

ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A ZONING TEXT AMENDMENT TO THE BRENTWOOD MUNICIPAL CODE (RZ 24-007), WHICH WOULD AMEND SECTION 17.800.009(A)(2) TO INCREASE THE NOTIFICATION RADIUS FOR PUBLIC HEARING ITEMS FROM 300 FEET TO 1,000 FEET

WHEREAS, City staff prepared a zoning text amendment (“the Ordinance”) that would amend Brentwood Municipal Code Section 17.800.009(A)(2) to increase the notification radius for public hearing items from 300-feet to 1,000-feet; and

WHEREAS, the Ordinance would amend Title 17 (Zoning) of the Brentwood Municipal Code, and the Planning Commission is charged with reviewing amendments to said title prior to their consideration by the City Council; and

WHEREAS, state law and the City’s Zoning Ordinance require that notice of public hearings before the Planning Commission or City Council on certain discretionary land use applications including, but not limited to, conditional use permits and modifications thereto, variances, rezones and zoning text amendments, and general plan amendments be mailed to all property owners located within 300 feet of the project parcel; and

WHEREAS, because of the wide-ranging potential impacts of some projects, a 300-foot radius does not always capture property owners that may be potentially impacted by a proposed project; and

WHEREAS, both the Planning Commission and City Council have heard an increase in concerns expressed by residents regarding the extent of public notice provided on projects subject to Planning Commission and/or City Council review; and

WHEREAS, expanding the noticing radius will allow those property owners most likely to be impacted by a project to have an opportunity to participate in the process; and

WHEREAS, citizen involvement in the public hearing process can lead to better decisions by the Planning Commission and/or City Council, as well as projects that are more harmonious with the surrounding area; and

WHEREAS, on September 6, 2024, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance by advertisement in the Brentwood Press, a newspaper of general circulation; and

WHEREAS, on September 17, 2024, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendation by staff, and public testimony concerning this Ordinance. Following the public hearing, the

Planning Commission voted to recommend that the City Council adopt the proposed Ordinance by a vote of 5-0; and

WHEREAS, the City published a notice of public hearing in the Brentwood Press on September 27, 2024, in accordance with City policies and Government Code Section 65090; and

WHEREAS, on October 8, 2024, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration by the City's Planning Commission; and

WHEREAS, this amendment is exempt from 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, and even if it was a project, it would be exempt pursuant to CEQA Guidelines section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and none of the circumstances in CEQA Guidelines section 15300.2 are present; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRENTWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated into this Ordinance as though fully set forth herein.

SECTION 2. CEQA. Pursuant to California Environmental Quality Act ("CEQA") Section 15378 of the CEQA Guidelines, is not a project 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, and even if it was a project, it would be exempt pursuant to CEQA Guidelines section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and none of the circumstances in CEQA Guidelines section 15300.2 are present.

SECTION 3. Rezoning. Brentwood Municipal Code Section 17.870.008 provides:

No rezoning of property or text amendment shall occur which is inconsistent with the city's community development plan. In making a decision, the planning commission and council shall consider the

consistency of the proposed action to the community development plan and other applicable city plans, and shall consider whether the proposed action is inappropriate or otherwise contrary to the public interest.

General Plan Policy CSF 5-12 provides, "Encourage citizen participation at City government meetings, hearings, and workshops." In addition, General Plan Policy CSF 5-14 provides, "Solicit feedback from residents and citizens regarding City-initiated projects, programs, and outreach efforts." The zoning text amendment is consistent with these General Plan policies, insomuch as it provides notification of upcoming meetings of the City government to a broader range of residents. The amendment would also assist in soliciting feedback from residents and citizens regarding potential development projects in the City.

SECTION 4. Amendment. The Brentwood Municipal Code is hereby amended (added text underlined, deleted text ~~stricken~~) as follows:

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,
4. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected;

SECTION 5. Effective Date; Publication Date. This ordinance shall be published in accordance with Government Code Section 36933. This ordinance shall take effect 30 days after its adoption. The City Clerk is directed to cause the Municipal Code text to be entered in the Brentwood Municipal Code of the City of Brentwood to be modified accordingly.

THE FOREGOING ORDINANCE was introduced with the first reading waived at a regular meeting of the City Council of the City of Brentwood on the 8th day of October 2024 by the following vote:

AYES: Mendoza, Oerlemans, Meyer, and Mayor Bryant
NOES: None
ABSENT: Pierson
RECUSE: None

THE FOREGOING ORDINANCE was adopted with the second reading waived at a regular meeting of the City Council of the City of Brentwood on the 22nd day of October 2024 by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Amanda McVey
Interim City Clerk