

SUBJECT: Second reading of an ordinance approving a Zoning Text Amendment (RZ 24-008) to update the Brentwood Municipal Code to comply with state law as required by the City’s adopted Housing Element implementation policies

DEPARTMENT: Community Development Department

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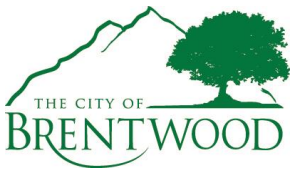
TITLE/RECOMMENDATION

Waive the second reading of and adopt Ordinance 1084 approving an amendment (RZ 24-008) to the Brentwood Municipal Code, needed to comply with state law as required by the City’s Housing Element Implementation Programs including but not limited to: H.1l (Farmworker and Employee Housing); H.1p (Replacement Housing); H.1r (Parking Standards for Studios and 1-Bedroom Units); H.1s (CUP and Design and Site Development Review Findings); H.4h (Low-Barrier Navigation Center); H.4j (Single-Room Occupancy (SRO) Units); H.4k (Emergency Shelters); H.4l (By-Right Permanent Supportive Housing (AB 2162)); H.4m (Reasonable Accommodations); H.4n (Definition of Family); and H.4o (Residential Care Facilities).

The 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 it may have a significant effect on the environment.

FISCAL IMPACT

There is no fiscal impact associated with introducing the ordinance. The cost of the Housing Element update is included in the adopted 2024/25 – 2028/29 Capital Improvement Program (CIP), which includes the Housing Element Update and Safety Element Update (CIP Project No. 337-37258) and is funded by State grants and the General Fund. No additional funds are being requested.



BACKGROUND

Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city. A certified Housing Element is one of seven mandatory elements of the General Plan. Housing Element law mandates that local governments update their Housing Element every eight years to demonstrate how a jurisdiction has adequately planned to meet the existing and projected housing needs for all economic segments of the community.

The City formally initiated the 6th Cycle (2023-2031) Housing Element Update (HEU) in October 2021 with substantive public meetings beginning in April 2022. Throughout the process, the City provided a number of opportunities for the public to participate and provide comments, including ten public workshops, outreach events, and hearings before the Planning Commission and City Council to review key components of the Housing Element, including all goals, policies, and implementation actions that were proposed.

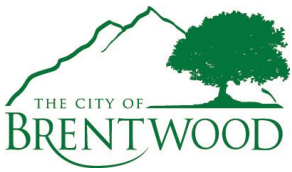
On March 14, 2023, the City Council adopted Resolution No. 2023-31, which approved the draft Housing Element (dated March 2023). Based on additional comments provided by the California Department of Housing and Community Development (HCD) regarding new or modified programs that had the potential to impact future City policies, additional amendments to the Housing Element were required. On February 13, 2024, the City Council adopted Resolution No. 2024-16, which amended and approved a revised draft Housing Element (dated November 2023). The resolution also directed staff to submit the draft Housing Element to HCD for review and certification. The Housing Element was certified by HCD on April 12, 2024.

Required Contents

State law defines the required contents of the adopted Housing Element, with key components that can be found in the following four principal sections and four appendices:

Section 1: Introduction – This section contains a summary of the content, organization, and statutory considerations of the Housing Element.

Section 2: Community Profile – This section contains an analysis of the City's population, household and employment base, and the characteristics of the housing stock.



Section 3: Housing Constraints, Resources, and Fair Housing – This section examines governmental and nongovernmental constraints on production, maintenance, and affordability of housing, and provides a summary of housing resources, including sites identification and funding and financial considerations, as well as the Affirmatively Furthering Fair Housing (AFFH) section.

Section 4: Housing Plan – This section addresses the City’s identified housing needs, including housing goals, policies, and programs.

Goals, Policies and Programs

The implementation or action items addressed in this report are part of [Section 4: Housing Plan](#) (Attachment 3). The goals, policies, and programs (also called actions) are a key component in this section, representing the City's proposed "housing plan" with a focus on actionable steps and measures that the City will undertake to increase affordable housing and preserve and improve existing housing.

There are four main goals, with a corresponding set of policies and programs for each. Whereas the policies help to guide and inform future City decision-making and direction with respect to a broad range of housing-related topics, the programs provide actionable steps to implement the Housing Element's goals and to make further progress towards meeting the regional housing need allocation. Timeframes and responsibilities for each program are indicated in the section. The four main goals in the Housing Plan include the following:

H.1 - Housing Goal

Facilitate a diversity of housing opportunities to enhance the City’s living environment and to satisfy the shelter needs of all Brentwood residents.

H.2 - Affordability Goal

Encourage housing that is affordable to all socio-economic segments of Brentwood’s population.

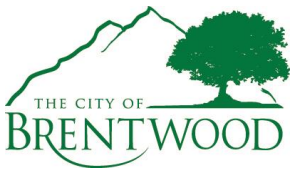
H.3 - Equitable Distribution of Affordable Housing Goal

Encourage an equitable distribution of housing for all economic groups throughout the community.

H.4 - Housing Opportunities Goal

Promote equal housing opportunities for all residents of Brentwood.

In developing the policies and programs, staff used those included in the 5th Cycle Housing Element as a starting point, carrying forward many of the same underlying



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themes, concepts, and ideas. However, the 6th Cycle Housing Element revised and modified some of the actions to clarify intent, improve specificity, and address new State laws. All of the final policies and programs were reviewed and approved by the City Council on February 13, 2024, as part of the Council's Housing Element adoption.

The majority of the actions/programs included in the Housing Element are required per recent legislation and updated State law (e.g., [AB 2339](#) [Emergency Shelters], [AB 1397](#) [adding requirements for Housing Element inventory sites], and [SB 166](#) [prohibiting the City from allowing its inventory sites list to become insufficient to meet the City's remaining regional housing needs allocation]), some are in response to the requirement to address housing constraints required through State Housing Element law (Government Code Sections [65580 - 65589.11](#)).

PLANNING COMMISSION ACTION

The Planning Commission considered this item at a public hearing at its meeting of January 21, 2025, and a vote to recommend approval of the item failed (2-3 vote by: Commissioners Brand, Flohr, and Chairperson Roberts). No additional action was taken on the item. The Planning Commission expressed concerns related to the continued decrease of local control over City and housing related matters. Although the Planning Commission did not take final action on a recommendation, staff continues to recommend that the City Council adopt the attached Ordinance approving amendments to the Brentwood Municipal Code needed to comply with state law as required by the City's Housing Element Implementation Programs, as it is critical in maintaining the City's certified Housing Element status.

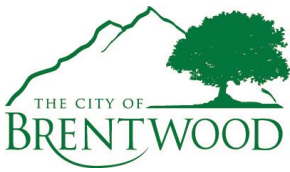
CITY COUNCIL MEETING OF FEBRUARY 25, 2025

On February 25, 2025, 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 RZ24-008.

The new ordinance would assist the City in complying with State law as required by the City's Housing Element Implementation Programs. The Housing Element adopted by the City Council committed to adopt these Programs by January 2025.

The following Implementation Programs will be addressed as part of the Zoning Code Amendments:

- H.1l (Farmworker and Employee Housing),
- H.1p (Replacement Housing),



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- H.1r (Parking Standards for Studios and 1-Bedroom Units),
- H.1s (CUP and Design and Site Development Review Findings),
- H.4h (Low-Barrier Navigation Center),
- H.4j (Single-Room Occupancy (SRO) Units),
- H.4k (Emergency Shelters),
- H.4l (By-Right Permanent Supportive Housing (AB 2162)),
- H.4m (Reasonable Accommodations),
- H.4n (Definition of Family), and
- H.4o (Residential Care Facilities)

A summary of each program, including the program text as approved within the Housing Element, the program objectives as approved in the Housing Element, implementation actions that are being proposed by staff to meet the objectives, and information regarding specific government code and/or legislative requirements related to each of the programs was provided within the February 25, 2025 agenda report.

CITY COUNCIL STRATEGIC INITIATIVE

Focus Area 4: Community Development

Provide a diversity of housing opportunities, including equitable distribution of affordable housing for all socio-economic segments of the Brentwood community.

- Update the City's Housing Element including: an evaluation of the 2015 Housing Element; assessment of housing needs, resources, constraints; approval of an updated Regional Housing Needs Allocation; and adoption of housing goals, policies, and actions.

PREVIOUS ACTION

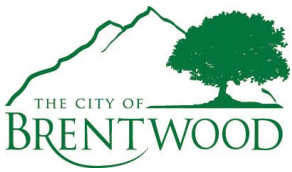
Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press on January 31, 2025, for the February 25, 2025 public hearing held on the ordinance.

ENVIRONMENTAL DETERMINATION

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (the common sense exemption)



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of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements requirements of state law and includes no provisions beyond those included in the Government Code that that may result in a direct or indirect impact on the physical environment. 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.

ATTACHMENT(S)

1. Previous Actions
2. Ordinance 1084
 - a. Municipal Code Redlines
3. Housing Element Section 4: Housing Plan