

CITY COUNCIL AGENDA ITEM NO. G.5
03/12/2024

SUBJECT: Second Reading of a Zoning Text Amendment (RZ 23-005) to repeal and replace Local Density Bonus Regulations and Reference State Density Bonus Law, and modify the definition of Low-income household within the Brentwood Municipal Code.

DEPARTMENT: Community Development Department

STAFF: Alexis Morris, Director of Community Development
Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Staff recommends that the City Council waive the second reading of and adopt Ordinance No. 1068, approving an amendment (Rezone No. 23-005) to the Brentwood Municipal Code by repealing and replacing Chapter 17.720 (Density Bonus Program) to implement State Density Bonus Law and adopting Government Code Sections 65915–65918 by reference, as well as modifying Section 17.725.002 (Definitions) of the City’s Affordable Housing Ordinance to modify the definition of Low-income household.

These text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

FISCAL IMPACT

Adoption of the ordinance will not result in a fiscal impact, as staff will continue to process housing developments that include affordable units consistent with the State Density Bonus Law and the City’s Affordable Housing Ordinance through appropriate planning application review processes, which include the collection of fees for the cost of these processes, in accordance with the City’s Cost Allocation Plan.

BACKGROUND

STATE OF CALIFORNIA DENSITY BONUS LAW

Brentwood Municipal Code (BMC) Chapter 17.720 (Density Bonus Program) regulates and implements the State of California Density Bonus Law (SDBL), as outlined in



California Government Code Sections 65915–65918. The SDBL was adopted in 1976 to help address California’s affordable housing needs. The City’s local Density Bonus Ordinance was originally adopted in 1989 and amended in 2015 as part of the last Housing Element update. Since 2015, there have been numerous updates to the SDBL that have resulted in the City’s current Ordinance being inconsistent.

The amendment would repeal and replace the existing density bonus regulations with the attached draft ordinance (Exhibit A1 to Attachment 2). Since the proposed Ordinance is entirely new and is replacing the existing Ordinance, there is no redline version of the Density Bonus Ordinance. The new regulations would adopt the SDBL by reference and identify when the regulations apply.

AFFORDABLE HOUSING ORDINANCE

BMC Chapter 17.725 (Affordable Housing) is the City’s mechanism to require affordable housing within all new residential projects. Based on recent changes to State law, staff recommends making the change to the current definition of “Low-income household” to provide clarity that housing meeting this definition is different than and exceeds the qualifying limits set for very low-income households, consistent with City Council direction.

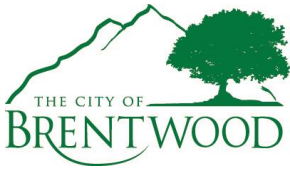
The proposed revised definition is included below and is reflected in Exhibit A1 to Attachment 2 to this report.

“Low-income household” means a household whose annual income exceeds the qualifying limits set for “very low-income households” in Sections 50093 and 50105 of the California Health & Safety Code but does not exceed the qualifying limits set for “lower income households” in Section 50079.5 of the California Health and Safety Code.

This revision changes the definition to no longer be inclusive of both very-low and low income households, to just low income households.

City Council Meeting of February 27, 2024

On February 27, 2024, the City Council considered the proposed amendments to the Brentwood Municipal Code. After deliberation, the City Council, with a vote of 5-0, introduced and waived the first reading of the proposed ordinance for RZ23-005.



CITY COUNCIL STRATEGIC INITIATIVE

City of Brentwood Strategic Plan FY 2022/23 – FY 2023/24 Focus Area 4: Land Use Planning, Goal 1: Implement Zoning Ordinance update to maintain compliance with State law, including developing objective design standards (SB 330 compliance).

PREVIOUS ACTION

Previous Action by the City Council is included in Attachment 1.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press on February 16, 2024, for the February 27, 2024 public hearing held on the ordinance.

ENVIRONMENTAL DETERMINATION

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. None of the circumstances described in CEQA Guidelines Section 15300.2 applies.

ATTACHMENT(S)

1. Previous Actions
2. City Council Ordinance No. 1068 for RZ 23-005
 - Exhibit A1 - Chapter 17.720 (Density Bonus Program)
 - Exhibit A2 - Section 17.725.002 (Definitions) of the City's Affordable Housing Ordinance - Redline