



**PLANNING COMMISSION AGENDA ITEM NO. E.1**  
**11/07/2023**

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**SUBJECT:** Zoning Text Amendment, Conditional Use Permit and Design Review for the Shepherd's Gate Cottage Addition.

**DEPARTMENT:** Community Development Department

**STAFF:** Erik Nolthenius, Planning Manager  
Miguel Contreras, Associate Planner

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### **TITLE/RECOMMENDATION**

An application for a Zoning Text Amendment (RZ 23-001) to amend subsection 17.495.005 "Other Regulations" and add a new conditionally permitted use to subsection 17.495.003 of the PD-45 zoning district text; a Conditional Use Permit (CUP 23-001) requesting an increase of 15 residents that an existing residential group home can accommodate; and a Design Review (DR 23-001) requesting approval for a 2,877 square foot addition, consisting of three dwelling units, communal pantry, laundry facility, and associated site improvements to an existing residential group home, on a 1.5-acre parcel located at 605 Sycamore Avenue (APN 016-310-076).

Staff recommends that the Planning Commission (1) adopt Resolution No. 23-035, recommending that the City Council adopt an ordinance approving RZ 23-001, to amend the PD-45 zoning text, specifically subsection 17.495.005 "Other Regulations" to allow, through a Conditional Use Permit, an increase to the number of residents an existing residential group home can accommodate and add a new conditionally permitted use to subsection 17.495.003 that reflects the previously mentioned allowance; (2) adopt Resolution No. 23-036 recommending that the City Council approve CUP 23-001, which requests approval of 15 additional residents to an existing residential group home; and (3) adopt Resolution No. 23-037 recommending that the City Council approve DR 23-001, which requests approval of a 2,877 square foot addition, consisting of three dwelling units (cottages), a communal pantry, laundry facility, and associated site improvements to an existing residential group home.

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, as the 2,877 square foot addition will not result in an



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increase of more than 50 percent of the floor area of the 7,421 square foot existing structure.

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 addition totaling no more than six dwelling units within an urbanized area.

**OWNER/APPLICANT**

Shepherd's Gate

**GENERAL PLAN**

Residential-Low Density (R-LD).

**ZONING**

Planned Development 45 (PD-45)

**PREVIOUS ACTION(S)**

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit [www.brentwoodca.gov/meetings](http://www.brentwoodca.gov/meetings), and select the meeting date(s) desired to see the reference materials and videos.
- Visit [www.brentwoodca.gov/municipalcode](http://www.brentwoodca.gov/municipalcode) to research references to the Brentwood Municipal Code and search by the code section(s) cited.
- On August 12, 2003, the City Council adopted an amendment to the PD-45 Zone to establish development standards for a 54.69-acre site, a Tentative Subdivision Map to subdivide the site into 177 single-family residential lots and 4 remainder parcels, including a 3.35-acre park and a 1.5 acre site for a residential group home, and a design review for 8 models of single-family houses, with three variations of each, landscaping plans, fencing plans, and related improvements.

**BACKGROUND**

The 1.5-acre project site is located at 605 Sycamore Avenue (APN 016-310-076). The site is currently improved with a two-story, 7,421 square-foot, 10-bedroom



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residential group home known as Shepherd's Gate. Other on-site improvements include a parking area, trash enclosure, landscaping, and playground.

The General Plan designates the site as Residential-Low Density (R-LD) and the site is zoned Planned Development 45 (PD-45). Pursuant to Brentwood Municipal Code (BMC) section 17.495.001, the intended primary use for the PD-45 zone is to ensure the coordinated development of the entire area in order to minimize impacts on adjacent areas, while providing for needed housing. BMC section 17.495.002(D) identifies a residential group home, for up to 18 women and children, as a permitted use on the subject site.

Surrounding Land Uses

**North:** Single Family Residential

**East:** Public trail, unincorporated Contra Costa County, orchard

**South:** Heron Park, across Sycamore Avenue

**West:** Single Family Residential



**PROJECT DESCRIPTION**



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The project consists of three applications which, if approved, would culminate in an increase of the number of residents that Shepherd's Gate can accommodate and the construction of three new attached dwelling units with associated site improvements.

Specifically, the applicant is requesting approval of a Zoning Text Amendment (RZ 23-001) that proposes to amend BMC subsection 17.495.005(F), "Other Regulations", to allow an increase, through the approval of a Conditional Use Permit, to the number of residents Shepherd's Gate can accommodate.

In addition, the applicant is requesting approval of a Conditional Use Permit (CUP 23-001) to accommodate 15 additional residents, bringing the total number of residents to a maximum of 33. This approval would be contingent on approval of the zoning text amendment detailed above.

Lastly, the applicant is requesting approval of a Design Review (DR 23-001) that requests approval of improvements to an existing facility involving a 2,877 square foot addition. The addition would consist of three attached dwelling units (cottages), a communal pantry, and communal laundry room. Site improvements would include the reconfiguration of the parking area and the addition of three parking spaces, a new walkway, additional landscaping, and a new trash enclosure.

### **ANALYSIS**

#### **ZONING TEXT AMENDMENT**

##### General Plan Consistency – Residential-Low Density (R-LD)

The subject site has a General Plan land use designation of R-LD. The intent of the R-LD designation is predominantly to provide for single-family detached houses, although higher density developments could be accommodated if offset with sufficient open space in order to maintain the gross density within the indicated range. The permitted density range is 1.1 to 5.0 units per gross acre. The proposed project, consisting of three units in addition to the existing single family residential unit, would result in a density of 2.66 units per gross acre.

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 further complies in that the interface between this use and the surrounding single-family residential homes is minimized 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



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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).

Zoning Consistency – PD-45

Shepherd’s Gate conforms to the standards in place for the PD-45 zoning district, including both the physical development standards and the permitted and conditionally permitted uses. The zoning text amendment does not propose any changes to the physical development standards. Therefore, any new development would be consistent with the existing height, setback, parking, landscape, screening, and lighting requirements (see table below).

The application is seeking to amend the conditionally permitted uses (17.495.003) and the “other regulations” section (17.495.005.F) of the PD-45 zoning district. The proposed changes would allow, with approval of a CUP, Shepherd’s Gate more flexibility in the number of residents the facility can accommodate. Attached is a redline version of the proposed text.

The proposed amendment would be consistent with the purpose and intent of PD-45 as the stated purpose of PD-45 is to permit and regulate the orderly development of the 54.69 acres, which include 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.

<b>PD-45 Development Standards</b>			
	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Minimum front yard	20 feet	Trash enclosure - 24 feet  Cottages - 60 feet	Complies
Minimum side yard	5 feet	Trash enclosure - 5 feet  Cottages - 9 feet	Complies
Minimum rear yard	20 feet	~154 feet	Complies
Maximum building height:	2 stories and 30 feet	1 story 16 ½ feet	Complies
Maximum lot coverage	40% for 2 story homes or	Total lot coverage (addition and existing) 13.49%	Complies





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	45% for single story		
<b>Off-Street Parking</b>			
Total parking spaces 1 space / unit	3 spaces for 3 new units	3 spaces	Complies

**Conditional Use Permit**

CUP 23-001 requests approval to increase the maximum number of residents that Shepherd’s Gate can accommodate. As stated above, this approval would be contingent on the approval of the proposed Zoning Text Amendment. Specifically, the applicant requests an increase from the permitted 18 residents to a maximum of 33 residents.

The additional residents would be accommodated in the three new cottages that are being proposed as part of the design review application. Specifically, each of the proposed cottages could accommodate a family consisting of one adult and up to three children, therefore up to 12 people could be accommodated in the three new cottages. Part of the design review application includes creating a new communal pantry, which would provide enough space to store food and supplies and would free up an existing bedroom currently used as a pantry that is located within the main facility. Therefore the existing pantry would be converted back to a bedroom that could accommodate up to three single adults or a family of three.

The proposed new cottages are intended for graduates of the Shepherd’s Gate program, and their children, to spend an additional 6-9 months in a safe environment while they find employment or attend college. These cottages would be rent-free provided that the resident is employed or attending college.

This project has been reviewed by all City departments. No issues or concerns were identified, including by the Police Department. The Police Department in fact noted that there has never been a single issue with the existing facility.

Conditionally permitted uses are those uses that, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effect on surrounding uses and properties. In order to achieve these purposes, the approving body has the authority, within the bounds of the law, to approve, conditionally approve, or deny applications for conditional use permits. A conditional use permit may be granted only if the proposal conforms to all of the general criteria and specified findings found in [Section 17.830.005 of the BMC](#). These findings can be made and are included in draft Resolution No. 23-036.



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**Design Review**

The proposed Design Review application 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 that includes a pantry, laundry room, and breezeway that attaches the addition to the existing facility. Site improvements would include the addition of three parking spaces, 855 square feet of paved walkway, a new trash enclosure, a 6-foot high "good neighbor" wood fence, and additional landscaping.

Architecture

The proposed cottages, laundry room, and pantry would be within a new one-story, 16'6" high building. The architecture of the proposed addition is designed to match the existing architecture of the main structure. This would include a tile, gabled roof with the same profile of the existing structure. The gable roof forms would contain board and batten detailing to match the main structure. And like the existing structure, the proposed building would be stucco and utilize consistent door and window trim. Each cottage would have an approximate 116 square foot usable porch. The proposed addition would be screened from public view by a six-foot high "good neighbor" fence.





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### Site Plan/Parking

The site would continue to utilize two points of ingress/egress off of Sycamore Avenue and no changes are proposed to the driveways. The 10-space parking area will be reconfigured to accommodate three additional spaces. The applicant also proposes three spaces to be compact with dimensions of 8'x16' instead of the standard 9'x20'. Since section 17.620.021.D of the BMC allows up to 30% of the required parking to be compact parking, the three proposed compact spaces are in compliance with the requirements of the BMC.

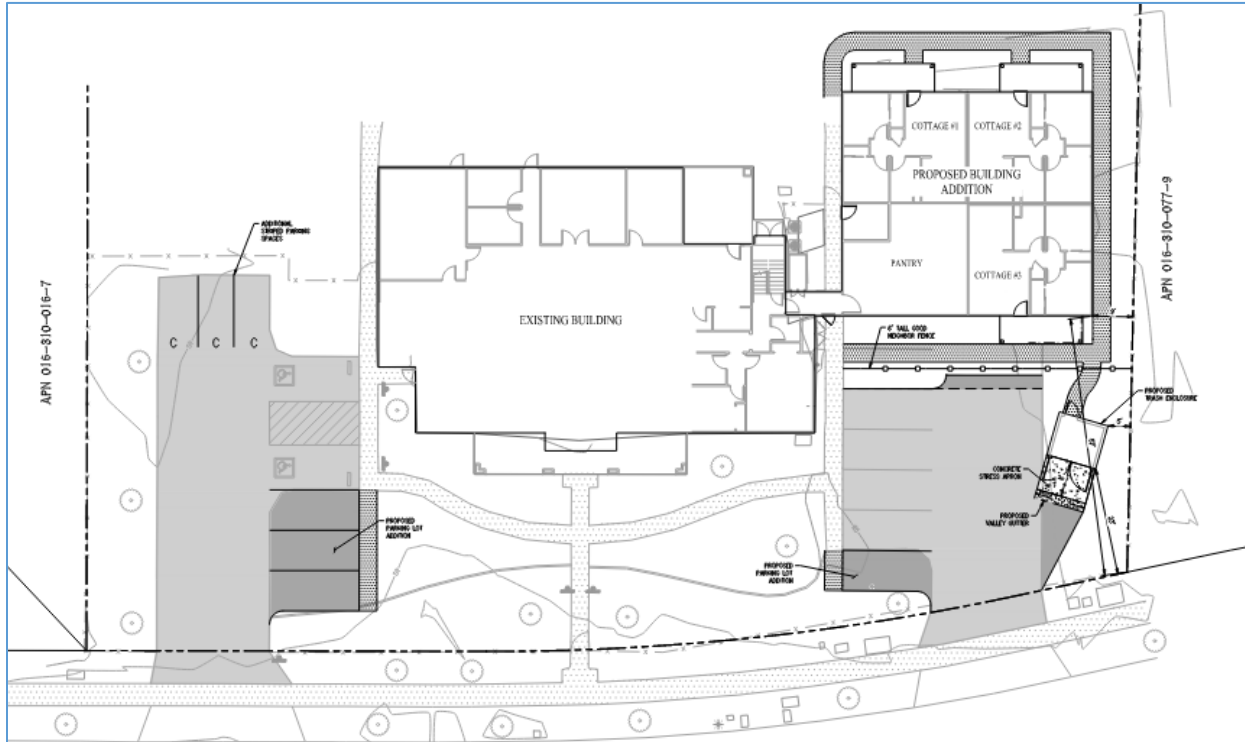
The City's Solid Waste Division can accommodate the current number of residents' refuse with three residential style waste bins. However, the increase of residents to the site would trigger the need for a metal dumpster and associated improvements. These improvements would be a CMU trash enclosure and sufficient space for the collection truck to access it. Staff reviewed the proposed trash enclosure and location, and determined they are in compliance with City standards. In addition, the trash enclosure is intentionally placed as far away as possible (on the east side





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of the site) from the existing single-family homes to the north and west to mitigate potential conflicts.



Landscaping

The proposal includes additional landscaping around the building, new parking areas, and trash enclosure. The proposed landscaping consists of multiple medium-sized shrub species and an ornamental tree.

Lighting

No exterior lighting is proposed with this application.

Signage

No signage is proposed with this application.

**DATE OF NOTICE**

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. The applicant also posted the project site with the required signage.

**ENVIRONMENTAL DETERMINATION**



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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.

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 structure totaling no more than six dwelling units within an urbanized area

**ATTACHMENT(S)**

1. Resolution No. 23-035, RZ23-001
2. Resolution No. 23-036, CUP23-001
3. Resolution No. 23-037, DR23-001
4. Project Plans
5. Project Narrative