

PLANNING COMMISSION RESOLUTION NO. 23-032

A RESOLUTION OF THE PLANNING COMMISSION 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 019-082-007); 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 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, the City has processed the application consistent 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 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, 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 applicant 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, to consider the Project, 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission 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 the California Environmental Quality Act ('CEQA,' codified at California Public Resources Code §§ 21000, et seq., and as further governed by the State CEQA Guidelines, found at 14 CCR §§ 15000, et seq.), 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 Planning Commission takes no action to certify the REIR.
3. Vesting Tentative Subdivision Map.

A. Findings. With respect to the findings required for a vesting tentative subdivision map, the Planning Commission considered all of the required findings set forth in 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. General Plan Policy COS 7-1 ("Protect Brentwood's ridgelines (hilltops and steep hillsides) from erosion, slope failure, and development") because the application proposes to develop the ridgeline along Cottonwood Avenue between Bridle Gate Drive and Heatherwood Drive.
- B. General Plan Policy CIR 3-4 ("Provide an interconnected street network that provides multiple points of access, discouraging cut-through traffic while maintaining neighborhood connectivity") because the project's proposed design does not discourage cut-through traffic but rather would lead to traffic cutting through the Shadow Lakes residential neighborhood.

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

- C. Brentwood Municipal Code Chapter 17.486.005 (the development standards applicable to Subarea D of PD-36), in that the residential portion of the project is designed only to conform to Subarea C and not to the residential standards of Subarea D.

B. Denial. Therefore, the Planning Commission hereby denies Vesting Tentative Subdivision Map No. 9586.

4. Design Review

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

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 topography, as ridgelines within the project would be developed with homes and associated infrastructure, and traffic, as the project would create additional traffic through the Shadow Lakes residential development during school hours when traffic is already unacceptably heavy.

In addition, the Planning Commission notes that Vesting Tentative Subdivision Map No. 9586 was denied for the reasons set forth above.

B. Denial. Therefore, the Planning Commission hereby denies Design Review No. 21-010.

5. Housing Accountability Act Findings

A. Findings. With respect to Government Code Section 65589.5(j)(1), the Planning Commission finds that these findings need not be made, as the Planning Commission has determined, as set forth above, that the project does not conform to the objective standards of the General Plan or the applicable zoning.

6. The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of July 16, 2024, by the following vote:

AYES: Brand, Flohr, Johnson, Sparling
NOES: None
ABSENT: Roberts
RECUSE: None

APPROVED:



David Sparling
Vice Chairperson

ATTEST:



Erik Nolthenius
Planning Manager