

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A GENERAL PLAN AMENDMENT (GPA 24-002) TO AMEND THE SAFETY ELEMENT OF THE GENERAL PLAN, IN COMPLIANCE WITH GOVERNMENT CODE SECTION 65302(g)(3) AND STATE LAW.

WHEREAS, the State of California requires every municipality to update the Safety Element of its General Plan to comply with state law and revise its policies, programs, and objectives to address those requirements. Pursuant to Government Code section 65302(g)(3), upon the next review of a jurisdiction's Housing Element on or after January 1, 2014, the jurisdiction must review and update the Safety Element to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones; and

WHEREAS, on March 14, 2023, the City Council approved GPA 23-001 to repeal the 2015 Housing Element and adopt the draft Housing Element dated March 2023; and

WHEREAS, on February 13, 2024, the City Council approved GPA 24-001 to amend the 2023-2031 Housing Element in compliance with State Housing Element Law; and

WHEREAS, as provided in Government Code Section 65350, et seq., adoption of the Safety Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the City referred the Safety 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, on May 24, 2024, the City gave public notice of a Planning Commission public hearing to be held to consider adoption of the Safety 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 June 4, 2024, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed Safety Element, reviewed the Safety Element and all pertinent maps, documents and exhibits, the staff report and all attachments, and oral and written public comments received to date.

Following the public hearing the Planning Commission voted to recommend that the City Council adopt the proposed Safety Element; and

WHEREAS, the City published a notice of public hearing to be held by the City Council to consider this resolution regarding the City's Safety Element in the Brentwood Press on June 14, 2024, in accordance with City policies and Government Code Section 65090; and

WHEREAS, on June 25, 2024, the City Council held a duly-noticed public hearing to consider this resolution regarding the proposed Safety Element, including: (1) the public testimony, oral and written, and agenda reports, including all attachments, prepared in connection with the resolution, (2) the recommendations of the City's Planning Commission, and (3) all pertinent maps, documents and exhibits and all oral and written public comments received by the conclusion of the meeting; 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 Safety Update would have a significant effect on the environment, in that the amended policies would not alter the physical environment and that the updated regulations would provide greater protection of the environment through the mitigation of natural and manmade hazards 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.
2. Hereby finds that:

a. The amendment is deemed to be in the public interest;

This amendment is in the public interest in that it will not be detrimental to the public interest, health, safety, convenience, or welfare of the city because the proposed Safety Element update evaluates the risk of hazards and demonstrates how the city will lower its risk and exposure to potential disasters.

b. The amendment is consistent and/or compatible with the rest of the General Plan as evidenced by, among other things:

The amendment would provide background on evacuation routes and existing subdivisions in hazard areas including adequate

emergency access. In addition, the amendment includes Policy SA 3-3 (“Keep emergency access routes free of traffic impediments.”), which is consistent with Circulation Policy CIR 1-12 (“Maintain and improve critical transportation facilities for emergency vehicle access and emergency evacuation needs.”) These revisions do not conflict with any existing portions of the General Plan and are internally consistent.

- c. The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and*

As noted above, the potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, insomuch as the proposed Safety Element update would maintain the balance of land uses within the city because it would protect existing and future developments within the city and surrounding areas.

- d. The amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

As noted above, the Project is exempt from 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 Safety Element Update would have a significant effect on the environment, in that the amended policies would not alter the physical environment and that the updated regulations would provide greater protection of the environment through the mitigation of natural and manmade hazards and so do not have the potential for causing a reasonably foreseeable direct or indirect change in the physical environment.

6. Approves the General Plan amendment (GPA 24-002) to amend the City’s Safety Element, in compliance with State law, as shown in Exhibit A to this resolution, incorporated herein by this reference.
7. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Brentwood at its regular meeting of June 25, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Joel Bryant, Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk