

CITY COUNCIL RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD (1) DENYING VESTING TENTATIVE SUBDIVISION MAP NO. 9586 FOR THE SUBDIVISION OF AN APPROXIMATELY 135-ACRE SITE; (2) DENYING THE DESIGN REVIEW OF 13 HOME PLANS, FOR THE BRIDLE GATE PROJECT, LOCATED GENERALLY WEST OF THE SAND CREEK ROAD AND THE STATE ROUTE 4 INTERCHANGE (APN 019-082-009 and 010); AND (3) TAKING NO FURTHER ACTION ON THE REVISED ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT.

WHEREAS, on October 22, 2021, WCHB Development, LLC, (the "Permittee") submitted an application to the City of Brentwood requesting approval of (1) a vesting tentative subdivision map (No. 9586) to subdivide approximately 135 acres into 286 single-family residential parcels, two park parcels, two bio-retention areas for stormwater treatment, one open space parcel, as well as several parcels for landscaping and pedestrian access, and a designated remainder, and (2) design review (DR 21-010) for thirteen home plans to be constructed on the single-family residential lots (the "Project," modified as noted below); and

WHEREAS, the Project is proposed to be located on a roughly 135 acre site bounded by the proposed Sand Creek Road Extension to the north, State Route 4 to the east, a single-family residential development (Brentwood Hills) to the south, and the edge of the Brentwood Planning Area and the City of Antioch's city limits to the west, with a small segment of existing San Jose Avenue bounding the site at its farthest southeastern corner (the "Project Site"); and

WHEREAS, the City referred the Project to various departments and agencies for review and recommendations; and

WHEREAS, in August 2022, the Permittee initiated legal proceedings against the City in the Contra Costa Superior Court (the "Court") pertaining to the processing of the Project, alleging, among other things, that the PD-36 zoning standards applicable to the Project were not objective; and

WHEREAS, on June 30, 2023, the Permittee revised its application by submitting a modified proposed vesting tentative subdivision map that increased the minimum lot size for all parcels to 5,000 square feet, and decreased the number of units to 272; and

WHEREAS, on August 3, 2023, the Permittee further revised its application by submitting a modified master plotting plan, floor area matrix, and lot coverage matrix, with 50 foot lot widths; 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 August 25, 2023, and the Permittee posted the Project Site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the City prepared a Final Revised Environment Impact Report (REIR), including a Mitigation Monitoring and Reporting Plan for this Project in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 15000, *et seq.*, and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, *et seq.*); and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of September 5, 2023, to consider the Project, including this vesting tentative subdivision map and design review application, and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses; and

WHEREAS, the Planning Commission, on September 5, 2023, continued the item to a date uncertain and directed staff to work with the Permittee to evaluate the intersection of St. Regis Avenue/San Jose Avenue for a possible gate or emergency vehicle access only, with the understanding that staff will evaluate any other viable solution that would lessen the impact of traffic on the existing residential areas to the south (i.e., Brentwood Hills and Shadow Lakes); and

WHEREAS, on behalf of the Permittee, Abrams Associates reviewed five potential options for minimizing additional traffic on St. Regis Avenue, which involve various turn restrictions and circulation modifications; and

WHEREAS, DKS Associates analyzed the potential impact of the options on the REIR Vehicle Miles Traveled (VMT) discussion, which analysis was peer reviewed by Kimley-Horn and ultimately analyzed by the City's environmental consultant ("Raney"), who determined that none of the options would create a new significant environmental impact or increase in the severity of previously identified impacts; 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 July 5, 2024, and the Permittee posted the Project Site with the required signage 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 July 16, 2024, and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses, and adopted a resolution denying the Project and taking no CEQA action; and

WHEREAS, on July 24, 2024 the Permittee appealed the Planning Commission's decision to the City Council in accordance with Chapter 17.880 of the Brentwood Municipal Code; 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 August 16, 2024, and the Permittee posted the Project Site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the City Council held a public hearing on this project at its regular meeting of August 27, 2024, to consider the Project, including this vesting tentative subdivision map (VTSM 9586) and design review (DR 21-010) application and considered the staff report, supporting documents, public testimony, all appropriate information submitted with the proposed Project, and studied the compatibility of this request with adjacent land uses.

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

1. Recitals. The recitals set forth above are true and are hereby adopted in full.
2. California Environmental Quality Act. With respect to CEQA, as set forth in CEQA Guidelines section 15270(a), "CEQA does not apply to projects which a public agency rejects or disapproves." Therefore, this action denying the Project approvals is exempt from CEQA and the City Council takes no action to certify the REIR. Further, the REIR does not address the following impacts from the Project:
 1. *That the proposed map is consistent with the community development plan and any applicable specific plans.*
3. Vesting Tentative Subdivision Map.
 - A. Findings. With respect to the findings required for a vesting tentative subdivision map, the City Council considered all of the required findings set forth in the Brentwood Municipal Code Section 16.050.040.B and Government Code section 66474 and hereby finds that the following findings cannot be met:
 1. *That the proposed map is consistent with the community development plan and any applicable specific plans.*

The proposed vesting tentative subdivision map is inconsistent with the City's General Plan in that the project does not conform to:

A.

B.

Further, the proposed vesting tentative subdivision map is inconsistent with the Brentwood Municipal Code in that the project does not conform to:

C.

2. *That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.*

The Project Site is not within any applicable specific plan area. The design and improvement of the proposed subdivision is inconsistent with General Plan in that:

A.

B.

3. *That the site is physically suitable for the type of development.*

The site is not physically suitable for the type of development proposed in that:

A.

B.

4. *That the site is physically suitable for the proposed density of development.*

The site is not physically suitable for the proposed density of development in that:

A.

B.

5. *That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat unless an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.*

The design of the subdivision is likely to cause substantial environmental damage in that:

A.

B.

6. *That the design of the subdivision or type of improvements is not likely*

to cause serious public health problems.

The design of the subdivision is likely to cause serious public health problems in that:

A.

B.

7. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The design of the subdivision will conflict with easements, acquired by the public at large or access through or use of, property within the proposed subdivision, in that:

A.

B.

- B. Denial. Therefore, the City Council hereby denies Vesting Tentative Subdivision Map No. 9586.

4. Design Review.

- A. Findings. With respect to the findings required for design review, the City Council considered all of the required findings set forth in the Brentwood Municipal Code Section 17.820.007 and hereby finds that the following findings cannot be met:

1. *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 proposed development does not create a well-composed urban design, harmoniously related to other existing and planned developments in the immediate area and as viewed from key vantage points in the area in that:

A.

B.

2. *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 design elements do not have significant relationship to the exterior appearance of the structures in that:

A.

B.

3. *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.*

The proposed development is not of a quality and character of design appropriate to, and serving to protect the value of, private and public investments in the immediate area in that:

A.

B.

4. *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 proposed development is located within PD-36, and the design of the development does not conform in all significant respects with PD-36 in that:

A.

B.

5. *The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in Title 17 of the Brentwood Municipal Code.*

The proposed development does not conform with all requirements for landscaping, screening, parking and usable open space in that:

A.

B.

6. *The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from*

public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.

The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, are not conducive to an orderly, attractive, efficient and harmonious development in that:

A.

B.

7. *The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.*

The proposed development would have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic in that:

A.

B.

8. *"The City of Brentwood Design Guidelines" Draft, dated February 1, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance.*

The proposed project is inconsistent with design criteria or standards set out in the City of Brentwood Design Guidelines in that:

A.

B.

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

The proposed project is inconsistent with regulation of the zoning ordinance or other City ordinance, policies or resolutions in that:

A.

- B. Denial. Therefore, the City Council hereby denies Design Review No. 21-010.

5. The applications for VTSM 9586 and DR 21-010 are thus denied without prejudice. The applicant may submit a revised application to the City addressing the findings of the City Council as documented above.
6. Housing Accountability Act Findings.
With respect to Government Code Section 65589.5(j)(1), the City Council finds that these findings need not be made, as the City Council has determined, as set forth above, that the project does not conform to the objective standards of the General Plan or the applicable zoning.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of August 27, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Joel Bryant
Mayor

ATTEST:

Margaret Wimberly
City Clerk