

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A CONDITIONAL USE PERMIT (CUP 23-001) TO ALLOW FOR AN INCREASE OF FIFTEEN ADDITIONAL RESIDENTS, FROM EIGHTEEN PERMITTED RESIDENTS TO THIRTY-THREE, THAT THE SHEPHERD'S GATE RESIDENTIAL GROUP HOME CAN ACCOMMODATE, LOCATED AT 605 SYCAMORE AVENUE (APN 016-310-076).**

**WHEREAS**, Shepherd's Gate (the "Applicant") has submitted an application to the City of Brentwood requesting approval of a conditional use permit (CUP 23-001) to allow for an increase of fifteen additional residents, from eighteen permitted residents to thirty-three; that an existing residential group home can accommodate; and

**WHEREAS**, Applicant has likewise submitted an application for a zoning text amendment (RZ 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 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 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**, conditional use permit CUP 23-001 is contingent on the approval of zoning text amendment application RZ 23-001; 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;** 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 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.

- ii. With respect to the conditional use permit findings required 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. *Harmony in scale, bulk, coverage and density;*

The proposed units are compatible with the scale, bulk coverage, and density of the existing land uses on surrounding sites, given that the proposed three units are housed in a one-story, 16 1/2-foot tall building, which is proposed to be of the same architecture design and materials as the existing facility. Additionally, the proposed three units and the existing single family residence would have a density of 2.66 dwelling

units/acre, which is within the allowed density of the Low Density Residential land use designation applicable to the project site (1.1-5.0 dwelling units/acre).

2. *The availability of public facilities and utilities;*

The site is served by the appropriate public facilities and utilities including water, sewer, refuse, and electricity.

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

The Project would not have a harmful effect, upon the neighborhood character given that this would be a small expansion to an existing residential group home which has been in operation since 2006. Additionally, the proposed architecture is of high-quality materials and designed to fit in with the existing home and the overall neighborhood. .

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

The proposed project would not generate a significant amount of traffic or impact the capacity of the surrounding streets given that the proposal would not require an increase to Shepherd's Gate staff and the additional residents would only increase traffic by three new vehicles since the majority of the new residents would be children.

5. *Other relevant impacts of the development; and*

The location, size, design, and operating characteristics for the proposed project are the same as envisioned for the overall purpose and intent of the PD-45 zone and all new construction would be situated on the portion of the lot that is furthest from the surrounding residential uses.

6. *The criteria set forth in Chapter 17.820 for design and site criteria and conditional use permit criteria, if applicable.*

The Project would be in compliance with Chapter 17.820, as documented in Planning Commission Resolution No. 23-037, analyzing the design review (DR 23-001) application that was submitted as part of this project. Said findings are incorporated herein as if stated here in full.

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 proposed location, design, landscaping and screening and overall site planning is well thought out to provide an attractive, useful and convenient living area given that all new construction would be situated as far away as possible from the existing residential uses, the design of the new building is of compatible scale and architecture to the surrounding homes and the proposed use would not generate any significant impacts.

- B. Hereby approves this conditional use permit (CUP 23-001), subject to the above findings and the conditions set forth in Exhibit "A" attached to and incorporated into 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  
CONDITIONAL USE PERMIT NO. 23-001**

1. The Permittee, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Conditional Use Permit No. 23-001 ("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 or caused to be performed.
2. This conditional use permit shall only be effective upon the effective date of RZ 23-001.
3. The proposed project shall be operated in substantial conformance with the project description, dated "Received January 12, 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 Community Development Director if found to be in substantial conformance with the approved exhibits.
4. All applicable Standard Conditions of Approval for Residential Projects, dated May 2005, are hereby incorporated by reference and shall be complied with, unless modified by any of the conditions below.
5. This conditional use permit shall authorize the Shepherd's Gate residential group home to accommodate no more than 33 residents at any given time.
6. Permittee shall maintain the area surrounding the facility in a clean and orderly manner at all times. Permittee be responsible for and shall monitor the area outside the facility.
7. In the event that nuisances are created, the Community Development Director may refer the conditional use permit to the Planning Commission for review at a public hearing. If necessary, the Planning Commission may add additional conditions of approval or may revoke the conditional use permit.
8. If operation of this use results in conflicts pertaining to noise, traffic, 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 of approval to mitigate such impacts, or may revoke said conditional use permit.

9. 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.
10. The Planning Commission shall have jurisdiction to hear any proposed amendments to or revocation of this conditional use permit.
11. In the event the Permittee desires to substantially change the project description, dated 'Received January 12, 2023,' or transfer title of the property to another individual or entity, Permittee shall provide 30 days' prior written notice to the Director of Community Development.