



CITY COUNCIL AGENDA ITEM NO. E.9
10/22/2024

SUBJECT: Second Reading of a Zoning Text Amendment (RZ24-007) to the Brentwood Municipal Code to update Section 17.800.009(A)(2) to increase the notification radius for public hearing items from 300 feet to 1,000 feet.

DEPARTMENT: Community Development Department

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

TITLE/RECOMMENDATION

Waive the second reading of and adopt Ordinance No. 1076, approving an amendment (Rezone No. 24-007) to the Brentwood Municipal Code amending Section 17.800.009(A)(2) of the Brentwood Municipal Code to increase the notification radius for public hearing items from 300 feet to 1,000 feet.

These text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15378 as it is not a project under CEQA, and further if it was considered a project, it is exempt pursuant to CEQA Guidelines 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 may result in a minimal fiscal impact to the City related to City initiated public hearing items only. Cost associated with additional notices for non-City initiated projects would be passed to project applicants as part of the application and review process, which includes the collection of fees in accordance with the City's Cost Allocation Plan.

The increase in the number of notifications will also lead to an increase in overall cost of notifications. Since the Community Development Department operates on a deposit account basis where time and materials are charged to the applicant against the established account as the project is processed, the additional fee would be passed along to the applicants who would be responsible for paying postage. Currently it costs approximately \$1 per notice mailed to each address, which includes



the postage and supplies. In the event the City was the applicant on a project requiring such a public notice to be mailed, such costs would be paid from the General Fund.

BACKGROUND

On May 21, 2024, 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 requesting 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.

On July 23, 2024, the City Council considered the Planning Commission's request and directed staff to move forward with the requested change as soon as possible.

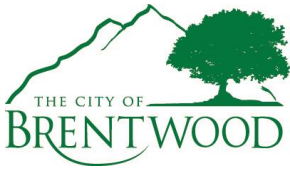
PLANNING COMMISSION ACTION

The Planning Commission considered this item at a public hearing at its regular meeting of September 17, 2024, and was supportive of the requested text amendments. The Planning Commission agreed that the amendments would help to provide greater public awareness while processing applications and communicating potential project impacts to a larger number of residents. The Planning Commission unanimously adopted Resolution No. 24-040, recommending that the City Council approve the amendments (Rezone No. 24-007), modifying Section 17.800.009(A)(2) of the Brentwood Municipal Code to increase the notification radius for public hearing items from 300 feet to 1,000 feet.

CITY COUNCIL MEETING OF OCTOBER 8, 2024

On October 8, 2024, the City Council considered the proposed amendments to the Brentwood Municipal Code. After deliberation, the City Council, with a vote of 4-0 (Pierson was absent), introduced and waived the first reading of the proposed ordinance for RZ24-007.

Expanding the notification radius will significantly increase the number of property owners receiving notification, and thereby potentially increase the overall citizen involvement in the decision-making process, which can lead to more informed decisions by the Planning Commission and/or City Council and projects that are more mindful of and/or harmonious with the surrounding area.



**CITY COUNCIL AGENDA ITEM NO. E.9
10/22/2024**

The change of the noticing distance requirement from 300 to 1,000 feet is shown below and is found in Chapter 17.800.009(A)(2):

A. Through mailing of a public hearing notice to the following:

1. The applicant and/or property owner/s or their duly authorized agent,
2. The owners of all property within ~~three hundred~~ one thousand feet of the subject site as shown on the latest equalized assessment rolls,
3. Any person who has filed a written request with either the city clerk or the city council

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

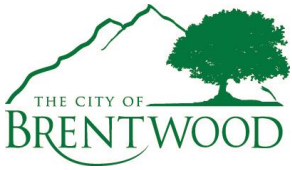
Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press on September 27, 2024, for the October 8, 2024 public hearing held on the ordinance.

ENVIRONMENTAL DETERMINATION

The proposed ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 because there is no potential that the ordinance will result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. Further, even if it was considered a project, it is exempt pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance will 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.



CITY COUNCIL AGENDA ITEM NO. E.9
10/22/2024

ATTACHMENT(S)

1. Previous Action
2. City Council Ordinance No. 1076 for RZ 24-007