

CITY COUNCIL RESOLUTION NO. 24-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING DESIGN REVIEW (DR 22-005) FOR 37 SINGLE-FAMILY HOMES, INCLUDING FOUR DUET UNITS, LOCATED AT 7590/7650 LONE TREE WAY (APN 018-060-006/007).

WHEREAS, Seecon Financial and Builders, Inc. (the "Applicant"), submitted an application to the City of Brentwood for certain permits and approvals, including a Vesting Tentative Subdivision Map (VTSM 9597) and Design Review (DR 22-005), to develop its proposed Lone Tree Way Project, a residential subdivision project proposed to be developed on a 16.32-acre site located north of Lone Tree Way (the "Project Site," identified as APN 018-060-006/007); and

WHEREAS, collectively, Vesting Tentative Subdivision Map (VTSM 9597), which includes a request for a density bonus under the State Density Bonus Law, and Design Review (DR 22-005) constitute the "Project;" and

WHEREAS, the Project application has been referred to various public utility companies, public districts, and pertinent departments for review and recommendations; and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (SCH#20231003390) for this project in accordance with CEQA and the CEQA Guidelines, and at its December 5, 2023 meeting, the Planning Commission recommended that the City Council adopt said MND, including its accompanying Mitigation Monitoring and Reporting Plan, through adoption of Resolution No. 23-038; and

WHEREAS, the City distributed a Notice of Public Hearing to all property owners of record within 300 feet of the project site and published it in the Brentwood Press on November 24, 2023 in accordance with City policies and Government Code Section 65090; and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of December 5, 2023, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project.

WHEREAS, the Planning Commission unanimously voted to recommend that the City Council approve design review application DR 22-005; and

WHEREAS, the City distributed a Notice of Public Hearing to all property owners of record within 300 feet of the project site and published it in the Brentwood Press on January 12, 2024 in accordance with City policies and Government Code Section 65090; and

WHEREAS, a public hearing of the Project was scheduled before the City Council on January 23, 2024. However, six hours prior to the meeting the applicant submitted a letter to the City Council requesting that an alternative to their project be considered; and

WHEREAS, at the January 23, 2024 meeting, staff requested that the item be continued to February 27, 2024, in order for staff to analyze the proposal and ensure compliance with applicable laws and the project's IS/MND; the City Council approved the continuance; and

WHEREAS, a public hearing of the Project was scheduled before the City Council on February 27, 2024. However, a few hours prior to the meeting, two letters were submitted on behalf of Discovery Design Group, one by Louis Parsons and the other by Leigh Prince of Fox Rothschild; and

WHEREAS, at the February 27, 2024 meeting, staff requested that the item be continued, to a date uncertain, in order for staff to analyze the submitted letters; the City Council approved the continuance; and

WHEREAS, the City Council held a public hearing on this project at its regular meeting of June 11, 2024, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project; and

WHEREAS, on June 11, 2024, the City Council adopted IS/MND SCH#20231003390 via Resolution No. ____ and VTSM 9597 via Resolution No. _____.

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

- A. With respect to the design review findings pursuant to Brentwood Municipal Code Section 17.820.007:
 - i. The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

The proposal provides for a varied streetscape, interspersing three plans with four distinct elevations per plan. The Residential Design Guidelines requires the provision of three plans with four distinct elevations per plan, the proposed project is providing a total of three varied floor plans with four varied elevations, ensuring significant architectural variation within the streetscape and, thereby, meeting the intent of the Guidelines. In addition, each architectural style will have six color scheme options to provide significant color scheme variation that creates a variety of combinations.

- ii. Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.*

The proposed architecture is uniquely designed, allowing for increased variation of building design throughout the subdivision. There are three home plans with each of the floor plans offering a unique configuration, intended to create differentiation and variety on the streetscape, and provide buyers with distinct choices in lifestyle and use of space. There are four distinctive elevation styles, which include Spanish, Farmhouse, Craftsman, and French Country. The exterior materials, massing, roof shape and pitches, trim shapes, colors and materials create a strong neighborhood identity and provides for architectural variation throughout the subdivision. For each architectural style will have six color scheme options that represent the particular style, for a number of color combination schemes. The proposed design provides architectural elements and building forms including the size, bulk and scale of the homes, that reflect attention to detail and general compliance with the City's Design Guidelines.

- iii. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.*

No two identical floor plans are repeated side-by-side facing the same street. The façade massing is broken up with varying elevation styles, rooflines, color schemes, and finished materials. Architectural integrity is maintained in that the architectural style of each elevation type remains consistent with the traditional examples on which the style is based, and the elements evident on the front façade are carried around to the less-prominent side and rear elevations. Articulated front façades and the use of rooflines to differentiate the first and second stories help to reduce building massing. Front elevations use porches and finish materials to emphasize points of entry.

Other features identified in the design guidelines are carried through onto the proposed plans, including: maintenance of architectural integrity with window-wrapping treatment carried around to the side and rear elevations; inclusion of various roof heights and forms; and the visual emphasis of front doors from the street. Roof forms and pitch angles vary slightly, but are generally consistent throughout each architectural elevation style. Taken together, these elements reflect attention to detail and general

compliance with the City's design guidelines by creating a thoughtful and well design project that serves to protect the value of, private and public investments in the immediate area.

- iv. *Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the city council, the design of the development shall conform in all significant respects with such plans.*

The subject site is not located within an area for which a specific plan has been approved. However, it is subject to the provisions of the Single Family Residential (R-1-12) zoning district, which allows for single-family residential uses on lots as well as provides development standards including height, setbacks and parking standards. In addition, the project site is likewise within the General Plan Residential Very Low Density (R-VLD) land use designation, which provides for 1.1-3.0 dwelling units per acre. According to the General Plan, density calculations are to be made based on a project's gross acreage. This project would result in a density of 2.27 dwelling units per acre, within the General Plan allowable range.

- v. *The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this title.*

The Project, as designed and conditioned, incorporates all required landscape areas within private front yards, all water treatment areas will be owned and maintained by an HOA. At least two full-size parking spaces are provided within the garage of each home plan, thus meeting the parking requirements pertaining to single-family developments.

- vi. *The site development criteria set forth in Section 17.820.008.*

The siting and internal arrangement of all structures and circulation, parking, lighting, access, landscape, hardscape, and utility facilities on the site are conducive to an orderly, attractive, efficient, and harmonious development insomuch as the homes are plotted to meet the allowed setbacks and are designed to provide an attractive and interesting street scene. The home plans are designed to reduce massing and introduce development on a scale that is appropriate to surrounding uses. Access to the neighborhood is provided through public streets and required parking is provided on each residential lot within a two-car garage. Additionally, as designed, the Project will not have an adverse environmental effect on adjacent developments, existing or

potential, by reason of conflicts in land use in that the proposed development adheres to the General Plan allowable density.

- vii. *"The City of Brentwood Design Guidelines" adopted March 24, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance.*

The project adheres to these standards as it provides variety in unit plans by providing three distinct floor plans and 4 elevations for each of these floor plans, 50% of corner lots within the development are single-story units, 25% of all units are single-story units, (BDG Section 2.6.1) The project further complies with the guidelines as the proposed homes maintain architectural integrity given that the four architectural styles are clearly articulated (BDG Section 2.6.2).

- viii. *All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions.*

The State of California has passed numerous housing laws to address the housing shortage and limit local government's ability to deny housing projects that comply with the General Plan and/or zoning designation. There are several laws that apply to the project and effect the processing of the Project. The housing laws that effect and are requested to be used by the applicant and project directly limit the City's ability to respond to issues about density, development standards, and design standards. Although there are a variety of housing laws that apply to this project, the most relevant is the State Density Bonus law (Government Code §§ 65915-65918), with which this Project, as conditioned, is consistent. The Project's compliance with all applicable regulations of the zoning ordinance and other City ordinances, policies, or resolutions is further discussed in the findings set forth in Resolution No. 23-039 approving Vesting Tentative Subdivision Map (VTSM 9597), which findings are incorporated herein as if restated in full.

- B. Hereby approves Design Review (DR22-005) subject to the conditions of approval listed in Exhibit 'A', attached hereto and made a part of this resolution, and all City standards applicable to this project.
- C. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at 150 City Park Way in Brentwood, California. Planning Manager Erik Nolthenius is the custodian of records for the record of proceedings.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of June 11, 2024, by the following vote:

AYES: None
NOES: None
ABESENT: None
RECUSE: None

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

CITY COUNCIL RESOLUTION NO. 24-_____
CONDITIONS OF APPROVAL FOR
DESIGN REVIEW (DR 22-005)

1. The Applicant and Permittees, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Design Review (DR 22-005) (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. The Permittee shall develop the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps and Design Review Applications, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The residential units shall be constructed in substantial conformance with the plans prepared by Discovery Design Group dated "June 30, 2022" unless otherwise amended by the conditions of approval contained herein.
4. The approval of Design Review (DR 22-005) is effective only after adoption of the MND prepared to analyze the Project.
5. The Permittee is responsible for ensuring that all setbacks are met at the time of plot plan submittal for building permits and throughout the construction process.
6. The Permittee shall provide staff with an updated master plotting plan depicting the proposed moderate income detached unit on either lot #23 or #25 in order to meet the Affordable Housing requirement requiring dispersal of low income units.
7. The Permittee shall provide staff with updated plans (master plotting plan, landscaping plan, etc.) reflecting all the requested Density Bonus waivers.
8. Permittee shall provide staff with a Master Plotting Plan depicting all units, except for the duet units, being in conformance with the 20' front yard setback requirement of the R-1-12 zone.
9. The Permittee shall provide staff with an updated master plotting plan upon any changes related to setbacks, home plans, and elevation combinations. The changes shall be reviewed and approval shall be to the satisfaction of the Community Director or their assignee.
10. Building designs shall consist of one of the four approved architectural styles (Spanish, Farmhouse, Craftsman, and French Country).

11. All proposed masonry block walls and retaining walls shall be decorative split face block.
12. Pursuant to the Brentwood Residential Design Guidelines, enhanced design elements and a continuation of design elements, such as lap siding and shutters as proposed on the front elevations shall also be provided on the side and rear elevations of corner lots.
13. The same floor plan or exterior colors for dwelling units shall not be placed side by side. Flipping the orientation of the floor plan does not constitute a change in floor plan and homes directly across the street from one another should not have the same floor plan, unless they have different elevation styles.
14. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
15. All proposed trees shall be depicted on the proposed landscape plans as being in 24-inch boxes.
16. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, fencing, and self treating retention areas for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance subject to review and approval of the Planning Department.
17. Residential wood fences shall meet the minimum requirement of the City's Enhanced Residential Good Neighbor Fence detail (ST-22).
18. The Permittee shall be responsible for the construction of all good neighbor fences between the properties and all perimeter walls.
19. Perimeter CMU wall shall be 6 feet tall, with pilasters in 10 foot intervals. Pilasters shall project 12 inches from the face of the wall and will project 12 inches from the top of the wall in order to break up the wall plain.
20. Prior to building permit submittal, plans for all external lighting fixtures shall be submitted in conjunction with the photometric plan for the review and approval of the Community Development Director. All fixtures must be of a cut-off or full cut-off classification and cut-sheets allowing verification of the design must be submitted to the Planning Department.
21. All HVAC shall be ground mounted and shall not be visible from any street or pedestrian views. No roof mounted HVAC unit allowed.
22. 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 adoption of VTSM 9597, and DR 22-005, and any environmental determination made with regard thereto, save and except to the extent caused solely by the City's sole or active negligence, or willful misconduct. 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. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to VTSM 9597, and the remainder of this obligation shall be unaffected by said Government Code section.

23. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.720 ("Density Bonus Program") and Government Code 65915-65918 (the State Density Bonus law).
24. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.725 ("Affordable Housing").
25. Permittee shall cause each and every mitigation measure set forth in the Mitigation Monitoring and Reporting Program for the Project to be fulfilled within the timelines set forth therein.
26. Prior to each building permit issuance, the Permittee shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the Contra Costa County Fire Protection District (CCCYPD). The City's Building Division shall review the building plans to ensure compliance.
27. Prior to building permit issuance, the Permittee shall provide an adequate and reliable water supply for fire protection with a minimum fire flow to the satisfaction of CCCYPD and the City of Brentwood.
28. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, and bio retentions areas for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance subject to review and approval of the Planning Department.
29. The Permittee shall comply with all conditions of approval for Vesting Tentative Subdivision Map No. 9597, and Design Review No. 22-005.
30. The Permittee shall submit architectural plans depicting both sets of duet units to be of different architectural styles.