

ORDINANCE NO. 1084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A ZONING TEXT AMENDMENT TO THE BRENTWOOD MUNICIPAL CODE (RZ 24-008) TO AMEND THE BRENTWOOD MUNICIPAL CODE RELATING TO HOUSING ELEMENT IMPLEMENTATION PROGRAMS INCLUDING 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), IN COMPLIANCE WITH STATE LAW

WHEREAS, City staff prepared a zoning text amendment (“the Ordinance”) that would amend sections of the Brentwood Municipal Code Section to comply with state law as required by the City’s adopted Housing Element implementation policies; and

WHEREAS, State Housing Element Law (Government Code Sections 65580, et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031; and

WHEREAS, on February 13, 2024, the City Council approved Resolution No. 2024-16, which amended and approved a revised 2023-2032 Housing Element (“Housing Element”); and

WHEREAS, on April 12, 2024, the State Department of Housing and Community Development (HCD) certified the Housing Element; and

WHEREAS, the Housing Element included a number of programs which required the City to make changes to its Zoning Code; and

WHEREAS, in addition to amending the Zoning Code to address the programs listed in the Housing Element, it is also necessary to amend the Zoning Code to address recent changes to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing and implement all adopted programs (Government Code Section 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Government Code Sections 65583.2 and 65583(c)); 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, on December 20, 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 January 21, 2025, 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, a vote to recommend approval of the item failed (2-3 vote). No additional action was taken on the item; and

WHEREAS, the City published a notice of public hearing in the Brentwood Press on January 31, 2025, in accordance with City policies and Government Code Section 65090; and

WHEREAS, on February 25, 2025, the City Council held a duly-noticed public hearing, wherein it heard the first reading of and introduced the Ordinance, after considering: (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 Section 15061(b)(3) 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; 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 15061(b)(3) of the CEQA Guidelines, 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.

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.

The zoning text amendment is consistent with the General Plan, as amended from time to time, inasmuch as it is responsive to the following adopted Housing Element implementation programs:

- 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).

SECTION 4. Amendment. Specified sections, or portions of sections, of Title 17 of the Brentwood Municipal Code are hereby amended to comply with state law as required by the City's adopted Housing Element implementation policies, as provided in Exhibit "A", attached hereto and incorporated herein. Revisions to existing sections are reflected in ~~strikethrough~~ for deletions and underline for additions.

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 25th day of February 2025 by the following vote:

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

THIS ORDINANCE was adopted with the second reading waived at a regular meeting of the City Council of the City of Brentwood on the 11th day of March 2025 by the following vote: