



SUBJECT: Planning Commission request for the City Council to consider increasing the notification radius for public hearing items from 300 feet to 1,000 feet

DEPARTMENT: Community Development

STAFF: Alexis Morris, Director of Community Development
Erik Nolthenius, Planning Manager

TITLE/RECOMMENDATION

Provide staff direction regarding whether to proceed with amending the Brentwood Municipal Code to increase the notification radius for public hearing items.

FISCAL IMPACT

There is not expected to be any fiscal impact to the General Fund as a result of moving forward with this request, other than the cost of staff time spent. Staff time would be spent in two ways: (1) processing the amendment through the Planning Commission and City Council for ultimate adoption; and (2) time to produce additional mailings on a project-by-project basis due to the increased radius. The cost of the additional mailings would be covered by applicants through the submittal of fees in accordance with the City's Cost Allocation Plan. City-initiated projects would have the City cover the costs of mailings.

BACKGROUND

The Brentwood Municipal Code contains provisions that specify how public notice must be given when a public hearing is required. Among other things, these provisions mandate that a public hearing notice be mailed to "the owners of all property within three hundred feet of the subject site as shown on the latest equalized assessment rolls." ([Brentwood Municipal Code Section 17.800.009\(A\)\(2\)](#).) This matches the notice radius required by state law. In this regard, [Government Code Section 65091\(a\)\(4\)](#) provides, in pertinent part:

Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.



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In the event that more than 1,000 owners would receive the mailers, the same Government Code provision allows publication of the public hearing notice in a newspaper of general circulation instead.

At the end of the May 21, 2024 Planning Commission meeting, Vice Chairperson Sparling requested a future agenda item to discuss possible changes to the 300-foot notification requirement for public hearing items. At the June 4, 2024 Planning Commission meeting, Vice Chairperson Sparling explained the request in more detail. After taking public comment, the Planning Commission deliberated and voted unanimously to move forward with the request. The adopted motion reads as follows:

“Request that the City Council direct staff to update Brentwood Municipal Code Section 17.800.009(A)(2) to increase the notification radius from 300 feet to 1,000 feet.”

As part of the focused Zoning Code update work plan, updates to [Chapter 17.800](#) Administrative Procedure and Permits are anticipated in order to address updates required as part of the Housing Element Update in addition to updates required by State Legislation. These updates are anticipated to move forward in late 2024 or early 2025. If directed by City Council, staff could incorporate changes to Section 17.800.009(A)(2) to increase the notification radius from 300 feet to 1,000 feet, or another distance as directed by Council, as part of these updates in order to more efficiently utilize staff time and resources.

The Council is asked to consider the Planning Commission’s request and provide direction to staff. Possible direction could include (a) requesting staff return with additional information as to the implementation and impact of the requested change, (b) asking staff to prepare ordinance amendments to make a change to the notice radius, or (c) declining to take further action.

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

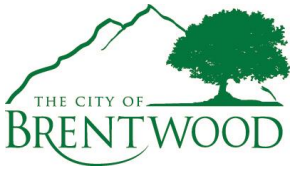
Not Applicable.

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

Not Applicable.



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ATTACHMENT(S)

1. Brentwood Municipal Code Section 17.800.009 (Public Hearing Notice)