

CITY COUNCIL RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING THE APPEAL FILED BY WCHB DEVELOPMENT, LLC, REVERSING THE DECISION OF THE PLANNING COMMISSION AND APPROVING DESIGN REVIEW NO. 21-010 FOR 13 HOME PLANS TO BE CONSTRUCTED ON 272 SINGLE-FAMILY LOTS FOR THE BRIDLE GATE PROJECT, LOCATED GENERALLY WEST OF THE SAND CREEK ROAD AND STATE ROUTE 4 INTERCHANGE (APN 019-082-007).

WHEREAS, on October 22, 2021, WCHB Development, LLC (the "Permittee") submitted an application to the City of Brentwood requesting approval of a design review (DR 21-010) for thirteen home plans to be constructed on 286 single-family lots for the Bridle Gate Project, located generally west of the Sand Creek Road and the State Route 4 interchange; and

WHEREAS, the Permittee also submitted a request for a vesting tentative subdivision map (VTSM 9586); 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, consistent with the Court's opinion, the City has processed the application in accordance with the objective standards for PD-36, Subarea C; 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 Planning Commission held a public hearing on this project at its regular meeting of September 5, 2023, to consider the Project, including this 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, after consideration of the proposed circulation options, the City Council did not alter the original proposed circulation; 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 denied the Project, taking no CEQA action; and

WHEREAS, the Permittee appealed the Planning Commission's decision to the City Council on July 24, 2024 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 application and considered the staff report, supporting documents, public testimony, all appropriate information submitted with the proposed Project, studied the compatibility of this request with adjacent land uses, and the additional options provided related to circulation and determined to approve the appeal reversing the Planning Commission’s action to deny the Project; and

WHEREAS, the City prepared a Final Revised Environment Impact Report, including an Initial Study, and 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 at its August 27, 2024 meeting, the City Council certified the Final Revised Environmental Impact Report, adopting of Findings of Fact and a Mitigating Monitoring and Report Plan through adoption of Resolution No. 24-__.

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

A. Hereby finds that with respect to Brentwood Municipal Code Section 17.820.007:

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 creates 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 the proposed house models include 13 distinct floor plans with four alternative elevations per plan, except for Floor Plan 13, which has two elevations. The plans are architecturally diverse and interesting, offering a variety of styles (Tuscan, Craftsman, French Cottage, and Bay Area Modern) that complement the architectural styles in neighboring residential subdivisions, including Brentwood Hills to the south. In addition, the layout of the proposed development provides adequate landscaping along arterial, collector, and residential streets, as well as within publicly-accessible open spaces, as conditioned.

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.*

Special consideration is given to those elements of the design that have significant relationship to the exterior appearance of structures proposed within the development given that the exterior materials, massing, roof shapes and pitches, trim shapes and material, and colors vary by these elevation styles (and include a total of 24 different color schemes), and the rear elevations vary by elevation style, as well, with accent gable and hip roofs, accent trim, and a variety of roof pitches and massing styles, and the accent trim and around the windows and the varied window grid patterns are proposed to be carried around to windows at the sides and rears of all residences. The proposed landscaping satisfies City requirements, with at least 50% of the front yards of each residence being landscaped and street trees included along each project street. Finally, the bulk and scale of the proposed residences meet the maximum height and setback requirements of PD-36, Subarea C, as conditioned.

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 of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area, in that the location and design of the proposed homes, as conditioned, will not adversely affect abutting properties and the surrounding neighborhood, as the proposed project includes 13 different floor plans and four different architectural styles, which will create a well-designed neighborhood with varied home elevations that maintain the quality of the neighborhood and that would be located on these 272 new lots. Furthermore, the proposed project is consistent with the Residential Low Density designation in the General Plan, including the density of the proposed project at 4.0 du/ac. The project is also consistent with the applicable objective zoning standards for PD-36 set forth in Brentwood Municipal Code Section 17.486.004, referring to Subarea C, including: the minimum lot size for the proposed project is 5,000 square feet (sf); the minimum proposed lot width is 50 feet; and the minimum proposed lot depth is 100 feet, as well as setback and lot coverage standards.

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 Project Site is not located within the boundaries of any specific plan, neighborhood plan, or precise plan. It is, however, zoned Planned Development No. 36 (PD-36). Subarea C of PD-36 includes the following development standards and the proposed project conforms to the proposed development standards, as conditioned:

Minimum lot size: 5,000 square feet;
Minimum lot width: 50 feet;
Minimum lot frontage: 35 feet at the front property line for lots on cul-de-sacs, knuckles, or curvilinear streets;
Minimum front yard setback: 20 feet for front-facing garages; 15 feet for building walls and porches;
Minimum rear yard setback: 15 feet, with an average of 20 feet;
Maximum building height: Two stories, not to exceed 30 feet;
Corner lot fence setback: Five feet from the street side property line; all other fence regulations shall adhere to the requirements of Chapter 17.660 of the Municipal Code;
Lots adjacent to open space shall utilize a six-foot high tubular steel fence or similar design along the common property lines.
Accessory structures shall be prohibited in side or rear yards for areas exceeding a 3:1 slope.

To the extent the project is not consistent with the PD-36, Subarea C standards requiring a housing unit cap and a conditional use permit for residential uses over 3.5 units per gross, these requirements cannot be imposed as they are not consistent with State law.

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 is conditioned to conform to all requirements for landscaping, parking, usable open space and off-street loading inasmuch as preliminary landscaping plans have been included with the project and final landscaping plans are conditioned to be approved prior to building permit issuance, a minimum of two spaces per single-family home have been provided, off-street loading spaces are not required, and a total of 8.5 acres of parkland has been provided.

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 location and internal arrangements of all structures and other facilities as conditioned on the site, including land uses, internal circulation, parking, and lighting are conducive to an orderly, attractive, efficient, and harmonious development as the project, as conditioned, will comply with all proposed zoning requirements, and the streets are designed to meet City standards. The project will also complete an important link in the City's planned circulation system, by constructing a connection between an extended San Jose Avenue and the newly

extended Sand Creek Road, as envisioned in Figure CIR-1 ('Circulation Diagram') of the Circulation Element of the General Plan.

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 will not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic as the environmental effects of the project were evaluated in the Revised Environmental Impact Report (REIR) prepared for the project and all mitigation measures were incorporated into the approval of Vesting Tentative Subdivision Map 9586. The REIR includes no findings of significant and unavoidable impacts associated with the project.

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 project, as conditioned, is consistent with the City of Brentwood Residential Design Guidelines, dated September 26, 2006, as illustrated in various ways, including:

- a. The Design Guidelines provide that single-family residential units must include one distinct plan with four unique elevations for every 25 units in the project, and the project provides thirteen floorplans plans, with four elevation styles; and
- b. The Design Guidelines state that 50% of corner lots within a development must be single-story units, and, of the 26 lots that could be considered corner lots in the project, 13 of these have been plotted with single-story plans; and
- c. The Design Guidelines note that garage doors with decorative features, including glass windows, must be provided for 60% or more of the units, and all of the project's proposed garage doors include windows.

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

The proposed project conforms to all applicable regulations of the zoning ordinance and other City ordinances, policies, or resolutions given that the homes on the lots will meet the development standards previously established for Planned Development No. 36, Subarea C, except as noted in Finding(A)(4) above, as well as parking and landscaping requirements.

- B. Hereby approves Design Review No. 21-010, 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.

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

**EXHIBIT "A" TO
CITY COUNCIL RESOLUTION NO. 24-XX
CONDITIONS OF APPROVAL FOR
DESIGN REVIEW NO. 21-010**

1. The Applicant, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Design Review No. 21-010 (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. The houses and related improvements for this project shall be constructed in substantial conformance with the plans prepared by West Coast Home Builders and Legacy Design Group dated July 1, 2024, unless otherwise modified by the Planning Commission or any of these conditions.
3. The Permittee shall comply with all conditions of approval in Resolution No. 24-___, approving Vesting Tentative Subdivision Map 9586.
4. All mitigation measures identified in the Final Revised Environmental Impact Report and Mitigation and Monitoring Plan are hereby incorporated into these conditions of approval.
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 in accordance with Brentwood Municipal Code Section 17.486.004, referring to Subarea C.
6. To ensure compliance with Brentwood Municipal Code Section 17.486.004, Plans 10, 11, and 13 shall be modified prior to building permit issuance to not exceed two stories and a maximum height of 30 feet, to the satisfaction of the Community Development Director.
7. Prior to approval of any permit, the Permittee shall submit the General Plan Maintenance Fee in effect at the time of fee submittal.
8. In order to satisfy the requirements of Brentwood Municipal Code Chapter 16.168 ('Habitat Conservation Plan [HCP]/Natural Community Conservation Plan [NCCP] Implementation'), Permittee shall fulfill its obligations as set forth in that certain 'Multi-Party Mitigation and Land Dedication In-Lieu of Development Fee Agreement' by and between the East Contra Costa County Habitat Conservancy; the City of Pittsburg; the City of Brentwood; Nortonville, LLC; Seecon Built Homes, Inc.; and West Coast Home Builders, Inc.
9. All elevations of all homes shall carry around the window grid patterns and

window trim elements shown at the front elevation of all architectural styles to the sides and rears of the homes to the satisfaction of the Community Development Director. These elements shall be reflected on the building plans.

10. The building plans shall reflect that all roof materials shall be concrete tile to the satisfaction of the Community Development Director.
11. The Permittee shall incorporate the use of radiant barriers within the attic space of each house to reduce heating and cooling fuel consumption.
12. The Permittee shall install Energy Star-compliant heating and cooling systems, appliances, and equipment and control systems.
13. The Permittee shall pre-wire electrical connections in the wall of each garage in order to accommodate the future placement of plug-in electric or plug-in hybrid vehicle charging stations. These connections shall consist of 240V/20 amp dedicated circuits connected to a dedicated breaker.
14. The Permittee shall incorporate water-reducing features into the building and landscape design, create water-efficient landscapes, and install water-efficient irrigation systems and devices.
15. The Permittee shall install low-flow water fixtures and appliances in each residential home.
16. In order to provide future residents with an alternative to opening windows (open windows may result in unacceptable interior noise levels), mechanical ventilation in the form of whole-house fans, shall be included in the improvement plans for all second floor living spaces, as well as all unshielded living spaces within the project.
17. Second floor windows of the first row of residences along the State Route 4 corridor and Sand Creek Road, shall have a minimum STC rating of 34 for windows with a view of either roadway. Alternatively, an interior noise analysis shall be prepared by a qualified acoustic engineer outlining the measures required to meet the City's 45 dBA Ldn interior noise standard, especially at unshielded second floor facades along the State Route 4 corridor or Sand Creek Road. Compliance shall be reviewed and approved by the Director of Community Development.
18. The brick/stone veneers on the front of all applicable elevations shall wrap around the corresponding side elevation and be carried through to terminate at the fence line. These changes shall be reflected on the plans submitted in support of a building permit application.
19. All fencing shall be shown on the building permit plans and shall be in conformance with BMC Chapter 17.660. Corner lot street side fencing and rear

yard fencing of double-frontage lots shall be setback a minimum of 5 feet. Fences along the dedicated open space shall be a 6-foot high open space fence.

20. Any brick/stone wall veneers shall wrap to the interior corner of all wall and porch elements on the front elevations and shall be reflected on the plans submitted in support of a building permit application through the provision of either a partial elevation of the affected wall, or a note on the affected sheets.
21. At minimum 60% of all garage doors shall incorporate decorative design elements including, but not limited to, raised or recessed paneling, windows along the top panel of the door, and faux wood or metal detailing, to the satisfaction of the Director of Community Development. These changes shall be reflected on the plans submitted in support of a building permit application.
22. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
23. 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 certification of the Final REIR, approval of the Vesting Tentative Subdivision Map No. 9586; and Design Review No. 21-010. 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.
24. The Planning Commission shall have the jurisdiction to consider any proposed amendment to this Resolution No. ____.