

CITY COUNCIL RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH#2024050112) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ORCHARD GROVE NORTH PROJECT (VTSM 9649 AND DR 23-012), LOCATED EAST OF ADAMS LANE, DIRECTLY SOUTH OF THE ROCK CHURCH AND VINEYARD ACADEMY (APN 016-040-004).

WHEREAS, Shea Homes (the "Applicant") submitted an application to the City of Brentwood for certain permits and approvals, including a Vesting Tentative Subdivision Map (VTSM 9649) and Design Review (DR 23-012), to develop its proposed Orchard Grove North project, a 34-lot residential subdivision to be developed on a 9.6-acre site located at 1901 Lone Oak Road, east of Adams Lane and south of The Rock Church and Vineyard Academy (the "Project Site," identified as APN016-040-004); and

WHEREAS, collectively, the Vesting Tentative Subdivision Map (VTSM 9649), which includes a request for a density bonus under the State Density Bonus Law and associated waivers, and the Design Review (DR 23-012) 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, pursuant to the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 21000, *et. seq.*) and its implementing regulations (the "CEQA Guidelines," found at 14 CCR Section 15000, *et. seq.*), the City of Brentwood is the lead agency for the proposed Project; and

WHEREAS, the City reviewed the Project application and prepared an Initial Study for the Project in accordance with Section 15063 of the CEQA Guidelines; and

WHEREAS, on the basis of the Initial Study, and pursuant to Section 15170 of the CEQA Guidelines, the City prepared a Mitigated Negative Declaration ("MND") for the Project, which MND is attached hereto, along with the Initial Study, attached as Exhibit 'A' and incorporated herein by this reference; and

WHEREAS, pursuant to Section 15097 of the CEQA Guidelines, the City has prepared a Mitigation Monitoring and Reporting Program (MMRP) to accompany the Initial Study and MND and incorporated herein by this reference; and

WHEREAS, the City has prepared an errata sheet to accompany the Initial Study and MND to correct an inconsistency and incorporate the accurate Cultural Resources Study (the "Errata Sheet"). The Errata Sheet is attached hereto as a component part of Exhibit 'A', Attachment 1, and incorporated herein by this reference; and

WHEREAS, pursuant to Section 15072 of the CEQA Guidelines, the City provided notice of its intent to adopt the MND, and pursuant to Public Resources Code Section 20191(b) and Section 15073 of the CEQA Guidelines, the City circulated the MND for public review and comments from May 3, 2024, to June 3, 2024; 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 May 3, 2024 in accordance with City policies and Government Code Section 65090; and

WHEREAS, at the June 4, 2024 Planning Commission meeting, staff requested that the item be continued to the July 2, 2024 meeting due to a clerical error in the MND, which was corrected through the Errata Sheet; and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of July 2, 2024, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project; and

WHEREAS, the Planning Commission voted to adopt Resolution No. 24-028, recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed Orchard Grove North residential project; 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 12, 2024 in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during the same timeframe; and

WHEREAS, on July 23, 2024, prior to the start of the City Council meeting, the applicant requested a continuance, to a date uncertain, in order to resolve an undisclosed item with the existing property owner; and

WHEREAS, on July 23, 2024, the City Council voted to continue consideration of this matter to a date uncertain; and

WHEREAS, on August 2, 2024, the City re-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 in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe; and

WHEREAS, the City Council held a public hearing on this project at its regular meeting of August 13, 2024, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project.

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

- A. The recitals set forth above are true and correct and are incorporated herein by this reference.
- B. The City Council has reviewed and considered the MND and MMRP together with all comments received during the public review process, as well as the written responses prepared to such comments, the staff report, testimony by staff and the public, and all other materials and evidence submitted to the City relating to the Project.
- C. The City Council hereby finds, on the basis of the whole record before it, that:
 - a. The Initial Study, MND and MMRP have been prepared and completed in accordance with the requirements of CEQA and the CEQA Guidelines;
 - b. There is no substantial evidence that the Project will have a significant effect on the environment;
 - c. The evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Resolution, that the facts stated in this Resolution are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, the staff report and all materials in the project files. There is no substantial evidence, nor are there other facts, that negate the findings made in this Resolution.
 - d. The information, analyses, findings and conclusions set forth in the MND and MMRP reflect the City's independent judgment and analysis.
- D. Based on the information, analyses and conclusions in the Initial Study, and on the whole record before it, the City Council adopts the Initial Study and Mitigated Negative Declaration for the Orchard Grove North Project dated April 2024, attached hereto as Exhibit 'A', including the MMRP attached thereto and the Errata Sheet attached thereto as Attachment '1'.
- E. The City's custodian for the record of proceedings for the Project is the Planning Manager and the record of proceedings is maintained in the City's files at 150 City Park Way, Brentwood, California.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of August 13, 2024, by the following vote:

AYES:

NOES:

ABSENT:
RECUSE:

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program dated October 2023, Exhibit 'A'

Errata Sheet, Attachment 1 to Exhibit 'A'

All attachments may be reviewed by clicking on the link below and scrolling to "Orchard Grove North:"

<https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents>