



**CITY COUNCIL AGENDA ITEM NO. F.1
08/08/2023**

SUBJECT: An Extension of Interim Urgency Ordinance implementing Interim Objective Design Standards for residential housing projects in the City of Brentwood, and finding the action exempt from CEQA

DEPARTMENT: Community Development Department

STAFF: Alexis Morris, Director of Community Development
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Staff recommends the City Council approve an extension of the Interim Urgency Ordinance adopted June 27th, approving Interim Objective Design Standards, while the City develops a more robust set of residential design and development standards to ensure that projects deliver high-quality design, appropriate site planning and amenities, and are compatible with surrounding neighborhoods and the community.

Adoption of the Interim Urgency Ordinance is exempt, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the Project may have a significant impact on the environment.

FISCAL IMPACT

There is no fiscal impact associated with adopting the extension of the Interim Urgency Ordinance, other than staff time spent preparing it. The cost of the update is included in the adopted 2023/24 – 2027/28 Capital Improvement Program (“CIP”), which includes the Zoning Ordinance Update, CIP Project No. 337-37228. The Zoning Ordinance Update project is funded by a combination of a California Senate Bill 2 grant (\$310,000) and the General Fund (\$140,000).

BACKGROUND

The current Residential Design Guidelines were adopted by the City in 2006 in an effort to articulate the importance of high-quality design that complements and enhances the existing fabric of the community. These guidelines have helped to express the community’s desires and ensure that new residential development respects the past while embracing the future and welcoming new residents. Many of the current guidelines however, are subjective and may be argued to contain ambiguous or unclear standards for the review of new development. This has required



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08/08/2023**

applicants and decision-makers to interpret terminology such as “desirable qualities,” “compatible design,” or “appropriately sensitive,” which has not always resulted in consistent interpretations over time.

Based on the City Council’s direction on January 24, 2023, staff has begun to draft a set of objective design standards for residential development. The intent of this effort is to address recent changes in State law that seek to streamline and increase housing production, focused on making approval processes more routine and predictable for those developing housing. A key component of several of these new laws is increased limitations on discretionary review processes, placing an increased emphasis on objective design and development standards as the primary criteria for project approval or denial. Relevant laws include those adopted as part of the 2017 "housing package" (a series of 15 separate pieces of legislation), including SB 35 that allows "by right" approval of certain housing projects, followed by more recently-passed legislation, notably SB 330, the Housing Crisis Act.

SB 330 placed additional limitations on project review and the application of objective design standards to all multi-family residential units, not just those that are affordable, to further encourage housing production. Specifically, SB 330 amended the Housing Accountability Act to clarify, among other things, that design review must be objective and “strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” (i.e., non-subjective). SB 330 also prohibits cities from adopting new or enforcing design standards established on or after January 1, 2020, that are not objective design standards. It is important to note that pursuant to these legislative changes, the role of design review bodies in municipalities will be required to evolve with the introduction and implementation of objective design standards. For example, there will be instances where the City will be limited in its ability to apply subjective design standards and conditions of approval. Thus, it is important for the City to prepare and adopt appropriate objective standards to continue to implement its design review goals where discretionary review is limited.

With these new laws and procedures in place, and expecting the emphasis on objective standards to continue in future legislation, it is in the City's interest to have a robust group of residential design and development standards (i.e., objective design standards) in place, to ensure that projects deliver high-quality design, appropriate site planning, and amenities, and are compatible with surrounding neighborhoods and the community.

While the City is working on comprehensive standards, the Interim Objective Design Standards (Interim ODS) adopted by the City Council on June 27, 2023, have been developed that are only intended to provide minimum enforceable standards until comprehensive standards can be implemented. Community outreach on the final objective design standards is anticipated to start in the summer with completion of



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08/08/2023**

the task by late winter or early spring (2024). The Interim ODS apply to the following types of projects:

- Single-family and Multi-Family homes if the units require Design Review pursuant to BMC Section 17.820;
- Two-Unit Housing Developments and Urban Lot Splits (SB 9 projects);
- Mixed-use projects with 2/3 of the square footage dedicated to residential units; and
- Transitional or supportive housing projects.

NEXT STEPS

This action would extend the interim urgency ordinance adopted by the City Council on June 27, 2023, which expires 45 days after adoption (August 11, 2023), by ten months and fifteen days (May 12, 2024). Staff is currently working on reviewing the existing Residential Design Guidelines to be utilized as a base for the future standards in order to continue to respect the past while embracing the future of Brentwood. It is anticipated that community outreach on the final objective design standards will start in the summer followed by a Planning Commission/City Council workshop to review policy priorities with completion of the task by late winter or early spring (2024). The final comprehensive set of objective design standards would be subject to review by both the Planning Commission and City Council. The regular ordinance would then take effect 30 days after adoption and would repeal and replace this urgency ordinance.

CITY COUNCIL STRATEGIC INITIATIVE

City of Brentwood Strategic Plan FY 2022/23 – FY 2023/24 Focus Area 4: Land Use Planning, Goal 1: Implement Zoning Ordinance update to maintain compliance with State law, including developing objective design standards (SB 330 compliance).

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 July 28, 2023. Prior to publication of the agenda report, staff received no public comments.



**CITY COUNCIL AGENDA ITEM NO. F.1
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ENVIRONMENTAL DETERMINATION

Adoption of the Interim Urgency Ordinance is exempt, pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the Project may have a significant impact on the environment.

ATTACHMENT(S)

1. Previous Action
2. Urgency Ordinance Extension
3. Interim Objective Design Standards