to yield the potential capacity for lower-income housing units. In Brentwood, the default density for units to be projected as lower-income units in the inventory is 30 dwelling units per acre (du/ac). There is no default density for moderate-income units, but districts allowing less than 30 du/ac, in the range of 15 to 25 du/ac, may be appropriate. Although not explicitly stated by HCD, based on past performance and peer city assumptions, the City is making the informed assumption that sites zoned at less than 30 du/ac, in the range of 15 to 25 du/ac, have the potential to accommodate capacity for moderate-income units.

Per HCD guidelines (Attachment 1), the City may project all units in the inventory that allow 30 du/ac (default density) or more as affordable for lower-income. Any site designated to accommodate lower income housing must also be between 0.5 acres – 10 acres and be projected to accommodate at least 16 units. The City has three land use designations that can accommodate residential development at this default density that would qualify for lower-income development including the R-VHD and two designations within the Innovation Center Specific Plan (PA-1), (Transit Village/Mixed-Use and Multi-Family Very High Residential).

As discussed later in this report, depending on the assumptions made, the majority of the lower-income RHNA could be addressed within PA-1 using HCD’s recommendations, as well as a significant proportion of above-moderate units on other existing higher density housing sites, without requiring any rezoning. It is a policy decision for the City Council as to how to best allocate affordability assumptions for sites at various densities in various locations.

#### **ANALYSIS OF EXISTING ZONING CAPACITY**

The following outlines the City’s RHNA, the components that make up the current sites inventory, and how the projected shortfall is calculated.

#### 6<sup>th</sup> Cycle RHNA

Table 1 summarizes the 6<sup>th</sup> Cycle RHNA for the City of Brentwood. The RHNA is distributed among the following income categories, each of which represent relative affordability to households as a proportion of the Countywide Area Median Income (AMI).

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<sup>4</sup> Sometimes called “Mullin densities” after the author of AB 2348, Statutes of 2004, which originated these requirements.

<b>Table 1: RHNA Allocation Breakdown</b>		
<b>Income Category</b>	<b>Percentage of Area Median Income</b>	<b>Brentwood RHNA</b>
<b>Extremely Low Income (ELI)*</b>	<30%	402
<b>Very Low Income (VLI)*</b>	31-50%	
<b>Low Income (LI)</b>	51-80%	232
<b>Moderate Income (MI)</b>	81-120%	247
<b>Above-Moderate Income (AMI)</b>	>120%	641
<b>Total</b>		<b>1,522 Units</b>

Analysis of Existing/Baseline Zoning Capacity

In order to provide a comprehensive analysis of the City’s existing zoning capacity, staff has utilized the following components to address the City’s 6<sup>th</sup> Cycle RHNA, discussed in further detail below.

*Existing Residential Zoning*

This includes parcels zoned for residential uses with capacity to add new housing units within the City’s single-family and multi-family residential zoning districts. Although all vacant or underutilized parcels that currently maintain zoning or general plan designations that allow residential development may be included within the inventory, staff recommends that the focus be on sites that can accommodate the largest amount of below market rate housing at the highest densities. Therefore, not all residentially zoned sites will need to be listed on the final inventory. A map of all parcels with a general plan designation that allows for residential development (excluding PA-1 and Specific Plan areas as noted above) is included for reference.

*Capacity in Existing Specific Plans*

This includes vacant or underutilized parcels within the PA-1 Specific Plan<sup>5</sup> that allow for residential development with capacity to add new housing units.

*Pipeline Projects*

Pipeline Projects are defined as residential projects already entitled, under review, or expected to be entitled during the eight year planning period, including projects under construction but which would not have building permits finalized by June 30, 2022.<sup>6</sup> This includes new proposed projects to be approved under the City’s revised Affordable Housing Ordinance. Although HCD allows Pipeline Projects to include projects currently under review, staff has only included entitled projects that have received City approval.

*ADU Production*

HCD has issued a determination to allow local jurisdictions to “count” ADU production as a component of the sites inventory based on a formula that considers the average annual number of ADU permits issued in the City over the last three years, multiplied over the Housing Element’s eight-year planning period. In 2019 the City issued nine permits, in 2020 the City issued 20 permits, and in 2021 the City issued 16. In the first six months of 2022, the City has only issued 2 new ADU permits. Since the City has not been able to show that there is currently an upward trend in ADU production, the average from 2019, 2020, and 2021 would need to be

<sup>5</sup> Estimated capacity within PA-1 is based on draft revisions that the Planning Commission recommended for City Council approval on June 21, 2022, which will be reviewed by the City Council in July 2022.

<sup>6</sup> The Housing Element 6<sup>th</sup> RHNA Cycle reporting period technically begins on July 1, 2022, meaning that units for which building permits are finalized (i.e., approved for occupancy) on or after this date, can be included in the 2023-2031 inventory.

used for future projections. This would allow the City to project 15 ADU's per year over the next eight years for a total of 135 new units. Kimley-Horn strongly recommends this approach to projection – more aggressive projection approaches attempted by other cities Kimley-Horn has worked with have not been approved by HCD.

As stated in the report previously presented to the City Council on June 1<sup>st</sup>, ABAG has prepared a preliminary ADU Affordability Report, currently under review by HCD, intended as a basis to allocate ADU production into the various RHNA affordability categories. If HCD accepts the report's analysis, ADU's would be permitted to be counted at the following income levels: 30% Very Low Income, 30% Low Income, 30% Moderate Income, and 10% Above Moderate Income. Follow-up or verification of affordability levels would not be required if utilizing these accepted income levels. Utilizing these assumptions, the City would be able to count the following ADU production shown in Table 2.

<b>Income Category</b>	<b>ABAG Affordability Assumptions</b>	<b>Projected ADU Production</b>
<b>Very Low Income (VLI)</b>	30%	40
<b>Low Income (LI)</b>	30%	41
<b>Moderate Income (MI)</b>	30%	40
<b>Above-Moderate Income (AMI)</b>	10%	14
<b>Total</b>		<b>135 Units</b>

These assumptions can potentially be adjusted if the City Council wants to consider including strong policies and programs to encourage the development of ADUs. Discussion of how the numbers may be adjusted and what types of programs may be considered are discussed further in the Site Inventory and Affordability Assumption Strategies section of the report.

Together, existing residentially-zoned properties, pipeline projects, and ADUs constitute a baseline of zoned capacity that can accommodate the City's RHNA. The difference between this number, and the RHNA in each category, represents the remaining need in each category. Table 3 below summarizes the results of staff's initial evaluation of pipeline projects and ADU production assumptions. The table also includes the total existing residential development capacity; however, the capacity has not been assigned affordability assumptions until further direction is provided as discussed in the Site Inventory and Affordability Assumption Strategies section of the report. Notably, the unit numbers presented in the following tables represent calculated capacity within the City's existing General Plan and zoning designations, rather than a specific obligation to meet a portion of the City's RHNA on specific sites.

<b>Table 3: Summary of Preliminary Capacity Analysis of RHNA and Site Strategies</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total Units</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>RHNA Strategies Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	--		--	--	2,222
Vacant Residential Land	--		--	--	1,622
<b>Total Unit Potential</b>	<b>82</b>		<b>41</b>	<b>980</b>	<b>4,947</b>
Buffer/Gap	<b>-87%</b>		<b>-83.5%</b>	153%	319%

### **IMPACTS OF THE AFFORDABLE HOUSING ORDINANCE**

At the June 1, 2022 Joint Workshop, concerns were also raised questioning whether the City could include projected affordable units that may be gained from low density housing developments as part of the City’s updated Affordable Housing Ordinance. While it may seem counterintuitive, HCD does not permit affordable units required through the City’s Affordable Housing Ordinance to be counted as “projected” units in the Sites Inventory unless they are proposed or approved as part of a specific housing development. These units are; however, able to be counted toward the City’s RHNA once a project is approved by the City. According to HCD’s *Housing Element Site Inventory Guidebook* (2020) (Attachment 1):

The analysis of ‘appropriate zoning’ should not include residential buildout projections resulting from the implementation of a jurisdiction’s inclusionary program or potential increase in density due to a density bonus, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households.

There are currently approximately 10 residential developments under review with a total of 633 units currently proposed. If all of these projects were approved as currently proposed, the City would gain an additional 15 low- and very-low income units and 39 moderate income units. As noted above, although these projects are currently under review and are eligible to be included as Pipeline Projects, staff has only included entitled projects that have received City approval as Pipeline Projects.

On June 21, 2022, the Planning Commission recommended changes to the City’s Affordable Housing Ordinance to require a 13% affordable housing obligation for ownership and rental projects (3% Very Low / 4% Low / 6% Moderate). They also recommended changes to limit the option to pay a fee in lieu of constructing the required units to residential developments of 5-9 units, and removing the in lieu payment option for single-family residential development of 10 or more units. The proposed changes are tentatively scheduled to be presented to the City Council on July 12, 2022 for review and adoption.

## SITE INVENTORY AND AFFORDABILITY ASSUMPTION STRATEGIES

On June 1, 2022, staff presented the City Council and Planning Commission with an update on the Housing Element Update process, a description of the sites strategies, and a preliminary analysis that showed that the City has enough sites to meet the City’s RHNA obligation without having to rezone any parcels. This is a highly unusual position for communities in the sixth housing element cycle. Because the RHNA for most communities has increased significantly compared with the fifth cycle, most need to rezone substantial areas at higher densities. For instance, the total sixth cycle RHNA for Marin County is five times as large as in the fifth cycle.

The City Council reviewed the preliminary site strategies including initial assumptions and directed staff to return with a more detailed report on the sites inventory including a comprehensive draft sites inventory of every parcel when available for review. At this meeting, specific concerns were also raised regarding staff’s initial recommendation to assume that sites meeting the minimum default density of 30 du/ac be assumed to include 30% low income units and 10% moderate income units. Based on this feedback, staff has provided a comprehensive list of sites under consideration to be included in the draft sites inventory (attached for reference) and has three strategies for the City Council’s review and consideration. All three strategies include the same baseline for pipeline projects and existing residential inventory parcels, however, each will provide different affordability assumptions, and one with different ADU projections.

The strategies provided are only a sample of the strategies and assumptions that could be utilized to address the City’s RHNA. There will be an opportunity at June 21<sup>st</sup> workshop to use in real time, a model to make affordability and site assumption adjustments as necessary. A summary of the three identified strategies are included in Attachment 5 and below in Table 4 followed by a detailed discussion of each.

	<b>Strategy 1</b>	<b>Strategy 2</b>	<b>Strategy 3</b>
<b>Description</b>	No Rezoning Required, Reduced Affordability with Increased ADU Assumptions	No Rezoning Required, HCD Approved Methodology	No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions
<b>HCD-supported</b>	No	Yes	Yes
<b>Affordability Assumptions*</b>	21% Low and Very Low, and 6% Moderate	100% Low and Very Low, and 100% Moderate	30% Low and Very Low, and 10% Moderate
<b>Affordable Unit Potential</b>	VL/L: 635 units Mod: 264 units AMod: 4,183 units Total: 5,082 units	VL/L: 2,321 units Mod: 851 units AMod: 1,775 units Total: 4,947 units	VL/L: 755 units Mod: 347 units AMod: 1,405 units Total: 4,947 units
<b>Buffer</b>	0% Low/Very Low, 7% Moderate-, and 553% Above Moderate	266% Low/Very Low, 245% Moderate-, and 177% Above Moderate	19% Low/Very Low, 40% Moderate-, and 500% Above Moderate
<b>No Not Loss Implications</b>	Highly likely to trigger no net loss	Least likely to trigger no net loss	More likely than Strategy 2 to trigger no net loss
*Affordability assumptions are based on the sites inventory with the assumption that sites that allow 30 du/ac (default density) or more can accommodate capacity for lower-income units and sites that allow 15 to 25 du/ac can accommodate capacity for moderate-income units.			

Only strategies 2 and 3 of the aforementioned options currently create the capacity necessary to meet RHNA with a buffer consistent with HCD recommendations. Strategy 1 is presented to illustrate what the inventory may look like using affordability assumptions that are more conservative and more closely track the proposed Affordable Housing Ordinance (3%, 4%, 6%), and other strategies by which Brentwood can pursue meeting the RHNA obligation, although additional adjustments would be required. Strategy 1 is not recommended due to its reliance on ADU's, a strategy HCD has repeatedly disapproved. Table 5 below summarizes the affordability assumptions under each strategy followed by a more detailed analysis of each strategy.

<b>Table 5: Affordability and Default Densities by General Plan Designation</b>				
<b>Density Category</b>	<b>Density Range</b>	<b>Income Level Potentially Accommodated in Inventory</b>		
		Above-Mod.	Mod.	Low
<b>Strategy 1 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	70%	6%	
Very High Density	> 30 du/ac	60%	6%	21%
<b>Strategy 2 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	0%	100%	
Very High Density	> 30 du/ac	0%	0%	100%
<b>Strategy 3 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	70%	30%	
Very High Density	> 30 du/ac	60%	10%	30%

**Strategy 1: Reduced Affordability with Increased ADU Assumptions**

*ADU Assumptions*

As indicated in the report, HCD allows ADU projections based on previous production averages projected over the next 8-year cycle. In order to increase these assumptions, the City would be required to include additional incentives, documented in new programs that could facilitate the added production. Additional programs that could be included to incentivize additional ADU production could include the following:

- programs to waive ADU plan check and permit fees;
- pre-approved ADU plans to streamline the project application and review process and reduce upfront project costs;
- promotion of ADUs through handouts, simplified application forms; and
- exploration of a program to provide ADU funding assistance to homeowners that provide affordability covenants.

In addition to these programs, the City would be required to document and clearly justify to HCD how and why the City believes that these programs would work as well as creating a monitoring program to track ADU and JADU creation and affordability levels throughout the planning period. The program would require the City to monitor the development of accessory units at all

income levels and track progress annually. If ADUs are not approved and permitted at the rate anticipated in the City’s increased projections, the City would need to adopt additional incentives within 2 years of the original incentives, and every two years subsequent, until ADU construction matches ADU projections.

Staff has reviewed the City’s current Municipal Code regulations, residential development trends, and overall characteristics of residential properties within the city and does not believe that with added programs and an increased effort to highly encourage and incentivize ADU production throughout the city that there is additional realistic capacity and believes that doubling the current projections to a total of 30 ADUs per year would be rejected by HCD. Although strategies similar to this have been approved in limited capacity within California, in those cases analysis and growth trends were typically provided to show a growing trend in production right up to adoption of the Housing Element. Since Brentwood is unable to show any substantial growth in production in the past six months to a year, adequate justification is not likely in this case. If increased assumptions were to still be considered, possible revised ADU production and assumptions are shown below in Table 6.

<b>Table 6: Summary of Projected ADU Production by Affordability</b>			
<b>Income Category</b>	<b>ABAG Affordability Assumptions</b>	<b>Original ADU Productions</b>	<b>Increased ADU Productions</b>
<b>Very Low Income (VLI)</b>	30%	40	80
<b>Low Income (LI)</b>	30%	41	82
<b>Moderate Income (MI)</b>	30%	40	80
<b>Above-Moderate Income (AMI)</b>	10%	14	28
<b>Total</b>		135 Units	270 Units

*High and Very High Density Affordability Assumptions*

In addition to higher ADU projections, Strategy 1 includes assumptions of 27% affordable units (9% very low-, 12% low-, and 6% moderate-income units) on all sites meeting the minimum default density of 30 du/ac. This assumption would be above what is required as part of the City’s Affordable Housing Ordinance, but would provide more conservative estimates and be more closely aligned with the City’s RHNA requirements. However, in this scenario the City would be most likely to need to modify affordability assumptions, or upzone additional sites during the planning period because the remaining undeveloped sites would be projected to provide few affordable units.

Table 7 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 1 capacity assumptions. Strategy 1 would result in the following projected capacity which would include a zero percent buffer in the lower income category:



<b>Table 7: Summary of Strategy 1 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 1 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	162	81	81	27	270
<b>Remaining Need</b>	<b>471</b>	<b>166</b>	<b>166</b>	<b>--</b>	<b>314</b>
PA-1 (Innovation Center)	377	133	133	1,712	2,222
Vacant Residential Land	94	50	50	1,478	1,622
<b>Total Unit Potential</b>	<b>635</b>	<b>264</b>	<b>264</b>	<b>4,183</b>	<b>5,082</b>
Units +/- and Buffer/Gap %	<b>1 unit, 0%</b>	<b>17 units, 7%</b>	<b>17 units, 7%</b>	<b>3,542 units, 553%</b>	<b>3,844 units, 227%</b>

*CEQA Implications under Strategy 1*

If Strategy 1 is chosen, no rezoning would be required and although affordability assumptions would be modified, all density assumptions would continue to be based on existing General Plan designations and therefore the Housing Element Update may be exempt from CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, similar to Strategy 1 and 2.

**Strategy 2: No Rezoning Required, HCD Approved Methodology**

Strategy 2 utilizes the preliminary analysis of RHNA and site strategies as presented in the HCD Guidebook. Based on HCD guidelines, the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing between 15-25 du/ac. Although utilizing this approach would require additional analysis and justification of the sites designated for lower income housing, this is the typical assumption that most communities in California have used. Utilizing this method would also provide the City with the largest buffer in the very low- and low-income categories.

Table 8 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 2 capacity assumptions. Strategy 2 would result in the following projected capacity which would include a large buffer in each income category:

<b>Table 8: Summary of Strategy 2 Capacity Analysis</b>					
	<b>Very Low- Income</b>	<b>Low- Income</b>	<b>Moderate- Income</b>	<b>Above Moderate- Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 2 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	80	41	41	14	135
<b>Remaining Need</b>	<b>552</b>	<b>206</b>	<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	1,793	429	429	0	2,222
Vacant Residential Land	446	381	381	795	1,622
<b>Total Unit Potential</b>	<b>2,321</b>	<b>851</b>	<b>851</b>	<b>1,775</b>	<b>4,947</b>
Units +/- and Buffer/Gap %	<b>1,687 units, 266%</b>	<b>604 units, 245%</b>	<b>604 units, 245%</b>	<b>1,134 units, 177%</b>	<b>3,844 units, 219%</b>

Strategy 2 could also be proposed with fewer sites and a smaller buffer, although this would be more likely to trigger no net loss. If that occurred, however, the City would be able to make a finding that additional properly zoned sites are available in the City.

#### *CEQA Implications under Strategy 2*

If Strategy 2 is chosen, no rezoning would be required and all density assumptions would be based on existing General Plan designations; therefore, the Housing Element Update would be exempt from CEQA review, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. However, HCD may require that other programs be included that could require additional CEQA review.

#### **Strategy 3: No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions**

Strategy 3 utilizes the preliminary analysis of RHNA and sites strategies as presented in the initial sections of this report. As stated above, based on HCD guidelines the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing up to 20 du/ac. However, a more conservative assumption would project 30% low-income affordability and 10% moderate-income affordability for very high-density sites and 30% moderate-income affordability for high-density sites. Since not all sites are likely to develop at even this level of affordability, the City would need to carefully monitor development to ensure that it retains adequate sites at all times for the lower and moderate income categories. Because each site would be projected to have fewer affordable units, the City would be more likely to need to modify assumptions or up zone additional sites later in the planning period. A 100% affordable housing development would greatly assist in meeting the City's RHNA.

Table 9 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 3 capacity assumptions. Strategy 3 would result in the following projected capacity which would include a minimum 19% buffer in the lower income category:

<b>Table 9: Summary of Strategy 3 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 3 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	539		223	1,460	2,222
Vacant Residential Land	134		83	1,405	1,622
<b>Total Unit Potential</b>	<b>755</b>		<b>347</b>	<b>3,845</b>	<b>4,947</b>
Units +/- and Buffer/Gap %	<b>121 units, 19%</b>		<b>100 units, 40%</b>	<b>3,204 units, 500%</b>	<b>3,844 units, 219%</b>

#### *CEQA Implications under Strategy 3*

If Strategy 3 is chosen, no rezoning would be required and all density assumptions would be based on existing General Plan designations; therefore, the Housing Element Update would be exempt from CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. However, HCD may require that other programs be included that could require additional CEQA review.

#### **NEXT STEPS**

As noted, the creation of the site inventory is an important initial step in the Housing Element Update process. Following this meeting, staff and the consultant team will continue to develop and refine the analysis of existing sites and solidify the existing capacity that can be used to address the City's RHNA. Based on where staff and the consultant team currently are in the analysis, a revised schedule and timeline has been prepared for Strategies 1, 2, and 3. A summary of the revised schedule is included below.

<b>Task</b>	<b>Timeframe</b>
City Council Workshop	July 21, 2022
Publish Public Review Draft	August 2022
Joint City Council and Planning Commission Meeting – Public Review Draft	August 2022
Internally Review Community Input/Feedback and Make Revisions	Early September 2022
First HCD Submittal	Mid-September 2022
Response to HCD Comments and Revisions	Mid-December 2022
2 <sup>nd</sup> Submission of Draft Housing Element to HCD	February 2023
Response to HCD Comments and Revisions	April 2023
3 <sup>rd</sup> Submission of Draft Housing Element to HCD if needed	May 2023
HCD Letter of Substantial Compliance	May 2023
Adoption Public Hearings	May 2023

It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for our jurisdiction, there is a 120-day “grace period” that is allowed in order to gain compliance with HCD. Under Strategies 1, 2, or 3, Brentwood would be utilizing this 120-day grace period to gain certification.

Staff also notes that in addition to working on reviewing the site inventory and goals and policies, staff and the consultant team are continuing to advance other components of the Housing Element. These include:

- Summary of input from the initial on-line community survey. The survey concluded on Friday, June 10<sup>th</sup> and included a total of 526 responses. A comprehensive summary of the survey results will be presented to the City Council when available.
- Completion of the Public Review Draft of the 2023-2031 Housing Element Update that will address all of the mandatory informational requirements and analyses supporting the Housing Element, including findings of the required housing needs assessment; analysis of constraints to housing; and evaluation of existing Housing Element policies and programs. This draft report is anticipated to be published and presented to the City Council and Planning Commission in August ahead of submission to HCD.

## **CONCLUSION**

To move forward in the planning process in drafting the Housing Element Update, it is imperative that the City Council provide direction on which strategies should be used in forming baseline site inventory and affordability assumptions. Staff is recommending that the City Council review, discuss, and receive public comments on the Housing Element Update RHNA sites strategies and provide direction to staff on which of the above site strategies to move forward with in order to complete the public review draft of the Housing Element.

### **Attachments**

1. HCD Site Inventory Guidebook
2. Residential General Plan Map
3. Draft Site Inventory Excel Sheet
4. Draft Site Inventory Map
5. Strategy 1-3 Site Analysis Tables
6. 5<sup>th</sup> Cycle Housing Element Site Inventory Analysis
  - a. Multi-Family Sites
  - b. Single-Family Sites

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
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**June 10, 2020**

**MEMORANDUM FOR:** Planning Directors and Interested Parties

**FROM:** Megan Kirkeby, Acting Deputy Director  
Division of Housing Policy Development

**SUBJECT:** **Housing Element Site Inventory Guidebook  
Government Code Section 65583.2**

The housing element of the general plan must include an inventory of land suitable and available for residential development to meet the locality's regional housing need by income level. The purpose of this Guidebook is to assist jurisdictions and interested parties with the development of the site inventory analysis for the 6<sup>th</sup> Housing Element Planning Cycle and identify changes to the law as a result of Chapter 375, Statutes of 2017 (AB 1397), Chapter 958, Statutes of 2018 (AB 686), Chapter 664, Statutes of 2019 (AB 1486), and Chapter 667, Statutes of 2019 (SB 6). The Guidebook should be used in conjunction with the site inventory form developed by the California Department of Housing and Community Development (HCD). These laws introduced changes to the following components of the site inventory:

- Design and development of the site inventory (SB 6, 2019)
- Requirements in the site inventory table (AB 1397, 2017 AB 1486, 2019)
- Capacity calculation (AB 1397, 2017)
- Infrastructure requirements (AB 1397, 2017)
- Suitability of nonvacant sites (AB 1397, 2017)
- Size of site requirements (AB 1397, 2017)
- Locational requirements of identified sites (AB 686, 2018)
- Sites identified in previous housing elements (AB 1397, 2017)
- Nonvacant site replacement unit requirements (AB 1397, 2017)
- Rezone program requirements (AB 1397, 2017)

The workbook is divided into five components: (Part A) identification of sites; (Part B) sites to accommodate the lower income RHNA; (Part C) capacity analysis; (Part D) non-vacant sites; and (Part E) determination of adequate sites.

If you have any questions, or would like additional information or technical assistance, please contact the Division of Housing Policy Development at (916) 263-2911.

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## **BACKGROUND AND PURPOSE**

### **Housing Element Site Inventory Requirements**

Scarcity of land with adequately zoned capacity is a significant contributor to increased land prices and housing development costs. A lack of adequately zoned sites exacerbates the already significant deficit of housing affordable to lower income households. An effective housing element provides the necessary conditions for conserving, preserving and producing an adequate supply of housing affordable at a variety of income levels and provides a vehicle for establishing and updating housing and land-use strategies to reflect changing needs, resources, and conditions. Among other things, the housing element establishes a jurisdiction's strategy to plan for and facilitate the development of housing over the five-to-eight year planning period by providing an inventory of land adequately zoned or planned to be zoned for housing and programs to implement the strategy.

The purpose of the housing element's site inventory is to identify and analyze specific land (sites) that is available and suitable for residential development in order to determine the jurisdiction's capacity to accommodate residential development and reconcile that capacity with the jurisdiction's Regional Housing Need Allocation (RHNA). The available and suitable sites are referred to as "adequate sites" throughout this Guidebook. The site inventory enables the jurisdiction to determine whether there are sufficient adequate sites to accommodate the RHNA by income category. A site inventory and analysis will determine whether program actions must be adopted to "make sites available" with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

Sites are suitable for residential development if zoned appropriately and available for residential use during the planning period. If the inventory demonstrates that there are insufficient sites to accommodate the RHNA for each income category, the inventory must identify sites for rezoning to be included in a housing element program to identify and make available additional sites to accommodate those housing needs early within the planning period.

Other characteristics to consider when evaluating the appropriateness of sites include physical features (e.g., size and shape of the site, improvements currently on the site, slope instability or erosion, or environmental and pollution considerations), location (e.g., proximity to and access to infrastructure, transit, job centers, and public or community services), competitiveness for affordable housing funding (e.g., Low Income Housing Tax Credit scoring criteria), and likelihood or interest in development due to access to opportunities such as jobs and high performing schools<sup>1</sup>. When determining sites to include in the inventory to meet the lower income housing need, HCD recommends that a local government first identify development potential in high opportunity neighborhoods. This will assist the local government in meeting its requirements to affirmatively further fair housing and ensure developments are more competitive for development financing.

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<sup>1</sup> Please Note: Significant increases in the housing capacity of the residential land inventory of the housing element could also warrant planning for updating of other elements, including the land use, safety, circulation elements and inclusion of an environmental justice element or environmental justice policies. The housing element must include a program describing the means by which consistency will be achieved with other general plan elements and community goals (GC 65583(c)(8)).

## SITE INVENTORY GUIDEBOOK FRAMEWORK

The following is a Guidebook designed to assist a jurisdiction through the site inventory analysis required by Housing Element Law. Use of the Guidebook is not required for a determination of compliance by HCD. The Guidebook is intended to facilitate the jurisdiction in determining if adequate sites are available by income category to accommodate the jurisdiction's share of the RHNA or if rezoning or other program actions are needed. Areas of the law that are newly added since the beginning of the 5<sup>th</sup> housing element cycle are marked with the designation **\*NEW\***.

### Guidebook Structure

#### PART A: IDENTIFICATION OF SITES

General characteristics of suitable sites identified in the inventory, including zoning, infrastructure availability, and environmental constraints, among others.



#### PART B: SITES TO ACCOMMODATE LOW AND VERY LOW- INCOME RHNA

Analysis to determine if sites are appropriate to accommodate the jurisdiction's RHNA for low- and very low-income households.



#### PART C: CAPACITY ANALYSIS

Description of the methodology used to determine the number of units that can be reasonably developed on a site.



#### PART D: NONVACANT SITES

Analysis to determine if nonvacant sites are appropriate to accommodate the jurisdiction's RHNA.



#### PART E: DETERMINATION OF ADEQUATE SITES

After consideration of the above analysis and any alternate methods to accommodate RHNA, the determination of whether sufficient sites exist to accommodate RHNA or if there is a shortfall requiring a program to rezone additional sites.



## PART A: IDENTIFICATION OF SITES

### Step 1: Identification of Developable Sites

*Government Code section 65583.2(a)*

Generally, a site is a parcel or a group of parcels that can accommodate a portion of the jurisdictions RHNA. A jurisdiction must identify, as part of an inventory, sites within its boundaries (i.e., city limits or a county's unincorporated area)<sup>2</sup> that could have the potential for new residential development within the eight- or five-year timeframe of the housing element planning period.

Types of sites include:

- Vacant sites zoned for residential use.
- Vacant sites zoned for nonresidential use that allow residential development.
- Residentially zoned sites that are capable of being developed at a higher density (nonvacant sites, including underutilized sites).
- Sites owned or leased by a city, county, or city and county.
- Sites zoned for nonresidential use that can be redeveloped for residential use and a program is included to rezone the site to permit residential use.

Pending, approved, or permitted development:

Projects that have been approved, permitted, or received a certificate of occupancy since the beginning of the RHNA projected period may be credited toward meeting the RHNA allocation based on the affordability and unit count of the development. For these projects, affordability is based on the actual or projected sale prices, rent levels, or other mechanisms establishing affordability in the planning period of the units within the project (See Part E). For projects yet to receive their certificate of occupancy or final permit, the element must demonstrate that the project is expected to be built within the planning period.

**Definition of Planning Period:** The “Planning period” is the time period between the due date for one housing element and the due date for the next housing element (Government Code section 65588(f)(1).) For example, the San Diego Association of Governments’ 6<sup>th</sup> Cycle Planning Period is April 15, 2021 to April 15, 2029.

**Definition of Projection Period:** “Projection period” is the time period for which the regional housing need is calculated (Government Code section 65588(f)(2).). For example, the San Diego Association of Governments’ 6<sup>th</sup> Cycle Projection Period is June 30, 2020 to April 15, 2029.

Please note, sites with development projects where completed entitlements have been issued are no longer available for prospective development and must be credited towards the RHNA based on the affordability and unit count of the development. “Completed entitlements” means a housing development or project which has received all the required land use approvals or entitlements necessary for the issuance of a building permit. This

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<sup>2</sup> In some cases, jurisdictions may want to include sites anticipated to be annexed in the planning period. Annexation is considered a rezoning effort to accommodate a shortfall of sites. For more information on annexation please see Part E, Step 3.

means that there is no additional action required to be eligible to apply and obtain a building permit.

Jurisdictions may choose to credit sites with pending projects since the beginning of the RHNA projection period towards their RHNA based on affordability and unit count within the proposed project but must demonstrate the units can be built within the remaining planning period. Affordability must be based on the projected sales prices, rent levels, or other mechanisms establishing affordability in the planning period of the units within the project.

**Census definition of a unit:** A housing unit is a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with other persons in the structure and which have direct access from the outside of the building or through a common hall. Living quarters of the following types are excluded from the housing unit definition: dormitories, bunkhouses, and barracks; quarters in predominantly transient hotels, motels, and the like, except those occupied by persons who consider the hotel their usual place of residence; quarters in institutions, general hospitals, and military installations, except those occupied by staff members or resident employees who have separate living arrangements.

**Student/University Housing:** Please be aware, college and university student housing may be considered noninstitutional group quarters and not a housing unit for purposes of meeting the RHNA. According to the census, college/university student housing includes residence halls and other buildings, including apartment-style student housing, designed primarily to house college and university students in group living arrangements either on or off campus. These facilities are owned, leased, or managed by a college, university, or seminary or can be owned, leased, or managed by a private company or agency. Residents typically enter into “by the bed” leases (i.e., single-liability leases). Another distinguishing factor is that the unit is not available for rent to non-students. For further information on whether university housing meets the definition of a housing unit, please contact the Department of Finance at (916) 323-4086.

#### Exempt entity-controlled sites (state excess sites, military, university, and tribal land)

HCD recognizes that the development of new housing on exempt entity sites (land controlled by exempt federal, state, or tribal entities) can meet a portion of a jurisdiction’s RHNA. However, sites located on land controlled by exempt entities are analyzed differently because the jurisdiction may not have control over the planning, permitting, and decision-making processes of land owned by another public entity.

Sites controlled by exempt entities can be used to accommodate RHNA when documentation can be provided that demonstrates the likelihood that the planned housing will be developed within the current RHNA/housing element cycle. Adequate documentation can vary due to differences in the planning processes on land controlled by exempt federal, state, or tribal entities. The following are examples of documentation that demonstrates the likelihood of housing being developed on sites outside the control of a local government. In each of these examples, the units would have to meet the U.S. Census Bureau (Census) definition of a housing unit:

- Agreement with the entity controlling the land that grants the jurisdiction authority regarding approving, permitting, certifying occupancy, and/or reporting new units to the California Department of Finance.
- Documentation from the entity controlling the land that demonstrates planned housing has been approved to be built within the current RHNA cycle.
- Data pertaining to the timing of project construction and unit affordability by household income category.
- If the site is listed on the Department of General Services Real Estate Excess State Property map located [EO N-06-19 Affordable Housing Development webpage](#).

## **Step 2: Inventory of Sites**

*Government Code section 65583.2(b)*

Provide a parcel specific inventory of sites that includes the following information for each site:

- **\*NEW\*** Assessor parcel number(s).
- Size of each parcel (in acres).
- General plan land use designation.
- Zoning designation.
- For nonvacant sites, a description of the existing use of each parcel (See Part D)
- **\*NEW\*** Whether the site is publicly owned or leased.
- Number of dwelling units that the site can realistically accommodate (See Part C)
- **\*NEW\*** Whether the parcel has available or planned and accessible infrastructure (Part A: Step 3).
- **\*NEW\*** The RHNA income category the parcel is anticipated to accommodate (See Part A: Step 5).
- **\*NEW\*** If the parcel was identified in a previous planning period site inventory (Part B: Step 1).

**\*NEW\*** Please note pursuant to Chapter 667, Statutes of 2019 (SB 6), the site inventory must be prepared using the standards, form, and definitions adopted by HCD. HCD has prepared a form and instructions for this purpose that includes space for the information above and commonly provided optional fields. Starting January 1, 2021, local governments will need to submit an electronic version of the site inventory to HCD on this form along with its adopted housing element.

**\*NEW\*** Pursuant to Chapter 664, Statutes of 2019 (AB 1486), at Government Code section 65583.2(b)(3), if a site included in the inventory is owned by the city or county, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act [Article 8 \(commencing with Section 54220\) of Chapter 5 of Part 1 of Division 2 of Title 5](#).

## **Step 3: Infrastructure Availability**

*Government Code section 65583.2(b)(5)(B)*

Determine if parcels included in the inventory, including any parcels identified for rezoning, have sufficient water, sewer, and dry utilities available and accessible to support housing development or whether they are included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity to secure sufficient water, sewer, and dry utilities supply to support housing development on the site in time to make housing development realistic during the planning period. Dry utilities include, at minimum, a reliable energy source that supports full functionality of the

home and could also include access to natural gas, telephone and/or cellular service, cable or satellite television systems, and internet or Wi-Fi service.

**If Yes:** Provide an analysis in the housing element describing existing or planned water, sewer, and other dry utilities supply, including the availability and access to parcels on the site inventory, distribution facilities, general plan programs or other mandatory program or plan (including a program or plan of a public or private entity to secure water or sewer service) to support housing development on the site. The housing element must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have the capacity to accommodate development on all identified sites in order to accommodate the RHNA. For example, the water supply should be a reliable supply that meets federal and state drinking water standards.

Please note sites identified as available for housing for above moderate-income households can still be in areas not served by public sewer systems.

**If No:** Include a program in the housing element that ensures access and availability to infrastructure to accommodate development within the planning period. If this is not possible, the site is not suitable for inclusion in the site inventory or in a program of action identifying a site for rezoning.

#### **Step 4: Map of Sites**

*Government Code section 65583.2(b)(7)*

Provide a map that shows the location of the sites included in the inventory. While the map may be on a larger scale, such as the land use map of the general plan, the more detailed the map, the easier it will be to demonstrate the sites meet new requirements pursuant to Chapter 958, Statutes of 2018 (AB 686) as stated below.

#### **Step 5: Determination of Consistency with Affirmatively Furthering Fair Housing**

*Government Code section 65583.2(a)*

**\*NEW\*** Pursuant to AB 686, for housing elements due on or after January 1, 2021, sites must be identified throughout the community in a manner that affirmatively furthers fair housing opportunities (Government Code Section 65583(c)(10)).

Affirmatively Furthering Fair Housing means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency’s<sup>3</sup>

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<sup>3</sup> Public Agencies include the state, including every state office, officer, department, division, bureau, board, and commission, including the California State University, a city, including a charter city, county, including a charter county, city and county, and a redevelopment successor agency, a public housing authority created pursuant to the Housing Authorities Law, a public housing agency, and any other political subdivision of the state that is a grantee or subgrantee receiving funds provided by the United States Department of Housing and Urban Development (Government Code section 8899.5(a)(2)).

activities and programs relating to housing and community development.” (Government Code section 8899.50(a)(1)).

For purposes of the housing element site inventory, this means that sites identified to accommodate the lower-income need are not concentrated in low-resourced areas (lack of access to high performing schools, proximity to jobs, location disproportionately exposed to pollution or other health impacts) or areas of segregation and concentrations of poverty. Instead, sites identified to accommodate the lower income RHNA must be distributed throughout the community in a manner that affirmatively furthers fair housing. One resource the jurisdiction could use when completing this analysis is the California Tax Credit Allocation/California Department of Housing and Community Development Opportunity Maps, which can be accessed at <https://www.treasurer.ca.gov/ctcac/opportunity.asp>. Particularly, the jurisdiction should consider the barriers and opportunities identified in its assessment of fair housing pursuant to Government Code section 65583(c)(10). HCD plans to release a technical assistance memo to assist jurisdictions in addressing AB 686 requirements in their housing element in the Summer of 2020.

Jurisdictions should also consider integrating this analysis with the requirements of Government Code 65302(h), as added by SB 1000 (Statutes of 2016), which requires the preparation and adoption of an Environmental Justice element or equivalent environmental justice-related policies, objectives, and goals throughout other elements of their general plan, to address the needs of disadvantaged communities. More information on Environmental Justice elements can be found on the [Governor’s Office of Planning and Research Website](#).

#### **Step 6: Sites by RHNA Income Category**

*Government Code section 65583.2(c)*

**\*NEW\*** Identify which RHNA income category that each site in the inventory is anticipated to accommodate. On the site inventory, specify whether the site or a portion of the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. Sites can accommodate units for more than one income category. However, the inventory should indicate the number of units of each income category, and together the total of units attributed to each income category may not exceed total units attributed to the site, so that no unit is designated for more than one income category. This requirement is particularly important because the No Net Loss Law (Government Code section 65863) requires adequate sites be maintained throughout the planning period to accommodate the remaining RHNA by income category. For more information, please consult the HCD’s memo on [No Net Loss Law](#).

#### HCD Best Practices for selecting sites to accommodate the lower income RHNA:

When determining which sites are best suited to accommodate the RHNA for lower income households, the jurisdiction should consider factors such as:

- Proximity to transit.
- Access to high performing schools and jobs.
- Access to amenities, such as parks and services.
- Access to health care facilities and grocery stores.
- Locational scoring criteria for Low-income Housing Tax Credit (TCAC) Program funding.
- Proximity to available infrastructure and utilities.

- Sites that do not require environmental mitigation.
- Presence of development streamlining processes, environmental exemptions, and other development incentives.

### **Step 7: Environmental Constraints**

*Government Code section 65583.2(b)(4)*

Provide in the analysis a general description of any known environmental or other features (e.g., presence of floodplains, protected wetlands, oak tree preserves, very high fire hazard severity zones) that have the potential to impact the development viability of the identified sites. The housing element need only describe those environmental constraints where documentation of such conditions is available to the local government. This analysis must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities. This information need not be identified on a site-specific basis. However, local governments will find it beneficial to describe site specific environmental conditions when demonstrating site suitability and realistic buildout capacity of each site, as these types of impediments to building must be considered when determining how many residential units can be developed on the site.

### **NEXT STEP:**

- If the site is selected to accommodate its low or very-low income RHNA, move to Part B: Sites to Accommodate Low and Very-Low Income RHNA.
- If the site accommodates moderate or above-moderate RHNA, move to Part C: Capacity Analysis.

## PART B: SITES TO ACCOMMODATE LOW AND VERY LOW- INCOME RHNA

### Step 1: \*NEW\* Sites Used in Previous Planning Periods Housing Elements

*Government Code section 65583.2(c)*

Determine if the site identified to accommodate the low- and very low-income RHNA pursuant to Part A, Step 6 was used in the previous planning period<sup>4</sup>. Generally, previously identified sites refer to parcels that were identified in a previous housing element's site inventory to accommodate any portion of any income category of the jurisdiction's RHNA, as follows:

*For a nonvacant site:* Included in a prior planning period's housing element (e.g., 5<sup>th</sup> cycle housing element)

*For a vacant site* (see definition of vacant site on page 21): Included in two or more consecutive planning periods (e.g., 5<sup>th</sup> cycle and 4<sup>th</sup> cycle housing element)

**If Yes:** move to Step 1A

**If No:** move to Step 2

#### Unusual Circumstances

##### Sites rezoned or identified for rezoning to accommodate a RHNA shortfall

Previously identified sites can also include sites that were subject to a previous housing element's rezone program but that were ultimately not rezoned. For example: a previous housing element's rezone program to address a shortfall of sites for lower income households committed to rezone four acres to R-4 zoning, and identified five candidate sites for rezoning, A through E, and each site was two acres in size. If the program was completed in the prior planning period and four acres were rezoned, only those sites rezoned are considered "previously identified." However, if none or fewer than four acres were rezoned, all the non-rezoned sites identified as candidate sites would be considered as "previously identified."

##### Sites rezoned to a higher density as part of a general plan update (not needed to accommodate a shortfall)

Due to updates in the prior planning period to the general plan or other planning activities, such as the creation of a specific plan, some sites previously identified in the housing element may have been rezoned allowing a higher density, and therefore increasing the potential housing capacity of the site. Because the zoning characteristics of this site have changed, it can be considered a new site for the purposes of the housing element inventory. This is only the case if it was not utilized to accommodate a shortfall of sites to accommodate the RHNA.

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<sup>4</sup> Sites in unincorporated areas in a nonmetropolitan county without a micropolitan area are exempt from this step. This includes the unincorporated parts of Alpine, Amador, Calaveras, Colusa, Glenn, Mariposa, Modoc, Mono, Plumas, Sierra, Siskiyou, Trinity.

### Step 1A:

Indicate in the housing element site inventory that this parcel was used in a prior housing element planning period.

### Step 1B:

Include a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right at specified densities (see Step 2) for housing developments in which at least 20 percent of the units are affordable to lower income households. This program can be an overlay on these specific sites. Please be aware that the intent of this requirement is to further incentivize the development of housing on sites that have been available over one or more planning periods. The application of the requirement should not be used to further constrain the development of housing. As such, housing developments that do not contain the requisite 20 percent would still be allowed to be developed according to the underlying (base) zoning but would not be eligible for “by right” processing. However, the jurisdiction would have to make findings on the approval of that project pursuant to No Net Loss Law (Government Code section 65863) and proceed to identify an alternative site or sites pursuant to that law. Sites where zoning already permits residential “use by right” as set forth in Government Code section 65583.2 (i) at the beginning of the planning period would be considered to meet this requirement.

#### **Definition of Use By Right (Government Code section 65583.2 (i))**

By right means the jurisdiction shall not require:

- A conditional use permit.
- A planned unit development permit.
- Other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act “CEQA”).

However, if the project requires a subdivision, it is subject to all laws, including CEQA.

This does not preclude a jurisdiction from imposing objective design review standards. However, the review and approval process must remain non discretionary and the design review must not constitute a “project” as defined in Section 21100 of the Public Resources Code. For example, a hearing officer (e.g., zoning administrator) or other hearing body (e.g., planning commission) can review the design merits of a project and call for a project proponent to make design-related modifications, but cannot exercise judgment to reject, deny, or modify the “residential use” itself. (See *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2019) 31 Cal.App.5th 80.)

For reference, CEQA applies when a governmental agency can exercise judgment in deciding whether and how to carry out or approve a project. This makes the project “discretionary” (CEQA Guidelines, §15357.) Where the law requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is called “ministerial,” and CEQA does not apply. (CEQA Guidelines, §§ 15268(a), 15369.)



Sample Program:

*Provide Adequate Sites for Lower Income Households on Nonvacant and Vacant Sites Previously Identified*

The City of X will rezone to allow developments by right pursuant to Government Code section 65583.2(i) when 20 percent or more of the units are affordable to lower income households on sites identified in Table A to accommodate the lower income RHNA that was previously identified in past housing elements. Specifically, the City will rezone the nonvacant sites identified on Table A previously identified in the 5<sup>th</sup> cycle housing element, and the vacant sites identified on Table A as previously identified for both the 5<sup>th</sup> and 4<sup>th</sup> cycle housing elements.

*Objective:* Create opportunity for at least X units of rental housing for lower income households

*Responsible Agency:* Community Development Department

*Timeline:* Sites rezoned by (a specific date, no more than three years from the beginning of the planning period)

*Funding Source(s):* General fund

**Step 2: Zoning Appropriate to Accommodate Low- and Very Low- Income RHNA**  
*Government Code section 65583.2(c)(3)*

Determine if the zoning on the site is appropriate to accommodate low- and very low-income (termed together as “lower”) housing.

The statute allows jurisdictions to use higher density as a proxy for lower income affordability, as long as certain statutory requirements are met. Parcels must be zoned to allow sufficient density to accommodate the economies of scale needed to produce affordable housing. To make this determination, the statute allows the jurisdiction to either demonstrate that the zoning allows a specific density set forth in the statute (default density)<sup>5</sup> or to provide an analysis demonstrating the appropriateness of the zoned densities of the site identified to accommodate the lower RHNA.

**Step 2A:** Does the parcel’s zoning allow for “at least” the following densities?

- For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.
- For an unincorporated area in a nonmetropolitan county not included in the first bullet: sites allowing at least 10 units per acre.
- For a suburban jurisdiction: sites allowing at least 20 units per acre.
- For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

“At least” means the density range allowed on the parcel by the zone has to include the default density. For example, if a jurisdiction has a default density of 30 units per acre and the zone allows for range of 24 – 35 units per acre, the zoning is considered appropriate to accommodate the RHNA for lower income households. This is different than the program standard outlined in Part E which requires a minimum of a specific density in the allowed

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<sup>5</sup> Sometimes called “Mullin densities” after the author of AB 2348, Statutes of 2004, which originated these requirements.

density range in the zone. To determine the default density for jurisdictions, please refer to [HCD Memorandum: Default Density Standard Option \(2010 Census Update\)](#).

**If Yes:** Move to Step 3

**If No:** Move to Step 2B

**Step 2B:** Can the analysis demonstrate the appropriateness of the zoning to accommodate housing?

Provide an analysis demonstrating how the allowed densities facilitate the development of housing to accommodate the lower income RHNA. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, and information based on development project experience within a zone or zones, or at densities that accommodate housing for lower income households.

Information gathered from local developers on densities ideal for housing development in the community and examples of recent residential projects that provide housing for lower income households is helpful in establishing the appropriateness of the zone. Other information could include land costs, market demand for various types of affordable housing, and the gap between typical market rents and subsidized rents. It is recognized that housing affordable to lower income households requires significant subsidies and financial assistance. However, for this analysis, identifying examples of subsidized housing projects alone is not sufficient to demonstrate the adequacy of a zone and/or density to accommodate the housing affordable to lower income households. In particular, identification of older project(s) or one-off projects that cannot be easily duplicated is not sufficient to demonstrate a development trend.

The analysis of “appropriate zoning” should not include residential buildout projections resulting from the implementation of a jurisdiction’s inclusionary program or potential increase in density due to a density bonus, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households. Additionally, inclusionary housing ordinances applied to rental housing must include options for the developer to meet the inclusionary requirements other than exclusively requiring building affordable units on site. While an inclusionary requirement may be a development criterion, it is not a substitute for zoning. The availability of density bonuses is also not a substitute for an analysis, since they are not a development requirement, but are development options over the existing density, and generally require waivers or concessions in development standards to achieve densities and financial feasibility.

**If Yes:** Move to Step 3

**If No:** Site is not appropriate to accommodate lower income. Reclassify pursuant to Part A, Step 5.

## Housing Overlays

Affordable housing or zoning overlays are a zoning tool that allows jurisdictions to modify existing zoning to allow for or require certain types of residential development, or development at certain densities, on a parcel without modifying the standards of the underlying zoning district. Usually, they have specific requirements and conditions (e.g., a percentage of the development must be deed-restricted as affordable to lower income households for a specific number of years) that must be met in order for a developer to take advantage of the overlay. These are often combined with incentives to encourage developers to utilize the overlay. Jurisdictions use overlays to help promote a specific type of development, and to increase densities without having to go through a rezoning procedure on the actual parcel and can be more useful when issues such as density and affordable housing become contentious. To ensure the overlay is considered zoning and not just a development incentive, the overlay must demonstrate the following:

- There is no additional discretionary action needed above what is required in the base zone (i.e., a conditional use permit or other review) for a developer to take advantage of overlay.
- Development standards are consistent with those needed to allow for the density allowed under the overlay. Development standards for use exclusively in the overlay may be needed in order to ensure maximum allowable densities can be achieved.
- The developer can access State Density Bonus Law in addition to using the densities allowed in the overlay. For example, if the underlying zoning allows a maximum density of 15 units per acre, but the overlay allows a maximum density of 25 units per acre, and if the developer is using the overlay and wants to use State Density Bonus Law, the density bonus is calculated assuming the base density is 25 units per acre.

If the overlay has conditions such as an affordability requirement, incentives should be sufficient and available to make development feasible and more profitable than the underlying zoning.

For an affordable housing overlay, the element should describe affordability threshold requirements to utilize the overlay (i.e., percentage of units and levels of affordability which must be met to develop at the increased densities). Please note, the jurisdiction should talk with for-profit and nonprofit developers to determine an appropriate mix of incomes that make development feasible in their community. For example, a 100 percent affordability requirement may act as a constraint to using the overlay depending on the level of subsidy required per unit and the availability of funding to support the level of affordability or available incentives.

### Step 3: Size of Sites

*Government Code section 65583.2(c)(2)(A), (B), and (C)*

**\*NEW\*** Is the size of the site appropriate to accommodate housing for lower income households?

To achieve financial feasibility, many assisted housing developments using state or federal resources are between 50 to 150 units. Parcels that are too small may not support the number of units necessary to be competitive and to access scarce funding resources. Parcels that are large may require very large projects, which may lead to an over concentration of affordable housing in one location, or may add cost to a project by

requiring a developer to purchase more land than is needed, or render a project ineligible for funding. If the size of the site is smaller than one half acre or larger than 10 acres, the following analysis is required.

**If the parcel is more than 0.5 acres or less than 10 acres, is the size of the site automatically considered appropriate to accommodate lower income RHNA?**

Not necessarily. If the size of the parcel in combination with the allowable density and accompanying development standards cannot support a housing development affordable to lower income households, further analysis and programs may be needed to demonstrate the suitability of that site to accommodate the portion of the RHNA for lower income households.

Is the size of the parcel under 0.5 acres?

If Yes: Move to Step 3A

Is the size of the parcel over 10 acres?

If Yes: Move to Step 3B

If No to Both: Move to Part C: Capacity Analysis

**Step 3A: Sites smaller than 0.5 acres**

A parcel smaller than one half acre is considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on these sites is realistic or feasible. While it may be possible to build housing on a small parcel, the nature and conditions (i.e., development standards) necessary to construct the units often render the provision of affordable housing infeasible. The housing element must consider and address the impact of constraints associated with small lot development on the ability of a developer to produce housing affordable to lower income households. To demonstrate the feasibility of development on this type of site, the analysis must include at least one of the following:

- An analysis demonstrating that sites of equivalent size were successfully developed during the prior planning period with an equivalent number of lower income housing units as projected for the site.
- Evidence that the site is adequate to accommodate lower income housing. Evidence could include developer interest, potential for lot consolidation, densities that allow sufficient capacity for a typical affordable housing project, and other information that can demonstrate to HCD the feasibility of the site for development. For parcels anticipated to be consolidated, the housing element must include analysis describing the jurisdiction's role or track record in facilitating small lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for consolidation such as common ownership, and recent trends of lot consolidation. The housing element should include programs promoting, incentivizing, and supporting lot consolidations and/or small lot development.
- A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

The housing element must also describe existing and proposed policies or incentives the jurisdiction will offer to facilitate development of small sites. Examples of program incentives for lot consolidation include deferring fees specifically for consolidation, expediting permit processing, providing flexible development standards such as setback requirements, reduced parking or increased heights, committing resources for development of affordable housing on small sites, or increasing allowable density, lot coverage or floor area ratio.

### Step 3B: Sites larger than 10 acres

Parcels larger than 10 acres are considered inadequate to accommodate housing affordable to lower income households, unless the housing element demonstrates development of housing affordable to lower income households on such sites was successful during the prior planning period, or there is other evidence that the site is realistic and feasible for lower income housing.

#### **Definition of a Large Site**

For purposes of this requirement, “site” means that portion of the parcel designated to accommodate lower income housing needs. For example, a parcel greater than 10 acres in size could have to be split zoned, have an overlay zone with identified boundaries, or be identified in a specific plan that provides for subdivision of the parcel. If the specified boundaries of the site identified to accommodate the RHNA for lower income is less than 10 acres in size, then the large site analysis would not be required. However, the analysis must describe how the development will work on the site, including opportunities and timing for specific-plan development, further subdivision, or other methods to facilitate the development of housing affordable to lower income households on the identified site within the planning period.

To demonstrate the feasibility of development on this type of site, the analysis must include at least one of the following:

- An analysis demonstrating that sites of equivalent size were successfully developed during the prior planning period with an equivalent number of lower income housing units as projected for the site.
- Evidence that the site is adequate to accommodate lower income housing. Evidence may include developer interest, proposed specific-plan development, potential for subdivision, the jurisdiction’s role or track record in facilitating lot splits, or other information that can demonstrate to HCD the feasibility of the site for development. The housing element should include programs promoting, incentivizing, and supporting lot splits and/or large lot development.
- A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

### **Specific Plans, Master Plan, and other Subdivisions**

To utilize residential capacity in Specific Plan areas, areas under a Master Plan, or a similar multi-phased development plan, the housing element must identify specific sites by parcel number and demonstrate that the sites are available and suitable for development within the planning period. The analysis should include the following information:

- Identify the date of approval of the plans and expiration date.
- Identify approved or pending projects within these plans that are anticipated in the planning period, including anticipated affordability based on the actual or projected sale prices, rent levels, or other mechanisms establishing affordability in the planning period of the units within the project.
- Describe necessary approvals or steps for entitlements for new development (e.g., design review, site plan review, etc.).  
Describe any development agreements, and conditions or requirements such as phasing or timing requirements, that impact development in the planning period.

The housing element must also describe existing and proposed policies or incentives the jurisdiction will offer to facilitate development of large sites. Examples of facilitation include expedited or automatic approval of lot splits or creation of new parcels, waivers of fees associated with subdivision, or expedited processing or financial assistance with the development of infrastructure required to develop the site.

#### **NEXT STEP:**

- Move to Part C: Capacity Analysis

## PART C: CAPACITY ANALYSIS

Government Code Section 65583.2(c) requires, as part of the analysis of available sites, a local government to calculate the projected residential development capacity of the sites identified in the housing element that can be realistically be achieved. The housing element must describe the methodology used to make this calculation. Jurisdictions have two options to make this calculation.

- Utilize minimum densities (Step 1)
- Utilize adjustment factors (Step 2)

### **Step1: Utilizing minimum densities to calculate realistic capacity of sites**

*Government Code section 65583.2(c)(1)*

If the jurisdiction has adopted a law, policy, procedure, or other regulation that requires the development of a site to contain at least a certain minimum residential density, the jurisdiction can utilize that minimum density to determine the capacity of a site. For purposes of this analysis, the use of either gross or net acreage is acceptable but should be consistent with the standard the jurisdiction typically uses for determining allowable units for a residential development project. For example:

Site Description	Value
Size of site (Gross acreage)	3 acres
Zoning	Residential Multifamily
Allowable density	20 (required minimum) – 30 dwelling units per acre
<b>Realistic capacity utilizing minimum</b>	<b>3 X 20 = 60 units</b>

Please note, to meet this standard on a zone that allows for multiple uses, the general plan or zoning must require the specified minimum number of residential units on the identified sites regardless of overlay zones, zoning allowing nonresidential uses, or other factors potentially impacting the minimum density. Otherwise, the capacity of the site must be calculated using the factors outlined in Step 2.

### **Step 2: Utilizing factors to calculate realistic capacity of sites**

*Government Code section 65583.2(c)(2)*

The housing element must describe the methodology used to determine the number of units calculated based on the following factors:

- Land use controls and site improvements requirements,
- **\*NEW\*** The realistic development capacity for the site,
- **\*NEW\*** Typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,
- **\*NEW\*** The current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

### Applicable land-use controls and site improvement requirements

The analysis must consider the imposition of any development standards that impact the residential development capacity of the sites identified in the inventory. When establishing realistic unit capacity calculations, the jurisdiction must consider the cumulative impact of standards such as maximum lot coverage, height, open space, parking, on-site improvements such as sidewalks or easements, and floor area ratios. The analysis should consider any development standards or the cumulative effect of development standards that would limit the achievable density on a site. For example, if a mixed-use zone requires commercial on the ground floor and has a height limit of three stories along with lot coverage and other development standards, the density that can actually be achieved on that site might be less than the maximum allowable density.

The capacity of a site should also be adjusted for areas that cannot be developed due to environmental factors such as hazards, wetlands, or topography that cannot be mitigated. The capacity of sites subject to specific plans, overlays or other modifications of the base zoning should be adjusted to reflect those factors. For purposes of this analysis, it is recommended that the jurisdiction start with the gross acreage and adjust the buildable acreage accordingly to reach net buildable acreage.

### **Form Based Codes**

To estimate capacity for sites in jurisdictions that have adopted form-based codes, the element should describe the relationship between general plan land-use designation and the form-based code and density assumptions used to determine capacity. Specifically, describe where residential development is allowed, how density requirements found within the general plan are incorporated, how the zoning designations under the form-based code relate to the land-use designations of the general plan, identify potential densities, and consider development standards such as bulk, height, and build-to requirements, buildings types, and use requirements. The element could include examples of recently built projects and densities to support the analysis.

### Realistic development capacity for nonresidential, nonvacant, or overlay zoned sites

The capacity calculation must be adjusted to reflect the realistic potential for residential development capacity on the sites in the inventory. Specifically, when the site has the potential to be developed with nonresidential uses, requires redevelopment, or has an overlay zone allowing the underlying zoning to be utilized for residential units, these capacity limits must be reflected in the housing element. Factors used to make this adjustment may include the following:

- Performance standards mandating a specified portion of residential development in mixed use or nonresidential zones (e.g., residential allowed only above first floor commercial).
- The likelihood for residential development such as incentives for residential use, market demand, efforts to attract and assist developers, or allowance of 100 percent residential development.
- Local or regional residential development trends in the same nonresidential zoning districts.
- Local or regional track records, past production trends, or net unit increases/yields for redeveloping sites or site intensification. This estimate may be based on the rate at which similar parcels were developed during the previous planning period, with



adjustments as appropriate to reflect new market conditions or changes in the regulatory environment. If no information about the rate of development of similar parcels is available, report the proportion of parcels in the previous housing element's site inventory that were developed during the previous planning period. For example, if past production trends indicate that two out of three similar sites were developed for residential use, and one out of three similar sites was developed for commercial use, an initial estimate of the proportion of new development which is expected to be residential would be two-thirds, i.e., 0.67.

- Local or regional track records, trends, or build out yields for redeveloping sites or site intensification.

In addition, the housing element should include monitoring programs with next-step actions to ensure sites are achieving the anticipated development patterns. The programs should identify modifications to incentives, sites, programs, or rezoning the jurisdiction will take should these strategies not yield the expected housing potential.

#### Typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction

While using typically built densities to determine realistic capacity has long been an option to be used as an adjustment factor, the statute now requires this factor to be adjusted based on approved project by affordability level. For example, if a site is identified to accommodate the lower income RHNA, it should use project densities for housing affordable to lower income households developed either locally or regionally to determine typical densities<sup>6</sup>. Using this adjustment factor may result in utilizing different capacity methodologies for above moderate-, moderate-, and lower income sites.

#### Current or planned availability and accessibility of sufficient water, sewer, and dry utilities

The capacity methodology must be adjusted to account for any limitation as a result of availability and accessibility of sufficient water, sewer, and dry utilities (i.e., if the capacity of the site could be limited because a development would have to use a septic system, if there are any septic tank requirements or restrictions that constrain capacity, or limitations on water hook-ups). See Part A, Step 3 for more information on infrastructure requirements.

#### Example Capacity Calculation

Here is an example of the actual capacity calculation for a particular site in the inventory. The methodology analysis must describe how each of these adjustments was generated per the analysis requirements above. The factors used below are based on the factors outlined in the statute. The percentages and how the factors are applied will vary depending on the unique circumstance in each jurisdiction.

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<sup>6</sup> In using this adjustment factor, because of the use of density bonus, it may be possible that trends demonstrate typical densities higher than the maximum allowable densities, especially for housing affordable to lower income households. On a case-by-case basis, it may be appropriate to utilize increased densities due to density bonuses when determining the adjustment factor in the capacity methodology.

Site Description	
Size of site	2.5 acres
Zoning	Residential Mixed-Use
Allowable density	20 – 45 dwelling units per acre
RHNA affordability	Lower income
Existing Use	Nonvacant, single storefront
Infrastructure availability	Yes, no constraints
Environmental constraints	None known

Capacity Factors	Adjustment	Reasoning
Land Use Controls and Site Improvements	95%	For net acreage due to on-site improvements including sidewalks, utility easement
Realistic capacity of the site	55%	55% adjustment based on past development trends for residential redevelopment in the residential mixed-use zones, and programs to incentivize development in this zone.
Typical densities	95%	Affordable housing projects are built out to almost maximum density
Infrastructure availability	No adjustment	Not applicable, no constraint
Environmental constraints	No adjustment	No known site constraint

Realistic capacity utilizing factors =  $(2.5 \times 45)(.95)(.55)(.95) = 56$  units

Realistic Capacity = 56 Units

### No Net Loss Law

In estimating realistic capacity on sites in the sites inventory, jurisdictions may want to consider No Net Loss Law. This law was amended by Chapter 367, Statutes of 2017 (Senate Bill 166), which requires sufficient adequate sites to be available at all times throughout the RHNA planning period to meet a jurisdiction’s remaining unmet housing needs for each income category. To comply with the No Net Loss Law, as jurisdictions make decisions regarding zoning and land use, or development occurs, jurisdictions must assess their ability to accommodate new housing in each income category on the remaining sites in their housing element site inventories. A jurisdiction must add additional sites to its inventory if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category. In particular, a jurisdiction may be required to identify additional sites according to the No Net Loss Law if a jurisdiction rezones a site or if the jurisdiction approves a project at a different income level than shown in the sites inventory. Lower density means fewer units than the capacity assumed in the site inventory.

To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, it is recommended the jurisdiction create a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA. Jurisdictions can also create a buffer by projecting site capacity at less than the maximum density to allow for some reductions in density at a project level.

**NEXT STEP:**

- If the parcel is nonvacant, including underutilized sites (see definition of vacant site on page 22), move to Part D: Nonvacant Sites Analysis
- If not, move to Part E: Determination of Adequate Sites

## PART D: NONVACANT SITES

Local governments with limited vacant land resources or with infill and reuse goals may rely on the potential for new residential development on nonvacant sites, including underutilized sites, to accommodate their RHNA. Examples include:

- Sites with obsolete uses that have the potential for redevelopment, such as a vacant restaurant.
- Nonvacant publicly owned surplus or excess land; portions of blighted areas with abandoned or vacant buildings.
- Existing high opportunity developed areas with mixed-used potential.
- Nonvacant substandard or irregular lots that could be consolidated.
- Any other suitable underutilized land.

Local governments can meet other important community objectives to preserve open space or agricultural resources, as well as assist in meeting greenhouse gas emission-reduction goals, by adopting policies to maximize existing land resources and by promoting more compact development patterns or reuse of existing buildings.

### Definition of a Vacant Site

A vacant site is a site without any houses, offices, buildings, or other significant improvements on it. Improvements are generally defined as development of the land (such as a paved parking lot, or income production improvements such as crops, high voltage power lines, oil-wells, etc.) or structures on a property that are permanent and add significantly to the value of the property.

Examples of Vacant Sites:

- No improvement on the site (other than being a finished lot).
- No existing uses, including parking lots.
- Underutilized sites are not vacant sites.
- Sites with blighted improvements are not vacant sites.
- Sites with abandoned or unoccupied uses are not vacant sites.

If the inventory identifies nonvacant sites to address a portion of the RHNA, the housing element must describe the realistic development potential of each site within the planning period. Specifically, the analysis must consider the extent that the nonvacant site's existing use impedes additional residential development, the jurisdiction's past experience converting existing uses to higher density residential development, market trends and conditions, and regulatory or other incentives or standards that encourage additional housing development on the nonvacant sites.

## **Step 1: Description of the nonvacant site**

*Government Code Section 65583.2(b)*

As stated in Part A, the site inventory must describe the specific existing use on the site, such as a surplus school site, auto shop, restaurant, single family residence, nursery, etc. Additional details, such as whether the use is discontinued, land to value information, age and condition of the structure, known leases, developer or owner interest, whether the property is currently being marketed, degree of underutilization, etc., are useful for demonstrating the potential for the site to be redeveloped within the planning period (See Step 2).

## **Step 2: Nonvacant site analysis methodology**

*Government Code section 65583.2(g)(1)*

Provide an explanation of the methodology used to determine the development potential. This methodology can be done on a site-specific basis by utilizing factors (e.g., common ownership, valuation, age, etc.) in common that demonstrate the potential for residential development within the planning period, or a combination of both approaches. The methodology shall consider factors including:

### Existing Uses:

Include an analysis that demonstrates the extent to which existing uses may constitute an impediment to additional residential development. Among other things, this analysis includes considerations for the current market demand for the existing use, **\*NEW\*** an analysis of any known existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and could include other market conditions that would encourage redevelopment of the property. For example, an analysis might describe an identified site as being developed with a 1960's strip commercial center with few tenants and expiring leases and, therefore, a good candidate for redevelopment, versus a site containing a newly opened retail center, an active Home Depot, the only grocery store in the city, etc. that is unlikely to be available for residential development within the planning period.

### Development Trends:

The inventory analysis should describe development and/or redevelopment trends in the community as it relates to nonvacant sites, i.e., the rate at which similar sites have been redeveloped. This could include a description of the local government's track record and specific role in encouraging and facilitating redevelopment, adaptive reuse, or recycling to residential or more intensive residential uses. If the local government does not have any examples of recent recycling or redevelopment, the housing element should describe current or planned efforts (via new programs) to encourage and facilitate this type of development (e.g., providing incentives to encourage lot consolidation or assemblage to facilitate increased residential-development capacity). The results of the analysis should be reflected in the capacity calculation described in Part C, above.

### Market Conditions:

Housing market conditions also play a vital role in determining the feasibility or realistic potential of nonvacant sites for residential development. The nonvacant sites analysis should include an evaluation of the impact of local market conditions on redevelopment or reuse strategies. For example, high land and construction costs, combined with a limited supply of available and developable land, may indicate conditions "ripe" for more intensive, compact and infill development or redevelopment and reuse.

Availability of Regulatory and/or other Incentives:

The analysis should describe existing or planned financial assistance, incentives or regulatory concessions to encourage residential development on nonvacant sites. Many local governments develop partnerships with prospective developers to assist in making redevelopment/reuse economically feasible. Examples of these incentives include:

- Organizing special marketing events geared towards the development community.
- Identifying and targeting specific financial resources.
- Allowing streamlined or by right development application processing for infill sites.
- Reducing appropriate development standards.

Absent a track record or development trends to demonstrate the feasibility of a recycling or redevelopment strategy, the housing element should describe existing or planned financial assistance or regulatory relief from development standards that will be provided sufficient to encourage and facilitate more intensive residential development on the identified nonvacant sites.

**Step 3: \*NEW\* Reliance on nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households**

*Government Code Section 65583.2(g)(2)*

Determine if more than 50 percent of the lower income RHNA is on nonvacant sites.

- Calculate the sum of lower income RHNA capacity on vacant sites and other alternatives not related to capacity on nonvacant sites (e.g., accessory dwelling units, vacant sites to be rezoned (see Part E)).
- Subtract that sum from the total lower income RHNA to get the amount of RHNA needed to be accommodated on nonvacant sites.
- Determine if this number is greater than 50 percent of the RHNA.

Example calculation for a jurisdiction with a lower income RHNA of 500:

<b>Adjustment Factor</b>	<b>Number of units</b>
Proposed Lower Income Project	50
Accessory Dwelling Unit Capacity (affordable to lower)	15
Capacity on Vacant Sites	100
Total Capacity (not related to non-vacant sites)	165
RHNA on Nonvacant sites	$500 - 165 = 335$
<b>Percentage of Lower Income RHNA accommodated on Nonvacant sites</b>	<b><math>335/500 = 77\%</math></b>

If Yes: Move to Step 3A

If No: Move to Step 4

### Step 3A:

If a housing element relies on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site's existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period. The housing element must include the following:

- As part of the resolution adopting the housing elements, findings stating the uses on nonvacant sites identified in the inventory to accommodate the RHNA for lower income is likely to be discontinued during the planning period and the factors used to make that determination. This can be included in the body or in the recital section of the resolution.

Example: WHEREAS, based on <name factors here (e.g., expiring leases, dilapidated building conditions, etc.)>, the existing uses on the sites identified in the site inventory to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.

- The housing element should describe the findings and include a description of the substantial evidence they are based on.

In general, substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. An example of substantial evidence would be a nonvacant site with a grocery store and with a building lease expiring in a year, and evidence that the store has entered into a lease to relocate to another site subsequent to the lease expiring.

Examples of substantial evidence that an existing use will likely be discontinued in the current planning period include, but are not limited to:

- The lease for the existing use expires early within the planning period,
- The building is dilapidated, and the structure is likely to be removed, or a demolition permit has been issued for the existing uses,
- There is a development agreement that exists to develop the site within the planning period,
- The entity operating the existing use has agreed to move to another location early enough within the planning period to allow residential development within the planning period.
- The property owner provides a letter stating its intention to develop the property with residences during the planning period.

If multiple sites make up a common existing use and the same factors affect each of the sites, the same findings can be used for each of the sites (e.g., an abandoned shopping mall with sites under common ownership that will not be restored to commercial use located in an area where there is recent residential development). The "substantial evidence" would indicate the existing use will not impede further residential development or that the existing use will be discontinued during the planning period. In this type of situation, use of the same findings for each of the multiple sites would be appropriate.

However, the same finding for multiple sites in a specific area may not be appropriate if their characteristics widely vary. For example, nonvacant sites with differing existing uses and lacking in common ownership, whether contiguous or located in the same general area, may not rely on a generalized analysis. While the sites may be located in an area with common economic issues, individual owners may not wish to sell their property or redevelop their site with residential uses. In addition, each site's existing use, e.g., grocery store, retail shop, parking lot, and offices, may have lease agreements of different lengths of time or the owner may not wish to relocate or redevelop the site with a more intensive residential use. In this type of situation, use of the same findings for the multiple sites would not be appropriate.

**Step 4: \*NEW\* Program and policy requiring replacement of existing affordable units**  
*Government Code Section 65583.2(g)(3)*

The housing element must include a program in the housing element and policy independent of the housing element requiring the replacement of units affordable to the same or lower income level as a condition of any development on a nonvacant site consistent with those requirements set forth in Density Bonus Law (Government Code section 65915(c)(3).) Replacement requirements shall be required for sites identified in the inventory that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, and:

- Were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income, or
- Subject to any other form of rent or price control through a public entity's valid exercise of its police power, or
- Occupied by low or very low-income households

For the purpose of this program "previous five years" is based on the date the application for development was submitted.

Please note, until 2025, pursuant to Government Code section 66300(d) (Chapter 654, Statutes of 2019 (SB 330)), an affected city or county shall not approve a housing development project that will require the demolition of residential dwelling units regardless of whether the parcel was listed in the inventory unless a) the project will create at least as many residential dwelling units as will be demolished, and b) certain affordability criteria are met. A listing of affected cities and counties can be found at <https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml>.



## **SAMPLE PROGRAM**

### **Program X: Replacement Unit Program**

XXXX will adopt a policy and will require replacement housing units subject to the requirements of Government Code section 65915, subdivision (c)(3) on sites identified in the site inventory when any new development (residential, mixed-use or nonresidential) occurs on a site that is identified in the inventory meeting the following conditions:

- currently has residential uses or within the past five years has had residential uses that have been vacated or demolished, and
- was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income, or
- subject to any other form of rent or price control through a public entity's valid exercise of its police power, or
- occupied by low or very low-income households

Funding: General Funds

Responsible Parties: Planning and Community Development Department

Objectives: In order to mitigate the loss of affordable housing units, require new housing developments to replace all affordable housing units lost due to new development.

Timeframes: The replacement requirement will be implemented immediately and applied as applications on identified sites are received and processed, and local policy shall be adopted by <DATE>. End of Sample Program

### **NEXT STEP:**

- Move to Part E: Determination of Adequate Sites

## PART E: DETERMINATION OF ADEQUATE SITES

The last step in this process is a determination of whether the housing element demonstrates sufficient land suitable and available for residential development to meet the locality's housing need for each designated income level or if further program actions are required to accommodate a shortfall.

### **Step 1: Consider any alternative means of meeting the RHNA**

*Government Code section 65583.1*

The housing element may satisfy its RHNA requirement through a variety of methods other than identifying sites. The following is a description of those alternative methods.

- Units permitted, built, entitled or pending: (See Part A, Step 1)
- Potential for accessory dwelling units (ADU) or junior accessory dwelling units (JADU): The jurisdiction can count the potential for the development of ADUs within the planning period. The analysis is based on the following factors:
  - the number of ADUs or JADUs developed in the prior planning period
  - community need and demand for these types of housing units
  - the resources and/or incentives available that will encourage the development of ADUs
  - the availability of ADUs and JADUs for occupancy, rather than used as offices or guest houses
  - the unit must meet the Census definition of a housing unit, which can be found on the U.S. Census Bureau website, and be reported to the Department of Finance as part of the annual City and County Housing Unit Change Survey
  - the anticipated affordability of these units. The purpose of this analysis is to determine the appropriate RHNA income category to be accommodated through ADU and JADU development.

Affordability can be determined in a number of ways. As an example, a community could survey existing ADUs and JADUs for their current market rents and consider other factors such as square footage, number of bedrooms, amenities, age of the structure and general location, including proximity to public transportation. Another method could examine current market rents for reasonably comparable rental properties to determine an average price per square foot in the community. This price can be applied to anticipated sizes of these units to estimate the anticipated affordability of ADUs and JADUs. Available regional studies and methodology on ADU affordability can also be a resource to determine the likely affordability mix for ADUs and JADUs.

- other relevant factors as determined by HCD.

In addition, the housing element must describe and analyze any currently adopted ordinance and other factors that could affect ADU and JADU development within the planning period. At a minimum, the housing element should analyze whether the ordinance conforms with state ADU and JADU requirements and any additional development standards (i.e., setbacks, maximum unit sizes, lot coverage, etc.) adopted by the local government, zones allowing ADUs, fees and exactions, and any other potential constraints impacting the development of ADUs and JADUs.

## Impact of New Accessory Dwelling Unit Laws

Since 2017, the Legislature has passed a series of new laws that significantly increase the potential for development of new ADUs and JADUs by removing development barriers, allowing ADUs through ministerial permits, and requiring jurisdictions to include programs in their housing element that incentivize their development. As a result, using trend analysis when estimating the potential for development may not accurately reflect the increased potential for these units. To account for this increased potential, HCD recommends the following options when performing this analysis:

- Use the trends in ADU construction since January 2018 to estimate new production. This is a conservative option to only account for the effect of the new laws without local promotional efforts or incentives (safe harbor option).
- Where no other data is available, assume an average increase of five times the previous planning period construction trends prior to 2018. This option is a conservative estimate based upon statewide data on ADU development since the implementation of the new laws (safe harbor option).
- Use trends from regional production of ADUs.
- Include programs that aggressively promote and incentivize ADU and JADU construction.
- Other analysis (reviewed on a case-by-case basis).

Potential affordability of these units must still be calculated per the analysis outlined on the previous page. In addition to the above options, the element should also include a monitoring program that a) tracks ADU and JADU creation and affordability levels, and b) commits to a review at the planning cycle mid-point to evaluate if production estimates are being achieved. Depending on the finding of that review, amendments to the housing element may be necessary, including rezoning pursuant to Government Code 65583.2 (h) and (i).

- Alternative Adequate sites: Under limited circumstances, a local government may credit up to 25 percent of their adequate sites requirement per income category through existing units that will be:
  - substantially rehabilitated
  - in a multifamily rental or ownership housing complex of three or more units that are converted from non affordable to affordable rental
  - preserved at levels affordable to low- or very low-income households, where the local government has provided those units with committed assistance

For more information on this option, please refer to HCD's [Building Blocks Webpage](#)

- Manufactured housing, manufactured housing park hook-ups, floating homes/live aboard berths: In certain circumstances a jurisdiction can utilize the potential for new manufactured housing either in a manufactured housing park or on large properties in rural areas, or new floating home/liveaboard berths with sewer and water hook ups. In cases of a manufactured home park or in floating home/liveaboard berth marinas, the jurisdiction may count new spaces with infrastructure hook-ups intended for permanent residential occupancy and reported to the Department of Finance. Potential for manufactured homes in rural areas should be analyzed using the same factors as those

for potential ADUs, including establishing the market rate affordability of the units and crediting them to the appropriate RHNA category. In addition, the analysis should indicate if appropriate water and sewer infrastructure is available to support the development.

- Former military housing: Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the housing element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.
- In consultation with HCD, other alternatives may be considered, such as motel conversions, adaptive reuse of existing buildings, or legalization of units not previously reported to the Department of Finance.

**Step 2: Determine whether there is sufficient capacity to accommodate the RHNA for the jurisdiction by income.**

*Government Code Section 65583(a)(3)*

The following table is an example of that calculation:

Adjustment Factor	Very Low	Low	Moderate	Above Moderate
<b>RHNA</b>	<b>300</b>	<b>200</b>	<b>165</b>	<b>465</b>
Entitled, Permitted, or Constructed Project Projects	50	50	0	200
Accessory Dwelling Unit Potential	10	15	15	10
Adequate Sites Alternative Preservation	20	16		
Multifamily Residential R-3 (Vacant)	75	50		
Mixed Use MU (Nonvacant)	75	50	50	
Multifamily Residential (Vacant) R-2			75	
Single-Family (Vacant) R-1				200
Spring Valley Specific Plan			150	250
<b>Total</b>	<b>230</b>	<b>181</b>	<b>290</b>	<b>660</b>
<b>Shortfall/Surplus</b>	<b>-70</b>	<b>-19</b>	<b>+125</b>	<b>+195</b>

While the jurisdiction has sufficient sites to accommodate its RHNA for moderate- and above moderate-income units, it has a shortfall of 89 units to accommodate its lower income need. The jurisdiction would be required to include a program in the housing element to accommodate that shortfall.

If Yes: Congratulations, the site inventory analysis is complete

If No: Move to Step 3

### **Step 3: Adequate Sites Program**

*Government Code section 65583(f) and Government Code section 65583.2(h)*

Where the inventory of sites does not identify adequate sites to accommodate the RHNA for lower income households, a program must be included to identify sites that can be developed for housing within the planning period. The housing element should include an inventory of potential sites for rezoning. Those sites must meet the adequate sites requirements in terms of the suitability and availability outlined above.

#### General Program Requirements

A jurisdiction's adequate sites program must accommodate 100 percent of the shortfall of sites necessary to accommodate the remaining housing need for housing for very low- and low-income households during the planning period and include the following components:

- Permit owner-occupied and rental multifamily uses by right for developments in which 20 percent or more of the units are affordable to lower income households. By right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval.
- Permit the development of at least 16 units per site.
- Ensure sites within suburban and metropolitan jurisdictions — as defined by Government Code Section 65583.2(c)(3)(B)(iii) and (iv) — permit a minimum of 16 dwelling units per acre for incorporated cities within nonmetropolitan/rural counties and nonmetropolitan counties with micropolitan areas or 20 dwelling units per acre for suburban and metropolitan jurisdictions.
- Ensure a) at least 50 percent of the shortfall of low- and very low-income regional housing need can be accommodated on sites designated for exclusively residential uses, or b) if accommodating more than 50 percent of the low- and very low-income regional housing need on sites designated for mixed-uses, all sites designated for mixed-uses must allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

#### Timing

*Rezoning due to a shortfall from the current planning period:*

A locality's ability to accommodate needed housing during the planning period requires designating appropriate zoning as early as possible. Generally, however, a rezoning should occur no later than three years and 120 days from the beginning of the planning period. A one-year extension to the deadline to complete required rezoning may be allowed if a local government has completed rezoning at sufficient densities to accommodate at least 75 percent of the units for very-low and low-income households. Also, the jurisdiction must determine after a public meeting that substantial evidence supports findings and adoption of a resolution that the rezone deadline was not met due to one of the following reasons:

- Action or inaction beyond the control of the local government of any other state, federal, or local agency.
- Infrastructure deficiencies due to fiscal or regulatory constraints.

- The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The jurisdiction must provide HCD a copy of the resolution and findings along with: - a detailed budget and schedule for preparation and adoption of required rezoning within one year of the adoption of the resolution, - plans for citizen participation, and - expected interim actions to complete the rezoning, and any revisions to the general plan (Government Code section 65583(f)).

*Consequences for Failing to Complete Rezoning Deadline:*

If a local government fails to complete all rezoning's by the prescribed deadline, a local government may not disapprove a housing development project<sup>7</sup>, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project:

- Is proposed to be located on a site included in a housing element program to be rezoned.
- Complies with applicable objective general plan and zoning standards and criteria, including design review standards, described in the rezone program action.

However, any subdivision of the site is subject to the Subdivision Map Act.

A jurisdiction may disapprove a housing development or approve it upon the condition that the project be developed at a lower density only if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety<sup>8</sup>.
- There is no feasible method to satisfactorily mitigate or avoid the adverse impact.

The local government may also be subject to enforcement actions by HCD, including a determination that the housing element no longer complies with the requirements of state law and referral to the Attorney General pursuant to Government Code section 65585(i) and (j).

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<sup>7</sup> "Housing development project" is defined a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate legal agency to ensure the continued availability and use of at least 49 percent of the housing units for very-low, low-, and moderate-income households with an affordable housing cost or affordable rent.

<sup>8</sup> "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

## Housing Accountability Act and the Housing Element

The Housing Accountability Act (Government Code section 65589.5) establishes state overarching policy that a local government not deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. Jurisdictions without a housing element in compliance with State Housing Element Law or without a complete site inventory are further limited in the ability to deny a housing development application.

Among other requirements (including those related to housing development regardless of affordability levels), the Housing Accountability Act states that a local agency shall not disapprove or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, for development of an emergency shelter or a housing development project for very low, low-, or moderate-income households unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

- The jurisdiction has adopted a housing element in substantial compliance with Housing Element Law and the jurisdiction has met or exceeded its share of the RHNA for the planning period for the income category proposed for the housing development project.
- The project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
- The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable or rendering the development of the emergency shelter financially infeasible.
- The project is proposed on land zoned for agriculture or resource preservation, or which does not have adequate water or wastewater facilities to serve the project.
- The project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation, unless the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, or if the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584.

“Housing for very low, low-, or moderate-income households” means where at least 20 percent of the total units are or will be sold or rented to lower income households or 100 percent of the units will be sold or rented to persons and families of moderate income, or persons and families of middle income.

Rezoned due to an unaccommodated need from previous planning period<sup>9</sup>:

Pursuant to Government Code section 65584.09, if the jurisdiction failed to make adequate sites available to accommodate the regional housing need in the prior planning period, the jurisdiction must zone or rezone sites to accommodate any unaccommodated need within the first year of the planning period. If more than one year has lapsed since the beginning of the planning period, the housing element cannot be found in compliance with Housing Element Law until the required zoning or rezoning is complete and the housing element is amended to reflect the necessary rezoning.

### **Annexation**

If the jurisdiction must rely on annexation to accommodate its RHNA, the housing element must include a program committing to completing the annexation within three years of the planning period. In addition, the housing element must also include an evaluation of the suitability of the annexed sites, including the following information:

- Consistency with Local Agency Formation Commission (LAFCO) policies
- Actions to pre-zone prior to annexation
- Descriptions of the zone, density, development standards and design requirements
- The anticipated housing capacity allowed by each site
- Timeline to complete annexation which is early enough in the planning period to facilitate development of annexed sites (e.g., within the first three years of the planning period)
- Analysis of the suitability and availability of sites, including identification of any sites currently under Williamson Act contracts
- Demonstrated compliance with the requirements of the adequate sites program requirements of Government Code section 65583.2, subdivisions (h) and (i)

Please note, if the potential for annexation was not included in the RHNA allocation methodology, a portion of the county's allocation may be transferred to the city pursuant to Government Code section 65584.07(d). This transfer of RHNA would require an amendment to the housing element to ensure that any additional RHNA can be accommodated on sites within the inventory.

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<sup>9</sup> Sometimes called the AB 1233 consequence.



### Sample Rezone Program:

To accommodate the remaining lower-income RHNA of 89 units, the City of X will identify and rezone a minimum of 4.5 acres of vacant land to the R3 zoning district, allowing exclusively residential uses and a minimum of 20 units per acre to a maximum of 30 units per acre by June 30, 2024. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households and will be selected from sites 20 through 30 in the parcel listing (Appendix A). As reflected in Appendix A, each site has the capacity to accommodate at least 16 units and will be available for development in the planning period where water, sewer, and dry utilities can be provided.

*Objective:* Create opportunity for at least 89 units of multifamily housing for lower income households

*Responsible Agency:* Community Development Department

*Timeline:* Sites rezoned by June 30, 2024

*Funding Source(s):* General fund

### Other program ideas for increasing capacity or facilitating development on identified sites:

- Up-zone existing neighborhoods in areas of opportunity or in high quality neighborhood transit areas at appropriate densities to facilitate development of housing.
- Increase maximum allowable residential densities in existing residential, commercial, and mixed-use zones and modify development standards, such as height limitations to ensure maximum density can be achieved.
- Establish minimum densities — Designate minimum densities of development to ensure that existing available land is not underutilized.
- Allow and encourage mixed-use zoning — Permit housing in certain nonresidential zones either as part of a mixed-use project or as a standalone residential use.
- Rezone underutilized land from nonresidential to residential to expand the supply of available residential land.
- Institute flexible zoning — Allow various residential uses within existing nonresidential zones without requiring rezoning or conditional approvals.
- Redevelop and/or recycle underutilized existing land to more intensive uses.
- Convert obsolete, older public/institutional/commercial/industrial buildings to residential use through adaptive reuse and/or historic preservation.
- Over-zone — Create a surplus of land for residential development during the current planning period of at least 20 percent more than the locality's share of the regional housing need. Over-zoning compensates for urban land left vacant due to ownership and development constraints and creates a real surplus. A sufficient supply of land beyond the time frame of the housing element helps prevent land shortages from bidding up land costs.
- Allow and promote small and irregular-size lot development.

- Consolidate lots — Facilitate combining small residential lots into larger lots to accommodate higher-density development.
- Increase height limitations — At a minimum, allow three stories in multifamily zones.
- Increase Floor Area Ratios — Allow for larger buildings on smaller lots and/or more units per lot by reducing the floor area ratio (total lot area divided by the total building area).
- Identify publicly owned land suitable for affordable housing development and sell parcels for \$1 (with consideration of the Surplus Land Act as amended by AB 1486, Statutes of 2019).
- Facilitate development by encouraging staff outreach to owners of potential sites and affordable housing developers to discuss needs and constraints in the jurisdiction.
- Adopt incentives such as a super density bonus or by right approval for housing that meets community objectives, such as housing near transit, affordability, housing that meets the needs of special populations, etc.
- Adopt a specific plan that streamlines CEQA compliance.

### **Common Program Questions and Answers for Shortfall Zoning:**

Q: How do I establish the density range for a rezone site?

A: The density range is set at the minimum density (either 16 or 20 dwelling units per acre, depending on the jurisdiction). While there is no specific maximum density requirement, the range must include the density that was identified as appropriate to accommodate housing affordable to lower-income households (Part B, Step 2).

However, jurisdictions should not set the minimum and maximum density range at the same density (e.g., 20 units per acre minimum as both a minimum and maximum density). If identifying a narrow density range, the housing element must analyze the range as a potential governmental constraint on housing development, including potential impacts resulting from site constraints, financial considerations, and other development factors.

Q: If a development is proposed with less than 20 percent affordability to lower income, can the jurisdiction approve it?

A: Yes, however, the project would not qualify for the by right provisions of this law unless the underlining zone already permitted housing by right. This, and all housing development projects, is subject to the Housing Accountability Act. In addition, the jurisdiction may be subject to No Net Loss Law provisions.

Q: How is the 20 percent calculated when State Density Bonus Law is added?

A: This 20 percent calculation is based upon the total number of units in the development including additional units provided by a density bonus. This calculation methodology is consistent with several other pieces of housing laws, including the Streamlined Ministerial Approval Process (Government Code section 65913.4) and the Housing Accountability Act.

## ATTACHMENT 1: SUMMARY OF NEW LAWS REFERENCED IN THE GUIDEBOOK

[AB 1397, Low \(Chapter 375, Statutes of 2017\)](#): The law made a number of revisions to the site inventory analysis requirements of Housing Element Law. In particular, it requires stronger justification when nonvacant sites are used to meet housing needs, particularly for lower income housing, requires by right housing when sites are included in more than one housing element, and adds conditions around size of sites, among others.

[AB 686, Santiago \(Chapter 958, Statutes of 2018\)](#): The law ensures that public entities, including local governments, administer their programs relating to housing and urban development in a manner affirmatively to further the purposes of the federal Fair Housing Act and do not take any action that is materially inconsistent with its obligation to affirmatively further fair housing. It also requires that housing elements of each city and county promote and affirmatively further fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act, Government Code Section 65008, and any other state and federal fair housing and planning law. AB 686 requires jurisdictions to conduct an assessment of fair housing in the housing element, prepare the housing element site inventory through the lens of affirmatively furthering fair housing, and include program(s) to affirmatively further fair housing.

[SB 6, Beall \(Chapter 667, Statutes of 2019\)](#): Jurisdictions are required to prepare the site inventory on forms developed by HCD and send an electronic version with their adopted housing element to HCD. HCD will then send those inventories to the Department of General Services by December 31 each year. The law (?) authorizes HCD to review, adopt, amend, and repeal the standards, forms, or definitions to implement this subdivision and subdivision (a) of Section 65583.

[AB 1486, Ting \(Chapter 644, Statutes of 2019\)](#): The law expanded the definition of surplus land and added additional requirements on the disposal of surplus land. In addition, local agencies must send notices of availability to interested entities on a list maintained by HCD. This list and notices of availability are maintained on HCD's website. Local agencies must also send a description of the notice and subsequent negotiations for the sale of the land, which HCD must review, and within 30 days submit written finding of violations of law. Violations of the Surplus Land Act can be referred to the Attorney General. Finally, it adds a requirement in Housing Element Law for the jurisdiction to identify which of the sites included in the inventory are surplus property.

## ATTACHMENT 2: GOVERNMENT CODE SECTION 65583.2

As of January 1, 2020

(a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (9) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the sites that meet the following standards set forth in subdivisions (c) and (g):

(1) Vacant sites zoned for residential use.

(2) Vacant sites zoned for nonresidential use that allows residential development.

(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county.

(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.

(b) The inventory of land shall include all of the following:

(1) A listing of properties by assessor parcel number.

(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.

(3) For nonvacant sites, a description of the existing use of each property. If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) (A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.

(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing. A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.

(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, "site" means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.

(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(2) (A) (i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.

(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low-income households.

(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on

Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban.

(g) (1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city’s or county’s past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right

for developments in which at least 20 percent of the units are affordable to lower income households during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.

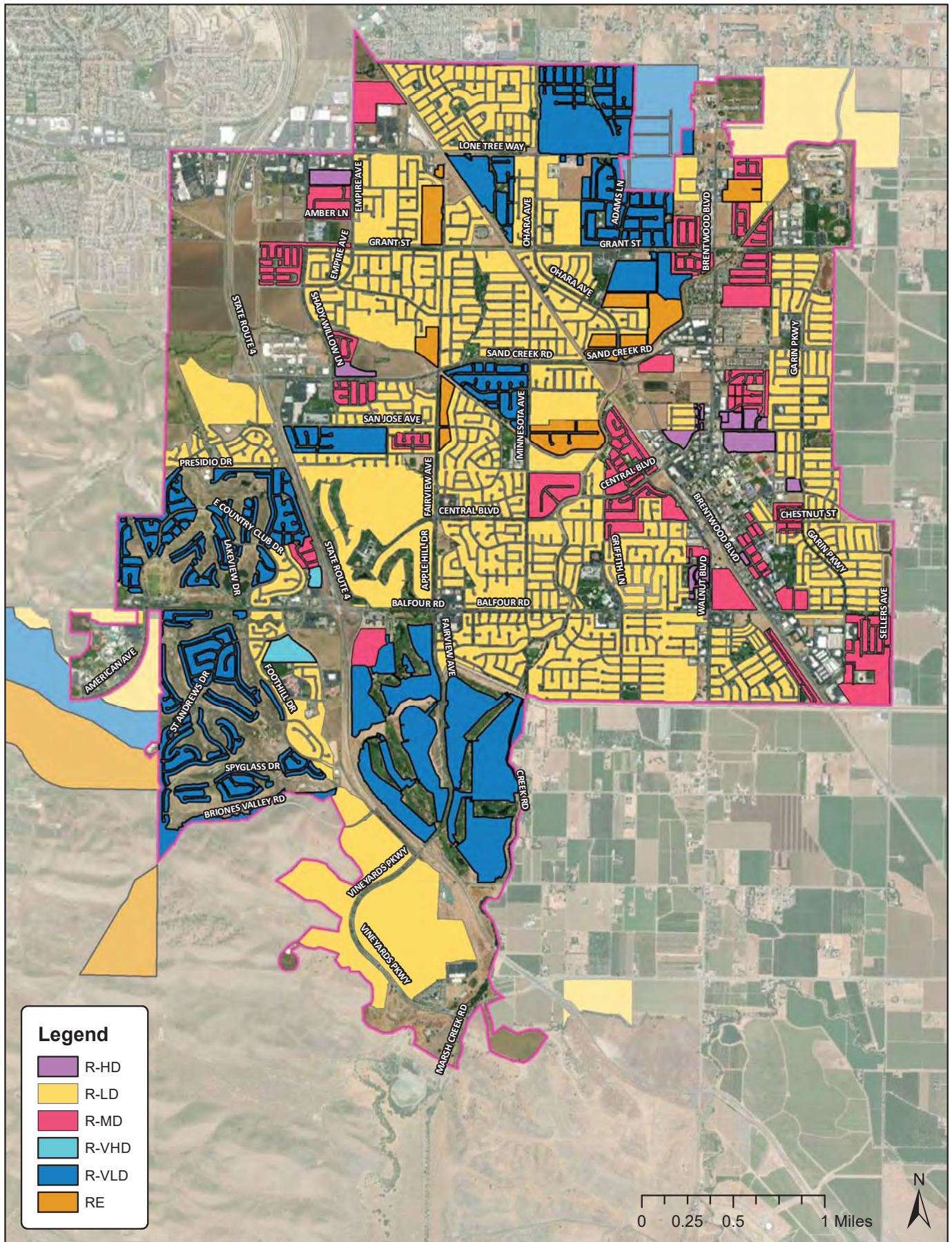
(k) For purposes of subdivisions (a) and (b), the department shall provide guidance to local governments to properly survey, detail, and account for sites listed pursuant to Section 65585.

(l) This section shall remain in effect only until December 31, 2028, and as of that date is repealed.

*(Amended (as amended by Stats. 2018, Ch. 958, Sec. 3) by Stats. 2019, Ch. 664, Sec. 15.5. (AB 1486) Effective January 1, 2020. Repealed as of December 31, 2028, by its own provisions. See later operative version amended by Sec. 16.5 of Stats. 2019, Ch. 664.)*



# Residential General Plan Map



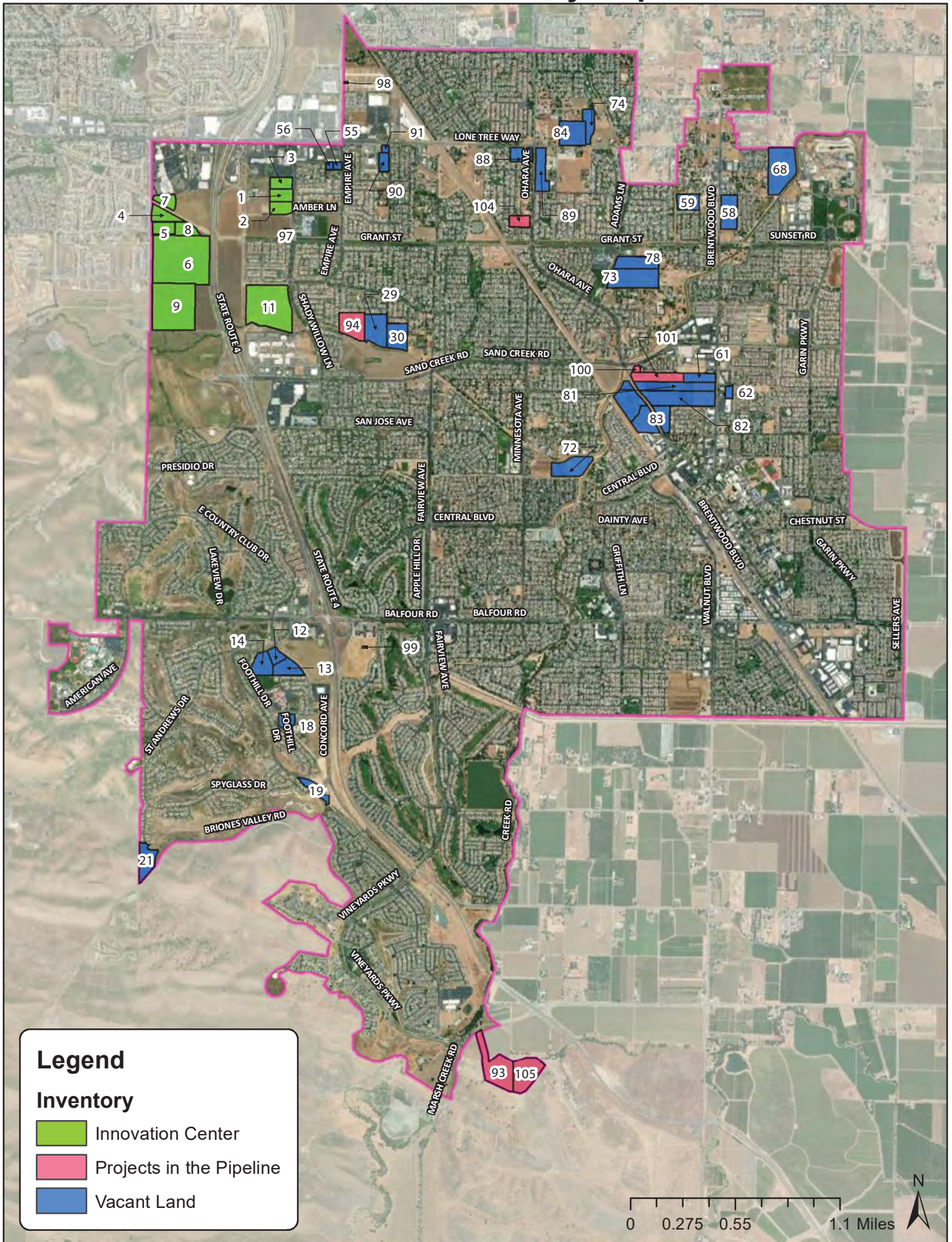
## 2023-2031 (6th Cycle) Housing Element Update Draft Site Inventory

Map ID	APN_T	Address	Zoning	GPLU	Buildable Acreage	Density	Assumed Density	Residential Propensity	Estimated Units	Inventory Category	Assumed Affordability
<b>Specific Plan Parcels</b>											
1	019032010	2251 Shady Willow Ln	PA-1 (MFVHDR)	MFVHDR	4.80	15-35	25	100%	120	Innovation Center	Low and Very Low
2	019032011	2201 Shady Willow Ln	PA-1 (MFVHDR)	MFVHDR	4.75	15-35	25	100%	118	Innovation Center	Low and Very Low
3	019032029	2301 Shady Willow Ln	PA-1 (MFVHDR)	MFVHDR	4.88	15-35	25	100%	122	Innovation Center	Low and Very Low
4	019020059	5225 Heidorn Ranch Rd	PA-1 (MFVHDR)	MFVHDR	5.41	15-35	25	100%	135	Innovation Center	Low and Very Low
5	019020076	5305 Heidorn Ranch Rd	PA-1 (MFVHDR)	MFVHDR	4.78	15-35	25	100%	119	Innovation Center	Low and Very Low
6	019081022	None - Sand Creek Rd	PA-1 (MFVHDR)	MFVHDR	11.00	15-35	25	100%	275	Innovation Center	Low and Very Low
7	019020055	None - Heidorn Ranch Rd	PA-1 (TV)	TV	4.02	25-40	32.5	80%	104	Innovation Center	Low and Very Low
8	019020083	5315 Heidorn Ranch Rd	PA-1 (TV)	TV	5.15	25-40	32.5	80%	133.6	Innovation Center	Low and Very Low
9	019081020	None - Sand Creek Rd	PA-1 (MFVHDR)	MFVHDR	17.08	15-35	25	100%	427	Innovation Center	Low and Very Low
10	019081021	None - Sand Creek Rd	PA-1 (TV)	TV	9.23	25-40	32.5	80%	239.2	Innovation Center	Low and Very Low
11	019092046	2483 Sand Creek Rd	PA-1 (HDR)	HDR	28.60	10-20	15	100%	429	Innovation Center	Moderate
<b>Specific Plan Parcel Sub Total</b>									<b>2,222</b>		

<b>Vacant/Underutilized Residential Parcels</b>											
12	010840010	None - John Muir Pkwy	PD (R-VHD)	R-VHD	3.39	20.1-30	25	100%	84	Vacant Land	Low and Very Low
13	010840011	None - John Muir Pkwy	PD (R-VHD)	R-VHD	6.81	20.1-30	25	100%	170	Vacant Land	Low and Very Low
14	010840012	None - John Muir Pkwy	PD (R-VHD)	R-VHD	7.70	20.1-30	25	100%	192	Vacant Land	Low and Very Low
18	010010039	2200 Ventura Dr	PD-20	R-LD	4.26	1.1 - 5.0	3	100%	12	Vacant Land	Above Moderate
19	007440018	None - Foothill Dr	PD-20	R-LD	4.55	1.1 - 5.0	3	100%	13	Vacant Land	Above Moderate
21	007100126	None - Spyglass Dr	PD-20	R-VLD	8.21	1.1 - 3	2	100%	16	Vacant Land	Above Moderate
29	019092013	None - Sand Creek Rd	PD-35	R-LD	11.48	1.1 - 5.0	3	100%	34	Vacant Land	Above Moderate
30	019092034	1777 Apricot Way	PD-35	R-LD	9.35	1.1 - 5.0	3	100%	28	Vacant Land	Above Moderate
55	019040031	2401 Empire Ave	R-3	R-HD	1.14	11.1 - 20	15.5	100%	17	Vacant Land	Moderate
56	019040033	2391 Empire Ave	R-3	R-HD	1.00	11.1 - 20	15.5	100%	15	Vacant Land	Moderate
58	018190018	None - Sunset Rd	BBSP	BBSP (COIR)	9.83	11-20	15.5	100%	152	Vacant Land	Moderate
59	018170003	None - Brentwood Blvd	BBSP	BBSP (COIR)	6.17	11-20	15.5	100%	95	Vacant Land	Moderate
61	016120024	None - Brentwood Blvd	BBSP	BBSP (COIR)	5.06	11-20	15.5	100%	78	Vacant Land	Moderate
62	016150114	None - Brentwood Blvd	BBSP	BBSP (COIR)	1.58	11-20	15.5	100%	24	Vacant Land	Moderate
68	018230034	251 Hanson Lane	PD-71	R-LD	20.13	1.1 - 5.0	3	100%	60	Vacant Land	Above Moderate
72	017110012	760, 780, 800 Minnesota Ave	R-1-10	R-LD	11.10	1.1 - 5.0	3	100%	33	Vacant Land	Above Moderate
73	016040005	Adams Lane and Gracie Lane	R-1-E	R-VLD	16.82	1.1 - 3	2	100%	33	Vacant Land	Above Moderate
74	018060040	7770 Lone Tree Way	PD-29	R-VLD	5.32	1.1 - 3	2	100%	10	Vacant Land	Above Moderate
78	016040004	1901 Lone Oak Rd	R-1-E	R-VLD	10.00	1.1 - 3	2	100%	20	Vacant Land	Above Moderate
81	016120020	None - Brentwood Blvd	BBSP	BBSP (COIR)	10.00	11-20	15.5	100%	155	Vacant Land	Above Moderate
82	016130006	None - Brentwood Blvd	BBSP	BBSP (COIR)	10.00	11-20	15.5	100%	155	Vacant Land	Above Moderate
83	016130007	None - Sycamore Ave	BBSP	BBSP (COIR)	10.00	11-20	15.5	100%	155	Vacant Land	Above Moderate
84	018060006	7650 Lone Tree Way	R-1-12	R-VLD	10.00	1.1 - 3	2	100%	20	Vacant Land	Above Moderate
88	018090020	7451 Lone Tree Way	R-1-10	R-LD	5.06	1.1 - 5.0	3	100%	15	Vacant Land	Above Moderate
89	018100047	None - Lone Tree Way	R-1-10	R-LD	8.64	1.1 - 5.0	3	100%	25	Vacant Land	Above Moderate
90	019050026	2313 Windy Springs Lane	PD-35	R-LD	3.26	1.1 - 5.0	3	100%	9	Vacant Land	Above Moderate
91	019050038	2305 Windy Springs Lane	PD-35	R-LD	0.98	1.1 - 5.0	3	100%	2	Vacant Land	Above Moderate
<b>Vacant/Underutilized Residential Parcels Sub Total</b>									<b>1,622</b>		

Map ID	APN_T	Address	Zoning	GPLU	Buildable Acreage	Density	Assumed Density	Residential Propensity	Estimated Units	Inventory Category	Assumed Affordability
<b>Pipeline Projects</b>											
93 and 105	007380002	Marsh Creek Road	PD-64		28			100%	140	Pipeline	Above Moderate
94	019092032	1925 Apricot Way	PD-35		10.76			100%	37	Pipeline	Above Moderate
96 and 97	019031006	South of Amber Lane and west of Shady Willow Lane	PA-1		14.431			100%	288	Pipeline	Above Moderate
98	018740116	2800 Empire Avenue	PD-38		0			100%	160	Pipeline	Above Moderate
99	010440152	131 Summerset Drive	PD-21		0			100%	86	Pipeline	Above Moderate
100	016300138	South of Contiente Avenue and west of Walnut Boulevard	PD-42		0			100%	77	Pipeline	Low and Very Low
101	016120025	South of Sand Creek Road and east of O'Hara Avenue	BBSP		8.313			100%	166	Pipeline	Above Moderate
104	018570039	3405 O'Hara Avenue			N/A			100%	14	Pipeline	Above Moderate
<b>Pipeline Projects Sub Total</b>									<b>968</b>		

# Draft Site Inventory Map



**Legend**

**Inventory**

- Innovation Center
- Projects in the Pipeline
- Vacant Land



# DRAFT Sites Analysis Summary Table



## Strategy 1: Reduced Affordability with Increased ADU Assumptions

*Includes 21% LowVI and 6% Mod affordability and aggressive ADU assumptions*

### Scenario Builder - Options to Meet RHNA

Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	21%
Assumed Moderate-Income Affordability	6%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	2*(2018-2021 Average Production)

Steps to Accommodate RHNA		Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
	Final 2023 - 2031 RHNA	402	232	247	641	1,552	
<b>Step 1:</b> Count Projects in the Pipeline and Estimate ADU's	Pipeline Project	2		0	966	968	
	Projected ADU Production	162		81	27	270	
	<b>Total Pipeline Projects and ADU's</b>	164		81	993	1,238	
<b>Step 2:</b> Identify Existing Zoning Capacity	Innovation Center Specific Plan	377		133	1,712	2,222	
	Vacant Residential Land	94		50	1,478	1,622	
	<b>Total Existing Zoning Capacity</b>	471		183	3,190	3,844	
<b>Step 3:</b> Compare to RHNA and Create Buffer	<b>Total Unit Potential</b>	635		264	4,183	5,082	
	<b>Units Over/Under</b>	1		17	3,542	3,844	
	<b>Percent Over/Under</b>	0%		7%	553%	227%	

# DRAFT Sites Analysis Summary Table



**Strategy 2: No Rezoning Required,  
HCD Approved Methodology**  
*Includes Total Affordability at 100%, no rezoning, and safe-harbor ADU assumptions*

Scenario Builder - Options to Meet RHNA	
Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	100%
Assumed Moderate-Income Affordability (on Low/VL)	0%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	1*(2018-2021 Average Production)

Steps to Accommodate RHNA		Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
		402	232	247	641	1,552	
<b>Step 1:</b> Count Projects in the Pipeline and Estimate ADU's	Pipeline Project	2		0	966	968	
	Projected ADU Production	80		41	14	135	
	<b>Total Pipeline Projects and ADU's</b>	82		41	980	1,103	
<b>Step 2:</b> Identify Existing Zoning Capacity	Innovation Center Specific Plan	1,793		429	0	2,222	
	Vacant Residential Land	446		381	795	1,622	
	<b>Total Existing Zoning Capacity</b>	2,239		810	795	3,844	
<b>Step 3:</b> Compare to RHNA and Create Buffer	<b>Total Unit Potential</b>	2,321		851	1,775	4,947	
	<b>Units Over/Under</b>	1,687		604	1,134	3,844	
	<b>Percent Over/Under</b>	266%		245%	177%	219%	

# DRAFT Sites Analysis Summary Table



**Strategy 3: No Rezoning Required,  
HCD Approved Methodology with Conservative  
Affordability Assumptions**

*Includes 30% LowVI and 10% Mod Affordability, No Rezoning, and Safe-Harbor ADU Assumptions*

**Scenario Builder - Options to Meet RHNA**

Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	30%
Assumed Moderate-Income Affordability	10%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	1*(2018-2021 Average Production)

Steps to Accommodate RHNA		Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
	Final 2023 - 2031 RHNA	402	232	247	641	1,552	
<b>Step 1:</b> Count Projects in the Pipeline and Estimate ADU's	Pipeline Project	2		0	966	968	
	Projected ADU Production	80		41	14	135	
	<b>Total Pipeline Projects and ADU's</b>	82		41	980	1,103	
<b>Step 2:</b> Identify Existing Zoning Capacity	Innovation Center Specific Plan	539		223	1,460	2,222	
	Vacant Residential Land	134		83	1,405	1,622	
	<b>Total Existing Zoning Capacity</b>	673		306	2,865	3,844	
<b>Step 3:</b> Compare to RHNA and Create Buffer	<b>Total Unit Potential</b>	755		347	3,845	4,947	
	Units Over/Under	121		100	3,204	3,844	
	Percent Over/Under	19%		40%	500%	219%	

# DRAFT Sites Analysis Summary Table



**Strategy 1: Reduced Affordability with Increased ADU Assumptions**  
*Includes 2.1% LowVI and 6% Mod affordability and aggressive ADU assumptions*

Scenario Builder - Options to Meet RHNA	
Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	21%
Assumed Moderate-Income Affordability	6%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	2*(2018-2021 Average Production)

Steps to Accommodate RHNA	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
<b>Final 2023 - 2031 RHNA</b>	402	232	247	641	1,552	
Pipeline Project	2		0	966	968	
Projected ADU Production	162		81	27	270	
<b>Total Pipeline Projects and ADU's</b>	164		81	993	1,238	
Innovation Center Specific Plan	377		133	1,712	2,222	
Vacant Residential Land	94		50	1,879	2,023	
<b>Total Existing Zoning Capacity</b>	471		183	3,591	4,245	
<b>Total Unit Potential</b>	635		264	4,584	5,483	
<b>Units Over/Under</b>	1		17	3,943	4,245	
<b>Percent Over/Under</b>	0%		7%	615%	253%	

Strategy 1

6/23/2022



## DRAFT Sites Analysis Summary Table



**Strategy 2: No Rezoning Required,  
HCD Approved Methodology**  
*Includes Total Affordability at 100%, no rezoning, and safe-harbor ADU assumptions*

Scenario Builder - Options to Meet RHNA	
Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	100%
Assumed Moderate-Income Affordability (on Low/VL)	0%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	1*(2018-2021 Average Production)

Steps to Accommodate RHNA	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
<b>Final 2023 - 2031 RHNA</b>	402	232	247	641	1,552	
Pipeline Project	2		0	966	968	
Projected ADU Production	80		41	14	135	
<b>Total Pipeline Projects and ADU's</b>	82		41	980	1,103	
Innovation Center Specific Plan	1,793		429	0	2,222	
Vacant Residential Land	446		381	1,196	2,023	
<b>Total Existing Zoning Capacity</b>	2,239		810	1,196	4,245	
<b>Total Unit Potential</b>	2,321		851	2,176	5,348	
<b>Units Over/Under</b>	1,687		604	1,535	4,245	
<b>Percent Over/Under</b>	266%		245%	239%	245%	

**DRAFT Sites Analysis Summary Table**



**Strategy 3: No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions**  
*Includes 30% Low/Mid Affordability, No Rezoning, and Safe-Harbor ADU Assumptions*

**Scenario Builder - Options to Meet RHNA**

Includes Rezoning?	No
Assumed Low/Very Low-Income Affordability	30%
Assumed Moderate-Income Affordability	10%
Assumed % of Mixed-Use Transit Village which is Residential	80%
Projected ADU Production Rate (per year over 8-year period)	1 *(2018-2021 Average Production)

Steps to Accommodate RHNA	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total	NOTES
<b>Final 2023 - 2031 RHNA</b>	402	232	247	641	1,552	
Pipeline Project			0	966	968	
Projected ADU Production	80	41	41	14	135	
<b>Total Pipeline Projects and ADU's</b>	82	41	41	980	1,103	
Innovation Center Specific Plan	539		223	1,460	2,222	
Vacant Residential Land	134		83	1,806	2,023	
<b>Total Existing Zoning Capacity</b>	673		306	3,266	4,245	
<b>Total Unit Potential</b>	755		347	4,246	5,348	
<b>Units Over/Under</b>	121		100	3,605	4,245	
<b>Percent Over/Under</b>	19%		40%	562%	245%	

**Strategy 3** 6/23/2022

## Multifamily Residential Zoning Sites Listed in the 5th Cycle Housing Element Sites Inventory

## Legend:

Sites Not Found

Sites Developed During 6th Cycle

Sites Carried Over to 6th Cycle

Sites Not Developed and Not Carried Over to the 6th Cycle

APN	GP	ZONE	Acres	Notes	Originally Estimated Capacity	Developed During 5th Cycle	Units Developed	Included in Draft 6th Cycle
012100020	R-HD	R-3	0.36	APN listed does not exist. Couldn't find this site.	4	N/A		
016110029	BBSP	BBSP	0.25	APN listed does not exist. Couldn't find this site.	4	N/A		
017170009	R-HD	PD-44	3.77	Six total Low, Medium, and High Density lots were consolidated for a total of 296 units for the Palmilla Subdivision	48	Yes	N/A	No
010020014	R-VHD	PD-21	0.11	Part of Kindred & Balfour	2	Yes		No
010020015	R-VHD	PD-21	5.52	Part of Kindred & Balfour	97	Yes		No
019031002	R-VHD	PD-53	5.42	Amber Lane Apartments	130	Yes	288	No
019031005	R-VHD	PD-53	3.56	Amber Lane Apartments	85	Yes		No
016170019	PD	PD-55	12.91	Completed Project - Sciortino Ranch/Terrene	258	Yes	326	No
013240010	DSP	DT	2.57	Park and Ride	33	Yes	0	No
013060017	DSP	DT	0.17	Parking Lot	2	Yes	N/A	No
007580012	PD	PD-64	0.98	Completed Project - Barcelona	350	Yes	72	No
007580011	PD	PD-64	1.00	Completed Project - Barcelona		Yes		No
007580005	PD	PD-64	0.84	Completed Project - Barcelona		Yes		No
007580013	PD	PD-64	0.91	Completed Project - Barcelona		Yes		No
007590001	PD	PD-64	3.04	Completed Project - Barcelona		Yes		No
07380002	PD	PD-64	18.13	Pipeline Project, Sites 93 and 105 (Cowell Ranch)		No		140
07380003	PD	PD-64	13.78	Pipeline Project, Sites 93 and 105 (Cowell Ranch)	No	Yes		
016120025	BBSP	BBSP	8.23	Pipeline Project, Site 101 - Silvergate	132	No	166	Yes
019040031	R-HD	R-3	1.14	Site 55	15	No	N/A	Yes
019040033	R-HD	R-3	0.99	Site 56	13	No	N/A	Yes
010840012	R-VHD	PD-49	7.70	Sites 12, 13, and 14 on new list	208	No	N/A	Yes
010840010	R-VHD	PD-49	3.39	Sites 12, 13, and 14 on new list	91	No	N/A	Yes
010840011	R-VHD	PD-49	6.81	Sites 12, 13, and 14 on new list	208	No	N/A	Yes
016120020	BBSP	BBSP	12.31	Site 81	197	No	N/A	Yes
018190018	BBSP	BBSP	9.70	Site 58	155	No	N/A	Yes
018170003	BBSP	BBSP	6.11	Site 59	98	No	N/A	Yes
016130007	BBSP	BBSP	5.69	Site 83	91	No	N/A	Yes
016120024	BBSP	BBSP	5.03	Site 61	80	No	N/A	Yes
016150114	BBSP	BBSP	1.59	Site 62	25	No	N/A	Yes
019020055	PD	PD-51	4.02	Became PA-1	97	No	N/A	Yes
019020073	PD	PD-51	19.05	Became PA-1	457	No	N/A	Yes
019081015	MUPT	PD-52	51.40	Became PA-1	247	No	N/A	Yes
019081003	MUPT	PD-52	35.01	Became PA-1	168	No	N/A	Yes
019081006	MUPT	PD-52	9.83	Became PA-1	47	No	N/A	Yes
019020059	MUPT	PD-52	5.50	Became PA-1	26	No	N/A	Yes
019020024	MUPT	PD-52	5.01	Became PA-1	24	No	N/A	Yes
019081019	MUPT	PD-52	4.34	Became PA-1	21	No	N/A	Yes
019081018	MUPT	PD-53	19.18	Became PA-1	95	No	N/A	Yes
019020074	MUPT	PD-53	15.13	Became PA-1	75	No	N/A	Yes
019081009	MUPT	PD-53	9.89	Became PA-1	49	No	N/A	Yes
019020071	MUPT	PD-53	7.52	Became PA-1	37	No	N/A	Yes
019081020	MUPT	PD-53	6.72	Became PA-1	33	No	N/A	Yes
019031003	MUPT	PD-53	5.41	Became PA-1	27	No	N/A	Yes
016010019	BBSP	BBSP	1.01	RDA Parcels are not being included	16	No	N/A	No
016010020	BBSP	BBSP	0.80	RDA Parcels are not being included	13	No	N/A	No

018150011	BBSP	BBSP	0.26	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No	N/A	No
017160004	DSP	DT	3.64	RDA Parcels are not being included	24	No	N/A	No
701209023	DSP	DT	1.58	Mobile Home Park can not be included this cycle	20	No	N/A	No
701209003	DSP	DT	1.58	Mobile Home Park can not be included this cycle	20	No	N/A	No
701209011	DSP	DT	1.58	Mobile Home Park can not be included this cycle	20	No	N/A	No
013132005	DSP	DT	0.39	Parcels that yield less than 10 units are not being included in 6th Cycle	5	No	N/A	No
013132004	DSP	DT	0.21	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
<b>TOTAL</b>			<b>250.54</b>		<b>3,854</b>		<b>992</b>	

## Entitled Single Family Residential Zoning Sites Listed in the 5th Cycle Housing Element Sites Inventory

## Legend:

Sites Not Found

Sites Developed During 6th Cycle

Sites Carried Over to 6th Cycle

Sites Not Developed and Not Carried Over to the 6th Cycle

APN	GP	ZONE	Acres	Notes	Originally Estimated Capacity	Developed During 5th Cycle	Developed Capacity	Included in Draft 6th Cycle
<b>Single Family Sites with Approved Entitlements</b>								
	R-LD	PD-46		Barrington	379	Yes	379	No
	R-LD	PD-45		Cedarwood	70	Yes	70	No
	R-LD	R-1		Ferro-Ronconi	130	Yes	130	No
	R-HD	PD-17		Garin Corners	137	Yes	137	No
	R-LD	PD-35		Lexington Park	54	Yes	54	No
	BBSP	BBSP		Magnolia	33	Yes	33	No
	R-MD	PD-16		Mission Grove	132	Yes	132	No
	R-MD/HD	PD-44		Palmilla	471	Yes	471	No
	R-VLD	PD-39		Portofino	114	Yes	114	No
	R-MD	PD-67		Siena Village	38	Yes	38	No
	R-LD	PD-26		St. Martns Place	5	Yes	5	No
	R-LD	PD-59		Steeplechase I	139	Yes	139	No
	R-LD	PD-66		Terreno	14	Yes	14	No
	R-LD	PD-64		Trilogy	760	Yes	760	No
	R-LD	PD-41		Parkside Villas - Pipeline Project, Site 94	37	No	N/A	Yes
019082007	R-LD	PD-36		Based on multiple General Plan land use designations and acreage uncertainty, this parcel is not being included in 6th Cycle	166	No	N/A	No
019050160	R-LD	PD-41		Amber & Windy Springs Lane - Parcels that yield less than 10 units are not being included in 6th Cycle	4	No	N/A	No
18060042	R-VLD	PD-29		Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
017010011	R-LD	PD-26		Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
	R-LD	R-1-8		Siino - Parcels that yield less than 10 units are not being included in 6th Cycle	8	No	N/A	No
017080007	R-LD	PD-26		St. James Tract - Parcels that yield less than 10 units are not being included in 6th Cycle	7	No	N/A	No
019100012	R-LD	R-1-10		Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
<b>TOTAL</b>					<b>2,705</b>		<b>2,476</b>	

## Underutilized Single Family Residential Zoning Sites Listed in the 5th Cycle Housing Element Sites Inventory

## Legend:

Sites Not Found

Sites Developed During 6th Cycle

Sites Carried Over to 6th Cycle

Sites Not Developed and Not Carried Over to the 6th Cycle

APN	GP	ZONE	Acres	Notes	Originally Estimated Capacity	Developed During 5th Cycle	Developed Capacity	Included in Draft 6th Cycle
<b>Sites with Existing Development that Can Accommodate Additional Units</b>								
012030007	R-LD	R-1	5.01	Part of Catchings Ranch Subdivision	14	Yes	16	No
016100002	RE	RE	4.20	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
019100015	RE	RE	2.26	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
017010012	R-LD	PD-26	2.54	Parcels that yield less than 10 units are not being included in 6th Cycle	6	No	N/A	No
017100005	R-LD	R-1-E	2.50	Parcels that yield less than 10 units are not being included in 6th Cycle	6	No	N/A	No
017100016	R-LD	R-1-E	2.40	Parcels that yield less than 10 units are not being included in 6th Cycle	6	No	N/A	No
017010014	R-LD	PD-26	1.82	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No	N/A	No
019390123	R-LD	PD-6	0.84	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
010130070	R-LD	R-1-8	0.68	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
018060007	R-VLD	PEC	4.67	Parcels that yield less than 10 units are not being included in 6th Cycle	8	No	N/A	No
016030011	R-VLD	R-1-E	4.38	Parcels that yield less than 10 units are not being included in 6th Cycle	7	No	N/A	No
016100028	R-VLD	R-1-E	4.15	Parcels that yield less than 10 units are not being included in 6th Cycle	7	No	N/A	No
018030008	R-VLD	PD-29	4.15	Parcels that yield less than 10 units are not being included in 6th Cycle	7	No	N/A	No
018060051	R-VLD	PEC	2.44	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
018050046	R-VLD	R-1-E	1.63	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No	N/A	No
018050034	R-VLD	R-1-E	1.34	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
018050035	R-VLD	R-1-E	1.32	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
018060010	R-VLD	PD-29	1.24	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
019680023	R-VLD	PD-18	1.21	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
018050045	R-VLD	R-1-E	1.66	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
012070031	R-MD	R-2	1.00	Parcels that yield less than 10 units are not being included in 6th Cycle	5	No	N/A	No
012100043	R-MD	R-3	0.86	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No	N/A	No
018150002	R-LD	R-1-10	1.19	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No	N/A	No
018100044	R-LD	R-1-E	1.68	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No	N/A	No
<b>TOTAL</b>			<b>55.18</b>		<b>94</b>		<b>16</b>	

## Vacant Single Family Residential Zoning Sites Listed in the 5th Cycle Housing Element Sites Inventory

## Legend:

Sites Not Found

Sites Developed During 6th Cycle

Sites Carried Over to 6th Cycle

Sites Not Developed and Not Carried Over to the 6th Cycle

APN	GP	ZONE	Acres	Notes	Originally Estimated Capacity	Developed During 5th Cycle	Developed Capacity	Included in Draft 6th Cycle
<b>Vacant Single Family Sites (sorted by Zoning Designation)</b>								
019110050	R-LD	PD-6	2.58	APN not found	7			
019050112	R-LD	PD-41	5.00	APN not found	15			
019840109	R-MD	PD-53	7.60	APN not consistent with acreage	45			
019110051	R-LD	PD-57	3.67	APN not found, PD-57 doesn't exist	11			
018100042	R-LD	PD-59	1.06	APN not found	6			
018100042	R-LD	R-1-E	7.72	APN not found	18			
018080010	R-VLD	RE	1.20	APN not found	1			
018080012	R-VLD	RE	1.02	APN not found	1			
018080020	R-VLD	RE	0.30	APN not found	1			
018080019	R-VLD	RE	0.14	APN not found	1			
018020010	R-LD	R-1	0.40	APN not found	1			
018020011	R-LD	R-1	0.21	APN not found	1			
016170025	PD	PD-55	18.57	Completed - Part of Sciortini Ranch	157	Yes	157	No
019161026	R-LD	PD-1	0.26		1	Yes	1	No
010020015	R-MD	PD-21	6.66	Part of Kindred & Balfour	39	Yes	39	No
010020014	R-MD	PD-21	4.66	Part of Kindred & Balfour	27	Yes	27	No
010160043	R-MD	PD-24	10.70	Sellers Pointe	64	Yes	132	No
010160043	R-MD	PD-24	7.79	Sellers Pointe	46	Yes		No
010160038	R-MD	PD-24	3.73	Sellers Pointe	22	Yes		No
017660017	R-LD	PD-26	0.29	Carmel Estates	1	Yes	1	No
017660014	R-LD	PD-26	0.27	Carmel Estates	1	Yes	1	No
017660009	R-LD	PD-26	0.26	Carmel Estates	1	Yes	1	No
017660069	R-LD	PD-26	0.25	Carmel Estates	1	Yes	1	No
017660022	R-LD	PD-26	0.21	Carmel Estates	1	Yes	1	No
017660070	R-LD	PD-26	0.06	Carmel Estates	1	Yes	1	No
017660071	R-LD	PD-26	0.06	Carmel Estates	1	Yes	1	No
012030025	R-LD	R-1	3.02	Part of Catchings Ranch Subdivision	9	Yes	8	No
017150054	R-LD	R-1-6	0.16		1	Yes	1	No
018110008	R-LD	R-1-E	9.28	Maffeo	22	Yes	27	No
016090016	RE	RE	3.29		3	Yes	1	No
012070032	R-MD	R-2	0.56		3	Yes	1	No
010010039	R-LD	PD-20	4.32	Site 18 on new list	12	No		Yes
019092013	R-LD	PD-35	11.59	Site 29 on new list	34	No		Yes
019092034	R-LD	PD-35	9.31	Site 30 on new list	27	No		Yes
019050026	R-LD	PD-35	3.26	Site 90 on new list	9	No		Yes
010100014	R-LD	PD-47	20.18	Pipeline Project Site 100 on new list	60	No	77	Yes
018230034	R-LD	PD-71	19.76	Site 68 on new list	59	No		Yes
018090012	R-LD	R-1-10	5.14	Pipeline Project Site 104 on new list	15	Yes	14	Yes
016040005	R-VLD	RE	16.61	Site 73 on new list	16	No		Yes
019130044	R-LD	PD-1	1.66	Not a developable parcel	4	No		No
019171012	R-LD	PD-1	0.22	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010470073	R-MD	PD-13	0.05	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019360032	R-LD	PD-15	0.13	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019320042	R-LD	PD-15	0.07	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019350040	R-LD	PD-18	0.05	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No

019130056	R-VLD	PD-18	1.03	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No		No
017420046	R-LD	PD-2	0.29	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100097	R-LD	PD-20	4.57	Inconsistent Zoning and GP so not included	13	No		No
007440018	R-LD	PD-20	3.67	Parcels that yield less than 10 units are not being included in 6th Cycle	7	No		No
010010041	R-LD	PD-20	1.48	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No		No
007220032	R-LD	PD-20	0.42	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100126	R-VLD	PD-20	8.21	Inconsistent Zoning and GP so not included	16	No		No
007100079	R-VLD	PD-20	1.56	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No		No
007100090	R-VLD	PD-20	1.37	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No		No
007100091	R-VLD	PD-20	1.23	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No		No
007100095	R-VLD	PD-20	0.59	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100094	R-VLD	PD-20	0.50	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100087	R-VLD	PD-20	0.34	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100088	R-VLD	PD-20	0.33	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100092	R-VLD	PD-20	0.15	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007100093	R-VLD	PD-20	0.08	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010400048	R-LD	PD-21	1.17	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No		No
010370043	R-LD	PD-21	0.65	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010400056	R-LD	PD-21	0.48	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010400051	R-LD	PD-21	0.17	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010400055	R-VLD	PD-21	0.03	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
017010022	R-LD	PD-26	3.27	Parcels that yield less than 10 units are not being included in 6th Cycle	8	No		No
018060019	R-VLD	PD-29	0.53	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018060012	R-VLD	PD-29	0.32	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018390028	R-VLD	PD-29	0.18	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018650037	R-VLD	PD-39	0.98	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019050113	R-LD	PD-35	1.26	Parcels that yield less than 10 units are not being included in 6th Cycle	3	No		No
019050038	R-LD	PD-35	0.98	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No		No
019770039	R-LD	PD-35	0.21	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019060039	RE	PD-35	1.34	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019060038	RE	PD-35	1.04	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019060037	RE	PD-35	1.03	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No



010840016	R-LD	PD-49	0.09	Parcels that yield less than 10 units are not being included in 6th Cycle	0	No		No
019850100	R-MD	PD-53	0.14	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019850099	R-MD	PD-53	0.07	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019390120	R-LD	PD-6	0.19	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019750055	R-MD	PD-6	0.88	Parcels that yield less than 10 units are not being included in 6th Cycle	5	No		No
018570005	R-LD	PD-60	0.25	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
007380031	R-LD	PD-64	7.72	Vineyard parcel dedicated to the City	23	No		No
012120065	R-LD	PD-8	0.27	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012340049	R-LD	PD-8	0.14	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012340008	R-LD	PD-8	0.04	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012120037	R-LD	PD-8	0.03	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
019420026	R-LD	PD-9	0.36	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012300016	R-LD	R-1	2.37	Parcels that yield less than 10 units are not being included in 6th Cycle	7	No		No
012030011	R-LD	R-1	1.45	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No		No
018150004	R-LD	R-1-10	0.65	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018150024	R-LD	R-1-10	0.38	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018150001	R-LD	R-1-10	0.13	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
017150059	R-LD	R-1-6	0.16	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012063013	R-LD	R-1-6	0.12	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
017131023	R-LD	R-1-6	0.10	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012030030	R-LD	R-1-8	0.41	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
012030028	R-LD	R-1-8	0.27	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010130075	R-LD	R-1-8	0.12	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
010750051	R-VLD	R-1-E	2.57	Parcels that yield less than 10 units are not being included in 6th Cycle	6	No		No
016030006	R-VLD	R-1-E	0.24	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
018080017	R-VLD	RE	4.58	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No		No
018080018	R-VLD	RE	4.02	Parcels that yield less than 10 units are not being included in 6th Cycle	4	No		No
018080022	R-VLD	RE	2.87	Parcels that yield less than 10 units are not being included in 6th Cycle	2	No		No
018080025	R-VLD	RE	1.07	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
016100026	RE	RE	1.30	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
016100025	RE	RE	1.13	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No
016090024	RE	RE	1.01	Parcels that yield less than 10 units are not being included in 6th Cycle	1	No		No

012050018	R-LD	R-2	8.21	Utilized by a storage business so not included in draft inventory	24	No		No
013133022	R-MD	R-2	0.17	Utilized by a storage business so not included in draft inventory	1	No		No
012100048	R-MD	R-3	0.22	Utilized by a storage business so not included in draft inventory	1	No		No
013170006	R-MD	R-3	0.12	Utilized by a storage business so not included in draft inventory	1	No		No
<b>TOTAL</b>			<b>276.68</b>		<b>940</b>		<b>492</b>	



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## MEMORANDUM

**DATE:** July 15, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Hagen, Senior Planner  
Alexis Morris, Community Development Director

**SUBJECT:** July 21, 2022 Housing Element Workshop Revised Options including Originally adopted PA-1 Assumptions

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### **BACKGROUND**

On July 12, 2022, the City Council continued consideration of recommended changes to the Innovation Center Specific Plan (PA-1) to a later date in order to allow further discussion and analysis of the Specific Plan. The original memo for the July 21, 2022 Special Meeting on the Housing Element Update (dated July 6, 2022, and distributed to City Council on July 7, 2022) included three strategies to address the City's RHNA (Regional Housing Needs Allocation) based on the recommended changes to PA-1, not on the originally adopted plan. Based on the City Council direction and the uncertainty related to any changes to the Specific Plan at this time, staff has prepared three revised strategies that are based on the PA-1 Specific Plan currently in effect. The overall number of projected units vary slightly based on different acreages and densities assigned to each land use designation between the two versions of the specific plan and the varying assumptions for each designation.

This memo provides revised tables showing how the methodologies shared in the previous memo published July 7, 2022, work with the existing 2018 PA-1 Specific Plan designations. The table numbers correspond to the same table numbers used in the memo published July 7, 2022, for ease of comparison. Changes are relatively minor and the staff and consultant team will be able to move forward with these revisions without serious disruption to the overall Housing Element Update process. The potential changes to the PA-1 Specific Plan provide a good example of why including a buffer of 15-30% more units than identified in the lower income RHNA is recommended by HCD and staff – circumstances can evolve over the next eight years and sites can develop differently than projected, so a buffer allows the City to absorb those changes and still have other sites available to meet RHNA.

### **REVISED ANALYSIS OF EXISTING/BASELINE ZONING CAPACITY**

In order to provide a comprehensive analysis of the City's existing zoning capacity to meet the City's 6<sup>th</sup> Cycle RHNA, staff utilized the existing residential zoning capacity including capacity within Specific Plan areas, as well as Accessory Dwelling Unit (ADU) projections as described in the previously published memo. (The full discussion of this issue begins on page 4 in the memo published July 7, 2022)

#### Capacity in Existing Specific Plans

The following table includes updated information using vacant or underutilized parcels within the PA-1 Specific Plan as adopted in 2018 that allow for residential development with capacity to add new housing units.

<b>PA-1 Adopted Residential Land-Use Acreages</b>			
<b>Land Use</b>	<b>Allowable Density Range</b>	<b>Mid-Point</b>	<b>Acreage</b>
<b>HDR</b>	10-20 du/ac	15	12.42*
<b>MFVHDR</b>	15-35 du/ac	25	40.19
<b>TV/MU</b>	25-40 du/ac	32.5	39.44

\*The total acreage designated HDR is 27.02, however 14.42 acres has been included in the pipeline projects already entitled for the Amber Lane Apartments.

Based on the General Plan allowable density, staff is recommending utilizing the assumption that 80%<sup>1</sup> of the TV/MU sites would be developed with housing for the purposes of Housing Element projections. Utilizing this assumption would provide the City with a larger buffer in the very low- and low-income categories, allowing the buffer in Strategy 3 to be between the HCD recommended 15 and 30 percent range. If the 80% development assumption were to be reduced to 50%, the buffer in Strategy 3 would be approximately 12% in the very low- and low-income category which would not be supported by HCD. Based on the adopted 2018 PA-1 designations, utilizing the mid-point density, and the assumption that TV/MU sites will be developed with 80% residential, the Housing Element projections would be updated to yield approximately 2,215 units within the Specific Plan area.

### **REVISED SITE INVENTORY AND AFFORDABILITY ASSUMPTION STRATEGIES**

(The full discussion of this issue begins on page 8 in the memo published July 7, 2022.)

The summary of the three identified strategies from the original memo (Table 4 in the original memo) is updated below to reflect the adopted 2018 PA-1 land use designations. The table is followed by an updated discussion of each strategy.

<b>Table 4: Strategy Summaries – Updated with 2018 PA-1 Specific Plan Designations</b>			
	<b>Strategy 1</b>	<b>Strategy 2</b>	<b>Strategy 3</b>
<b>Description</b>	No Rezoning Required, Reduced Affordability with Increased ADU Assumptions	No Rezoning Required, HCD Approved Methodology	No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions
<b>HCD-supported</b>	No	Yes	Yes
<b>Affordability Assumptions*</b>	21% Low and Very Low, and 6% Moderate	100% Low and Very Low, and 100% Moderate	30% Low and Very Low, and 10% Moderate
<b>Affordable Unit Potential</b>	VL/L: 684 units Mod: 263 units AMod: 4,183 units Total: 5,075 units	VL/L: 2,557 units Mod: 608 units AMod: 1,775 units Total: 4,940 units	VL/L: 824 units Mod: 345 units AMod: 3,771 units Total: 4,940 units
<b>Buffer</b>	8% Low/Very Low, 6% Moderate-, and 544% Above Moderate	303% Low/Very Low, 146% Moderate-, and 177% Above Moderate	30% Low/Very Low, 40% Moderate-, and 488% Above Moderate
<b>No Not Loss Implications</b>	Highly likely to trigger no net loss	Least likely to trigger no net loss	More likely than Strategy 2 to trigger no net loss

\*Affordability assumptions are based on the sites inventory with the assumption that sites that allow 30 du/ac (default density) or more can accommodate capacity for lower-income units and sites that allow 15 to 25 du/ac can accommodate capacity for moderate-income units.

<sup>1</sup> Assumptions utilized in analyzing the environmental impacts for the adopted PA-1 EIR included the assumption that 50% of the TV/MU designation could be developed with up to 2,041 residential units. The PA-1 EIR unit assumptions are used for the purposes of conducting analysis of environmental impacts and are not a “cap” on development. The Housing Element assumptions are used for the purposes of projecting the number of affordable units a site can support and do not need to be consistent with the assumptions used in the PA-1 EIR.

**Strategy 1: Reduced Affordability with Increased ADU Assumptions**

(The full discussion of this issue begins on page 9 in the memo published July 7, 2022)

*Updates to Incorporate Existing 2018 PA-1 Specific Plan Designations*

Strategy 1 includes assumptions of 27% affordable units (9% very low-, 12% low-, and 6% moderate-income units) on all sites meeting the minimum default density of 30 du/ac, higher ADU projections, and a buffer as close to 0% as possible. Updating this strategy using projections based on the approved 2018 PA-1 Specific Plan could allow the assumed affordability levels to be reduced by 1-2% more to be as close to a 0% buffer as possible. Table 7 below summarizes the results of the revised evaluation of existing residential development capacity utilizing the 2018 PA-1 Specific Plan. Strategy 1 would result in slightly larger capacity than the original assumptions, which would include an 8% buffer in the lower income category. This is the smallest buffer of the three strategies and would likely result in the need to rezone or up zone parcels during the eight year Housing Element Cycle.

<b>Table 7: Summary of Strategy 1 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 1 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	162	81	27	270	270
<b>Remaining Need</b>	<b>471</b>	<b>166</b>	<b>--</b>	<b>314</b>	<b>314</b>
PA-1 (2018 Specific Plan)	426	132	1,657	2,215	2,215
Vacant Residential Land	94	50	1,478	1,622	1,622
<b>Total Unit Potential</b>	<b>684</b>	<b>263</b>	<b>4,128</b>	<b>5,075</b>	<b>5,075</b>
Units +/- and Buffer/Gap %	<b>50 units, 8%</b>	<b>16 units, 6%</b>	<b>3,487 units, 544%</b>	<b>3,837 units, 227%</b>	

**Strategy 2: No Rezoning Required, HCD Approved Methodology**

(The full discussion of this issue begins on page 11 in the memo published July 7, 2022.)

*Updates to Incorporate Existing 2018 PA-1 Specific Plan Designations*

Strategy 2 utilizes the preliminary analysis of RHNA and site strategies as presented in the HCD Guidebook. Based on HCD guidelines, the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing between 15-25 du/ac. Table 8 below summarizes the results of revised evaluation of existing residential development capacity utilizing Strategy 2 capacity assumptions based on the approved 2018 PA-1 Specific Plan. Strategy 2 would continue to provide the City with the largest buffer in the very low- and low-income categories and would continue to be the strategy least likely to require rezoning or up zoning in the future.

<b>Table 8: Summary of Strategy 2 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 2 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	80	41	14	14	135
<b>Remaining Need</b>	<b>552</b>	<b>206</b>	<b>--</b>	<b>--</b>	<b>449</b>
PA-1 (2018 Specific Plan)	2,029	186	0	0	2,215
Vacant Residential Land	446	381	795	795	1,622
<b>Total Unit Potential</b>	<b>2,557</b>	<b>608</b>	<b>1,775</b>	<b>1,775</b>	<b>4,940</b>
Units +/- and Buffer/Gap %	<b>1,923 units, 303%</b>	<b>361 units, 146%</b>	<b>1,134 units, 177%</b>	<b>1,134 units, 177%</b>	<b>3,837 units, 218%</b>

**Strategy 3: No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions**

(The full discussion of this issue begins on page 12 in the memo published July 7, 2022.)

*Updates to Incorporate Existing 2018 PA-1 Specific Plan Designations*

Strategy 3 utilizes the preliminary analysis of RHNA and sites strategies as presented in the initial sections of this report with the 2018 PA-1 capacity. As stated above, based on HCD guidelines the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing up to 20 du/ac. However, this strategy uses a more conservative assumption that projects 30% lower-income affordability and 10% moderate-income affordability for very high-density sites and 30% moderate-income affordability for high-density sites. Because this strategy would be projected to have fewer affordable units, the City would be more likely than Strategy 2 to need to modify assumptions or up zone additional sites later in the planning period due to “no net loss” requirements.

Table 9 summarizes the results of the revised evaluation of existing residential development capacity utilizing Strategy 3 capacity assumptions based on the approved 2018 PA-1 Specific Plan. Strategy 3 would result in the following projected capacity, which would include a minimum 30% buffer in the lower income category:

<b>Table 9: Summary of Strategy 3 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 3 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	80	41	14	14	135
<b>Remaining Need</b>	<b>552</b>	<b>206</b>	<b>--</b>	<b>--</b>	<b>449</b>
PA-1 (2018 Specific Plan)	608	221	1,386	1,386	2,215
Vacant Residential Land	134	83	1,405	1,405	1,622
<b>Total Unit Potential</b>	<b>824</b>	<b>345</b>	<b>3,371</b>	<b>3,371</b>	<b>4,940</b>
Units +/- and Buffer/Gap %	<b>190 units, 30%</b>	<b>98 units, 40%</b>	<b>3,130 units, 488%</b>	<b>3,130 units, 488%</b>	<b>3,837 units, 218%</b>

## **CONCLUSION**

In conclusion, the memo published on July 7, 2022 contains detailed description of each strategy and this memo seeks to update the numbers provided in the 2018 PA-1 Specific Plan due to Council's continuance of consideration of changes to that Specific Plan on July 12.

Staff is recommending that the City Council review, discuss, and receive public comments on the Housing Element Update RHNA sites strategies on July 21 and provide direction to staff on which of the above site strategies to move forward with in order to complete the public review draft of the Housing Element. Staff and the consultant team will be able to provide an interactive table during the workshop where assumed affordability levels, assumed mixed-use percent build out, ADU assumptions and inventory sites may be adjusted in real time to aid in the decision making process.

## **Attachments**

July 6, 2022 memorandum (published July 7, 2022)



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## MEMORANDUM

**DATE:** July 6, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Hagen, Senior Planner  
Alexis Morris, Community Development Director

**SUBJECT:** July 21, 2022 Housing Element Workshop Executive Summary

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### Workshop Objectives

At the July 21, 2022 Workshop, staff is requesting the City Council's input and direction on the list of sites to be carried forward for analysis in the Housing Element Update. The workshop is intended to accomplish the following objectives:

1. Present the initial framework for the site inventory, including HCD accepted assumptions and principles that may be used to develop the inventory.
2. Introduce the analysis of existing residential zoning capacity within the city, including the preliminary site list from which the site inventory will be compiled, and evaluation of the number of units for which additional sites may be needed to address the City's RHNA utilizing three different strategies that include varying affordability assumptions and ADU projection assumptions.
3. Receive direction from the City Council on which Site Inventory Strategy, as described in the Site Inventory and Affordability Assumption Strategies section of this report, to move forward with when preparing affordability projections and the Draft Housing Element Update.

### Developing the Site Inventory

The attached staff report provides background information on the framework for the site inventory, including HCD accepted assumptions and principles as outlined in the HCD Site Inventory Guidebook, which is attached for reference.

To move forward in the planning process in drafting the Housing Element Update, it is imperative that the City Council provide direction on which strategies should be used in forming baseline site inventory and affordability assumptions. Important things to consider when selecting the baseline site inventory strategy are:

1. Planning for vs. constructing housing: The City is not required to build housing, but is required to plan for sufficient housing to meet its regional housing need. All of the strategies summarized below utilize the City's existing General Plan designations and do not require any changes to the General Plan.



2. Importance of a buffer and “no net loss” requirements: Each time the City approves a project on a site listed in the housing element, it must compare the project with both the number of units shown in the housing element and the projected income level. If either the project has fewer units than shown in the housing element, or the units are developed at a different income level, the City must demonstrate that it still has enough properly zoned sites to meet the RHNA at all income levels. If there are not enough properly zoned sites in the inventory, the City must identify and make available additional sites within 180 days, which may require rezoning.
3. Penalties for not constructing all units assigned by the RHNA: If fewer units are built in the City than included in the City’s RHNA, at present the only consequence is that developers may submit applications under SB 35, which is described in further detail in the report.
4. Penalties for not having a Housing Element Approved by HCD: Cities with non-compliant Housing Elements may be referred by HCD to the Attorney General or may be sued by private parties. Certain state housing funds also require that the City have a housing element approved by HCD. If a court agrees that the housing element does not comply with state law, the court may restrict the City’s ability to approve certain projects or order the City to approve certain projects, and the City would likely be required to pay attorney’s fees to the successful plaintiffs.

The attached staff report includes a draft site inventory table and map for reference that shows existing vacant/underutilized residential parcels, their buildable acreage, zoning and land use designations, and allowable and mid-range densities.

There are also three potential strategies identified that would allow the City to move forward with the provided draft site inventory that would not require any rezoning of sites within the City at this time. Staff has provided analysis of each strategy that includes a description of the scenario’s affordability assumptions, the buffer each strategy would provide, the likelihood of HCD acceptance, the likelihood of requiring no net loss, and CEQA implications. The strategies provided are only a sample of the strategies and assumptions that could be utilized to address the City’s RHNA. There will be an opportunity at June 21<sup>st</sup> workshop to use in real time, a model to make affordability and site assumption adjustments as necessary. A summary of each of the three identified strategies are included on the following page.

	Strategy 1	Strategy 2	Strategy 3
<b>Description</b>	No Rezoning Required, Reduced Affordability with Increased ADU Assumptions	No Rezoning Required, HCD Approved Methodology	No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions
<b>HCD-supported</b>	No	Yes	Yes
<b>Affordability Assumptions*</b>	21% Low and Very Low, and 6% Moderate	100% Low and Very Low, and 100% Moderate	30% Low and Very Low, and 10% Moderate
<b>Affordable Unit Potential</b>	VL/L: 635 units Mod: 264 units AMod: 4,183 units Total: 5,082 units	VL/L: 2,321 units Mod: 851 units AMod: 1,775 units Total: 4,947 units	VL/L: 755 units Mod: 347 units AMod: 1,405 units Total: 4,947 units
<b>Buffer</b>	0% Low/Very Low, 7% Moderate-, and 553% Above Moderate	266% Low/Very Low, 245% Moderate-, and 177% Above Moderate	19% Low/Very Low, 40% Moderate-, and 500% Above Moderate
<b>No Not Loss Implications</b>	Highly likely to trigger no net loss	Least likely to trigger no net loss	More likely than Strategy 2 to trigger no net loss
*Affordability assumptions are based on the site inventory with the assumption that sites that allow 30 du/ac (default density) or more can accommodate capacity for lower-income units and sites that allow 15 to 25 du/ac can accommodate capacity for moderate-income units.			

### 5<sup>th</sup> Cycle Housing Element Sites

Lastly, for reference purposes, staff has included the adopted 2015 5<sup>th</sup> Cycle Housing Element Sites Inventory, broken down between multi-family and single-family residential parcels. Staff has included columns that indicate their buildable acreage, zoning and land use designations, the stated capacity in the previous inventory, whether the sites were developed during the planning period, how many units were developed, whether the site is recommended to be carried over into the current cycle, and if not carried over, why. It should be noted that staff is not recommending to carry over any sites that do not yield a minimum of 10 units.



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## CITY COUNCIL WORKSHOP AGENDA ITEM A

**Meeting Date:** July 21, 2022

**Subject Title:** Housing Element Update - Introduction on the analysis of existing residential zoning capacity within the city including review of a list of potential sites under consideration for inclusion in the Housing Element Site Inventory for the 2023-2031 (6th Cycle) Housing Element Update, as well as an evaluation of Site Inventory and affordability assumption strategies needed to address the City's Regional Housing Need Allocation (RHNA).

**Prepared By:** Jennifer Hagen, Senior Planner

**Submitted By:** Alexis Morris, Community Development Director  
Erik Nolthenius, Planning Manager

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### **PURPOSE AND RECOMMENDATION**

Work is proceeding on the 2023-2031 (6th Cycle) Housing Element Update, which among other components, will include an updated inventory of sites that can accommodate the City's Regional Housing Need Allocation (RHNA). As a starting point for creating the Housing Element Updated Site Inventory, staff has identified a list of sites that under the existing General Plan and Zoning designations allow for residential development at various densities. Staff has provided a map (Attachment 4) and list identifying each site (Attachment 3), as well as a calculation of the estimated yield of units for each based on the mid-point density allowed in each Zoning District or General Plan designation.

#### Workshop Objectives

At tonight's workshop, staff requests the City Council's input and direction on the list of sites to be carried forward for analysis in the Housing Element Update. This workshop is intended to accomplish the following objectives:

1. Present the initial framework for the site inventory, including HCD accepted assumptions and principles that may be used to develop the inventory.
2. Introduce the analysis of existing residential zoning capacity within the city including the preliminary site list from which the site inventory will be compiled, and evaluation of the number of units for which additional sites may be needed to address the City's RHNA utilizing three different strategies that include varying affordability assumptions and ADU projection assumptions.
3. Receive direction from the City Council on which Site Inventory Strategy, as described in the Site Inventory and Affordability Assumption Strategies section of this report, to move forward with when preparing affordability projections and the Draft Housing Element Update.

## **PREVIOUS ACTION**

The City Council authorized execution of an agreement for consulting services with Kimley-Horn to assist with preparation of the 2023-2031 (6<sup>th</sup> RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

On June 1, 2022, staff presented an update on the Housing Element Update including Regional Housing Needs Allocation (RHNA) site strategies, and implications of new State legislation on the City's policies and programs. The City Council directed staff to return with a draft site inventory when available for review.

## **BACKGROUND**

The Housing Element is part of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs, including proposed actions to facilitate the provision of housing to meet those needs at all income levels. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023, to address the 2023-2031 planning period<sup>1</sup>.

### 6<sup>th</sup> Cycle RHNA

As has been previously outlined to the City Council, the City has been assigned a 6th Cycle RHNA of 1,522 housing units at various levels of affordability. As a key component of the updated Housing Element, the City must document, through a detailed, parcel-specific inventory, that there are sufficient sites available today to accommodate the entirety of its RHNA. If the City does not have enough adequate sites identified and currently zoned to accommodate the assigned RHNA, additional sites will need to be identified and ultimately rezoned.

The adequacy of the site inventory will be evaluated by the State Department of Housing and Community Development (HCD). Although HCD will review the entire inventory, it pays particular attention to sites identified to accommodate the City's lower-income RHNA, based on criteria intended to show the various sites' realistic capacity to develop during the eight-year planning period of the Housing Element.

### Ramifications of Failure to Meet RHNA

At present, there is no requirement that enough homes be constructed in a city or county to meet the community's RHNA. If fewer units are built in the City than included in the City's RHNA, at present the only consequence is that developers may submit applications under SB 35. SB 35 allows developers to submit housing developments meeting certain requirements, including specified percentages of affordable housing and payment of prevailing wages, if fewer units are being constructed in the city to meet its above moderate, very low, or low-income RHNA requirements. Projects eligible for SB 35 must be approved ministerially without CEQA review under strict timelines. In the current 5<sup>th</sup> cycle, most jurisdictions in California, including Brentwood, are subject to SB 35. Brentwood must streamline projects that apply for SB 35 approval, set aside at least 50% of units for lower-income residents, and meet all of the other requirements. To date, no such project has been submitted to the City.

HCD has also formed the Housing Accountability Unit (HAU) to investigate violations of housing laws and may refer violators to the Attorney General. HCD has emphasized that it expects cities

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<sup>1</sup> It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for our jurisdiction, there is a 120-day grace period that is allowed in order to gain compliance with HCD

to implement the programs included in their housing elements. To date, its emphasis has been on programs that propose changes in zoning.

## **FRAMEWORK CONSIDERATIONS FOR DEVELOPING THE SITES INVENTORY**

The following outlines some of the key assumptions and “building blocks” that provide the framework for developing the sites inventory that are both acceptable to HCD and were used to develop the analysis presented to the City Council on June 1<sup>st</sup>.

### Zoning Capacity and Density Assumptions for Initial Inventory

City staff and the consultant team have evaluated the City’s residential land inventory (i.e. sites zoned for residential use “today” with capacity to accommodate additional development) starting with a review of the adopted 2015 (5<sup>th</sup> Cycle) Housing Element Site Inventory which is included in Attachment 6a and 6b for reference. In addition to the existing capacity, staff and the consultant team also reviewed the “pipeline” of residential projects already entitled in the coming one- to two- year period and Accessory Dwelling Unit projections (ADU projections are described in greater detail further in the report). This comprehensive list of sites with associated map are included as Attachment 3 and 4, and together, constitute a baseline of properties that can potentially accommodate at least a portion of the City’s RHNA. A map of the City showing all properties that have general plan designations that allow for residential development has been included for reference as Attachment 2. It should be noted that the PA-1 Specific Plan, Brentwood Boulevard Specific Plan, and Downtown Specific Plan have multiple areas which allow for residential and mixed use development under the various designations, but only have one General Plan designation for the entire specific plan area; therefore, the General Plan map does not depict all of the residential sites allowed under the specific plans.

### “No Net Loss” Law and Housing Buffer

HCD recommends identifying sites with zoning capacity sufficient to provide between 15 and 30 percent more units than the identified lower income RHNA, often called the housing “buffer”<sup>2</sup>. This is to ensure that the City has enough properly zoned sites throughout the eight-year planning period. Under a provision of state law called the “no net loss” law, each time the City approves a project on a site listed in the housing element, it must compare the project with both the number of units shown in the housing element and the projected income level. If either the project has fewer units than shown in the housing element, or they are developed at a different income level, the City must demonstrate that it still has enough properly zoned sites to meet the RHNA at all income levels. For instance, if a site is identified as suitable for 100 lower income units, but a project is proposed with 100 units but only 10 lower income units, then the City must show that it still has enough properly zoned sites to accommodate its lower income RHNA. If there are not enough properly zoned sites in the inventory, the City must identify and make available additional sites within 180 days, which may require rezoning. A buffer is particularly important for sites shown as suitable for lower income housing.

### General Plan Consistency

In addition to including a buffer, staff recommends maintaining consistency with the General Plan to estimate potential unit capacity for the sites, using an “average or mid-point” density for all sites. Alternatively, the City could require a minimum density on each site and use that to calculate realistic capacity<sup>3</sup>. The mid-point assumption can be supported by the General Plan and past project approvals (development at or above the mid-point density).

Based on guidance provided by HCD for higher-density housing sites, the inventory needs to reflect a realistic capacity that takes account aspects like physical constraints, necessary on-site infrastructure and circulation, parking, and development standards like height and setback requirements. Using an average or mid-point density for high-density sites will help to align the

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<sup>2</sup> Page 22 of the HCD Sites Inventory Guidebook included as Attachment 1

<sup>3</sup> Page 19 of HCD Sites Inventory Guidebook included as an Attachment 1

initial inventory with these realistic capacity assumptions going forward, and not be overly aggressive in the assumed capacity for particular sites.

#### Default Densities and Capacity Assumptions by Affordability Level

The inventory process requires the City to identify the density ranges at which each site will be developed. As discussed previously, staff has recommended using an “average or mid-point” density for all sites, including low, medium and high-density ranges to not be overly aggressive.

With respect to the various income categories for which the inventory must show adequate capacity, State law provides for a “default density<sup>4</sup>” which is a zoning density which can be assumed to be suitable to yield the potential capacity for lower-income housing units. In Brentwood, the default density for units to be projected as lower-income units in the inventory is 30 dwelling units per acre (du/ac). There is no default density for moderate-income units, but districts allowing less than 30 du/ac, in the range of 15 to 25 du/ac, may be appropriate. Although not explicitly stated by HCD, based on past performance and peer city assumptions, the City is making the informed assumption that sites zoned at less than 30 du/ac, in the range of 15 to 25 du/ac, have the potential to accommodate capacity for moderate-income units.

Per HCD guidelines (Attachment 1), the City may project all units in the inventory that allow 30 du/ac (default density) or more as affordable for lower-income. Any site designated to accommodate lower income housing must also be between 0.5 acres – 10 acres and be projected to accommodate at least 16 units. The City has three land use designations that can accommodate residential development at this default density that would qualify for lower-income development including the R-VHD and two designations within the Innovation Center Specific Plan (PA-1), (Transit Village/Mixed-Use and Multi-Family Very High Residential).

As discussed later in this report, depending on the assumptions made, the majority of the lower-income RHNA could be addressed within PA-1 using HCD’s recommendations, as well as a significant proportion of above-moderate units on other existing higher density housing sites, without requiring any rezoning. It is a policy decision for the City Council as to how to best allocate affordability assumptions for sites at various densities in various locations.

#### **ANALYSIS OF EXISTING ZONING CAPACITY**

The following outlines the City’s RHNA, the components that make up the current sites inventory, and how the projected shortfall is calculated.

#### 6<sup>th</sup> Cycle RHNA

Table 1 summarizes the 6<sup>th</sup> Cycle RHNA for the City of Brentwood. The RHNA is distributed among the following income categories, each of which represent relative affordability to households as a proportion of the Countywide Area Median Income (AMI).

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<sup>4</sup> Sometimes called “Mullin densities” after the author of AB 2348, Statutes of 2004, which originated these requirements.

<b>Table 1: RHNA Allocation Breakdown</b>		
<b>Income Category</b>	<b>Percentage of Area Median Income</b>	<b>Brentwood RHNA</b>
<b>Extremely Low Income (ELI)*</b>	<30%	402
<b>Very Low Income (VLI)*</b>	31-50%	
<b>Low Income (LI)</b>	51-80%	232
<b>Moderate Income (MI)</b>	81-120%	247
<b>Above-Moderate Income (AMI)</b>	>120%	641
<b>Total</b>		<b>1,522 Units</b>

Analysis of Existing/Baseline Zoning Capacity

In order to provide a comprehensive analysis of the City’s existing zoning capacity, staff has utilized the following components to address the City’s 6<sup>th</sup> Cycle RHNA, discussed in further detail below.

*Existing Residential Zoning*

This includes parcels zoned for residential uses with capacity to add new housing units within the City’s single-family and multi-family residential zoning districts. Although all vacant or underutilized parcels that currently maintain zoning or general plan designations that allow residential development may be included within the inventory, staff recommends that the focus be on sites that can accommodate the largest amount of below market rate housing at the highest densities. Therefore, not all residentially zoned sites will need to be listed on the final inventory. A map of all parcels with a general plan designation that allows for residential development (excluding PA-1 and Specific Plan areas as noted above) is included for reference.

*Capacity in Existing Specific Plans*

This includes vacant or underutilized parcels within the PA-1 Specific Plan<sup>5</sup> that allow for residential development with capacity to add new housing units.

*Pipeline Projects*

Pipeline Projects are defined as residential projects already entitled, under review, or expected to be entitled during the eight year planning period, including projects under construction but which would not have building permits finalized by June 30, 2022.<sup>6</sup> This includes new proposed projects to be approved under the City’s revised Affordable Housing Ordinance. Although HCD allows Pipeline Projects to include projects currently under review, staff has only included entitled projects that have received City approval.

*ADU Production*

HCD has issued a determination to allow local jurisdictions to “count” ADU production as a component of the sites inventory based on a formula that considers the average annual number of ADU permits issued in the City over the last three years, multiplied over the Housing Element’s eight-year planning period. In 2019 the City issued nine permits, in 2020 the City issued 20 permits, and in 2021 the City issued 16. In the first six months of 2022, the City has only issued 2 new ADU permits. Since the City has not been able to show that there is currently an upward trend in ADU production, the average from 2019, 2020, and 2021 would need to be

<sup>5</sup> Estimated capacity within PA-1 is based on draft revisions that the Planning Commission recommended for City Council approval on June 21, 2022, which will be reviewed by the City Council in July 2022.

<sup>6</sup> The Housing Element 6<sup>th</sup> RHNA Cycle reporting period technically begins on July 1, 2022, meaning that units for which building permits are finalized (i.e., approved for occupancy) on or after this date, can be included in the 2023-2031 inventory.

used for future projections. This would allow the City to project 15 ADU's per year over the next eight years for a total of 135 new units. Kimley-Horn strongly recommends this approach to projection – more aggressive projection approaches attempted by other cities Kimley-Horn has worked with have not been approved by HCD.

As stated in the report previously presented to the City Council on June 1<sup>st</sup>, ABAG has prepared a preliminary ADU Affordability Report, currently under review by HCD, intended as a basis to allocate ADU production into the various RHNA affordability categories. If HCD accepts the report's analysis, ADU's would be permitted to be counted at the following income levels: 30% Very Low Income, 30% Low Income, 30% Moderate Income, and 10% Above Moderate Income. Follow-up or verification of affordability levels would not be required if utilizing these accepted income levels. Utilizing these assumptions, the City would be able to count the following ADU production shown in Table 2.

<b>Table 2: Summary of Projected ADU Production by Affordability</b>		
<b>Income Category</b>	<b>ABAG Affordability Assumptions</b>	<b>Projected ADU Production</b>
<b>Very Low Income (VLI)</b>	30%	40
<b>Low Income (LI)</b>	30%	41
<b>Moderate Income (MI)</b>	30%	40
<b>Above-Moderate Income (AMI)</b>	10%	14
<b>Total</b>		<b>135 Units</b>

These assumptions can potentially be adjusted if the City Council wants to consider including strong policies and programs to encourage the development of ADUs. Discussion of how the numbers may be adjusted and what types of programs may be considered are discussed further in the Site Inventory and Affordability Assumption Strategies section of the report.

Together, existing residentially-zoned properties, pipeline projects, and ADUs constitute a baseline of zoned capacity that can accommodate the City's RHNA. The difference between this number, and the RHNA in each category, represents the remaining need in each category. Table 3 below summarizes the results of staff's initial evaluation of pipeline projects and ADU production assumptions. The table also includes the total existing residential development capacity; however, the capacity has not been assigned affordability assumptions until further direction is provided as discussed in the Site Inventory and Affordability Assumption Strategies section of the report. Notably, the unit numbers presented in the following tables represent calculated capacity within the City's existing General Plan and zoning designations, rather than a specific obligation to meet a portion of the City's RHNA on specific sites.



<b>Table 3: Summary of Preliminary Capacity Analysis of RHNA and Site Strategies</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total Units</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>RHNA Strategies Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	--		--	--	2,222
Vacant Residential Land	--		--	--	1,622
<b>Total Unit Potential</b>	<b>82</b>		<b>41</b>	<b>980</b>	<b>4,947</b>
Buffer/Gap	<b>-87%</b>		<b>-83.5%</b>	153%	319%

### **IMPACTS OF THE AFFORDABLE HOUSING ORDINANCE**

At the June 1, 2022 Joint Workshop, concerns were also raised questioning whether the City could include projected affordable units that may be gained from low density housing developments as part of the City’s updated Affordable Housing Ordinance. While it may seem counterintuitive, HCD does not permit affordable units required through the City’s Affordable Housing Ordinance to be counted as “projected” units in the Sites Inventory unless they are proposed or approved as part of a specific housing development. These units are; however, able to be counted toward the City’s RHNA once a project is approved by the City. According to HCD’s *Housing Element Site Inventory Guidebook* (2020) (Attachment 1):

The analysis of ‘appropriate zoning’ should not include residential buildout projections resulting from the implementation of a jurisdiction’s inclusionary program or potential increase in density due to a density bonus, because these tools are not a substitute for addressing whether the underlining (base) zoning densities are appropriate to accommodate the RHNA for lower income households.

There are currently approximately 10 residential developments under review with a total of 633 units currently proposed. If all of these projects were approved as currently proposed, the City would gain an additional 15 low- and very-low income units and 39 moderate income units. As noted above, although these projects are currently under review and are eligible to be included as Pipeline Projects, staff has only included entitled projects that have received City approval as Pipeline Projects.

On June 21, 2022, the Planning Commission recommended changes to the City’s Affordable Housing Ordinance to require a 13% affordable housing obligation for ownership and rental projects (3% Very Low / 4% Low / 6% Moderate). They also recommended changes to limit the option to pay a fee in lieu of constructing the required units to residential developments of 5-9 units, and removing the in lieu payment option for single-family residential development of 10 or more units. The proposed changes are tentatively scheduled to be presented to the City Council on July 12, 2022 for review and adoption.

## SITE INVENTORY AND AFFORDABILITY ASSUMPTION STRATEGIES

On June 1, 2022, staff presented the City Council and Planning Commission with an update on the Housing Element Update process, a description of the sites strategies, and a preliminary analysis that showed that the City has enough sites to meet the City’s RHNA obligation without having to rezone any parcels. This is a highly unusual position for communities in the sixth housing element cycle. Because the RHNA for most communities has increased significantly compared with the fifth cycle, most need to rezone substantial areas at higher densities. For instance, the total sixth cycle RHNA for Marin County is five times as large as in the fifth cycle.

The City Council reviewed the preliminary site strategies including initial assumptions and directed staff to return with a more detailed report on the sites inventory including a comprehensive draft sites inventory of every parcel when available for review. At this meeting, specific concerns were also raised regarding staff’s initial recommendation to assume that sites meeting the minimum default density of 30 du/ac be assumed to include 30% low income units and 10% moderate income units. Based on this feedback, staff has provided a comprehensive list of sites under consideration to be included in the draft sites inventory (attached for reference) and has three strategies for the City Council’s review and consideration. All three strategies include the same baseline for pipeline projects and existing residential inventory parcels, however, each will provide different affordability assumptions, and one with different ADU projections.

The strategies provided are only a sample of the strategies and assumptions that could be utilized to address the City’s RHNA. There will be an opportunity at June 21<sup>st</sup> workshop to use in real time, a model to make affordability and site assumption adjustments as necessary. A summary of the three identified strategies are included in Attachment 5 and below in Table 4 followed by a detailed discussion of each.

	<b>Strategy 1</b>	<b>Strategy 2</b>	<b>Strategy 3</b>
<b>Description</b>	No Rezoning Required, Reduced Affordability with Increased ADU Assumptions	No Rezoning Required, HCD Approved Methodology	No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions
<b>HCD-supported</b>	No	Yes	Yes
<b>Affordability Assumptions*</b>	21% Low and Very Low, and 6% Moderate	100% Low and Very Low, and 100% Moderate	30% Low and Very Low, and 10% Moderate
<b>Affordable Unit Potential</b>	VL/L: 635 units Mod: 264 units AMod: 4,183 units Total: 5,082 units	VL/L: 2,321 units Mod: 851 units AMod: 1,775 units Total: 4,947 units	VL/L: 755 units Mod: 347 units AMod: 1,405 units Total: 4,947 units
<b>Buffer</b>	0% Low/Very Low, 7% Moderate-, and 553% Above Moderate	266% Low/Very Low, 245% Moderate-, and 177% Above Moderate	19% Low/Very Low, 40% Moderate-, and 500% Above Moderate
<b>No Not Loss Implications</b>	Highly likely to trigger no net loss	Least likely to trigger no net loss	More likely than Strategy 2 to trigger no net loss
*Affordability assumptions are based on the sites inventory with the assumption that sites that allow 30 du/ac (default density) or more can accommodate capacity for lower-income units and sites that allow 15 to 25 du/ac can accommodate capacity for moderate-income units.			

Only strategies 2 and 3 of the aforementioned options currently create the capacity necessary to meet RHNA with a buffer consistent with HCD recommendations. Strategy 1 is presented to illustrate what the inventory may look like using affordability assumptions that are more conservative and more closely track the proposed Affordable Housing Ordinance (3%, 4%, 6%), and other strategies by which Brentwood can pursue meeting the RHNA obligation, although additional adjustments would be required. Strategy 1 is not recommended due to its reliance on ADU's, a strategy HCD has repeatedly disapproved. Table 5 below summarizes the affordability assumptions under each strategy followed by a more detailed analysis of each strategy.

<b>Table 5: Affordability and Default Densities by General Plan Designation</b>				
<b>Density Category</b>	<b>Density Range</b>	<b>Income Level Potentially Accommodated in Inventory</b>		
		Above-Mod.	Mod.	Low
<b>Strategy 1 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	70%	6%	
Very High Density	> 30 du/ac	60%	6%	21%
<b>Strategy 2 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	0%	100%	
Very High Density	> 30 du/ac	0%	0%	100%
<b>Strategy 3 Affordability Assumptions</b>				
Low - Medium Density	< 15 du/ac	100%		
High Density	15 – 25 du/ac	70%	30%	
Very High Density	> 30 du/ac	60%	10%	30%

**Strategy 1: Reduced Affordability with Increased ADU Assumptions**

*ADU Assumptions*

As indicated in the report, HCD allows ADU projections based on previous production averages projected over the next 8-year cycle. In order to increase these assumptions, the City would be required to include additional incentives, documented in new programs that could facilitate the added production. Additional programs that could be included to incentivize additional ADU production could include the following:

- programs to waive ADU plan check and permit fees;
- pre-approved ADU plans to streamline the project application and review process and reduce upfront project costs;
- promotion of ADUs through handouts, simplified application forms; and
- exploration of a program to provide ADU funding assistance to homeowners that provide affordability covenants.

In addition to these programs, the City would be required to document and clearly justify to HCD how and why the City believes that these programs would work as well as creating a monitoring program to track ADU and JADU creation and affordability levels throughout the planning period. The program would require the City to monitor the development of accessory units at all

income levels and track progress annually. If ADUs are not approved and permitted at the rate anticipated in the City’s increased projections, the City would need to adopt additional incentives within 2 years of the original incentives, and every two years subsequent, until ADU construction matches ADU projections.

Staff has reviewed the City’s current Municipal Code regulations, residential development trends, and overall characteristics of residential properties within the city and does not believe that with added programs and an increased effort to highly encourage and incentivize ADU production throughout the city that there is additional realistic capacity and believes that doubling the current projections to a total of 30 ADUs per year would be rejected by HCD. Although strategies similar to this have been approved in limited capacity within California, in those cases analysis and growth trends were typically provided to show a growing trend in production right up to adoption of the Housing Element. Since Brentwood is unable to show any substantial growth in production in the past six months to a year, adequate justification is not likely in this case. If increased assumptions were to still be considered, possible revised ADU production and assumptions are shown below in Table 6.

<b>Table 6: Summary of Projected ADU Production by Affordability</b>			
<b>Income Category</b>	<b>ABAG Affordability Assumptions</b>	<b>Original ADU Productions</b>	<b>Increased ADU Productions</b>
<b>Very Low Income (VLI)</b>	30%	40	80
<b>Low Income (LI)</b>	30%	41	82
<b>Moderate Income (MI)</b>	30%	40	80
<b>Above-Moderate Income (AMI)</b>	10%	14	28
<b>Total</b>		135 Units	270 Units

*High and Very High Density Affordability Assumptions*

In addition to higher ADU projections, Strategy 1 includes assumptions of 27% affordable units (9% very low-, 12% low-, and 6% moderate-income units) on all sites meeting the minimum default density of 30 du/ac. This assumption would be above what is required as part of the City’s Affordable Housing Ordinance, but would provide more conservative estimates and be more closely aligned with the City’s RHNA requirements. However, in this scenario the City would be most likely to need to modify affordability assumptions, or upzone additional sites during the planning period because the remaining undeveloped sites would be projected to provide few affordable units.

Table 7 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 1 capacity assumptions. Strategy 1 would result in the following projected capacity which would include a zero percent buffer in the lower income category:

<b>Table 7: Summary of Strategy 1 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 1 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	162	81	81	27	270
<b>Remaining Need</b>	<b>471</b>	<b>166</b>	<b>166</b>	<b>--</b>	<b>314</b>
PA-1 (Innovation Center)	377	133	133	1,712	2,222
Vacant Residential Land	94	50	50	1,478	1,622
<b>Total Unit Potential</b>	<b>635</b>	<b>264</b>	<b>264</b>	<b>4,183</b>	<b>5,082</b>
Units +/- and Buffer/Gap %	<b>1 unit, 0%</b>	<b>17 units, 7%</b>	<b>17 units, 7%</b>	<b>3,542 units, 553%</b>	<b>3,844 units, 227%</b>

*CEQA Implications under Strategy 1*

If Strategy 1 is chosen, no rezoning would be required and although affordability assumptions would be modified, all density assumptions would continue to be based on existing General Plan designations and therefore the Housing Element Update may be exempt from CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, similar to Strategy 1 and 2.

**Strategy 2: No Rezoning Required, HCD Approved Methodology**

Strategy 2 utilizes the preliminary analysis of RHNA and site strategies as presented in the HCD Guidebook. Based on HCD guidelines, the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing between 15-25 du/ac. Although utilizing this approach would require additional analysis and justification of the sites designated for lower income housing, this is the typical assumption that most communities in California have used. Utilizing this method would also provide the City with the largest buffer in the very low- and low-income categories.

Table 8 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 2 capacity assumptions. Strategy 2 would result in the following projected capacity which would include a large buffer in each income category:

<b>Table 8: Summary of Strategy 2 Capacity Analysis</b>					
	<b>Very Low- Income</b>	<b>Low- Income</b>	<b>Moderate- Income</b>	<b>Above Moderate- Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 2 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	1,793		429	0	2,222
Vacant Residential Land	446		381	795	1,622
<b>Total Unit Potential</b>	<b>2,321</b>		<b>851</b>	<b>1,775</b>	<b>4,947</b>
Units +/- and Buffer/Gap %	<b>1,687 units, 266%</b>		<b>604 units, 245%</b>	<b>1,134 units, 177%</b>	<b>3,844 units, 219%</b>

Strategy 2 could also be proposed with fewer sites and a smaller buffer, although this would be more likely to trigger no net loss. If that occurred, however, the City would be able to make a finding that additional properly zoned sites are available in the City.

#### *CEQA Implications under Strategy 2*

If Strategy 2 is chosen, no rezoning would be required and all density assumptions would be based on existing General Plan designations; therefore, the Housing Element Update would be exempt from CEQA review, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. However, HCD may require that other programs be included that could require additional CEQA review.

#### **Strategy 3: No Rezoning Required, HCD Approved Methodology with Conservative Affordability Assumptions**

Strategy 3 utilizes the preliminary analysis of RHNA and sites strategies as presented in the initial sections of this report. As stated above, based on HCD guidelines the City may make assumptions up to 100% lower-income affordability for all sites allowing 30 du/ac or more, and 100% moderate-income affordability for all sites allowing up to 20 du/ac. However, a more conservative assumption would project 30% low-income affordability and 10% moderate-income affordability for very high-density sites and 30% moderate-income affordability for high-density sites. Since not all sites are likely to develop at even this level of affordability, the City would need to carefully monitor development to ensure that it retains adequate sites at all times for the lower and moderate income categories. Because each site would be projected to have fewer affordable units, the City would be more likely to need to modify assumptions or up zone additional sites later in the planning period. A 100% affordable housing development would greatly assist in meeting the City's RHNA.

Table 9 below summarizes the results of initial evaluation of existing residential development capacity utilizing Strategy 3 capacity assumptions. Strategy 3 would result in the following projected capacity which would include a minimum 19% buffer in the lower income category:

<b>Table 9: Summary of Strategy 3 Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Strategy 3 Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	539		223	1,460	2,222
Vacant Residential Land	134		83	1,405	1,622
<b>Total Unit Potential</b>	<b>755</b>		<b>347</b>	<b>3,845</b>	<b>4,947</b>
Units +/- and Buffer/Gap %	<b>121 units, 19%</b>		<b>100 units, 40%</b>	<b>3,204 units, 500%</b>	<b>3,844 units, 219%</b>

#### *CEQA Implications under Strategy 3*

If Strategy 3 is chosen, no rezoning would be required and all density assumptions would be based on existing General Plan designations; therefore, the Housing Element Update would be exempt from CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. However, HCD may require that other programs be included that could require additional CEQA review.

#### **NEXT STEPS**

As noted, the creation of the site inventory is an important initial step in the Housing Element Update process. Following this meeting, staff and the consultant team will continue to develop and refine the analysis of existing sites and solidify the existing capacity that can be used to address the City's RHNA. Based on where staff and the consultant team currently are in the analysis, a revised schedule and timeline has been prepared for Strategies 1, 2, and 3. A summary of the revised schedule is included below.

<b>Task</b>	<b>Timeframe</b>
City Council Workshop	July 21, 2022
Publish Public Review Draft	August 2022
Joint City Council and Planning Commission Meeting – Public Review Draft	August 2022
Internally Review Community Input/Feedback and Make Revisions	Early September 2022
First HCD Submittal	Mid-September 2022
Response to HCD Comments and Revisions	Mid-December 2022
2 <sup>nd</sup> Submission of Draft Housing Element to HCD	February 2023
Response to HCD Comments and Revisions	April 2023
3 <sup>rd</sup> Submission of Draft Housing Element to HCD if needed	May 2023
HCD Letter of Substantial Compliance	May 2023
Adoption Public Hearings	May 2023

It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for our jurisdiction, there is a 120-day “grace period” that is allowed in order to gain compliance with HCD. Under Strategies 1, 2, or 3, Brentwood would be utilizing this 120-day grace period to gain certification.

Staff also notes that in addition to working on reviewing the site inventory and goals and policies, staff and the consultant team are continuing to advance other components of the Housing Element. These include:

- Summary of input from the initial on-line community survey. The survey concluded on Friday, June 10<sup>th</sup> and included a total of 526 responses. A comprehensive summary of the survey results will be presented to the City Council when available.
- Completion of the Public Review Draft of the 2023-2031 Housing Element Update that will address all of the mandatory informational requirements and analyses supporting the Housing Element, including findings of the required housing needs assessment; analysis of constraints to housing; and evaluation of existing Housing Element policies and programs. This draft report is anticipated to be published and presented to the City Council and Planning Commission in August ahead of submission to HCD.

## **CONCLUSION**

To move forward in the planning process in drafting the Housing Element Update, it is imperative that the City Council provide direction on which strategies should be used in forming baseline site inventory and affordability assumptions. Staff is recommending that the City Council review, discuss, and receive public comments on the Housing Element Update RHNA sites strategies and provide direction to staff on which of the above site strategies to move forward with in order to complete the public review draft of the Housing Element.

### **Attachments**

1. HCD Site Inventory Guidebook
2. Residential General Plan Map
3. Draft Site Inventory Excel Sheet
4. Draft Site Inventory Map
5. Strategy 1-3 Site Analysis Tables
6. 5<sup>th</sup> Cycle Housing Element Site Inventory Analysis
  - a. Multi-Family Sites
  - b. Single-Family Sites



## C.5 City Council and Community Meeting

This section contains all materials created for the August 30, 2022, City Council meeting. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat. A recording of the meeting is available in both English and Spanish on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.



HERITAGE • VISION • OPPORTUNITY

## 2023-2031 Housing Element Update City Council and Community Meeting

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The City of Brentwood is currently updating its 2023-2031 Housing Element and has released the Public Review Draft. Please join us to learn about the different parts of the draft document as well as how you can provide feedback during the public review period.

**When:** Tuesday August 30, 2022 at 6:00PM

**Where:** Zoom - [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc)



To view the Public Review Draft Housing Element and provide feedback, please scan the QR Code or click the link below:

<https://brentwoodhousingelement.com/resources/>

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## Actualización del Elemento de Vivienda 2023-2031 Reunión del Concejo Municipal y la Comunidad

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La ciudad de Brentwood se está preparando para publicar el Borrador de Revisión Pública del Elemento de Vivienda 2023-2031. Únase a nosotros en un taller virtual para aprender sobre las diferentes partes del borrador del documento y cómo puede proporcionar comentarios durante el período de revisión pública.

**Cuándo:** Martes, 30 de agosto de 2022 a las 6:00PM

**Dónde:** Zoom - [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc)



Para ver el Borrador de Revisión Pública del Elemento de Vivienda y envíe sus comentarios, escanee el código

QR o conéctese a:

<https://brentwoodhousingelement.com/resources/>

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**AUGUST 30, 2022  
SPECIAL CITY COUNCIL AGENDA**

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\*  
UPDATED APRIL 21, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this City Council meeting will be held exclusively via teleconference, using the Zoom video conferencing system. At this time, public participation will be available exclusively via telephone or teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the City Council meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council) using any of the following methods:

1. **Zoom:** [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc) or **Zoom Webinar ID:** 760 1397 0037

Phone Numbers:

**Dial (for higher quality, dial a number based on your current location):**

**US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free)**

As the City Council Chamber will not be open to the public, individuals may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the “Raise Hand” feature on Zoom to request to speak. The meeting host will call on you, by name, and enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) or 925.516.5182.)*

**The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas’ link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)**

2. **Telephone**

If you wish to comment during the meeting via telephone, you may “raise your hand” virtually on most devices by pressing \*9, and you will be called upon when it is your time to speak. After speaking, please press \*9 again to remove the “raise your hand” feature. If that feature does not work on your device, please email [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line “Request to Speak – Agenda Item #” and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

3. **E-mail**

Public comments can also be submitted via e-mail to [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:

- distributed to the Council via email before the meeting,
- posted online for public inspection at <https://www.brentwoodca.gov/councilmeetingonline>, and
- later summarized in the meeting minutes.

**Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the City Council, posted online within one day following the meeting, and will be summarized in the meeting minutes.** The City cannot guarantee that its

network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based options listed above, the City Council will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the City Council receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 3:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

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Pursuant to Section 54956 of the California Government Code,  
a special meeting of the City Council is hereby called for  
**AUGUST 30, 2022, at 6:00 p.m.** or as soon thereafter as possible.

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**Following the staff presentation of the agenda item, and before direction is provided, public comment will be taken.**

**CALL TO ORDER/ROLL CALL:** A special meeting of the City Council

- A. Housing Element Update - Introduction of the 2023-2031 (6th Cycle) Housing Element Update Public Review Draft. (Alexis Morris/Jennifer Hagen)

**ADJOURNMENT**

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**POSTING STATEMENT**

On August \_\_, 2022, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## CITY COUNCIL AGENDA ITEM A

**Meeting Date:** August 30, 2022

**Subject Title:** Introduction of the 2023-2031 Housing Element Update Public Review Draft

**Prepared By:** Jennifer Hagen, Senior Planner

**Submitted By:** Alexis Morris, Community Development Director  
Erik Nolthenius, Planning Manager

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### PURPOSE AND RECOMMENDATION

The City formally initiated the 6th Cycle (2023-2031) Housing Element Update process in October 2021 with substantive public meetings beginning in April. Since then, there have been a number of public meetings and outreach events to review key components of the Housing Element Update. Public input provided at these meetings, along with feedback from the Planning Commission and direction from the City Council, has been incorporated into the Public Review Draft Housing Element (“Draft Housing Element”) introduced in this report. The Draft Housing Element will be available for public review and input from August 25 through September 27.

Tonight, staff is presenting the City Council and the community with an introduction to the Public Review Draft Housing Element (Attachment B), including an overview of the Housing Element Update process and timeline, and instructions on how the public can provide comments and participate in the upcoming public outreach. No action or direction is requested at this time. The City is conducting tonight’s City Council workshop in order to introduce the Public Review Draft Housing Element and to facilitate public comment. Other opportunities for public comment will include a Planning Commission meeting on September 20, and a City Council meeting on September 27. In addition, comments can be sent to staff at any time during the public review period, via the project website, email, or traditional mail correspondence.

### PREVIOUS ACTION

The City Council authorized execution of an agreement with Kimley-Horn for consulting services to assist with preparation of the 2023-2031 (6<sup>th</sup> RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

On June 1, 2022, staff presented a status report on the Housing Element Update including Regional Housing Needs Allocation (RHNA) site strategies, and implications of new State legislation on the City’s policies and programs to the City Council and Planning Commission. The City Council directed staff to return with a draft site inventory for review.

On July 21, 2022, staff presented a draft site inventory with an introduction of the analysis of existing residential zoning capacity within the city, as well as an evaluation of site inventory and affordability assumption strategies needed to address the City’s RHNA. The City Council directed staff to move forward with drafting a Housing Element Public Review Draft that reduced buffers

within the draft sites inventory to 15%-20%, added policies incentivizing ADU production, and added policies encouraging development on City-owned parcels.

On August 15, 2022, staff presented a revised site inventory to the City Council's Land Use and Development Committee (LUD) as well as a status report on the Housing Element Update. Staff requested that LUD provide any additional input on the Housing Element Update, including affirmation of staff's approach to the draft sites inventory. Staff received input and has now completed the Housing Element Public Review Draft.

## **DISCUSSION**

### What is a Housing Element?

The Housing Element is one of seven State- mandated elements of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. Rising housing costs are not just a statewide or regional issue, but directly impact Brentwood residents and those faced with rising housing prices and increased incidence of homelessness.

Periodic updating of the Housing Element is required by State law; and thus, the Element provides a vehicle for the State's housing goal of "attaining decent housing and a suitable living environment for every California family," as well as incorporating the unique concerns of the community. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (the 5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023<sup>1</sup>, to address the period from 2023-2031.

State law establishes a series of very specific requirements as to the scope, content, and process by which a Housing Element is updated and adopted, including review and approval (known as certification) by the California Department of Housing and Community Development (HCD).

Unlike the majority of the other required General Plan elements, the Housing Element must include very specific information to ensure compliance with the variety of complex housing laws. In accordance with State law, Brentwood's Housing Element must look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs across income levels. The inventory of available sites, or "Sites Inventory," is a key component of a Housing Element in which the City must identify land zoned for housing to meet the RHNA. Local governments must involve the public from all economic segments of the community in developing the Housing Element.

### Public Review Draft Housing Element Review Process

The Draft Housing Element in circulation has been prepared to reflect the feedback and public process to date and is available for public review from August 25 through September 27. The City Council is hosting tonight's special meeting in order to introduce the Draft Housing Element and to facilitate public comment. Other opportunities for public engagement include a Planning Commission meeting on September 20 and a City Council meeting on September 27<sup>2</sup>.

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<sup>1</sup> It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for Brentwood, there is a 120-day "grace period" that is allowed in order to gain HCD's finding of compliance or certification.

<sup>2</sup> Due to newly imposed requirements under AB 215, the State's new shortened timeline prevents the City from circulating the draft Housing Element to the City Council for comment before it is released to the public. However, the new law does allow publication of the Housing Element for public review concurrent with Planning Commission and City Council review.

Additionally, public comments are encouraged to be submitted to staff via the project website (<https://brentwoodhousingelement.com>) through a designated Public Review Draft housing Element Feedback Form, which has been attached for reference. In addition to our Public Review feedback form, comments may also be submitted by email or traditional mail correspondence. Following the public review period, staff and the professional services team (Kimley-Horn) will implement revisions as necessary to the Draft Housing Element, prior to submittal to HCD.

All public and Planning Commission feedback received during the 30-day review period will be reported to the City Council at its meeting on September 27. If recommended by the City Council at its meeting, the document will be submitted to HCD in October, after the required 10-day response period, for HCD's compulsory review, incorporating any revisions necessary and/or recommended by the City Council. HCD will have 90 days to review and comment on the draft document. After HCD's review period, ending in mid-January, staff will incorporate HCD's comments into another draft of the Housing Element. Additionally, staff and Kimley-Horn are preparing environmental documents to be reviewed with the final draft on the Housing Element in 2023. The updated Housing Element would then be re-submitted to HCD for a further review (30-60 days) during the first quarter of 2023, with adoption anticipated in spring of 2023.

#### What Are the Components of the Draft Housing Element?

State law defines the required contents of the Housing Element, with key components that can be found in the following four principal sections and four appendices:

**Section 1: Introduction** – This section contains a summary of the content, organization, and statutory considerations of the Housing Element.

**Section 2: Community Profile** – This section contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock.

**Section 3: Housing Constraints, Resources, and Fair Housing** – This section examines governmental and nongovernmental constraints on production, maintenance, and affordability of housing, and provides a summary of housing resources, including sites identification and funding and financial considerations, as well as the Affirmatively Furthering Fair Housing (AFFH) section.

**Section 4: Housing Plan** – This section addresses the City's identified housing needs, including housing goals, policies, and programs.

**Appendix A: Review of Past Performance** – This section reviews the 5<sup>th</sup> Cycle Housing Element update goals and policies, and provides analysis of the City's efforts with respect to achieving those goals, and considers whether the previous goals and policies should be deleted, carried forward, or modified as part of the new update.

**Appendix B: Candidate Sites Analysis** – This section includes the draft sites inventory and analyzes the City's ability to meet current RHNA goals in each income category.

**Appendix C: Summary of Community Engagement** – This section provides a summary of the public outreach that has been undertaken since the start of the Housing Element Update process and will continue to be updated until the adoption of the Housing Element.

**Appendix D: Glossary of Housing Terms** – This section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

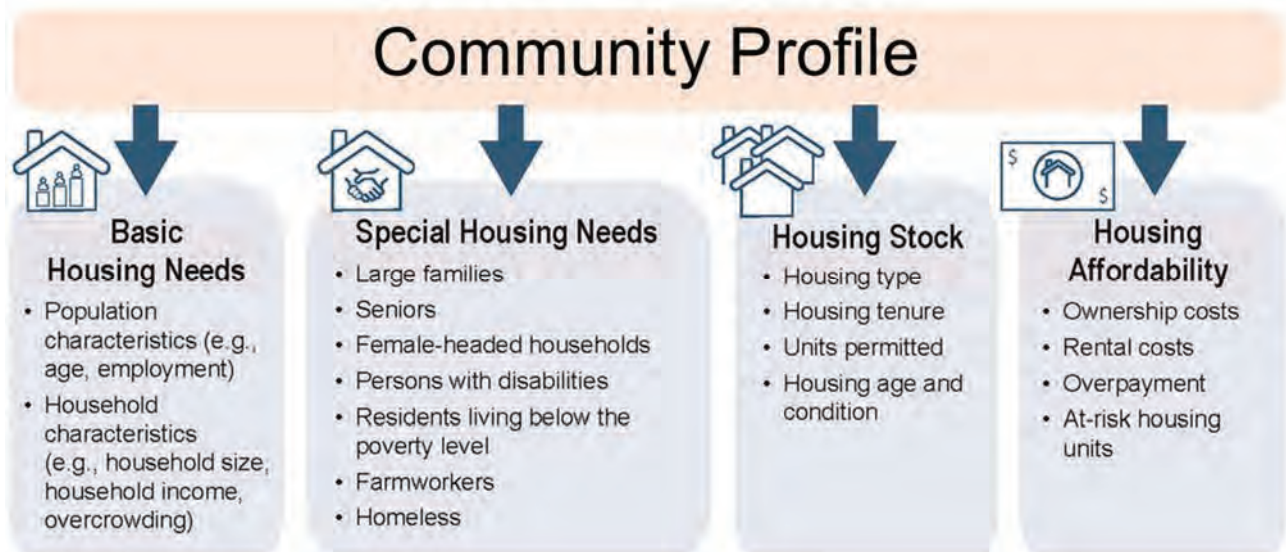
Staff and Kimley-Horn have verified, in accordance with the HCD Housing Element Completeness Checklist, that the Draft Housing Element, included in Attachment A, is reflective of the various



State requirements and the public process to date. Below is a detailed summary of each of the relevant sections and appendices to assist with review of the document.

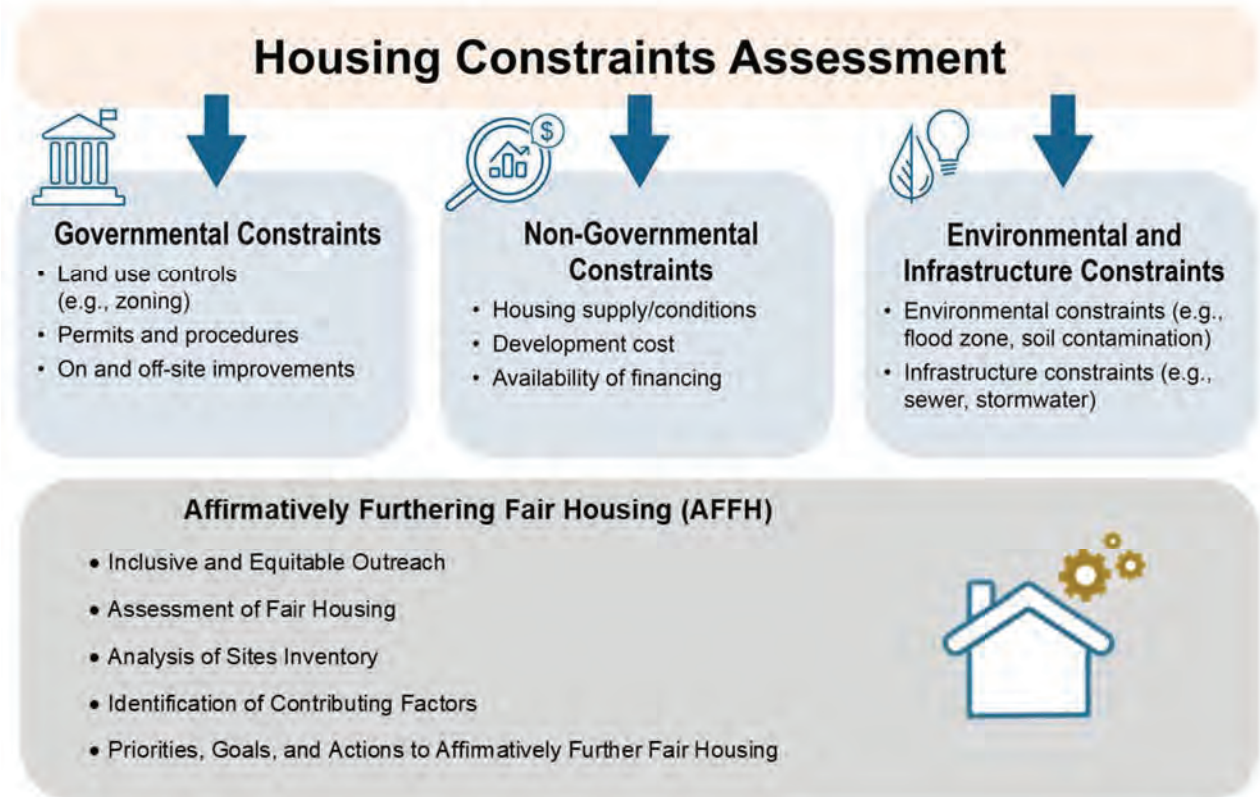
**Section 2 – Community Profile:** The Community Profile establishes the foundation for understanding Brentwood’s housing needs. It analyzes a range of demographic, economic, and housing-related variables that help define the extent and context of the city’s housing-related needs. As illustrated in Figure 1 below, the Community Profile includes an analysis of the city’s population, special needs groups, employment, housing stock, and housing affordability. Information in this section provides a basis from which to build housing goals, policies, and programs to address those needs.

Figure 1: Community Profile



**Section 3 - Housing Constraints, Resources, and Fair Housing:** Analyzes and recommends remedies for existing and potential governmental, nongovernmental, and environmental barriers to housing development. In addition, this section also includes the required Affirmatively Furthering Fair Housing (AFFH) section. Figure 2 illustrates these components, as addressed in this section.

Figure 2: Housing Constraints, Resources, and Fair Housing



AFFH is a new requirement for the 6<sup>th</sup> Cycle and is included per the requirements of a 2018 State law (AB 686). AB 686 requires the Housing Element to comprehensively analyze and address patterns of exclusion and segregation (looking both locally and regionally), and to identify meaningful actions and strategies to address those issues and their "contributing factors." The exhaustive AFFH analysis reflects detailed guidance provided by HCD, as well as best practices from other regions that have already gone through HCD review and certification. The analysis relies on both approved data sets, as well as local knowledge and community input. The analysis includes the following:

- A summary of fair housing outreach and capacity that includes all economic segments of the community;
- An assessment of fair housing issues, including integration and segregation patterns, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs for all identified populations. Many of the key issues reflect those identified more generally in the housing needs assessment, including overpayment for housing, particularly among renters, and lack of affordability that is most acute for the lower-wage workforce, the disabled, and seniors. Geographically, the area east of Brentwood Boulevard is identified as an area where there may be a greater risk for displacement of existing renters and lower-income residents. Lack of access to fair

housing resources, especially for those that do not speak English as a primary language, was further identified as a contributing factor in fair housing issues;

- An evaluation of whether the Housing Element's sites inventory improves or exacerbates conditions for fair housing. The analysis concludes that the sites inventory would not worsen fair housing conditions;
- The identification and prioritization of contributing factors related to fair housing issues. Some of the key contributing factors to fair housing issues in Brentwood include the location and type of housing, lack of affordable, integrated housing for persons with special needs, displacement due to economic pressures, community opposition to housing over time, and lack of marketing and language access regarding housing opportunities and resources; and
- The identification of fair housing goals and actions that directly address the City's contributing factors.

**Section 4: Housing Plan:** The goals, policies, and programs (also called actions) are a key component in this section, representing the City's proposed "housing plan" with a focus on actionable steps and measures that the City will undertake to increase affordable housing and preserve and improve existing housing.

There are four main goals, with a corresponding set of policies and programs for each. Whereas the policies help to guide and inform future City decision-making and direction with respect to a broad range of housing-related topics, the programs provide actionable steps to implement the Housing Element's goals and to make further progress towards meeting the regional housing need allocation. Timeframes and responsibilities for each program are indicated in the text. The four main goals in the Housing Plan include the following:

**H.1 - Housing Goal**

Facilitate a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.

**H.2 - Affordability Goal**

Encourage housing that is affordable to all socio-economic segments of Brentwood's population.

**H.3 - Equitable Distribution of Affordable Housing Goal**

Encourage an equitable distribution of housing for all economic groups throughout the community.

**H.4 - Housing Opportunities Goal**

Promote equal housing opportunities for all residents of Brentwood.

In developing the policies and programs, staff used those included in the 5th Cycle Housing Element as a starting point, carrying forward many of the same underlying themes, concepts, and ideas. However, the 6<sup>th</sup> Cycle Draft Housing Element revises and modifies some of the actions to clarify intent, improve specificity and address new State laws. (As a required component of the Housing Element, Appendix A provides a review of the 5th Cycle programs, evaluates the City's progress towards achieving the goals of the programs, and notes whether they have been continued, discontinued, or modified in the update.)

Although the changes are limited, for the purposes of reviewing this draft, staff has indicated the correlation between the 5th Cycle and 6th Cycle goals, policies, and programs within the body of the Draft Housing Element by noting them all as either "[NEW]" or "[5th Cycle Action X, modified/expanded]" in brackets in the text. When modified from a prior policy/program, reference is provided back to the 5th Cycle program or policy in question.

Some of the new actions/programs may be required per State law (e.g., AB 2923, AB 1397, and SB 166), some are in response to the requirement to address housing constraints, and others are in response to feedback from the public, Planning Commission, and City Council. New policies and programs are annotated in the Draft Housing Element text with "[NEW]" for reference. Among these are new policies and programs to facilitate housing production, reflecting a range of housing types, sizes, affordability levels, and tenure, and provide access to housing opportunities that meet the diverse needs of the community, including:

- Action H.1b: Support and accommodate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).
- Action H.1c: Monitor the development of ADU and JADU applications, location, affordability, and other relevant features to ensure adequate ADU development.
- Action H.1m: Establish written procedures to comply with California Government Code Section 65913.4, as appropriate, to comply with the requirements of Senate Bill 35 (SB 35).
- Action H.1n: Encourage residential development on sites within the Sites Inventory and maximize the development potential, as well as promote existing residential incentives and identify potential new incentives, as appropriate.
- Action H.1o: Revise the General Plan to comply with the requirements of Senate Bill 1000 (SB 1000) to incorporate environmental justice policies within the General Plan and of Senate Bill 1035 (SB 1035) to identify flood hazards and address the risk of fire hazards in the City's Safety Element.
- Action H.1p: Adopt a replacement-housing program for units lost that are currently occupied by lower-income households or households subject to affordability requirements.
- Action H.1q: Monitor housing sites to ensure adequate sites to accommodate the remaining unmet RHNA by each income category pursuant to Senate Bill 330 (SB 330).
- Action H.2i: Update the Density Bonus Ordinance in compliance with State law requirements.
- Action H.4a: Affirmatively further fair housing by taking meaningful actions that foster inclusive communities free from barriers, which restrict access to opportunities, based on protected classes.
- Action H.4h: Adopt regulations and procedures that establish a ministerial approval process for low-barrier navigation centers that meet specified requirements consistent with Senate Bill 48 (SB 48).
- Action H.4i: Encourage construction and rehabilitation of housing with supportive services targeted for persons with developmental disabilities, including exploring granting regulatory incentives.
- Action H.4j: Encourage opportunities to accommodate housing that can assist with individuals' transitions from homelessness, including Single Room Occupancy units (SROs).

New HCD guidelines also requires that all new goals, policies, and programs are objective and quantifiable in nature. Based on these more stringent guidelines, staff has included specific quantifiable objectives into the following programs and shown in Table 1:

- Action H.1d: Monitor At-Risk Projects and develop strategies including potential expenditure of City housing funds to preserve their ongoing affordability. Housing projects are “at risk” if they are near to reverting or converting to market rate pricing.
  - Monitor the six units at-risk of converting to market-rate during the planning period.
- Action H.1e: Encourage community education regarding the availability of rehabilitation programs.
  - Assist in rehabilitating 30 housing units during the planning period.
- Action H.2c: Provide a First-Time Homebuyer Assistance Program either directly or through regional partners.
  - Assist 20 households during the planning period.
- Action H.2d: Explore a variety of potential financial assistance programs from both the public and private sectors to provide more affordable housing units and affordable housing assistance.
  - Assist in providing assistance to 20 extremely low-, 50 very low-, and 50 low-income units during the planning period.
- Action H.4e: Encourage affordable housing developers to provide units for special needs persons or households, when feasible and appropriate.
  - Seek opportunities to assist developers with providing 50 special needs units (farmworker, affordable senior, disabled, developmentally disabled, large households, female-headed household, homeless) during the planning period.

<b>Table 1: 6<sup>th</sup> Planning Cycle Quantified Objectives</b>						
<b>Objectives</b>	<b>Units by Income Level</b>					<b>Total Units</b>
	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	
<b>RHNA</b>	<b>402</b>		<b>232</b>	<b>247</b>	<b>641</b>	<b>1,522</b>
<b>Home Repair/ Rehabilitation</b>	30					<b>30</b>
<b>Special Needs Units</b>	50					<b>50</b>
<b>First-Time Homebuyer</b>	15			5	0	<b>20</b>
<b>Affordable Housing Assistance</b>	20	50	50	0	0	<b>120</b>
<b>At-Risk Housing Units</b>	6			0	0	<b>6</b>

Staff has reviewed the above-mentioned quantifiable objectives and believes that through existing City policies and programs, as well as the City’s affordable Housing Ordinance, the objectives are reasonably spread out over the eight-year planning period.

**Appendix A - Review of Past Performance:** This Appendix reviews the prior Housing Element to measure progress in implementing policies and programs. It likewise evaluates which programs were successful and should be continued, and which programs were ineffective and should be removed or modified. Examples of recommended modifications include integrating changes to reflect State law updates (e.g., no net loss (SB 166), Housing Crisis Act (SB 330), supportive housing, environmental justice, etc.) and providing more specificity in terms of City actions.

**Appendix B – Candidate Sites Analysis:** Identifies locations of available sites for housing development to ensure that there is adequate capacity to address the RHNA in each of the affordability categories.

As shown in Appendix B, the City's existing zoning (i.e., residential development capacity that exists currently within Brentwood’s residential and mixed-use zoning districts) and "pipeline"<sup>3</sup> of entitled projects is estimated to accommodate approximately 3,069 housing units; this number includes 135 ADUs that are assumed will be built during the Housing Element period.

As seen in Table 2, this estimated capacity reflects a buffer in each income category when compared to the total RHNA allocation (1,552 units). Staff notes that based on City Council and LUD direction, the distribution of units across income categories varies somewhat from the estimates provided in earlier stages of the process. A majority of those changes resulted in reducing the estimated capacity in PA-1 while increasing the affordability assumptions.

<b>Table 2: Summary of Residential Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	80	41	0	14	135
<b>Remaining Need</b>	<b>552</b>	<b>206</b>	<b>0</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	479	228	0	813	1,520
Vacant Residential Land	156	68	0	222	446
<b>Total Unit Potential</b>	<b>717</b>	<b>337</b>	<b>0</b>	<b>2,015</b>	<b>3,069</b>
Units +/- and Buffer/Gap %	<b>+83 units, 13%</b>	<b>+90 units, 36%</b>	<b>0 units, 0%</b>	<b>+1,374 units, 214%</b>	<b>+1,966 units, 98%</b>

This approach in the current draft was provided by City Council and LUD in July and August, to allow the City to account for potential future changes to PA-1 currently under consideration by the City Council, review by HCD, and additional public input. The adequacy of the sites inventory will be evaluated by HCD. In any case, during the final phases of Housing Element review that will

<sup>3</sup> HCD defines pipeline projects as residential projects that are approved, permitted, or receive a certificate of occupancy after the beginning of the RHNA period.

take place in early 2023, the City Council will be able to further modify the inventory to reflect any potential changes to PA-1.

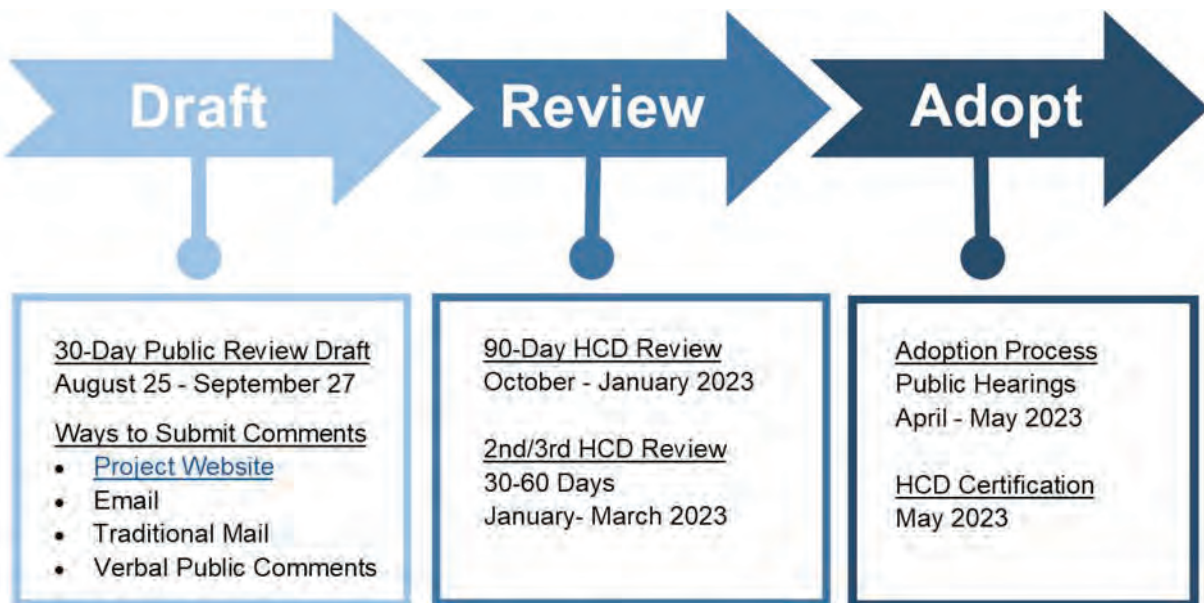
**Appendix C - Summary of Community Engagement:** Summarizes community outreach and engagement meetings and surveys, with a particular focus on outreach to traditionally underrepresented groups. Included in Appendix D is a summary of input from the initial on-line community survey. The survey concluded in June and included 526 responses. This appendix will continue to be updated until the conclusion of the public review process.

**Appendix D - Glossary of Housing Terms:** This final section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

**NEXT STEPS**

In addition to tonight’s Special City Council Meeting, there will be additional opportunities for feedback, including a Planning Commission meeting on September 20 and a City Council meeting on September 27. Beyond this current round of review and comment, a number of critical steps remain in the Housing Element Update process, summarized in Figure 3 and described in more detail below.

Figure 3: Review Timeline



- **HCD Review of Draft Housing Element (October 2022 – January 2023 and January – March 2023):** Following the public review period, the Draft Housing Element, including any revisions recommended by the City Council, will be submitted to HCD. Staff anticipates submitting the Draft Housing Element to HCD in mid-October. HCD then has a full 90 days to complete its review and provide comments to the City (i.e., HCD's initial comments would be expected in approximately mid-January 2023). Staff would likely be required to submit for a subsequent second and possible third draft to HCD for review (January – March 2023) following the initial review.
- **Potential City Council, Planning Commission, and/or Public Meetings - Revised Draft Housing Element (January - April 2023):** Following receipt of HCD comments, if staff determines that the comments are substantial in nature or that changes may impact current or existing policy direction, staff may be required to hold additional public meetings

to seek input on potential revisions to the Housing Element, prior to its resubmittal to HCD. Until HCD provides initial comments, staff is unable to know if additional City Council direction will be required.

- **Resubmittal of Housing Element to HCD (January - March 2023):** The revised Housing Element must be re-submitted to HCD, which has 30-60 days to review the document and issue a letter of substantial compliance.
- **Adoption Hearings (April-May 2023):** The Planning Commission and City Council will conduct public hearings to consider adoption of the final Housing Element.

## **ATTACHMENTS**

Attachment A - Public Review Draft Housing Element Feedback Form

Attachment B - Public Review Draft Housing Element





# City of Brentwood

## 2023-2031 Housing Element

The City of Brentwood is currently preparing the 2023-2031 Housing Element which establishes policies and programs to address housing needs at all income levels throughout the community. The Housing Element is required by State law to be updated every 8 years to account for changes in housing needs including demonstrating capacity to meet our local "fair share" of the assigned Regional Housing Needs Allocation (RHNA) and adoption of new laws. The City of Brentwood has been allocated a total of 1,522 units for the upcoming cycle. An important part of the Housing Element update process is community involvement and feedback to create policies and programs that appropriately address the housing needs of current and future Brentwood residents.

For more information about the 2023-2031 Housing Element, please visit [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com).

### **Public Review Draft Housing Element Feedback Form**

On August 25, 2022, the City released the Public Review Draft of the 2023-2031 Housing Element for a 30-day public review. Please provide feedback of the Public Review Draft of the 2023-2031 Housing Element.

#### 1. What is your association to the City of Brentwood?

Resident

Business Owner

Property Owner

Stakeholder

Other

#### 2. Please submit comments on Section 1 – Introduction.

Enter your answer

#### 3. Please submit comments on Section 2 - Community Profile.

Enter your answer

#### 4. Please submit comments on Section 3 – Housing Constraints, Resources, and Fair Housing.

Enter your answer

5. Please submit comments on Section 4 - Housing Plan.

Enter your answer

6. Please submit comments of Appendix A - Review of Past Performance.

Enter your answer

7. Please submit comments of Appendix B - Candidate Sites Analysis.

Enter your answer

8. Please submit comments of Appendix C - Summary of Community Engagement.

Enter your answer

9. Please submit comments of Appendix D - Glossary of Housing Terms.

Enter your answer

10. Please submit any additional comments you have regarding the Brentwood 2023-2031 Housing Element.

Enter your answer

[NEXT](#)

Page 1 of 2

## C.6 Planning Commission Meeting

This section contains all materials created for the September 20, 2022, Planning Commission meeting. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat.

**From:** [REDACTED]  
**Sent:** Thursday, September 15, 2022 9:42 AM  
**To:** [REDACTED]  
**Subject:** We want to hear from you! Brentwood Housing Element Update

[View this email in your browser](#)



## 2023-2031 Housing Element Update Public Review Draft

There is still time to review and provide comments on Brentwood’s Draft Housing Element. Housing Element is one of seven State-mandated elements of the City’s General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Draft Housing Element is available for download or review on the project website [HERE](#). Community members are invited to provide comments directly on the website, via email, via mail, and/or to participate in upcoming community meetings. The public review period will run through September 27th.

Upcoming opportunities for public engagement and input on the Draft Housing Element will be available in September including the following:

- Planning Commission on September 20, and
- City Council hearing on September 27



The graphic features an aerial view of a residential neighborhood with a white house icon in the center. The text '2023 - 2031 Housing Element Update' is prominently displayed. To the right, the City of Brentwood logo is shown with the tagline 'HERITAGE • VISION • OPPORTUNITY'. Below the logo, an invitation is extended to community members to provide feedback through September 27, 2022. Four methods of participation are listed: attending public meetings (Planning Commission on Sept 20 and City Council on Sept 27), mailing documents to City Hall, emailing planning@brentwoodca.gov, and using a digital form at a specific URL. A QR code is provided for more information, and the website BrentwoodHousingElement.com/Resources is highlighted.

**2023 - 2031  
Housing Element Update**

The City is pleased to announce the release of the Public Review Draft of the 2023 - 2031 Housing Element.

For more information or to review the Draft Housing Element visit:

**BrentwoodHousingElement.com/Resources**

**THE CITY OF BRENTWOOD**  
HERITAGE • VISION • OPPORTUNITY

Community members are invited to participate and provide feedback through September 27, 2022.

**By Attending Public Meetings:**  
Planning Commission Hearing  
September 20, 2022  
City Council Hearing  
September 27, 2022

**By Mail: Attention Planning**  
City Hall, 150 City Park Way

**By E-mail:**  
planning@brentwoodca.gov

**By Digital Form:**  
[https://brentwood.info/HE\\_form](https://brentwood.info/HE_form)

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## [BrentwoodHousingElement.com](https://brentwood.info/HE_form)

For more information, please visit the Housing Element project website which is translatable to Spanish and Chinese. Este sitio web es traducible. 這個網站是可翻譯的！

Please visit the website to:

- Get informed about the Housing Element, review FAQs, and download project documents and reports
- See the project schedule, including upcoming public meetings and other opportunities for engagement

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For more information, contact Jennifer Hagen, Senior Planner at [jhagen@brentwoodca.gov](mailto:jhagen@brentwoodca.gov)

[Project Website](#)




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You are receiving this email because you have shown interest in the City of Brentwood Housing Element Update.

Our mailing address is:  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513-1164

[Add us to your address book](#)

Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe](#)

Grow your business with  mailchimp



**SEPTEMBER 20, 2022  
PLANNING COMMISSION AGENDA  
TELECONFERENCE, ZOOM**

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\*  
UPDATED SEPTEMBER 15, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this Planning Commission meeting will be held exclusively via teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the Planning Commission meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Planning Commission) using any of the following methods:

**1. Zoom:** <https://www.brentwoodca.gov/planningmeetingonline>

As the City Council Chamber will not be open, the public may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the "Raise Hand" feature on the Zoom webinar to request to speak. After speaking, please lower the "Raise Hand" feature. The meeting host will call on you, by name, and unmute your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the Planning Administrative Secretary by noon of the meeting date at [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov) or 925.516.5433.)*

The public may alternatively view the meeting via one-way video feed by selecting the video option at the City Council Agendas' link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov).

**2. Telephone**

If you wish to comment during the meeting via telephone, you may "raise your hand" virtually on most devices by pressing \*9, and you will be called upon when it is your time to speak (\*6 is to mute/unmute). After speaking, please press \*9 again to remove the "raise your hand" feature. If that feature does not work on your device, please email [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line "Request to Speak – Agenda Item #" and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

**3. E-mail**

Public comments can also be submitted via e-mail to [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov). Emails not sent to this email address will not be included as public comments, even if sent directly to Planning Commissioners. Any public comments received up until 5:00 p.m. of the meeting date will be:

- distributed to the Planning Commission via email before the meeting,
- posted online for public inspection within one day following the meeting via the following link under the meeting minutes <http://brentwoodca.igq2.com/citizens/default.aspx>, and
- later summarized in the meeting minutes.

The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based options listed above, the Planning Commission will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the Planning Commission receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail. In addition, any other disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the Planning Commission less than 72 hours before any meeting will be made available online shortly thereafter.

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7:00 PM – PLANNING COMMISSION REGULAR MEETING

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**CALL TO ORDER & ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

At this time, the public is permitted to address the Planning Commission on items that are on the Consent Calendar, Requests for Future Agenda Items, or items **not** on the agenda. Persons addressing the Planning Commission are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Chairperson subject to approval of the Planning Commission. Speakers are requested to file their names with the Chairperson on the form provided on the counter near the back of the Chambers. Speakers desiring answers to questions should direct them to the Planning Commission and, if relevant, the Planning Commission may direct them to the appropriate staff member.

***PLEASE NOTE THAT THE COMMISSION'S ACTIONS ARE FINAL UNLESS AN APPEAL IS FILED WITH THE CITY CLERK WITHIN TEN CALENDAR DAYS.***

**CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. Minutes of the Planning Commission meeting of July 19, 2022. (Drummond)

**BUSINESS ITEMS**

2. An application for a one-year time extension for Design Review No. 20-009 for a 4,000 square foot replacement cart barn/maintenance building, exterior golf cart parking, a new putting green, construction of bio-treatment basins, and relocation of an existing above-ground gasoline fueling tank associated with the Brentwood Golf Course, located at 100 Summerset Drive (APN 010-020-016). (Yuwiler)
3. Housing Element Update - Introduction and review of the 2023-2031 (6th Cycle) Housing Element Update Public Review Draft. (Hagen)
4. **Public Hearing.** An amendment to the Priority Area 1 Specific Plan, which governs approximately 431 acres roughly bounded by Lone Tree Way, Heidorn Ranch Road, Old Sand Creek Road, and Shady Willow Lane (the "Priority Area 1 Specific Plan" or "project"). As originally envisioned by the Priority Area 1 Specific Plan, the project will provide for residential, professional office, technology, medical, manufacturing and research and development uses in a mixed-use business park campus and adjoining neighborhoods.

The Planning Commission may consider and make recommendations to the City Council as to the adoption of text and land use map amendments to the Priority Area 1 Specific Plan (SPA 22-001), to update development standards, land uses, infrastructure and public services, and circulation, as well as economic development and implementation; and the adoption of an ordinance to amend Brentwood Municipal Code Chapter 17.295 (PA-1 [Priority Area One] zone) and the zoning map of the City of Brentwood accordingly (RZ 22-001).



Approval of the project will not result in the approval of any particular development proposal, but rather the underlying planning to facilitate later project review and approval.

The project includes an Addendum to the Environmental Impact Report (EIR) prepared for the Priority Area 1 (PA-1) Specific Plan Project (State Clearinghouse No. 2018042064), which was certified by the City of Brentwood on November 13, 2018 (Certified EIR). In accordance with the California Environmental Quality Act (CEQA), this Addendum analyzes proposed modifications (the Modified Project) to the PA-1 Specific Plan Project approved in 2018, and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the Certified EIR. (Ewen)

### **INFORMATIONAL REPORTS FROM COMMITTEES AND UPCOMING MEETING SCHEDULE**

This portion of the agenda is to provide an opportunity for Planning Commissioners to report on attendance at events and subcommittee meetings.

TRANSPLAN Committee (Roberts)	2 <sup>nd</sup> Thursday of every month
Design Review Subcommittee (Cross & Sparling) month	2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays of every month
Land Use and Development Committee (Zeigler)	3 <sup>rd</sup> Monday of every month

### **REQUEST FOR FUTURE AGENDA ITEMS**

NEW REQUEST(S) Planning Commissioners wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for a future Planning Commission meeting.

### **ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for October 4, 2022 at 7:00 PM and will be held virtually via the Zoom platform.

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#### **NOTICE**

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Planning Secretary's Office at (925) 516-5405 or fax (925) 516-5407. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

#### **POSTING STATEMENT**

On September 15, 2022 a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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**STAFF REPORT**

**PLANNING COMMISSION REGULAR MEETING OF**

**SEPTEMBER 20, 2022**

**PREPARED BY:** Jennifer Hagen, Senior Planner  
JHagen@brentwoodca.gov

**PROJECT DESCRIPTION:** Item No. 3, Introduction and review of the 2023-2031 Housing Element Update Public Review Draft

**GENERAL PLAN:** Citywide

**ZONING:** Citywide

**APPLICANT:** City of Brentwood

**PREVIOUS ACTIONS:**

The City Council authorized execution of an agreement with Kimley-Horn for consulting services to assist with preparation of the 2023-2031 (6th RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

On June 1, 2022, staff presented a status report on the Housing Element Update, including Regional Housing Needs Allocation (RHNA) site strategies, and implications of new State legislation on the City's policies and programs to the City Council and Planning Commission. The City Council directed staff to return with a draft site inventory for review.

On July 21, 2022, staff presented a draft site inventory with an introduction of the analysis of existing residential zoning capacity within the city, as well as an evaluation of site inventory and affordability assumption strategies needed to address the City's RHNA. The City Council directed staff to move forward with drafting a Housing Element Public Review Draft that reduced buffers within the draft sites inventory to 15%-20% (if feasible), added policies incentivizing ADU production, and added policies encouraging development on City-owned parcels.

On August 15, 2022, staff presented a revised site inventory, as well as a status report on the Housing Element Update, to the City Council's Land Use and Development Committee (LUD). Staff requested that LUD provide any additional input on the Housing Element Update, including affirmation of staff's approach to the draft sites inventory. Staff received input and has now completed the Housing Element Public Review Draft.

On August 30, 2022, staff presented an introduction to the City Council on the Public Review Draft Housing Element, including an overview of the Housing Element Update process and timeline, and instructions on how the public can provide comments and participate in the

upcoming public outreach. The meeting was informational and no action or direction was requested or provided.

## **BACKGROUND:**

The City formally initiated the 6th Cycle (2023-2031) Housing Element Update process in October 2021 with substantive public meetings beginning in April. Since then, there have been a number of public meetings and outreach events to review key components of the Housing Element Update. Public input provided at these meetings, along with feedback from the Planning Commission and direction from the City Council, has been incorporated into the Public Review Draft Housing Element ("Draft Housing Element") introduced in this report. The Draft Housing Element is available for public review and input from August 25 through September 27 and is attached for reference.

On September 20, staff will present the Planning Commission with an introduction to the Public Review Draft Housing Element, including an overview of the Housing Element Update process and timeline. Staff is requesting the Planning Commission's review and feedback on the Draft Housing Element. Feedback will be reported to the City Council at its September 27 meeting, at which time staff will request direction to forward the document, including any modifications recommended by the City Council, to the State Department of Housing and Community Development (HCD) for its required review.

## **DISCUSSION:**

### What is a Housing Element?

The Housing Element is one of seven State-mandated elements of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. Rising housing costs are not just a statewide or regional issue, but directly impact Brentwood residents and those faced with rising housing prices and increased incidence of homelessness.

Periodic updating of the Housing Element is required by State law; and thus, the Element provides a vehicle for the State's housing goal of "attaining decent housing and a suitable living environment for every California family," as well as incorporating the unique concerns of the community. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (the 5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023<sup>1</sup>, to address the period from 2023-2031.

State law establishes a series of very specific requirements as to the scope, content, and process by which a Housing Element is updated and adopted, including review and approval (known as certification) by HCD.

Unlike the majority of the other required General Plan elements, the Housing Element must include very specific information to ensure compliance with the variety of complex housing laws. In accordance with State law, Brentwood's Housing Element must look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs

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<sup>1</sup> It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for Brentwood, there is a 120-day "grace period" that is allowed in order to gain HCD's finding of compliance or certification.

across income levels. The inventory of available sites, or “Sites Inventory,” is a key component of a Housing Element in which the City must identify land zoned for housing to meet the RHNA. Local governments must involve the public from all economic segments of the community in developing the Housing Element.

#### Public Review Draft Housing Element Review Process

The Draft Housing Element in circulation has been prepared to reflect the feedback and public process to date and is available for public review from August 25 through September 27. The City Council hosted an initial special meeting to introduce the Draft Housing Element and to help initiate and facilitate public comment. Additionally, public comments are encouraged to be submitted to staff via the project website (<https://brentwoodhousingelement.com>) through a designated Public Review Draft housing Element Feedback Form, which is attached to this report for the Commission’s reference. In addition to the Public Review feedback form, comments may also be submitted by email or traditional mail correspondence<sup>2</sup>. Following the public review period, staff and the professional services team (Kimley-Horn) will implement revisions as necessary to the Draft Housing Element prior to submittal to HCD.

All public and Planning Commission feedback received during the 30-day review period will be reported to the City Council at its meeting on September 27. If recommended by the City Council at that meeting, the document will be submitted to HCD in October, after the required 10-day response period, for HCD’s compulsory review, incorporating any revisions necessary and/or recommended by the City Council. HCD will have 90 days to review and comment on the draft document. After HCD’s review period, ending in mid-January, staff will incorporate HCD’s comments into another draft of the Housing Element. Additionally, staff and Kimley-Horn are preparing environmental documents to be reviewed with the final draft on the Housing Element in 2023. The updated Housing Element would then be re-submitted to HCD for a further review (30-60 days) during the first quarter of 2023, with adoption anticipated in spring of 2023.

#### What Are the Components of the Draft Housing Element?

State law defines the required contents of the Housing Element, with key components that can be found in the following four principal sections and four appendices:

**Section 1: Introduction** – This section contains a summary of the content, organization, and statutory considerations of the Housing Element.

**Section 2: Community Profile** – This section contains an analysis of the City’s population, household and employment base, and the characteristics of the housing stock.

**Section 3: Housing Constraints, Resources, and Fair Housing** – This section examines governmental and nongovernmental constraints on production, maintenance, and affordability of housing, and provides a summary of housing resources, including sites identification and funding and financial considerations, as well as the Affirmatively Furthering Fair Housing (AFFH) section.

**Section 4: Housing Plan** – This section addresses the City’s identified housing needs, including housing goals, policies, and programs.

<sup>2</sup> Email correspondence may be sent to [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov) and mail correspondence may be sent to the Attention of Jennifer Hagen at 150 City Park Way, Brentwood, Ca 94513

**Appendix A: Review of Past Performance** – This section reviews the 5<sup>th</sup> Cycle Housing Element update goals and policies, and provides analysis of the City’s efforts with respect to achieving those goals, and considers whether the previous goals and policies should be deleted, carried forward, or modified as part of the new update.

**Appendix B: Candidate Sites Analysis** – This section includes the draft sites inventory and analyzes the City’s ability to meet current RHNA goals in each income category.

**Appendix C: Summary of Community Engagement** – This section provides a summary of the public outreach that has been undertaken since the start of the Housing Element Update process and will continue to be updated until the adoption of the Housing Element.

**Appendix D: Glossary of Housing Terms** – This section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

Staff and Kimley-Horn have verified, in accordance with the HCD Housing Element Completeness Checklist, that the Draft Housing Element is reflective of the various State requirements and the public process to date. Below is a detailed summary of each of the relevant sections and appendices to assist with review of the document.

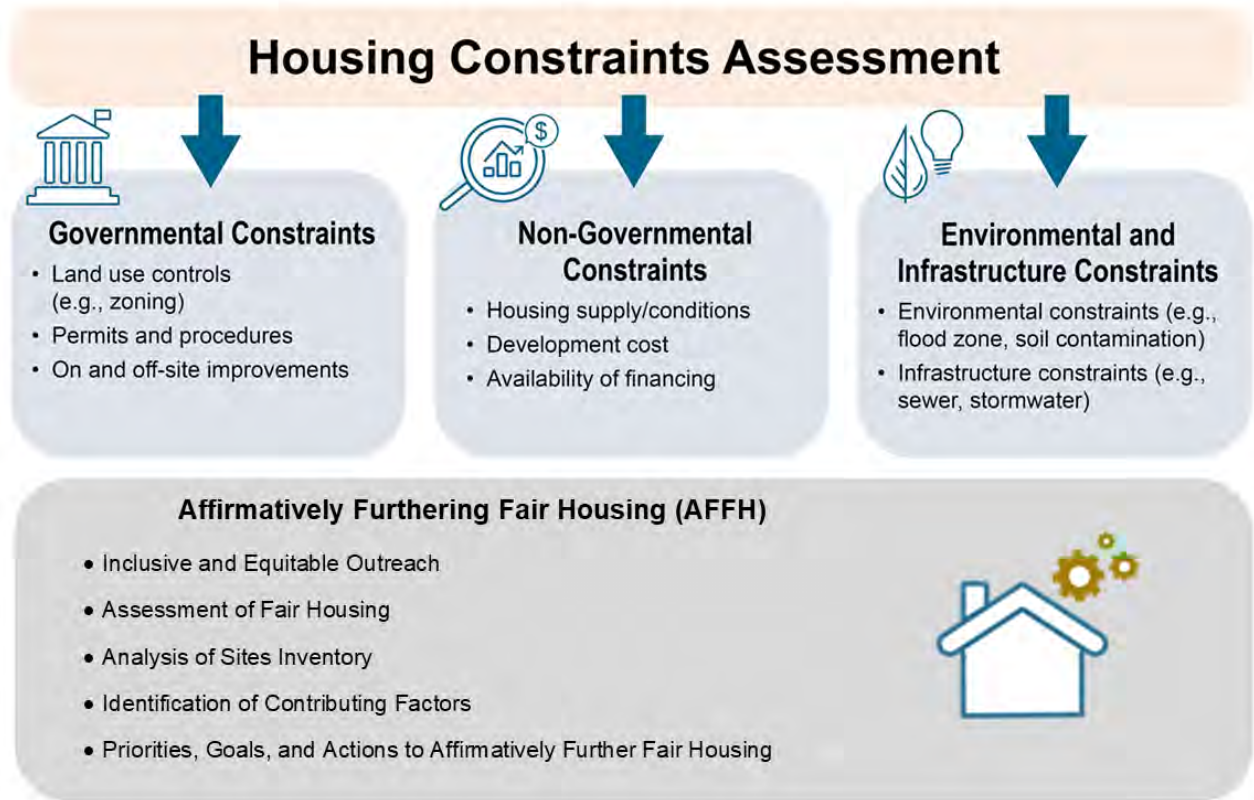
**Section 2 – Community Profile:** The Community Profile establishes the foundation for understanding Brentwood’s housing needs. It analyzes a range of demographic, economic, and housing-related variables that help define the extent and context of the city’s housing-related needs. As illustrated in Figure 1 below, the Community Profile includes an analysis of the city’s population, special needs groups, employment, housing stock, and housing affordability. Information in this section provides a basis from which to build housing goals, policies, and programs to address those needs.

Figure 1: Community Profile



**Section 3 - Housing Constraints, Resources, and Fair Housing:** Analyzes and recommends remedies for existing and potential governmental, nongovernmental, and environmental barriers to housing development. In addition, this section also includes the required Affirmatively Furthering Fair Housing (AFFH) section. Figure 2 on the following page illustrates these components, as addressed in this section.

Figure 2: Housing Constraints, Resources, and Fair Housing



AFFH is a new requirement for the 6<sup>th</sup> Cycle and is included per the requirements of a 2018 State law (AB 686). AB 686 requires the Housing Element to comprehensively analyze and address patterns of exclusion and segregation (looking both locally and regionally), and to identify meaningful actions and strategies to address those issues and their "contributing factors." The exhaustive AFFH analysis reflects detailed guidance provided by HCD, as well as best practices from other regions that have already gone through HCD review and certification. The analysis relies on both approved data sets, as well as local knowledge and community input. The analysis includes the following:

- A summary of fair housing outreach and capacity that includes all economic segments of the community;
- An assessment of fair housing issues, including integration and segregation patterns, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs for all identified populations. Many of the key issues reflect those identified more generally in the housing needs assessment, including overpayment for housing, particularly among renters, and lack of affordability that is most acute for the lower-wage workforce, the disabled, and seniors. Geographically, the

area east of Brentwood Boulevard is identified as an area where there may be a greater risk for displacement of existing renters and lower-income residents. Lack of access to fair housing resources, especially for those that do not speak English as a primary language, was further identified as a contributing factor in fair housing issues;

- An evaluation of whether the Housing Element's sites inventory improves or exacerbates conditions for fair housing. The analysis concludes that the sites inventory would not worsen fair housing conditions;
- The identification and prioritization of contributing factors related to fair housing issues. Some of the key contributing factors to fair housing issues in Brentwood include the location and type of housing, lack of affordable, integrated housing for persons with special needs, displacement due to economic pressures, community opposition to housing over time, and lack of marketing and language access regarding housing opportunities and resources; and
- The identification of fair housing goals and actions that directly address the City's contributing factors.

**Section 4: Housing Plan:** The goals, policies, and programs (also called actions) are a key component in this section, representing the City's proposed "housing plan" with a focus on actionable steps and measures that the City will undertake to increase affordable housing and preserve and improve existing housing.

There are four main goals, with a corresponding set of policies and programs for each. Whereas the policies help to guide and inform future City decision-making and direction with respect to a broad range of housing-related topics, the programs provide actionable steps to implement the Housing Element's goals and to make further progress towards meeting the regional housing need allocation. Timeframes and responsibilities for each program are indicated in the text. The four main goals in the Housing Plan include the following:

#### **H.1 - Housing Goal**

Facilitate a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.

#### **H.2 - Affordability Goal**

Encourage housing that is affordable to all socio-economic segments of Brentwood's population.

#### **H.3 - Equitable Distribution of Affordable Housing Goal**

Encourage an equitable distribution of housing for all economic groups throughout the community.

#### **H.4 - Housing Opportunities Goal**

Promote equal housing opportunities for all residents of Brentwood.

In developing the policies and programs, staff used those included in the 5th Cycle Housing Element as a starting point, carrying forward many of the same underlying themes, concepts, and ideas. However, the 6<sup>th</sup> Cycle Draft Housing Element revises and modifies some of the actions to clarify intent, improve specificity and address new State laws. (As a required component of the Housing Element, Appendix A provides a review of the 5th Cycle programs,

evaluates the City's progress towards achieving the goals of the programs, and notes whether they have been continued, discontinued, or modified in the update.)

Although the changes are limited, for the purposes of reviewing this draft, staff has indicated the correlation between the 5th Cycle and 6th Cycle goals, policies, and programs within the body of the Draft Housing Element by noting them all as either "[NEW]" or "[5th Cycle Action X, modified/expanded]" in brackets in the text. When modified from a prior policy/program, reference is provided back to the 5th Cycle program or policy in question.

Some of the new actions/programs may be required per State law (e.g., AB 2923, AB 1397, and SB 166), some are in response to the requirement to address housing constraints, and others are in response to feedback from the public, Planning Commission, and City Council. New policies and programs are annotated in the Draft Housing Element text with "[NEW]" for reference. Among these are new policies and programs to facilitate housing production, reflecting a range of housing types, sizes, affordability levels, and tenure, and provide access to housing opportunities that meet the diverse needs of the community, including:

- Action H.1b: Support and accommodate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).
- Action H.1c: Monitor the development of ADU and JADU applications, location, affordability, and other relevant features to ensure adequate ADU development.
- Action H.1m: Establish written procedures to comply with California Government Code Section 65913.4, as appropriate, to comply with the requirements of Senate Bill 35 (SB 35).
- Action H.1n: Encourage residential development on sites within the Sites Inventory and maximize the development potential, as well as promote existing residential incentives and identify potential new incentives, as appropriate.
- Action H.1o: Revise the General Plan to comply with the requirements of Senate Bill 1000 (SB 1000) to incorporate environmental justice policies within the General Plan and of Senate Bill 1035 (SB 1035) to identify flood hazards and address the risk of fire hazards in the City's Safety Element.
- Action H.1p: Adopt a replacement-housing program for units lost that are currently occupied by lower-income households or households subject to affordability requirements.
- Action H.1q: Monitor housing sites to ensure adequate sites to accommodate the remaining unmet RHNA by each income category pursuant to Senate Bill 330 (SB 330).
- Action H.2i: Update the Density Bonus Ordinance in compliance with State law requirements.
- Action H.4a: Affirmatively further fair housing by taking meaningful actions that foster inclusive communities free from barriers, which restrict access to opportunities, based on protected classes.
- Action H.4h: Adopt regulations and procedures that establish a ministerial approval process for low-barrier navigation centers that meet specified requirements consistent with Senate Bill 48 (SB 48).



- Action H.4i: Encourage construction and rehabilitation of housing with supportive services targeted for persons with developmental disabilities, including exploring granting regulatory incentives.
- Action H.4j: Encourage opportunities to accommodate housing that can assist with individuals' transitions from homelessness, including Single Room Occupancy units (SROs).

New HCD guidelines also require that all new goals, policies, and programs are objective and quantifiable in nature. Based on these more stringent guidelines, staff has included specific quantifiable objectives into the following programs and shown in Table 1:

- Action H.1d: Monitor At-Risk Projects and develop strategies including potential expenditure of City housing funds to preserve their ongoing affordability. Housing projects are “at risk” if they are near to reverting or converting to market rate pricing.
  - Monitor the six units at-risk of converting to market-rate during the planning period.
- Action H.1e: Encourage community education regarding the availability of rehabilitation programs.
  - Assist in rehabilitating 30 housing units during the planning period.
- Action H.2c: Provide a First-Time Homebuyer Assistance Program either directly or through regional partners.
  - Assist 20 households during the planning period.
- Action H.2d: Explore a variety of potential financial assistance programs from both the public and private sectors to provide more affordable housing units and affordable housing assistance.
  - Assist in providing assistance to 20 extremely low-, 50 very low-, and 50 low-income units during the planning period.
- Action H.4e: Encourage affordable housing developers to provide units for special needs persons or households, when feasible and appropriate.
  - Seek opportunities to assist developers with providing 50 special needs units (farmworker, affordable senior, disabled, developmentally disabled, large households, female-headed household, homeless) during the planning period.

Objectives	Units by Income Level					Total Units
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
<b>RHNA</b>	402		232	247	641	1,522
<b>Home Repair/ Rehabilitation</b>	30					30
<b>Special Needs Units</b>	50					50
<b>First-Time Homebuyer</b>	15			5	0	20
<b>Affordable Housing Assistance</b>	20	50	50	0	0	120
<b>At-Risk Housing Units</b>	6			0	0	6

Staff has reviewed the above-mentioned quantifiable objectives and believes that through existing City policies and programs, as well as the City's affordable Housing Ordinance, the objectives are reasonably spread out over the eight-year planning period.

**Appendix A - Review of Past Performance:** This Appendix reviews the prior Housing Element to measure progress in implementing policies and programs. It likewise evaluates which programs were successful and should be continued, and which programs were ineffective and should be removed or modified. Examples of recommended modifications include integrating changes to reflect State law updates (e.g., no net loss (SB 166), the Housing Crisis Act (SB 330), supportive housing, environmental justice, etc.) and providing more specificity in terms of City actions.

**Appendix B – Candidate Sites Analysis:** Identifies locations of available sites for housing development to ensure that there is adequate capacity to address the RHNA in each of the affordability categories.

As shown in Appendix B, the City's existing zoning (i.e., residential development capacity that exists currently within Brentwood's residential and mixed-use zoning districts) and "pipeline"<sup>3</sup> of entitled projects is estimated to accommodate approximately 3,069 housing units; this number includes 135 ADUs that are assumed will be built during the Housing Element period.

As seen in Table 2, this estimated capacity reflects a buffer in each income category when compared to the total RHNA allocation (1,552 units), as recommended by HCD. Staff notes that based on City Council and LUD direction, the distribution of units across income categories varies somewhat from the estimates provided in earlier stages of the process. A majority of those changes resulted in reducing the estimated capacity in PA-1 while increasing the affordability assumptions.

<sup>3</sup> HCD defines pipeline projects as residential projects that are approved, permitted, or receive a certificate of occupancy after the beginning of the RHNA period.

	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2		0	966	968
Projected ADU Production	80		41	14	135
<b>Remaining Need</b>	<b>552</b>		<b>206</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	479		228	813	1,520
Vacant Residential Land	156		68	222	446
<b>Total Unit Potential</b>	<b>717</b>		<b>337</b>	<b>2,015</b>	<b>3,069</b>
Units +/- and Buffer/Gap %	<b>+83 units, 13%</b>		<b>+90 units, 36%</b>	<b>+1,374 units, 214%</b>	<b>+1,966 units, 98%</b>

This approach in the current draft was provided by the City Council and LUD in July and August, to allow the City to account for potential future changes to PA-1 currently under consideration by the City Council, review by HCD, and additional public input. The adequacy of the sites inventory will be evaluated by HCD. In any case, during the final phases of Housing Element review that will take place in early 2023, the City Council will be able to further modify the inventory to reflect any potential changes to PA-1.

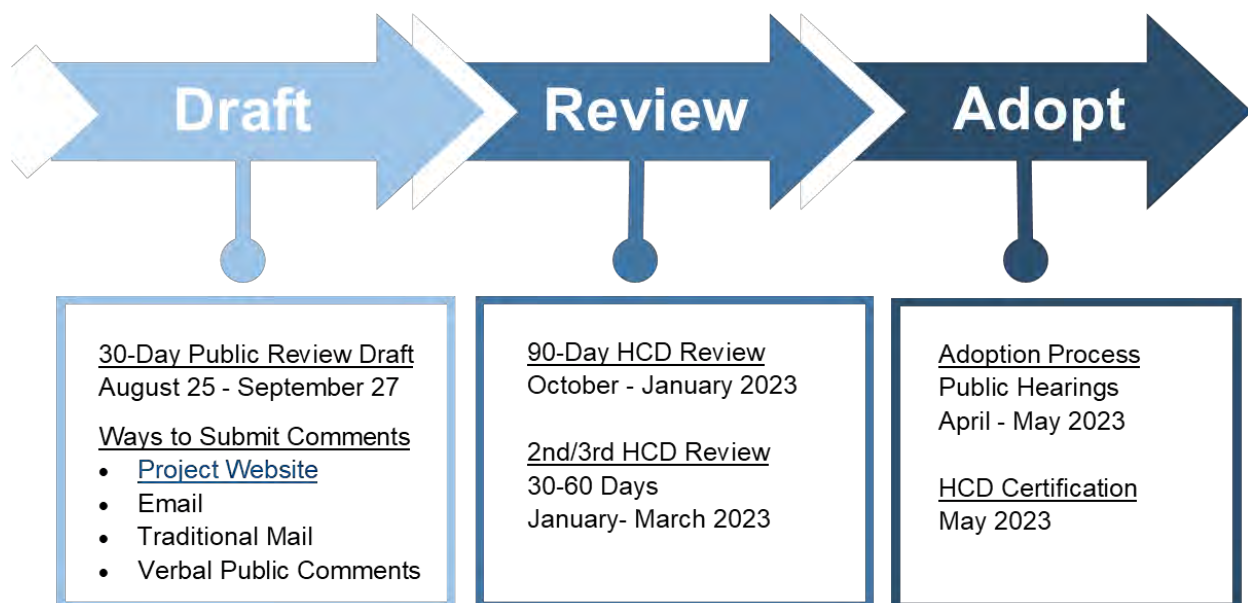
**Appendix C - Summary of Community Engagement:** Summarizes community outreach and engagement meetings and surveys, with a particular focus on outreach to traditionally underrepresented groups. Included in Appendix D is a summary of input from the initial on-line community survey. The survey concluded in June and included 526 responses. This appendix will continue to be updated until the conclusion of the public review process.

**Appendix D - Glossary of Housing Terms:** This final section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

### **NEXT STEPS**

Beyond this current round of review and comment, a number of critical steps remain in the Housing Element Update process, summarized in Figure 3 and described in more detail below.

Figure 3: Review Timeline



- HCD Review of Draft Housing Element (October 2022 – January 2023 and January – March 2023):** Following the public review period, the Draft Housing Element, including any revisions recommended by the City Council, will be submitted to HCD. Staff anticipates submitting the Draft Housing Element to HCD in mid-October. HCD then has a full 90 days to complete its review and provide comments to the City (i.e., HCD's initial comments would be expected in approximately mid-January 2023). Staff would likely be required to submit for a subsequent second and possible third draft to HCD for review (January – March 2023) following the initial review.
- Potential City Council, Planning Commission, and/or Public Meetings - Revised Draft Housing Element (January - April 2023):** Following receipt of HCD comments, if staff determines that the comments are substantial in nature or that changes may impact current or existing policy direction, staff may be required to hold additional public meetings to seek input on potential revisions to the Housing Element, prior to its resubmittal to HCD. Until HCD provides initial comments, staff is unable to know if additional City Council direction will be required.
- Resubmittal of Housing Element to HCD (January - March 2023):** The revised Housing Element must be re-submitted to HCD, which has 30-60 days to review the document and issue a letter of substantial compliance.
- Adoption Hearings (April-May 2023):** The Planning Commission and City Council will conduct public hearings to consider adoption of the final Housing Element.

#### PUBLIC NOTICE

Advertisement of this item was published in The Brentwood Press on September 9, 2022. In addition, email notification was sent to all interested parties who have signed up on the Housing Element website ([brentwoodhousingelement.com](http://brentwoodhousingelement.com))

**ENVIRONMENTAL ASSESSMENT**

The City is still determining the appropriate level of environmental review for this project. Environment review for this project is anticipated to evaluate the potential environmental impacts associated with the implementation of policies and programs included in the updated Housing Element. As currently proposed, no land use and zoning changes will be required. The final environmental assessment will be presented to the Planning Commission and City Council for consideration at the same time as the Housing Element adoption hearings.

**CONCLUSION**

Staff seeks the Planning Commission's review and feedback on the Draft Housing Element, including any recommended revisions or modifications before the document is reviewed by the City Council and submitted to HCD for its review.

**RECOMMENDATION**

Review and provide comments on the 6th Cycle (2023-2031) Draft Housing Element Update.

## Attachments:

Public Review Draft Housing Element Feedback Form  
Brentwood 6th Cycle Public Review Draft Housing Element



# City of Brentwood 2023-2031 Housing Element

The City of Brentwood is currently preparing the 2023-2031 Housing Element which establishes policies and programs to address housing needs at all income levels throughout the community. The Housing Element is required by State law to be updated every 8 years to account for changes in housing needs including demonstrating capacity to meet our local "fair share" of the assigned Regional Housing Needs Allocation (RHNA) and adoption of new laws. The City of Brentwood has been allocated a total of 1,522 units for the upcoming cycle. An important part of the Housing Element update process is community involvement and feedback to create policies and programs that appropriately address the housing needs of current and future Brentwood residents.

For more information about the 2023-2031 Housing Element, please visit [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com).

## Public Review Draft Housing Element Feedback Form

On August 25, 2022, the City released the Public Review Draft of the 2023-2031 Housing Element for a 30-day public review. Please provide feedback of the Public Review Draft of the 2023-2031 Housing Element.

1. What is your association to the City of Brentwood?

- Resident
- Business Owner
- Property Owner
- Stakeholder
- Other

2. Please submit comments on Section 1 – Introduction.

Enter your answer

3. Please submit comments on Section 2 - Community Profile.

Enter your answer

4. Please submit comments on Section 3 - Housing Constraints, Resources, and Fair Housing.

Enter your answer

Attachment: Public Review Draft Housing Element Feedback Form (2806 : Housing Element Public Review Draft)

5. Please submit comments on Section 4 - Housing Plan.

6. Please submit comments of Appendix A - Review of Past Performance.

7. Please submit comments of Appendix B - Candidate Sites Analysis.

8. Please submit comments of Appendix C - Summary of Community Engagement.

9. Please submit comments of Appendix D - Glossary of Housing Terms.

10. Please submit any additional comments you have regarding the Brentwood 2023-2031 Housing Element.

Next

Page 1 of 2

Never give out your password. [Report abuse](#)

## C.7 City Council Meeting

This section contains all materials created for the September 27, 2022, City Council meeting. Participants had the opportunity to make public comments verbally or in written form through the Zoom chat. A recording of the meeting is available in both English and Spanish on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.



**From:** [REDACTED]  
**Sent:** Monday, September 26, 2022 2:13 PM  
**To:** [REDACTED]  
**Subject:** Join Us Tomorrow Night! Brentwood Housing Element Update  
**Categories:** External

[View this email in your browser](#)



## 2023-2031 Housing Element Update Public Review Draft

**Join Us Tomorrow Night!** There is still time to review and provide comments on Brentwood’s Draft Housing Element. Housing Element is one of seven State-mandated elements of the City’s General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Draft Housing Element is available for download or review on the project website [HERE](#). Community members are invited to provide comments directly on the website, via email, via mail, and/or to participate in upcoming community meetings. The public review period will run to tomorrow.

The City will be holding a Special City Council Workshop tomorrow, September 27, 2022 at **5:30 p.m.** to hear final comments on the Draft Housing Element and authorize submittal to HCD. The meeting will be held via Zoom with the link provided below.



The community is encouraged to attend this upcoming meeting, which will be held virtually over Zoom:

- **Tuesday, September 27 at 5:30 p.m. - City Council Workshop**
  - **Zoom Link**
  - **Agenda Report**



Se alienta a la comunidad a asistir a esta próxima reunión, que se llevará a cabo virtualmente a través de Zoom:

- **Martes, 27 de septiembre de 2022 a las 5:30 p.m. - Reunión del Consejo de la Ciudad**
  - **Enlace de Zoom**
  - **Informe de la Reunión Conjunta**

The Workshop will include Spanish-speaking interpretation services in real time throughout the meeting to allow for better community engagement.

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## **[BrentwoodHousingElement.com](https://www.brentwoodca.gov/housing-element)**

For more information, please visit the Housing Element project website which is translatable to Spanish and Chinese. Este sitio web es traducible. 這個網站是可翻譯的!

Please visit the website to:

- Get informed about the Housing Element, review FAQs, and download project documents and reports
- See the project schedule, including upcoming public meetings and other opportunities for engagement

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For more information, contact Jennifer Hagen, Senior Planner at [jhagen@brentwoodca.gov](mailto:jhagen@brentwoodca.gov)

Project Website




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You are receiving this email because you have shown interest in the City of Brentwood Housing Element Update.

Our mailing address is:  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513-1164

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You can [update your preferences](#) or [unsubscribe](#)

Grow your business with  mailchimp



**SEPTEMBER 27, 2022  
CITY COUNCIL AGENDA  
TELECONFERENCE, ZOOM**

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\*  
UPDATED APRIL 21, 2022**

Consistent with Contra Costa County Health orders, and in accordance with California Government Code Section 54953(e) concerning teleconference meetings, this City Council meeting will be held exclusively via teleconference, using the Zoom video conferencing system. At this time, public participation will be available exclusively via telephone or teleconference, using the Zoom video conferencing system.

**How to View and Participate**

The public is invited to participate in the City Council meeting and offer comments of up to 3 minutes (or as may otherwise be determined by the Council) using any of the following methods:

1. **Zoom:** [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc) or **Zoom Webinar ID:** 760 1397 0037

Phone Numbers:

**Dial (for higher quality, dial a number based on your current location):**

**US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free)**

As the City Council Chamber will not be open to the public, individuals may view and participate in the meeting with this link. During the meeting, each period for public comment will be announced, and participants may use the “Raise Hand” feature on Zoom to request to speak. The meeting host will call on you, by name, and enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. *(If you need instructions on how to use this feature, please contact the City Clerk by noon of the meeting date at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) or 925.516.5182.)*

**The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas’ link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)**

1. **Telephone**

If you wish to comment during the meeting via telephone, you may “raise your hand” virtually on most devices by pressing \*9, and you will be called upon when it is your time to speak. After speaking, please press \*9 again to remove the “raise your hand” feature. If that feature does not work on your device, please email [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) in advance of the meeting where possible. The request must contain in the subject line “Request to Speak – Agenda Item #” and should include name and full phone number that will be used to call in. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required.

1. **E-mail**

Public comments can also be submitted via e-mail to [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:

- distributed to the Council via email before the meeting,
- posted online for public inspection at <https://www.brentwoodca.gov/councilmeetingonline>, and
- later summarized in the meeting minutes.

**Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the City Council, posted online within one day following the meeting, and will be summarized in the meeting minutes.** The City cannot guarantee that its network, website, and/or the Zoom system will be uninterrupted. In the event of an interruption to the broadcasting of the meeting using the telephone or internet-based options listed above, the City Council will take no further action on items on the agenda until public access to the meeting via either option is restored. To ensure that the City Council receives your comments prior to taking action, **you are strongly encouraged to submit them in advance of the meeting by 3:00 p.m.**

As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

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Pursuant to Section 54956 of the California Government Code,  
a special meeting of the City Council is hereby called for  
**September 27, 2022, at 5:30 p.m.** or as soon thereafter as possible.

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**Following the staff presentation of the agenda item, and before direction is provided, public comment will be taken on the agenda item.**

## **WORKSHOP**

1. Review and provide comments on the 2023-2031 (6th Cycle) Draft Housing Element, and authorize submittal of the Draft Housing Element to the State Department of Housing and Community Development. (Alexis Morris/Jennifer Hagen)

## **ADJOURNMENT**

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**7:00 PM – CITY COUNCIL MEETING**

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## **CALL TO ORDER & ROLL CALL**

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC COMMENTS**

The public is permitted to speak on items that are listed under Presentations; Informational Reports from Council Members, Committee, Liaisons, and Staff; on the Consent Calendar; Requests for Future Agenda Items, new items; or items not on the agenda. Public comments for scheduled agenda items should wait until that time.

Persons are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Mayor subject to approval of the City Council/Successor Agency. Please use the Raise Your Hand feature in Zoom during this item to speak under Public Comments. Speakers desiring answers to questions should direct them to the City Council/Successor Agency and, if relevant, the City Council/Successor Agency may direct them to the appropriate staff member

**A. INFORMATIONAL REPORTS FROM COUNCIL MEMBERS, COMMITTEES, LIAISONS AND STAFF**

This portion of the agenda is to provide an opportunity for Council Members to report on attendance at events, subcommittee meetings, and entities on which the Council Member has been appointed as a liaison and for staff to provide brief updates and/or information to the City Council.

**B. CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

- B.1. A Proclamation proclaiming October as National Breast Cancer Awareness Month
- B.2. A Proclamation proclaiming October as National ADHD Awareness Month
- B.3. Second reading of Ordinance No. 1045 amending City Council/Administrative Policy No. 10-7, Purchasing Policy, to update the Types of Purchases Section to clarify individual requirements for Types of Purchases and increase the agreement requirement threshold for Services from \$1,000 to \$1,500; update the Federal Procurement Section to more closely match the Public Contract Code, Code of Federal Regulations, and the Brentwood Municipal Code; update the Quotes Section to increase availability of goods and services while maintaining best pricing; update the Exceptions Section to facilitate mandatory payments to Federal, State, and Local Governments and add an additional exception for Advertising in Publications; and to update the Miscellaneous Procedures Section to clarify the Long Term Agreements Exceptions (Kerry Breen/Wilton Alderman)
- B.4. A Resolution requesting the allocation of Fiscal Year 2022/23 Transportation Development Act, Article 3 Pedestrian/Bicycle Project Funding from the Metropolitan Transportation Commission in the amount of \$100,000, for the Fairview Avenue sidewalk project. (Miki Tsubota/Steve Kersevan)
- B.5. A Resolution certifying that the City of Brentwood is in compliance with the Measure J Growth Management Program and authorizing the City Manager or designee to execute the Growth Management Checklist for calendar years 2020 and 2021 for allocation of Measure J Local Street Maintenance & Improvement funds. (Miki Tsubota/Steve Kersevan)
- B.6. A Resolution authorizing the City Manager to execute an Encroachment Agreement with Brentwood Union School District relating to the construction of a theater at Bristow Middle School (Bruce Mulder)
- B.7. A Resolution approving the contract documents, awarding the bid, waiving bidding irregularities as immaterial and authorizing the City Manager or designee to execute a construction contract and necessary documents for Brentwood Various Streets and Roads Preservation, CIP Project No. 336-31694, with QA Constructors, Inc. as the lowest responsible and responsive bidder, in the amount of \$609,400, plus a 15% contingency of \$91,410, for a total not-to-exceed amount of \$700,810. (Miki Tsubota/Renee Payette/Meghan Oliveira)

**C. PUBLIC HEARINGS**

Persons addressing the City Council are asked to raise their hands using the Zoom feature. The Council may adopt reasonable regulations at the onset of the public hearing to facilitate public testimony. These regulations may include time limits. In the absence of such regulations, the public hearing shall follow the protocol for Public Comments

- C.1. A Resolution of the City Council of the City of Brentwood 1) adopting the FY 2022/23 Cost Allocation Plan and Schedule of City Fees; 2) Making Certain Supporting Findings, Including the Inapplicability of the California Environmental Quality Act to these Actions; 3) Imposing Said Fees; 4) Establishing a Process for Waiving or Adjusting Certain Fees; and 5) Repealing Resolution No. 2021-137, which adopted the FY 2021/22 Cost Allocation Plan and Schedule of City Fees; Consider the Inclusion of Two New Fees for 1) City Owned Electric Vehicle Charging Stations, and 2) Credit Card Processing (Kerry Breen/Wilton Alderman)

**D. BUSINESS ITEMS**

- D.1. An Interim Urgency Ordinance Implementing a Moratorium on the Issuance of Any New Permit, License, or Entitlement for Any New Tobacco Smoke Shop in the City of Brentwood, and Finding the Action Exempt from CEQA (Alexis Morris/Erik Nolthenius/Damien Brower)
- D.2. Adopt a Resolution: 1) Approving, and Authorizing the Mayor to Sign the Fourth Amendment to the June 27, 2017 Amended City Attorney Employment Agreement; 2) Authorizing the Director of Human Resources to make ministerial revision to the Pay Schedule to reflect the changes; and 3) Adopting Appropriations Amendments to the 2022/23 Operating Budget (Sukari Beshears)
- D.3. An Ordinance Amending Section 2.08.010 of the Brentwood Municipal Code to Increase City Council Monthly Salaries (Sukari Beshears)

**E. REQUEST FOR FUTURE AGENDA ITEMS**

- E.1. NEW REQUEST(S)  
Council Members wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for the next Council meeting.
- E.2. REQUESTED ITEMS
  - E.2.1. Future agenda item request from Council Member Mendoza for City Council discussion of, and possible direction to staff, related to an amendment of the City Council's Ethics and Conduct Policy (No. 110-5) to permit the discussion of alleged City policy violations by members of the City Council, when following established procedures could result in a majority of the City Council discussing the allegation outside of a noticed meeting (Tim Ogden/ Damien Brower)

**ADJOURNMENT**

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Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the City Council less than 72 hours before this meeting is available for inspection at City Hall, located at 150 City Park Way, during normal business hours.

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If you challenge the any of the matters listed under 'Public Hearings' in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Brentwood City Council at, or prior to, the public hearing.

**NOTICE**

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

**POSTING STATEMENT**

On September 22, 2022, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov)

A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## CITY COUNCIL AGENDA ITEM NO. 1

**Meeting Date:** September 27, 2022

**Subject/Title:** Review and provide comments on the 2023-2031 (6th Cycle) Draft Housing Element, and authorize submittal of the Draft Housing Element to the State Department of Housing and Community Development.

**Prepared by:** Jennifer Hagen, Senior Planner

**Submitted by:** Alexis Morris, Director of Community Development

### PURPOSE AND RECOMMENDATION

The Public Review Draft Housing Element is available for the required 30 day public review period from August 25 through September 27. The City Council is asked to authorize staff to submit the Draft Housing Element, incorporating any revisions necessary and/or recommended by the City Council, to the State Department of Housing and Community Development (HCD) after the minimum 10 day response period.

Staff recommends that the City Council review and provide comments on the 2023-2031 (6th Cycle) Draft Housing Element, and authorize submittal of the Draft Housing Element to HCD after the minimum 10 day response period.

### CITY COUNCIL STRATEGIC INITIATIVES

#### Focus Area 4: Community Development

Provide a diversity of housing opportunities, including equitable distribution of affordable housing for all socio-economic segments of the Brentwood community.

- Update the City's Housing Element including: an evaluation of the 2015 Housing Element; assessment of housing needs, resources, constraints; approval of an updated Regional Housing Needs Allocation; and adoption of housing goals, policies, and actions.

### PREVIOUS ACTIONS

The City Council authorized execution of an agreement with Kimley-Horn for consulting services to assist with preparation of the 2023-2031 (6th RHNA Cycle) Housing Element Update on October 12, 2021.

On April 14, 2022, staff presented an introduction to the Housing Element Update at a joint City Council/Planning Commission workshop.

On June 1, 2022, staff presented a status report on the Housing Element Update, including Regional Housing Needs Allocation (RHNA) site strategies, and implications of new State legislation on the City's policies and programs to the City Council and Planning Commission. The City Council directed staff to return with a draft site inventory for review.

On July 21, 2022, staff presented a draft site inventory with an introduction of the analysis of existing residential zoning capacity within the city, as well as an evaluation of site inventory and

affordability assumption strategies needed to address the City's RHNA. The City Council directed staff to move forward with drafting a Housing Element Public Review Draft that reduced buffers within the draft sites inventory to 15%-20% (if feasible), added policies incentivizing ADU production, and added policies encouraging development on City-owned parcels.

On August 15, 2022, staff presented a revised site inventory, as well as a status report on the Housing Element Update, to the City Council's Land Use and Development Committee (LUD). Staff requested that LUD provide any additional input on the Housing Element Update, including affirmation of staff's approach to the draft sites inventory. Staff received input and has now completed the Housing Element Public Review Draft.

On August 30, 2022, staff presented an introduction to the City Council on the Public Review Draft Housing Element, including an overview of the Housing Element Update process and timeline, and instructions on how the public can provide comments and participate in the upcoming public outreach. The meeting was informational and no action or direction was requested or provided.

On September 20, 2022, staff presented the Public Review Draft Housing Element to the Planning Commission, including an overview of the Housing Element Update process and timeline. Due to the timing requirements for publishing the City Council agenda, a summary of the Planning Commission meeting including comments and recommended changes would be included in a supplemental memo that will be distributed to the City Council prior to September 27, 2022 City Council meeting.

## **BACKGROUND**

The City formally initiated the 6th Cycle (2023-2031) Housing Element Update process in October 2021 with substantive public meetings beginning in April. Since then, there have been a number of public meetings and outreach events to review key components of the Housing Element Update. Public input provided at these meetings, along with feedback from the Planning Commission and direction from the City Council, has been incorporated into the Public Review Draft Housing Element ("Draft Housing Element"). The Draft Housing Element has been and will continue to be available for public review and input from August 25 to September 27 and is attached for reference.

On September 27, staff will present the City Council with an introduction to the Public Review Draft Housing Element, including an overview of the Housing Element Update process and timeline, as well as all Planning Commission and public comments to date. All Planning Commission and public comments will be provided ahead of the September 27, 2022, City Council meeting.

## **DISCUSSION**

### What is a Housing Element?

The Housing Element is one of seven State-mandated elements of the City's General Plan and is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. Rising housing costs are not just a statewide or regional issue, but directly impact Brentwood residents and those faced with rising housing prices and increased incidence of homelessness.

Periodic updating of the Housing Element is required by State law; and thus, the Element provides a vehicle for the State's housing goal of "attaining decent housing and a suitable living environment for every California family," as well as incorporating the unique concerns of the community. The current Housing Element, which was adopted by the City Council and certified by the State in 2015, covers the planning period from 2015 to 2022 (the 5<sup>th</sup> Cycle). The next Housing Element Update (the 6<sup>th</sup> Cycle) must be adopted by January 2023<sup>1</sup>, to address the period from 2023-2031.

State law establishes a series of very specific requirements as to the scope, content, and process by which a Housing Element is updated and adopted, including review and approval (known as certification) by HCD.

Unlike the majority of the other required General Plan elements, the Housing Element must include very specific information to ensure compliance with the variety of complex housing laws. In accordance with State law, Brentwood's Housing Element must look at housing trends, zoning and market constraints, and evaluate various approaches to meeting housing needs across income levels. The inventory of available sites, or "Sites Inventory," is a key component of a Housing Element in which the City must identify land zoned for housing to meet the RHNA. Local governments must involve the public from all economic segments of the community in developing the Housing Element.

#### Public Review Draft Housing Element Review Process

The Draft Housing Element in circulation has been prepared to reflect the feedback and public process to date and is available for public review from August 25 to September 27. The City Council hosted an initial special meeting to introduce the Draft Housing Element and to help initiate and facilitate public comment. Additionally, public comments are encouraged to be submitted to staff via the project website (<https://brentwoodhousingelement.com>) through a designated Public Review Draft housing Element Feedback Form, which is attached to this report for reference. In addition to the Public Review feedback form, comments may also be submitted by email or traditional mail correspondence.<sup>2</sup> Following the public review period, staff and the professional services team (Kimley-Horn) will implement revisions as necessary to the Draft Housing Element, prior to submittal to HCD.

All public and Planning Commission feedback received during the 30-day review period will be reported to the City Council at its meeting on September 27. If recommended by the City Council at that meeting, the document will be submitted to HCD in October, after the required 10-day response period, for HCD's compulsory review, incorporating any revisions necessary and/or recommended by the City Council. HCD will have 90 days to review and comment on the draft document. After HCD's review period, ending in mid-January, staff will incorporate HCD's comments into another draft of the Housing Element. The updated Housing Element would then be re-submitted to HCD for a further review (30-60 days) during the first quarter of 2023, with adoption anticipated in spring of 2023. Additionally, staff and Kimley-Horn are preparing environmental documents to be reviewed with the final draft on the Housing Element in 2023.

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<sup>1</sup> It should be noted that although January 31, 2023 is the statutory deadline to have the Housing Element adopted for Brentwood, there is a 120-day "grace period" that is allowed in order to gain HCD's finding of compliance or certification.

<sup>2</sup> Email correspondence may be sent to [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov) and mail correspondence may be sent to the attention of Jennifer Hagen at 150 City Park Way, Brentwood, CA 94513.

### What Are the Components of the Draft Housing Element?

State law defines the required contents of the Housing Element, with key components that can be found in the following four principal sections and four appendices:

**Section 1: Introduction** – This section contains a summary of the content, organization, and statutory considerations of the Housing Element.

**Section 2: Community Profile** – This section contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock.

**Section 3: Housing Constraints, Resources, and Fair Housing** – This section examines governmental and nongovernmental constraints on production, maintenance, and affordability of housing, and provides a summary of housing resources, including sites identification and funding and financial considerations, as well as the Affirmatively Furthering Fair Housing (AFFH) section.

**Section 4: Housing Plan** – This section addresses the City's identified housing needs, including housing goals, policies, and programs.

**Appendix A: Review of Past Performance** – This section reviews the 5<sup>th</sup> Cycle Housing Element update goals and policies, and provides analysis of the City's efforts with respect to achieving those goals, and considers whether the previous goals and policies should be deleted, carried forward, or modified as part of the new update.

**Appendix B: Candidate Sites Analysis** – This section includes the draft sites inventory and analyzes the City's ability to meet current RHNA goals in each income category.

**Appendix C: Summary of Community Engagement** – This section provides a summary of the public outreach that has been undertaken since the start of the Housing Element Update process and will continue to be updated until the adoption of the Housing Element.

**Appendix D: Glossary of Housing Terms** – This section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

Staff and Kimley-Horn have verified, in accordance with the HCD Housing Element Completeness Checklist, that the Draft Housing Element is reflective of the various State requirements and the public process to date. Below is a detailed summary of each of the relevant sections and appendices to assist with review of the document.

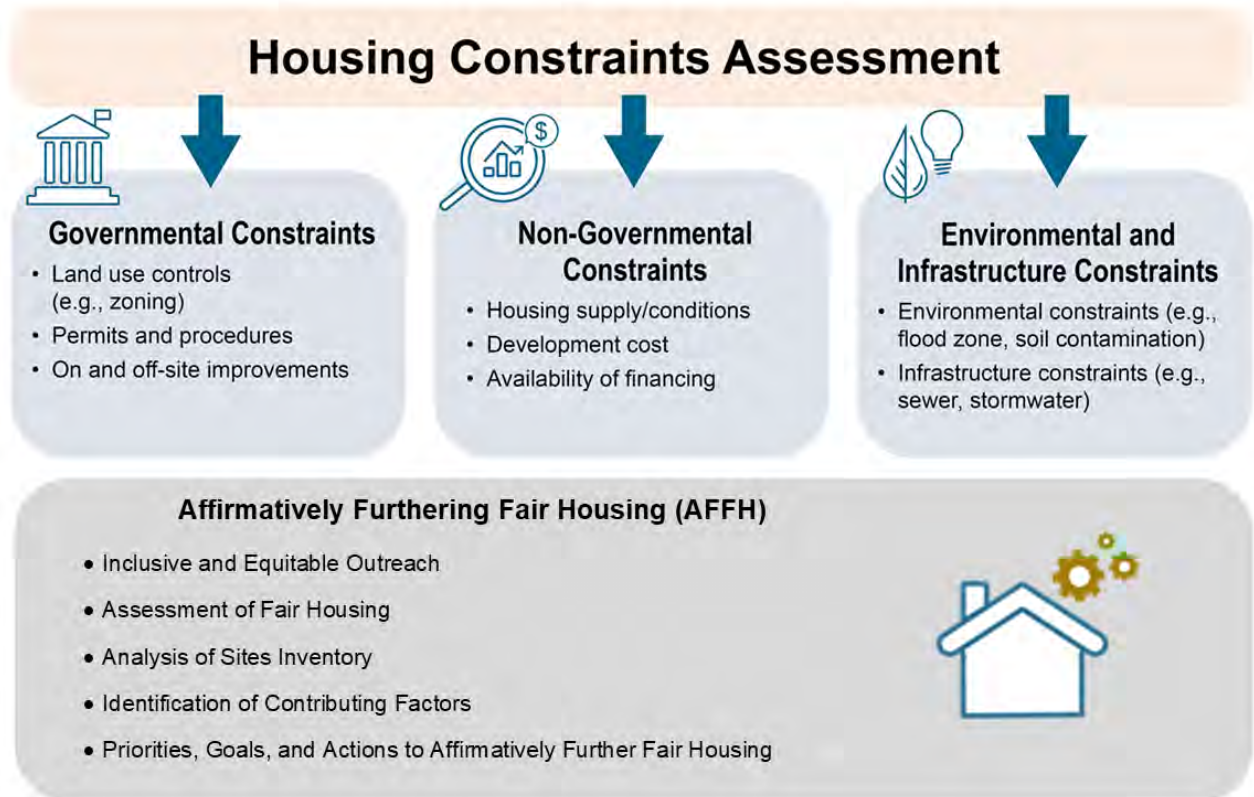
**Section 2 – Community Profile:** The Community Profile establishes the foundation for understanding Brentwood's housing needs. It analyzes a range of demographic, economic, and housing-related variables that help define the extent and context of the city's housing-related needs. As illustrated in Figure 1 below, the Community Profile includes an analysis of the city's population, special needs groups, employment, housing stock, and housing affordability. Information in this section provides a basis from which to build housing goals, policies, and programs to address those needs.

*Figure 1: Community Profile*



**Section 3 - Housing Constraints, Resources, and Fair Housing:** Analyzes and recommends remedies for existing and potential governmental, nongovernmental, and environmental barriers to housing development. In addition, this section also includes the required Affirmatively Furthering Fair Housing (AFFH) section. Figure 2 on the following page illustrates these components, as addressed in this section.

*Figure 2: Housing Constraints, Resources, and Fair Housing*



AFFH is a new requirement for the 6<sup>th</sup> Cycle and is included per the requirements of a 2018 State law (AB 686). AB 686 requires the Housing Element to comprehensively analyze and

address patterns of exclusion and segregation (looking both locally and regionally), and to identify meaningful actions and strategies to address those issues and their "contributing factors." The exhaustive AFFH analysis reflects detailed guidance provided by HCD, as well as best practices from other regions that have already gone through HCD review and certification. The analysis relies on both approved data sets, as well as local knowledge and community input. The analysis includes the following:

- A summary of fair housing outreach and capacity that includes all economic segments of the community;
- An assessment of fair housing issues, including integration and segregation patterns, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs for all identified populations. Many of the key issues reflect those identified more generally in the housing needs assessment, including overpayment for housing, particularly among renters, and lack of affordability that is most acute for the lower-wage workforce, the disabled, and seniors. Geographically, the area east of Brentwood Boulevard is identified as an area where there may be a greater risk for displacement of existing renters and lower-income residents. Lack of access to fair housing resources, especially for those that do not speak English as a primary language, was further identified as a contributing factor in fair housing issues;
- An evaluation of whether the Housing Element's sites inventory improves or exacerbates conditions for fair housing. The analysis concludes that the sites inventory would not worsen fair housing conditions;
- The identification and prioritization of contributing factors related to fair housing issues. Some of the key contributing factors to fair housing issues in Brentwood include the location and type of housing; lack of affordable, integrated housing for persons with special needs; displacement due to economic pressures; community opposition to housing over time; and lack of marketing and language access regarding housing opportunities and resources; and
- The identification of fair housing goals and actions that directly address the City's contributing factors.

**Section 4: Housing Plan:** The goals, policies, and programs (also called actions) are a key component in this section, representing the City's proposed "housing plan" with a focus on actionable steps and measures that the City will undertake to increase affordable housing and preserve and improve existing housing.

There are four main goals, with a corresponding set of policies and programs for each. Whereas the policies help to guide and inform future City decision-making and direction with respect to a broad range of housing-related topics, the programs provide actionable steps to implement the Housing Element's goals and to make further progress towards meeting the regional housing need allocation. Timeframes and responsibilities for each program are indicated in the text. The four main goals in the Housing Plan include the following:

#### **H.1 - Housing Goal**

Facilitate a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.

#### **H.2 - Affordability Goal**

Encourage housing that is affordable to all socio-economic segments of Brentwood's population.

### **H.3 - Equitable Distribution of Affordable Housing Goal**

Encourage an equitable distribution of housing for all economic groups throughout the community.

### **H.4 - Housing Opportunities Goal**

Promote equal housing opportunities for all residents of Brentwood.

In developing the policies and programs, staff used those included in the 5th Cycle Housing Element as a starting point, carrying forward many of the same underlying themes, concepts, and ideas. However, the 6<sup>th</sup> Cycle Draft Housing Element revises and modifies some of the actions to clarify intent, improve specificity and address new State laws. (As a required component of the Housing Element, Appendix A provides a review of the 5th Cycle programs, evaluates the City's progress towards achieving the goals of the programs, and notes whether they have been continued, discontinued, or modified in the update.)

Although the changes are limited, for the purposes of reviewing this draft, staff has indicated the correlation between the 5th Cycle and 6th Cycle goals, policies, and programs within the body of the Draft Housing Element by noting them all as either "[NEW]" or "[5th Cycle Action X, modified/expanded]" in brackets in the text. When modified from a prior policy/program, reference is provided back to the 5th Cycle program or policy in question.

Some of the new actions/programs may be required per State law (e.g., AB 2923, AB 1397, and SB 166), some are in response to the requirement to address housing constraints, and others are in response to feedback from the public, Planning Commission, and City Council. New policies and programs are annotated in the Draft Housing Element text with "[NEW]" for reference. Among these are new policies and programs to facilitate housing production, reflecting a range of housing types, sizes, affordability levels, and tenure, and provide access to housing opportunities that meet the diverse needs of the community, including:

- Action H.1b: Support and accommodate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).
- Action H.1c: Monitor the development of ADU and JADU applications, location, affordability, and other relevant features to ensure adequate ADU development.
- Action H.1m: Establish written procedures to comply with California Government Code Section 65913.4, as appropriate, to comply with the requirements of Senate Bill 35 (SB 35).
- Action H.1n: Encourage residential development on sites within the Sites Inventory and maximize the development potential, as well as promote existing residential incentives and identify potential new incentives, as appropriate.
- Action H.1o: Revise the General Plan to comply with the requirements of Senate Bill 1000 (SB 1000) to incorporate environmental justice policies within the General Plan and of Senate Bill 1035 (SB 1035) to identify flood hazards and address the risk of fire hazards in the City's Safety Element.

- Action H.1p: Adopt a replacement-housing program for units lost that are currently occupied by lower-income households or households subject to affordability requirements.
- Action H.1q: Monitor housing sites to ensure adequate sites to accommodate the remaining unmet RHNA by each income category pursuant to Senate Bill 330 (SB 330).
- Action H.2i: Update the Density Bonus Ordinance in compliance with State law requirements.
- Action H.4a: Affirmatively further fair housing by taking meaningful actions that foster inclusive communities free from barriers, which restrict access to opportunities, based on protected classes.
- Action H.4h: Adopt regulations and procedures that establish a ministerial approval process for low-barrier navigation centers that meet specified requirements consistent with Senate Bill 48 (SB 48).
- Action H.4i: Encourage construction and rehabilitation of housing with supportive services targeted for persons with developmental disabilities, including exploring granting regulatory incentives.
- Action H.4j: Encourage opportunities to accommodate housing that can assist with individuals' transitions from homelessness, including Single Room Occupancy units (SROs).

New HCD guidelines also require that all new goals, policies, and programs are objective and quantifiable in nature. Based on these more stringent guidelines, staff has included specific quantifiable objectives into the following programs and shown in Table 1:

- Action H.1d: Monitor At-Risk Projects and develop strategies including potential expenditure of City housing funds to preserve their ongoing affordability. Housing projects are “at risk” if they are near to reverting or converting to market rate pricing.
  - Monitor units at-risk of converting to market-rate during the planning period.
- Action H.1e: Encourage community education regarding the availability of rehabilitation programs.
  - Assist in rehabilitating 30 housing units during the planning period.
- Action H.2c: Provide a First-Time Homebuyer Assistance Program either directly or through regional partners.
  - Assist 20 households during the planning period.
- Action H.2d: Explore a variety of potential financial assistance programs from both the public and private sectors to provide more affordable housing units and affordable housing assistance.
  - Assist in providing assistance to 20 extremely low-, 50 very low-, and 50 low-income units during the planning period.
- Action H.4e: Encourage affordable housing developers to provide units for special needs persons or households, when feasible and appropriate.



- o Encourage construction of 50 special needs units (farmworker, affordable senior, disabled, developmentally disabled, large households, female-headed household, homeless) during the planning period.

Objectives	Units by Income Level					Total Units
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
<b>RHNA</b>	402		232	247	641	1,522
<b>Home Repair/ Rehabilitation</b>	30					30
<b>Special Needs Units</b>	50					50
<b>First-Time Homebuyer</b>	15			5	0	20
<b>Affordable Housing Assistance</b>	20	50	50	0	0	120
<b>At-Risk Housing Units</b>	6			0	0	6

Staff has reviewed the above-mentioned quantifiable objectives and believes that through existing City policies and programs, as well as the City's affordable Housing Ordinance, the objectives are reasonably spread out over the eight-year planning period.

**Appendix A - Review of Past Performance:** This Appendix reviews the prior Housing Element to measure progress in implementing policies and programs. It likewise evaluates which programs were successful and should be continued, and which programs were ineffective and should be removed or modified. Examples of recommended modifications include integrating changes to reflect State law updates (e.g., no net loss (SB 166), the Housing Crisis Act (SB 330), supportive housing, environmental justice, etc.) and providing more specificity in terms of City actions.

**Appendix B – Candidate Sites Analysis:** Identifies locations of available sites for housing development to ensure that there is adequate capacity to address the RHNA in each of the affordability categories.

As shown in Appendix B, the City's existing zoning (i.e., residential development capacity that exists currently within Brentwood's residential and mixed-use zoning districts) and "pipeline"<sup>3</sup> of entitled projects is estimated to accommodate approximately 3,069 housing units; this number includes 135 ADUs that are assumed will be built during the Housing Element period.

As seen in Table 2, this estimated capacity reflects a buffer in each income category when compared to the total RHNA allocation (1,552 units), as recommended by HCD. Staff notes that based on City Council and LUD direction, the distribution of units across income categories varies somewhat from the estimates provided in earlier stages of the process. A majority of

<sup>3</sup> HCD defines pipeline projects as residential projects that are approved, permitted, or receive a certificate of occupancy after the beginning of the RHNA period.

those changes resulted in reducing the estimated capacity in PA-1 while increasing the affordability assumptions.

<b>Table 2: Summary of Residential Capacity Analysis</b>					
	<b>Very Low-Income</b>	<b>Low-Income</b>	<b>Moderate-Income</b>	<b>Above Moderate-Income</b>	<b>Total</b>
<b>2023-2031 RHNA Allocation</b>	<b>402</b>	<b>232</b>	<b>247</b>	<b>641</b>	<b>1,552</b>
<b>Capacity Under Existing Zoning</b>					
Projects Currently in the Pipeline	2	0	0	966	968
Projected ADU Production	80	41	14	14	135
<b>Remaining Need</b>	<b>552</b>	<b>206</b>	<b>--</b>	<b>--</b>	<b>449</b>
PA-1 (Innovation Center)	479	228	813	813	1,520
Vacant Residential Land	156	68	222	222	446
<b>Total Unit Potential</b>	<b>717</b>	<b>337</b>	<b>2,015</b>	<b>2,015</b>	<b>3,069</b>
Units +/- and Buffer/Gap %	<b>+83 units, 13%</b>	<b>+90 units, 36%</b>	<b>+1,374 units, 214%</b>	<b>+1,374 units, 214%</b>	<b>+1,966 units, 98%</b>

This approach in the current draft was provided by the City Council and LUD in July and August, to allow the City to account for potential future changes to PA-1 currently under consideration by the City Council, review by HCD, and additional public input. The adequacy of the sites inventory will be evaluated by HCD. In any case, during the final phases of Housing Element review that will take place in early 2023, the City Council will be able to further modify the inventory to reflect any potential changes to PA-1.

**Appendix C - Summary of Community Engagement:** Summarizes community outreach and engagement meetings and surveys, with a particular focus on outreach to traditionally underrepresented groups. Included in Appendix D is a summary of input from the initial on-line community survey. The survey concluded in June and included 526 responses. This appendix will continue to be updated until the conclusion of the public review process.

**Appendix D - Glossary of Housing Terms:** This final section provides a comprehensive glossary of all of the acronyms and terms used throughout the Housing Element.

### **NEXT STEPS**

Beyond this current round of review and comment, a number of critical steps remain in the Housing Element Update process, summarized in Figure 3 and described in more detail below.

*Figure 3: Review Timeline*



- HCD Review of Draft Housing Element (October 2022 – January 2023 and January – March 2023):** Following the public review period, the Draft Housing Element, including any revisions recommended by the City Council, will be submitted to HCD. Staff anticipates submitting the Draft Housing Element to HCD in mid-October. HCD then has a full 90 days to complete its review and provide comments to the City (i.e., HCD's initial comments would be expected in approximately mid-January 2023). Staff would likely be required to submit for a subsequent second and possible third draft to HCD for review (January – March 2023) following the initial review.
- Potential City Council, Planning Commission, and/or Public Meetings - Revised Draft Housing Element (January - April 2023):** Following receipt of HCD comments, if staff determines that the comments are substantial in nature or that changes may impact current or existing policy direction, staff may be required to hold additional public meetings to seek input on potential revisions to the Housing Element, prior to its resubmittal to HCD. Until HCD provides initial comments, staff is unable to know if additional City Council direction will be required.
- Resubmittal of Housing Element to HCD (January - March 2023):** The revised Housing Element must be re-submitted to HCD, which has 30-60 days to review the document and issue a letter of substantial compliance.
- Adoption Hearings (April-May 2023):** The Planning Commission and City Council will conduct public hearings to consider adoption of the final Housing Element.

## PUBLIC NOTICE

Advertisement of this item was published in The Brentwood Press on September 9, 2022. In addition, email notification was sent to all interested parties who have signed up on the Housing Element website ([brentwoodhousingelement.com](http://brentwoodhousingelement.com))

## ENVIRONMENTAL ASSESSMENT

The City is still determining the appropriate level of environmental review for this project. Environment review for this project is anticipated to evaluate the potential environmental

impacts associated with the implementation of policies and programs included in the updated Housing Element. As currently proposed, no land use and zoning changes will be required. The final environmental assessment will be presented to the Planning Commission and City Council for consideration at the same time as the Housing Element adoption hearings.

**FISCAL IMPACT**

There is no financial impact anticipated as a result of this discussion. The cost of the update is included in the adopted 2022/23 – 2026/27 Capital Improvement Program (CIP), which includes the Housing Element Update and Safety Element Update, CIP Project No. 337-37258.

**CONCLUSION**

Staff seeks the City Council's review and feedback on the Draft Housing Element, including any recommended revisions or modifications as well as authorization to revise the document accordingly and submit to HCD for its review.

**Attachments:**

Brentwood 6th Cycle Public Review Draft Housing Element

## C.8 Flyers/Outreach Materials

This section contains all outreach materials distributed to the community providing notice of the Housing Element Update process and opportunities for participation.



**MEDIA RELEASE**  
**FOR IMMEDIATE RELEASE**  
**THURSDAY, AUGUST 25 2022**

Contact: Jennifer Hagen, Senior Planner, Community Development Department  
Phone: 925.516.5405  
Email: [jhagen@brentwoodca.gov](mailto:jhagen@brentwoodca.gov)

---

**BRENTWOOD RELEASES 2023-2031 DRAFT HOUSING ELEMENT**

BRENTWOOD, CA – The City of Brentwood is pleased to announce the release of its 2023-2031 Draft Housing Element. The Housing Element is one of seven State-mandated elements of the City's General Plan. It is a comprehensive statement by the community of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Draft Housing Element is available for download or review on the project website at <https://brentwoodhousingelement.com>.

Community members are invited to provide comments directly on the website, via email or mail, and/or to participate in upcoming community meetings. The public review period will run through September 27<sup>th</sup>. In order to facilitate public comment, the City Council will host an introductory special meeting on August 30<sup>th</sup> at 6 p.m. via zoom. Additional upcoming opportunities for public engagement on the Draft Housing Element include a Planning Commission hearing on September 20<sup>th</sup> and a City Council hearing on September 27<sup>th</sup>. Meeting details can be found on the City's website at <https://brentwoodca.gov>

###



**2023 - 2031**

# Housing Element Update

The City is pleased to announce the release of the Public Review Draft of the 2023 - 2031 Housing Element.



For more information or to review the Draft Housing Element visit:

**[BrentwoodHousingElement.com/Resources](https://brentwood.com/Resources)**



Community members are invited to participate and provide feedback through September 27, 2022.



**By Attending Public Meetings:**  
Planning Commission Hearing  
September 20, 2022  
City Council Hearing  
September 27, 2022



**By Mail: Attention Planning**  
City Hall, 150 City Park Way



**By E-mail:**  
[planning@brentwoodca.gov](mailto:planning@brentwoodca.gov)



**By Digital Form:**  
[https://brentwood.info/HE\\_form](https://brentwood.info/HE_form)

# Barnes named new Tri Delta Transit CEO

After an extensive nationwide search, the Board of Directors unanimously selected Rashidi Barnes as Tri Delta Transit's new CEO. He will assume the role of Chief Executive Officer on Sept. 7. Barnes replaces long-time CEO Jeanne Krieg who is retiring after 32 years at the agency.

Barnes started his transit career 20 years ago as the Western Sales Manager for Transit Marketing Group, a leader in marketing and sales for transit product manufacturers. From there, he became the Director of Procurement for Foothill Transit where he was responsible for ensuring contract compliance and procurement of materials/supplies and professional, architectural and engineering services. He also served as Foothill Transit's Disadvantaged Enterprise Liaison Officer during his tenure.



BARNES

His next five and a half years were spent with Central Contra Costa Transit Authority (County Connection) as Senior Manager of Transportation, Senior Manager of Innovation and Shared Mobility, and then Director of Innovation and

Shared Mobility Projects that he helped to deliver included the initial Clipper System implementation for the transit authority, introducing on-demand transportation service, shepherding bus on shoulder legislation and congestion mitigation options, working with the regional local utility provider to help launch the agency's first electric bus. During his other roles at the transit agency, Barnes oversaw the daily operations of 160 bus operators, 12 supervisors and 1 transit manager. Daily as an operations team, their focus was on providing efficient service.

Most recently, Barnes has been working for First Transit as the Director of Mobility as a Service, a national position where he worked with various transit agencies, payment solution companies and micro-mobility providers to deliver innovative

mobility solutions. Through the introduction of MaaS mobile applications, data analytics and focus on improving the customer's journey, Barnes believes that transit agencies will be able to re-solidify their place in people's daily transportation decisions.

In 2015, Mr. Barnes was listed by Mass Transit Magazine as one of the Top 40 Under 40 to watch and follow.

Tri Delta Transit provides more than two million trips each year to a population of over 315,000 residents in the 225 square miles of eastern Contra Costa County. They operate 15 local bus routes Monday - Friday, five local bus routes on weekends, door-to-door bus service for senior citizens and people with disabilities, and on-demand rideshare services.

Krieg will be CEO Transitional Officer until she retires officially in February.

# Temple installed as new Postmaster in Discovery Bay



TEMPLE

Kevin Temple was sworn in as the new Postmaster in Discovery Bay in a ceremony on Tuesday, Aug. 30, at the Byron Discovery Bay post office at 3345 Bolder Road in Discovery Bay.

As Byron Discovery Bay's Postmaster, Temple oversees 24 postal employees and 10 rural routes with 5,701 possible deliveries and a daily distribution of mail to 484 P.O. Boxes.

Temple began his career with the United States Postal Service as a rural carrier associate in the Pleasanton Post Office in September

of 2015 before he transferred to the Antioch Post Office to the same job. Temple later changed crafts and became a postal support employee working as a Sales, Services and Distribution clerk at the Concord Post Office. Temple became a career employee in 2018. In March of 2019, he was promoted to Supervisor Customer Service in the Livermore Post Office. He held positions as an Officer in Charge in Diablo, Crockett, San Lorenzo, and now Byron. Temple also worked as a Supervisor Customer Service in Meraga, Antioch,

and Alamo prior to his recent promotion as Postmaster.

"For me, being a Postmaster means that I must uphold postal values and treat employees and customers with dignity and respect. I hope to improve daily operations to make this post office one of the best places for our employees to work, and to provide the best experience for the customers in this community," he said.

To view a video, visit [www.thepress.net/multimedia](http://www.thepress.net/multimedia)



**THE CITY OF BRENTWOOD**  
GREAT IDEAS • BOLD VISIONS • PROGRESSIVE



**2023 - 2031  
Housing Element Update**

The City is pleased to announce the release of the Public Review Draft of the 2023 - 2031 Housing Element.



For more information or to review the Draft Housing Element visit:

BrentwoodHousingElement.com/Resources

**Community members are invited to participate and provide feedback through September 27, 2022.**

-  **By Attending Public Meetings:**  
 Planning Commission Hearing  
 September 20, 2022  
 City Council Hearing  
 September 27, 2022
-  **By Mail:** Attention Planning  
 City Hall, 150 City Park Way
-  **By E-mail:**  
[planning@brentwoodca.gov](mailto:planning@brentwoodca.gov)
-  **By Digital Form:**  
[https://brentwood.info/HE\\_form](https://brentwood.info/HE_form)



**City of Brentwood - Local Government**  
July 19 · 🌐

The Brentwood City Council will hold a Special City Council Meeting on July 21, 2022 at 6PM. The item to be discussed is as follows:  
**Housing Element Update** - Introduction of the analysis of existing residential zoning capacity within the City including review of a list of potential sites under consideration for inclusion in the Housing Element Sites Inventory for the 2023-2031 (6th Cycle) Housing Element Update, as well as an evaluation of the number of units for which addi... See more

**City of Brentwood - Local Government**  
July 19 · 🌐

Actualización del Elemento de Vivienda - Introducción del análisis de la capacidad de zonificación residencial existente dentro de la Ciudad, incluida la revisión de una lista de sitios potenciales bajo consideración para su inclusión en el Inventario de Sitios de Elementos de Vivienda para la Actualización de Elementos de Vivienda 2023-2031, así como una evaluación del inventario de sitios y estrategias de suposición de asequibilidad para abordar la Asignación Regional de Ne... See more

**JULY 21ST**  
**HOUSING ELEMENT UPDATE**

**21 DE JULIO**  
**ACTUALIZACIÓN DEL ELEMENTO DE VIVIENDA**

**City of Brentwood - Local Government**  
July 7

The Brentwood City Council will hold a Special City Council Meeting on Thursday, July 21, 2022 at 6PM.

The item to be discussed is as follows:  
**Housing Element Update** - Introduction of the analysis of existing residential zoning capacity within the City including review of a list of potential sites under consideration for inclusion in the Housing Element Sites Inventory for the 2023-2031 (6th Cycle) Housing Element Update, as well as an evaluation of site inventory and affordability assumption strategies to address the City's Regional Housing Need Allocation (RHNA).  
 Zoom Meeting Info: [www.brentwoodca.gov/vcc](http://www.brentwoodca.gov/vcc)

**City of Brentwood - Local Government**  
May 10

To provide City Council and the public with information regarding the recent Statewide housing legislation that passed during 2021, tonight's Agenda Item No. C.7 includes a staff report summarizing the recent Statewide housing legislation and its potential applicability to the City of Brentwood as of January 2022. The report is available for review at [https://brentwood.info/051022\\_NoC7](https://brentwood.info/051022_NoC7)

City of Brentwood - Local Government  
May 26

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. Como parte de la actualización, la Ciudad debe identificar estrategias para dar cabida a la asignación de necesidades regionales de vivienda (RHNA) de 1,522 unidades de vivienda en los próximos ocho años. Además, se han adoptado varias leyes estatales nuevas desde la última actualización del Elemento de Vivienda de la Ciudad en 2015, las cuales se tendrán que incluir y tomar en cuenta en el plan de políticas.

Acompañenos para conocer las estrategias propuestas de la Ciudad para dar cabida a la asignación RHNA y las nuevas políticas que se agregarán al Elemento de Vivienda para mantener el cumplimiento de las leyes y requisitos estatales.

**Cuando: Miércoles, 1 de junio de 2022 a las 5:00 p.m.**  
[https://brentwood.info/heu\\_meeting](https://brentwood.info/heu_meeting)



City of Brentwood - Local Government  
May 26

The City of Brentwood is currently updating its 2023-2031 Housing Element. As part of the update, the City must identify strategies to accommodate the Regional Housing Needs Allocation (RHNA) of 1,522 housing units over the next eight years. In addition, a number of new State laws have been adopted since the last update to the City's Housing Element in 2015 which will need to be addressed and included in the policy plan.

**Please join us on Wednesday, June 1 at 5:00PM** to learn about the City's proposed strategies to accommodate RHNA and the new policies that will be added to the Housing Element to maintain compliance with State laws and requirements.

More information at [https://brentwood.info/heu\\_meeting](https://brentwood.info/heu_meeting)

**Cuando: Miércoles, 1 de junio de 2022 a las 5:00 p.m.**  
[https://brentwood.info/heu\\_meeting](https://brentwood.info/heu_meeting)

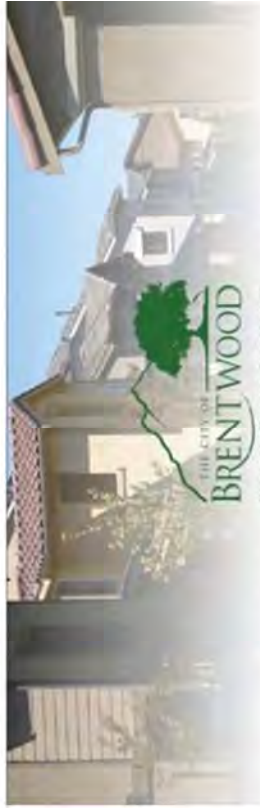




City of Brentwood - Local Government

April 11

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. El Elemento de Vivienda requerido por el Estado planifica las necesidades de vivienda de la Ciudad en todos los niveles y establece políticas y programas que cumplen con las leyes estatales. Todas las ciudades del Estado están obligadas a actualizar su Elemento de Vivienda cada 8 años para tomar en cuenta los cambios en las necesidades de la comunidad y las nuevas leyes.... See more



**Actualización del Elemento de Vivienda 2023-2031  
Reunión conjunta de la Consejo de la Ciudad y el  
Comisión de Planificación**

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. El Elemento de Vivienda requerido por el Estado planifica las necesidades de vivienda de la Ciudad en todos los niveles de ingresos y establece políticas y programas que cumplen con las leyes estatales. Todas las ciudades del Estado están obligadas a actualizar su Elemento de Vivienda cada 8 años para tomar en cuenta los cambios en las necesidades de la comunidad y las nuevas leyes. Acompáñenos en forma virtual para aprender sobre el proceso de actualización, los requisitos del Estado, y las oportunidades que tiene la comunidad para aportar información y ofrecer opiniones.

**Cuándo:** Jueves, 14 de abril de 2022 a las 6:00 p.m.

**Dónde:** Zoom - <https://brentwoodca.gov.zoom.us/j/76013970037>



Para obtener más información sobre la actualización del Elemento de Vivienda, conéctese a: [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)



City of Brentwood - Local Government

April 7

The agenda for the Housing Element Update meeting on April 14th at 6 p.m. is now available at <http://brentwoodca.igam2.com/Citizens/default.aspx>





City of Brentwood - Local Government

April 1

En estos momentos, la Ciudad de Brentwood está actualizando su Elemento de Vivienda 2023-2031. El Elemento de Vivienda requerido por el Estado planifica las necesidades de vivienda de la Ciudad en todos los niveles de ingresos y establece políticas y programas que cumplen con las leyes estatales. Todas las ciudades del Estado están obligadas a actualizar su Elemento de Vivienda cada 8 años para tomar en cuenta los cambios en las necesidades de la comunidad y las nuevas leyes. Acompañenos en forma virtual para aprender sobre el proceso de actualización, los requisitos del Estado, y las oportunidades que tiene la comunidad para aportar información y ofrecer opiniones.

Cuándo: Jueves, 14 de abril de 2022 a las 6:00 p.m. Dónde: Zoom - <https://brentwoodca.gov.zoom.us/j/76013970037>

Le pedimos también que nos ayude a entender mejor sus necesidades de vivienda y brinde información inicial sobre las condiciones de vivienda en Brentwood, contestando esta encuesta: [https://brentwood.info/housing\\_element\\_survey](https://brentwood.info/housing_element_survey)

Para obtener más información sobre la actualización del Elemento de Vivienda, conéctese a: <https://brentwoodhousingelement.com/>

City of Brentwood - Local Government

March 31

The City of Brentwood is currently updating its 2023-2031 Housing Element. The State-required Housing Element plans for the City's housing needs at all income levels and establishes policies and programs that comply with State laws. All cities across the State are required to update their Housing Elements every 8 years to account for changes in community needs and new laws. Please join us virtually on April 14 at 6PM to learn about the update process, State requirements, and what opportunities the community has to provide input and give feedback - <https://brentwoodca.gov.zoom.us/j/76013970037>

For more information about the Housing Element Update please visit: <https://brentwoodhousingelement.com/>





City of Brentwood - Local Government created an online event.  
March 31 · 🌐



THU, APR 14

Housing Element Update Meeting

4 people went

☆ Interested

## City Manager's Message



Thank you for taking the time to read our newsletter. We encourage your input and involvement in issues that affect your community, and this month I am focused on several land use issues that will benefit from your input.

### **Housing Element Update:**

Based on California state law, the City of Brentwood is updating its 2023-2031 Housing Element, which establishes policies and programs to address housing needs at all income levels throughout the community. Many of you are concerned about the City's future growth and the various issues tied to expansion, which include ensuring affordable housing options

for your families. Please consider completing a short survey to help update the City's Housing Element: [Housing Element Survey](#).

Your feedback will help shape plans for the future of housing in Brentwood. The survey is intended to assist in creating policies and programs that appropriately address the housing needs of current and future Brentwood residents while at the same time respecting state laws.

We are also pleased to announce the launch of the webpage for the housing element project, [Housing Element Update](#), which is translatable to Spanish and Chinese.

Please visit the website to get informed about the update, to review FAQs, download project documents, reports, and view a project schedule including upcoming public meetings and other opportunities for engagement.

### **Parks & Open Space Ballot Measure:**

City Council has also directed staff to prepare a ballot measure crafted to protect - where allowed by state law - parks and open spaces from future development. If approved, specific properties will require a ballot measure to change permitted uses covered by the measure.

Details of the land use ballot measure will be discussed at upcoming City Council meetings. The goal is to complete work on the measure by the August deadline so that it can appear on the November 2022 ballot. Background from initial discussions during the April 26, 2022, City Council meeting can be viewed online by following this link: [City Council Video Recording](#).

Thank You,  
City Manager Tim Ogden  
City of Brentwood  
[CityManager@brentwoodca.gov](mailto:CityManager@brentwoodca.gov)



## Upcoming Public Meetings

**Tuesday, May 10, 2022**

**5:00 PM**

5:00 PM - Operating Budget Workshop

7:00 PM - City Council Meeting



[View Agenda](#)

**Tuesday, May 24, 2022**

**7:00 PM**

City Council Meeting



[View Agenda](#)

### Zoom Link to City Council Meetings



[brentwoodca.gov/vcc](https://brentwoodca.gov/vcc)

**Want to Stay Connect with the City of Brentwood? Subscribe to Receive Our Newsletter and Other City News**

SUBSCRIBE

**Visit our Online Calendar for All Upcoming Events and Meetings**

VIEW CALENDAR



## What's New

### Workshop on Upcoming City Budgets Open to Citizen Input

The City Council will conduct a Zoom workshop at 5 p.m. Tuesday, May 10, to discuss the draft 2022/23 - 2023/24 Operating Budget. The workshop is an opportunity for the public and the City Council to provide feedback on the proposed budget. The operating budget outlines funding for the full range of services provided by the City, including police; parks and recreation; public works; economic development; planning; building; community enrichment; engineering and inspection; housing; general administrative services; water and wastewater utilities; and the collection and disposal of refuse.

The budget also specifies funding needed to implement strategic initiatives included in the City's 2022/23 - 2023/24 Strategic Plan. Any changes resulting from the workshop will be incorporated into the final budget document, scheduled for consideration at the City Council's June 14 meeting. The [Operating Budget Draft](#) will be available on May 3, 2022.

If you have questions or would like more information, please contact Christine Andrews at [candrews@brentwoodca.gov](mailto:candrews@brentwoodca.gov)

MEETING INFO

### Concerts in the Park Returns June 17



Concerts in the Park Series will make its return on Friday June 17, 2022. Bring the whole family for a free evening of music, dancing, and fun.

- 6/17: Club 90 (90's jams and beyond)
- 6/24: Big City Swing Committee (Swing, jazz, and blues)

VIEW FULL LINEUP





## Brentwood Police Dispatchers Honored During Telecommunicators Week



Although they are rarely seen by the public, police dispatchers serve as the first line of communication for both police and emergency services. They are responsible for gathering vital information from callers to help first responders form an early understanding of what they will face when they arrive at the site of an emergency call.

They are essential to public safety and

act as the lifeline for officers and citizens during dangerous incidents and encounters. They take calls from citizens, relay information to and from officers and record calls for service among other important functions.

Skills in multitasking, teamwork, communication and decision-making — essential to the position — make dispatchers invaluable members of the community.



The Brentwood Police Department has 11 outstanding dispatchers who serve their city day in and day out. Today and every day, the City and its citizens thank them for their commitment to the community and its officers.

Since the Brentwood Dispatch Center opened in March of 2017, dispatchers have taken more than 431,772 calls for service, and 81,333 of those were 911 calls.

FOLLOW BPD ON FACEBOOK

## Assistance with Water/Sewer Bills Available for Low Income Households



The City of Brentwood is enrolled in the new federal Low Income Household Water Assistance Program (LIHWAP) which will provide financial assistance to low-income Californians to help manage their residential water and/or wastewater utility costs. LIHWAP offers a one-time payment to help pay past-due drinking water and wastewater bills.

The program is administered by the California State Department of Community Services and Development (CSD). Eligible households need to apply in order to receive assistance. Eligibility varies depending on income, household size, place of residence, and other factors. To see if you are eligible, please visit [Low Income Water Assistance Program](#) on the CSD website.

LIHWAP is scheduled to be available for households to apply in May 2022. To be notified via email when LIHWAP launches, sign up on the [California Department of Community Services and Development](#) website.

If you are behind on your energy bills, CSD also administers the [Low Income Home Energy Assistance Program](#).

## Yokut Park Soon to Get Its Own Book Box



**Creekside Park**  
1010 Claremont Dr



**Monarch Park**  
760 Bella Drive



**Orchard Park**  
40 Griffith Lane

In 2019, the Parks and Recreation Commission approved and installed book boxes in three Brentwood parks. The boxes allow the public to borrow, keep, or add to the collections. A fourth will soon go up in Yokut Park. Book boxes are now in Creekside, Monarch and Orchard Parks.

“We read to know that we are not alone.” — C.S. Lewis

“The more that you read, the more things you will know. The more you learn, the more places you’ll go!” — Dr. Seuss



## New Website Provides an Improved Intro to the City of Brentwood



The City recently went live with a new website, enhancing the digital front door. Enhancements include a user-friendly interface; easy navigation; mobile friendly features; events and news sections to keep residents informed about important information; and an improved search function, just to

name a few. We welcome any feedback you may have regarding our website. Please email feedback to [website@brentwoodca.gov](mailto:website@brentwoodca.gov).

## Re-opening of East Contra Costa Historical Museum

The East Contra Costa Historical Museum will re-open to the public on May 7, 2022 at 2 p.m. The Museum will be open from 2 p.m. - 4 p.m. every Saturday and 3rd Sunday 2 p.m. - 4 p.m. thru October 2022.



[LEARN MORE](#)

## Brentwood Farms Open for U-Pick

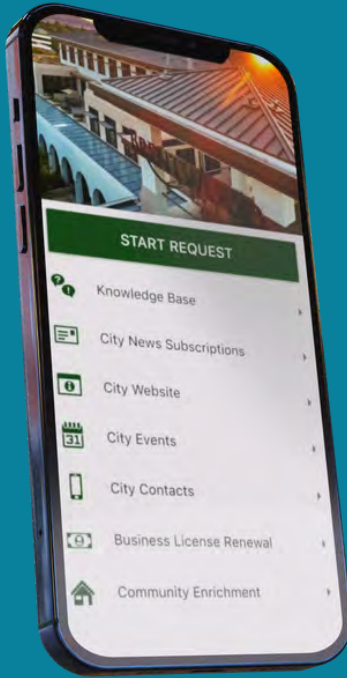


Harvest Time in Brentwood farms are now open for the 2022 u-pick season. Early cherry varieties are available for u-pick or pre-pick. Did you know that Brentwood offers over 20 varieties of locally grown cherries? We hope residents can enjoy this year's crop by visiting our local farms or farm stands. Beat the crowds and take advantage of the farm's weekday u-pick hours! Harvest Time in Brentwood provides an interactive online map for easy navigation.

[VIEW MAP](#)

# Helpful Resources

## Brentwood Connect 24/7



[LEARN MORE](#)

*The Brentwood Connect 24/7 mobile app gives residents and business owners direct access to City staff, services and resources that make our City work.*

Download on the **App Store**

GET IT ON **Google Play**



## Senior Health & Resource Fair

Come One! Come All! The Brentwood Senior Center is hosting a free Health & Resource Fair on Thursday, May 26 from 1-4 p.m. The fair

will provide seniors with valuable information about health, wellness, utility savings programs, nutrition, and much, much more.

[LEARN MORE](#)

## We Are Hiring

As businesses compete to retain top talent, employee training and development is more important than ever. During their careers, Brentwood employees receive annual ALICE Training®, which uses option-based, proactive survival strategies to prepare for violent critical incidents.

The training was first introduced in 2019 with a 100-percent completion rate. Once 2022 training is complete, employees will receive the ALICE recommended quarterly training. This is just one of the many benefits offered to Brentwood employees. To learn more about careers with the City, visit the [Career Opportunities](#) page.

Some Current Opening Includes:

- Accounting Specialist
- Dance/Gymnastics Instructor
- Information Systems Specialist
- Lifeguard
- Police Dispatcher II
- Recreation Leader III - Front Desk

[LEARN MORE](#)



## Neighborhood Clean-Up



Registration is still open for the City's free spring neighborhood clean-up events in May. Clean-up began on April 30. Other events will be on May 7, May 14, and May 21. Brentwood residents who have an active garbage account are invited to participate. Residents can bring up to 2 cubic yards (one pickup truck load or a small utility load) of unwanted household items. These can include – free of charge – general yard waste, appliances, furniture, mattresses, metal, computers, TVs and other electronic waste. In order to participate, residents must register [online](#).

For more information, including calendar dates for the spring and fall cleanups, [go to the Neighborhood Clean-Up Events page of the City website](#). The page also has a link to a more extensive list of acceptable items.

## Brentwood Welcomes New and Coming Soon Businesses



The City of Brentwood Economic Development Department would like to welcome a few new and coming soon businesses.

New Businesses:

- Guadalajara Taqueria (561 1st Street)
- Himalayan Salt Cave (8065 Brentwood Blvd Suite 2)
- Salt and Fig (225 Oak Street)
- Yum Cha Boba & More (380 W. Country Club Drive)

Coming Soon Businesses:

- Bonchon Korean Fried Chicken To-Go
- Jollibee
- Club Pilates
- Station 16 Seafood Seafood & Bar
- The Cheese Steak Shop

Business is Better in Brentwood

If you have questions about how to open a business in Brentwood, please send an email to [economicdevelopment@brentwoodca.gov](mailto:economicdevelopment@brentwoodca.gov).



## Brentwood Housing Element Update

The City of Brentwood is currently preparing the 2023-2031 Housing Element which establishes policies and programs to address housing needs at all income levels throughout the community. The Housing Element is required by State law to be updated every 8 years to account for changes in housing needs including demonstrating capacity to meet our local "fair share" of the assigned Regional Housing Needs Allocation (RHNA) and adoption of new laws.

### Make your voices heard!



Be the first to fill out our Housing Element Update Community Survey. The feedback provided in the survey will help inform and plan for the future of housing in Brentwood and is intended to gather feedback and identify trends on housing preferences, needs, and future housing opportunities in the city.

For more information about the Housing Element Update, please visit [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)



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## Actualización del Elemento de Vivienda de Brentwood

La Ciudad de Brentwood está preparando actualmente el Elemento de Vivienda de 2023-2031, el cual establece políticas y programas para abordar las necesidades de vivienda en todos los niveles de ingresos en toda la comunidad. La ley estatal requiere que el Elemento de Vivienda se actualice cada 8 años para tomar en cuenta los cambios en las necesidades de vivienda, así como demostrar la capacidad para cumplir con nuestra "parte justa" local de la Asignación de Necesidades Regionales de Vivienda (RHNA) asignada y adoptar nuevas leyes.

### ¡Haz que tus voces sean escuchadas!



Sea el primero en completar nuestra Encuesta comunitaria de actualización de Elementos de Vivienda. La retroalimentación proporcionada en la encuesta ayudará a informar y planificar el futuro de la vivienda en Brentwood y está destinada a recopilar comentarios e identificar tendencias sobre las preferencias de vivienda, las necesidades y las futuras oportunidades de vivienda en la ciudad.

Para obtener más información sobre el Elemento de Vivienda, conéctese a: [www.brentwoodhousingelement.com](http://www.brentwoodhousingelement.com)



## Actualización del Elemento de Vivienda de Brentwood

La Ciudad de Brentwood está preparando actualmente el Elemento de Vivienda de 2023-2031, el cual establece políticas y programas para abordar las necesidades de vivienda en todos los niveles de ingresos en toda la comunidad. La ley estatal requiere que el Elemento de Vivienda se actualice cada 8 años para tomar en cuenta los cambios en las necesidades de vivienda, así como demostrar la capacidad para cumplir con nuestra "parte justa" local de la Asignación de Necesidades Regionales de Vivienda (RHNA) asignada y adoptar nuevas leyes.

### ¡Haz que tus voces sean escuchadas!



Sea el primero en completar nuestra Encuesta comunitaria de actualización de Elementos de Vivienda. La retroalimentación proporcionada en la encuesta ayudará a informar y planificar el futuro de la vivienda en Brentwood y está destinada a recopilar comentarios e identificar tendencias sobre las preferencias de vivienda, las necesidades y las futuras oportunidades de vivienda en la ciudad.

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## Actualización del Elemento de Vivienda de Brentwood

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**CITY COUNCIL AGENDA ITEM NO. 7**

**Meeting Date:** May 10, 2022

**Subject/Title:** An informational Summary and Overview of Recent Statewide Housing Legislation and Potential Applicability to the City of Brentwood

**Prepared by:** Sylvia Elias, Housing Analyst

**Submitted by:** Alexis Morris, Director of Community Development

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**PURPOSE AND RECOMMENDATION**

Receive an informational summary and overview of recent Statewide housing legislation and its potential applicability to the City of Brentwood.

**CITY COUNCIL STRATEGIC INITIATIVE**

N/A

**PREVIOUS ACTION**

N/A

**BACKGROUND**

The attached report summarizes Statewide housing legislation that passed during 2021 and its potential applicability to the City of Brentwood as of January 2022. The report begins with an overview of the process that was used to research recent housing legislation and provides a summary of findings regarding California Senate and Assembly bills that may be applicable to Brentwood.

**FISCAL IMPACT**

This report is informational only and does not authorize expenditures.

**Attachments:**

New Housing Laws Summary

Summary Matrix of Housing Legislation and Applicability to Brentwood

Overview of Recent State Legislation and Potential Applicability to the City of Brentwood  
(Legislation Passed During 2021 and Effective January 1, 2022)

Summary of Statewide Housing Legislation

This report summarizes Statewide housing legislation that passed during 2021 and its potential applicability to the City of Brentwood as of January 2022. The report begins with an overview of the process that was used to research recent housing legislation and provides a summary of findings regarding California Senate and Assembly bills that may be applicable to Brentwood. It then describes additional information that was compiled during this research effort, and the key findings that are presented in the accompanying tables. This report was prepared by Seifel Consulting, Inc. with input from City staff and outside legal counsel, Goldfarb & Lipman.

Overview of 2021 Housing Legislation Research and Evaluation Process

During 2021, a broad variety of housing legislation passed that could potentially affect local jurisdictions like the City of Brentwood, as well as many of the public and private entities who are involved in California's housing industry. The first step in the research process was to review information published by the Governor's Office, non-profit organizations and experienced law firms regarding housing legislation that passed during 2021.

This review identified more than thirty housing bills that were passed by the State Legislature and signed into law by Governor Newsom during 2021. Research on each bill involved reviewing and analyzing relevant information from the California Legislative Information website and summaries of key legislation prepared by law firms that specialize in California housing and land use law, as well as the League of California Cities.

As key housing legislation adopted in 2021 reflects the Governor's four housing priorities, these priorities are used as a framework to help analyze and categorize each bill as summarized below:

- **Streamlining**– Streamlining the building of new homes–  
*Legislation to reduce the time that it takes to secure land use approvals and streamline environmental review for infill housing, subject to certain labor provisions depending on the size of development.*
- **Production**– Breaking down barriers to build housing, especially **Affordable Housing**–  
*Legislation to help make housing more affordable by catalyzing the production of Accessory Dwelling Units (ADUs), smaller homes (duplexes), small developments (up to 10 units), student housing and helping to plan and fund more deeply affordable housing developments.*
- **Fair Housing**– Addressing systemic bias by elevating fair housing principles–  
*Legislation to help ensure that local governments affirmatively further fair housing (AFFH) and that various components of the housing transaction process, such as appraisals and title reporting, avoid discrimination to protected classes.*
- **Accountability**– Holding local governments accountable to do their job, including maintaining and reporting **Planning & Housing Data** –  
*Legislation to require local jurisdictions to facilitate housing production (for example, through the Housing Element process), preserve housing and address other statewide housing goals/needs while providing State agencies with additional oversight, authority and enforcement to hold local governments accountable.*

Each Senate Bill (SB) and Assembly Bill (AB) was evaluated to see how it could affect Brentwood according to three criteria:

## Overview of Recent State Legislation and Potential Applicability to the City of Brentwood (Legislation Passed During 2021 and Effective January 1, 2022)

- **Likely**– A Senate or Assembly Bill that would likely affect how Brentwood undertakes planning activities (including the Housing Element), implements its housing programs and/or may be subject to greater oversight and monitoring.
- **Indirect**– A Senate or Assembly Bill that would indirectly affect Brentwood as it would help prioritize or redirect housing funding or could affect key players in the housing industry.
- **Unlikely**– A Senate or Assembly Bill that would not likely affect Brentwood.

Exhibit 1 summarizes the Senate bills that were researched and evaluated according to their likely effect on the City, and Exhibit 2 presents the same information for Assembly bills. Many of these bills contain numerous, complex provisions and contain statutory references that will affect their implementation, so this report provides a high summary of these bills.

Each Senate and Assembly Bill is categorized in these exhibits according to how it addresses the Governor’s housing priorities as follows:

- **Streamlining**– Bills focused on expediting approvals and environmental review.
- **Production**– Bills focused on producing housing (including affordable housing).
- **Affordable Housing**– Bills focused on producing, preserving or protecting affordable housing.
- **Fair Housing**– Bills focused on affirmatively promoting fair housing.
- **Accountability**– Bills focused on assuring that local governments are accountable.
- **Planning & Housing Data**– Bills focused on planning and land use requirements, including the preparation of the Housing Element, and the preparation and monitoring of housing data, such as the Annual Housing Element Progress Reports.

### Evaluation and Summary of Senate Bills

Based on the research and evaluation presented in this report, seven Senate Bills are most likely to affect housing and land use planning in Brentwood, as briefly summarized below and presented in Exhibit 1:

- **SB 8**– Amends and extends key provisions of the Housing Crisis Act of 2019 (SB 330) until January 1, 2030. Continues key legislative measures that expedite the construction of affordable and market-rate housing while protecting tenant rights.
- **SB 9**– Allows a homeowner to construct a second unit on property zoned for single-family homes or convert existing single-family home to a duplex, provided certain criteria are met.
- **SB 290**– Makes several changes to Density Bonus Law– redefining “total units”, expanding eligibility for ownership housing where at least 10 percent of units are sold to moderate income households and allowing student housing developments to qualify, provided certain criteria are met.
- **SB 478**– Prohibits a local agency from imposing a floor area ratio (FAR) standard that is less than 1.0 FAR on a 3 to 7 unit housing development or less than 1.25 FAR on an 8 to 10 unit housing development.
- **SB 591**– Allows intergenerational housing development that includes seniors if certain criteria are met.

## Overview of Recent State Legislation and Potential Applicability to the City of Brentwood (Legislation Passed During 2021 and Effective January 1, 2022)

- **SB 728**– Broadens Density Bonus Law to ensure a "qualified nonprofit housing corporation" can purchase for-sale units in an approved housing development to preserve continued affordability for lower income homeowners.
- **SB 791**– Establishes a California Surplus Land Unit to help local agencies and developers facilitate the development of housing on local surplus land, including the provision of regulations, rules, advice, and support.

### Evaluation and Summary of Assembly Bills

The State Assembly passed more than twice as many housing bills as the Senate in 2021. Based on this evaluation, 18 Assembly Senate Bills would likely affect housing and land use planning in Brentwood, which are briefly summarized below and presented in Exhibit 2:

- **AB 68**– Revises and modernizes the quadrennial Statewide Housing Plan and expands HCD's annual reporting requirements to include publication of an annual report on its website that includes specified information on grants awarded by HCD and land use oversight actions related to housing taken by HCD against local agencies.
- **AB 215**– Increases oversight and accountability for cities that are underperforming on housing production and makes important changes to Housing Element deadlines.
- **AB 345**– Facilitates Accessory Dwelling Units (ADUs) by removing the requirement that local agencies first pass an ordinance allowing conveyance of an ADU separately from a primary residence before such conveyance occurs, and by permitting an ADU to be sold or conveyed separately from the primary residence to a qualified buyer (low to moderate income households) in limited circumstances.
- **AB 491**– Requires that a mixed-income residential building provide the same access to common entrances, areas and amenities for affordable units as market rate units, and affordable housing units should not be isolated within that building.
- **AB 571**– Prohibits a local agency from charging affordable housing impact fees, including inclusionary zoning fees, public benefit fees and in-lieu fees on deed-restricted affordable units that are part of a project eligible for a density bonus under Density Bonus Law.
- **AB 602**– Imposes additional standards and procedures for agencies adopting and increasing impact fees, which include imposing fees based on housing development square footage or making findings to use a different methodology that ensures smaller housing projects are not charged disproportionate fees.
- **AB 634**– Allows a local government to require an affordability period longer than 55 years for units that qualify a developer for a density bonus.
- **AB 721**– Generally, makes recorded covenants that limit residential development unenforceable against qualifying affordable housing developments and ensures that restrictive covenants do not curtail the type and density of development
- **AB 787**– Expands existing law that permits jurisdictions to claim credit for up to 25 percent of their RHNA from the conversion of existing housing units to include moderate income households, provided certain criteria are met.

Overview of Recent State Legislation and Potential Applicability to the City of Brentwood  
(Legislation Passed During 2021 and Effective January 1, 2022)

- **AB 803**– Removes the ability for local agencies to require setback requirements between units beyond that required by the State Building Code, establish a minimum home size, or require enclosed or covered parking beyond that allowed by state density bonus law.
- **AB 838**– Seeks to ensure that tenants can receive timely inspections of their rental unit and explicitly prohibits a local government from placing unreasonable conditions on the inspection of rental housing.
- **AB 1029**– Requires HCD to consider making preservation of affordable housing into a pro-housing policy for purposes of HCD's regulations and to establish a pro-housing designation for local jurisdictions.
- **AB 1043**– Adds a new housing affordability definition called "acutely low Income" households who earn 15 percent of Areawide Median Income (AMI) and whose rents can be no greater than 30 percent of the 15 percent AMI level.
- **AB 1174**– Specifies that the "shot clock" for a development or modifications is paused when a project is sued and clarifies that subsequent permit applications must only meet objective standards in place when the project was initially approved.
- **AB 1304**– Ensures that local governments must affirmatively further fair housing (AFFH) in their jurisdictions by clarifying enforcement language and strengthening the housing element site inventory evaluation to show how the site inventory affirmatively furthers fair housing.
- **AB 1398**– Imposes new zoning and site analysis requirements to encourage housing production and to affirmatively further fair housing, as well as reduces the allowable time period to one year (from 3.33 years) to complete rezoning of sites to accommodate a jurisdiction's regional housing need when certain conditions occur related to a jurisdiction's Housing Element compliance.
- **AB 1466**– Requires a title insurance company involved in any transfer of real property and that provides a deed or other documents to identify whether any of the documents contain unlawfully restrictive covenants and to record a specified modification document with the county recorder if one is found.
- **AB 1584**– Restricts contractual development controls that mirror AB 721 by declaring any covenant, condition and restriction (CC&R) that prohibits, effectively prohibits or restricts the construction or use of an ADU on a lot zoned for single-family use is unenforceable.

## Overview of Recent State Legislation and Potential Applicability to the City of Brentwood (Legislation Passed During 2021 and Effective January 1, 2022)

Goldfarb & Lipman is an experienced law firm that specializes in housing and land use law and serves as outside counsel to the City of Brentwood regarding the City's housing programs and policies, which has included a review of SB 9. Appendix 1 includes the Goldfarb & Lipman Summary of 2021 Legislative Session Housing Bills that presents further information regarding key aspects of recently adopted housing legislation, which was a key reference for this report.

### Evaluation and Summary of State Funding for Housing Programs

Also evaluated, current State funding for housing programs authorized by the Budget Act of 2021 and related Budget trailer bills (SB 129 and AB 140), which provide substantial funding to housing and homelessness-related programs across California including:

- \$2 billion in aid to counties, large cities, and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program.
- \$380 million for the CalWORKs Housing Support Program over two years to house families in the program and help them avoid eviction.
- \$300 million for the Home Safe Program over two years to help combat senior homelessness.
- \$250 million for Homekey within the Multifamily Housing Program (bringing total investment to \$1.45 billion).
- \$250 million for the Infill Infrastructure Grant Program.
- \$100 million to the California Housing Finance Agency to expand homebuyer assistance.
- \$50 million to expand the Golden State Acquisition Fund (GSAF) to provide five-year loans to developers for acquisition or preservation of affordable housing.

These State funding resources could help Brentwood to preserve and develop affordable housing for a broad range of households, including seniors, persons experiencing homelessness, special needs households, and first-time homebuyers.

**Exhibit 1**  
**Summary Matrix of Housing Legislation and Applicability to Brentwood – Senate Bills**  
 Effective 1/1/22

Bill Information and Applicability to Brentwood										Applies to City?	Bill Title or Summary Description	Overview of Key Bill Provisions
Bill #	Sponsor	Streamlining	Production	Affordable Housing	Fair Housing	Planning & Hsg Data	Accountability					
<b>Senate Bills</b>												
SB 8	Skinner		X	X	X	X		X	Likely	Housing Crisis Act of 2019-Extension/Update	Amends and extends key provisions of the Housing Crisis Act of 2019 (SB 330) until January 1, 2030. Helps expedite affordable and market-rate construction by providing early vested rights, limiting ad hoc fee increases on housing, barring local governments from reducing the number of homes that can be built, and cutting the time it takes to obtain discretionary project approvals. Modifies definition of "housing development project" to include those that involve no discretionary approvals or build a single dwelling unit. Modifies requirements regarding replacement housing, relocation and tenant right to return. Provides that receipt of a density bonus does not constitute a valid basis on which to find a proposed housing development inconsistent, noncompliant, or nonconforming with an applicable plan, program, policy, ordinance, standard, requirement or similar provision. Extends the Act's sunset by five years to January 1, 2034.	
SB 9	Atkins			X	X			X	Likely	Duplex and Lot Splits	Allows a homeowner to split their lot and construct a second unit on every property zoned for single-family homes in California or convert their existing single-family home to a duplex, provided certain criteria are met.	
SB 290	Skinner			X	X		X		Likely	Density Bonus Law Amendments; Student Housing	Makes several changes to Density Bonus Law. Redefines "total units" to include inclusionary housing units and exclude units added by state or local density bonus in calculating the density bonus and incentives/concessions. Removes "specific adverse impact on the physical environment" as a basis for denying a concession, incentive, waiver, or deduction of development standard. Expands the types of for-sale moderate-income housing units that can benefit from a density bonus. Allows student housing developments that reserve at least 20 percent of their units for lower-income students to access one incentive or concession under Density Bonus Law and requires jurisdictions to report the number of units for lower-income students in such developments in their annual progress report.	
SB 478	Weiner			X				X	Likely	Minimum Floor Area Ratio (FAR)/Lot Coverage Standards	Prohibits a local agency from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.	
SB 591	Becker			X	X				Likely	Senior citizens: intergenerational housing developments	Allows intergenerational housing development that includes seniors if both requirements are met: a) Affordable to lower income households as specified; b) 80% of the dwelling units are occupied by at least one senior citizen and up to 20% of the dwelling units may be occupied by at least one caregiver or transition age youth.	
SB 728	Hertzberg			X	X				Likely	Density Bonus Law: purchase of density bonus units by nonprofit	Broadens Density Bonus Law to ensure a "qualified nonprofit housing corporation" can purchase for-sale units in an approved housing development project to preserve continued affordability for lower income homeowners.	
SB 791	Cortese			X	X			X	Likely	Establishment of California Surplus Land Unit	Establishes HCD California Surplus Land Unit to provide technical assistance to local agencies and developers to facilitate the development and construction of housing on local surplus land, including the provision of regulations, rules, advice, and support.	

Attachment: Summary Matrix of Housing Legislation and Applicability to Brentwood (2674 : Informational

Exhibit 1

Summary Matrix of Housing Legislation and Applicability to Brentwood – Senate Bills Effective 1/1/22

Bill Information and Applicability to Brentwood										Applies to City?	Bill Title or Summary Description	Overview of Key Bill Provisions
Bill #	Sponsor	Streamlining	Production	Affordable Housing	Fair Housing	Planning & Hsg Data	Accountability					
<b>Senate Bills</b>												
SB 7	Atkins		X	X						Unlikely	Jobs and Economic Improvement Through Environmental Leadership Act	Extends and expands expedited administrative and judicial review process under CEQA to include smaller projects as well as large, multi-benefit housing, clean energy, and manufacturing projects, provided they met certain requirements, including provisions related to labor.
SB 10	Weiner		X	X						Unlikely	Housing development: 10 Unit Upzonings	Creates a voluntary process for local governments to streamline the upzoning of parcels by passing an ordinance prior to January 1, 2029 to zone any parcel for up to 10 units in a "transit-rich area" or "urban infill site" without triggering environmental review under CEQA.



Exhibit 2

Summary Matrix of Housing Legislation and Applicability to Brentwood – Assembly Bills Effective 1/1/22

Bill Information and Applicability to Brentwood										Applies to City?	Bill Title or Summary Description	Overview of Key Bill Provisions
Bill #	Sponsor	Streamlining	Production	Affordable Housing	Fair Housing	Planning & Hsg Data	Accountability					
AB 68	Quirk-Silva					X	X	X	Likely	Statewide Housing Plans, Annual Reports by HCD	Revises and modernizes the quadrennial Statewide Housing Plan and expands HCD's annual reporting requirements. Authorizes HCD to use data collected by the Homeless Coordinating and Financing Council in compiling the Statewide Housing Plan. Requires HCD to develop and publish an annual report on its website by December 31 each year, which will include specified information on grants awarded by HCD and regarding land use oversight actions taken by HCD against local agencies for housing violations related to the Housing Accountability Act, Housing Crisis Act, affirmatively furthering fair housing (AFFH), SB 35 streamlining, Permanent Supportive Housing streamlining, and Low Barrier Navigation Center streamlining.	
AB 215	Chiu			X			X	X	Likely	Planning and Zoning Law: Housing Element. Violations and enforcement	Increases oversight and accountability for cities that are underperforming on housing production, including adding SB 8 to the list of housing laws that the Attorney General (AG) can enforce. Specifies that existing statutes of limitation of three years apply to any action or proceeding brought by the AG or HCD. Requires local agencies to make draft revisions of the housing element available for public comment for 30 days and must consider and incorporate public comments prior to submission to HCD for review. If public comments are received, cities must take at least 10 business days after the 30-day public comment period to consider and incorporate the comments. Expands AG's authority to independently seek action and grants HCD the ability to hire or appoint other counsel if AG does not pursue action against a local agency that has allegedly violated certain housing laws, inclusive of the HCA, AFFH policies (AB 686), SB 35 Streamlining, Permanent Supportive Housing streamlining (AB 2162) and Low Barrier Navigation Center streamlining (AB 101).	
AB 345	Quirk-Silva	X	X	X					Likely	ADUs: separate conveyance	Facilitates ADUs by removing requirement for a local agency to first pass an ordinance allowing the conveyance of an ADU separately from a primary residence before such conveyance occurs and permits an ADU to be sold or conveyed separately from the primary residence to a qualified buyer (low and moderate income households as defined in Health and Safety Code Section 50093) in limited circumstances. Helps qualified non-profits sell ADUs to low and moderate income households in two ways: 1) requires local governments to allow such sales and 2) increases the clarity and efficacy of legal agreements between the homeowners.	
AB 491	Ward				X	X		X	Likely	Same housing access: affordable and market rate units	Requires that a mixed-income residential building provide the same access to common entrances, areas and amenities for affordable units as market rate units, and affordable housing units should not be isolated within that building to a specific floor or an area on a specific floor in any residential building with five or more residential dwelling units.	
AB 571	Mayes			X	X				Likely	Planning and zoning, limits fees on affordable housing per Density Bonus Law	Prohibits a local government from charging affordable housing impact fees, including inclusionary zoning fees, public benefit fees, and in-lieu fees on deed-restricted affordable units that are part of a project eligible for a density bonus under Density Bonus Law.	
AB 602	Grayson			X				X	Likely	Development Impact Fee nexus study standards and procedures	Imposes additional standards and procedures for agencies adopting impact fees. Requires agencies to identify an existing and proposed level of service for public facilities and information supporting the agency's actions in increasing fees and requires agencies to impose fees on a housing development proportionately to the square footage of the development or make findings to use a different methodology that ensures smaller developments are not charged disproportionate fees.	
AB 634	Carrillo			X	X				Likely	Density Bonus Law: affordability restriction	Allows a local government to require an affordability period longer than 55 years for units that qualify a developer for a density bonus.	

Attachment: Summary Matrix of Housing Legislation and Applicability to Brentwood (2674 : Informational

Exhibit 2

Summary Matrix of Housing Legislation and Applicability to Brentwood – Assembly Bills Effective 1/1/22

Bill Information and Applicability to Brentwood										Bill Title or Summary Description	Overview of Key Bill Provisions
Bill #	Sponsor	Streamlining	Production	Affordable Housing	Fair Housing	Planning & Hsg Data	Accountability	Applies to City?			
AB 721	Bloom			X	X	X			Likely	Covenants and restrictions: limitations for affordable housing	Generally makes recorded covenants that limit residential development unenforceable against qualifying affordable housing developments and ensures that restrictive covenants do not curtail the type and density of development otherwise permitted by local zoning on a property.
AB 787	Gabriel				X			X	Likely	Planning and Housing Element: moderate-income conversions counted toward	Expands existing law that permits jurisdictions to claim credit for up to 25 percent of their RHNA from the conversion of existing housing units to include moderate income households, provided certain criteria are met.
AB 803	Horvath			X				X	Likely	Home Revitalization Act, Housing Density	Removes the ability for local agencies to require setback requirements between units beyond that required by the State Building Code, establish a minimum home size, or require enclosed or covered parking beyond that allowed by Density Bonus Law.
AB 838	Friedman							X	Likely	State Housing Law: enforcement response to complaints	Seeks to ensure that tenants can receive timely inspections of their rental unit and explicitly prohibits a local government from placing unreasonable conditions on the inspection of rental housing. Also seeks to ensure other parties are given notice of violations and provides that, if a tenant submits a complaint to a city or county, the local government is required to cite any violations and provide free copies of inspection reports to the individual who submitted a complaint and others who may be impacted. Requires a local government to act as quickly as they would when conducting a final building inspection. Prohibits a local government from refusing to communicate with a tenant in order to avoid complying with the inspection requirements.
AB 1029	Mullin			X	X			X	Likely	Housing Element: pro-housing local policies, preservation	Requires HCD to consider making preservation of affordable housing into a pro-housing policy for purposes of their regulations, which may lead to the revisions in their approach to the pro-housing designation, as the current scoring system does not give credit for the preservation of affordable housing or other measures that keep housing affordable. Requires HCD to establish a pro-housing designation for local jurisdictions and defines "pro-housing local policies" to mean policies that facilitate the planning, approval, or construction of housing. Requires that jurisdictions designated pro-housing and have an adopted housing element in substantial compliance according to HCD must be awarded additional points or preference in the scoring of program applications.
AB 1043	Bryan				X				Likely	Housing programs: rental housing developments, affordability levels	Adds a new subset of lower income households called "acutely low income" households, who earn 15 percent of AMI and whose rents can be no greater than 30 percent of the 15 percent AMI level.
AB 1174	Grayson	X	X					X	Likely	Reforms to SB 35's Streamlined Ministerial Process for Post-Approval Changes and Permits	Specifies that the "shot clock" for a development or modifications is paused when a project is sued, and clarifies that subsequent permit applications must only meet the objective standards that were in place when the project was initially approved.
AB 1304	Santiago					X		X	Likely	Affirmatively further fair housing (AFFH), Housing Element, Inventory of land	Ensures that local governments must affirmatively further fair housing (AFFH) in their jurisdictions. Clarifies enforcement language and makes clear that local governments must analyze racial segregation patterns within their own jurisdiction as well as within the broader region, in addition to historical factors and current policies that contribute to fair housing issues. Strengthens the existing requirement that the housing element sites inventory affirmatively further fair housing by requiring the local government to state how the inventory in fact does this.

Exhibit 2

Summary Matrix of Housing Legislation and Applicability to Brentwood – Assembly Bills Effective 1/1/22

Bill Information and Applicability to Brentwood										Applies to City?	Bill Title or Summary Description	Overview of Key Bill Provisions
Bill #	Sponsor	Streamlining	Production	Affordable Housing	Fair Housing	Planning & Hsg Data	Accountability					
AB 1398	Bloom			X			X	X	Likely	Accelerating By-Right Rezoning Requirements for Non-Compliant Housing Elements	Imposes new zoning and site analysis requirements to encourage housing production and to affirmatively further fair housing. Reduces the allowable time period to one year (from 3.33 years) to complete rezoning of sites to accommodate a jurisdiction's regional housing need. If the jurisdiction does not adopt a housing element that HCD has found to be in substantial compliance within 120 days of its due date and prohibits the housing element from being found in substantial compliance until that rezoning is completed.	
AB 1466	McCarty					X		X	Likely	Real property, removal of unenforceable discriminatory restrictions	Requires a title insurance company involved in any transfer of real property and that provides a deed or other documents to identify whether any of the documents contain unlawfully restrictive covenants and, if found, record a specified modification document with the county recorder. Makes changes to the existing process of recording a restrictive covenant modification, as provided.	
AB 1584	OmniBus			X				X	Likely	Housing Omnibus, limitations on covenants for ADU Zoning	Restricts contractual development controls that mirror AB 721 by declaring unenforceable any covenant, condition and restriction (CC&R) contained within a deed, contract, security instrument or other instrument that prohibits, effectively prohibits or restricts the construction or use of an ADU on a lot zoned for single-family use.	
AB 447	Grayson			X	X				Indirect	Tax credit (LIHTC) expansion for at-risk properties	Revises and updates the list of eligible government assistance programs that count towards the "at risk" designation under the state LIHTC program. Allows the CTCAC to allocate tax credits to a wider range of affordable housing developments that are at risk of losing their affordability requirements and converting to market rate housing.	
AB 948	Holden					X			Indirect	Bureau of Real Estate: Appraisers, disclosures, demographic information	Contains requirements for disclosures in transactions, required pre-licensing and continuing education, and the addition of clear language in the Fair Employment and Housing Act that discrimination based upon protected classes in the provision of appraisal services is unlawful.	
AB 1095	Cooley			X	X				Indirect	Equity in state and local programs for affordable homeownership	Creates parity between affordable homeownership and rental projects in state funding programs. Clarifies that projects eligible for AHSC funding include owner-occupied housing, in addition to rental housing. Requires the Strategic Growth Council (SGC) to adopt guidelines or selection criteria that include both affordable rental and owner-occupied units and allows SGC to include guidelines or criteria for the award of funds to projects that provide home ownership opportunities for low-income individuals in notices of funding availability released after July 1, 2022.	
AB 1297	Holden			X					Indirect	State Infrastructure and Economic Development Bank: public and economic development facilities, housing	Expands the IBank's financing authority to include financing projects with a housing component when it is required for the operation of an economic or public development facility, and no part of the housing component is financed with tax-exempt bonds. The housing component could include but is not limited to rental housing, employee housing and student housing.	

Attachment: Summary Matrix of Housing Legislation and Applicability to Brentwood (2674 : Informational

## Summary of 2021 Legislative Session Housing Bills

Below is a summary of significant housing legislation that was passed in the 2021 legislative session and subsequently signed into law by Governor Gavin Newsom.

### GENERAL PLAN AND HOUSING ELEMENT

**Housing Element Timing.** **AB 215** makes important changes to Housing Element deadlines. Specifically, AB 215 provides that the first draft of a housing element must be made available for public review and comment for at least 30 days. If any public comments are received, the local government must take at least 10 *business* days after the 30-day public comment period to consider and incorporate the comments. This must be done before submitting the draft housing element to HCD for review, otherwise HCD will not review the draft. Subsequent drafts must be posted electronically and those interested must be provided notice at least 7 days before submitting to HCD. Additionally, AB 215 extends the time that HCD has to review the first draft of the housing element to 90 days and reiterates that it has 60 days to review any subsequent drafts.

AB 215 also provides HCD with authority to contract with an independent attorney to sue jurisdictions over housing law violations where the Attorney General has declined to bring suit or represent HCD. Lastly, it extends the statute of limitations to three years for actions brought by the Attorney General or HCD or pursuant to a notice of violation issued by HCD regarding housing laws.

**Affirmatively Furthering Fair Housing.** The AFFH legislation primarily codifies requirements already imposed by HCD's AFFH Guidelines. **AB 1304** requires local governments to administer their programs and activities relating to housing in a manner to affirmatively further fair housing. Similarly, **AB 1398** provides that the site inventory and analysis contained in housing elements must include discussion of the relationship

between the identified site and the jurisdiction's duty to affirmatively further fair housing. AB 1398 also requires that any AFFH analysis identify and examine patterns, trends, areas, disparities, and needs both within the jurisdiction and regionally. Any assessments should include local and regional historical origins and current policies and practices for identified fair housing issues.

**Rezoning.** In addition to the AFFH changes, **AB 1398** imposes new rezoning requirements on jurisdictions. If a jurisdiction does not adopt a housing element that HCD has found in substantial compliance within 120 days of the housing element due date, the agency now has one year from the housing element due date to complete rezoning of sites. Previously, the agency had three years and 120 days regardless of the date the element was found in compliance. If the housing element requires rezoning and it is not completed within one year of the housing element due date, HCD may revoke any findings of compliance it has previously made. Prior to revoking its findings, HCD must issue inconsistency findings and give the local agency an opportunity to respond. Finally, if a housing element is adopted more than one year after the due date, it cannot be found to be in compliance until the agency has completed any required rezoning.

AB 1398 also eliminates 4-year housing element cycles for local governments that fail to adopt a housing element within 120 days of the due date. Starting with the 6th cycle, adoption of a housing element that HCD finds to be in substantial compliance with state law will be deemed to satisfy the 4-year housing element requirement.

**Annual Progress Reports.** **SB 290** requires jurisdictions to include in their annual reports the number of units in a student housing development for lower-income students for which a developer was granted a density bonus. **SB 9** requires

jurisdictions to report the number of units constructed pursuant to its provisions as well as the number of applications for parcel maps for urban lot splits.

**SB 787** provides that a local agency may include in the annual report the number of units in an existing multifamily building that were deed-restricted rental for moderate-income households by imposition of affordability covenants/restrictions for up to 25 percent of moderate-income RHNA. The jurisdiction must clearly indicate that these are not newly constructed units and must meet specific requirements to be able to count these units in the annual report. While implementation of this new provision begins January 1, 2023, the agency may report any conversion that occurred after January 1, 2022. SB 787 does *not* provide that jurisdictions may use these units in their housing elements to satisfy their RHNA.

## HOUSING DEVELOPMENT APPROVALS

**SB 330 Update.** SB 8 extends the key provisions of the Housing Crisis Act of 2019 until January 1, 2030. If a qualifying preliminary application for a housing development is submitted prior to January 1, 2030, the rights to complete the project can vest until January 1, 2034. SB 8 extends the protections provided by a preliminary application to three and a half years from "final approval" if the project is an "affordable housing project" as statutorily defined.

Perhaps most significantly, SB 8 modifies the definition of "housing development project" to include (1) projects that involve no discretionary approvals, and (2) projects to build a single dwelling unit. While this definition does not impact the scope of "housing development project" under the Housing

Accountability Act, it does impact the Permit Streamlining Act (PSA) and the Housing Crisis Act. As a result, the 30-day deadline in the PSA to notify applicants if their project is complete will apply to SB 35 projects, ADUs, SB 9 projects, and single-family homes.

Other clarifications made by SB 8 include:

- Expanding the definition of "hearing" to include "any appeal" conducted by the jurisdiction with respect to the housing development project
- Providing that receipt of a density bonus, including any incentives, concessions, or waivers, does not constitute a valid basis on which to find a proposed housing development inconsistent, noncompliant, or nonconforming with an applicable plan, program, policy, ordinance, standard, requirement or similar provision

SB 8 also amends the replacement housing and relocation requirements in the Housing Crisis Act of 2019. Existing law requires one-for-one replacement of statutorily defined "protected units" that are demolished. Moreover, existing law provides that all residents of protected units, regardless of income, are entitled to state relocation benefits and a right of first refusal to a comparable unit. SB 8 changes these requirements by:

- Extending the requirement to replace "protected units" to a project that proposes to demolish a single-family home. If a "protected" single-family home is being replaced in a development that consists of two or more units, "comparable units" means:
  - A unit that contains the same number of bedrooms, if the single-family home had three or fewer bedrooms; or

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- A unit that contains three bedrooms, if the single-family home had four or more bedrooms.
- Clarifying that existing occupants that are displaced for the housing development project can return to their units at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.
- Limiting relocation benefits, including rental assistance payments and right of first refusal, to lower-income households.
- Providing that the existing occupants' right of first refusal to a comparable unit in the new housing development does not apply to:
  - A development project that consists of a single residential unit located on a site where a single protected unit is being demolished;
  - Units in a housing development in which 100 percent of the units, except the manager's unit(s), are reserved for lower-income households;
  - Occupants of a short-term rental that is rented for fewer than 30 days;
  - Any unlawful occupant of a protected unit.

**Floor Area Ratio.** SB 478 sets minimum floor area ratios (FAR) in multifamily residential zones and mixed-use zones. For projects with 3-7 units, there is a minimum FAR of 1.0; the minimum FAR is 1.25 for projects with 8-10 units. A local agency cannot impose a lot coverage requirement that would physically preclude a housing development from achieving these FARs. However, it may impose other zoning design standards. A local agency also cannot deny a housing development project located on an existing legal parcel, and

meeting specified requirements, solely because the lot area of the proposed lot does not meet requirements for minimum size.

**Two-Unit Developments & Urban Lot Splits.** For a comprehensive overview of SB 9, see our Law Alert [HERE](#).

**Upzoning.** For a comprehensive overview of SB 10, see our Law Alert [HERE](#).

#### DENSITY BONUS

**Changes to Density Bonus Law.** SB 290 makes several small changes to state density bonus law. First, it redefines "total units" to (1) include inclusionary housing units, and (2) exclude the units added by state or local density bonus in calculating the density bonus and incentives/concessions. Additionally, SB 290 removes "specific adverse impact on the *physical environment*" as a basis for denying a concession, incentive, waiver, or deduction of development standard; denials may only be based on health or safety impacts.

Next, SB 290 requires a jurisdiction to grant one incentive/concession for student housing with a 20 percent set-aside for low-income students. The jurisdiction's housing element annual report must include the number of housing units for lower-income students for which the student housing development was granted a density bonus.

SB 290 also eliminates the requirement that moderate-income units be in a "common interest" development to qualify for a density bonus, instead providing for a density bonus so long as 10 percent of the total units in any for-sale housing development are sold to moderate-income families. Lastly,

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SB 290 extends the parking ratio exception to cover development with at least 40 percent moderate-income units and located within one-half mile of a major transit stop. Where the housing development project meets these requirements, jurisdictions cannot impose a parking requirement that exceeds 0.5 spaces per bedroom.

**Purchase of Density Bonus Units.** SB 728 broadens the requirements for a for-sale unit that qualifies an applicant for a density bonus. Whereas previously the applicant and the city or county had to ensure that the initial occupant of the for-sale affordable unit was a person or family of very low, low, or moderate income, now the for-sale unit may be purchased by a "qualified nonprofit housing corporation." The nonprofit must have 501(c)(3) tax exempt status and a state welfare exemption and must sell to low-income families pursuant to a no-interest loan program. To satisfy the requirements in density bonus law, it must be purchased under a recorded contract that includes:

- A repurchase option that requires a subsequent purchaser of the property that desires to sell or convey the property to first offer the qualified nonprofit corporation a right to repurchase;
- An equity sharing agreement, as statutorily defined; and
- Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for lower-income housing for at least 45 years.

**Local Affordability Restrictions.** AB 634 clarifies that state density bonus law does not prohibit a jurisdiction from requiring an affordability period that is longer than 55 years for any units that qualify a housing development project for a

density bonus, if required to meet the terms of a local inclusionary ordinance, so long as the project is not financed with low-income housing tax credits.

#### IMPACT FEES

**Development Fee: Impact Fee Nexus Study.** AB 602 outlines the following new requirements for local impact fee nexus studies:

1. The study must be adopted prior to adoption of the associated development fee;
2. The study must identify the existing and proposed level of service for each public facility and explain why the proposed service level is necessary;
3. The study must include supporting information as required by the Mitigation Fee Act;
4. If the study supports a fee increase, it must also support the original fee;
5. The study must employ one of the following calculation methods after July 1, 2022:
  - a. **The fee is levied proportionately to the square footage of the proposed units.** This method is automatically deemed a valid method by which to establish a reasonable relationship between the fee charged and the burden imposed by the development;
  - b. **The fee is levied on some alternative basis of calculation,** if the local agency makes the following specified findings: (1) an explanation of why square footage is not an appropriate metric; (2) an explanation that the alternative basis bears a reasonable relationship between the fee charged and the burden imposed by the development;

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and (3) other policies in the fee structure ensure that smaller developments are not charged disproportionate fees.

6. If the jurisdiction is a "large jurisdiction," meaning a county with a population of at least 250,000 people or any city within such a county, the city or county must adopt a capital improvement plan;
7. The study must be adopted at a public hearing with at least 20-days' notice, and the local agency must notify any member of the public who requested notice of the date of the hearing; and
8. The study must be updated at least every eight (8) years, beginning January 1, 2022.

Any member of the public, including an applicant for a housing development project, may submit evidence that the city, county, or local agency has failed to comply with the requirements of the Mitigation Fee Act. Upon receipt of such information, the jurisdiction must consider the timely submitted evidence and authorize the legislative body to adjust the proposal if deemed necessary in light of evidence considered.

Additionally, a city, county, or special district must (1) request the developer to provide total amount of fees and exactions associated with a project upon the issuance of a certificate of occupancy or the final inspection, whichever occurs last, and (2) if the developer provides this information, post this information on its website. The information posted on the jurisdiction's website must be updated at least twice a year, but the jurisdiction may include a disclaimer that it is not responsible for the accuracy of the information received and posted. Developers are not required to provide the information.

AB 602 is not intended to prevent a local agency from establishing and adopting different fees for different types of developments. Additionally, these new study requirements do not apply to any fees or charges for water and sewer services and facilities.

Lastly, AB 602 directs HCD to create a template, by January 1, 2023, that may be used by local jurisdictions to design their impact fee nexus studies. The template must include a method for calculating the feasibility of housing being built within a given fee level.

**Impact Fees & Affordable Housing.** AB 571 prohibits the imposition of affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, on a housing development's affordable units.

#### OTHER SIGNIFICANT HOUSING LEGISLATION

**Mixed-Income Structures.** AB 491 addresses fair housing issues in mixed-income structures. Specifically, AB 491 provides that in a mixed-income multifamily structure, the residents of the affordable housing units must have the same access as the residents of the market-rate units to (1) the common entrances of the structure, and (2) the common areas and amenities of the structure. Perhaps more significantly, AB 491 also states that the affordable housing units in a multifamily structure cannot be isolated on a specific floor or area of a floor; rather, they must be integrated throughout the structure.

For the purposes of this legislation, a "mixed-income multifamily structure" means any residential structure with five or more dwelling units that includes both affordable housing units and market-rate housing units. "Affordable housing unit"

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is defined to include both low- and moderate-income units. Nothing in AB 491 prohibits the development of a separate structure with all affordable housing units.

**Restrictive Covenants.** During this session, the Legislature addressed restrictive covenants as barriers to the development of housing. First, **AB 721** allows the owner of a statutorily defined affordable housing development to record a restrictive covenant modification to make inoperable a recorded covenant, condition, or restriction that restricts the number, size, or location of the residences that may be built on a property, or that restricts the number of people or families who may reside on the property. To qualify, the owner of the affordable housing development must submit the modification document, along with supporting documentation, to the county recorder. The county recorder must forward the documentation to the county counsel who must make a determination whether, among other things, the original restrictive covenant contains an unlawful restriction in violation of AB 721 and the property qualifies as an affordable housing development. The intended impact of AB 721 is to ensure that restrictive covenants do not curtail the type and density of development otherwise permitted on a site by the local zoning.

Similarly, **AB 1584** makes void and unenforceable any covenant, restriction, or condition that "effectively prohibits or unreasonably restricts" construction or use of qualifying accessory dwelling units or junior accessory dwelling units on single-family residential lots. For the purposes of the law, reasonable restrictions are those that do not unreasonably increase construction costs, effectively prohibit construction, or extinguish the ability to otherwise construct. Unlike AB 721, AB 1584's provisions automatically void the effect of any

CC&Rs that conflict with its provisions; the owner of the property need not take any additional action.

While similar provisions were passed in 2019 and 2020 that amended Civil Code §§ 4740, 4741 & 4751 to prohibit these types of CC&Rs from being imposed by homeowners' associations and common interest developments, AB 1584 amends Civil Code § 714.3 to void any of these CC&Rs, regardless of their origin. AB 1584 serves to reinforce previously adopted legislation.

**Conveyance of ADUs.** Previously, the law permitted jurisdictions to choose to allow separate conveyance of certain accessory dwelling units (ADUs) by adoption of a local ordinance. **SB 345** requires local agencies to allow for separate conveyance or sale of these ADUs.

To separately convey an ADU, it must meet the following requirements:

- The ADU was built or developed by a statutorily defined qualified nonprofit corporation;
- The ADU is being sold to a statutorily defined qualified buyer;
- There is a recorded restriction on the use of the land between the buyer and the nonprofit;
- The property is held pursuant to a tenancy in common agreement that, among other requirements, provides for affordability restrictions on the future sale or conveyance of both the ADU and the primary dwelling on the property;
- The recording of a grant deed with the county naming the grantor and grantee, and describing the property interests being transferred; and

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- If requested by a utility providing service to the primary dwelling unit, separate water, sewer, or electrical connection to that utility for the ADU.

AB 345 also requires that any tenancy in common agreement, as outlined above, that is recorded after December 31, 2021, include the following:

- Delineation of all areas of the property that are for the exclusive use of a cotenant;
- Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property; and
- Procedures for the resolution of disputes among the cotenants before legal action.

To the extent that jurisdictions have adopted local policies regarding the separate conveyance or sale of these types of ADUs, AB 345 would override any conflicting provisions.

**Starter Home Development.** AB 803, or Starter Home Revitalization Act, seeks to make it easier to develop smaller, more affordable homes to increase homeownership. AB 803 eliminates minimum lot sizes to encourage zero lot line detached homes and requires approval of projects that propose these types of homes and meet certain other criteria.

The proposed development must, among other requirements, meet the following requirements:

- The site to be developed must be in a multifamily residential zone, substantially surrounded by qualified urban uses, and at least five acres in size;

- The project must propose to develop single-family homes on fee simple ownership lots;
- The project must comply with existing density, height requirements and setbacks in relation to other sites;
- The proposed development must be within the boundaries of a jurisdiction that has adopted a compliant housing element.

A local agency need not ministerially approve projects that meet all the criteria in AB 803, but it must approve the application so long as the development complies with non-conflicting local standards and would not have a specific, adverse impact on public health and safety that cannot be satisfactorily mitigated. A local agency may impose conditions not in conflict with the law, except that it:

- May not impose setback requirements between buildings, except as required by the state Building Code;
- May not impose a minimum lot size;
- May not require covered or enclosed parking; and
- May not require the formation of a homeowner's association.

The utility of AB 803 is likely to be limited given its narrow application and strict criteria.

**Enforcement Response to Complaints.** With the goal of ensuring safe and habitable housing for tenants, AB 838 imposes on cities and counties new rules for the enforcement of complaints of substandard building conditions or lead hazard violations. First, AB 838 requires that local agencies inspect the property in question as promptly after receipt of a complaint as they would a request for final inspection.

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Moreover, agencies cannot impose unreasonable conditions, such as that the tenant be current on rent or in compliance with their rental agreement, on responding to substandard building complaints.

Upon inspection, the agency must document any violations and substandard conditions. Thereafter, the agency must inform the owner of the property of any violations and required corrective actions and schedule a time for reinspection to ensure compliance with the corrective actions. Finally, the city or county may not collect a fee from the property owner for the inspection or the report and must provide free, certified copies of inspection reports and citations to any who requests such copies.

A local agency is not required to conduct an inspection where (1) the complaint does not allege one or more substandard conditions, or (2) a previous complaint, submitted by a tenant, resident, or occupant about the same property, was determined to be frivolous or unfounded by an inspector in the last 180 days.

**Intergenerational Housing.** SB 591 seeks to facilitate the establishment of intergenerational housing to benefit senior citizens who need special living environments and services. The new law provides that an intergenerational housing development may be established to provide housing units for senior citizens, caregivers, or transition age youth if, among others, the following requirements are met:

- At least 80 percent of the occupied units are occupied by at least one senior citizen, which is defined as a person 55 years of age or older;
- Up to 20 percent of the occupied units are occupied by at least one statutorily defined caregiver or

transition age youth, defined as a person who is 18 to 24 years of age and is either a current or former foster youth or a current or former homeless youth;

- The development is affordable to statutorily defined lower-income households; and
- The CC&Rs or written policy for the development set forth the limitations on occupancy, residency, or use.

SB 591 is particularly important because it allows developers that have certain funds or tax credits designated for affordable rental housing to expand occupancy to include not only senior citizens, but also caregivers and transitional youth.

**Surplus Land Unit.** SB 791 creates the California Surplus Land Unit within the Department of Housing and Community Development. The purpose of the Unit is to facilitate development and construction of residential housing on local surplus land, which is defined as land declared surplus by a local agency, pursuant to Gov. Code §§ 54220, *et seq.*, or by a school district, pursuant to Educ. Code §§ 17455, *et seq.* The Unit may engage in the following activities in the furtherance of its purpose:

- Facilitate agreements between housing developers and local agencies seeking to dispose of surplus land;
- Provide advice or technical assistance and services to local agencies with surplus land or developers seeking to develop housing on the surplus land;
- Collaborate with other relevant state agencies, such as the California Housing Finance Agency or the California Tax Credit Allocation Committee, to assist housing developers and local agencies with obtaining grants, loans, tax credits, and other types of financing;
- Collect and compile data on housing production on local surplus land.

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February 17, 2022

Attachment: Summary Matrix of Housing Legislation and Applicability to Brentwood (2674 : Informational Summary and Overview on New

For more information about this new housing legislation summary or any specific bills, please contact Barbara Kautz (bkautz@goldfarblipman.com), Nazanin Salehi (nsalehi@goldfarblipman.com), or any other attorney at Goldfarb Lipman LLP.

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## C.9 Public Review Draft

This section contains all outreach conducted for the release of the Public Review Draft Housing Element.

On August 25, 2022, the City released the Public Review Draft of the 6th Cycle Housing Element for a required 30-day public review period. The Document was made available on the project website as a complete document and in individual sections. The community had the opportunity to provide feedback and suggestions on the Draft via a Feedback Form, email, mail, or public comment through September 27, 2022.

A total of two responses were submitted through the Feedback Form and four through email – they are summarized and provided below. The City has also included responses as to how the feedback was addressed in the Housing Element. All participants noted in the Feedback Form that they are Brentwood residents and one reported also owning property in the City.

Sections	Public Comments	Responses
Section 1 - Introduction	Can the city go as high as 10 stories, instead of 6? I think it will benefit the city to go higher so we can put more housing or office space rather than building out horizontal or out, besides other cities have taller buildings and their on the earthquake fault such as San Andres & The Hayward Fault, here in Brentwood theirs not really any earthquake faults.	Table 3-5 provides the maximum heights for developments in each zoning district. The current maximum is 40 feet in the Brentwood Boulevard (BB) district.  Increased maximum building height incentives are available to residential developments proposing affordable units through the Density Bonus Program detailed in Section 3: Housing Constraints, Resources, and Fair Housing.
Section 3 – Housing Constraints, Resources, and Fair Housing	On Page 3-14, Under maps, why does it say, “Source: City of Dublin Zoning Map”?	Noted – this has been corrected.
	On Page 3-16, Tri Delta Transit discontinued the Dimes a Ride program in 2012 (see <a href="https://www.eastbaytimes.com/2012/01/04/e-views-151/">https://www.eastbaytimes.com/2012/01/04/e-views-151/</a> and <a href="https://www.mercurynews.com/2011/08/30/east-contra-costa-bus-district-plans-route-and-service-cuts-fare-increases/">https://www.mercurynews.com/2011/08/30/east-contra-costa-bus-district-plans-route-and-service-cuts-fare-increases/</a> ).	Noted – this has been corrected.
	On Pages 3-16 & 3-86, I looked up the bonus ride included in the purchase of a 20-ride pass, as well	Noted – this has been corrected.

Sections	Public Comments	Responses
	<p>as a free \$20 clipper card for trying out commuting and couldn't find either one of those as promotional offers on the Tri Delta Transit site (as with the Dimes a Ride program, I believe this is old information). Is there a source for these offers?</p>	
	<p>On Pages 3-16 &amp; 3-86, Back in 2011/2012 Tri Delta Transit cut the bus routes to Byron and Discovery Bay (see 8-30-11 article above &amp; TDT source below) and it only has 20 routes, not the 21 listed (15 weekday routes and 5 weekend/holiday routes).</p>	<p>Noted – this has been corrected.</p>
	<p>On Page 3-25, Table 3-7 is incorrect. It has very low income at 6%; low income at 4%; and moderate-income at 3%. It should read: very low income at 3%; low income at 4%; and moderate-income at 6%. It also states the BMC as its source, but the online BMC still shows the 10% Affordable Housing ratios (there is an ordinance alert, but that ordinance doesn't list the new amounts either).</p>	<p>Noted – this has been corrected.</p>
	<p>The Draft does not include flood and fire risk mapping.</p>	<p>The maps have been added in Section 3.A.4</p>
<p>Section 4 – Housing Plan</p>	<p>I understand Brentwood has to comply with the state and federal mandates in providing more housing for the current and anticipated growth we'll surely see in the coming years. What I don't see is the requirement or rather mandate to provide adequate infrastructure BEFORE a new development breaks ground. For example, a new apartment/condo development is near completion at the corners of Shady Willow and Amber Lane directly across from Pioneer Elementary. The traffic at this and the surrounding intersections and streets are already impacted early in the morning and mid-afternoon with pickups and drop-offs. I only see one way in and out of the apartment/condo complex. With over 500 residents (best guess) in this complex coupled with the current school traffic, it can only lead to a much bigger nightmare scenario with a child getting hurt or killed. I urge the planning commission and City Council to build judiciously and not accept builder's promises to expand roads or add safety measures after the fact.</p>	<p>Multi-family residential developments are subject to CEQA review, which analyzes potential impacts and proposes mitigation measures if impacts are identified.</p> <p>Traffic concerns have been noted.</p>

Sections	Public Comments	Responses
<p>Appendix B – Adequate Sites Analysis</p>	<p>On Page B-13, under ID 6, Parcel: 019092046 2482 OLD SAND CREEK RD (2482 Old Sand Creek Rd is located west of Hwy. 4)</p> <p>Q: As this address is currently zoned ECLI, how can we include this address in the 6th Cycle Sites Inventory as HDR?</p> <p>If it is the parcel number, that parcel has an address of 2483 Old Sand Creek Rd. According to GIS there is no address for that parcel and the acreage is only 3.0 acres, not the 34.39 acres listed, with 15 buildable acres</p>	<p>Sites 6 and 6a currently have the same APN and the same address, according to Tax Assessor data. The two make up a total of 38 acres. A total of 15.57 buildable acres are identified on both parcels. Table B-8 provides updated information on the parcels.</p>
	<p>Why was the site at the western stub of Sand Creek Road not included as an opportunity site?</p>	<p>The City did not include projects currently in review. Only projects that received approval were included. Table B-1 shows the City has an appropriate buffer for its RHNA, and any additional residential projects to develop would still count towards the City’s RHNA.</p>



## The City of Brentwood

Via email: [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov)

Cc: [HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov)

September 27, 2022

### Re: **Brentwood's Draft Housing Element**

To the City of Brentwood:

YIMBY Law proposes reimagining the City's uninspired [housing element](#). Brentwood faces unique challenges. Eighty-three percent of homes in Brentwood were built after 1990, which shows that the City is relatively innocent of mid-20th century forms of housing discrimination such as redlining. Yet "[\[t\]he State faces a serious housing crisis,](#)" and **60-80% of Brentwood residents are paying too much for housing.** (Gov. Code § 65584.08(a)(1); Draft, p.3-99.) We ask the City to reassess its priorities.

The problem is this: the City plans "[a]nnual[] meet[ings]" to tell people how the homes they build should look, but pauses only "biennial[ly]" to ask how City law makes homes more expensive. (Compare Draft p.4-6 with *id.* p.4-4.) The draft misses low-hanging fruit. For example, just one of the City's base densities meets State requirements for affordable housing. (See *id.* p.3-7 [only one zone allows 30 homes/acre].) The City proposes to rezone nothing. (*Id.* p.B-3.) Passively, the City recites that its yard requirements,<sup>1</sup> lot-coverage and FAR requirements,<sup>2</sup> maximum building heights,<sup>3</sup> and parking standards<sup>4</sup> "are not considered a constraint."<sup>5</sup> (*Id.* p.3-20.) And "case-by-case" review is the opposite of "greater certainty." (*Id.* p.4-14.)

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<sup>1</sup> Lawns waste water, and don't house people.

<sup>2</sup> Lot-coverage and FAR requirements make it illegal to build homes on most of the subject land.

<sup>3</sup> Height limits deprive small, local businesses of the neighbors they need to compete with Amazon.

<sup>4</sup> Parking minimums are social housing for idle appliances, when we don't have social housing for people. Parking minimums also make walking to work unaffordable, and biking to work dangerous.

<sup>5</sup> Assuredly, they are so considered.



Brentwood faces real problems that require real planning, such as coordinating infrastructure. But the draft omits figures for such problems, like flood and fire risk (*id.* pp.3-45 to -46). Worse, it shrugs that infrastructure costs are “borne by developers” and “passed on” to Brentwood residents (*id.* p.3-41) while failing to consider why the City’s sprawl-enforcing development standards (*id.* p.3-19) tack a \$29,000–83,000 down payment (see *id.* p.3-37 [\$29–83K]) onto every new Brentwood home. (See *id.* pp.3-35 to -37.) Surely these costs would fall if the missing-middle “infill” Brentwood says it wants (*id.* p.4-16 [Policy H.3-2]) were legal throughout the City.

We are also tracking the City’s yearslong opposition to a formerly (and we hope once again) multifamily proposal at the western stub of Sand Creek Road. Why is this not an opportunity site (see *id.* p.B-12) when, we are informed, it was so listed in the fourth and fifth cycles? (Letter from HansonBridgett to HCD, Aug. 24, 2022, on file.)

Making missing middle ministerial—everywhere—is “appropriate and legally possible.” (Gov. Code § 65583(c)(3).) We regret that the City’s draft does not come close. Please contact me with questions.

Sincerely,



**Keith Diggs**

Housing Elements Advocacy Manager, YIMBY Law

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September 26, 2022

VIA ELECTRONIC MAIL ONLY [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov)

Erik Nolthenius  
Planning Manager  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513

Re: Comments on Public Review Draft of the 2023-2031 (6th Cycle) Housing Element

Dear Mr. Nolthenius:

As you know, our law office represents Discovery Builders, Inc. and WCHB Development, LLC (collectively referred to herein as "Discovery Builders") in connection with the housing development project in the City of Brentwood (the "City") commonly known as the Bridle Gate Project Subdivision 9586 ("Bridle Gate" project). The Bridle Gate project, as currently proposed, consists of 286 single-family residences, including 29 units set aside for below-market-rate households.

We write to comment on the Public Review Draft of the 2023-2031 (6th Cycle) Housing Element. In particular, we wish to comment on the City's decision to exclude the Bridle Gate project site (Assessor Parcel Nos. 019-082-009 and 019-082-010) from Table B-8 of the Brentwood 6th Cycle Site Inventory (the "Suitable Sites Inventory").

The Bridle Gate project site is conspicuously absent from the City's Suitable Sites Inventory, despite its inclusion in the City's suitable sites inventory for the Housing Element during previous cycles. The City's decision to exclude the Bridle Gate site from its Suitable Sites Inventory undermines the City's mandate to provide diverse housing inventory, including sufficient single-family homes, for moderate-income households throughout the entirety of the 6th Cycle. This exclusion also highlights the fact that there are insufficient realistic, alternative housing proposals on the City's planning horizon that would provide enough moderate-income units to satisfy the City's assigned Regional Housing Needs Allocation ("RHNA"). Pursuant to Government Code section 65580, the City must prepare a realistic inventory of sites within the City that can accommodate future housing development to meet its RHNA requirement.

In the absence of any explanation as to why the City would purposefully exclude a site it knows is positioned to accommodate residential development in the near future, it appears the City is attempting to avoid Government Code section 65583.2(c). That code section mandates that any vacant site that remains undeveloped after being listed on two prior suitable sites inventories must allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. It also mandates upzoning to allow at least 30 units per acre. We understand the City and our client are currently entangled in two litigations,

and we hope City staff has not excluded the Bridle Gate site to further frustrate and illegally delay development of housing on the site. If the City is in fact attempting to avoid the mandates under Government Code section 65583.2(c), it is also undermining state efforts to ensure availability of housing, which the legislature has determined is of "vital statewide importance." (Gov. Code, § 65580).

### **Bridle Gate project background.**

For more than 20 years, Discovery Builders had worked collaboratively with the City to entitle a residential project on a largely undeveloped 137-acre property located west of Highway 4 (known as Assessor Parcel Nos. 019-082-009 and 019-082-010). The City Council first approved a previous iteration of the Bridle Gate project in 2006; however, no portion of the 2006 iteration underwent development because necessary utility and roadway infrastructure was stubbed to the property. The City and Discovery Builders elected to not proceed with the 2006 iteration of the Bridle Gate project, and Discovery Builders spent the next decade refining, in concert with City staff a mixed-use residential and commercial project, incorporating community feedback.

In 2015, the City of Brentwood's 5th Cycle included the Bridle Gate site on its "Inventory of Single Family Sites." In 2017, Discovery Builders submitted a new application for a project consisting of parkland, a future school site with a residential overlay, 252 single-family residences, a 258-unit apartment complex, and 20 acres of commercial development.

In late 2020 and early 2021, Discovery Builders met with senior City staff, including the City Manager and Planning Manager, in an attempt to obtain a favorable staff recommendation at the City Council hearings for the project. Staff ultimately agreed to support the project, but only on the condition that Discovery Builders remove multi-family residential development in the northern portion of the project site and replace them with commercial uses. Accordingly, Discovery Builders proposed an alternative where commercial uses would replace multi-family uses in the project plans. This revision halved the total number of housing units proposed, from 510 to 252. Despite this change and even with City staff support, the City Council ultimately unjustifiably denied the 2017 application at two March 2021 hearings.

As the City knows, Discovery Builders then filed a Petition for Writ of Mandate and Complaint for Violation of Civil Rights and Declaratory Relief against the City. The lawsuit is based, in part, on allegations that two City Councilmembers who voted against the project should have recused themselves for reasons of bias, given they had campaigned for office based on derogatory statements against the proposed development.

On October 21, 2021, Discovery Builders submitted a preliminary application under SB 330 for a revised iteration of the Bridle Gate project, consisting of 292-unit residential units. Discovery Builders later revised the application to include 286 single-family residences to accommodate more park land. Of the 286 proposed single-family residences, 29 units will be set aside for below-market-rate households, specifically moderate-income households. This Bridle Gate project application is currently pending before the City. However, due to the City's continued attempts to frustrate and delay the Bridle Gate project application, including insistence that the project must comply with non-existent and non-objective zoning provisions in violation of the Housing Accountability Act, Discovery Builders had no choice but to file a Petition of Alternative

Writ of Mandate and Peremptory Writ of Mandate against the City for failing to comply with State law.

It appears the City is taking multiple, coordinated steps to prevent development at the Bridle Gate property for reasons unrelated to sound planning principles.

**The City's exclusion of the Bridle Gate site from the Suitable Sites Inventory threatens its compliance with State law.**

Pursuant to the RHNA requirements approved by the California Department of Housing and Community Development ("HCD"), the City must construct 1,522<sup>1</sup> housing units during the 6th (2023-2031) Housing Element Cycle. (See Gov. Code, § 65580, et seq.) Of these 1,522 units, 402 must be for very low-income households, 232 must be for low-income households, 247 must be for moderate-income households, and 641 must be for above-moderate income households.

Under state law, the City's Suitable Sites Inventory must be sufficient to satisfy the City's RHNA requirement for all income levels. In fact, the City of Brentwood is prohibited from allowing its inventory to fall below its remaining unmet share of the regional housing need for lower and moderate-income households. (Gov. Code, § 65863(a)). If the City finds that its remaining sites are insufficient to accommodate its remaining housing needs at any time during the 6th Cycle planning period, the City must take immediate action to correct the shortfall by amending its housing element sites inventory to increase capacity by either adding previously unidentified sites or rezoning remaining sites to correct for the shortfall. (Gov. Code, § 65863(b)).

For this reason, HCD guidance recommends that a suitable sites inventory contain at least 15-30% more capacity than is strictly required, to ensure that jurisdictions do not inadvertently violate state law if housing developments anticipated under a housing element do not come to fruition.<sup>2</sup>

Critically, a city has the burden of producing a realistic site inventory — not a theoretical list that simply pencils out on paper. State law provides that a city must identify "vacant sites and sites having *realistic and demonstrated potential* for redevelopment during the planning period to meet the locality's housing need for a designated income level ...." (Gov. Code, § 65583(a)(3), *emph. added.*) As evidenced below, the City here has failed to demonstrate its list of residential housing sites is in fact realistic.

Currently, the City's Public Review Draft 6th Cycle (2023-2031) Housing Element, or "Draft Housing Element," lists 968 units that are currently approved or under construction, the vast majority of which are for above moderate-income units (i.e., the "Pipeline Projects"). The Draft

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<sup>1</sup> While the majority of the Public Review Draft of the 2023-2031 (6th Cycle) Housing Element correctly states that the City's RHNA obligation is 1,522 units, several tables in the Public Review Draft and its appendices appear to erroneously states that the City's RHNA requirement is 1,552 units, including Table B-1.

<sup>2</sup> California Department of Housing and Community Development, Division of Housing Policy Development, "Memorandum regarding No Net Loss Law Government Code Section 65863", October 2, 2019 at p. 5 (available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>).

Housing Element lists *zero Pipeline Projects for moderate-income households*, despite the fact that the Bridle Gate project, which has a pending development application, could position the City to meet its RHNA requirement with far more certainty. (Draft Housing Element, p. B-6, Table B-1; B-4). None of the units relied on by the City are even subject of any current development application before the City, as documented by the City of Brentwood's List of Active Development Projects.<sup>3</sup>

Instead, the Draft Housing Element relies entirely on projected future development to satisfy the City's moderate-income RHNA requirements. This future development is a combination of: (1) estimated future development of accessory dwelling units ("ADUs") based on a three-year average of past production, and (2) available capacity in specific plan areas or existing residentially zoned sites with no currently approved residential projects. Using a combination of these predicted actions, none of which are guaranteed to happen and some of which are not reasonably foreseeable, the City concludes that it will have the capacity to construct 337 moderate-income units, in excess of the 247 required. (Draft Housing Element, p. B-3, Table B-1). There is substantial evidence the City's Suitable Sites Inventory violates Government Code section 65583(a)(3) insofar as it does not include "vacant sites and sites *having realistic and demonstrated potential for redevelopment* during the planning period to meet the locality's housing need for a designated income level" and must include "an analysis of the relationship of zoning and public facilities and services to these sites." (Emph. added.)

The City's optimistic projections of future construction assume that, or the 337 moderate-income units contemplated, 41 units will consist of ADUs, 228 units will be built in the Priority Area One ("PA-1") Specific Plan area, and 68 units will be built on existing residentially zoned parcels, specifically within sub-area B of the Planned Development 49 ("PD-49") zone. (*Id.*)

First, there is a potentially significant timing issue, in that the PA-1 Specific Plan, which would include the lion's share of moderate-income units, likely will not undergo complete buildout until at least 2038, which is eight years after expiration of the Draft Housing Element's planning horizon. This issue is explored in greater detail below.

Another significant issue is that the City assumes the foregoing numbers based on an estimation that developers of all of these sites will reserve 15% of units for moderate-income households. The City, however, does not attempt to explain or support this assumption. (Draft Housing Element, p. B-10). The City's affordability requirement is 13%, and only 6% of units must be allocated to moderate-income households. (Brentwood Municipal Code § 17.725.003(B)&(D), as amended by Ord. 1041.) Assuming that 15% of future development will include moderate-income units appears unreasonable, especially given that developers also must, per City ordinance, additionally make available 4% of units to low-income households and 3% of units to very low-income households. (See *id.*)

The recent history of approved and constructed residential projects within the City confirms the assumption of 15% moderate-income units is far too high. As documented in Appendix B, Table B-4 of the Draft Housing Element, the eight projects currently in the Project Pipeline each include 0% of units for moderate-income households. In the current RHNA cycle (2015-2023), a total of 3,3031 housing units have been built, with 59 units for moderate-income household.

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<sup>3</sup> City of Brentwood's List of Active Development Projects (available at <https://www.brentwoodca.gov/government/community-development/planning/development-projects>).

(April 14, 2022 Staff Report for Joint Workshop Agenda Item Number 2, Table 1). This data demonstrates that over the last cycle, about 1.8% of constructed units have been reserved for moderate-income households. While the City acknowledges it historically did not enforce a high inclusionary requirement, there has been no substantive uptick in moderate-income housing proposals since the City updated its inclusionary housing ordinance in 2020. In fact, its historical approval of 1.8 percent has flattened to zero percent, judging by the present Project Pipeline.<sup>4</sup> Overall, City provides no justification or explanation as to why it expects the rate of moderate-income housing to rise so drastically in coming years.

The City also neglects to account for its preference for commercial development over necessary housing units – an important factor under applicable, analytical methodologies.

As a corollary to the rule that a city must identify realistic capacity, HCD provides that a "capacity calculation *must be adjusted* to reflect the realistic potential for residential development capacity on the sites in the inventory." (HCD Site Inventory Guidebook, p. 20 (May 2020), *emph. added.*) Where a site has "the potential to be developed with nonresidential uses ... these capacity limits must be reflected in the housing element ... For example, if past production trends indicate that two out of three similar sites were developed for commercial use, an initial estimate of the proportion of new development which is expected to be residential would be two-thirds, i.e., 0.67." (*Id.* at 20-21; *see also* November 22, 2021 HCD letter to City of Lake Forest re: City of Lake Forest's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, page 3<sup>5</sup> ["To demonstrate realistic capacity on [sites where zoning allows for non-residential uses], the element must analyze and account for the likelihood of residential development in the zones that allow 100 percent nonresidential uses. The analysis should be based on factors such as development trends, performance standards or other relevant factors."]).

On this point, the history of the Bridle Gate project serves as important data point. As discussed above, the Bridle Gate project originally proposed 258 multi-family units, but senior City staff, presumably with the input of elected leaders, told our client that obtaining a favorable staff recommendation would require that our client replace multi-family uses with commercial uses, even though the Bridle Gate site is ideally located for residential land uses, due to its proximity to existing services and job centers (within 0.3 miles). The City has prioritized establishing uses that create more jobs and tax revenue — e.g., commercial and other nonresidential development — which had material effects on Discovery Builder's own residential development plans. (See September 1, 2020 Staff Report, Item No. 2, Packet Pg. 12, attached hereto as Exhibit 1, and most pertinent City determinations included in footnote 6, below.)<sup>6</sup> This very real

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<sup>4</sup> Further, section 17.725.004 of the City's municipal code authorizes a developer to satisfy inclusionary requirements with "alternative equivalents," including via the dedication of vacant developable land or construction of affordable units on another site. Certainly some developers will elect these alternative equivalents—a viable possibility that has not been factored into the calculus.

<sup>5</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/oraLakeforestdraftOUT112221.pdf>.

<sup>6</sup> In cautioning against allowance of 258 multi-family units on the Bridle Gate site, the City's report provided as follows: "While it would enable the development of multi-family housing, it would also result in the loss of limited commercially zoned land in the city, and the attendant loss of sales tax revenue that helps maintain the quality of life that Brentwood residents and visitors enjoy. It would likewise preclude the development of that land for employment purposes, another City priority, given the percentage of residents who commute to their work outside city limits each day." The City further concluded that

preference could similarly influence the future buildout of other sites the City has identified as suitable for moderate-income housing. For instance, sub-area B of PD-49 permits, as a matter of right, commercial and employment uses that include general retail sales, services uses, and professional and business offices. (Brentwood Municipal Code § 17.499.003(A)&(C).) The City has failed, too, to account for this variable in identifying sites.

There are other issues with the City's analysis of the suitability of sites identified for provision of moderate-income housing:

- It is unclear whether the City evaluated site viability based on factors that include proximity to transit, access to schools, access to job centers, access to amenities (such as parks and community centers), access to services (such as grocery stores, shopping, and restaurants), access to health care facilities, and other factors identified by HCD. (See HCD Site Inventory Guidebook, pp. 9-10 (May 2020).) Sites might be suitable in light of such factors, but the City has not shown its work in these respects.
- It does not appear the unit yield on selected sites is accurate or in line with methodologies accepted by HCD. For instance, yield counts for the three sites in sub-area B of PD-49 are calculated by multiplying the total gross acreage by the maximum density permitted under the zoning code. (Draft Housing Element, p. B-13, Table B-8, at rows 8-10). However, the yield count for each PA-1 Specific Plan site is calculated by multiplying the total amount of "buildable acreage" (which in most cases is equivalent to total gross acreage for the site) by the midpoint density between the maximum and minimum densities permitted under the PA-1 Specific Plan. (*Id.* at B-13, Table B-8 at rows 1-7.) The City's Draft Housing Element lacks the facts required to support the City's selection of expected densities. HCD recommends determining unit yield by multiplying expected density by site acreage only if the expected density matches a given site's *minimum* density requirement, as determined in its zoning. (HCD Site Inventory Guidebook, p. 19 (May 2020).) Further, "to meet this standard on a zone that allows for multiple uses, the general plan or zoning must require the specified minimum number of residential units on the identified sites regardless of overlay zones, zoning allowing nonresidential uses, or other factors potentially impacting minimum densities." (*Id.*) Otherwise, a city must use a more thoughtful methodology set forth by HCD, and which includes an analysis of factors such as maximum lot coverage, height, open space, parking, on-site improvements required, and floor-area ratios. (*Id.* at pp. 19-20.) By contrast, if a city assumes a certain percentage of a site's maximum allowable density will be achieved for the Housing Element's calculation of residential capacity, it must demonstrate what specific trends, factors, and other evidence lead to its assumptions.<sup>7</sup> (See, e.g., January 14, 2022 HCD letter to City of West Covina re: City of

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establishing residential uses instead of commercial "could be found to be inconsistent with [General Plan Policy eED-25] ... and that the "city's land use plan skews heavily residential. The further loss of commercial land to additional residential use could be found to be inconsistent with maintaining a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services, as the loss of commercial use here would result in the attendant loss of associated sales tax revenue."

<sup>7</sup> The City's selection of sites also seems to assume placement of High and Very High Density land uses adjacent to Residential Low and Very Low Density land uses, without discussing or analyzing the potential for public or political opposition to such projects that could lead to unit count reductions. While

West Covina's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, pages 2-3.)<sup>8</sup> The City has provided no evidence to support its decision to assume maximum densities in calculating property yields.

- It is unclear the City has evaluated environmental and other constraints on all of the sites identified. For instance, the City does not appear to have consistently accounted for the impact of wetlands and other jurisdictional waters in calculating buildable acreage among the various sites. Other constraints that the City has not appeared to account for include, without limitation, right of way necessities, and stormwater detention, and biotreatment requirements. The City must identify and account for portions of otherwise buildable area needed to support these necessary site improvements. (See, e.g. December 3, 2021 HCD letter to City of West Hollywood re: City of West Hollywood's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, page 5.)<sup>9</sup> To this end, our client's planning team has conducted a preliminary analysis of various sites considered through the Draft housing Element process as suitable for moderate-income housing by the City, and identified the following constraints that would materially affect buildable area on those sites and in turn reduce the total unit counts:
  - With respect to PD-49:
    - Sub-area B sits adjacent to a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified as such on the National Wetlands Inventory. (See Screenshot of National Wetlands Inventory, attached hereto as Exhibit 2.) The presence of jurisdictional waters often limits the developable area in light of setbacks, environmental protection regulations, and mitigation requirements (see, e.g., East Contra Costa County Habitat Conservation Plan & Natural Community Conservation Plan, Table 6-2.). The City appears to have appreciated this constraint in calculating some site inventories,<sup>10</sup> and so it is unclear why this factor was not accounted for in reviewing PD-49.

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such land use compatibility issues are not "objective" standards under the Housing Accountability Act, to the extent residential units are proposed in a mixed use configuration, a given project might not qualify for such protections, allowing the City to reject a proposal on these grounds.

<sup>8</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/LanWestCovinaDraftOut011422.pdf>.

<sup>9</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/LanWestHollywoodDraftallfindings120321.pdf>.

<sup>10</sup> For instance, the property designated as Very High Density (APN# 019092046, Id. at B-13, Table B-8 at rows 6 and 7) within the PA-1 Specific Plan is adjacent to Sand Creek (a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified on the National Wetlands Inventory). It appears that the City assumed a reduction in buildable acreage for this site, insofar as it acknowledged that only 10 acres of the 32.63-acre parcel was buildable, but other sites do not appear to be analyzed with an eye towards similar constraints.



- The three sites within sub-area B of PD-49 also have site drainage constraints, as there appears to be no stormwater infrastructure bordering the site, including along the site's eastern border along John Muir Parkway. (See COB Map, attached hereto as Exhibit 3). The three sites may require land for biotreatment areas, which are not discussed by the City and would reduce the buildable area.
- The PA-1 Specific Plan (APN# 019092046, 2483 Old Sand Creek Road) presents potentially significant scheduling issues, and the site has drainage constraints and biotreatment requirements which are not discussed by the City, as follows:
  - It is unclear that this development's units will be built within the Draft Housing Element's planning horizon, which sunsets in year 2031. Per the PA-1 Specific Plan EIR, buildout of the property will entail at least 6,200 days, which is equivalent to almost 17 years. (See, e.g., PA-1 Specific Plan Draft EIR, p. 3.7-30 [Table 3.7-4], where all environmental review for the project is incorporated herein by this reference.), The Draft Housing Element should address how a project with a construction schedule that concludes no earlier than 2039 will provide sufficient housing with a housing cycle that ends eight years earlier, in 2031.
  - The site has a high potential flood risks given its proximity to special flood hazard areas pursuant to the National Flood Insurance Program. Furthermore, the entirety of the PA-1 site is adjacent to a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified on the National Wetlands Inventory. Accordingly, any project at the site would likely require dedication of land for Sand Creek and most likely a stormwater detention basin to protect against flood risks. The City's calculation of residential capacity assumes a reduced buildable area on-site, but without further detail, it is not possible to determine whether the City's assumptions are sufficient to accommodate the above constraints.

To the extent the City revisits other sites it previously determined were eligible to accommodate moderate-income housing,<sup>11</sup> these properties also involve complications that would materially affect density and reduce buildable area (and might explain why such sites did not appear in the latest iteration of the Draft Housing Element):

- APN # 019040031 (2401 Empire Avenue) would require right of way dedications, possible tree protection easements, a shared private drive easement, and require land to provide for biotreatment of stormwater .

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<sup>11</sup> See City's initial Draft Site Inventory Excel Sheet presented at the July 21, 2022 City Council Housing Element Update Workshop (Agenda Item A). None of the constraints listed hereafter were discussed in the Staff Report for the July 21, 2022 City Council Housing Element Update Workshop.

- APN # 019040033 (2391 Empire Avenue) would require possible tree protection easements, a shared private drive easement, and would require land to provide for biotreatment of stormwater.
- APN # 018190018 (Sunset Rd.) would require right of way dedications, a possible detention basin to address insufficient drainage capacity, and would require land to provide for biotreatment of stormwater.
- APN # 01870003 (Brentwood Blvd.) would require land to provide for biotreatment of stormwater. The site would also require three points of public road access to support the assumed number of units pursuant to the City of Brentwood Engineering Procedure Manual, which would be challenging giving the buried nature of the site, and may necessitate a reduction in the total number of units the site could support.
- APN# 016120024 (Brentwood Blvd.) would require a possible detention basin to address insufficient drainage capacity, and would require land to provide for biotreatment of stormwater. It also appears to have limited points of access reducing permitted unit count pursuant to the City of Brentwood Engineering Procedure Manual.
- APN # 016150114 (Brentwood Blvd.) would require right of way dedications, a possible detention basin to address insufficient drainage capacity, would require land to provide for biotreatment of stormwater have potential water quality issues, and has cross access and park easements on approximately half the site.

The assumed densities for all sites also fail to analyze how developments would satisfy Quimby Act requirements for park dedications, which could further reduce buildable area on the sites.

In addition to the City failing to demonstrate the Suitable Sites Inventory contains sufficient capacity for moderate-income housing, the City has failed to show that its list of sites could accommodate a diversity of housing product, as favored by State policy and as called for in the City's own Draft Housing Element.

The Bridle Gate site remains one of the City's only viable option for single-family, affordable housing units. Both the PA-1 and sub-area B of PD-49 are particularly ill-suited to provide for any moderate-income single-family housing. For instance, sub-area B of PD-49 is only permitted to contain "medium to high to very high density multifamily residential" units on site. (Brentwood Municipal Code § 17.499.003(D)). Of the three districts within the PA-1 Specific Plan Area that the City notes allow residential units, only one district (the High Density Residential District) permits single-family housing.

It is important for any City to ensure that below-market-rate units consist of a diversity of housing types, and not just multi-family apartments or condos. Having a diverse housing stock helps reduce or remove the stigma traditionally associated with affordable housing. Per HCD's guidelines, a city should take "meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns ..." (HCD Site Inventory Guidebook, p. 8 (May

2020.) As the City notes in its Draft Housing Element, "providing a *variety* of housing units at all affordability levels is critical in ensuring all community members have their needs met." (Draft Housing Element, p. 2-4) (emph. added). As currently constituted, the Suitable Sites Inventory cannot achieve this critical goal for moderate-income households. It envisions affordable housing existing almost entirely in the form of multi-family housing, which does not result in integrated and balanced living patterns as envisioned.

Overall, the City has work to do, to meet its legal burdens. Its Suitable Sites Inventory does not include a single moderate-income housing unit under current consideration in the Project Pipeline, and the assumptions underlying its capacity analysis of other sites are plagued by practical obstacles and unrealistic expectations. Given these problems, it is puzzling that the City would fail to include the Bridle Gate proposal — a project with an SB 330 application currently pending before the City — in its Suitable Sites Inventory. Furthermore, as currently constituted, the City's Suitable Sites Inventory has extremely limited capacity for moderate-income single-family housing. The Bridle Gate project's 29 units set aside for moderate-income single-family units are much closer to approval and construction than many of the other moderate-income household projects in the City's Suitable Sites Inventory, and Bridle Gate should be included in the City's 2023-2031 Housing Element to give the City the greatest chance of satisfying its share of RHNA.

**The City should not exclude the Bridle Gate project solely to avoid a by-right residential project or upzoning of the Bridle Gate site.**

It is unclear why the City has failed to include the Bridle Gate property on the Suitable Sites Inventory, given that inclusion of the project would aid the City in satisfying its obligation to prepare a legally-compliant Housing Element.

However, it is possible that City's intent is to avoid upzoning the Bridle Gate site, as required by State law. Under Government Code section 65583.2(c), if a particular site has been listed in two or more consecutive planning periods and that site was not approved for development, then the site cannot be listed as suitable site to accommodate any portion of the City's low-income or very low-income unit requirements unless the site is "subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households." Further, any such site must be zoned at an allowable density of at least 30 units per acre, an increase over the density currently permitted on the Bridle Gate site. (Gov. Code, § 65583.2 (c)(3)(B)(iv)).

The City's unwillingness to upzone the Bridle Gate site is not an appropriate basis for the City purposefully avoid listing it in the Suitable Sites Inventory. The project would assist the City in meeting its share of RHNA, which is the stated purpose of the City's 2023-2031 Housing Element. (Draft Housing Element, p. 1-2).

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The 2023-2031 Housing Element, as currently constituted, risks failing to accommodate the City's share of RHNA. The City's plan to provide moderate-income housing relies almost entirely on the hope of future production of multi-family developments and ADUs, where the capacity identified is not realistic. The Bridle Gate project, meanwhile, has already submitted a complete

SB 330 application to the City, which includes 29 moderate-income units, over 10% of the City's required share of moderate-income units. The City's decision to exclude the Bridle Gate site only serves to hurt its efforts to satisfy its RHNA obligations, and in turn hurts the statewide efforts to provide sufficient housing for all California residents. Accordingly, we urge the City to revise the 2023-2031 Housing Element to include Bridle Gate property in the Suitable Sites Inventory.

Sincerely,



Ellis Raskin  
Attorney



Niran S. Somasundaram  
Attorney

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# EXHIBIT 1

**STAFF REPORT**  
**PLANNING COMMISSION REGULAR MEETING OF**  
**SEPTEMBER 1, 2020**

**PREPARED BY:** Debbie Hill, Senior Planner  
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**PROJECT DESCRIPTION:** Item No. 2, A development agreement (DA 19-001) setting forth specific terms for development of the Bridle Gate project, a General Plan amendment (GPA 17-001) to change the land use designation for 13.98 acres of the 137.3-acre project site from Regional Commercial to Planned Development for up to 256 multi-family residential units and designating two separate areas as Park, along with an amendment to the Circulation Element for the extension of San Jose Avenue, a rezone (RZ 17-004) amending the Planned Development No. 36 (PD-36) Zone to accommodate the General Plan amendment and amend the development standards, a vesting tentative subdivision map (VTSM 8506) to create 252 single-family residential lots, two parks, two parcel for bio-retention, one 11.35-acre school site with an additional 63-lot overlay should the school site not be developed, one 13.98 acre multi-family site, and one 18.72-acre regional commercial site, a design review (DR 17-007) for the architecture for five home plans, utilities, landscaping, and related improvements for the low-density residential lots, and a design review (DR 17-008) for the architecture for the multi-family portion of the site. The project site is located west of State Highway 4, south of Old Sand Creek Road, and north of San Jose Avenue (APNs 019-082-007 and 019-110-076)

**GENERAL PLAN:** R-LD (Residential-Low Density), RC (Regional Commercial, P-OS (Permanent Open Space), and P (Park)

**ZONING:** Planned Development No. 36

**OWNER/APPLICANT:** WCHB Development, LLC; Discovery Builders, Inc.

**PREVIOUS ACTIONS:**

- At its meeting of April 19, 2005, the Planning Commission held a public hearing on a request for a General Plan Amendment (GPA 01-01), a Rezone (RZ 05-04), a Development Agreement (DA 04-02), a Vesting Tentative Subdivision Map (VTSM 8606) for 166 residential lots, and a Design Review (DR 01-02) for the Bridle Gate project and continued the item to a date uncertain.
- On April 27, 2005, Discovery Builders appealed the Planning Commission continuance to the City Council.
- On May 24, 2005, the City Council continued a public hearing on the appeal to its meeting of June 14, 2005, due to noticing requirements.
- On June 14, 2005, the City Council held a public hearing on the appeal and referred the project back to the Planning Commission for additional consideration.
- On November 1, 2005, the Planning Commission held a public hearing on General Plan Amendment (GPA 01-01), a Rezone (RZ 05-04), a Development Agreement (DA 04-02), a Vesting Tentative Subdivision Map (VTSM 8606) for 166 residential lots, and a Design Review (DR 01-02) for the Bridle Gate project and requested staff to prepare the necessary resolution for denial of the general plan amendment and rezone.
- On November 15, 2005, the Planning Commission adopted Resolution No. 05-82 denying General Plan Amendment No. 01-01 and Rezone No. 05-04.
- On January 10, 2006, the City Council held a public hearing to consider the appeal by Discovery Builders and directed staff to prepare the necessary resolutions for approval of the appeal.
- On May 23, 2006, the City Council held a continued public hearing on the appeal and approved the mitigated negative declaration, General Plan amendment, and introduced and waived the first reading of the ordinance for the Rezone, by Resolution Nos. 2006-124 and 2006-125 and Ordinance No. 827, respectively, and referred the development agreement, vesting tentative subdivision map, and design review application back to the Planning Commission for action.
- On June 6, 2006, the Planning Commission held a public hearing and approved Development Agreement No. 04-02, Vesting Tentative Subdivision Map No. 8506, and Design Review No. 01-12 by Resolution Nos. 06-47, 06-48, and 06-49, respectively for the Bridle Gate 166-lot residential project.
- On August 18, 2020, the Planning Commission voted unanimously to continue the public hearing to its meeting of September 1, 2020, for a Final Environmental Impact Report, General Plan Amendment No. 17-001, Rezone No. 17-004, Development Agreement No. 19-001, Vesting Tentative Subdivision Map No. 8506, Design Review No. 17-007, and Design Review No. 17-008 for the Bridle Gate project.

#### **BACKGROUND:**

The Bridle Gate project in its previous form was originally submitted to the City in March of 2001 and was subsequently approved in June of 2006. At that time, the project sought approval for 166 residential lots, and included a General Plan amendment, rezone, vesting tentative

subdivision map, and design review. The map and design review approvals expired in 2013, leaving the General Plan amendment and rezone in place.

After entertaining other project concepts, the developer officially submitted a new application to the City in June of 2017 for a substantially revised version of the Bridle Gate project. Since that time, staff has been working with the applicant to move forward with a development project for the 137-acre project site.

As discussed below, the current version of the project increases the proposed number of homes threefold from what is currently allowed, including multi-family project units, reduces the commercial acreage of the site by approximately 14 acres, and allows for the development of a new elementary school site.

### Detailed Project Description

The current iteration of the proposed project includes a request for the following entitlements:

- A Final Environmental Impact Report to disclose the environmental impacts of the project, in accordance with the California Environmental Quality Act;
- A development agreement (DA 19-001) setting forth the duration of the agreement, permitted uses and density of the project, requisite development standards, community benefits to be provided by the applicant, and additional terms and conditions regarding development of the project;
- A General Plan amendment (GPA 17-001) to change the land use designation on 13.98 acres of the project site from Regional Commercial (RC) to Planned Development (PD) with the intent of developing this acreage with up to 258 multi-family apartment units. In addition, the project site currently includes area designated 'Park' by the General Plan. This 'Park' area would be relocated and divided into two separate 'Park'-designated sites totaling 4.3 acres on the project site. Finally, an amendment to the General Plan's Circulation Element is needed to allow the proposed San Jose Avenue extension to terminate at a new intersection with Sand Creek Road;
- A rezone (RZ 17-004) to amend the development standards within Planned Development 36 to accommodate the residential, commercial, and open space uses of the project;
- A vesting tentative subdivision map (VTSM 8506) to subdivide the property into 252 single-family residential parcels, an 11.35-acre elementary school site (or, alternatively, a residential overlay that could accommodate an additional 63 single-family units if development of the school does not occur), two park parcels, four parcels for stormwater bio-retention, a multi-family parcel, a commercial parcel, and open space areas;
- A design review (DR 17-007) for the single-family homes to be constructed on the single-family parcels consisting of five models with three elevations each ranging in size from 2,251-3,416 square feet; and
- A design review (DR 17-008) for up to 258 apartment units to be constructed on the proposed new multi-family parcel, consisting of 11 three-story apartment buildings



containing between 12-36 units each, and consisting of 84 one-bedroom units and 174 two-bedroom units.

Surrounding Land Uses

- North – The Innovation Center @ Brentwood (formerly known as Priority Area One) zoned for Employment Center/Light Industrial
- East – State Highway 4 and The Streets of Brentwood and Sand Creek Crossing commercial developments beyond
- South – Brentwood Hills single-family residential subdivision (TSM 7882 and 8676)
- West – City of Antioch, designated as Open Space/Senior Housing in Antioch’s General Plan

The central and western portions of the project site contain moderately sloping hillsides along a northwesterly trending ridge. The northeastern and eastern portions of the site consist of gently easterly sloping topography ranging in elevation from approximately 120 feet above mean sea level (msl) to approximately 160 feet above msl. The highest elevation at the site is along the ridge in the southwestern portion of the site, at an approximate elevation of 230 feet above msl.

**ANALYSIS:**

General Plan Amendments

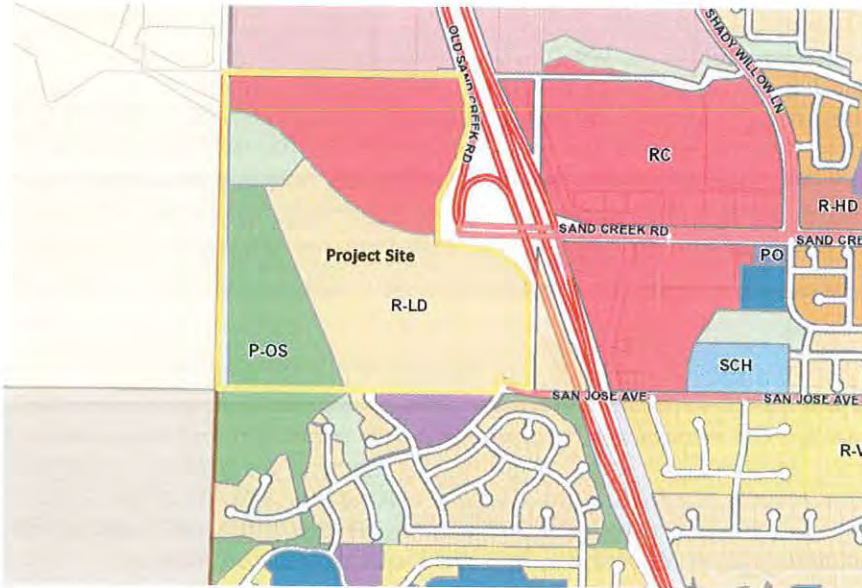
The General Plan is the City’s land use constitution. All land use projects seeking approval within the city must either be consistent with the City’s General Plan as proposed, or request approval for changes to the General Plan that would make the project consistent.

**General Plan amendments.** In order to approve the Project, three General Plan amendments would be needed:

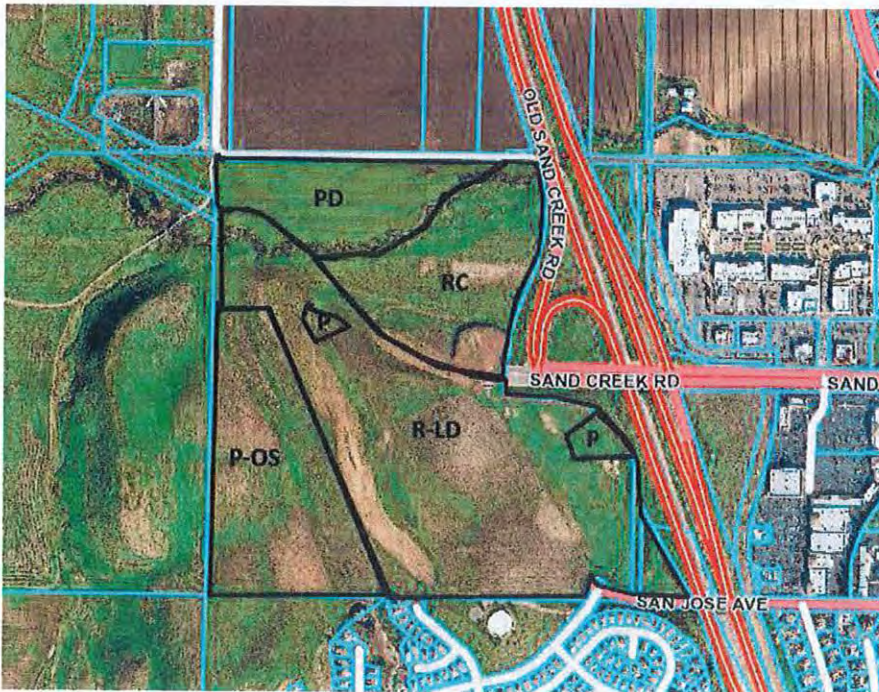
- **Conversion of commercial to residential.** First, according to the General Plan, the Project site is currently designated with a mix of Open Space (primarily along the ridgelines), Park, Residential-Low Density, and Regional Commercial. In order to accommodate the proposed multi-family portion of the proposed development, a land use designation change is being requested for a 13.98-acre area at the northwest corner of the project site. This change would change the General Plan designation of this acreage from Regional Commercial to Planned Development in order to allow for up to 258 multi-family apartment units to be constructed. The remaining 18.72 acres designated as Regional Commercial are not proposed for any land use changes. (See Figures 1 and 2 below.)
- **Division and relocation of Park land.** Second, the area currently bearing a General Plan land use designation of ‘Park’ will be relocated and divided into two separate ‘Park’-designated sites, totaling 4.3 acres. (See Figures 1 and 2 below.)
- **Roadway reconfiguration.** Third and finally, the Circulation Element of the General Plan currently includes a figure (Fig. CIR-1) that establishes the required design of the City’s circulation system. Figure CIR-1 will need to be amended to allow the proposed San Jose Avenue extension to terminate at a new intersection with Sand Creek Road, which itself is being extended and will terminate at a temporary turnaround at the western project site boundary, ultimately to be extended westerly into Antioch by others in the future.

Figure 1

**Current General Plan Land Use Map**



**Figure 2**  
**Proposed General Plan Amendments to**  
**Convert Commercial to Residential and Divide and Relocate Park land**



In order to approve any requested General Plan amendments, the City must be able to determine that the request meets the following four criteria:

1. *The amendment is deemed to be in the public interest;*

Division and relocation of the Park parcels could serve the public interest, as it would locate parks closer to the residential developments they will serve. Likewise, the reconfiguration of the San Jose Avenue extension will serve the public interest by facilitating travel across the project site to the proposed Sand Creek Road extension. Whether the conversion of 14 acres of commercial area to multi-family use is in the public interest is a policy decision that the City Council must weigh. While it would enable the development of multi-family housing, it would also result in the loss of limited commercially zoned land in the city, and the attendant loss of sales tax revenue that helps maintain the quality of life that Brentwood residents and visitors enjoy. It would likewise preclude the development of that land for employment purposes, another City priority, given the percentage of residents who commute to their work outside city limits each day.

2. *The amendment is consistent and/or compatible with the rest of the General Plan;*

While it is true that no project will necessarily be consistent with every General Plan goal and policy, and some weighing of priorities is allowed by the City in assessing minor deviations, amendments that are diametrically opposed to the existing, unchanged aspects of the General Plan are not supportable under the law. The table below analyzes the requested General Plan amendments against selected goals and policies in light of the question of consistency.

**Table 1  
General Plan amendment consistency analysis**

	<b>General Plan requirement</b>	<b>Consistent?</b>
Conversion of commercial to residential	Policy ED 2-5: Ensure that an adequate inventory of vacant industrial, commercial, office, and business park land is designated, zoned, and maintained for targeted employment-generating uses.	Given that the proposed amendment would reduce the amount of commercial land in the city's inventory and convert it to residential use, such an action could be found to be inconsistent with this policy, unless the City believes that adequate commercial inventory exists even without this 14 acre parcel.
	Goal FI 1: Maintain a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services.	The city's land use plan skews heavily residential. The further loss of commercial land to additional residential use could be found to be inconsistent with maintaining a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services, as the loss of commercial use here would result in the attendant loss of associated sales tax revenue. However, the project would participate in community facilities districts and pay impact fees to assist in funding City services.
	Policy LU 1-1: Maintain a supply of developable commercial, business park, mixed use, and residential lands	While the city currently has a sufficient supply of land developable as residential to meet its growth

	<b>General Plan requirement</b>	<b>Consistent?</b>
	sufficient to meet desired growth and economic needs over the planning period.	projections, its commercial inventory is far less extensive. Approval of this general plan amendment would limit the supply of developable commercial land.
	Policy LU 2-8: Provide for a variety of residential products through the Zoning Ordinance in order to accommodate the housing needs of all segments of the city's population.	Conversion of this commercial acreage to multi-family use would allow for the provision of apartments, which would add to the variety of residential products available in the city in order to accommodate the housing needs of more segments of the community.
	POLICY H 2-1: Provide housing affordable and appropriate for a variety of Brentwood households at all economic levels throughout the City.	Converting this commercial site to multi-family use would allow for the development of apartment housing that would likely appeal to households at economic levels that cannot afford single-family homes. Applicant has requested to be allowed to pay a fee in lieu of constructing any affordable housing on site, so no deed restricted affordable housing would be constructed as part of this multi-family development. Those funds would be banked for future use of affordable housing opportunities.
Division and relocation of Park land	Policy LU 4-4: Site new park and recreation facilities where they will be accessible by the City's pedestrian and bicycle network and in close proximity to medium and higher density residential uses, where appropriate.	Allowing the existing areas designated as Park to be split and relocated across the Project site would facilitate this policy of siting new park facilities closer to users throughout the Project site.
Roadway reconfiguration	Policy CIR 1-2: Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.	Allowing for the reconfiguration and improvement of San Jose Avenue, as proposed, would effectively accommodate vehicular and multi-modal traffic in a manner that reflected the context of the surrounding residential and (potentially) school land uses and the needs of operators of vehicles, pedestrians, and bicyclists.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The project is required to comply with the Noise Element in that construction activities will be regulated to the allowable hours, and noise sources will be required to mitigate sound. Compliance with the Safety Element would be achieved through seismically sound construction designs and practices, as well as the construction of building pads outside of the flood zone.

- 4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

A Final Environmental Impact Report was prepared for this project and all mitigation measures have been incorporated as conditions of approval of the development.

The City Council will need to determine whether the requested General Plan amendments meet the criteria set out above.

General Plan Consistency

For those elements of the project that do not require a General Plan amendment, the City must still determine whether the project is consistent with the General Plan. With regard to density, the General Plan identifies the allowable density (expressed as dwelling units/acre or 'du/a') for the single-family residential portions of the project site.

**Table 2  
General Plan density consistency analysis**

	Density required by General Plan	Density proposed	Consistent?
Single-family homes (with school)	1.1-5.0 du/a, with a mid-range of 3.0 du/a	3.70 du/a	The proposed density exceeds the mid-range
Single-family homes (with overlay)	1.1-5.0 du/a, with a mid-range of 3.0 du/a	4.64 du/a	The proposed density exceeds the mid-range
Multi-family	N/A	18.45 du/a	N/A

Per the General Plan's mid-range density policy, densities above the mid-range can be permitted at the discretion of the City Council through the exercise of transferable agricultural credits or if a significant amount of amenities is incorporated into a project, extensive off-site public improvements are installed, or other significant improvements of community-wide benefit are provided.

In this case, the applicant is proposing to provide certain amenities, as listed in the Development Agreement (DA), as improvements of community-wide benefit. As listed in the DA discussion below, these include contributions to the East Contra Costa Fire Protection District; potential sale of an 11.35 acre parcel within the project area for a school site or, alternatively, payment of \$1,575,000 to the City to fund a youth center or youth programming; and a trail connection across Sand Creek and from the project site to commercial developments to the east. (In return for these benefits, the applicant will stand to receive their own benefits, which are detailed in the DA discussion below.) The Council will ultimately need to determine whether these community benefits are sufficient to not only allow development above the mid-range, but also to justify the requested General Plan amendments.

The overall density for the multi-family portion of the project site is 18.45 dwelling units per acre. Since the General Plan amendment application includes changing the land use for 13.98 acres from Regional Commercial to Planned Development, the revised PD-36, Subarea B, zoning standards will govern the development of this acreage for up to a maximum of 258 units, or 18.45 dwelling units per acre.

Beyond density, the project's general consistency with the General Plan is analyzed in Table 3 below.

**Table 3  
General Plan consistency analysis**

<b>General Plan requirement</b>	<b>Consistent?</b>
<p><b>Goal CIR 1:</b> Provide a transportation system that facilitates the efficient movement of people and goods within and through the city of Brentwood and promotes the use of alternatives to the single-occupant vehicle</p>	<p>The project would include the extension of Sand Creek Road from its current termination west of SR 4 to the Antioch city limits. While the completion of an intersection with Heidorn Road would have to wait for future development, this would allow the final construction of Sand Creek Road, a major arterial, to city limits, thus facilitating the efficient movement of people and goods. The project would also provide bike lanes for bicycle use, and sidewalks and pedestrian paths, including a connection beneath SR 4 for multi-modal access to development west of the project site.</p>
<p><b>Action CSF 5a:</b> Continue to coordinate with the school districts to ensure the adequate provision of school and related facilities to serve existing and future development and support the establishment of a School Facility Master Plan. The City should work with the local school districts to develop criteria for the designation of school sites and consider a range of opportunities available to reduce the cost of land for school facilities. Such opportunities may include, but are not limited to, designating lands as School (SCH) on the General Plan Land Use map when future school sites are identified in the adopted School Facility Master Plan. The City shall encourage the local school districts to comply with City standards in the design and landscaping of school facilities.</p>	<p>The project includes a DA that requires the applicant to have entered into an agreement with the School District to transfer an 11.35-acre parcel to the School District for the construction of a school site. If built, this school would assist in providing adequate school facilities to serve existing and future development. However, the City has no way of guaranteeing that the site will ultimately be transferred to the School District or that a school will be built if it is transferred.</p>
<p><b>Policy CSF 4-1:</b> Encourage and support the East Contra Costa Fire Protection District and providers of emergency medical services to maintain adequate staff and equipment to provide high quality and responsive fire protection and emergency medical services to existing and future growth in Brentwood.</p>	<p>The project DA likewise would require the applicant to pay fire impact fees for the project. These fees may be used by ECCFPD for fire facilities and equipment. However, the applicant has indicated that it believes the fire impact fee recently adopted by the City is flawed. Therefore, the fees may be paid under protest. Under the DA, the applicant would also participate in a Community Facilities District, a mechanism that would assess the lots on the project site and use those assessments to fund fire services, a considerable benefit to ECCFPD.</p>

General Plan requirement	Consistent?
<b>Goal COS 1:</b> Ensure the provision and preservation of diverse and accessible open spaces throughout the Brentwood Planning Area	The project proposes to maintain some 28.35 acres of permanent open space on the site, thus ensuring the preservation of accessible open space within this portion of the Brentwood Planning Area.
<b>POLICY H 1-1:</b> Provide adequate residential sites with densities distributed throughout the City for the production of new for-sale and rental residential units, emergency shelters, and transitional and supportive housing sites for existing and future residents.	The project would provide up to 573 new homes (without development of the school; 510 with the school), at both low and high densities, and offer the option of for-sale and rental options, thus facilitating this policy.
<b>Policy ED 5-1:</b> Ensure that public, residential, and non-residential developments locating along local creeks, waterways, and open space are designed to include these natural features as an attraction and amenity, while also providing for their conservation where appropriate.	The project would include the development of a trail along the north side of Sand Creek, thus including this natural feature as an attraction and amenity.

Zoning Ordinance Amendment

As with the General Plan, proposed projects must also either be consistent with the City's Zoning Ordinance as proposed, or request approval for changes to the Zoning Ordinance that would render the project consistent. The project site is currently zoned Planned Development No. 36. The PD-36 text identifies development standards for mixed-use business park, regional commercial, single-family residential, and open space and recreation uses. In order to accommodate the project as proposed and be consistent with the proposed General Plan amendment, certain zoning uses and development standards would need to be revised. Therefore, a rezone is necessary to establish site-specific development standards for the proposed uses.

The proposed rezone includes a subarea map identifying each separate land use category and sets forth development standards for each subarea. The proposed development standards are fairly typical for the individual land uses. The single-family subarea sets forth a minimum lot size of 4,500 square feet (which is consistent with the General Plan designation of Residential – Low Density), and includes typical minimum lot dimensions and setbacks associated with the lot area. The tentative map is in keeping with these proposed regulations and each of the residential homes is required to meet the minimum setback dimensions. Therefore, the project would be consistent with the proposed zoning designation should the rezone be approved as requested. The following table summarizes the development standards proposed for the residential of the project and compares them with the current residential zoning for the site:

**Table 4**  
**Proposed zoning development standards for residential uses and comparison with existing standards**

	<b>Existing standard (Single-family Subarea C)</b>	<b>Existing standard (Single-family Subarea D)</b>	<b>Proposed single-family standard</b>	<b>Proposed multi-family standard</b>
Minimum lot area	5,000 sq. ft.	10,000 sq. ft.	4,500 sq. ft.	2,000 sq. ft.
Minimum lot width	55'	90'	45'	-
Minimum lot frontage for lots on cul-de-sacs, knuckles, or curvilinear streets	35' at the front property line	45' at the front property line	30' at the front property line	-
Minimum front yard setback	20' for front-facing garages; 15' for building walls and porches	20' for front-facing garages; 15' for building walls and porches	20' for front-facing garages; 10' for building walls and porches	10'
Minimum side yard setback	5', with the sum of both sides 12'; corner lots shall maintain a minimum setback of 10' on the street side yard	5', with the sum of both sides 15'; corner lots shall maintain a minimum setback of 10' on the street side yard	5'; corner lots shall maintain a minimum setback of 10' on the street side yard	10'
Minimum rear yard setback	15', with an average of 20'	15', with an average of 20'	15'	10'
Maximum building height	2 stories, not to exceed 30'	2 stories, not to exceed 30', except that the 10 lots referenced on the approved residential site plan with Model 11 shall not exceed 33.5'	Two stories, not to exceed 34'	40'
Corner lot fence setback	5' from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	5' from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	5 feet from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	-
Open space fencing	Lots adjacent to open space shall utilize a 6' high open space fence along the common	Lots adjacent to open space shall utilize a 6' high open space fence along the common	-	-



	<b>Existing standard (Single-family Subarea C)</b>	<b>Existing standard (Single-family Subarea D)</b>	<b>Proposed single-family standard</b>	<b>Proposed multi-family standard</b>
	property line(s), as approved through the tentative map	property line(s), as approved through the tentative map		
Accessory structures	Prohibited in side or rear yards for areas exceeding a 3:1 slope	Prohibited in side or rear yards for areas exceeding a 3:1 slope	-	-
Maximum lot coverage	40% for 2-story homes and 45% for 1-story	40% for 2-story homes and 45% for 1-story	50%	-
Common open space	-	-	-	15% of the total site area
Minimum usable common open space	-	-	-	10% of the total site area
Minimum private open space	-	-	-	100 sq. ft. immediately adjacent to each unit (including balconies)
Maximum number of primary dwelling units	124	42	252 (with school) or 315 (without school)	258
Total possible residential development	166 units		510 units (with school) 573 units (without school)	

The existing uses and development standards governing the commercial portion of the project site would not change with the rezone, with the exception of applicant's request to add gas stations as a conditionally permitted use. With minimal exception, no changes are requested for the open space uses or standards.

In determining whether to grant a requested rezone, under BMC § 17.870.008, the City will need to determine whether the request is:

1. Consistent with the General Plan; and
2. Inappropriate or otherwise contrary to the public interest.

The City Council will need to determine whether the requested rezoning conforms to the General Plan and if it is inappropriate or otherwise contrary to the public interest.

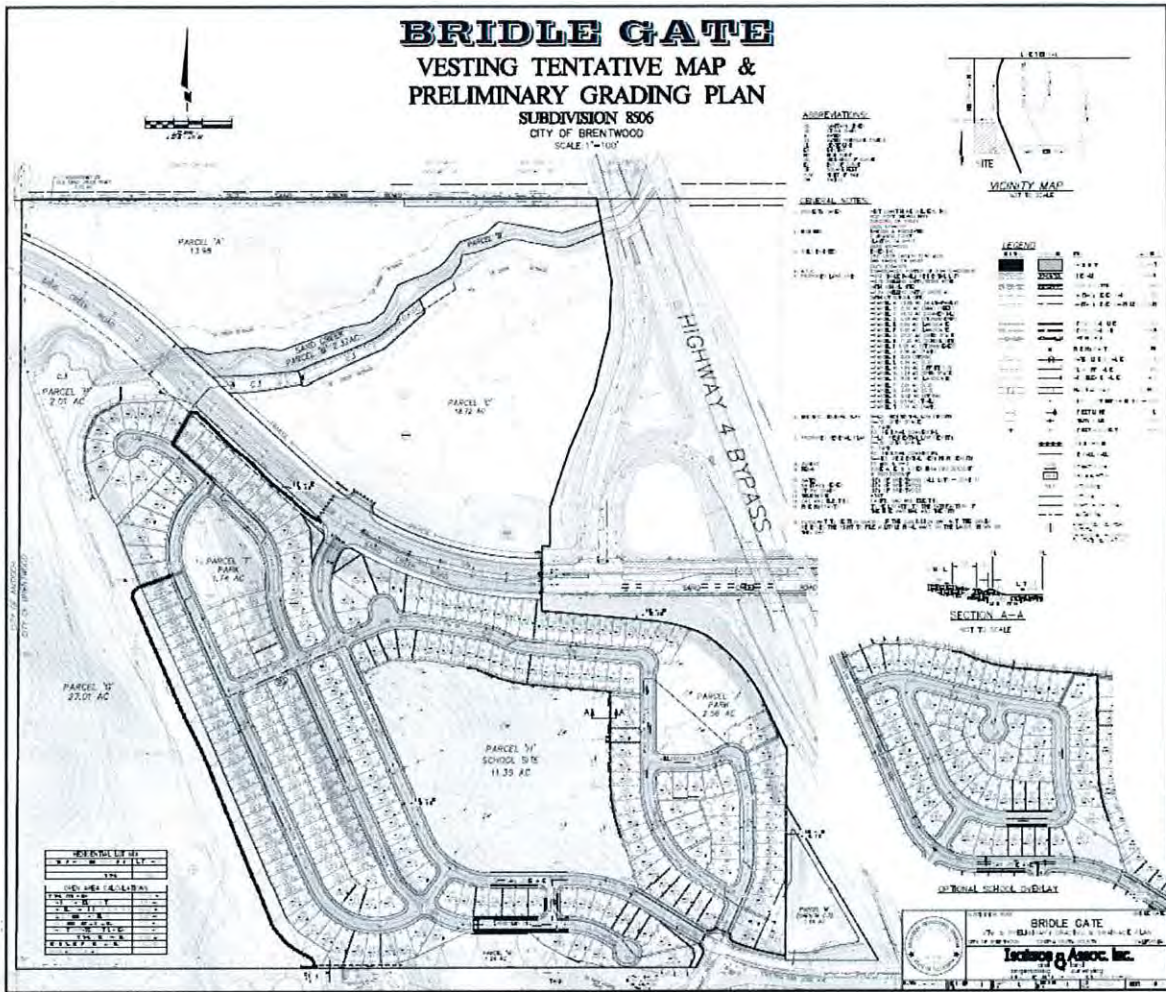
Vesting Tentative Subdivision Map

The project site consists of a total of 137.3 acres. Of this acreage, 28.25 acres (Parcels G and N) are preserved as open space, the majority of which is located along the western property line corresponding to hillside ridge lines. Along the northern property line and north of Sand Creek, Parcel A, totaling 13.98 acres, will accommodate the multi-family apartment project. Parcel C consisting of 18.72 acres and located just south of Sand Creek, remains dedicated to future regional commercial uses, and no development of this site is anticipated with this project at this time. The remaining acreage located south of Sand Creek Road includes the 11.35-acre potential school site (Parcel H), two park locations (1.74 acre Parcel T and 2.56 acre Parcel J), a ten-foot trail connection (Parcel S) to the Brentwood Hills subdivision to the south, and the 252 single-family residential lots. The single-family lot sizes would range from 4,500 square feet to 16,912 square feet. The remaining parcels are to be utilized for bio-retention areas for stormwater treatment. Access to the single-family development would be through two main access points, one along Sand Creek Road and the other via the extension of San Jose Avenue from the south.

The proposed map also includes an overlay for 63 additional single-family lots should the anticipated school site not materialize. The terms for how this could develop are outlined in the development agreement.

Brentwood Municipal Code §16.060.040(B) identifies seven findings applicable to a decision to approve or deny a subdivision map. In the interest of space, each of these findings is analyzed in the resolution attached hereto. Proposed conditions of approval are also attached to the proposed resolution.

**Figure 3**  
**Proposed VTSM 8506**



Design Review

The applicant seeks design review approval for both the single- and multi-family portions of the site. Each is considered separately below. Both are subject to the same approval criteria set out in Brentwood Municipal Code §§ 17.820.007.

Design Review No. 17-007 – Single-Family Residential

Architecture

This single-family community has proposed five distinct floor plans with three alternative elevations per plan. All plans are two-story homes with a two-car front-on garage. Due to the relatively small minimum lot size, alternative garage configurations are difficult to accomplish, however, the homes are designed to minimize the garage by setting it back from the front plane of the living spaces, thereby minimizing their prominence in the front elevation, and all of the plans show decorative garage doors to match the architectural style of the home.

As mentioned, each plan has three distinct architectural styles, including Tuscan, Craftsman, and French Cottage. Exterior materials, massing, roof shapes and pitches, trim shapes and

material, and colors vary by these elevation styles. The rear elevations vary by elevation style as well, with accent gable and hip roofs, accent trim, and a variety of roof pitches and massing styles. The trim around the windows is shown as being carried around all windows at the sides and rears facing street to matches the style of the window trim on the front elevation. This means that the window trim at the side and rear elevations is different by elevation style, but only if it can be viewed from an adjacent street.

- **Tuscan.** The Tuscan style elevations include a combination of stucco and stone exteriors with decorative wrought iron trim elements. The rooflines feature both modified hip and gable end and are finished with curved villa concrete tile roofing material.
- **French Cottage.** The French Cottage style elevations include stucco body and trim elements with mock shutters. Stone veneer trim elements are included along the front elevations. Also included are simulated wood siding and trim elements at various locations along the front elevation. The gable roofs are finished with flat concrete tile roofing materials.
- **Craftsman.** The Craftsman elevations are a combination of horizontal siding and stucco. In addition, there are stone trim elements either at the front or on the column bases on the porch posts. Front elevations feature a full grid pattern for the window fenestration, which is unique to this style. The gable roofs are accented with corbels and have flat concrete tile roofing.

Exterior materials, massing, roof shapes and pitches, trim shapes and material, and colors vary by these elevation styles. The rear elevations vary by elevation style as well, with accent gable and hip roofs, accent trim, and a variety of roof pitches and massing styles. The accent trim and around the windows and the varied window grid patterns are only proposed to be carried around to windows at the sides and rears that abut streets. A draft condition of approval on the project would require that these trim elements be included on all the homes, not just those that abut streets. The color schemes assist in further differentiating the styles. For each plan, the developer has proposed two different color schemes that represent traditional color choices for the style, for a total of 14 color schemes for the entire development.

*Building Design and Massing*

A summary of the proposed home models is included below:

**Table 5  
Single-family home models**

Plan #	Home Size	Bed/Bath	Garage Spaces	Stories	Max. Height
1	2,251	4 / 3	2	2	27'0"
2	2,564	4 / 3	2	2	25'9"
3	2,798	4* / 3	2	2	29'5"
4	3,158	5 / 4	2	2	29'7"
5	3,416	5 / 3	2	2	28'0"

\*Optional 5<sup>th</sup> bedroom

*Preliminary/Master Plotting Plan*

The master plotting plan depicts which home plans would be constructed on each particular lot. Each plan would be plotted between 15.9% and 22.6% within the subdivision. The streetscape varies these five plans fairly evenly throughout the subdivision.

See discussion below under the Residential Design Guidelines section regarding compliance with the guidelines and proposed conditions of approval.

### *Landscaping*

The proposed subdivision includes two designated park parcels. Parcel T, located west of the main access at Sand Creek Road, is 1.74 acres and will be designed as a neighborhood park. The larger park is Parcel J, which encompasses 2.56 acres and will also be designed as a neighborhood park. The landscape plans submitted with this application for a VTSM are preliminary only and pursuant to Brentwood Municipal Code Section 2.46.020G, a conceptual park plan will be submitted to the Parks and Recreation Commission for review and final approval of the park design, programming and amenities. The Parks and Recreation Commission's approval will ensure conformance with all aspects of the Parks, Trails and Recreation Master Plan for Neighborhood Parks. As with all new projects, the final landscape plans will be reviewed against the City's Water Efficient Landscape Ordinance to ensure conformance with these regulations.

The project includes a conceptual wall design for the required soundwall locations identified in the acoustical analysis done for the Environment Impact Report. These locations are adjacent to Sand Creek Road and State Route 4. As conditioned, walls will also be required adjacent to City park parcels. The wall design shall be masonry block units with wall cap, columns spaced appropriately and column caps. In order to insure that the wall is designed and installed in a manner acceptable to the City, a draft condition of approval is included that requires the developer to submit a modified design of the wall for review and approval by the Community Development Director and the Director of Public Works prior to construction. The intent is to have a hand-laid block wall with a cap, and columns approximately every 50 feet. All other fencing for the project would need to adhere to the City's standard for good-neighbor fencing between lots, and enhanced good neighbor between lots and City owned open space where trails or trail connections are adjacent. Open tube steel or wire fencing will be installed between City open space parcels and lots elsewhere.

A draft condition of approval for Parcel J will require dedication to the City for open space and trail purposes, and a 10-foot wide asphalt multi-use trail from the southern boundary of the project at the existing terminus of Black Gold Trail to the extension of Sand Creek Road or a portion of the Sand Creek Trail constructed with this project. This is consistent with the Parks, Trails and Recreation Master Plan and will provide trail connections called for therein. In addition, the project is conditioned to construct the Sand Creek Trail from the western boundary of the project to the eastern boundary of the project. Construction of the Sand Creek Trail is also called for in the Parks, Trails and Recreation Master Plan. Additionally, per the Development Agreement, the developer will assist in the construction of a trail connection to the east side of State Route 4.

### *Design Review No. 17-008 – Multi-Family Apartments*

Access to the multi-family site, Parcel A, will be from one ingress/egress point at Sand Creek Road, which will provide right-in/right-out only. A secondary 20-foot wide emergency vehicle access point is provided at the northeast corner of the site out to Old Sand Creek Road. The

multi-family development consists of a total of 258 units clustered into 11, three-story, apartment buildings, with each building containing between 12 and 36 units. The project is anticipated to include 84 one-bedroom units, and 174 two-bedroom units. In addition to the units themselves, an approximately 7,873 square foot clubhouse, with a pool and barbeque area is also included on the site. The multi-family development would include a total of 508 parking spaces comprised of 262 carport spaces, 36 garage spaces, 37 compact spaces, and 173 standard spaces.

The architectural style for the apartment buildings is a modernized mission and includes arched canopies over many of the outdoor patio areas, stucco siding, belly banding to break up the planes between the three stories, and hip roofs with corbels constructed with concrete tile roofing materials. The garage buildings and the clubhouse are proposed as one-story structures and utilize the same materials and architecture as the apartment buildings.

The on-site amenities for the apartment complex include an outdoor pool and barbeque area. A gazebo and pet park are included with the project plans, but their location is not identified on the site plan. Since this is a rather large apartment complex, facilities such as electric vehicle charging stations, a car wash area, and a tot lot should also be made available to the residents. Accordingly, a draft condition of approval is included requiring these amenities to be included in the project building and landscaping plans. The developer is proposing to utilize a tubular steel fence design with columns and caps. A draft condition of approval requires approval of a fencing plan.

#### Design Guidelines

The City adopted a set of Residential Design Guidelines in 2006. These address all aspects of residential design, including project layout and composition, as well architectural design and features for a wide range of residential unit types, including single-family and multi-family.

The guidelines for building design for single-family residential include the provision of one distinct plan with four unique elevations for every 25 units in the project. This 252-unit single-family project has proposed a total of five models, with three elevation styles. This falls well short of the guidelines, which would require a minimum of ten different elevation styles. Accordingly, a condition of approval has been included requiring approval of another elevation style for the five plans provided along with another five distinct plans with four elevations each, including two single-story plans.

Another guideline that needs to be addressed is the lack of incorporating an alternative garage configuration. As this project is a low-density development on relatively small lot sizes, incorporating an alternative garage configuration could be problematic; however, there are a number of lots of sufficient width to accommodate an alternative garage design. Therefore, a condition of approval on the project requires the inclusion of at least one elevation that incorporates an alternative garage style. It should be noted that the proposed plans do push the garages past the front plane of the homes, making them less prominent. In addition, the garages are conditioned to include decorative doors with windows on at least 60% of the lots.

Additionally, the project does not adhere to the residential guideline of having 50% of the corner lots within the neighborhood plotted with single-story homes. This guideline is particularly important as it reducing the massing of a project, particularly along ridge lines and abutting arterial streets and State Route 4. Therefore, a condition of approval has been included that

concurrent with the submittal of the new plans and elevations, that the master plotting plan be submitted for approval that addresses this issue.

The design guidelines specify lot coverage ratios of 45% for single-story homes and 40% for two-story homes, while the lot coverage ratio proposed for this development includes 50% for single-story homes. Given some of the proposed lot sizes and to accommodate the different floor plans proposed, staff is comfortable with a 50% lot coverage for single-story homes. This is reflected in the draft resolution for the rezone that would establish the various development standards for the project.

Other features identified in the design guidelines are carried through onto the proposed plans; including maintenance of architectural integrity with window wrapping treatment carried around to the side and rear elevations; inclusion of various roof heights and forms; the visual emphasis of front doors from the street, and the avoidance of exposed and unarticulated second-floor walls. Roof forms and pitch angles vary slightly, but are generally consistent throughout each architectural elevation style. Taken together, these elements reflect attention to detail and general compliance with the City's design guidelines.

Last, architectural integrity is maintained in that the architectural style of each elevation type remains consistent with the traditional examples on which the style is based and the elements evident on the front façade are conditioned to be carried around to the less-prominent side and rear elevations.

#### Development Agreement

Finally, one of the entitlements sought for this project is a development agreement (DA). Development agreements are contracts between a land use approval body (such as the City) and a developer that are typically used to govern the timing, development, and community benefits of a project. These contracts allow the City and an applicant to enter into an agreement that will assure the City that a proposed project will provide the benefits identified in the agreement and to guarantee the applicant that the project will be subject the rules and regulations in effect at the time of project approval.

The key deal points of the DA proposed here are as follows:

- **School site.** By the time the DA is approved, the applicant must have entered into an agreement with Brentwood Union School District (the "School District") to transfer an 11.35-acre portion of the Project site (the "School Site") to the School District for the development of a school. The existence of any such agreement does not guarantee that a school will be built here, but it is a necessary first step.

The School District Board met on August 19 to consider this agreement and voted unanimously to approve the purchase and sale agreement. Securing the ability of the School District to develop a school at this location has been a primary concern in processing this application.

- **Residential overlay in lieu of school.** If the School District decides not to acquire the School Site within the time identified in the agreement with the applicant, then (1) the applicant will be allowed to develop an additional 63 single-family homes on the School Site, and (2) the applicant will pay the City \$25,000 per each of these additional single-family homes (for a total of some \$1,575,000), with such funds to be used for a youth

center or youth programming. The City Council will need to determine whether such funds for a youth center or programming constitute a sufficient community benefit should a school site not be realized.

- **Fire contributions.** As with the siting of a future school, securing fire contributions for the East Contra Costa Fire Protection District (ECCFPD) has likewise been a high priority in processing this application. To this end, under the DA, applicant will pay all impact fees adopted by the City as of the effective date of the DA to fund fire and medical support facilities operated by ECCFPD (subject to their right to challenge such fees) and will also annex the Project into or otherwise participate in any Community Facilities District established by ECCFPD prior to the Project's first building permit being issued.

It must be noted that the applicant has contested the basis of the fire impact fee recently adopted by the Council. The DA includes language requested by the applicant to acknowledge the ability of the applicant to protest and challenge the fees.

- **Sand Creek Road right-of-way.** In order to obtain the land necessary to develop the full extension of Sand Creek Road from its present termination point west of State Route 4 to the Antioch city limits, the City will sell applicant a small parcel of land, along with an otherwise unusable SR 4 remnant parcel, and provide applicant with development credits or payment of approximately \$150,000.
- **Affordable housing compliance.** In order to satisfy City's affordable housing requirement to construct two percent of the residential units in the Project as affordable units or provide an alternative equivalent therefore, as required by the City's affordable housing ordinance, the applicant requested to pay a fee in lieu of constructing any deed-restricted affordable housing onsite. This method of compliance with the affordable housing ordinance is thus included in the DA.
- **Design and Construction of an off-site trail connection.** The applicant would design and construct an off-site trail connection along Sand Creek from the eastern boundary of the Project beneath State Route 4 to the Old Sand Creek right-of-way and provide funding in the amount of \$500,000 for a pedestrian bridge, if a bridge is ultimately determined to be required. If construction of the pedestrian bridge has not begun by the time the DA expires, this payment for the pedestrian bridge would be returned to Developer.
- **Term.** The DA would have an initial term of 15 years, with one potential 5-year extension. This would mean that the rules, regulations, and policies that govern development of the Project would essentially be fixed for the life of the DA.

The Planning Commission and City Council will need to decide whether the benefits to the community offered through the DA are sufficient to justify (1) the requested General Plan amendment, (2) development of the single-family portion of the site at a density above the mid-range, (3) the vesting of applicant's rights to develop the site per the rules and regulations in place now for a period of up to 15-20 years, and (4) the potential that the site identified for the school may instead be developed with 63 additional single-family homes.

Planning Commission Meeting of August 18, 2020



The Planning Commission agenda for the meeting of August 18, 2020, included the public hearing for the Bridle Gate project. Prior to the meeting, City staff had been advised by PG&E of the possibility of a power outage that may be required by the California Independent System Operator due to the strain on the electrical system caused by the excessive temperatures across the state and attendant demands on the electrical grid. According to the notice from PG&E, if such a blackout were to occur in Brentwood, it would be conducted between the hours of 7:00 pm to 10:00 pm on August 18, which could potentially disrupt the Planning Commission meeting. After discussions with the applicant, it was agreed that staff would recommend that the Planning Commission continue the item to its meeting of September 1, 2020. At the August 18 meeting, the Planning Commission considered the continuance and voted unanimously to approve the continuance of the public hearing for the project to its meeting of September 1.

Since that time, as noted above, the Brentwood Union School District Board held a meeting on August 19, 2020, and approved the purchase and sale agreement for the 11.35-acre school site within the project. The agreement includes a number of conditions that need to be met before the sale would go through.

Staff has also added one additional condition of approval to VTSM 8506 to reflect a late request from Tri-Delta Transit for the provision of bus stops within the project. The new draft condition of approval reads as follows:

“The Developer shall install bus turnouts on both eastbound and westbound Sand Creek Road at the intersection of Sand Creek Road and San Jose Avenue and Sand Creek Road and the entrance to the multi-family apartment site on Parcel “A” in coordination with Tri Delta Transit to the satisfaction of the Director of Public Works concurrent with Sand Creek Road extension improvements. These bus turnout locations shall also include bus shelters to the satisfaction of the Director of Public Works.”

Other than the above, no other changes to the project have been included.

**DATE OF NOTICE:**

The City published a public hearing notice in the Brentwood Press and mailed it to property owners within 300 feet of the site on August 7, 2020, noticing the public hearing for this project. In addition, the project site is posted with the required signage along Sand Creek Road. During the processing of the application, staff did not receive any comments from neighboring property owners or members of the public at large.

Notice of the Planning Commission’s action to continue the public hearing for the project to its meeting of September 1, 2020, was also provided on the City’s Facebook page and on the Nextdoor app.

**ENVIRONMENTAL DETERMINATION:**

The City prepared a Draft Environmental Impact Report (SCH# 2019080071) for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). Several potentially significant impacts are identified; however, mitigation measures are incorporated to reduce those impacts to less than significant levels, except that certain air quality and traffic impacts remain significant and unavoidable as set forth in the Draft EIR. All mitigation measures not addressed by the standard conditions of approval are included as recommended

conditions of approval. The Draft Environmental Impact Report was available for review and comment from June 1, 2020, to July 15, 2020. Several comments were received and addressed in the Final Environmental Impact Report. The Draft EIR may be reviewed by clicking on the link below and scrolling to "Bridle Gate:"

<https://www.brentwoodca.gov/gov/cd/planning/ceqa.asp>

#### **CONCLUSION:**

The Bridle Gate project has a lengthy history, dating back to an initial submittal in 2001 and a prior approval in 2006 that established General Plan land use designations and zoning standards that remain in effect. It is a large site with a number of unique attributes and constraints to consider. It has also generated interest in the surrounding and overall community, with several residents expressing significant concerns about the project through e-mails as well as during public comment at both Planning Commission and City Council meetings. The General Plan Update adopted in 2014 established the vision for the community, which for Bridle Gate (among other things) includes approximately 35 acres of Regional Commercial development and single-family development at a density of approximately three dwelling units per acre.

There are concerning aspects of the project, including the loss of 13.98 acres of Regional Commercial land, the density of single-family development exceeding the mid-range identified in the General Plan, and the development of at least portions of the existing hill forms and ridgelines. However, there are also some positive benefits provided by the project through the Development Agreement. These include the possible provision of a future elementary school site (or funding for youth programming of up to \$1.575 million over time if the School District does not purchase the site), a trail connection beneath State Route 4, and provisions to address fire impacts.

To facilitate the Planning Commission's review and consideration of the project, as well as to facilitate making a recommendation at its meeting on September 1, staff has prepared resolutions to allow the Commission to recommend that the City Council approve the various actions associated with development of this project, as well as a resolution whereby the Commission could recommend that the City Council deny the project. The Planning Commission should therefore consider the discussion above, the findings set forth in each of the resolutions, public comment given at the meeting, and the record of the proceedings in making its final determination to recommend denial or approval of the project to the City Council. The Planning Commission's recommendation will be presented to the City Council in a special meeting on September 15, 2020.

#### **RECOMMENDATION:**

As set forth in the conclusion below, staff recommends that the Planning Commission proceed with one of the following actions:

1. Recommend that the City Council deny the project by adopting the following resolution:
  - a. A Resolution Denying the General Plan Amendment, Rezone, Development Agreement, Vesting Tentative Subdivision Map, and Design Review for the Single-Family Residential Parcels and the Multi-Family Residential Parcels; or

2. Recommend that the City Council approve the project by adopting the following resolutions:
  - a. A Resolution Recommending the City Council Certify the Final EIR, and Adopt CEQA Findings, Statement of Overriding Consideration and Mitigation and Monitoring;
  - b. A Resolution Recommending that the City Council approve General Plan Amendment No. 17-001;
  - c. A Resolution Recommending that the City Council approve Rezone No. 17-004;
  - d. A Resolution Recommending the City Council approve Development Agreement No. 19-001;
  - e. A Resolution Recommending the City Council approve Vesting Tentative Subdivision Map No. 8506;
  - f. A Resolution Recommending the City Council approve Design Review No. 17-007 for the single-family residential parcels; and
  - g. A Resolution Recommending the City Council approve Design Review No. 17-008 for the multi-family residential parcel.

Attachments:

- 1 Planning Commission Resolution No. 20-026 - Final Environment Impact Report
- 2 Planning Commission Resolution No. 20-027 - Development Agreement
- 3 Planning Commission Resolution No. 20-028 - General Plan Amendment
- 4 Planning Commission Resolution No. 20-029 - Rezone
- 5 Planning Commission Resolution No. 20-030 - Vesting Tentative Subdivision Map
- 6 Planning Commission Resolution No. 20-031 - Design Review Single Family
- 7 Planning Commission Resolution No. 20-032 - Design Review Multi Family
- 8 Planning Commission Resolution No. 20-033 - Denial
- 9 Vesting Tentative Subdivision Map No. 8506
- 10 Design Review Booklet - DR 17-007
- 11 Design Review Booklet - DR 17-008
- 12 Bridle Gate Final Environmental Impact Report (with appendix)
- 13 BUSD Purchase and Sale Agreement

# EXHIBIT 2



# National Wetlands Inventory

surface waters and wetlands

ABOUT

GET DATA

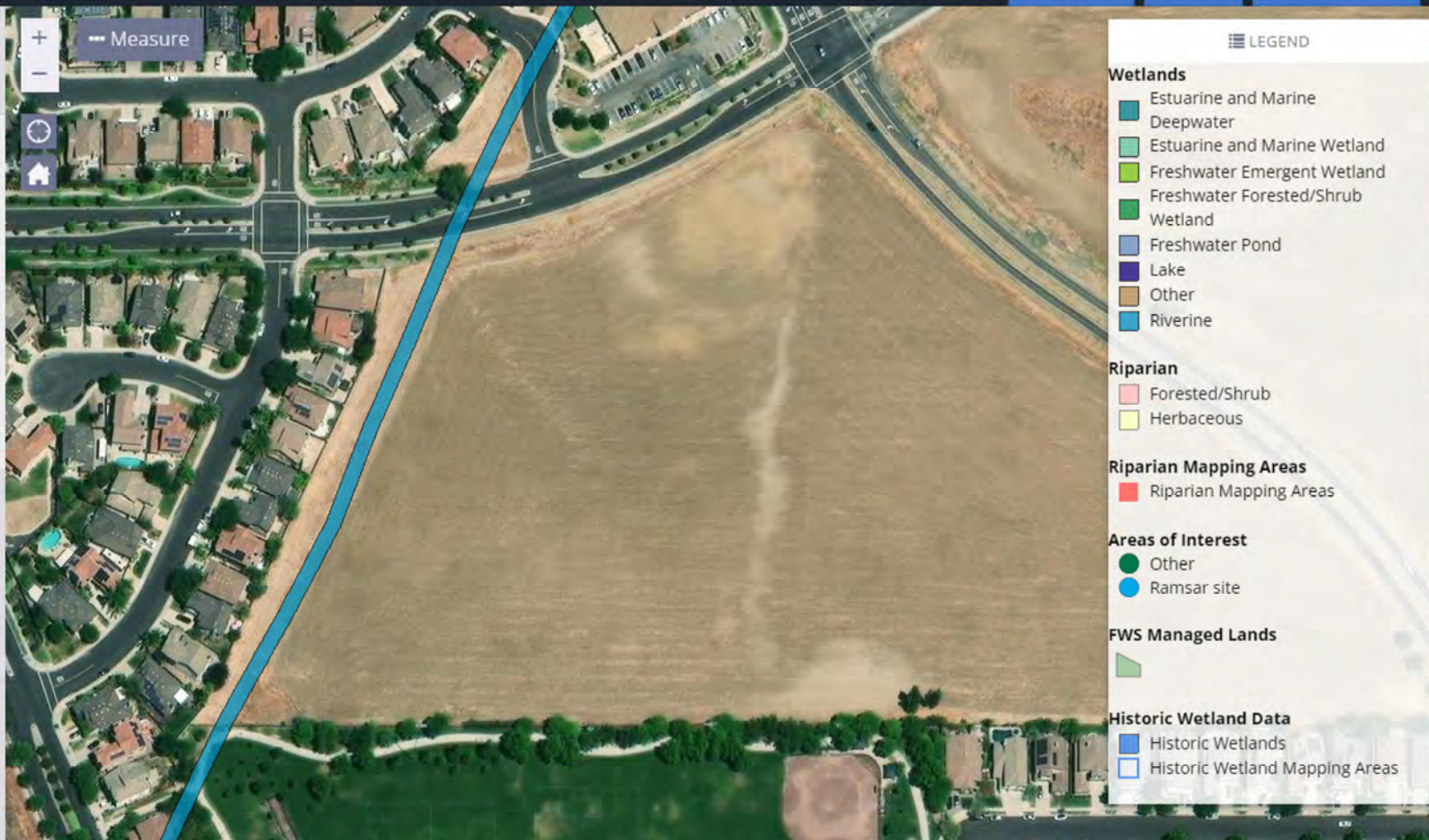
PRINT

FIND LOCATION

BASEMAPS >

MAP LAYERS >

- Wetlands 1 2
- Riparian 1 2
- Riparian Mapping Areas 1 2
- Data Source 1 2
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest 1
- FWS Managed Lands 1 2
- Historic Wetland Data 1 2



LEGEND

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

### Riparian

- Forested/Shrub
- Herbaceous

### Riparian Mapping Areas

- Riparian Mapping Areas

### Areas of Interest

- Other
- Ramsar site

### FWS Managed Lands



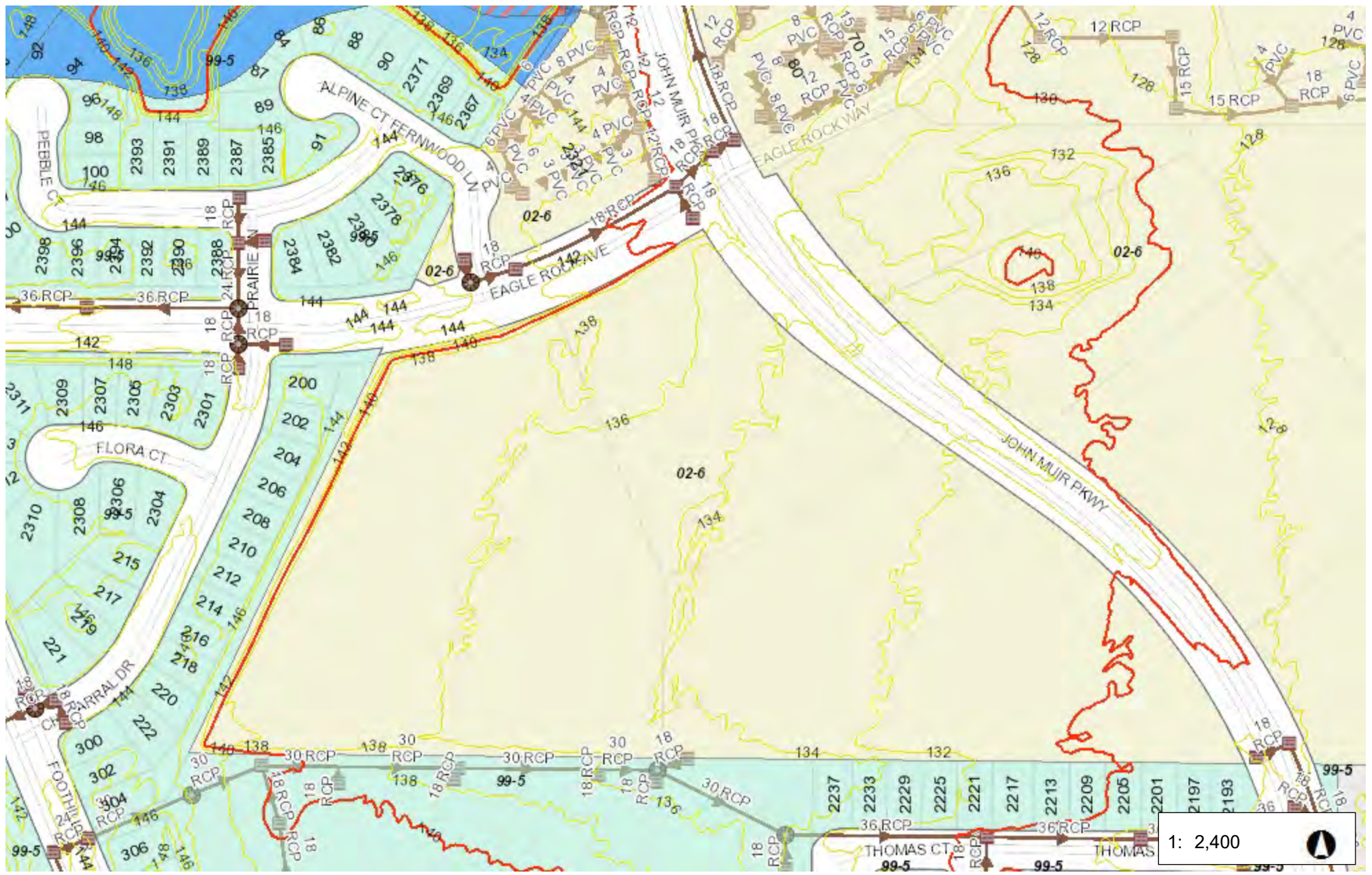
### Historic Wetland Data

- Historic Wetlands
- Historic Wetland Mapping Areas

# EXHIBIT 3



# City of Brentwood - COB MAP



400.0 0 200.00 400.0 Feet

NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes:

1: 2,400



## C.10 Planning Commission Hearing

This section contains all materials created for the February 28, 2023, Planning Commission hearing to consider a recommendation to the City Council on an amendment to the General Plan to update the Housing Element for the 2023-2031 (6<sup>th</sup> Cycle). A recording of the meeting and its agenda packet is available on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.





**FEBRUARY 28, 2023**  
**SPECIAL PLANNING COMMISSION AGENDA**  
**CITY COUNCIL CHAMBERS, 150 CITY PARK WAY**

**\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\***  
**UPDATED FEBRUARY 23, 2023**

Planning Commission Members will be participating from the Council Chamber. Members of the public are invited to attend and participate at: **Council Chambers, 150 City Park Way, Brentwood CA**

As a courtesy and technology permitting, members of the public may continue to provide live remote oral public comment via the City's Zoom Platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

**HOW TO PARTICIPATE**

The public is invited to participate in the Planning Commission meeting using any of the following methods:

**1. IN PERSON:**

- a. Members of the public can provide in-person comments in the Council Chambers. Members of the public are encouraged, but not required, to fill out a speaker card. The Council Chambers will have seating available for members of the public to attend in person up to full seating capacity.

**2. REMOTE:**

- a. **Zoom:** <https://www.brentwoodca.gov/planningmeetingonline> or **Zoom Webinar ID:** 87350296630
- b. **Zoom Phone Numbers.** Dial Toll Free: (877) 853-5247 or (888) 788-0099 or (833) 548-0276.
- c. During the meeting, each period for public comment will be announced, and participant may use the "Raise Hand" feature on Zoom to request to speak. If calling in via Zoom use \*9 to raise and lower your hand. The meeting host will call on you, by name, and enable your microphone when it is your turn to speak. In order to ensure the orderly administration of the meeting using this method, providing your name is encouraged, but is not required. (If you need instructions on how to use this feature, please contact the Planning Administrative Secretary by noon of the meeting date at [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov) or 925.516.5433)

**3. E-MAIL**

- a. Public comments can also be submitted via e-mail to [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov). Any public comments received up until 3:00 p.m. of the meeting date will be:
  1. distributed to the Planning Commission via email before the meeting,
  2. posted online for public inspection within one day following the meeting via the following link under the meeting minutes <http://brentwoodca.ig2.com/citizens/default.aspx>, and
  3. later summarized in the meeting minutes.
- b. As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

**4. TO WATCH OR LISTEN ONLY:**

- a. The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas' link on the City webpage at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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5:00 PM – SPECIAL PLANNING COMMISSION MEETING

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**CALL TO ORDER & ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

As the public and Planning Commission have resumed meeting in the City Council Chambers, we invite the public to attend in person when feasible. We will continue to offer a virtual participation option as well. The public is permitted to address the Planning Commission on items that are on the Consent Calendar, Requests for Future Agenda Items, or items **not** on the agenda. Public comments for scheduled agenda items should wait until that time. To accommodate those speaking in-person and via Zoom, we will call upon those in-person first, and then to Zoom. If necessary, we will repeat that process.

**In Person:** Please file a speaker's card with the Administrative Secretary on the form provided on the counter at the back of the Chambers.

**Zoom:** Please use the Raise Your Hand feature in Zoom during this item to speak under Public Comments.

Persons are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Chairperson subject to approval of the Planning Commission. Speakers desiring answers to questions should direct them to the Planning Commission and, if relevant, they may direct them to the appropriate staff member. Speakers can also follow up directly with staff during regular City business hours.

***PLEASE NOTE THAT THE COMMISSION'S ACTIONS ARE FINAL UNLESS AN APPEAL IS FILED WITH THE CITY CLERK WITHIN TEN CALENDAR DAYS.***

**CONSENT CALENDAR**

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

**BUSINESS ITEMS**

1. **Public Hearing.** An application for a General Plan amendment (GPA 23-001) to repeal the 2015 Housing Element and adopt an updated Housing Element for the period of 2023-2031 (6th Cycle), in compliance with state housing element law.

The amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines.

The Planning Commission will be making a recommendation to the City Council, which will take final action on this project. (Hagen)

**INFORMATIONAL REPORTS FROM COMMITTEES AND UPCOMING MEETING SCHEDULE**

This portion of the agenda is to provide an opportunity for Planning Commissioners to report on attendance at events and subcommittee meetings.

TRANSPLAN Committee

(Brand)

2<sup>nd</sup> Thursday of every month

Design Review Subcommittee (Flohr & Zeigler)	2 <sup>nd</sup> and 4 <sup>th</sup> Thursdays of every month
Land Use and Development Committee (Roberts)	3 <sup>rd</sup> Monday of every month

**REQUEST FOR FUTURE AGENDA ITEMS**

NEW REQUEST(S) Planning Commissioners wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for a future Planning Commission meeting.

**ADJOURNMENT**

The next regular Planning Commission meeting is scheduled for March 7, 2023 at 7:00 PM and will be at the City of Brentwood Council Chambers located at 150 City Park Way.

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Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the Planning Commission less than 72 hours before this meeting is available for inspection at City Hall, located at 150 City Park Way, during normal business hours. These writings will also be available for review at the Planning Commission meeting in the public access binder in the entrance of the Council Chambers.

Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the Planning Commission, posted online at within one day following the meeting, and will be summarized in the meeting minutes.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

If you challenge the any of the matters listed under 'Public Hearings' in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Brentwood Planning Commission at, or prior to, the public hearing

**NOTICE**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the City Hall parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Planning Secretary's Office at (925) 516-5405. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

**POSTING STATEMENT**

On February 23, 2023, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website [www.brentwoodca.gov](http://www.brentwoodca.gov) A complete packet of information is available for public review at City Hall or on our website at [www.brentwoodca.gov](http://www.brentwoodca.gov)

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## C.11 City Council Hearing

This section contains all materials created for the March 14, 2023, City Council hearing to consider adoption of an amendment to the General Plan to update the Housing Element for the 2023-2031 (6<sup>th</sup> Cycle). A recording of the meeting and its agenda packet is available on the Housing Element Update webpage: <https://brentwoodhousingelement.com/>.

## RESOLUTION NO.

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A GENERAL PLAN AMENDMENT (GPA23-001) TO REPEAL THE 2015 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031, IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW.**

**WHEREAS**, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Gov. Code Section 65589.5.); and

**WHEREAS**, the Legislature has further found that “[a]mong the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5.); and

**WHEREAS**, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “[i]n 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

**WHEREAS**, the State Housing Element Law (Government Code Sections 65580, *et seq.*) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Brentwood (City) regional housing need allocation (RHNA) of 1,522 housing units, comprised of 402 very-low income units, 232 low-income units, 247 moderate-income units, and 641 above moderate-income units; and

**WHEREAS**, to comply with the State Housing Element Law, Brentwood has prepared the 2023-2031 Housing Element, dated March 2023, and incorporated herein by reference (the Housing Element) in compliance with the State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

**WHEREAS**, as provided in Government Code Section 65350, *et. seq.*, adoption of the Housing Element constitutes a General Plan Amendment; and

**WHEREAS**, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

**WHEREAS**, as provided in Government Code Sections 65352 – 65352.5, the City referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

**WHEREAS**, no California Native American tribe requested consultation; and

**WHEREAS**, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

**WHEREAS**, the City conducted extensive community outreach over the last 16 months, including nine public workshops, outreach events, and hearings before the Planning Commission and City Council; and

**WHEREAS**, in accordance with Government Code Section 65585 (b), on August 25, 2022, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on October 17, 2022, after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

**WHEREAS**, on January 13, 2023, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

**WHEREAS**, on February 21, 2023, City staff met with an HCD representative to discuss HCD's findings and the City's proposed revisions to the draft Housing Element in response; and

**WHEREAS**, the City incorporated each of HCD's specific requirements identified in the January 13, 2023 letter in the City's Housing Element to ensure that the Housing Element would substantially comply with Housing Element Law; and

**WHEREAS**, on February 17, 2023, the City gave public notice of a Planning Commission public hearing to be held to consider adoption of the Housing Element by advertisement in the Brentwood Press, a newspaper of general circulation, in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, on February 23, 2023, the City published a revised draft Housing Element dated February 2023, responding to HCD's findings, and requested public comment on the draft; and

**WHEREAS**, on February 28, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments received to date. Following the public hearing, at which no member of the public spoke, the Planning Commission did not recommend that the City Council adopt the proposed resolution; and

**WHEREAS**, on February 28, 2023, concurrent with the commencement of the Planning Commission meeting, Discovery Builders, Inc., and WCHB Development, Inc. (collectively, "Discovery Builders") emailed correspondence to the City's Planning Division with comments on the draft Housing Element; and

**WHEREAS**, on March 3, 2023, the City gave public notice of a public hearing to be held by the City Council to consider this resolution regarding the City's Housing Element by advertisement in The Brentwood Press; and

**WHEREAS**, on March 9, 2023, the City published a revised draft Housing Element dated March 2023, further responding to HCD's findings, and requested public comment on the draft; and

**WHEREAS**, on March 14, 2023, the City Council held a duly-noticed public hearing to consider this resolution regarding the proposed Housing Element, including: (1) the public testimony and agenda reports prepared in connection with the resolution, (2) the revisions and considerations discussed therein, (3) the consideration by the City's Planning Commission, and (4) HCD's findings and the proposed City response to HCD's findings; and

**WHEREAS**, the City has determined that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section §15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed 2023-2031 Housing Element Update would have a significant effect on the environment, in that no new policies adopted modify the density or physical design of housing and so do not have the potential for causing a reasonably foreseeable direct or indirect change in the physical environment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

1. Finds that the foregoing recitals are true and correct and are incorporated by reference into this action; and
2. Finds that the Housing Element substantially complies with Housing Element Law, as provided in Government Code Sections 65580, *et seq.*, and contains all provisions required by State Housing Element Law, as shown in Attachment 1B to this resolution, incorporated herein by this reference; and
3. Finds, as required by Government Code Section 65585(e), that the City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the City dated January 13, 2023, consistent with Government Code Section 65585(f), and as described in Attachment 1A to this resolution, incorporated herein, the City Council has modified the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
4. Finds that the 2023-2031 Housing Element is consistent and compatible with the rest of the General Plan, as evidenced by, among other things:
  - a. Housing Element Action H.1i ("Continue implementation of the City's water Conservation Program. The program promotes the use of water conservation devices in existing structures, including use of low-flow toilets

- and shower heads, and water-conserving landscaping”), which is consistent with Conservation and Open Space Policy COS 9-6 (“Continue to require new development to incorporate water efficient fixtures into design and construction”).
- b. Housing Element Goal H.1 (“Facilitate a diversity of housing opportunities to enhance the City’s living environment and to satisfy the shelter needs of all Brentwood residents”), which is consistent with Land Use Policy LU 2-8 (“Provide for a variety of residential products through the Zoning Ordinance in order to accommodate the housing needs of all segments of the city’s population”).
  - c. Housing Element Goal 3 (“Encourage an equitable distribution of housing for all economic groups throughout the community”), which is consistent with Land Use Policy LU 2-7 (“Strongly encourage residential development in the city in a balanced and efficient pattern that reduces sprawl, preserves open space, and creates convenient connections to other land uses”).
5. Directs the Director of Community Development (Director) to transmit the adopted 2023-2031 Housing Element to HCD for its earliest action and review as provided by law; and further directs and authorizes the Director to make all non-substantive changes to the Housing Element as required to make it internally consistent, or to address any non-substantive changes or amendments requested by HCD to achieve a finding of conformance with State Housing Element Law. Should HCD require substantive changes to the adopted Housing Element, the City Council directs City staff to bring such changes or amendments back to the City Council for its further review and appropriate action; and
  6. Finds that the Housing Element incorporates the City’s goals, quantifiable objectives, and policies to affirmatively further fair housing and the maintenance, preservation, improvement and development of housing per Government Code Section 65583(b), and is thus in the public interest; and
  7. Repeals the 2015 Housing Element and adopts the Housing Element as shown in Attachment 2 and incorporated herein; and
  8. This resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Brentwood at its regular meeting of the 14<sup>th</sup> day of March 2023, by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 RECUSE:



APPROVED:

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Joel Bryant, Mayor

ATTEST:

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Margaret Wimberly, MMC  
City Clerk

## **ATTACHMENTS**

**Attachment 1** – Response to HCD Findings, Pursuant to Government Code section 65585, subdivision (b), HCD reviewed the draft Housing Element and reported the results of its review.

**Attachment 1A** describes the changes requested by HCD and the City of Brentwood's response.

**Attachment 1B** demonstrates that the City of Brentwood's Housing Element contains each of the elements mandated by State law.

**Attachment 2 – Housing Element dated March 2023**

Attachment 1B

Government Code Provision	Housing Element Compliance
<b>Section 65583</b>	
The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.	Section 2 Section 3 Section 4 Appendix B
The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.	Section 2 Section 3 Section 4 Appendix B
The element shall contain all of the following:	Noted.
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	Section 2 Section 3
(a)(1) An analysis of population and employment trends and documentation of projections	Section 2.B
(a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.	Section 2.F
(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	Section 2.C Section 2.D
(a)(2) housing characteristics, including overcrowding, and	Section 2.C Section 2.D
(a)(2) housing stock condition.	Section 2.F

Attachment 1B

Government Code Provision	Housing Element Compliance
<p>(a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites, and an analysis of the relationship of the sites identified in the land inventory to the jurisdiction’s duty to affirmatively further fair housing. <b>Note: Please see Section 65583.2 regarding the land inventory.</b></p>	<p>Appendix B.A Appendix B.B Appendix B.C Appendix B.D</p>
<p><b>[Note that AB 2339 (Chapter 654, Statutes of 2022) amended Section 65583(a)(4). It does not apply to ABAG-area housing elements unless the first draft of the housing element is submitted to ABAG after January 31, 2023 or a draft is submitted after April 1, 2023. Therefore the sections below include the statutory provisions of Section 65583(a)(4) effective in 2022. Jurisdictions adopting their housing element after January 1, 2023 should describe why AB 2339 is not applicable to them.]</b></p>	<p>Noted.</p>
<p>(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.</p>	<p>Section 3.A.2 Action H.4k</p>
<p>(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit.</p>	<p>Section 4 (Action H.4k)</p>
<p>(a)(4)(A) The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.</p>	<p>Section 3.A.2</p>
<p>(a)(4)(A) Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following: (i) The maximum number of beds or persons permitted to be served nightly by the facility.</p>	<p>Section 3.A.2</p>

Attachment 1B

Government Code Provision	Housing Element Compliance
<p>(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.</p> <p>(iii) The size and location of exterior and interior onsite waiting and client intake areas.</p> <p>(iv) The provision of onsite management.</p> <p>(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.</p> <p>(vi) The length of stay.</p> <p>(vii) Lighting.</p> <p>(viii) Security during hours that the emergency shelter is in operation.</p>	
<p>(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	Section 3.A.2
<p>(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.</p>	Section 3.A.2
<p>(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.</p>	Section 3.A.2
<p>(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and <b>[Note: The types of housing identified in Section 65583(c)(1) include multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.]</b></p>	Section 3.A Section 3.D
<p>(a)(5) for persons with disabilities as identified in the analysis pursuant to paragraph (7),</p>	Section 3.A.2

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Government Code Provision	Housing Element Compliance
	Section 3.D.1
(a)(5) including land use controls,	Section 3.A.2
(a)(5) building codes and their enforcement,	Section 3.A.2
(a)(5) site improvements,	Section 3.A.2
(a)(5) fees and other exactions required of developers,	Section 3.A.2
(a)(5) local processing and permit procedures,	Section 3.A.2
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Section 3.A.2
(a)(5) The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584	Section 3.A.2
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Section 3.A.2
(a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	Section 3.A.1
(a)(6) the price of land,	Section 3.A.1
(a)(6) the cost of construction,	Section 3.A.1
(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Section B.B.2
(a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584.	Section 3.A.3
(a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.	Section 3.A.1
(a)(7) An analysis of any special housing needs, such as those of the	Section 3.D.1
(a)(7) elderly;	Section 3.D.1
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Section 3.D.1

Attachment 1B

Government Code Provision	Housing Element Compliance
(a)(7) large families;	Section 3.D.1
(a)(7) farmworkers;	Section 3.D.1
(a)(7) families with female heads of households;	Section 3.D.1
(a)(7) and families and persons in need of emergency shelter.	Section 3.D.1
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Section 3.A.2
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	Section 3.A.2
(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	N/A
(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	Section 3.C
(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. “Assisted housing developments,” for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. “Assisted housing developments” shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65915.	Section 3.D.1

Attachment 1B

Government Code Provision	Housing Element Compliance
(a)(9)(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.	Section 3.D.1
(a)(9)(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.	Section 3.D.1
(a)(9)(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.	Section 3.D.1
(a)(9)(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.	Section 3.D.1
(b) (1) A statement of the community's goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing.	Section 4 Section 3.D.1
(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of	Recognized Appendix B



Attachment 1B

Government Code Provision	Housing Element Compliance
housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	
(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element	Section 4
(c) through the administration of land use and development controls,	Section 4
(c) the provision of regulatory concessions and incentives,	Section 4
(c) the utilization of appropriate federal and state financing and subsidy programs when available,	Section 4
(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	Section 4
In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:	Noted.
(c)(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09.	Section 4 Appendix B
(c)(1) Sites shall be identified as needed to affirmatively further fair housing	Section 4 Appendix B Appendix B.F
(c)(1) and to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing,	Section 4 Section 3.A.2 Appendix B Appendix B.F
(c)(1) factory-built housing,	Section 3.A.2
(c)(1) mobilehomes,	Section 3.A.2

Attachment 1B

Government Code Provision	Housing Element Compliance
(c)(1) housing for agricultural employees,	Section 3.A.2 Section 4 (Action H.11)
(c)(1) supportive housing,	Section 3.A.2 Section 4 (Action H.4l)
(c)(1) single-room occupancy units,	Section 3.A.2 Section 4 (Action H.4.j)
(c)(1) emergency shelters,	Section 3.A.2 Section 4 (Action H.4.k)
(c)(1) and transitional housing.	Section 3.A.2
(c)(1)(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with this article within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	No rezones proposed
(c)(1)(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2. Note: Please see Section 65583.2 regarding the land inventory and conformance with subdivision (h).	Appendix B
(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the	Section 4 (Action H.11) Appendix B

Attachment 1B

Government Code Provision	Housing Element Compliance
program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	
(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	Section 4
(c)(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels	Section 4
(c)(3) and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.	Section 4
(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Section 4
(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Section 4
(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.	Section 4
(c)(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.	Section 4
(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a).	Section 4
(c)(6) The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy	Section 4

Attachment 1B

Government Code Provision	Housing Element Compliance
programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available.	
(c)(6) The program may include strategies that involve local regulation and technical assistance.	Section 4
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.\	Section 4
(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	Section 4
(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	Section 4
(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	Section 3.D Section 4
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Section 3.D Section 4
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Section 3.D.1
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Section 3.D.1
(c)(10)(A)(ii)racially or ethnically concentrated areas of poverty and affluence,	Section 3.D.1
(c)(10)(A)(ii) disparities in access to opportunity,	Section 3.D.1
(c)(10)(A)(ii) and disproportionate housing needs,	Section 3.D.1
(c)(10)(A)(ii) including displacement risk.	Section 3.D.1
(c)(10)(A)(ii) The analysis shall identify and examine such patterns, trends, areas, disparities, and needs, both within the jurisdiction.	Section 3.D.1

Attachment 1B

Government Code Provision	Housing Element Compliance
(c)(10)(A)(ii) and comparing the jurisdiction to the region in which it is located, based on race and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) and Section 65008.	Section 3.D.1
(c)(10)(A)(iii) An assessment of the contributing factors, including the local and regional historical origins	Section 3.D.2 Section 3.D.1 Section 4
(c)(10)(A)(iii) and current policies and practices, for the fair housing issues identified under clauses (i) and (ii).	Section 3.D.2 Section 3.D.1 Section 4 Appendix A
(c)(10)(A)(iv) An identification of the jurisdiction’s fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Section 4
(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Section 4
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies	Section 4
(c)(10)(A)(v) and encouraging development of new affordable housing in areas of opportunity,	Section 4
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Section 4
(c)(10)(A)(v) and protecting existing residents from displacement.	Section 4
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Section 4

Attachment 1B

Government Code Provision	Housing Element Compliance
(c)(10)(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.	Section 4
(d)(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.	N/A
(d)(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.	N/A
(d)(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:	N/A
(d)(3)(A) How the joint facility will meet the jurisdiction’s emergency shelter need. (d)(3)(B) The jurisdiction’s contribution to the facility for both the development and ongoing operation and management of the facility. (d)(3)(C) The amount and source of the funding that the jurisdiction contributes to the facility.	N/A
(d)(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.	N/A
(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following: <b>[Note that this provision is applicable to AB 2339 (Chapter 654, Statutes of 2022), which amended Section 65583(a)(4). Jurisdictions adopting their housing element after January 1, 2023 should describe why this amendment is not applicable to them.]</b>	Noted.
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.	Noted.
(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and	Noted.

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Government Code Provision	Housing Element Compliance
county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.	
<b>Section 65583.1(a)</b>	
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	Appendix B
(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.	Not applicable
<b>Note: If communities are using the provisions of Section 65583.1(c), which allow RHNA credit for conversion of non-affordable to affordable housing and for preservation of existing affordable housing at risk of loss, the applicable provisions need to be added to this table.</b>	Noted
<b>Section 65583.2</b>	
(a) A city’s or county’s inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Appendix B
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, “land suitable for residential	Appendix B.F

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Government Code Provision	Housing Element Compliance
development” includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	
(a)(1) Vacant sites zoned for residential use.	Appendix B.B.3
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Appendix B.B.3
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county	Appendix B.B.3
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Appendix B.B.3
(b) The inventory of land shall include all of the following:	Appendix B
(b)(1) A listing of properties by assessor parcel number.	Appendix B.F
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Appendix B.F
(b)(3) For nonvacant sites, a description of the existing use of each property.	Appendix B.F
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Appendix B
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Section 3.A.4 Appendix B
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	Appendix B.A.1
(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	Appendix B.A.1



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(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	Appendix B.A.1
(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction’s general plan, for reference purposes only.	Appendix B.F
(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.	Appendix B.B Appendix B.C Appendix B.F
(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality’s housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	Section 4 Action H.2o
(c) Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning pursuant to this subdivision shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.	Noted.
(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	Appendix B.B Section 3.A.2

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(c) factory-built housing, mobilehomes,	Section 3.A.2
(c) housing for agricultural employees, supportive housing,	Section 3.A.2 Section 4 (Action H.11 and Action H.4l)
(c) single-room occupancy units,	Section 3.A.2 Section 4 (Action H.4.j)
(c) emergency shelters, and	Section 3.A.2 Section 4 (Action H.4.k)
(c) transitional housing	Section 3.A.2
(c) and whether the inventory affirmatively furthers fair housing .	Section 3.D Section 3.A.2 Section 4
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	Appendix B
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency’s calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Appendix B.B.2 Appendix B.C.2
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583,	Appendix B.B.2 Appendix B.C.2 Section 3.A.2
(c)(2) the realistic development capacity for the site,	Appendix B.B.2 Appendix B.C.2
(c)(2) typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction,	Appendix B.B
(c)(2) and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Appendix B.A.1
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality	Appendix B.B.3

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provides other evidence to the department that the site is adequate to accommodate lower income housing.	
(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing.	Appendix B.B.3
(c)(2)(B) For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	Noted.
(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	Appendix B.A
(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	Appendix B
(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	Appendix B.B.2 Appendix B.C.2
(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households: (i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre. (ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre. (iii) For a suburban jurisdiction: sites allowing at least 20 units per acre. (iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.	Appendix B.B
(4)(A) For a metropolitan jurisdiction:	Appendix B.B

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(4)(A)(i) At least 25 percent of the jurisdiction’s share of the regional housing need for moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing, but not more than 100 units per acre of housing.	Appendix B.B
(4)(A)(ii) At least 25 percent of the jurisdiction’s share of the regional housing need for above moderate-income housing shall be allocated to sites with zoning that allows at least 4 units of housing.	Appendix B.B
(B) The allocation of moderate-income and above moderate-income housing to sites pursuant to this paragraph shall not be a basis for the jurisdiction to do either of the following: (i) Deny a project that does not comply with the allocation. (ii) Impose a price minimum, price maximum, price control, or any other exaction or condition of approval in lieu thereof. This clause does not prohibit a jurisdiction from imposing any price minimum, price maximum, price control, exaction, or condition in lieu thereof, pursuant to any other law. (iii) The provisions of this subparagraph do not constitute a change in, but are declaratory of, existing law with regard to the allocation of sites pursuant to this section.	Appendix B.C
(C) This paragraph does not apply to an unincorporated area.	Noted.
(D) For purposes of this paragraph:	Noted.
(i) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.	Noted.
(ii) “Unit of housing” does not include an accessory dwelling unit or junior accessory dwelling unit that could be approved pursuant to Section 65852.2 or Section 65852.22 or through a local ordinance or other provision implementing either of those sections. This paragraph shall not limit the ability of a local government to count the actual production of accessory dwelling units or junior accessory dwelling units in an annual progress report submitted pursuant to Section 65400 or other progress report as determined by the department.	Noted.
(E) Nothing in this subdivision shall preclude the subdivision of a parcel, provided that the subdivision is subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land.	Noted.
(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United	Noted.

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<p>States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.</p>	
<p>(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction’s population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.</p>	Noted.
<p>(2)(A)(i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (e) of Section 65588, that is in effect from July 1, 2014, to December 31, 2028, inclusive.</p>	Noted.
<p>(2)(A)(ii) A county subject to this subparagraph shall utilize the sum existing in the county’s housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.</p>	Noted.
<p>(2)(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided three times: once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle, and a third time, on or before December 31, 2027, which report shall address the subsequent four years of the</p>	Noted.

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housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.	
(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it shall be considered suburban. (g)(1) For sites described in paragraph (3) of subdivision (b) [non-vacant sites], the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential.	Noted.  Appendix B.B.3 Appendix B.F
(g)(1) The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,	Appendix B.B.3 Appendix B.F
(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,	Appendix B.B.3 Appendix B.F
(g)(1) the current market demand for the existing use,	Appendix B.B.3 Appendix B.F
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	Appendix B.B.3 Appendix B.F
(g)(1) development trends,	Appendix B.B.3 Appendix B.F
(g)(1) market conditions,	Appendix B.B.3 Appendix B.F
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	Appendix B.B.3 Appendix B.F
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential	Noted. Not applicable.

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development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	
(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.	Appendix B.B.3
(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.	Noted.
(h) These sites shall be zoned with minimum density and development standards that permit at least	Appendix B.B
(h) 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c),	Appendix B.B
(h) shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c)	Appendix B.B
(h) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).	Appendix B.B
(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites	Appendix B.B

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allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.	
(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.	Noted.
(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.	Noted.
(i) Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.	Noted.
(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.	Noted.



## Hagen, Jennifer

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**From:** Niran Somasundaram <[REDACTED]>  
**Sent:** Tuesday, February 28, 2023 5:00 PM  
**To:** Web Planning Division  
**Subject:** Public Comment on Item 1 for the February 28, 2023 Special Meeting

CAUTION – EXTERNAL SENDER

Hello,

Our law office represents Discovery Builders, Inc. and WCHB Development, LLC (collectively referred to herein as "Discovery Builders") in connection with the housing development project in the City of Brentwood (the "City") commonly known as the Bridle Gate Project Subdivision 9586 ("Bridle Gate" project). The Bridle Gate project, as currently proposed, consists of 286 single-family residences, including 29 units set aside for below-market-rate households.

We submitted comments on the initial Public Review Draft of the 2023-2031 (6th Cycle) Housing Element on September 26, 2022. We specifically commented on the City's decision to exclude the Bridle Gate project site (Assessor Parcel Nos. 019-082-009 and 019-082-010) from Table B-8 of the Brentwood 6th Cycle Site Inventory (the "Suitable Sites Inventory"), and concerns we had about the City's methodology for calculating available housing capacity on sites it did include in its Suitable Sites inventory, including parcels in the PA-1 Specific Plan Area and parcels zoned PD-49.

Since we submitted our comments, we also note that on January 13, 2023, HCD sent a letter to the City echoing many of the concerns raised in our September 26, 2022 comment, including that:

- The Suitable Site Inventory in the initial Public Review Draft calculated capacity by selecting the midpoint of the allowable density range for each site in the inventory and multiplying it by total building acreage. HCD states that the City must provide support for these assumptions, such as examples of other projects in Brentwood or surrounding cities that have been developed at the midpoint of the permitted density range, or must change its assumptions to reflect the examples. (HCD, Jan. 13 Letter at p. 5.)
- Estimates of unit capacity for sites on the Suitable Site Inventory must be adjusted to reflect land use controls and site improvements typical of residential developments at similar densities or affordability levels, and the accessibility and availability of site utilities including sewer, water, and dry utilities. (HCD, Jan. 13 Letter at pp. 5, 6.) Also, the Housing Element claimed that capacity assumptions were based on "buildable acreage," which discounts sites for environmental constraints, infrastructure, and necessary site improvements. However, HCD notes that the actual Suitable Sites Inventory gross and buildable acreage are listed as the same for many sites. (HCD, Jan. 13 Letter at pp. 5, 6.)
- For sites in zones that allow non-residential uses, HCD states that the Element must analyze the likelihood that residential units will actually be developed (as opposed to commercial). (HCD, Jan. 13 Letter at p. 5.)

We have reviewed the updated Housing Element before the Planning Commission today, which purports to respond to deficiencies outlined in HCD's, and have the following initial comments:

- The updated Housing Element includes a very cursory response to our September 26, 2022 comment. The updated Housing Element characterizes our comments as a single question "Why was the site at the western stub of Sand Creek Road not included as an opportunity site?" The City provides the following response: "The City did not include project currently in review. Only Projects that received approval were included. Table B-1 show the City has an appropriate buffer for its RHNA, and any additional residential projects to develop would still count toward the City's RHNA." (Agenda Packet p 584). First, this statement is factually untrue, the list of

opportunity sites includes both PA-1 Parcels and PD-49 parcels, neither of which are “projects that received approval,” both are speculative project with the City assumes will be developed in the future, but are not the subject of any current project application. Second, the City does not fully respond to our comments, which included very detailed analysis and comment regarding the suitability of the PA-1 parcels and PD-49 parcels for development at the unit capacity assumed under the Draft. The City must provide a more detailed response to our comment, pursuant to HCD’s mandate that City’s final housing element must summarize all public comments and describe how they were considered and incorporated into the Final Element (HCD, Jan. 13 Letter at p. 15.)

- The updated Housing Element now includes a chart of all sites that were included in the Fifth Cycle Suitable Sites Inventory, and notes regarding inclusion in the Sixth Cycle. (Agenda Packet p. 454). This chart includes the Bridle Gate project site, but states: “Based on multiple General Plan land use designations and acreage uncertainty, this parcel is not being included in 6th Cycle.” This is flawed reasoning
  - First, the Suitable Sites Inventory includes both PA-1 and PD-49, both of which have land use or zoning designations allowing for commercial uses. HCD Guidance suggests that where a site has “the potential to be developed with nonresidential uses... these capacity limits must be reflected in the housing element,” but there is no rule that sites with designations allowing for uses other than residential cannot be included in the Suitable Site Inventory.
  - Second, there is no acreage uncertainty – numerous City documents list the acreage of the Bridle Gate project site. To the extent the City is referring to uncertainty with the amount of acreage suitable for realistic residential development, that too can and should be accounted for on all sites listed in the Suitable Sites Inventory. As our comments on the initial Public Review Draft pointed out, the City has failed to do so with the PA-1 and PD-49 sites, and should complete such an analysis, but the need to conduct such an analysis cannot be used a reason why a site should not be included on the Suitable Sites inventory.
- In our September 26, 2022 comment, we noted that buildable acreage for PD-49 should take into account right of way dedications, tree protection easements, water-related improvements, drainage capacity considerations, and other environmental site constraints. We specifically cited issues with the presence of jurisdictional waters and site drainage constraints. HCD did not raise PD-49 specifically, but they did note that both estimates of unit capacity for sites on the Suitable Site Inventory must be adjusted to reflect land use controls and site improvements typical of residential developments at similar densities or affordability levels, and the accessibility and availability of site utilities including sewer, water, and dry utilities. (HCD, Jan. 13 Letter at pp. 5, 6); and that the gross and buildable acreage listed as the same for many sites were identical, even though buildable acreage should take into account environmental constraints. (HCD, Jan. 13 Letter at pp. 5, 6.). In the updated Housing Element, the City still lists the buildable acreage for PD-49 parcels as the exact same as gross-acreage for the parcels, meaning that the City continues to ignore or account for environmental constraints on the PD-49 parcels.
- In our September 26, 2022 comment, we raised numerous issues with the City’s calculation of potential units from PA-1 parcels, including that PA-1 will not complete construction until 2039, which is outside of the 2031 cycle deadline. The City has not addressed this point in the updated Housing Element, and continues to rely on full buildout of the PA-1 site to fulfill a large portion of its RHNA obligation.
- In September 26, 2022 comment, we pointed out that the City is assuming 15% of all future developed units will be affordable to moderate income families. When combined with the assumption that 35% of units will be affordable to low income households, this becomes an assumption that 50% of units will be affordable. The City nominally includes further explanation in the updated Housing Element, but this explanation does not support its 35% figure- the City points out that a 2022 ordinance increased affordability requirement from 10 to 13%, and states that it is proposing further programs that will assist in the development of affordable housing.

Neither of these support an assumption of 35% low-income and very low-income housing going forward. The City did not include any further information supporting its assumption of 15% moderate-income housing for all future developments.

Given these ongoing deficiencies in the updated Housing Element, we ask that the Planning Commission recommend that the City Council deny the amendment to the General Plan (GPA23-001) and direct staff to remedy the deficiencies identified in this comment, our September 26, 2022 comment, and HCD's January 13, 2023 letter.

Thank You,

Niran Somasundaram

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**Niran Somasundaram**

**Associate**

Hanson Bridgett LLP

[Redacted]

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March 13, 2023

Brentwood City Council  
c/o Margaret Wimberly  
City Clerk  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513

Re: Comment on Item Number C.1.

Dear City Council:

Our law office represents Discovery Builders, Inc. and WCHB Development, LLC (collectively referred to herein as "Discovery Builders") in connection with the housing development project in the City of Brentwood (the "City") commonly known as the Bridle Gate Project Subdivision 9586 ("Bridle Gate" project). The Bridle Gate project, as currently proposed, consists of 286 single-family residences, including 29 units set aside for below-market-rate households.

We hereby submit comments on the City's third attempt to draft a Housing Element that complies with state law. While the adage "the third time's a charm" often rings true, such is not the case here.

By way of background, Discovery Builders submitted comments on the initial Public Review Draft of the 2023-2031 (6th Cycle) Housing Element ("First Draft Element") on September 26, 2022 (Attached hereto as **Attachment 1**, and incorporated into this comment). Discovery Builders specifically commented on the City's decision to exclude the Bridle Gate project site (Assessor Parcel Nos. 019-082-009 and 019-082-010) from Table B-8 of the Brentwood 6th Cycle Site Inventory (the "Suitable Sites Inventory"), and concerns Discovery Builders had, and continues to have, about the City's failure to consider important site constraints and development realities when calculating available housing capacity and proportion of affordable units on other sites it included in its Suitable Sites inventory. These other sites included parcels in the PA-1 Specific Plan Area and parcels zoned PD-49.

An updated version of the First Draft Element (the "Second Draft Element") was sent to the California Department of Housing and Community Development ("HCD") for review on October 17, 2022. On January 13, 2023, HCD determined that there were deficiencies in the Second Draft Element requiring substantial revisions for compliance with State Housing Element Law. (HCD January 13, 2023 Letter RE: City of Brentwood's 6th Cycle (2023-2031) Draft Housing Element ("HCD Letter") at p. 1).

The City Council will now consider adopting a revised February 2023 Draft Housing Element (the "Third Draft Element"). While the City claims that its revisions are sufficient to bring its

housing element into compliance with State Housing Element law, the Third Draft Element has not been reviewed, let alone approved, by HCD. In reality, the Third Draft Element suffers from the same deficiencies identified by Discovery Builders and HCD, and again fails to adequately explain or justify its continued exclusion of the Bridle Gate project site, and its 29 below-market-rate units, from its Suitable Sites Inventory. The Third Draft Element does not comply with State Housing Element law, and should not be adopted by the City Council until it is revised to address the outstanding concerns raised by HCD and further detailed in this letter. , Ultimately, only HCD can certify that the City's third attempt complies with State Housing Element Law, and the City should not jump the gun by adopting a still-deficient Housing Element.

**I. HCD's comments on the Draft Element echo many of the deficiencies identified by Discovery Builders.**

The HCD Letter includes a 15-page appendix listing changes that are "necessary to bring the City's housing element into compliance" with State Housing Element Law. HCD identifies the following issues, which mirror concerns expressed in Discovery Builders' September 26, 2022 comments:

- The HCD Letter cautions that the City's estimates of unit capacity for sites on the Suitable Site Inventory must be adjusted to reflect land use controls and site improvements typical of residential developments in the City, and the accessibility and availability of site utilities including sewer, water, and dry utilities. (HCD Letter at Appendix, pp. 5, 6). The HCD Letter also notes that the Second Draft Element claims that capacity assumptions were based on "buildable acreage," which purportedly discounts the acreage of residential sites for environmental constraints, infrastructure, and necessary site improvements. However, HCD observes that the gross and buildable acreage for many sites on the Suitable Sites Inventory are identical, demonstrating that the City has failed to apply any discount for site constraints. (*Id.*).
- For sites in zones that allow non-residential uses, the HCD Letter states that the Second Draft Element must analyze the likelihood that residential units will actually be developed. In conducting this analysis, HCD reminds the City that it must consider the likelihood of nonresidential development. (HCD Letter at Appendix, p. 5).
- The HCD Letter also notes that the Second Draft Element acknowledges that past performance on affordable housing construction within the City is limited, and cautions that the Second Draft Element must demonstrate what specific criteria, trends, factors, and other evidence led to the assumptions regarding the proportion of affordable units in future projects. (HCD Letter at Appendix, p. 5).

Each of the above comments underscores the City's failure to produce a realistic site inventory — not a theoretical list that pencils out on paper in a vacuum. State law provides that a city must identify "vacant sites and sites having *realistic and demonstrated potential* for redevelopment during the planning period to meet the locality's housing need for a designated income level ...." (Gov. Code, § 65583(a)(3), *emph. added*). The City cannot credibly claim to have a Housing Element that complies with State Housing Element law without a Third Draft Element that implements the corrections identified by HCD. As discussed further below, the Third Draft Element fails to do so.

## **II. The Third Draft Element fails to correct key deficiencies identified by HCD.**

The Third Draft Element continues to suffer from the shortcomings identified in both the HCD Letter and Discovery Builders' September 26, 2022 comments.

These deficiencies are especially apparent in the City's analysis of potential sites suitable for development of units affordable to moderate-income families. Pursuant to the City's Regional Housing Needs Allocation ("RHNA"), the City must provide 247 moderate income units in the 2023-2031 cycle. The Third Draft Element lists 336 moderate-income units in its Suitable Sites Inventory, consisting of 5 units from projects currently in the development pipeline, 34 units of projected ADU production, 68 units that the City assumes will be built on existing vacant parcels specifically within sub-area B of the Planned Development 49 ("PD-49"), and 229 units that the City assumes will be built in the Priority Area One ("PA-1") Specific Plan area. The City's calculation of units from parcels in PD-49 and PA-1, and the City's assumption that 15 percent of units built on these parcels will be affordable to moderate-income households, suffer from the exact deficiencies identified in the HCD Letter.

This blueprint is not a realistic plan for meeting the City's affordable housing quota, as is explained in detail below. Until these deficiencies are addressed, the City Council should not adopt the Third Draft Element.

### **A. The City once again fails to provide a realistic capacity for parcels within sub-area B of the PD-49 zone.**

Discovery Builders' September 26, 2022 comments noted that calculated "buildable acreage" for the parcels with PD-49 failed to take into account right of way dedications, tree protection easements, water-related improvements, drainage capacity considerations, and other environmental site constraints. Specifically, Discovery Builders' September 26, 2022 comments cited issues with the presence of jurisdictional waters and site drainage constraints. HCD concurred in this analysis, noting that estimates of unit capacity for sites on the Suitable Site Inventory must be adjusted to reflect land use controls and site improvements typical of residential developments at similar densities or affordability levels, and the accessibility and availability of site utilities including sewer, water, and dry utilities. (HCD Letter at Appendix, pp. 5, 6). HCD specifically highlighted an analysis that listed identical gross and buildable acreage for certain sites as an example of the City failing to account for environmental constraints at potential residential sites. (*Id.*). In the Third Draft Element, the City continues to list a buildable acreage for the three PD-49 parcels that is identical to the listed gross-acreage for each parcel, meaning that the City once again does not account for the known environmental constraints on the PD-49 parcels. (Third Draft Element, Table B-8 at Rows 12-14). On this point, the City appears to have blatantly ignored HCD's comments.

Furthermore, as discussed in Discovery Builders' September 26, 2022 comments, sub-area B of PD-49 permits, as a matter of right, commercial and employment uses that include general retail sales, services uses, and professional and business offices. (Brentwood Municipal Code § 17.499.003(A)&(C)). The Third Draft Element contains no analysis of the likelihood that residential units will actually be developed on the site, as opposed to nonresidential development. The HCD Letter specifically notes that such analysis is required for the Third Draft Element to comply with State Housing Element law. (HCD Letter at Appendix, p. 5).

B. The City once again fails to provide a realistic capacity for parcels within the PA-1 sub-area B of the PD-49 Zone.

There are numerous issues with the City's calculation of capacity for the PA-1 site, which accounts for 1,526 of the 3,103 units included in the Suitable Sites Inventory, including 229 of the 336 moderate-income units.

First, the City appears to have increased the unit capacity estimate for the PA-1 site between the First Draft Element circulated for public comment in September 2022, and the Second Draft Element submitted to HCD in October 2022.

On Page B-7 of the First Draft Element, as attached to the August 30, 2022 Special City Council Meeting Agenda, the City states:

Total residential development included in the inventory [sic], across approximately 64 acres in the three land use designations identified in the [PA-1] Specific Plan, is projected to be 1,520 units.

However, on Page B-7 of the Second Draft Element submitted to HCD in October 2022, the City states:

Total residential development included in the inventory, across approximately 64 acres in the three land use designations identified in the [PA-1] Specific Plan, is projected to be 1,693 units.

The City provides no explanation for this increase.<sup>1</sup>

This unexplained increase adds additional color to the so-called "revisions" the City made to its analysis of the capacity of the PA-1 Area. The Third Draft Element notes that the Transit Village zone of the PA-1 area requires ground floor commercial on all multi-family residential projects. In order to account for this, the Third Draft Element assigns a residential development capacity of 75 percent on these Transit Village Sites, as opposed to the 100 percent capacity used in the Second Draft Element. (Third Draft Element at B-10). However, even after applying this limitation, the City includes 1,526 units from PA-1 in its Suitable Sites Inventory, an increase of six units when compared to the 1,520 units included in the City's First Draft Element. (Third Draft Element at Table B-1). In other words, while the Third Draft Element purports to account for potential commercial development in the PA-1 zone, the "revision" that the City implements is entirely offset by the unexplained 100 unit increase in PA-1 units between the First Draft Element and the Second Draft Element submitted to HCD. One gets the sense these 100 unexplained units are a horde of straw dummies.

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<sup>1</sup> The City adopted an amendment to PA-1 plan in October 2022, but that amendment did not increase maximum buildout units within the PA-1 area. In fact, the amendment decreased the number of maximum buildout units by one and reduced the amount of acreage designated for Multiple-Family Very-High Density Residential and Transit Village/Mixed Use. (See Addendum to the Environmental Impact Report (EIR) prepared for the Priority Area 1 (PA-1) Specific Plan Project (State Clearinghouse No. 2018042064) at p. 6).

Second, the City continues to ignore HCD's mandate to consider environmental constraints at potential residential sites. Similar to its analysis of parcels in PD-49, the City assumes that buildable acreage is identical to gross acreage for seven of the eleven PA-1 parcels included in the Suitable Sites Inventory. (Third Draft Element, Table B-8 at Rows 1-6; 10).

Lastly — and this point is both simple and critical— PA-1 will not complete construction until 2039, which is outside of the 2031 cycle deadline. The City has not addressed this point in the Third Draft Element, and continues to rely on full buildout of the PA-1 site to provide nearly half of the units included in its Suitable Sites Inventory.

C. The City once again fails to provide support for its assumptions of affordability.

The City continues to assume that 15 percent of all future units built in the City will be affordable to moderate-income families. (Third Draft Element at B-13). When combined with the assumption that 35 percent of units will be affordable to low-income households or very low-income, this becomes an assumption that 50 percent of units will be affordable. (Third Draft Element at B-10).

The Third Draft Element does not include any information supporting its assumption of 15 percent moderate-income housing for all future developments.

The City nominally includes further explanation for its low-income affordability assumption in the Third Draft Element, but this explanation does not support its 35 percent figure. The City points out that a 2022 ordinance increased affordability requirement from 10 to 13 percent, and states that it is proposing further programs that will assist in the development of affordable housing. (*Id.*). Neither support an assumption of 35 percent low-income and very low-income housing going forward.

The HCD Letter specifically asks that the City demonstrate what specific criteria, trends, factors, and other evidence led to the assumptions regarding the proportion of affordable units in future projects. (HCD Letter at Appendix, p. 5). The City has failed to do so, and cannot rely on an unsupported assumption that 50 percent of housing will be affordable, when only 13 percent affordability is required by law. History demonstrates that the City has been anemic in ensuring affordable units are built, and so reliance on a 50 percent contribution that has no local or regulatory backing asks reviewers to stretch their imaginations. State law prohibits this type of indulgence.

**III. The City cannot justify leaving the Bridle Gate project site out of its Suitable Sites Inventory.**

Given the City's continued failure to provide sufficient realistic capacity for moderate-income units in its Suitable Sites Inventory, The City's continued refusal to include the Bridge Gate project site in the Third Draft Element's Suitable Sites Inventory defies all logic. Unlike PD-49 and PA-1, the Bridle Gate project is not hypothetical - the City has already held a CEQA scoping meeting for the project, which will include 29 units affordable to moderate-income families. The developer wants to build this project, and all the City need do is say "yes."

The Revised Housing Element includes two explanations for the Bridle Gate project site's absence, but both explanations are factually inaccurate and fail to justify the City's decision.



The updated Housing Element includes a very cursory response to Discovery Builders' September 26, 2022 comments. The Third Draft Element characterizes the comments as a single question<sup>2</sup>: "Why was the site at the western stub of Sand Creek Road not included as an opportunity site?" The City responds: "The City did not include project [sic] currently in review. Only Projects that received approval were included. Table B-1 show [sic] the City has an appropriate buffer for its RHNA, and any additional residential projects to develop would still count toward the City's RHNA." (Third Draft Element at C-22). This statement is factually untrue as the Third Draft Element's Suitable Sites Inventory includes PA-1 parcels and PD-49 parcels, neither of which are "projects that received approval." Both are speculative projects which the City assumes, without any evidence, will be developed in the future, even though neither have a current project application.

The Third Draft Element also includes a chart of all sites that were included in the Fifth Cycle Suitable Sites Inventory, and analysis regarding the inclusion of such sites in the Sixth Cycle. (Third Draft Element at Attachment 6B (PDF p. 388)). This chart includes the Bridle Gate project site, but states: "Based on multiple General Plan land use designations and acreage uncertainty, this parcel is not being included in 6th Cycle." Again, the City's reasoning here is flawed. The Suitable Sites Inventory includes parcels within PA-1 and PD-49, both of which have land use or zoning designations allowing for commercial uses. As the City clearly recognizes, there is no rule that sites with designations allowing for uses other than residential cannot be included in the Suitable Site Inventory. Furthermore, there is no "acreage uncertainty" at the Bridle Gate project site. Numerous City-produced documents, including Environmental Impact Report SCH#2019080071, list the acreage of the Bridle Gate project site. The City's internal reasoning is inconsistent, and appears to violate constitutional guaranties of equal protection.

Again, in the absence of any other explanation, the only logical conclusion for Discovery Builders to reach is that the City's intent in excluding the Bridle Gate project site from the Suitable Sites Inventory is to avoid upzoning the Bridle Gate project site, as required by Government Code section 65583.2(c). The City's unwillingness to upzone the Bridle Gate project site is not an appropriate basis for the City to purposefully avoid listing it in the Suitable Sites Inventory. In fact, it constitutes bad faith. The project would assist the City in meeting its share of RHNA, which is the stated purpose of the City's 2023-2031 Housing Element. (Third Draft Element, p. 1-2.)

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<sup>2</sup> The City does not fully respond to Discovery Builders' September 26, 2022 comments, which included very detailed analysis and comment regarding the suitability of the PA-1 parcels and PD-49 parcels for development at the unit capacity assumed under the Draft. The City must provide a more detailed response to our comment, pursuant to HCD's mandate that City's final housing element must summarize all public comments and describe how they were considered and incorporated into the Final Element. (HCD Letter at Appendix, p. 15).

**IV. The Third Draft Element fails to provide sufficient low-income housing.**

The Third Draft Element incorporates a revised count of Suitable Sites for extremely low-income, very low-income, and low-income units. The City includes 689 total extremely low-income, very low-income, and low-income units in the Third Draft Element's Suitable Sites Inventory, 686 of which are on sites which are either projected ADUs or currently vacant land on that the City predicts can be developed in future years. (Third Draft Element at Table B-1). As the Third Draft Element notes, this gives the City a 9 percent buffer over its RHNA-required 634 extremely low-income, very low-income, and low-income units.

Given the uncertainty of future development, HCD guidance recommends that a Housing Element's suitable sites inventory contain at least 15-30 percent more capacity than strictly required, to ensure that jurisdictions do not inadvertently violate state law if housing developments anticipated under the housing element do not come to fruition.<sup>3</sup> The Third Draft Element fails to provide sufficient capacity to meet HCD's recommended buffer, and on that ground alone, should not be adopted by the City Council.

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The City has a legal duty to adopt a Housing Element which complies with State Housing Element law. The HCD Letter provides specific guidance to the City on how its Housing Element may become compliant. However, the City continues to ignore to this guidance in the Third Draft Element, as demonstrated by its continued reliance on unrealistic capacity and affordability assumptions in the Third Draft Element's Suitable Sites Inventory in a misguided attempt to satisfy the City's moderate-income and low-income housing requirements.

The Bridle Gate project, meanwhile, has already submitted a complete SB 330 application to the City, which includes 29 moderate-income units — more than 10 percent of the City's required share of moderate-income units. Use of the Bridle Gate project in the Third Draft Element's Suitable Sites Inventory would not require any of the faulty capacity and affordability assumptions that rendered the Second Draft Element non-compliant with State law, and threaten to do the same to the Third Draft Element.

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<sup>3</sup> California Department of Housing and Community Development, Division of Housing Policy Development, "Memorandum regarding No Net Loss Law Government Code Section 65863", October 2, 2019 at P. 5 (available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>).

The City should not adopt a Housing Element that fails to correct the specific issues that HCD has already identified in previous drafts. Accordingly, we urge the City Council to deny the amendment to the General Plan (GPA23-001) and direct City Staff to develop a Housing Element that addresses the deficiencies identified in these comments, Discovery Builders' September 26, 2022 comments, and HCD's January 13, 2023 letter.

Sincerely,

A handwritten signature in black ink that reads "Niran Somasundaram". The signature is fluid and cursive.

Niran S. Somasundaram

A handwritten signature in blue ink that reads "Sean R. Marciniak". The signature is fluid and cursive.

Sean R. Marciniak

CC: Clients

Katherine Wisinski, Assistant City Attorney, City of Brentwood

Mehrsa Imani, Housing Policy Analyst, HCD

Brian Heaton, Senior Housing Accountability Manager, HCD

# ATTACHMENT 1

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September 26, 2022

VIA ELECTRONIC MAIL ONLY [planning@brentwoodca.gov](mailto:planning@brentwoodca.gov)

Erik Nolthenius  
Planning Manager  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513

Re: Comments on Public Review Draft of the 2023-2031 (6th Cycle) Housing Element

Dear Mr. Nolthenius:

As you know, our law office represents Discovery Builders, Inc. and WCHB Development, LLC (collectively referred to herein as "Discovery Builders") in connection with the housing development project in the City of Brentwood (the "City") commonly known as the Bridle Gate Project Subdivision 9586 ("Bridle Gate" project). The Bridle Gate project, as currently proposed, consists of 286 single-family residences, including 29 units set aside for below-market-rate households.

We write to comment on the Public Review Draft of the 2023-2031 (6th Cycle) Housing Element. In particular, we wish to comment on the City's decision to exclude the Bridle Gate project site (Assessor Parcel Nos. 019-082-009 and 019-082-010) from Table B-8 of the Brentwood 6th Cycle Site Inventory (the "Suitable Sites Inventory").

The Bridle Gate project site is conspicuously absent from the City's Suitable Sites Inventory, despite its inclusion in the City's suitable sites inventory for the Housing Element during previous cycles. The City's decision to exclude the Bridle Gate site from its Suitable Sites Inventory undermines the City's mandate to provide diverse housing inventory, including sufficient single-family homes, for moderate-income households throughout the entirety of the 6th Cycle. This exclusion also highlights the fact that there are insufficient realistic, alternative housing proposals on the City's planning horizon that would provide enough moderate-income units to satisfy the City's assigned Regional Housing Needs Allocation ("RHNA"). Pursuant to Government Code section 65580, the City must prepare a realistic inventory of sites within the City that can accommodate future housing development to meet its RHNA requirement.

In the absence of any explanation as to why the City would purposefully exclude a site it knows is positioned to accommodate residential development in the near future, it appears the City is attempting to avoid Government Code section 65583.2(c). That code section mandates that any vacant site that remains undeveloped after being listed on two prior suitable sites inventories must allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. It also mandates upzoning to allow at least 30 units per acre. We understand the City and our client are currently entangled in two litigations,

and we hope City staff has not excluded the Bridle Gate site to further frustrate and illegally delay development of housing on the site. If the City is in fact attempting to avoid the mandates under Government Code section 65583.2(c), it is also undermining state efforts to ensure availability of housing, which the legislature has determined is of "vital statewide importance." (Gov. Code, § 65580).

### **Bridle Gate project background.**

For more than 20 years, Discovery Builders had worked collaboratively with the City to entitle a residential project on a largely undeveloped 137-acre property located west of Highway 4 (known as Assessor Parcel Nos. 019-082-009 and 019-082-010). The City Council first approved a previous iteration of the Bridle Gate project in 2006; however, no portion of the 2006 iteration underwent development because necessary utility and roadway infrastructure was stubbed to the property. The City and Discovery Builders elected to not proceed with the 2006 iteration of the Bridle Gate project, and Discovery Builders spent the next decade refining, in concert with City staff a mixed-use residential and commercial project, incorporating community feedback.

In 2015, the City of Brentwood's 5th Cycle included the Bridle Gate site on its "Inventory of Single Family Sites." In 2017, Discovery Builders submitted a new application for a project consisting of parkland, a future school site with a residential overlay, 252 single-family residences, a 258-unit apartment complex, and 20 acres of commercial development.

In late 2020 and early 2021, Discovery Builders met with senior City staff, including the City Manager and Planning Manager, in an attempt to obtain a favorable staff recommendation at the City Council hearings for the project. Staff ultimately agreed to support the project, but only on the condition that Discovery Builders remove multi-family residential development in the northern portion of the project site and replace them with commercial uses. Accordingly, Discovery Builders proposed an alternative where commercial uses would replace multi-family uses in the project plans. This revision halved the total number of housing units proposed, from 510 to 252. Despite this change and even with City staff support, the City Council ultimately unjustifiably denied the 2017 application at two March 2021 hearings.

As the City knows, Discovery Builders then filed a Petition for Writ of Mandate and Complaint for Violation of Civil Rights and Declaratory Relief against the City. The lawsuit is based, in part, on allegations that two City Councilmembers who voted against the project should have recused themselves for reasons of bias, given they had campaigned for office based on derogatory statements against the proposed development.

On October 21, 2021, Discovery Builders submitted a preliminary application under SB 330 for a revised iteration of the Bridle Gate project, consisting of 292-unit residential units. Discovery Builders later revised the application to include 286 single-family residences to accommodate more park land. Of the 286 proposed single-family residences, 29 units will be set aside for below-market-rate households, specifically moderate-income households. This Bridle Gate project application is currently pending before the City. However, due to the City's continued attempts to frustrate and delay the Bridle Gate project application, including insistence that the project must comply with non-existent and non-objective zoning provisions in violation of the Housing Accountability Act, Discovery Builders had no choice but to file a Petition of Alternative

Writ of Mandate and Peremptory Writ of Mandate against the City for failing to comply with State law.

It appears the City is taking multiple, coordinated steps to prevent development at the Bridle Gate property for reasons unrelated to sound planning principles.

**The City's exclusion of the Bridle Gate site from the Suitable Sites Inventory threatens its compliance with State law.**

Pursuant to the RHNA requirements approved by the California Department of Housing and Community Development ("HCD"), the City must construct 1,522<sup>1</sup> housing units during the 6th (2023-2031) Housing Element Cycle. (See Gov. Code, § 65580, et seq.) Of these 1,522 units, 402 must be for very low-income households, 232 must be for low-income households, 247 must be for moderate-income households, and 641 must be for above-moderate income households.

Under state law, the City's Suitable Sites Inventory must be sufficient to satisfy the City's RHNA requirement for all income levels. In fact, the City of Brentwood is prohibited from allowing its inventory to fall below its remaining unmet share of the regional housing need for lower and moderate-income households. (Gov. Code, § 65863(a)). If the City finds that its remaining sites are insufficient to accommodate its remaining housing needs at any time during the 6th Cycle planning period, the City must take immediate action to correct the shortfall by amending its housing element sites inventory to increase capacity by either adding previously unidentified sites or rezoning remaining sites to correct for the shortfall. (Gov. Code, § 65863(b)).

For this reason, HCD guidance recommends that a suitable sites inventory contain at least 15-30% more capacity than is strictly required, to ensure that jurisdictions do not inadvertently violate state law if housing developments anticipated under a housing element do not come to fruition.<sup>2</sup>

Critically, a city has the burden of producing a realistic site inventory — not a theoretical list that simply pencils out on paper. State law provides that a city must identify "vacant sites and sites having *realistic and demonstrated potential* for redevelopment during the planning period to meet the locality's housing need for a designated income level ...." (Gov. Code, § 65583(a)(3), *emph. added.*) As evidenced below, the City here has failed to demonstrate its list of residential housing sites is in fact realistic.

Currently, the City's Public Review Draft 6th Cycle (2023-2031) Housing Element, or "Draft Housing Element," lists 968 units that are currently approved or under construction, the vast majority of which are for above moderate-income units (i.e., the "Pipeline Projects"). The Draft

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<sup>1</sup> While the majority of the Public Review Draft of the 2023-2031 (6th Cycle) Housing Element correctly states that the City's RHNA obligation is 1,522 units, several tables in the Public Review Draft and its appendices appear to erroneously states that the City's RHNA requirement is 1,552 units, including Table B-1.

<sup>2</sup> California Department of Housing and Community Development, Division of Housing Policy Development, "Memorandum regarding No Net Loss Law Government Code Section 65863", October 2, 2019 at p. 5 (available at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>).

Housing Element lists *zero Pipeline Projects for moderate-income households*, despite the fact that the Bridle Gate project, which has a pending development application, could position the City to meet its RHNA requirement with far more certainty. (Draft Housing Element, p. B-6, Table B-1; B-4). None of the units relied on by the City are even subject of any current development application before the City, as documented by the City of Brentwood's List of Active Development Projects.<sup>3</sup>

Instead, the Draft Housing Element relies entirely on projected future development to satisfy the City's moderate-income RHNA requirements. This future development is a combination of: (1) estimated future development of accessory dwelling units ("ADUs") based on a three-year average of past production, and (2) available capacity in specific plan areas or existing residentially zoned sites with no currently approved residential projects. Using a combination of these predicted actions, none of which are guaranteed to happen and some of which are not reasonably foreseeable, the City concludes that it will have the capacity to construct 337 moderate-income units, in excess of the 247 required. (Draft Housing Element, p. B-3, Table B-1). There is substantial evidence the City's Suitable Sites Inventory violates Government Code section 65583(a)(3) insofar as it does not include "vacant sites and sites *having realistic and demonstrated potential for redevelopment* during the planning period to meet the locality's housing need for a designated income level" and must include "an analysis of the relationship of zoning and public facilities and services to these sites." (Emph. added.)

The City's optimistic projections of future construction assume that, or the 337 moderate-income units contemplated, 41 units will consist of ADUs, 228 units will be built in the Priority Area One ("PA-1") Specific Plan area, and 68 units will be built on existing residentially zoned parcels, specifically within sub-area B of the Planned Development 49 ("PD-49") zone. (*Id.*)

First, there is a potentially significant timing issue, in that the PA-1 Specific Plan, which would include the lion's share of moderate-income units, likely will not undergo complete buildout until at least 2038, which is eight years after expiration of the Draft Housing Element's planning horizon. This issue is explored in greater detail below.

Another significant issue is that the City assumes the foregoing numbers based on an estimation that developers of all of these sites will reserve 15% of units for moderate-income households. The City, however, does not attempt to explain or support this assumption. (Draft Housing Element, p. B-10). The City's affordability requirement is 13%, and only 6% of units must be allocated to moderate-income households. (Brentwood Municipal Code § 17.725.003(B)&(D), as amended by Ord. 1041.) Assuming that 15% of future development will include moderate-income units appears unreasonable, especially given that developers also must, per City ordinance, additionally make available 4% of units to low-income households and 3% of units to very low-income households. (See *id.*)

The recent history of approved and constructed residential projects within the City confirms the assumption of 15% moderate-income units is far too high. As documented in Appendix B, Table B-4 of the Draft Housing Element, the eight projects currently in the Project Pipeline each include 0% of units for moderate-income households. In the current RHNA cycle (2015-2023), a total of 3,3031 housing units have been built, with 59 units for moderate-income household.

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<sup>3</sup> City of Brentwood's List of Active Development Projects (available at <https://www.brentwoodca.gov/government/community-development/planning/development-projects>).



(April 14, 2022 Staff Report for Joint Workshop Agenda Item Number 2, Table 1). This data demonstrates that over the last cycle, about 1.8% of constructed units have been reserved for moderate-income households. While the City acknowledges it historically did not enforce a high inclusionary requirement, there has been no substantive uptick in moderate-income housing proposals since the City updated its inclusionary housing ordinance in 2020. In fact, its historical approval of 1.8 percent has flattened to zero percent, judging by the present Project Pipeline.<sup>4</sup> Overall, City provides no justification or explanation as to why it expects the rate of moderate-income housing to rise so drastically in coming years.

The City also neglects to account for its preference for commercial development over necessary housing units – an important factor under applicable, analytical methodologies.

As a corollary to the rule that a city must identify realistic capacity, HCD provides that a "capacity calculation *must be adjusted* to reflect the realistic potential for residential development capacity on the sites in the inventory." (HCD Site Inventory Guidebook, p. 20 (May 2020), *emph. added.*) Where a site has "the potential to be developed with nonresidential uses ... these capacity limits must be reflected in the housing element ... For example, if past production trends indicate that two out of three similar sites were developed for commercial use, an initial estimate of the proportion of new development which is expected to be residential would be two-thirds, i.e., 0.67." (*Id.* at 20-21; *see also* November 22, 2021 HCD letter to City of Lake Forest re: City of Lake Forest's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, page 3<sup>5</sup> ["To demonstrate realistic capacity on [sites where zoning allows for non-residential uses], the element must analyze and account for the likelihood of residential development in the zones that allow 100 percent nonresidential uses. The analysis should be based on factors such as development trends, performance standards or other relevant factors."]).

On this point, the history of the Bridle Gate project serves as important data point. As discussed above, the Bridle Gate project originally proposed 258 multi-family units, but senior City staff, presumably with the input of elected leaders, told our client that obtaining a favorable staff recommendation would require that our client replace multi-family uses with commercial uses, even though the Bridle Gate site is ideally located for residential land uses, due to its proximity to existing services and job centers (within 0.3 miles). The City has prioritized establishing uses that create more jobs and tax revenue — e.g., commercial and other nonresidential development — which had material effects on Discovery Builder's own residential development plans. (See September 1, 2020 Staff Report, Item No. 2, Packet Pg. 12, attached hereto as Exhibit 1, and most pertinent City determinations included in footnote 6, below.)<sup>6</sup> This very real

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<sup>4</sup> Further, section 17.725.004 of the City's municipal code authorizes a developer to satisfy inclusionary requirements with "alternative equivalents," including via the dedication of vacant developable land or construction of affordable units on another site. Certainly some developers will elect these alternative equivalents—a viable possibility that has not been factored into the calculus.

<sup>5</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/oraLakeforestdraftOUT112221.pdf>.

<sup>6</sup> In cautioning against allowance of 258 multi-family units on the Bridle Gate site, the City's report provided as follows: "While it would enable the development of multi-family housing, it would also result in the loss of limited commercially zoned land in the city, and the attendant loss of sales tax revenue that helps maintain the quality of life that Brentwood residents and visitors enjoy. It would likewise preclude the development of that land for employment purposes, another City priority, given the percentage of residents who commute to their work outside city limits each day." The City further concluded that

preference could similarly influence the future buildout of other sites the City has identified as suitable for moderate-income housing. For instance, sub-area B of PD-49 permits, as a matter of right, commercial and employment uses that include general retail sales, services uses, and professional and business offices. (Brentwood Municipal Code § 17.499.003(A)&(C).) The City has failed, too, to account for this variable in identifying sites.

There are other issues with the City's analysis of the suitability of sites identified for provision of moderate-income housing:

- It is unclear whether the City evaluated site viability based on factors that include proximity to transit, access to schools, access to job centers, access to amenities (such as parks and community centers), access to services (such as grocery stores, shopping, and restaurants), access to health care facilities, and other factors identified by HCD. (See HCD Site Inventory Guidebook, pp. 9-10 (May 2020).) Sites might be suitable in light of such factors, but the City has not shown its work in these respects.
- It does not appear the unit yield on selected sites is accurate or in line with methodologies accepted by HCD. For instance, yield counts for the three sites in sub-area B of PD-49 are calculated by multiplying the total gross acreage by the maximum density permitted under the zoning code. (Draft Housing Element, p. B-13, Table B-8, at rows 8-10). However, the yield count for each PA-1 Specific Plan site is calculated by multiplying the total amount of "buildable acreage" (which in most cases is equivalent to total gross acreage for the site) by the midpoint density between the maximum and minimum densities permitted under the PA-1 Specific Plan. (*Id.* at B-13, Table B-8 at rows 1-7.) The City's Draft Housing Element lacks the facts required to support the City's selection of expected densities. HCD recommends determining unit yield by multiplying expected density by site acreage only if the expected density matches a given site's *minimum* density requirement, as determined in its zoning. (HCD Site Inventory Guidebook, p. 19 (May 2020).) Further, "to meet this standard on a zone that allows for multiple uses, the general plan or zoning must require the specified minimum number of residential units on the identified sites regardless of overlay zones, zoning allowing nonresidential uses, or other factors potentially impacting minimum densities." (*Id.*) Otherwise, a city must use a more thoughtful methodology set forth by HCD, and which includes an analysis of factors such as maximum lot coverage, height, open space, parking, on-site improvements required, and floor-area ratios. (*Id.* at pp. 19-20.) By contrast, if a city assumes a certain percentage of a site's maximum allowable density will be achieved for the Housing Element's calculation of residential capacity, it must demonstrate what specific trends, factors, and other evidence lead to its assumptions.<sup>7</sup> (See, e.g., January 14, 2022 HCD letter to City of West Covina re: City of

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establishing residential uses instead of commercial "could be found to be inconsistent with [General Plan Policy eED-25] ... and that the "city's land use plan skews heavily residential. The further loss of commercial land to additional residential use could be found to be inconsistent with maintaining a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services, as the loss of commercial use here would result in the attendant loss of associated sales tax revenue."

<sup>7</sup> The City's selection of sites also seems to assume placement of High and Very High Density land uses adjacent to Residential Low and Very Low Density land uses, without discussing or analyzing the potential for public or political opposition to such projects that could lead to unit count reductions. While

West Covina's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, pages 2-3.)<sup>8</sup> The City has provided no evidence to support its decision to assume maximum densities in calculating property yields.

- It is unclear the City has evaluated environmental and other constraints on all of the sites identified. For instance, the City does not appear to have consistently accounted for the impact of wetlands and other jurisdictional waters in calculating buildable acreage among the various sites. Other constraints that the City has not appeared to account for include, without limitation, right of way necessities, and stormwater detention, and biotreatment requirements. The City must identify and account for portions of otherwise buildable area needed to support these necessary site improvements. (See, e.g. December 3, 2021 HCD letter to City of West Hollywood re: City of West Hollywood's 6th Cycle (2021-2029) Draft Housing Element, Appendix A, page 5.)<sup>9</sup> To this end, our client's planning team has conducted a preliminary analysis of various sites considered through the Draft housing Element process as suitable for moderate-income housing by the City, and identified the following constraints that would materially affect buildable area on those sites and in turn reduce the total unit counts:
  - With respect to PD-49:
    - Sub-area B sits adjacent to a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified as such on the National Wetlands Inventory. (See Screenshot of National Wetlands Inventory, attached hereto as Exhibit 2.) The presence of jurisdictional waters often limits the developable area in light of setbacks, environmental protection regulations, and mitigation requirements (see, e.g., East Contra Costa County Habitat Conservation Plan & Natural Community Conservation Plan, Table 6-2.). The City appears to have appreciated this constraint in calculating some site inventories,<sup>10</sup> and so it is unclear why this factor was not accounted for in reviewing PD-49.

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such land use compatibility issues are not "objective" standards under the Housing Accountability Act, to the extent residential units are proposed in a mixed use configuration, a given project might not qualify for such protections, allowing the City to reject a proposal on these grounds.

<sup>8</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/LanWestCovinaDraftOut011422.pdf>.

<sup>9</sup> Letter available at: <https://www.hcd.ca.gov/community-development/housing-element/docs/LanWestHollywoodDraftallfindings120321.pdf>.

<sup>10</sup> For instance, the property designated as Very High Density (APN# 019092046, Id. at B-13, Table B-8 at rows 6 and 7) within the PA-1 Specific Plan is adjacent to Sand Creek (a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified on the National Wetlands Inventory). It appears that the City assumed a reduction in buildable acreage for this site, insofar as it acknowledged that only 10 acres of the 32.63-acre parcel was buildable, but other sites do not appear to be analyzed with an eye towards similar constraints.

- The three sites within sub-area B of PD-49 also have site drainage constraints, as there appears to be no stormwater infrastructure bordering the site, including along the site's eastern border along John Muir Parkway. (See COB Map, attached hereto as Exhibit 3). The three sites may require land for biotreatment areas, which are not discussed by the City and would reduce the buildable area.
- The PA-1 Specific Plan (APN# 019092046, 2483 Old Sand Creek Road) presents potentially significant scheduling issues, and the site has drainage constraints and biotreatment requirements which are not discussed by the City, as follows:
  - It is unclear that this development's units will be built within the Draft Housing Element's planning horizon, which sunsets in year 2031. Per the PA-1 Specific Plan EIR, buildout of the property will entail at least 6,200 days, which is equivalent to almost 17 years. (See, e.g., PA-1 Specific Plan Draft EIR, p. 3.7-30 [Table 3.7-4], where all environmental review for the project is incorporated herein by this reference.), The Draft Housing Element should address how a project with a construction schedule that concludes no earlier than 2039 will provide sufficient housing with a housing cycle that ends eight years earlier, in 2031.
  - The site has a high potential flood risks given its proximity to special flood hazard areas pursuant to the National Flood Insurance Program. Furthermore, the entirety of the PA-1 site is adjacent to a streambed with intermittent water flows that likely qualify as federal or state jurisdictional waters, and are identified on the National Wetlands Inventory. Accordingly, any project at the site would likely require dedication of land for Sand Creek and most likely a stormwater detention basin to protect against flood risks. The City's calculation of residential capacity assumes a reduced buildable area on-site, but without further detail, it is not possible to determine whether the City's assumptions are sufficient to accommodate the above constraints.

To the extent the City revisits other sites it previously determined were eligible to accommodate moderate-income housing,<sup>11</sup> these properties also involve complications that would materially affect density and reduce buildable area (and might explain why such sites did not appear in the latest iteration of the Draft Housing Element):

- APN # 019040031 (2401 Empire Avenue) would require right of way dedications, possible tree protection easements, a shared private drive easement, and require land to provide for biotreatment of stormwater .

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<sup>11</sup> See City's initial Draft Site Inventory Excel Sheet presented at the July 21, 2022 City Council Housing Element Update Workshop (Agenda Item A). None of the constraints listed hereafter were discussed in the Staff Report for the July 21, 2022 City Council Housing Element Update Workshop.

- APN # 019040033 (2391 Empire Avenue) would require possible tree protection easements, a shared private drive easement, and would require land to provide for biotreatment of stormwater.
- APN # 018190018 (Sunset Rd.) would require right of way dedications, a possible detention basin to address insufficient drainage capacity, and would require land to provide for biotreatment of stormwater.
- APN # 01870003 (Brentwood Blvd.) would require land to provide for biotreatment of stormwater. The site would also require three points of public road access to support the assumed number of units pursuant to the City of Brentwood Engineering Procedure Manual, which would be challenging giving the buried nature of the site, and may necessitate a reduction in the total number of units the site could support.
- APN# 016120024 (Brentwood Blvd.) would require a possible detention basin to address insufficient drainage capacity, and would require land to provide for biotreatment of stormwater. It also appears to have limited points of access reducing permitted unit count pursuant to the City of Brentwood Engineering Procedure Manual.
- APN # 016150114 (Brentwood Blvd.) would require right of way dedications, a possible detention basin to address insufficient drainage capacity, would require land to provide for biotreatment of stormwater have potential water quality issues, and has cross access and park easements on approximately half the site.

The assumed densities for all sites also fail to analyze how developments would satisfy Quimby Act requirements for park dedications, which could further reduce buildable area on the sites.

In addition to the City failing to demonstrate the Suitable Sites Inventory contains sufficient capacity for moderate-income housing, the City has failed to show that its list of sites could accommodate a diversity of housing product, as favored by State policy and as called for in the City's own Draft Housing Element.

The Bridle Gate site remains one of the City's only viable option for single-family, affordable housing units. Both the PA-1 and sub-area B of PD-49 are particularly ill-suited to provide for any moderate-income single-family housing. For instance, sub-area B of PD-49 is only permitted to contain "medium to high to very high density multifamily residential" units on site. (Brentwood Municipal Code § 17.499.003(D)). Of the three districts within the PA-1 Specific Plan Area that the City notes allow residential units, only one district (the High Density Residential District) permits single-family housing.

It is important for any City to ensure that below-market-rate units consist of a diversity of housing types, and not just multi-family apartments or condos. Having a diverse housing stock helps reduce or remove the stigma traditionally associated with affordable housing. Per HCD's guidelines, a city should take "meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns ..." (HCD Site Inventory Guidebook, p. 8 (May

2020.) As the City notes in its Draft Housing Element, "providing a *variety* of housing units at all affordability levels is critical in ensuring all community members have their needs met." (Draft Housing Element, p. 2-4) (emph. added). As currently constituted, the Suitable Sites Inventory cannot achieve this critical goal for moderate-income households. It envisions affordable housing existing almost entirely in the form of multi-family housing, which does not result in integrated and balanced living patterns as envisioned.

Overall, the City has work to do, to meet its legal burdens. Its Suitable Sites Inventory does not include a single moderate-income housing unit under current consideration in the Project Pipeline, and the assumptions underlying its capacity analysis of other sites are plagued by practical obstacles and unrealistic expectations. Given these problems, it is puzzling that the City would fail to include the Bridle Gate proposal — a project with an SB 330 application currently pending before the City — in its Suitable Sites Inventory. Furthermore, as currently constituted, the City's Suitable Sites Inventory has extremely limited capacity for moderate-income single-family housing. The Bridle Gate project's 29 units set aside for moderate-income single-family units are much closer to approval and construction than many of the other moderate-income household projects in the City's Suitable Sites Inventory, and Bridle Gate should be included in the City's 2023-2031 Housing Element to give the City the greatest chance of satisfying its share of RHNA.

**The City should not exclude the Bridle Gate project solely to avoid a by-right residential project or upzoning of the Bridle Gate site.**

It is unclear why the City has failed to include the Bridle Gate property on the Suitable Sites Inventory, given that inclusion of the project would aid the City in satisfying its obligation to prepare a legally-compliant Housing Element.

However, it is possible that City's intent is to avoid upzoning the Bridle Gate site, as required by State law. Under Government Code section 65583.2(c), if a particular site has been listed in two or more consecutive planning periods and that site was not approved for development, then the site cannot be listed as suitable site to accommodate any portion of the City's low-income or very low-income unit requirements unless the site is "subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households." Further, any such site must be zoned at an allowable density of at least 30 units per acre, an increase over the density currently permitted on the Bridle Gate site. (Gov. Code, § 65583.2 (c)(3)(B)(iv)).

The City's unwillingness to upzone the Bridle Gate site is not an appropriate basis for the City purposefully avoid listing it in the Suitable Sites Inventory. The project would assist the City in meeting its share of RHNA, which is the stated purpose of the City's 2023-2031 Housing Element. (Draft Housing Element, p. 1-2).

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The 2023-2031 Housing Element, as currently constituted, risks failing to accommodate the City's share of RHNA. The City's plan to provide moderate-income housing relies almost entirely on the hope of future production of multi-family developments and ADUs, where the capacity identified is not realistic. The Bridle Gate project, meanwhile, has already submitted a complete

SB 330 application to the City, which includes 29 moderate-income units, over 10% of the City's required share of moderate-income units. The City's decision to exclude the Bridle Gate site only serves to hurt its efforts to satisfy its RHNA obligations, and in turn hurts the statewide efforts to provide sufficient housing for all California residents. Accordingly, we urge the City to revise the 2023-2031 Housing Element to include Bridle Gate property in the Suitable Sites Inventory.

Sincerely,



Ellis Raskin  
Attorney



Niran S. Somasundaram  
Attorney

cc: Katherine Wisinski, Assistant City Attorney, City of Brentwood  
Alex Contreras, Policy Analyst, HCD  
Lisa Frank, Housing and Community Dev. Specialist, HCD  
Sean Marciniak, Esq., Hanson Bridgett LLP  
Clients

# EXHIBIT 1



**STAFF REPORT**  
**PLANNING COMMISSION REGULAR MEETING OF**  
**SEPTEMBER 1, 2020**

**PREPARED BY:** Debbie Hill, Senior Planner  
dhill@brentwoodca.gov

**PROJECT DESCRIPTION:** Item No. 2, A development agreement (DA 19-001) setting forth specific terms for development of the Bridle Gate project, a General Plan amendment (GPA 17-001) to change the land use designation for 13.98 acres of the 137.3-acre project site from Regional Commercial to Planned Development for up to 256 multi-family residential units and designating two separate areas as Park, along with an amendment to the Circulation Element for the extension of San Jose Avenue, a rezone (RZ 17-004) amending the Planned Development No. 36 (PD-36) Zone to accommodate the General Plan amendment and amend the development standards, a vesting tentative subdivision map (VTSM 8506) to create 252 single-family residential lots, two parks, two parcel for bio-retention, one 11.35-acre school site with an additional 63-lot overlay should the school site not be developed, one 13.98 acre multi-family site, and one 18.72-acre regional commercial site, a design review (DR 17-007) for the architecture for five home plans, utilities, landscaping, and related improvements for the low-density residential lots, and a design review (DR 17-008) for the architecture for the multi-family portion of the site. The project site is located west of State Highway 4, south of Old Sand Creek Road, and north of San Jose Avenue (APNs 019-082-007 and 019-110-076)

**GENERAL PLAN:** R-LD (Residential-Low Density), RC (Regional Commercial, P-OS (Permanent Open Space), and P (Park)

**ZONING:** Planned Development No. 36

**OWNER/APPLICANT:** WCHB Development, LLC; Discovery Builders, Inc.

**PREVIOUS ACTIONS:**

- At its meeting of April 19, 2005, the Planning Commission held a public hearing on a request for a General Plan Amendment (GPA 01-01), a Rezone (RZ 05-04), a Development Agreement (DA 04-02), a Vesting Tentative Subdivision Map (VTSM 8606) for 166 residential lots, and a Design Review (DR 01-02) for the Bridle Gate project and continued the item to a date uncertain.
- On April 27, 2005, Discovery Builders appealed the Planning Commission continuance to the City Council.
- On May 24, 2005, the City Council continued a public hearing on the appeal to its meeting of June 14, 2005, due to noticing requirements.
- On June 14, 2005, the City Council held a public hearing on the appeal and referred the project back to the Planning Commission for additional consideration.
- On November 1, 2005, the Planning Commission held a public hearing on General Plan Amendment (GPA 01-01), a Rezone (RZ 05-04), a Development Agreement (DA 04-02), a Vesting Tentative Subdivision Map (VTSM 8606) for 166 residential lots, and a Design Review (DR 01-02) for the Bridle Gate project and requested staff to prepare the necessary resolution for denial of the general plan amendment and rezone.
- On November 15, 2005, the Planning Commission adopted Resolution No. 05-82 denying General Plan Amendment No. 01-01 and Rezone No. 05-04.
- On January 10, 2006, the City Council held a public hearing to consider the appeal by Discovery Builders and directed staff to prepare the necessary resolutions for approval of the appeal.
- On May 23, 2006, the City Council held a continued public hearing on the appeal and approved the mitigated negative declaration, General Plan amendment, and introduced and waived the first reading of the ordinance for the Rezone, by Resolution Nos. 2006-124 and 2006-125 and Ordinance No. 827, respectively, and referred the development agreement, vesting tentative subdivision map, and design review application back to the Planning Commission for action.
- On June 6, 2006, the Planning Commission held a public hearing and approved Development Agreement No. 04-02, Vesting Tentative Subdivision Map No. 8506, and Design Review No. 01-12 by Resolution Nos. 06-47, 06-48, and 06-49, respectively for the Bridle Gate 166-lot residential project.
- On August 18, 2020, the Planning Commission voted unanimously to continue the public hearing to its meeting of September 1, 2020, for a Final Environmental Impact Report, General Plan Amendment No. 17-001, Rezone No. 17-004, Development Agreement No. 19-001, Vesting Tentative Subdivision Map No. 8506, Design Review No. 17-007, and Design Review No. 17-008 for the Bridle Gate project.

#### **BACKGROUND:**

The Bridle Gate project in its previous form was originally submitted to the City in March of 2001 and was subsequently approved in June of 2006. At that time, the project sought approval for 166 residential lots, and included a General Plan amendment, rezone, vesting tentative

subdivision map, and design review. The map and design review approvals expired in 2013, leaving the General Plan amendment and rezone in place.

After entertaining other project concepts, the developer officially submitted a new application to the City in June of 2017 for a substantially revised version of the Bridle Gate project. Since that time, staff has been working with the applicant to move forward with a development project for the 137-acre project site.

As discussed below, the current version of the project increases the proposed number of homes threefold from what is currently allowed, including multi-family project units, reduces the commercial acreage of the site by approximately 14 acres, and allows for the development of a new elementary school site.

### Detailed Project Description

The current iteration of the proposed project includes a request for the following entitlements:

- A Final Environmental Impact Report to disclose the environmental impacts of the project, in accordance with the California Environmental Quality Act;
- A development agreement (DA 19-001) setting forth the duration of the agreement, permitted uses and density of the project, requisite development standards, community benefits to be provided by the applicant, and additional terms and conditions regarding development of the project;
- A General Plan amendment (GPA 17-001) to change the land use designation on 13.98 acres of the project site from Regional Commercial (RC) to Planned Development (PD) with the intent of developing this acreage with up to 258 multi-family apartment units. In addition, the project site currently includes area designated 'Park' by the General Plan. This 'Park' area would be relocated and divided into two separate 'Park'-designated sites totaling 4.3 acres on the project site. Finally, an amendment to the General Plan's Circulation Element is needed to allow the proposed San Jose Avenue extension to terminate at a new intersection with Sand Creek Road;
- A rezone (RZ 17-004) to amend the development standards within Planned Development 36 to accommodate the residential, commercial, and open space uses of the project;
- A vesting tentative subdivision map (VTSM 8506) to subdivide the property into 252 single-family residential parcels, an 11.35-acre elementary school site (or, alternatively, a residential overlay that could accommodate an additional 63 single-family units if development of the school does not occur), two park parcels, four parcels for stormwater bio-retention, a multi-family parcel, a commercial parcel, and open space areas;
- A design review (DR 17-007) for the single-family homes to be constructed on the single-family parcels consisting of five models with three elevations each ranging in size from 2,251-3,416 square feet; and
- A design review (DR 17-008) for up to 258 apartment units to be constructed on the proposed new multi-family parcel, consisting of 11 three-story apartment buildings

containing between 12-36 units each, and consisting of 84 one-bedroom units and 174 two-bedroom units.

Surrounding Land Uses

- North – The Innovation Center @ Brentwood (formerly known as Priority Area One) zoned for Employment Center/Light Industrial
- East – State Highway 4 and The Streets of Brentwood and Sand Creek Crossing commercial developments beyond
- South – Brentwood Hills single-family residential subdivision (TSM 7882 and 8676)
- West – City of Antioch, designated as Open Space/Senior Housing in Antioch’s General Plan

The central and western portions of the project site contain moderately sloping hillsides along a northwesterly trending ridge. The northeastern and eastern portions of the site consist of gently easterly sloping topography ranging in elevation from approximately 120 feet above mean sea level (msl) to approximately 160 feet above msl. The highest elevation at the site is along the ridge in the southwestern portion of the site, at an approximate elevation of 230 feet above msl.

**ANALYSIS:**

General Plan Amendments

The General Plan is the City’s land use constitution. All land use projects seeking approval within the city must either be consistent with the City’s General Plan as proposed, or request approval for changes to the General Plan that would make the project consistent.

**General Plan amendments.** In order to approve the Project, three General Plan amendments would be needed:

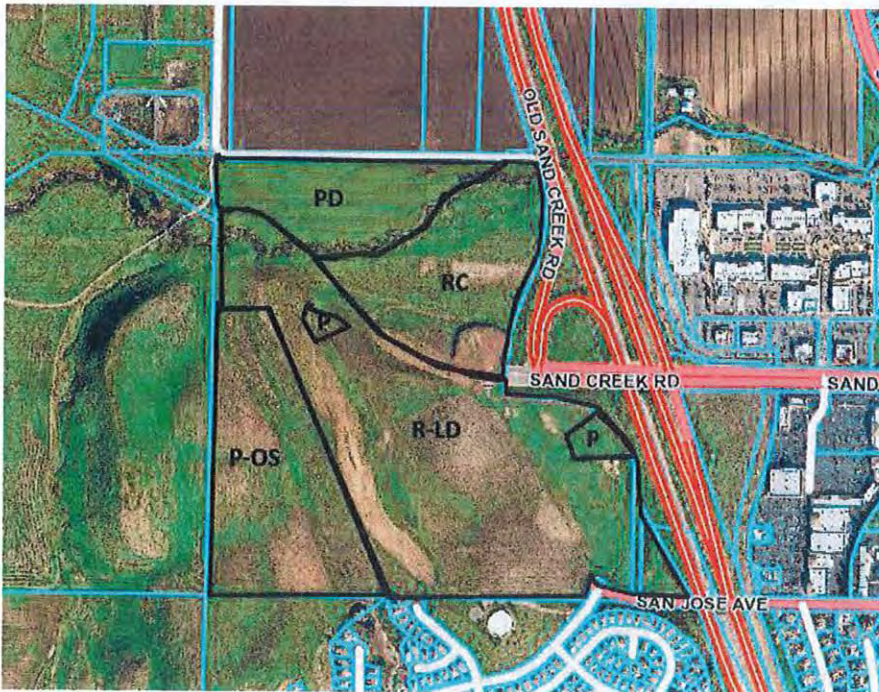
- **Conversion of commercial to residential.** First, according to the General Plan, the Project site is currently designated with a mix of Open Space (primarily along the ridgelines), Park, Residential-Low Density, and Regional Commercial. In order to accommodate the proposed multi-family portion of the proposed development, a land use designation change is being requested for a 13.98-acre area at the northwest corner of the project site. This change would change the General Plan designation of this acreage from Regional Commercial to Planned Development in order to allow for up to 258 multi-family apartment units to be constructed. The remaining 18.72 acres designated as Regional Commercial are not proposed for any land use changes. (See Figures 1 and 2 below.)
- **Division and relocation of Park land.** Second, the area currently bearing a General Plan land use designation of ‘Park’ will be relocated and divided into two separate ‘Park’-designated sites, totaling 4.3 acres. (See Figures 1 and 2 below.)
- **Roadway reconfiguration.** Third and finally, the Circulation Element of the General Plan currently includes a figure (Fig. CIR-1) that establishes the required design of the City’s circulation system. Figure CIR-1 will need to be amended to allow the proposed San Jose Avenue extension to terminate at a new intersection with Sand Creek Road, which itself is being extended and will terminate at a temporary turnaround at the western project site boundary, ultimately to be extended westerly into Antioch by others in the future.

Figure 1

**Current General Plan Land Use Map**



**Figure 2**  
**Proposed General Plan Amendments to**  
**Convert Commercial to Residential and Divide and Relocate Park land**



In order to approve any requested General Plan amendments, the City must be able to determine that the request meets the following four criteria:

1. *The amendment is deemed to be in the public interest;*

Division and relocation of the Park parcels could serve the public interest, as it would locate parks closer to the residential developments they will serve. Likewise, the reconfiguration of the San Jose Avenue extension will serve the public interest by facilitating travel across the project site to the proposed Sand Creek Road extension. Whether the conversion of 14 acres of commercial area to multi-family use is in the public interest is a policy decision that the City Council must weigh. While it would enable the development of multi-family housing, it would also result in the loss of limited commercially zoned land in the city, and the attendant loss of sales tax revenue that helps maintain the quality of life that Brentwood residents and visitors enjoy. It would likewise preclude the development of that land for employment purposes, another City priority, given the percentage of residents who commute to their work outside city limits each day.

2. *The amendment is consistent and/or compatible with the rest of the General Plan;*

While it is true that no project will necessarily be consistent with every General Plan goal and policy, and some weighing of priorities is allowed by the City in assessing minor deviations, amendments that are diametrically opposed to the existing, unchanged aspects of the General Plan are not supportable under the law. The table below analyzes the requested General Plan amendments against selected goals and policies in light of the question of consistency.

**Table 1**  
**General Plan amendment consistency analysis**

	<b>General Plan requirement</b>	<b>Consistent?</b>
Conversion of commercial to residential	Policy ED 2-5: Ensure that an adequate inventory of vacant industrial, commercial, office, and business park land is designated, zoned, and maintained for targeted employment-generating uses.	Given that the proposed amendment would reduce the amount of commercial land in the city's inventory and convert it to residential use, such an action could be found to be inconsistent with this policy, unless the City believes that adequate commercial inventory exists even without this 14 acre parcel.
	Goal FI 1: Maintain a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services.	The city's land use plan skews heavily residential. The further loss of commercial land to additional residential use could be found to be inconsistent with maintaining a balanced land use plan and a diversified, stable, and self-sustaining revenue base in order to generate the resources necessary to sustain essential and desired City services, as the loss of commercial use here would result in the attendant loss of associated sales tax revenue. However, the project would participate in community facilities districts and pay impact fees to assist in funding City services.
	Policy LU 1-1: Maintain a supply of developable commercial, business park, mixed use, and residential lands	While the city currently has a sufficient supply of land developable as residential to meet its growth

	<b>General Plan requirement</b>	<b>Consistent?</b>
	sufficient to meet desired growth and economic needs over the planning period.	projections, its commercial inventory is far less extensive. Approval of this general plan amendment would limit the supply of developable commercial land.
	Policy LU 2-8: Provide for a variety of residential products through the Zoning Ordinance in order to accommodate the housing needs of all segments of the city's population.	Conversion of this commercial acreage to multi-family use would allow for the provision of apartments, which would add to the variety of residential products available in the city in order to accommodate the housing needs of more segments of the community.
	POLICY H 2-1: Provide housing affordable and appropriate for a variety of Brentwood households at all economic levels throughout the City.	Converting this commercial site to multi-family use would allow for the development of apartment housing that would likely appeal to households at economic levels that cannot afford single-family homes. Applicant has requested to be allowed to pay a fee in lieu of constructing any affordable housing on site, so no deed restricted affordable housing would be constructed as part of this multi-family development. Those funds would be banked for future use of affordable housing opportunities.
Division and relocation of Park land	Policy LU 4-4: Site new park and recreation facilities where they will be accessible by the City's pedestrian and bicycle network and in close proximity to medium and higher density residential uses, where appropriate.	Allowing the existing areas designated as Park to be split and relocated across the Project site would facilitate this policy of siting new park facilities closer to users throughout the Project site.
Roadway reconfiguration	Policy CIR 1-2: Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.	Allowing for the reconfiguration and improvement of San Jose Avenue, as proposed, would effectively accommodate vehicular and multi-modal traffic in a manner that reflected the context of the surrounding residential and (potentially) school land uses and the needs of operators of vehicles, pedestrians, and bicyclists.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The project is required to comply with the Noise Element in that construction activities will be regulated to the allowable hours, and noise sources will be required to mitigate sound. Compliance with the Safety Element would be achieved through seismically sound construction designs and practices, as well as the construction of building pads outside of the flood zone.

- 4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

A Final Environmental Impact Report was prepared for this project and all mitigation measures have been incorporated as conditions of approval of the development.

The City Council will need to determine whether the requested General Plan amendments meet the criteria set out above.

General Plan Consistency

For those elements of the project that do not require a General Plan amendment, the City must still determine whether the project is consistent with the General Plan. With regard to density, the General Plan identifies the allowable density (expressed as dwelling units/acre or 'du/a') for the single-family residential portions of the project site.

**Table 2  
General Plan density consistency analysis**

	Density required by General Plan	Density proposed	Consistent?
Single-family homes (with school)	1.1-5.0 du/a, with a mid-range of 3.0 du/a	3.70 du/a	The proposed density exceeds the mid-range
Single-family homes (with overlay)	1.1-5.0 du/a, with a mid-range of 3.0 du/a	4.64 du/a	The proposed density exceeds the mid-range
Multi-family	N/A	18.45 du/a	N/A

Per the General Plan's mid-range density policy, densities above the mid-range can be permitted at the discretion of the City Council through the exercise of transferable agricultural credits or if a significant amount of amenities is incorporated into a project, extensive off-site public improvements are installed, or other significant improvements of community-wide benefit are provided.

In this case, the applicant is proposing to provide certain amenities, as listed in the Development Agreement (DA), as improvements of community-wide benefit. As listed in the DA discussion below, these include contributions to the East Contra Costa Fire Protection District; potential sale of an 11.35 acre parcel within the project area for a school site or, alternatively, payment of \$1,575,000 to the City to fund a youth center or youth programming; and a trail connection across Sand Creek and from the project site to commercial developments to the east. (In return for these benefits, the applicant will stand to receive their own benefits, which are detailed in the DA discussion below.) The Council will ultimately need to determine whether these community benefits are sufficient to not only allow development above the mid-range, but also to justify the requested General Plan amendments.

The overall density for the multi-family portion of the project site is 18.45 dwelling units per acre. Since the General Plan amendment application includes changing the land use for 13.98 acres from Regional Commercial to Planned Development, the revised PD-36, Subarea B, zoning standards will govern the development of this acreage for up to a maximum of 258 units, or 18.45 dwelling units per acre.



Beyond density, the project's general consistency with the General Plan is analyzed in Table 3 below.

**Table 3  
General Plan consistency analysis**

<b>General Plan requirement</b>	<b>Consistent?</b>
<p><b>Goal CIR 1:</b> Provide a transportation system that facilitates the efficient movement of people and goods within and through the city of Brentwood and promotes the use of alternatives to the single-occupant vehicle</p>	<p>The project would include the extension of Sand Creek Road from its current termination west of SR 4 to the Antioch city limits. While the completion of an intersection with Heidorn Road would have to wait for future development, this would allow the final construction of Sand Creek Road, a major arterial, to city limits, thus facilitating the efficient movement of people and goods. The project would also provide bike lanes for bicycle use, and sidewalks and pedestrian paths, including a connection beneath SR 4 for multi-modal access to development west of the project site.</p>
<p><b>Action CSF 5a:</b> Continue to coordinate with the school districts to ensure the adequate provision of school and related facilities to serve existing and future development and support the establishment of a School Facility Master Plan. The City should work with the local school districts to develop criteria for the designation of school sites and consider a range of opportunities available to reduce the cost of land for school facilities. Such opportunities may include, but are not limited to, designating lands as School (SCH) on the General Plan Land Use map when future school sites are identified in the adopted School Facility Master Plan. The City shall encourage the local school districts to comply with City standards in the design and landscaping of school facilities.</p>	<p>The project includes a DA that requires the applicant to have entered into an agreement with the School District to transfer an 11.35-acre parcel to the School District for the construction of a school site. If built, this school would assist in providing adequate school facilities to serve existing and future development. However, the City has no way of guaranteeing that the site will ultimately be transferred to the School District or that a school will be built if it is transferred.</p>
<p><b>Policy CSF 4-1:</b> Encourage and support the East Contra Costa Fire Protection District and providers of emergency medical services to maintain adequate staff and equipment to provide high quality and responsive fire protection and emergency medical services to existing and future growth in Brentwood.</p>	<p>The project DA likewise would require the applicant to pay fire impact fees for the project. These fees may be used by ECCFPD for fire facilities and equipment. However, the applicant has indicated that it believes the fire impact fee recently adopted by the City is flawed. Therefore, the fees may be paid under protest. Under the DA, the applicant would also participate in a Community Facilities District, a mechanism that would assess the lots on the project site and use those assessments to fund fire services, a considerable benefit to ECCFPD.</p>

General Plan requirement	Consistent?
<b>Goal COS 1:</b> Ensure the provision and preservation of diverse and accessible open spaces throughout the Brentwood Planning Area	The project proposes to maintain some 28.35 acres of permanent open space on the site, thus ensuring the preservation of accessible open space within this portion of the Brentwood Planning Area.
<b>POLICY H 1-1:</b> Provide adequate residential sites with densities distributed throughout the City for the production of new for-sale and rental residential units, emergency shelters, and transitional and supportive housing sites for existing and future residents.	The project would provide up to 573 new homes (without development of the school; 510 with the school), at both low and high densities, and offer the option of for-sale and rental options, thus facilitating this policy.
<b>Policy ED 5-1:</b> Ensure that public, residential, and non-residential developments locating along local creeks, waterways, and open space are designed to include these natural features as an attraction and amenity, while also providing for their conservation where appropriate.	The project would include the development of a trail along the north side of Sand Creek, thus including this natural feature as an attraction and amenity.

Zoning Ordinance Amendment

As with the General Plan, proposed projects must also either be consistent with the City's Zoning Ordinance as proposed, or request approval for changes to the Zoning Ordinance that would render the project consistent. The project site is currently zoned Planned Development No. 36. The PD-36 text identifies development standards for mixed-use business park, regional commercial, single-family residential, and open space and recreation uses. In order to accommodate the project as proposed and be consistent with the proposed General Plan amendment, certain zoning uses and development standards would need to be revised. Therefore, a rezone is necessary to establish site-specific development standards for the proposed uses.

The proposed rezone includes a subarea map identifying each separate land use category and sets forth development standards for each subarea. The proposed development standards are fairly typical for the individual land uses. The single-family subarea sets forth a minimum lot size of 4,500 square feet (which is consistent with the General Plan designation of Residential – Low Density), and includes typical minimum lot dimensions and setbacks associated with the lot area. The tentative map is in keeping with these proposed regulations and each of the residential homes is required to meet the minimum setback dimensions. Therefore, the project would be consistent with the proposed zoning designation should the rezone be approved as requested. The following table summarizes the development standards proposed for the residential of the project and compares them with the current residential zoning for the site:

**Table 4**  
**Proposed zoning development standards for residential uses and comparison with existing standards**

	<b>Existing standard (Single-family Subarea C)</b>	<b>Existing standard (Single-family Subarea D)</b>	<b>Proposed single-family standard</b>	<b>Proposed multi-family standard</b>
Minimum lot area	5,000 sq. ft.	10,000 sq. ft.	4,500 sq. ft.	2,000 sq. ft.
Minimum lot width	55'	90'	45'	-
Minimum lot frontage for lots on cul-de-sacs, knuckles, or curvilinear streets	35' at the front property line	45' at the front property line	30' at the front property line	-
Minimum front yard setback	20' for front-facing garages; 15' for building walls and porches	20' for front-facing garages; 15' for building walls and porches	20' for front-facing garages; 10' for building walls and porches	10'
Minimum side yard setback	5', with the sum of both sides 12'; corner lots shall maintain a minimum setback of 10' on the street side yard	5', with the sum of both sides 15'; corner lots shall maintain a minimum setback of 10' on the street side yard	5'; corner lots shall maintain a minimum setback of 10' on the street side yard	10'
Minimum rear yard setback	15', with an average of 20'	15', with an average of 20'	15'	10'
Maximum building height	2 stories, not to exceed 30'	2 stories, not to exceed 30', except that the 10 lots referenced on the approved residential site plan with Model 11 shall not exceed 33.5'	Two stories, not to exceed 34'	40'
Corner lot fence setback	5' from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	5' from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	5 feet from the street side property line; all other fence regulations shall adhere to the requirements of BMC Chapter 17.660	-
Open space fencing	Lots adjacent to open space shall utilize a 6' high open space fence along the common	Lots adjacent to open space shall utilize a 6' high open space fence along the common	-	-

	<b>Existing standard (Single-family Subarea C)</b>	<b>Existing standard (Single-family Subarea D)</b>	<b>Proposed single-family standard</b>	<b>Proposed multi-family standard</b>
	property line(s), as approved through the tentative map	property line(s), as approved through the tentative map		
Accessory structures	Prohibited in side or rear yards for areas exceeding a 3:1 slope	Prohibited in side or rear yards for areas exceeding a 3:1 slope	-	-
Maximum lot coverage	40% for 2-story homes and 45% for 1-story	40% for 2-story homes and 45% for 1-story	50%	-
Common open space	-	-	-	15% of the total site area
Minimum usable common open space	-	-	-	10% of the total site area
Minimum private open space	-	-	-	100 sq. ft. immediately adjacent to each unit (including balconies)
Maximum number of primary dwelling units	124	42	252 (with school) or 315 (without school)	258
Total possible residential development	166 units		510 units (with school) 573 units (without school)	

The existing uses and development standards governing the commercial portion of the project site would not change with the rezone, with the exception of applicant's request to add gas stations as a conditionally permitted use. With minimal exception, no changes are requested for the open space uses or standards.

In determining whether to grant a requested rezone, under BMC § 17.870.008, the City will need to determine whether the request is:

1. Consistent with the General Plan; and
2. Inappropriate or otherwise contrary to the public interest.

The City Council will need to determine whether the requested rezoning conforms to the General Plan and if it is inappropriate or otherwise contrary to the public interest.

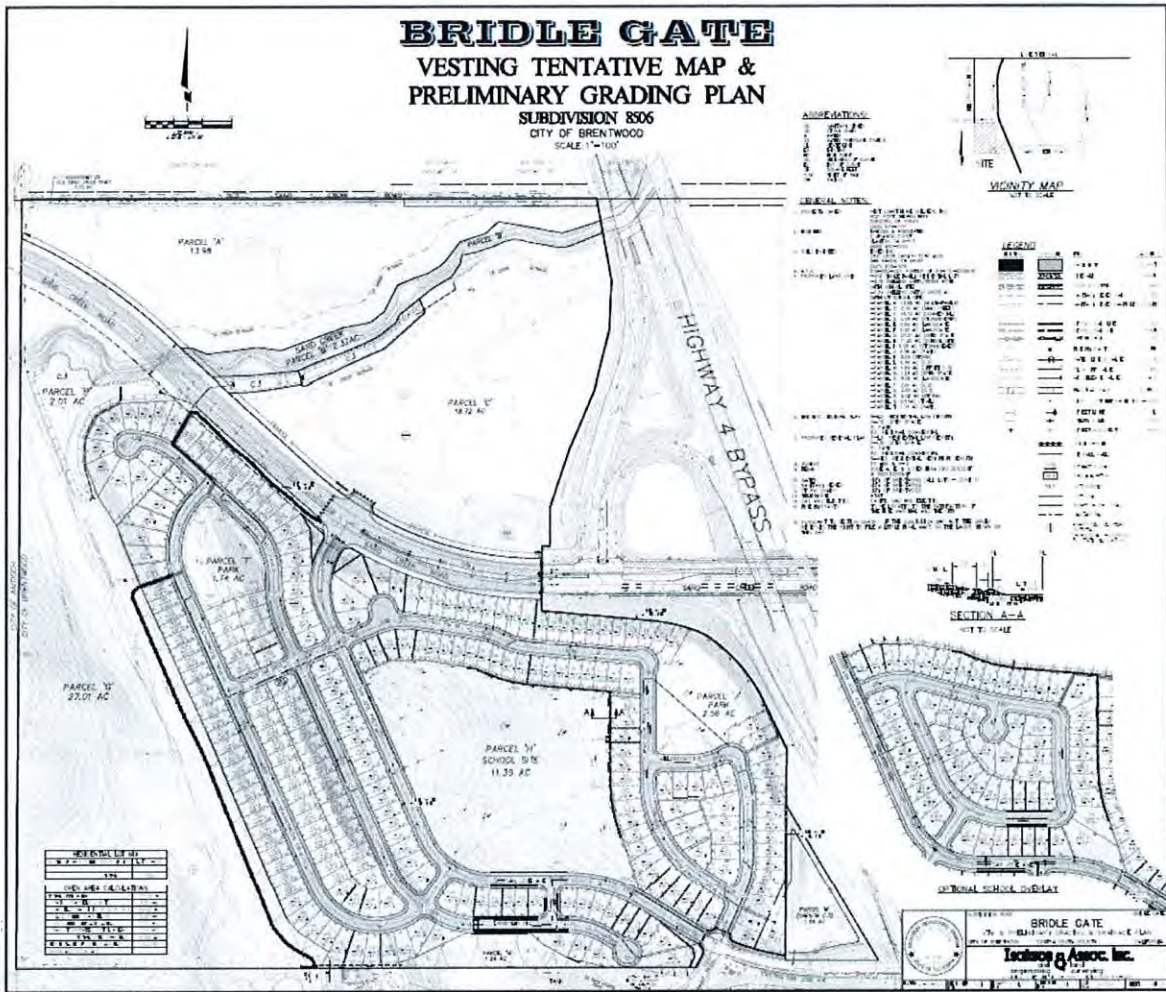
Vesting Tentative Subdivision Map

The project site consists of a total of 137.3 acres. Of this acreage, 28.25 acres (Parcels G and N) are preserved as open space, the majority of which is located along the western property line corresponding to hillside ridge lines. Along the northern property line and north of Sand Creek, Parcel A, totaling 13.98 acres, will accommodate the multi-family apartment project. Parcel C consisting of 18.72 acres and located just south of Sand Creek, remains dedicated to future regional commercial uses, and no development of this site is anticipated with this project at this time. The remaining acreage located south of Sand Creek Road includes the 11.35-acre potential school site (Parcel H), two park locations (1.74 acre Parcel T and 2.56 acre Parcel J), a ten-foot trail connection (Parcel S) to the Brentwood Hills subdivision to the south, and the 252 single-family residential lots. The single-family lot sizes would range from 4,500 square feet to 16,912 square feet. The remaining parcels are to be utilized for bio-retention areas for stormwater treatment. Access to the single-family development would be through two main access points, one along Sand Creek Road and the other via the extension of San Jose Avenue from the south.

The proposed map also includes an overlay for 63 additional single-family lots should the anticipated school site not materialize. The terms for how this could develop are outlined in the development agreement.

Brentwood Municipal Code §16.060.040(B) identifies seven findings applicable to a decision to approve or deny a subdivision map. In the interest of space, each of these findings is analyzed in the resolution attached hereto. Proposed conditions of approval are also attached to the proposed resolution.

**Figure 3**  
**Proposed VTSM 8506**



Design Review

The applicant seeks design review approval for both the single- and multi-family portions of the site. Each is considered separately below. Both are subject to the same approval criteria set out in Brentwood Municipal Code §§ 17.820.007.

Design Review No. 17-007 – Single-Family Residential

Architecture

This single-family community has proposed five distinct floor plans with three alternative elevations per plan. All plans are two-story homes with a two-car front-on garage. Due to the relatively small minimum lot size, alternative garage configurations are difficult to accomplish, however, the homes are designed to minimize the garage by setting it back from the front plane of the living spaces, thereby minimizing their prominence in the front elevation, and all of the plans show decorative garage doors to match the architectural style of the home.

As mentioned, each plan has three distinct architectural styles, including Tuscan, Craftsman, and French Cottage. Exterior materials, massing, roof shapes and pitches, trim shapes and

material, and colors vary by these elevation styles. The rear elevations vary by elevation style as well, with accent gable and hip roofs, accent trim, and a variety of roof pitches and massing styles. The trim around the windows is shown as being carried around all windows at the sides and rears facing street to matches the style of the window trim on the front elevation. This means that the window trim at the side and rear elevations is different by elevation style, but only if it can be viewed from an adjacent street.

- **Tuscan.** The Tuscan style elevations include a combination of stucco and stone exteriors with decorative wrought iron trim elements. The rooflines feature both modified hip and gable end and are finished with curved villa concrete tile roofing material.
- **French Cottage.** The French Cottage style elevations include stucco body and trim elements with mock shutters. Stone veneer trim elements are included along the front elevations. Also included are simulated wood siding and trim elements at various locations along the front elevation. The gable roofs are finished with flat concrete tile roofing materials.
- **Craftsman.** The Craftsman elevations are a combination of horizontal siding and stucco. In addition, there are stone trim elements either at the front or on the column bases on the porch posts. Front elevations feature a full grid pattern for the window fenestration, which is unique to this style. The gable roofs are accented with corbels and have flat concrete tile roofing.

Exterior materials, massing, roof shapes and pitches, trim shapes and material, and colors vary by these elevation styles. The rear elevations vary by elevation style as well, with accent gable and hip roofs, accent trim, and a variety of roof pitches and massing styles. The accent trim and around the windows and the varied window grid patterns are only proposed to be carried around to windows at the sides and rears that abut streets. A draft condition of approval on the project would require that these trim elements be included on all the homes, not just those that abut streets. The color schemes assist in further differentiating the styles. For each plan, the developer has proposed two different color schemes that represent traditional color choices for the style, for a total of 14 color schemes for the entire development.

*Building Design and Massing*

A summary of the proposed home models is included below:

**Table 5**  
**Single-family home models**

Plan #	Home Size	Bed/Bath	Garage Spaces	Stories	Max. Height
1	2,251	4 / 3	2	2	27'0"
2	2,564	4 / 3	2	2	25'9"
3	2,798	4* / 3	2	2	29'5"
4	3,158	5 / 4	2	2	29'7"
5	3,416	5 / 3	2	2	28'0"

\*Optional 5<sup>th</sup> bedroom

*Preliminary/Master Plotting Plan*

The master plotting plan depicts which home plans would be constructed on each particular lot. Each plan would be plotted between 15.9% and 22.6% within the subdivision. The streetscape varies these five plans fairly evenly throughout the subdivision.

See discussion below under the Residential Design Guidelines section regarding compliance with the guidelines and proposed conditions of approval.

### *Landscaping*

The proposed subdivision includes two designated park parcels. Parcel T, located west of the main access at Sand Creek Road, is 1.74 acres and will be designed as a neighborhood park. The larger park is Parcel J, which encompasses 2.56 acres and will also be designed as a neighborhood park. The landscape plans submitted with this application for a VTSM are preliminary only and pursuant to Brentwood Municipal Code Section 2.46.020G, a conceptual park plan will be submitted to the Parks and Recreation Commission for review and final approval of the park design, programming and amenities. The Parks and Recreation Commission's approval will ensure conformance with all aspects of the Parks, Trails and Recreation Master Plan for Neighborhood Parks. As with all new projects, the final landscape plans will be reviewed against the City's Water Efficient Landscape Ordinance to ensure conformance with these regulations.

The project includes a conceptual wall design for the required soundwall locations identified in the acoustical analysis done for the Environment Impact Report. These locations are adjacent to Sand Creek Road and State Route 4. As conditioned, walls will also be required adjacent to City park parcels. The wall design shall be masonry block units with wall cap, columns spaced appropriately and column caps. In order to insure that the wall is designed and installed in a manner acceptable to the City, a draft condition of approval is included that requires the developer to submit a modified design of the wall for review and approval by the Community Development Director and the Director of Public Works prior to construction. The intent is to have a hand-laid block wall with a cap, and columns approximately every 50 feet. All other fencing for the project would need to adhere to the City's standard for good-neighbor fencing between lots, and enhanced good neighbor between lots and City owned open space where trails or trail connections are adjacent. Open tube steel or wire fencing will be installed between City open space parcels and lots elsewhere.

A draft condition of approval for Parcel J will require dedication to the City for open space and trail purposes, and a 10-foot wide asphalt multi-use trail from the southern boundary of the project at the existing terminus of Black Gold Trail to the extension of Sand Creek Road or a portion of the Sand Creek Trail constructed with this project. This is consistent with the Parks, Trails and Recreation Master Plan and will provide trail connections called for therein. In addition, the project is conditioned to construct the Sand Creek Trail from the western boundary of the project to the eastern boundary of the project. Construction of the Sand Creek Trail is also called for in the Parks, Trails and Recreation Master Plan. Additionally, per the Development Agreement, the developer will assist in the construction of a trail connection to the east side of State Route 4.

### *Design Review No. 17-008 – Multi-Family Apartments*

Access to the multi-family site, Parcel A, will be from one ingress/egress point at Sand Creek Road, which will provide right-in/right-out only. A secondary 20-foot wide emergency vehicle access point is provided at the northeast corner of the site out to Old Sand Creek Road. The



multi-family development consists of a total of 258 units clustered into 11, three-story, apartment buildings, with each building containing between 12 and 36 units. The project is anticipated to include 84 one-bedroom units, and 174 two-bedroom units. In addition to the units themselves, an approximately 7,873 square foot clubhouse, with a pool and barbeque area is also included on the site. The multi-family development would include a total of 508 parking spaces comprised of 262 carport spaces, 36 garage spaces, 37 compact spaces, and 173 standard spaces.

The architectural style for the apartment buildings is a modernized mission and includes arched canopies over many of the outdoor patio areas, stucco siding, belly banding to break up the planes between the three stories, and hip roofs with corbels constructed with concrete tile roofing materials. The garage buildings and the clubhouse are proposed as one-story structures and utilize the same materials and architecture as the apartment buildings.

The on-site amenities for the apartment complex include an outdoor pool and barbeque area. A gazebo and pet park are included with the project plans, but their location is not identified on the site plan. Since this is a rather large apartment complex, facilities such as electric vehicle charging stations, a car wash area, and a tot lot should also be made available to the residents. Accordingly, a draft condition of approval is included requiring these amenities to be included in the project building and landscaping plans. The developer is proposing to utilize a tubular steel fence design with columns and caps. A draft condition of approval requires approval of a fencing plan.

#### Design Guidelines

The City adopted a set of Residential Design Guidelines in 2006. These address all aspects of residential design, including project layout and composition, as well architectural design and features for a wide range of residential unit types, including single-family and multi-family.

The guidelines for building design for single-family residential include the provision of one distinct plan with four unique elevations for every 25 units in the project. This 252-unit single-family project has proposed a total of five models, with three elevation styles. This falls well short of the guidelines, which would require a minimum of ten different elevation styles. Accordingly, a condition of approval has been included requiring approval of another elevation style for the five plans provided along with another five distinct plans with four elevations each, including two single-story plans.

Another guideline that needs to be addressed is the lack of incorporating an alternative garage configuration. As this project is a low-density development on relatively small lot sizes, incorporating an alternative garage configuration could be problematic; however, there are a number of lots of sufficient width to accommodate an alternative garage design. Therefore, a condition of approval on the project requires the inclusion of at least one elevation that incorporates an alternative garage style. It should be noted that the proposed plans do push the garages past the front plane of the homes, making them less prominent. In addition, the garages are conditioned to include decorative doors with windows on at least 60% of the lots.

Additionally, the project does not adhere to the residential guideline of having 50% of the corner lots within the neighborhood plotted with single-story homes. This guideline is particularly important as it reducing the massing of a project, particularly along ridge lines and abutting arterial streets and State Route 4. Therefore, a condition of approval has been included that

concurrent with the submittal of the new plans and elevations, that the master plotting plan be submitted for approval that addresses this issue.

The design guidelines specify lot coverage ratios of 45% for single-story homes and 40% for two-story homes, while the lot coverage ratio proposed for this development includes 50% for single-story homes. Given some of the proposed lot sizes and to accommodate the different floor plans proposed, staff is comfortable with a 50% lot coverage for single-story homes. This is reflected in the draft resolution for the rezone that would establish the various development standards for the project.

Other features identified in the design guidelines are carried through onto the proposed plans; including maintenance of architectural integrity with window wrapping treatment carried around to the side and rear elevations; inclusion of various roof heights and forms; the visual emphasis of front doors from the street, and the avoidance of exposed and unarticulated second-floor walls. Roof forms and pitch angles vary slightly, but are generally consistent throughout each architectural elevation style. Taken together, these elements reflect attention to detail and general compliance with the City's design guidelines.

Last, architectural integrity is maintained in that the architectural style of each elevation type remains consistent with the traditional examples on which the style is based and the elements evident on the front façade are conditioned to be carried around to the less-prominent side and rear elevations.

#### Development Agreement

Finally, one of the entitlements sought for this project is a development agreement (DA). Development agreements are contracts between a land use approval body (such as the City) and a developer that are typically used to govern the timing, development, and community benefits of a project. These contracts allow the City and an applicant to enter into an agreement that will assure the City that a proposed project will provide the benefits identified in the agreement and to guarantee the applicant that the project will be subject the rules and regulations in effect at the time of project approval.

The key deal points of the DA proposed here are as follows:

- **School site.** By the time the DA is approved, the applicant must have entered into an agreement with Brentwood Union School District (the "School District") to transfer an 11.35-acre portion of the Project site (the "School Site") to the School District for the development of a school. The existence of any such agreement does not guarantee that a school will be built here, but it is a necessary first step.

The School District Board met on August 19 to consider this agreement and voted unanimously to approve the purchase and sale agreement. Securing the ability of the School District to develop a school at this location has been a primary concern in processing this application.

- **Residential overlay in lieu of school.** If the School District decides not to acquire the School Site within the time identified in the agreement with the applicant, then (1) the applicant will be allowed to develop an additional 63 single-family homes on the School Site, and (2) the applicant will pay the City \$25,000 per each of these additional single-family homes (for a total of some \$1,575,000), with such funds to be used for a youth

center or youth programming. The City Council will need to determine whether such funds for a youth center or programming constitute a sufficient community benefit should a school site not be realized.

- **Fire contributions.** As with the siting of a future school, securing fire contributions for the East Contra Costa Fire Protection District (ECCFPD) has likewise been a high priority in processing this application. To this end, under the DA, applicant will pay all impact fees adopted by the City as of the effective date of the DA to fund fire and medical support facilities operated by ECCFPD (subject to their right to challenge such fees) and will also annex the Project into or otherwise participate in any Community Facilities District established by ECCFPD prior to the Project's first building permit being issued.

It must be noted that the applicant has contested the basis of the fire impact fee recently adopted by the Council. The DA includes language requested by the applicant to acknowledge the ability of the applicant to protest and challenge the fees.

- **Sand Creek Road right-of-way.** In order to obtain the land necessary to develop the full extension of Sand Creek Road from its present termination point west of State Route 4 to the Antioch city limits, the City will sell applicant a small parcel of land, along with an otherwise unusable SR 4 remnant parcel, and provide applicant with development credits or payment of approximately \$150,000.
- **Affordable housing compliance.** In order to satisfy City's affordable housing requirement to construct two percent of the residential units in the Project as affordable units or provide an alternative equivalent therefore, as required by the City's affordable housing ordinance, the applicant requested to pay a fee in lieu of constructing any deed-restricted affordable housing onsite. This method of compliance with the affordable housing ordinance is thus included in the DA.
- **Design and Construction of an off-site trail connection.** The applicant would design and construct an off-site trail connection along Sand Creek from the eastern boundary of the Project beneath State Route 4 to the Old Sand Creek right-of-way and provide funding in the amount of \$500,000 for a pedestrian bridge, if a bridge is ultimately determined to be required. If construction of the pedestrian bridge has not begun by the time the DA expires, this payment for the pedestrian bridge would be returned to Developer.
- **Term.** The DA would have an initial term of 15 years, with one potential 5-year extension. This would mean that the rules, regulations, and policies that govern development of the Project would essentially be fixed for the life of the DA.

The Planning Commission and City Council will need to decide whether the benefits to the community offered through the DA are sufficient to justify (1) the requested General Plan amendment, (2) development of the single-family portion of the site at a density above the mid-range, (3) the vesting of applicant's rights to develop the site per the rules and regulations in place now for a period of up to 15-20 years, and (4) the potential that the site identified for the school may instead be developed with 63 additional single-family homes.

Planning Commission Meeting of August 18, 2020

The Planning Commission agenda for the meeting of August 18, 2020, included the public hearing for the Bridle Gate project. Prior to the meeting, City staff had been advised by PG&E of the possibility of a power outage that may be required by the California Independent System Operator due to the strain on the electrical system caused by the excessive temperatures across the state and attendant demands on the electrical grid. According to the notice from PG&E, if such a blackout were to occur in Brentwood, it would be conducted between the hours of 7:00 pm to 10:00 pm on August 18, which could potentially disrupt the Planning Commission meeting. After discussions with the applicant, it was agreed that staff would recommend that the Planning Commission continue the item to its meeting of September 1, 2020. At the August 18 meeting, the Planning Commission considered the continuance and voted unanimously to approve the continuance of the public hearing for the project to its meeting of September 1.

Since that time, as noted above, the Brentwood Union School District Board held a meeting on August 19, 2020, and approved the purchase and sale agreement for the 11.35-acre school site within the project. The agreement includes a number of conditions that need to be met before the sale would go through.

Staff has also added one additional condition of approval to VTSM 8506 to reflect a late request from Tri-Delta Transit for the provision of bus stops within the project. The new draft condition of approval reads as follows:

“The Developer shall install bus turnouts on both eastbound and westbound Sand Creek Road at the intersection of Sand Creek Road and San Jose Avenue and Sand Creek Road and the entrance to the multi-family apartment site on Parcel “A” in coordination with Tri Delta Transit to the satisfaction of the Director of Public Works concurrent with Sand Creek Road extension improvements. These bus turnout locations shall also include bus shelters to the satisfaction of the Director of Public Works.”

Other than the above, no other changes to the project have been included.

**DATE OF NOTICE:**

The City published a public hearing notice in the Brentwood Press and mailed it to property owners within 300 feet of the site on August 7, 2020, noticing the public hearing for this project. In addition, the project site is posted with the required signage along Sand Creek Road. During the processing of the application, staff did not receive any comments from neighboring property owners or members of the public at large.

Notice of the Planning Commission’s action to continue the public hearing for the project to its meeting of September 1, 2020, was also provided on the City’s Facebook page and on the Nextdoor app.

**ENVIRONMENTAL DETERMINATION:**

The City prepared a Draft Environmental Impact Report (SCH# 2019080071) for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). Several potentially significant impacts are identified; however, mitigation measures are incorporated to reduce those impacts to less than significant levels, except that certain air quality and traffic impacts remain significant and unavoidable as set forth in the Draft EIR. All mitigation measures not addressed by the standard conditions of approval are included as recommended

conditions of approval. The Draft Environmental Impact Report was available for review and comment from June 1, 2020, to July 15, 2020. Several comments were received and addressed in the Final Environmental Impact Report. The Draft EIR may be reviewed by clicking on the link below and scrolling to "Bridle Gate:"

<https://www.brentwoodca.gov/gov/cd/planning/ceqa.asp>

#### **CONCLUSION:**

The Bridle Gate project has a lengthy history, dating back to an initial submittal in 2001 and a prior approval in 2006 that established General Plan land use designations and zoning standards that remain in effect. It is a large site with a number of unique attributes and constraints to consider. It has also generated interest in the surrounding and overall community, with several residents expressing significant concerns about the project through e-mails as well as during public comment at both Planning Commission and City Council meetings. The General Plan Update adopted in 2014 established the vision for the community, which for Bridle Gate (among other things) includes approximately 35 acres of Regional Commercial development and single-family development at a density of approximately three dwelling units per acre.

There are concerning aspects of the project, including the loss of 13.98 acres of Regional Commercial land, the density of single-family development exceeding the mid-range identified in the General Plan, and the development of at least portions of the existing hill forms and ridgelines. However, there are also some positive benefits provided by the project through the Development Agreement. These include the possible provision of a future elementary school site (or funding for youth programming of up to \$1.575 million over time if the School District does not purchase the site), a trail connection beneath State Route 4, and provisions to address fire impacts.

To facilitate the Planning Commission's review and consideration of the project, as well as to facilitate making a recommendation at its meeting on September 1, staff has prepared resolutions to allow the Commission to recommend that the City Council approve the various actions associated with development of this project, as well as a resolution whereby the Commission could recommend that the City Council deny the project. The Planning Commission should therefore consider the discussion above, the findings set forth in each of the resolutions, public comment given at the meeting, and the record of the proceedings in making its final determination to recommend denial or approval of the project to the City Council. The Planning Commission's recommendation will be presented to the City Council in a special meeting on September 15, 2020.

#### **RECOMMENDATION:**

As set forth in the conclusion below, staff recommends that the Planning Commission proceed with one of the following actions:

1. Recommend that the City Council deny the project by adopting the following resolution:
  - a. A Resolution Denying the General Plan Amendment, Rezone, Development Agreement, Vesting Tentative Subdivision Map, and Design Review for the Single-Family Residential Parcels and the Multi-Family Residential Parcels; or

2. Recommend that the City Council approve the project by adopting the following resolutions:
  - a. A Resolution Recommending the City Council Certify the Final EIR, and Adopt CEQA Findings, Statement of Overriding Consideration and Mitigation and Monitoring;
  - b. A Resolution Recommending that the City Council approve General Plan Amendment No. 17-001;
  - c. A Resolution Recommending that the City Council approve Rezone No. 17-004;
  - d. A Resolution Recommending the City Council approve Development Agreement No. 19-001;
  - e. A Resolution Recommending the City Council approve Vesting Tentative Subdivision Map No. 8506;
  - f. A Resolution Recommending the City Council approve Design Review No. 17-007 for the single-family residential parcels; and
  - g. A Resolution Recommending the City Council approve Design Review No. 17-008 for the multi-family residential parcel.

Attachments:

- 1 Planning Commission Resolution No. 20-026 - Final Environment Impact Report
- 2 Planning Commission Resolution No. 20-027 - Development Agreement
- 3 Planning Commission Resolution No. 20-028 - General Plan Amendment
- 4 Planning Commission Resolution No. 20-029 - Rezone
- 5 Planning Commission Resolution No. 20-030 - Vesting Tentative Subdivision Map
- 6 Planning Commission Resolution No. 20-031 - Design Review Single Family
- 7 Planning Commission Resolution No. 20-032 - Design Review Multi Family
- 8 Planning Commission Resolution No. 20-033 - Denial
- 9 Vesting Tentative Subdivision Map No. 8506
- 10 Design Review Booklet - DR 17-007
- 11 Design Review Booklet - DR 17-008
- 12 Bridle Gate Final Environmental Impact Report (with appendix)
- 13 BUSD Purchase and Sale Agreement

# EXHIBIT 2



# National Wetlands Inventory

surface waters and wetlands

ABOUT

GET DATA

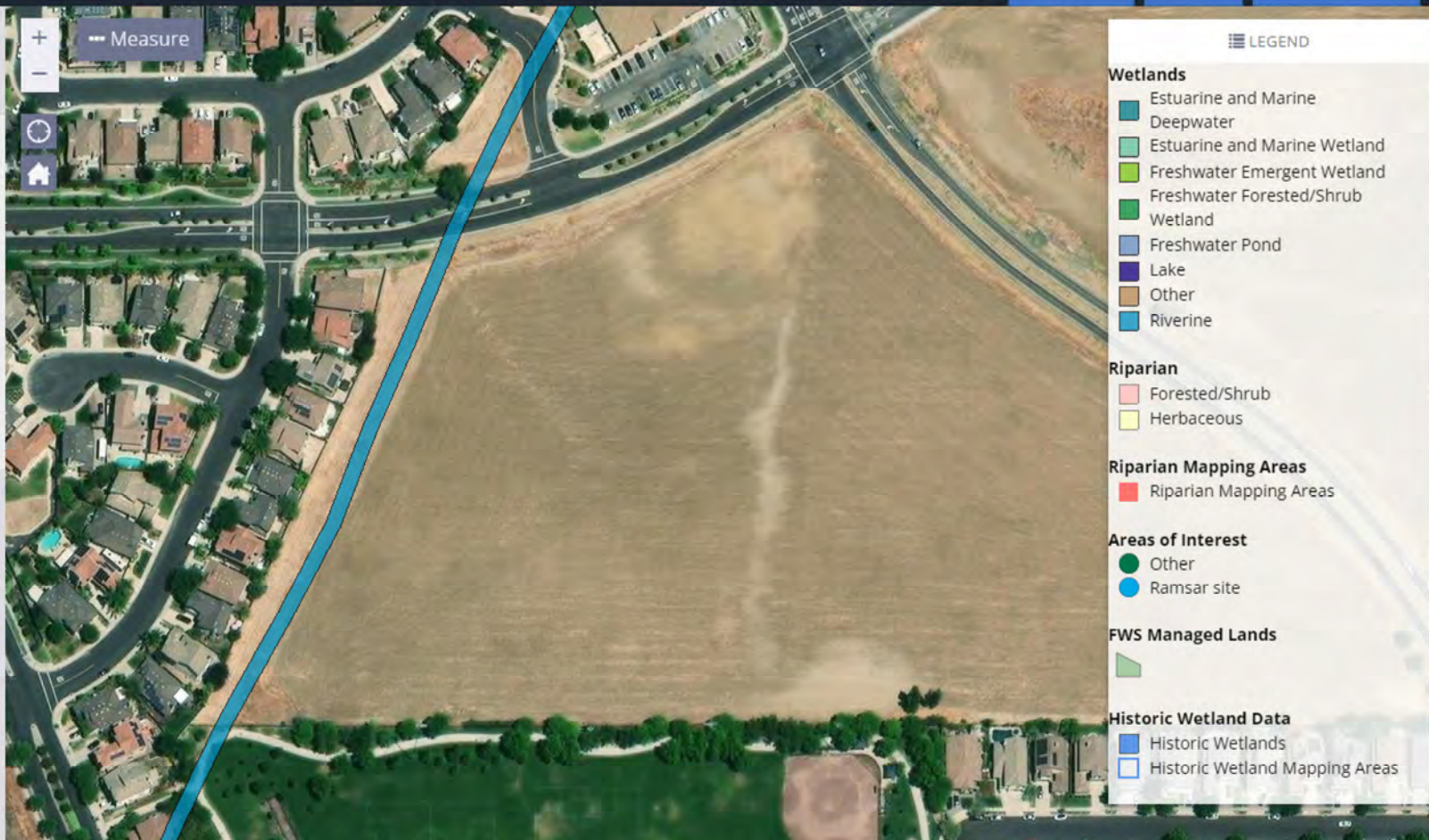
PRINT

FIND LOCATION

BASEMAPS >

MAP LAYERS >

- Wetlands 1 2
- Riparian 1 2
- Riparian Mapping Areas 1 2
- Data Source 1 2
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest 2
- FWS Managed Lands 1 2
- Historic Wetland Data 1 2



LEGEND

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

**Riparian**

- Forested/Shrub
- Herbaceous

**Riparian Mapping Areas**

- Riparian Mapping Areas

**Areas of Interest**

- Other
- Ramsar site

**FWS Managed Lands**



**Historic Wetland Data**

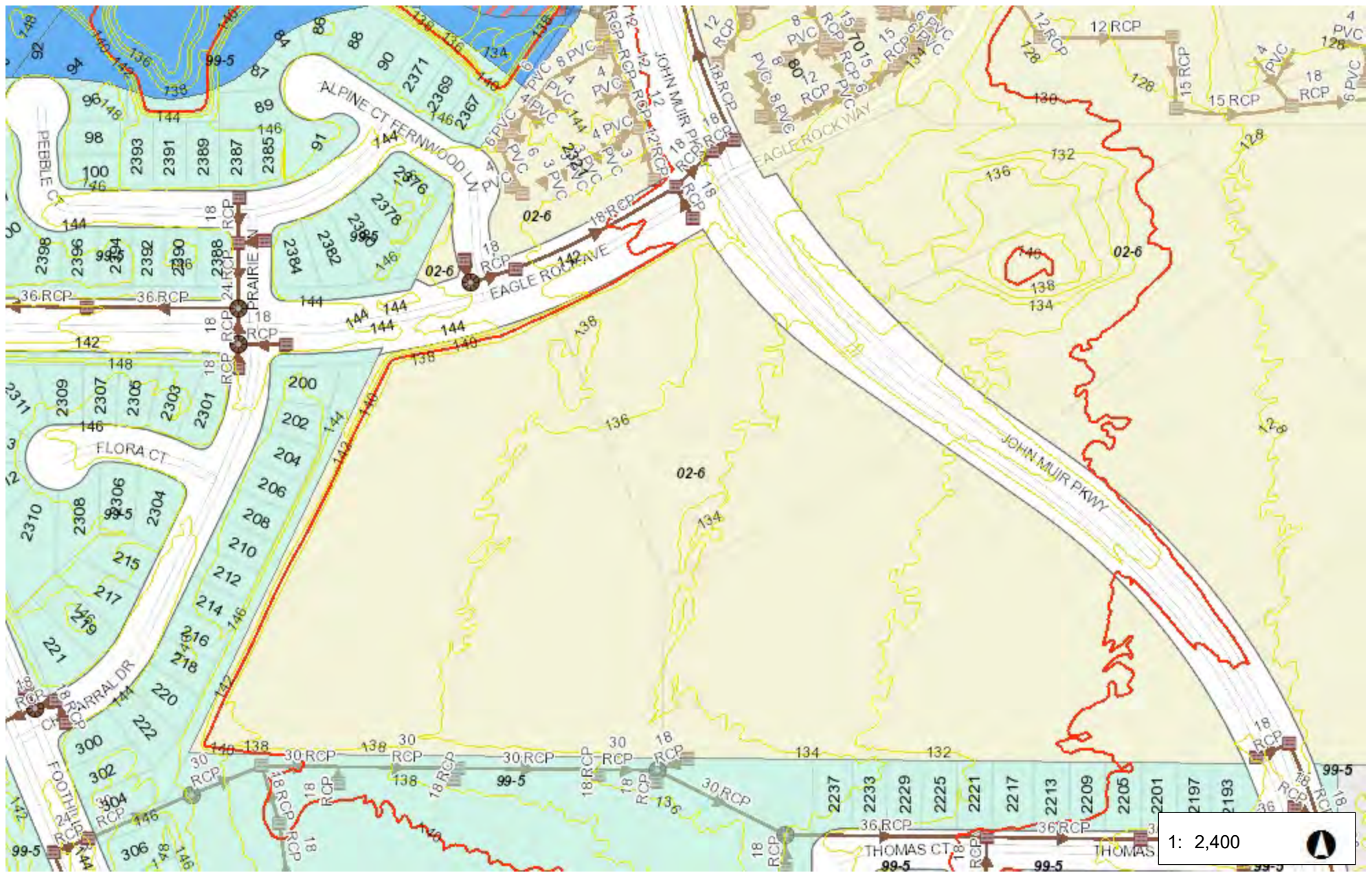
- Historic Wetlands
- Historic Wetland Mapping Areas



# EXHIBIT 3



# City of Brentwood - COB MAP



400.0 0 200.00 400.0 Feet

NAD\_1983\_StatePlane\_California\_III\_FIPS\_0403\_Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes:

1: 2,400



## Hagen, Jennifer

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**From:** Hagen, Jennifer  
**Sent:** Thursday, August 10, 2023 9:45 AM  
**To:** Hagen, Jennifer  
**Subject:** FW: LETTER TO SUPPORT HOUSING ON A PORTION OF YOUR PROPERTY AT THE INNOVATION CENTER

On Jul 28, 2023, at 5:36 PM, Laura Houd <[laurahoud@yahoo.com](mailto:laurahoud@yahoo.com)> wrote:

CAUTION – EXTERNAL SENDER

Hi Ricardo,

I apologize for the delay on this email. Per your request, I wanted to state that the Nunn Family 2 Limited Partnership expects to sell a portion of its property to housing developers over the next 8 years on its properties which are zoned to support this use. We have signed an LOI with Alliance Residential Properties for a portion of our site and there are ample opportunities to support more residential units on the mixed-use/transit property to the north.

Thank you,

Laura Diiorio, LPC  
[lauraanndiiorio@gmail.com](mailto:lauraanndiiorio@gmail.com)  
(925) 813-2253

## Hagen, Jennifer

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**From:** Ron Enos <ron@ronenos.com>  
**Sent:** Wednesday, July 26, 2023 9:39 AM  
**To:** Hagen, Jennifer  
**Cc:** Noguera, Ricardo; Ron Enos  
**Subject:** Approx. 36 acres located in Innovation Center

CAUTION – EXTERNAL SENDER

Hi Jennifer, I am representing the Stonebarger 36 acres located along Heidorn Ranch Road, In Brentwood. CCC APN 019-081-021. We are currently in contract with a developer that will be processing a map on 8 acres of the 36 acre property for High Density Housing, as currently zoned in Brentwood. Thank you. Ron Enos

<b>Ronald J. Enos</b>
DRE # 00644436
Broker / Owner / Realtor
Ronald J. Enos, INC.
Cell: (925) 876-4611
Office: (925) 202-0256
Email: <a href="mailto:Ron@RonEnos.com">Ron@RonEnos.com</a>
Address: 9000 Brentwood Blvd. Ste. C, Brentwood, Ca 94513
Corp. Lic. # 00754405



## **Appendix D**

### *Glossary of Housing Terms*

## Appendix D: Glossary of Housing Terms

**Above Moderate-Income Household.** A household with an annual income usually greater than 120 percent of the area median income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of housing and Urban Development (HUD) for the Section 8 housing program.

**Accessory Dwelling Unit (ADU).** An ADU is a residential unit that provides independent living facilities for one or more persons and includes separate kitchen, sleeping, and bathroom facilities. An ADU may be a part of, attached to, or detached from a single-family, two-family, or multifamily residence and is subordinate to the principal residence. An ADU also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

**Agricultural Housing.** Dwellings and/or living quarters for farm laborers, or other types of dwellings determined to be substantially similar to the above by the Director of Community Development.

**Affirmatively Furthering Fair Housing (AFFH).** Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

**Apartment.** An apartment is a multifamily building of three or more individual residential units that is under single ownership. An apartment may have one or more rooms in an apartment house or dwelling occupied, intended, or designated for occupancy by one family for sleeping or living purposes and containing one kitchen.

**Area Median Income (AMI).** The midpoint of a geographic area's income distribution, to account for regional differences in cost of living.

**Assisted Housing.** Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Sections 221 (d) (3) (below-market interest rate program), Federal Sections 101 (rent supplement assistance), CDBG, FmHA Sections 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

**Below-Market-Rate (BMR).** Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as “low income” or “moderate income.” The financing of housing at less than prevailing interest rates.

**Boarding House.** A housing unit used for residential purposes, other than a hotel, where lodging and meals are provided for compensation for five or more non-transient persons, who are not living as a single housekeeping unit. All residents are be counted when determining the number of persons lodging in a boarding house, including managers, landlords, or building superintendents. A Boarding House is considered to be a Multifamily Dwelling.

**Build-Out.** That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.

**Caretaker Residence.** Permanent or temporary housing that is secondary or accessory to the primary use of the property. Such dwellings are used for housing a caretaker employed full-time on the site of a non-residential use where a caretaker is needed for security purposes or to provide 24-hour care or monitoring of facilities, equipment, or other conditions on the site.

**Community Care Facility.** A 24-hour residential facility maintained and operated to provide nonmedical residential care, day care or homefinding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons, and includes any residential facility, day facility and homefinding agency. A Community Care Facility may be located in any type of residence.

**Community Development Block Grant (CDBG).** A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitled communities and administered by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

**Condominium.** A multi-family building where the units are individually owned, and the common space is owned collectively by condominium unit owners. A condominium structure may have two or more units.

**Covenants, Conditions, and Restrictions (CC&Rs).** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Deed.** A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

**Density Bonus.** The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

**Density, Residential.** The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

**Developable Land.** Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**Discretionary Action.** An action or approval which requires the exercise of judgment or deliberation when the City decides to approve or disapprove a project.

**Down Payment.** Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

**Duplex.** A building on a single lot containing two dwelling units each of which is totally separated from the other by a shared wall that extends from the foundation to the roof.

**Dwelling Unit (DU).** One or more habitable rooms that are designed and/or used as independent living quarters for one family, with facilities for living, eating and sleeping, with no more than one kitchen facility consisting of one or more of the following: sink, cooking facility or refrigerator (except that two kitchens are allowed where the habitable floor area of the dwelling is 8,000 square feet or larger), and at least one bathroom, and where all such habitable areas have access to each other from within the building. Any detached structure or portion of a dwelling which has a separate entry and is separate from that dwelling, containing a full bathroom including a water closet, basin, and shower or bathtub or containing a half bathroom including a water closet and basin, the area of which half bathroom exceeds 20 square feet, shall also be considered a dwelling or dwelling unit.

**Elderly Housing.** Typically, one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

**Emergency Shelter.** A facility that provides temporary, short-term housing, with minimal supportive services, for individuals or families experiencing homelessness, provided that no facility is used as temporary, short-term housing by any individual or family for more than 30 consecutive days. Supplemental services may include food, counseling, and access to other social programs. No individual or household may be denied emergency shelter because of an inability to pay.

**Extremely Low-Income Household.** A household with an annual income that is less than 30 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

**Fair Market Rent.** The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposed of administering the Section 8 Program.

**Family.** The term "Family" is defined by the Brentwood Municipal Code as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit including the joint use of and responsibility for common areas, sharing household activities and



responsibilities such as meals, chores, household maintenance, and expenses. If the dwelling unit is rented, this means that all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease for the entire dwelling, with joint use and responsibility of the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than by the landlord or property manager.

**General Plan.** A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies.

**Goal.** A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

**Green Building.** Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (U.S. Environmental Protection Agency)

**Historic Preservation.** The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

**Historic Property.** A historic property is a structure or site that has significant historic, architectural, or cultural value.

**Household.** All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

**Housing and Community Development Department (HCD).** The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households.

**Housing Element.** One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every five years.

**Housing Payment.** For ownership housing, this is defined as the mortgage payment, property taxes, insurance, and utilities. For rental housing this is defined as rent and utilities.

**Housing Ratio.** The ratio of the monthly housing payment to total gross monthly income; also called Payment-to-Income Ratio or Front-End Ratio.

**Housing Unit.** The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

**Housing and Urban Development, U.S. Department of (HUD).** A cabinet-level department of the federal government that administers housing and community development programs.

**Implementing Policies.** The City's statements of its commitments to consistent actions.

**Implementation.** Actions, procedures, programs, or techniques that carry out policies.

**Infill Development.** The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

**Jobs-Housing Balance.** A ratio used to describe the adequacy of the housing supply within a defined area to meet the needs of persons working within the same area. The General Plan uses SCAG's definition which is a job total equal to 1.2 times the number of housing units within the area under consideration.

**Junior Accessory Dwelling Unit (JADU).** A unit that is no more than 500 square feet in size that is contained entirely within the walls of a single-family residence, including attached garages, and that has a separate entrance. At a minimum, a Junior Accessory Dwelling Unit shall include an efficiency kitchen with a food preparation counter, cooking facility with appliances and storage cabinets, and may include separate sanitation facilities or may share sanitation facilities within the existing single-family residence.

**Land Use Classification.** A system for classifying and designating the appropriate use of properties.

**Live-Work Units.** Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

**Lot Coverage.** The maximum lot area which may be covered with buildings and structures. Buildings and structures include all land covered by Principal Buildings, garages and carports, Accessory Structures, covered decks and gazebos, and other enclosed and covered areas; but not standard roof overhangs, cornices, eaves, uncovered decks, swimming pools, paved areas such as walkways, driveways, patios, uncovered parking areas or roads. All areas of coverage are computed in terms of net lot area at ground level.

**Low-Income Household.** A household with an annual income usually between 51 and 80 percent of the area median income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

**Low-Income Housing Tax Credits.** Tax reductions provided by the federal and State governments for investors in housing for low-income households.

**Manufactured Housing.** Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See "Mobile home" and "Modular Unit.")

**Ministerial Action.** A non-discretionary action or approval where the City merely has to determine whether a project conforms with applicable statutes, ordinances, or regulations.

**Mixed-Use.** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

**Mobile Home.** Also known as manufactured homes or modular homes, single-family housing units which are certified under the National Mobilehome Construction and Safety Standards Act of 1974, and which are to be placed on a foundation system. This structure, transportable in one or more sections, is designed and equipped to contain not more than one dwelling unit, and shall not include a recreational vehicle, commercial coach, or factor-built housing.

**Mobile Home/Manufactured Home Park.** Any area of tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

**Moderate-Income Household.** A household with an annual income usually between 81 and 120 percent of the area median income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

**Monthly Housing Expense.** Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

**Multi-Family Residence.** Housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Either detached units or converted units, but not both, may be allowed on any one parcel zoned to allow multifamily dwellings of two units or more.

**Ordinance.** A law or regulation set forth and adopted by a governmental authority, usually a city or county.

**Overcrowded Housing Unit.** A housing unit in which the members of the household, or group are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

**Parcel.** A lot or tract of land.

**Person with a Disability.** Any individual (1) with a physical or mental impairment that substantially limits one or more major life activities; (2) with a record of such impairment; or (3) who is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

**Planning Area.** The area directly addressed by the general plan. A city’s planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

**Policy.** A specific statement of principle or of guiding action that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See “Program.”)

**Poverty Level.** As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

**Program.** An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.

**Redevelop.** To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

**Regional.** Pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area.

**Regional Housing Needs Allocation.** A quantification by the local council of governments of existing and projected housing need, by household income group, for all localities within a region.

**Rehabilitation.** The repair, preservation, and/or improvement of substandard housing.

**Residential.** Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See “Dwelling Unit.”)

**Residential Care Facility.** A facility that provides 24-hour care and supervision to its residents.

**Retrofit.** To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

**Rezoning.** An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

**Section 8 Rental Assistance Program.** A federal (HUD) rent-subsidy program, which is one of the main sources of federal housing assistance for low-income households, operates by providing “housing assistance payments” to owners, developers, and public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by HUD) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

**Senior Citizen Apartment.** A multi-family building of three or more residential units that is under single ownership where all units are restricted to occupants aged 62 and older.

**Shared Living Facility.** The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

**Single-Family Dwelling, Attached.** A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See “Townhouse.”)

**Single-Family Dwelling, Detached.** A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See “Family.”)

**Single Housekeeping Unit.** A residence with two or more members, whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit, including but not limited to the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.

**Single Room Occupancy (SRO).** A building or buildings constructed or converted for residential living consisting of one-room dwelling units, where each unit is occupied by a single individual or two persons living together as a domestic unit, and where the living and sleeping space are combined. A one-room dwelling unit is not required to contain a bathroom or a kitchen except that if a bathroom or kitchen is not provided within the unit such common facilities shall be provided on-site for residents. A unit that contains both a bathroom and kitchen shall be considered a studio unit and not a Single Room Occupancy Unit. Common facilities for laundry may or may not be provided on-site.

**Special Housing Needs.** Special housing needs are those associated with specific demographic or occupational groups that call for specific Housing Element program responses. State law specifically requires Housing Element analysis of the special housing needs of people who are elderly or disabled (including developmental disabilities), female-headed households, large families, farmworkers, and people experiencing homelessness. These special-needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances.

**Subsidize.** To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale, or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

**Substandard Housing.** Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite

services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

**Target Areas.** Specifically, designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very low- and low-income households.

**Target Population.** Target population refers to people with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly people, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness.

**Tax Increment.** Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community's supply of very low- and low-income housing.

**Tenure.** A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is owner-occupied only if the owner or co-owner lives in it. All other occupied units are classified as renter-occupied including units rented for cash rent and those occupied without payment of cash rent.

**Townhouse.** A single-family unit constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with its own front and rear access to the outside. A townhouse unit can be individually owned.

**Transitional Housing.** A dwelling unit occupied by seven or more homeless persons or families (large) or six or fewer homeless persons or families (small), which is operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time which shall be no less than six months.

**Undevelopable.** Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City.

## Acronyms Used

**ABAG:** Association of Bay Area Governments  
**ACS:** American Community Survey  
**ADU:** Accessory Dwelling Unit  
**AFFH:** Affirmatively Furthering Fair Housing  
**AFH:** Assessment of Fair Housing  
**AI:** Analysis of Impediments  
**AMI:** Area Median Income  
**AMFI:** Area Median Family Income  
**BBSP:** Brentwood Boulevard Specific Plan  
**BMR:** Below Market Rate  
**BPD:** Brentwood Police Department  
**CAR:** California Association of Realtors  
**CCWD:** Contra Costa Water District  
**CDBG:** Community Development Block Grant  
**CDDS:** California Department of Developmental Services  
**CERT:** Community Emergency Response Team  
**CEQA:** California Environmental Quality Act  
**CHAS:** Comprehensive Housing Affordability Strategy  
**CPCU:** California Public Utilities Commission  
**DFEH:** California Department of Fair Employment and Housing  
**DSP:** Downtown Specific Plan  
**DU/AC:** Dwelling Units Per Acre  
**DU:** Dwelling Unit  
**ECCFPD:** East Contra Costa Fire Protection District  
**ECHO:** Eden Council for Hope and Opportunity  
**EDD:** California Employment Development Department  
**EMS:** Emergency Medical Services  
**FAR:** Floor Area Ratio  
**FEMA:** Federal Emergency Management Agency  
**FHAA:** Federal Fair Housing Amendment Act  
**FHEO:** Office of Fair Housing and Equal Opportunity

**FMR:** Fair Market Rate  
**HAMI:** HUD Area Median Income  
**HAMFI:** HUD Area Median Family Income  
**HCD:** California State Department of Housing and Community Development  
**HCVP:** Section 8 Housing Choice Voucher Program  
**HH:** Household(s)  
**HMDA:** Home Mortgage Disclosure Act  
**HOA:** Homeowners Association  
**HOME:** HOME Investment Partnership Program  
**HCD:** California Department of Housing and Community Development  
**HUD:** Department of Housing and Urban Development  
**ICC:** International Code Council  
**JADU:** Junior Accessory Dwelling Unit  
**LIHTC:** Low Income Housing Tax Credit  
**MFI:** Median Family Income  
**MSA/MD:** Metropolitan Statistical Area/Metropolitan Division  
**OEHHA:** California Office of Environmental Health Hazard Assessment  
**PG&E:** Pacific Gas and Electric  
**RBWTP:** Randall-Bold Water Treatment Plant  
**R/ECAP:** Racially and Ethnically Concentrated Areas of Poverty  
**RCAA:** Racially and Ethnically Concentrated Areas of Affluence  
**RHNA:** Regional Housing Needs Allocation  
**RHND:** Regional Housing Needs Determination  
**ROI:** Regional Opportunity Index  
**SRO:** Single-Room Occupancy Unit  
**SWP:** State Water Project  
**TCAC/HCD:** California Tax Credit Allocation Committee/HCD  
**TOD:** Transit-Oriented Development



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