

PLANNING COMMISSION RESOLUTION NO. 24-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 08-31 (CUP 08-31-A5) TO AUTHORIZE AN INCREASE IN THE MAXIMUM ENROLLMENT FROM 160 TO 230, CHANGES TO OPERATIONAL HOURS, AND THE ADDITION OF A NEW VEHICULAR ACCESS ALONG GRANT STREET FOR VINEYARD ACADEMY CHRISTIAN SCHOOL, LOCATED AT 1770 ADAMS LANE WITHIN THE ROCK OF BRENTWOOD CHURCH (APNs 016-040-009, 016-040-010, and 016-040-011).

WHEREAS, on October 3, 2023 Mike Curtis, Principal of Vineyard Academy Christian School (the "Permittee"), submitted an application to the City of Brentwood requesting approval of an amendment to Conditional Use Permit No. 08-31 (CUP 08-31-A5) to allow for modified hours of operation, increased enrollment from 160 to 230, and a new pedestrian connection and driveway (right-in and right-out only) along Grant Street ("Project"), for Vineyard Academy Christian School located at 1770 Adams Lane (APNs 016-040-009, 016-040-010, and 016-040-011) (the "Project Site"); and

WHEREAS, the Project Site is currently developed with a previously-approved project. Specifically, on June 16, 2009, the Planning Commission considered a request for approval of the operation of a 20,687 square-foot church known as The Rock of Brentwood and an accessory parsonage totaling 3,915 square feet (the "Original Project") to be located on the Project Site; and

WHEREAS, the Original Project was studied for purposes of the California Environmental Quality Act through the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND); and

WHEREAS, on June 16, 2009, the Planning Commission, after conducting a duly-noticed public hearing to consider the requested approvals for the Original Project, adopted the IS/MND (Resolution No. 09-032), approved the requested Conditional Use Permit No. 08-31 (Resolution No. 09-034), and approved the Design Review No. 08-20 application filed concurrently therewith (Resolution No. 09-33); and

WHEREAS, on July 20, 2010, the Planning Commission approved a three-year extension of time for Design Review No. 08-20-A1 (Resolution No. 10-046) and Conditional Use Permit No. 08-31-A1 (Resolution No. 10-046); and

WHEREAS, on November 5, 2013, the Planning Commission approved Design Review amendment No. 08-20-A2 (Resolution No. 13-028) and Conditional Use Permit amendment No. 08-31-A2 (Resolution No. 13-029), reducing the size of the church and associated multi-function building, from 20,687 square feet to 11,237 square feet and adding a preschool use, while retaining the 3,915 square foot parsonage; and

WHEREAS, on December 16, 2014, the Planning Commission approved a one-year time extension for Conditional Use Permit (No. 08-31-A3, adopted via Resolution No. 14-042) and Design Review (No. 08-20-A3, via Resolution No. 14-043); and

WHEREAS, On April 19, 2022, the Planning Commission approved an amendment to Conditional Use Permit No. 08-31 (CUP 08-31-A4) for the Vineyard Academy Christian School project, by adoption of Planning Commission Resolution No. 22-002, and Design Review (DR 21-009) by adoption of Planning Commission Resolution No. 22-003; and

WHEREAS, on April 19, 2022, Council Member Mendoza timely filed a Call for Review of the Planning Commission's action approving Conditional Use Permit No. 08-31 (CUP 08-31-A4) and Design Review (DR 21-009) for the Vineyard Academy Christian School; and

WHEREAS, on June 1, 2022, the City Council approved applications for a conditional use permit amendment (CUP 21-009-A4, adopted via Resolution No. 2022-068) and design review (DR 21-009, adopted via Resolution No. 2022-069) for the operation of Vineyard Academy Christian School, and the construction of a 3,260 square foot modular building for additional classrooms; and

WHEREAS, on May 2, 2023, the Planning Commission approved a requested design review amendment (DR 21-009-A1) for the Vineyard Academy Christian School project, by Planning Commission Resolution No. 23-012; and

WHEREAS, on May 3, 2023, Council Member Mendoza timely filed a Call for Review of the Planning Commission's actions approving DR 21-009-A1 for the Vineyard Academy Christian School project; and

WHEREAS, on May 23, 2023, the City Council approved a requested design review amendment (DR 21-009-A1) for the Vineyard Academy Christian School project adopted via Resolution No. 2023-066; and

WHEREAS, the Project Site is located within the Semi-Public Facility (SPF) land use designation; wherein the SPF designation applies to land areas reserved for privately owned uses that serve the community such as religious assembly facilities and private schools such as Vineyard Academy Christian School, as established in the General Plan; and

WHEREAS, the Project Site is located within the Single Family Residential Estate (R-1-E) zoning district; wherein private schools such as Vineyard Academy Christian School are conditionally permitted, per Brentwood Municipal Code Section 17.7.110.003(C); and

WHEREAS, the Planning Commission of the City of Brentwood adopted a Mitigated Negative Declaration ("MND") for the original project approval in 2009 in accordance with the requirements of the California Environmental Quality Act (CEQA).

As further set forth below, the Project is consistent with the previously certified MND, with no new significant impacts and requires no further environmental review; 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 February 9, 2024, and the applicant also posted the project site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the Planning Commission held a public hearing on February 20, 2024, reviewed said amendment request, studied the compatibility of this request with adjacent land uses, and considered this request in accordance with the conditional use permit criteria established in Section 17.830.005 of the Brentwood Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brentwood hereby finds:

- A. The project 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 proposed changes would have a significant effect on the environment. The only physical change to the project site would include the proposed new pedestrian connection and driveway (right-in and right-out only) along Grant Street. This area is void of natural habitat and has been previously disturbed and paved. There are no potential environmental impacts associated with this physical site improvement. Therefore, per 14 CCR § 15061(b)(3), no additional environmental review is necessary for the requested amendment to Conditional Use Permit No. 08-31 at this time.
- B. With respect to the conditional use permit findings pursuant to Brentwood Municipal Code Section 17.830.005:
 - a. *The location, size, design and operating characteristics of the proposed development must be compatible with and must not adversely affect the livability of appropriate development of abutting properties and the surrounding neighborhood. Consideration shall be given, but shall not be limited to:*
 1. *The harmony in scale, bulk, coverage, and density.*

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties, such as compatibility with the scale, bulk, coverage and density of both existing and

proposed land uses on surrounding lots. The Project will be located within existing buildings which were approved in a manner that is sensitive to nearby developments in that the church and modular buildings are positioned adjacent to Grant Street and consistent with the scale of the buildings on adjacent sites and is appropriate to the overall size and layout of the site. The buildings were designed to be complementary and compatible in design and will be improved with required landscape and screening materials to match the existing neighborhood. In addition, the proposed new driveway access from Grant Street will help to provide additional convenient access for parents of the school, as well as patrons of the church to get in and out of the site more efficiently while reducing traffic along Adams Lane, and will improve and not adversely affect the livability of abutting properties.

2. The availability of public facilities and utilities.

The project site is served by the appropriate public facilities and utilities, including water, sewer, garbage, and electricity needed to serve the proposed use.

3. The harmful effect, if any, upon desirable neighborhood character or the planned specialization of retail, commercial, or community service areas.

The school will operate within the existing church and modular buildings. The proposed new driveway access from Grant Street will help to provide additional convenient access for parents of the school, as well as patrons of the church to get in and out of the site more efficiently while reducing traffic along Adams Lane. In addition, by staggering the start times by grade, there would be no harmful effect upon the desirable neighborhood character with the increased maximum enrollment capacity of 230. The traffic circulation and flow would continue to be subject to conditions herein, including the use of a school traffic director to ensure that traffic on Adams Lane is not seriously impacted.

4. Generation of traffic and the capacity of surrounding streets.

While the proposed increase in enrollment may cause a minimal increase in the overall number of cars coming to the site, the private school includes staggered drop-off and pick-up hours, as well as a circulation plan to avoid traffic

conflicts with Marsh Creek Elementary School and vehicle queuing onto Adams Lane that allows for a decrease in overall capacity impacts to local streets at any given time. The proposed new driveway access from Grant Street will help to provide additional access to the site in a more efficiently manner while reducing traffic along Adams Lane. A draft condition of approval requires the school to continue to stagger its hours of operation with Marsh Creek Elementary School, as well as maintain staff members to direct on-site traffic within the school's parking lot during school pick-up and drop-off times. If a concern arises regarding parking or circulation, a draft condition of approval provides for review of the permit by the Community Development Department, or if needed, return to the Planning Commission for additional conditions or even revocation of the permit.

5. Any other relevant impact of the development.

The project has limited potential to create new noise within the community. Conditions of approval require restrictions on the hours of operation for the school so as to limit potential noise-generating hours associated with the use. Most activities during these hours are associated with indoor activities, and outdoor activities will be closely monitored by staff members.

- b. *The location, design, landscaping and screening, and overall site planning of the proposed development will provide an attractive, useful and convenient living, working, shopping or community-service area.*

The project will be located within the buildings approved for the site that were designed to be complementary and compatible in design and will be improved with required landscape and screening materials to match the existing neighborhood. In addition, the project includes a school use that is integrated into the community and adjacent to several residential neighborhoods to the north, south, east, and west, enhancing the quality of life for city residents by expanding quality and diverse educational opportunities on a site designated Semi-Public Facility, which envisions private schools, among other uses.

This permit shall terminate on February 20, 2025, unless actual construction or alteration under valid permits begins prior to that date. However, such period of time may be extended by the Planning Commission upon the filing of an extension request at any time before said period expires.

The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting on February 20, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Anita Roberts
Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

**EXHIBIT "A" TO
PLANNING COMMISSION RESOLUTION NO. 24-006
CONDITIONS OF APPROVAL FOR VINEYARD ACADEMY CHRISTIAN SCHOOL
CONDITIONAL USE PERMIT NO. 08-31-A5**

1. Each and every condition of approval set forth in CUP 08-31-A3 and CUP 08-31-A4 shall continue to apply in full force and effect and shall be supplemented by the following, unless expressly superseded herein.
2. The Permittee and owner, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Conditional Use Permit No. 08-31-A5 (the "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed.
3. The use shall be operated in substantial conformance with the project plans drawn by Stirling Architects Incorporated, dated received "October 3, 2023" and project description submitted by the Permittee dated received "October 3, 2023" unless otherwise amended by the Planning Commission or the conditions of approval contained herein. Minor changes to plans and operation may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
4. The Permittee shall apply for and receive an encroachment permit prior to constructing the proposed driveway along Grant Street which shall include new pedestrian access along the east side of the driveway connecting the existing sidewalk along Grant Street to the entrance of the modular buildings.
5. The Permittee shall submit an application for any future signage proposed for the Project, which shall require approval of an administrative sign permit by the Community Development Department or a master sign program approved by the Planning Commission and shall be in accordance with the City's Municipal Code.
6. All applicable Standard Conditions of Approval for Commercial and Industrial Projects, dated May 2005, are hereby incorporated by reference and shall be complied with, unless modified by any of the conditions below.
7. The school operational hours shall be limited to 8:00 a.m. to 2:30 p.m. Monday through Friday, generally from mid-August to late May, subject to minor deviations in the instructional calendar and as approved by the Director of Community Development.
8. The Permittee shall avoid simultaneous school drop off and pick up times with the hours of Marsh Creek Elementary School by staggering their hours of operation per instructional calendar year. Minor changes to the drop off and

pick up times may be allowed to avoid conflict subject to the approval of the Director of Community Development.

9. Minor changes to the hours of operation may be allowed subject to the approval of the Director of Community Development.
10. Maximum enrollment is limited to 230 students at any given time. If concerns arise, written verification of enrollment shall be submitted, upon request of the Community Development Department, at least 30 days prior to the beginning of each school year. Any proposed increase in enrollment capacity shall require further amendment to the conditional use permit, including review by the Planning Commission at a noticed public hearing.
11. The Permittee shall continuously implement a vehicle circulation plan to direct the flow of traffic from Adams Lane and Grant Street into the parking lot to avoid vehicle queuing both streets. This shall include a school staff member located at the Adams Lane and Grant Street driveways as necessary during school drop-off and pick-up times ensuring that (1) drivers proceed north along Adams Lane or east along Grant Street in the event there is no room to queue on-site; and (2) left turns onto Adams Lane are restricted by instructing drivers to exit the site by turning right onto Adams Lane. No vehicular access to or from Lone Oak Road shall be developed or employed for school use.
12. The Permittee shall post on-site signage prohibiting left turns onto Adams Lane during drop off and pick up times, approximately 30 minutes before and after school hours, Monday through Friday. Signage shall comply with the California Manual on Uniform Traffic Control Devices (MUTCD) standards.
13. School activities and authorized church operations shall avoid conflicts related to traffic circulation and parking.
14. The Permittee shall maintain the area surrounding the use, including but not limited to the building in which the use is located, sidewalk, landscaping, and parking areas in a clean and orderly manner at all times.
15. The Permittee shall 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 approval of the amendment to Conditional Use Permit No. 08-31 (CUP 08-31-A5), 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.

16. If operation of this use results in conflicts pertaining to parking, noise, traffic, waste, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
17. The Planning Commission shall have jurisdiction to hear any requested modifications to or enforcement of this Permit.