



PLANNING COMMISSION AGENDA ITEM NO. E.2
02/20/2024

SUBJECT: Application for a Conditional Use Permit amendment to modify the hours of operation and enrollment for Vineyard Academy Christian School, as well as a new pedestrian connection and driveway along Grant Street.

DEPARTMENT: Community Development Department

STAFF: Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 24-006 approving a conditional use permit amendment (CUP 08-31-A5) to allow for modified hours of operation, increased enrollment from 160 to 230 (including new preschool aged children), and a new pedestrian connection and driveway (right-in and right-out only) along Grant Street for Vineyard Academy Christian School, located south of Grant Street between Adams Lane and Lone Oak Road (APN 016-040-009, 016-040-010, and 016-040-011), based on findings of fact, as conditioned.

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 a 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, the project is exempt from CEQA review.

OWNER/APPLICANT

The Rock of Brentwood Church / Mike Curtis, Principal of Vineyard Academy Christian School

GENERAL PLAN

Semi-Public Facility (SPF)

ZONING/SURROUNDING LAND USES

Single-Family Residential Estate (R-1-E)

PREVIOUS ACTION(S)

Previous Actions are included in Attachment 1.

BACKGROUND

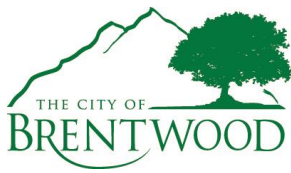
The subject site is approximately 5.64 acres and is comprised of three parcels, located south of Grant Street between Adams Lane and Lone Oak Road at The Rock of Brentwood church property.

Surrounding Land Uses

- North:** Grant Street and Single Family Residential - Prewett Ranch subdivision beyond
- South:** Vacant land zoned Single Family Residential (R-1-E), with a proposed 34-unit subdivision currently under review (Orchard Grove North)
- East:** Future parsonage site for the Rock Church, with Lone Oak Road and Single-Family Residential beyond
- West:** Adams Lane, with Marsh Creek Elementary School and Blue Goose Park beyond



In June 2022, the City Council approved a conditional use permit amendment (CUP 08-31-A4) for the operation of Vineyard Academy Christian School and a design review (DR 21-009) for the design and construction of the modular buildings for the



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school at The Rock Church. As part of the conditional use permit approval, conditions were included limiting the school hours from 8:30 a.m. to 2:30 p.m., Monday through Friday, generally from mid-August to late May, with a maximum enrollment of 160 students at any given time. The school has been operating out of the existing church building while the approved modular buildings are currently under construction to meet conditions of approval. Occupancy of the modular buildings has not yet occurred and is not anticipated until the start of the next school year (mid-August 2024). Current enrollment includes approximately 113 elementary school students and 35 middle school students.

In October 2023, the applicant submitted a new conditional use permit amendment application requesting modification of the school hours of operation, as well as changes to the maximum enrollment number. In addition, the applicant is requesting to add a new pedestrian connection and driveway (right-in and right-out only) along Grant Street.

The existing condition of approval stipulates that “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.” Therefore, this application is being presented to the Planning Commission for consideration.

PROJECT DESCRIPTION

Mike Curtis, the applicant and the Principal of Vineyard Academy Christian School, is requesting approval of a conditional use permit amendment (CUP 08-31-A5) to allow for modified hours of operation, increased enrollment from 160 to 230 (including new preschool aged children), and a pedestrian connection and driveway (right-in and right-out only) along Grant Street for Vineyard Academy Christian School, a private Christian school for preschool and grades K-8 located at The Rock Church. The requested operational changes are proposed to take place beginning with the next school year (mid-August 2024) once the modular buildings and all site improvements currently under construction are completed. The school proposes to separate hours of operation between preschool, elementary, and middle school aged children, each having separate pick-up and drop-off times:

Grade	Approx. Students	Drop-off	Pick-up
Early-Bird Preschool	10	7:50 – 8:00 a.m.	10:30 a.m.
Late-Bird Preschool	10	10:40 – 10:50 a.m.	1:10 p.m.
Elementary School	145	8:45 – 9:00 a.m.	2:00 – 2:15 p.m.
Middle School	75	7:55 – 8:05 a.m.	2:25 – 2:35 p.m.



The school would include a new maximum of 230 students (including preschool) at any given time and approximately 19 staff members. The school proposes to occupy both the existing church building, as well as the modular buildings, once completed.

ANALYSIS

GENERAL PLAN CONSISTENCY

The subject site has a General Plan designation of Semi-Public Facility (SPF). This designation applies to land areas reserved for privately owned uses that serve the community. These uses include religious assembly facilities, golf courses, and other privately owned recreation facilities, private schools, and day care centers. The proposed project includes changes to a previously approved private school sharing the site with an existing religious assembly facility known as The Rock Church. As demonstrated below, the project is consistent with the General Plan.

Goal LU 2. *Establish and maintain residential neighborhoods as safe and attractive places to live with convenient access to commercial services, recreational facilities, employment opportunities, public services, and other destinations.*

The school is located within the buildings approved for the site, which were designed to be complementary and compatible in design and will be improved with required landscape and screening materials to match the existing neighborhood, as previously conditioned by the City Council. In addition, the proposed new driveway access from Grant Street will provide additional convenient access for parents of the school, as well as patrons of the church to get out of the site more efficiently, while reducing traffic along Adams Lane.

Policy LU 2-5. *Encourage neighborhood development that includes convenience commercial uses and school uses, but restrict the amount of retail strip development and ensure that commercial development is well integrated into the community.*

The project is situated within an existing development and includes a private school use that is integrated into the community and adjacent to several residential neighborhoods to the north, south, east, and west.

Goal CSF 5. *Enhance the quality of life for all city residents through the provision of cultural and social resources including quality schools, libraries, medical, and other community services and facilities.*



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The project will enhance the quality of life for city residents by expanding the capacity to provide a cultural and social resource consistent with the goal of providing quality and diverse educational opportunities on a site designated Semi-Public Facility, which envisions private schools, among other uses.

ZONING CONSISTENCY

The project site is zoned Single-Family Residential Estate (R-1-E), which allows for the development of larger-lot single-family residential uses (BMC Chapter 17.120). The R-1-E zoning district also allows parochial and private schools as conditionally permitted uses, incorporating by reference the conditionally allowed uses in the Ranchette Estate (RE) zone (BMC Section 17.110.003).

The approved private school was previously found by the City Council to be compatible with the other uses in the surrounding area and is seeking to increase the overall enrollment. The increased enrollment does not conflict with any of the R-1-E development standards and is adequately addressed through conditions of approval. 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.

Site Plan and Parking

The school will continue to occupy the existing church building and new modular buildings, once the latter are completed. The increase in enrollment will not require additional building square footage or classroom space above what is already approved and provided on-site. There are a total of 87 on-site parking spaces, all of which are full-size, with six handicap-accessible spaces, situated on each side of the existing church building. Section 17.620.012 of the BMC requires schools, grades K-8, to have two and one half spaces for each classroom and preschool facilities to have three spaces for the first fifteen children authorized plus one space for each ten additional children. There are no changes proposed to the classroom configuration at this time. As previously approved, there is a total of 11 classrooms (five classrooms within the church building and six classrooms in the modular buildings), which requires a total of 28 parking spaces. The proposed preschool is proposed to accommodate 10 children at any given time, requiring 3 additional parking spaces. Based on these requirements, a total of 31 parking spaces would be required. Therefore, there are an additional 56 parking spaces beyond what is required to operate the preschool and grade school. As a result, no parking spaces are proposed to be added on-site as part of this application. It is not anticipated that the proposed use would have a significant impact on parking.

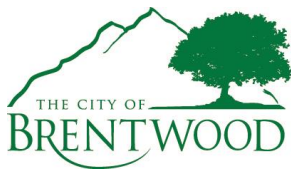


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Circulation

Vehicular access is currently provided via one driveway on Adams Lane along the southerly edge of the project site. As proposed, the project will include a new secondary driveway on Grant Street that will allow for right-in and right-out access and circulation. In order to minimize conflicts with Marsh Creek Elementary School across Adams Lane, Vineyard Academy Christian School had previously (and in accordance with the existing conditional use permit approval) staggered its school hours to begin later and end earlier than Marsh Creek Elementary. The school also implemented a traffic circulation plan within the on-site parking lot at The Rock Church. As part of the circulation plan, a Vineyard Academy Christian School staff member directs and facilitates the flow of vehicles entering and exiting the parking lot during school pick-up and drop-off times. In order to further alleviate traffic concerns, the applicant split drop-off and pick-up times for elementary and middle school students with middle school students (approximately 75 students for the 24-25 school year) to start at 8:00 a.m. and be dropped off approximately 30 minutes before Marsh Creek Elementary School, and elementary school students (approximately 145 students for the 24-25 school year) to start at 9:00 a.m. and be dropped off approximately 30-minutes after Marsh Creek Elementary School. A preliminary circulation map for each grade is attached to this report illustrating what the anticipated vehicle circulation pattern will be. As conditioned, the applicant will continuously implement a vehicle circulation plan to direct the flow of traffic in a manner to avoid conflict with traffic associated with March Creek drop-off and pick-up.

School	Grade	Morning Bell Schedule	Afternoon Bell Schedule
Vineyard Academy	Early-Bird Preschool	8:00 a.m.	10:30 a.m.
Vineyard Academy	Late-Bird Preschool	10:40 a.m.	1:10 p.m.
Vineyard Academy	Elementary School	9:00 a.m.	2:00 p.m.
Vineyard Academy	Middle School	8:00 a.m.	2:25 p.m.
Marsh Creek Elementary	Early-Bird Kindergarten	8:20 a.m.	10:30 a.m.
Marsh Creek Elementary	Late-Bird Kindergarten	9:45 a.m.	1:45 p.m.
Marsh Creek Elementary	1 st – 3 rd	8:20 a.m.	2:15 p.m.
Marsh Creek Elementary	4 th and 5 th	8:20 a.m.	2:50 p.m.



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Since the bell schedule for Marsh Creek Elementary School may change from year to 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. In addition, if there is a concern regarding parking, circulation, or any other impact, a draft condition of approval is included to allow 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.

Pedestrian circulation is provided via the existing sidewalks on Adams Lane and Grant Street. A paved path also runs along the center length of the site on either side of the church building on the west and east parking lot. The path is composed of a decorative concrete walkway that includes a surface with varied texture to increase the awareness of drivers crossing the main pedestrian link. The path leads to an opening in the perimeter fencing that encloses the location of the modular buildings and playground area. A draft condition of approval is included that requires the applicant to also construct new pedestrian access along the east side of the proposed driveway connecting the existing sidewalk along Grant Street to the entrance of the modular buildings.

CONDITIONAL USE PERMIT

Vineyard Academy Christian School proposes to operate on-site with an increase in overall enrollment from the currently approved maximum of 160 to 230, including new preschool aged children as well as students in grades K-8. As originally approved, all 160 students were proposed to have the same schedule with one drop-off and one pick-up time. As proposed to accommodate the increase in enrollment, the school hours and schedule will vary by grade with the largest number of students being dropped off or picked up at one time at 145 students (elementary school). This would allow an overall decreasing in peak traffic trips. The overall school hours would generally be from 8:00 a.m. to 2:30 p.m. Monday through Friday. As mentioned previously, parochial and private schools are specifically listed as being conditionally permitted within the R-1-E, zone (through its incorporation of the RE conditionally permitted uses).

In accordance with Section 17.830.005 of the Brentwood Municipal Code, a conditional use permit may be granted only if the proposal conforms to all of the following general criteria, as well as to all other applicable specific criteria:

- 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*



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surrounding neighborhood. Consideration shall be given, but shall not be limited to:

1. 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



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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



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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.

Based upon the above, the project adheres to the criteria required to approve a conditional use permit and, if approved by the Planning Commission, will be consistent with the General Plan and R-1-E zoning designation.

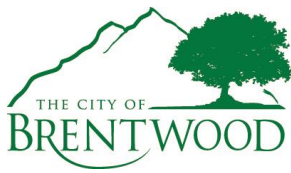
DATE OF NOTICE

On February 9, 2024, the City of Brentwood published a notice of public hearing in the Brentwood Press and mailed it to all property owners within 300 feet of the project site. In addition, the applicant posted the site with the required signage notifying the public.

ENVIRONMENTAL DETERMINATION

A mitigated negative declaration was prepared for the original project approval in 2009 in accordance with the requirements of the California Environmental Quality Act (CEQA), and the impacts of the proposed project fall within the scope of the original MND. A CEQA consistency analysis for the proposed project was prepared by De Novo Planning Group for the previous amendment (CUP 08-31-A4) in 2022. The analysis found that the proposed project would not create any impacts beyond those anticipated in connection with the original project. Overall, although the project is proposing minimal physical changes to the site related to the new driveway, the proposed increase in enrollment would not result in any physical changes to the site, and the operational changes would not result in any impacts to the environment. As such, pursuant to Section §15061(b)(3) of the CEQA Guidelines, the project is exempt from further review under CEQA. The previously-approved mitigated negative declaration remains valid and, pursuant to CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis, no further environmental review is required.

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 increased enrollment would have a significant effect on the environment. The only physical change to the project site would include the proposed 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



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and paved. There are no potential environmental impacts associated with this physical site improvement. Therefore, the project is exempt from CEQA review.

Operationally, the project site is already functioning as a school, and no additional physical improvements or construction activities would be required in order to accommodate the proposed increase in enrollment. The proposed increase in enrollment would not generate growth or increases in students in Brentwood or the surrounding areas. All new students at the Vineyard Academy Christian School that would be accommodated by the increased enrollment are presumed to either be attending school elsewhere in the community, or are new students starting school for the first time. As such, there would be no increase in regional or citywide traffic, as the students would simply be traveling to different locations within Brentwood to attend school. The increased enrollment would not lead to new sources of noise and only limited potential for increases noise, as there would be no change in operations at the site (recess, drop off/pick up, etc.). The increased number of students would have a de minimis contribution to existing noise levels. As such, the proposed project would not result in any direct or indirect impacts to the environment. Therefore, the project is exempt from further CEQA review.

ATTACHMENT(S)

1. Previous Actions
2. Resolution No. 24-006
3. Project Narrative and Plans
4. Proposed Circulation Maps