

**CITY COUNCIL RESOLUTION NO. 2023-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW APPLICATION (DR 23-001) TO CONSTRUCT THREE ADDITIONAL RESIDENTIAL UNITS AND RELATED SITE IMPROVEMENTS TO AN EXISTING RESIDENTIAL GROUP HOME KNOWN AS SHEPHERD'S GATE LOCATED AT 605 SYCAMORE AVENUE (APN 016-310-076).**

**WHEREAS**, Shepherd's Gate (the "Applicant") has submitted a Design Review application, DR 23-001, which requests approval of a 2,877 square foot addition to the existing Shepherd's Gate facility. This would include three 702 square foot, two-bedroom dwelling units (cottages), and 771 square feet of communal space which includes a pantry, laundry room and breezeway that attaches the new development to the existing facility. Site improvements would include the addition of three parking stalls, 855 square feet of paved walkway, an 115 square foot trash enclosure, a 6-foot tall "good neighbor" wood fence, and additional landscaping; and

**WHEREAS**, collectively, RZ 23-001, CUP 23-001 and DR 23-001 constitute the "Project"; and

**WHEREAS**, the City referred the Project to various departments and agencies for review and recommendations; and

**WHEREAS**, the City of Brentwood published a public hearing notice in the Brentwood Press and mailed it to all property owners within 300 feet of the site on October 27, 2023, and the Applicant also posted the project site with the required signage in accordance with City polices and Government Code Section 65090; and.

**WHEREAS**, the proposed project qualifies as a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15301(e)(2) as it will be an addition to an existing facility in where the 2,877 square foot addition will not result in an increase of more than 50 percent of the floor area of the 7,421 square foot existing structure; and

**WHEREAS**, the proposed project is further exempt from CEQA as it as it qualifies as a Class 3 categorical exemption under Guidelines Section 15303(b) as the project consists of the construction of a small multi-family residential structure totaling no more than six dwelling units within an urbanized area; and

**WHEREAS**, the Planning Commission considered the Project at its regular meeting of November 7, 2023, and considered the staff report, all accompanying information, and testimony received from the Applicant and other interested parties.

**WHEREAS**; with one absence, the Planning Commission unanimously voted to recommend that the City Council approve the Project; and

**WHEREAS**, the City of Brentwood published a public hearing notice in the Brentwood Press and mailed it to all property owners within 300 feet of the site on December 29, 2023, and the Applicant also posted the project site with the required signage in accordance with City polices and Government Code Section 65090; and

**WHEREAS**, the City Council considered the Project at its regular meeting of January 9, 2024, and considered the staff report, all accompanying information, and testimony received from the Applicant and other interested parties.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brentwood:

A. Hereby finds that:

- i. With respect to the California Environmental Quality Act, the proposed project qualifies as a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15301(e)(2) as it would constitute a 2,877 square foot addition to an existing 7,421 square foot structure and will not result in an increase of more than 50 percent of the floor area of the existing structure

Additionally, the proposed project is further exempt from CEQA as it qualifies as a Class 3 categorical exemption under Guidelines Section 15303(b) as the project consists of the construction of a small multi-family residential addition totaling no more than six dwelling units within an urbanized area

- ii. With respect to the Design Review findings under Section 17.820.007 of the Brentwood Municipal Code:
  - a. *The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

The proposed development would create a well composed urban design and would be harmoniously related to the other facilities in the immediate area given that the proposed development would be of the same architecture style and built with the same materials as the existing single family residence, which was approved at the same time as all other residential development in the immediate area.

- b. *Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.*

Special consideration was given to the proposed building in that it would look like a structure typically found in a residential neighborhood. The

building is one story and 16 1/2 feet tall, which is similar to what an ADU would look like. The materials and architecture are exactly like the main dwelling and therefore this new structure would have the appearance of a typical accessory structure in a single family residential area.

- c. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.*

As mentioned above, the proposed project is of like character and architecture as the surrounding area. Additionally, the proposed project was intentionally built as far away as possible from the existing single family residential lots in order to not cause interference in the day-to-day activities of the neighbors and to reduce potential conflicts.

- d. Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the City Council, the design of the development shall conform in all significant respects with such plans.*

The project site is within the Planned Development No. 45 (PD-45) zoning district. The proposed addition adhere to the purpose and intent of the zone as the purpose of PD-45 is to permit and regulate the orderly development of the 54.69 acres, which includes a residential group home. In addition, the stated intent for PD-45 is to ensure the coordinated development of the entire property in order to minimize impacts on adjacent areas, while providing for needed housing. The proposed project, as conditioned, would be in conformance with the physical development standards of the PD-45 zoning district.

- e. The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this tittle.*

The project proposes ample vegetation to provide screening for the new structure and parking areas. Additionally the project proposes a 6-foot tall "good neighbor" fence to further screen the proposed structure.

- f. The site development criteria set forth in Section 17.820.008.*
- 1. The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conductive to an orderly, attractive, efficient and harmonious development.*

The project has been routed to all applicable departments to ensure an orderly, attractive, efficient and harmonious

development. The project internal arrangement would be conducive to an orderly development as no changes are proposed to the ingress/egress of the site, there is sufficient parking, all lighting is that typical of residential areas, there is no signage proposed, and the proposed building is of a design that is typically found within a residential development. Additionally, the proposed project includes all required parking (13 spaces), with 10 spaces meeting the standard dimensions (9'x20') and three meeting the compact dimensions (8'x16'), as allowed by Municipal Code Section 17.620.021.(D)

2. *The proposed development shall not have adverse environmental effect of adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.*

The project has been vetted by multiple departments and has been found to have found no existing or potential adverse effect to the environment by reason of land use, topography or traffic impacts. Given that the proposed use is one that was contemplated as an allowed use within the PD-45 zoning district, the topography is relatively flat and no traffic impacts are foreseen with the addition of three residential units.

- g. *The City of Brentwood Design Guidelines and any other applicable specific design criteria or standards set out in this title or other city ordinances.*

The project adheres to the City's Residential Design Guidelines, in that the project integrates new development into the surrounding city fabric, the proposed building retains the architectural integrity of the original development, there is substantial shrubbery proposed, and the building uses quality materials and craftsmanship. Additionally, the project further complies with Design Guidelines in that the proposal respects adjacent neighbors by keeping new development as far away as possible from their properties.

- h. *All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions.*

The proposed development is consistent with all applicable regulations of the zoning ordinance and other City ordinances, policies or resolutions. The project is conditioned to meet all applicable Building, Engineering, and Public Works codes and regulations.

- B. Hereby approves Design Review application DR 23-001, subject to the conditions reflected in Exhibit "A" attached to this resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 9th day of January, 2024, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**RECUSE:**

APPROVED

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Joel R. Bryant  
Mayor

ATTEST:

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Margaret Wimberly, MMC  
City Clerk

**EXHIBIT "A" TO  
CITY COUNCIL RESOLUTION NO. 23-XXX  
CONDITIONS OF APPROVAL FOR  
DESIGN REVIEW NO. 23-001**

1. The developer shall comply with all applicable Standard Conditions of Approval for Residential Projects, dated May 2005, hereby incorporated by reference, unless modified by any of the conditions below.
2. The project shall be built substantially in conformance with the project plans drawn by SDG Architects, Inc., dated "Received June 2, 2023," unless otherwise amended by the conditions of approval contained herein.
3. The project shall be built substantially in conformance with the site, grading and landscape plans drawn by Vander Toolen Associates dated June, 2023, unless otherwise amended by the conditions of approval contained herein.
4. The building construction drawings shall be submitted for the review and approval by the Community Development Director prior to building permit issuance.
5. Any significant alteration from the design review drawings prepared by SDG Architects, Inc., dated "Received June 22, 2023," as determined by the Community Development Director, except as conditioned herein, shall be approved by the Design Review Subcommittee prior to building permit issuance.
6. Any significant alteration of the building colors or materials from the approved color and materials board, as determined by the Community Development Director, shall be approved by the Design Review Subcommittee prior to building permit issuance.
7. The building construction drawings shall reflect that all roof drainage downspouts and scuppers be interior to the building. All roof drainage shall be designed to be contained within the building walls so as to not be visible from any vantage point to the satisfaction of the Community Development Director prior to building permit issuance.
8. The Project shall be consistent with all applicable City's General Plan Policies.
9. All improvements shall be designed and constructed; all permits issued; all fees paid; and all securities submitted pursuant to applicable Federal and state laws, the Subdivision Map Act, the Brentwood Municipal Code, the City Engineering Department's Standard Plans and Specifications, and the City Engineering Department's Engineering Procedures Manual.
10. Permittee and all construction plans and maps shall comply with Brentwood Municipal Code Title 8 "Health and Safety," Title 9 "Public Peace and Welfare," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Sewers," Title 14

“Water,” Title 15 “Building and Construction,” and Title 16 “Subdivision and Land Development.” In particular:

- a. Solid waste service shall comply with Brentwood Municipal Code Chapter 8.16 “Solid Waste.”
- b. Construction and demolition work shall comply with Brentwood Municipal Code Chapter 8.40 “Construction and Demolition Debris Recycling.”
- c. Permittee shall comply with Brentwood Municipal Code Chapter 9.32 “Noise Regulations.”
- d. Permittee shall comply with the encroachment permit requirements pursuant to Brentwood Municipal Code Chapter 12.08 “Street Encroachments.”
- e. Sewer backflow prevention, interceptors, and other health and safety requirements shall be incorporated into the project pursuant to Brentwood Municipal Code Chapter 13.04 “Sewer System – Rules and Regulations.”
- f. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
- g. Water service shall comply with Brentwood Municipal Code Chapters 14.01 “Municipal Water System” and Chapter 14.10 “Cross-Connection Control.”
- h. Contractors requiring construction water shall obtain a temporary water permit and shall only take water metered at a location specified by the City Engineer pursuant to Brentwood Municipal Code Section 14.01.340 “Contractors.”
- i. Permittee shall comply with the Federal Clean Water Act, the Municipal Regional NPDES Permit, and Brentwood Municipal Code Chapter 14.20 “Stormwater Management and Discharge Control.”
- j. Fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 “Fire Code.”
- k. Grading shall comply with Brentwood Municipal Code Chapter 15.52 “Grading, Erosion and Sediment Control.”
- l. All grading and noise generating activities shall be limited to the days and hours defined in Brentwood Municipal Code Section 15.52.060 “Grading Regulations.”

- m. In addition to the indemnification obligation set forth above, Permittee shall indemnify the City pursuant to Brentwood Municipal Code Section 15.52.160 "City Held Harmless."
- n. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding – Electric, Communication, Street Lighting and Advanced Technology Systems."
- o. Construction Plans shall demonstrate with plans, analysis, or other documentation signed and stamped by a licensed Civil Engineer that there is adequate overland drainage release to an adequate public drainage facility to the satisfaction of the City Engineer.
- p. Construction Plans shall note that construction of all gravity utilities (i.e. storm drain, sewer) to always commence at the downstream connection and proceed to the upstream terminus.
- q. Construction Plans shall demonstrate that all gravity utilities (i.e. storm drain, sewer) are designed to positively and completely drain by gravity without relying on any electro-mechanical means (i.e. pumps, lift stations and siphons) to the satisfaction of the City Engineer.
- r. Construction Plans shall include all proposed storm drain inlets to include and update existing storm drain inlets along the project frontage with "No Dumping – Drains to Creek" thermoplastic stencils to the satisfaction of the City Engineer.

11. Prior to issuance of any Building Permits:

- a. Permittee shall pay all Development Impact Fees pursuant to, or otherwise comply with the latest City of Brentwood Development Impact Fee Program.
- b. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.
- c. The Project shall annex into the most current Fire Community Facilities District as required by the Contra Costa County Fire Protection District.
- d. All applicable City fees shall be paid including, but not limited to the Contra Costa Flood Control and Water Conservation District Fee.
- e. Permittee shall demonstrate that all acoustic mitigations have been incorporated into applicable plans.



12. The developer shall submit a minimum of two complete sets of building construction plans and specifications for the subject project to the Fire District. After the new construction / tenant improvement plans are approved, plans and specifications for all necessary deferred submittals shall be submitted, including, but not limited to the following:
  - a. Fire sprinklers
  - b. Fire alarm
13. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits for the Fire District.
14. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2022 edition of NFPA 13R. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County General Plan/Contra Costa County Ordinance 2019-37.
15. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.

A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 22 / 37 tons.

16. Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words: **NO PARKING - FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC.

Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have **NO PARKING - FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING - FIRE LANE** clearly marked. (22500.1).

17. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
18. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

All existing or proposed hydrant locations,  
 Fire apparatus access to include slope and road surface Aerial fire apparatus access,  
 Elevations of building,

Size of building and type of construction,  
Gates, fences, retaining walls, bio-retention basins, any obstructions to access.  
Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor,  
Striping and signage plan to include "NO PARKING-FIRE LANE" markings  
**This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review.**  
(501.3) CFC

19. Provide emergency apparatus access roadways with all weather (paved) driving surfaces of not less than 20-foot unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the Fire District standard (503) CFC.
  
20. The Permittee will indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including adoption of this Permit, and any environmental determination made with regard thereto. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense.