

CITY COUNCIL ORDINANCE NO. 2023-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD ADOPTING A ZONING TEXT AMENDMENT (RZ23-001) TO AMEND CHAPTER 17.495 (PD-45).

WHEREAS, Shepherd's Gate (the "Applicant") has submitted an application (RZ 23-001) to amend the zoning text of Planned Development 45 (PD-45) to include an additional conditional use to section 17.495.003 and to modify the language of 17.495.005, "Other Regulations" to allow for an increase to the number of residents an existing residential group home can accommodate on parcel "C" of TSM 8534; and

WHEREAS, Applicant has likewise submitted an application for a conditional use permit (CUP 23-001), and an application for design review (DR 23-001); 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 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 a 7,421 square foot existing structure and thus will not result in an increase of more than 50 percent of the floor area of the existing structure; and

WHEREAS, 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; 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; and

WHEREAS, the Planning Commission unanimously voted to recommend that City Council adopt the Project as conditioned; 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, at a public hearing held on January 9, 2024, the City Council introduced and waived the first reading of this Ordinance.

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

A. Hereby finds that:

1. 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 a 7,421 square foot existing structure and thus 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.

2. With respect to the zoning text amendment, in accordance with Brentwood Municipal Code Section 17.870.008:

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 project, in its entirety, complies with the General Plan Land Use Element in that the proposed expansion would occur in a logical and orderly manner, focusing growth on infill locations (Policy LU 1-4) that is contiguous to existing development (Policy LU 1-5) and has access to urban services. The project would not be inappropriate or contrary to the public interest as the residential facility would continue to respect the surrounding single-family residential homes as this expansion would happen at the furthest possible point from the surrounding homes (Policy LU 2-2). The development's layout is clustered in a way that leaves a large open space, which acts as a buffer from the surrounding single-family homes, that is used for recreation and gardening (Policy LU 2-3). Lastly, the proposed project would maintain the character of the existing neighborhood by proposing a compatible development in terms of style, size, color, and footprint that is typical for the established neighborhood (Policy LU 6-2).

- B. Hereby approves Zoning Text Amendment RZ 23-001, as reflected in Exhibit "A" attached to this resolution.

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 9th day of January 2024 by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

**EXHIBIT "A" TO
CITY COUNCIL ORDINANCE NO. 23-XXX
APPLICATION RZ 23-001**

(Existing text to be deleted is in a ~~strike-through-format~~ and proposed text to be added is underlined)

CHAPTER 17.495 PD-45 (PLANNED DEVELOPMENT FORTY-FIVE) ZONE

17.495.001 AUTHORITY, PURPOSE AND INTENT.

The authority, purpose and intent for the adoption of the PD-45 (planned development forty-five) zone are as follows:

A. Authority. The PD-45 zone is adopted pursuant to the authority set forth in Chapter [17.450](#), Planned Development Zones—General Regulations, of the Brentwood Municipal Code.

B. Purpose. The purpose of the PD-45 zone is to permit and regulate the orderly development of 54.69 acres located north side of Sycamore Avenue, on either side of the future Garin Parkway extension, with low density residential uses in accordance with the Brentwood general plan, for a maximum of one hundred eighty-one lots and five remainder parcels, including two parks, a trail, a residential group home, and an existing gas well.

C. Intent. The intent of creating the PD-45 zone is to ensure the coordinated development of the entire property in order to minimize impacts on adjacent areas, while providing for needed housing. The boundary of the PD-45 zoning district is as shown on the map in Section [17.495.006](#). (Ord. 961 § 2, 2016; Ord. 857 § 2, 2008)

17.495.002 PERMITTED USES.

The following uses are permitted in the PD-45 zone:

A. Single-family dwelling units not exceeding a density of 3.3 units per gross acre for a maximum of one hundred eighty-one units;

B. Parks, playgrounds, and recreational trails;

C. Those uses permitted under the R-1 zone, Section [17.130.002](#) of the zoning ordinance;

D. A residential group home on parcel "C" of TSM 8534 for up to

eighteen women and children;

E. An existing gas well site on parcel "D" of TSM 8534, to be developed at a future date with single-family residential uses when the well is abandoned. (Ord. 961 § 2, 2016; Ord. 857 § 2, 2008)

17.495.003 CONDITIONALLY PERMITTED USES.

The following uses are conditionally permitted in the PD-45 zone:

A. Those uses conditionally permitted under the R-1 zone, Section [17.130.003](#) of the zoning ordinance. (Ord. 857 § 2, 2008)

B. An increase to the number of residents permitted by Section 17.495.002.D at a group home on parcel "C" of TSM 8534.

17.495.004 REGULATIONS FOR LOT AREA, DENSITY, YARDS, HEIGHT AND RELATED MATTERS.

All permitted and conditionally permitted uses developed within the PD-45 zone shall comply with the following regulations:

- A. Minimum lot area: Seven thousand square feet.
- B. Minimum lot width: Sixty-five feet at the mid-point.
- C. Minimum lot depth: Eighty-five feet.
- D. Minimum lot frontage: Twenty-four feet.
- E. Minimum front yard setback: Twenty feet for front-loading garages, with a five-foot architectural encroachment; fifteen feet for side-loading garages, with a five-foot architectural encroachment.
- F. Minimum side yard setback: Five feet, with an aggregate of fifteen feet; except that corner lots on the street side shall maintain a minimum side yard setback of ten feet.
- G. Minimum rear yard setback: Twenty feet.
- H. Maximum building height: Two stories and thirty feet.
- I. Maximum lot coverage: Forty percent for two-story homes and forty-five percent for single-story homes.
- J. Maximum number of dwelling units: One hundred eighty-one, plus a residential group home for up to eighteen women and children as a permitted use, with the potential for additional residents in said group

home upon approval of a conditional use permit. (Ord. 961 § 2, 2016; Ord. 857 § 2, 2008)

17.495.005 OTHER REGULATIONS.

A. Design and site development review shall be required for all housing units pursuant to Sections 17.100.003 and 17.100.004(H).

B. Off-street parking shall be provided pursuant to Chapter 17.620 and Section 17.100.004(H).

C. The parking and storage of boats, trailers and similar vehicles and equipment shall be subject to the provisions of Section 17.620.016.

D. Accessory buildings and structures shall be permitted pursuant to the provisions of Chapter 17.660.

E. Architectural features may project into any required yard pursuant to the provisions of Chapter 17.660, with the exception that no feature may project into the minimum front yard setback.

F. A residential group home for ~~women and children~~ persons who are in need of housing and related services shall be provided on parcel "C" of TSM 8534. The home shall accommodate and be a full-time residence ~~for up to eighteen women and children.~~ with a size and occupancy to be approved through a Conditional Use Permit, if more than 18 persons. The home shall include ~~approximately nine~~ residential bedrooms/units, staff offices and overnight accommodations, counseling rooms, and family areas. ~~The home shall be operated primarily as a battered women's shelter and is operated for the benefit of Brentwood residents and their children.~~ (Ord. 857 § 2, 2008)

17.495.006 MAP FOR PD-45.

