

CITY COUNCIL RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING DESIGN REVIEW (DR 23-012) FOR SIX HOME PLANS (30 MARKET RATE HOMES AND FOUR DUET UNITS) FOR 34 SINGLE-FAMILY RESIDENTIAL LOTS FOR THE ORCHARD GROVE NORTH SUBDIVISION 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 Lone Tree Way Project, a residential subdivision project proposed to be developed on a 9.6-acre site east of Adams Lane, directly south of The Rock Church and Vineyard Academy (APN 016-040-004); and

WHEREAS, collectively, Vesting Tentative Subdivision Map (VTSM 9649), which includes a request for a density bonus and associated waivers under the State Density Bonus Law, and 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, 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 a public hearing notice sign was posted on the site during this same timeframe from the June 4, 2024 Planning Commission hearing; and

WHEREAS, at the June 4, 2024 Planning Commission meeting, staff was granted a request that the item be continued to the July 2, 2024 meeting due to a clerical error in the MND; 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.

WHEREAS, the Planning Commission unanimously voted to recommend that the City Council approve design review application DR 23-012; 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 this same timeframe; and

WHEREAS, on July 22, 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; and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (SCH#2024050112) for this project in accordance with CEQA and the CEQA Guidelines, and at its August 13, 2024 meeting, the City Council adopted said MND, including its accompanying Mitigation Monitoring and Reporting Plan and Errata Sheet, through adoption of Resolution No. 24-_____.

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

- 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 single-story, two-story plans and duet units. The streetscape is varied by the incorporation of three elevations for each of the four market rate home plans and two elevations for the two affordable home plans. While the Residential Design Guidelines requires the provision of four plans with four distinct elevations per plan, the proposed project is providing a total of 16 varied elevations, ensuring significant architectural variation within the streetscape and, thereby, meeting the intent of the guidelines. With 12 color schemes, the project will provide significant color scheme variation. The project includes two single story home plans, which is 46.4% of the total units thereby exceeding the minimum 25% requirement

for single story homes within the subdivision. The project also includes a story home plan with a side-loaded garage to help break up the street scene. Approximately 20.6% of the units have side-loaded garages, thereby exceeding the minimum 10% requirement for side-loaded garages. The project provides a variety in unit plans and elevations consistent with the Design Review Guidelines.

- 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 and massing throughout the subdivision. There are four home plans for the market rate homes and two home plans for the duet units. Each of the floor plans offer a unique configuration of massing, intended to create differentiation and variety on the streetscape, and provide buyers with distinct choices in lifestyle and use of space. There are three distinctive elevation styles for each home plan, which include Early California/Spanish, Mediterranean Revival, and Craftsman. The duet units have a Craftsman and an Early California/Spanish elevation, similar to the elevations found in the market rate homes. 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 plan there are four color schemes that represent the particular style, for a total of 12 color schemes. The proposed design provides architectural elements and building forms 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.*

With the exception of the affordable units, which are proposed to be duets, no two identical floor plans are repeated side-by-side facing the same street. The façade massing is broken up with varying elevations 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; the visual emphasis of front doors from the street, and the avoidance of exposed and unarticulated second-floor walls. 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 Interim Objective Design Standards.

- 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 within the General Plan Residential Very Low Density (R-VLD) land use designation, which provides for 1.1 to 3.0 dwelling units per acre. The Density Bonus law provides developers proposing a minimum of 5% of units available to very-low income households with up to 22.5% increase in the project density in exchange for providing affordable units on site, without requiring a General Plan amendment or rezoning the site (Government Code § 65915(f)(5)). Pursuant to the State Density Bonus law (Government Code §§ 65915-65918), 34 units are proposed, which will result in a density of 3.54 dwelling units per acre.

- 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 and in common areas maintained for open space or treatment of stormwater. Two full-size parking spaces are provided within the garage of each home plan, in line with 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 or three-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 maximum density allowed pursuant to the State Density Bonus Law.

- 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.*

On June 27, 2023, the City Council adopted Interim Objective Design Standards (IODS); the project complies with the majority of the applicable design and development standards, such as the IODS, or will receive a waiver under State Density Bonus Law (SDBL). The City Council has waived or reduced the following IODS standards pursuant to Resolution No. 24-_____:

	Objective Design Standards*	Waiver/Reduction Request	Analysis
1.1(D)	Minimum setback of 30 feet between sound walls and bordering arterial and collector streets.	Minimum setback shall be 15 feet.	Compliance with the 30-foot setback would physically preclude the project from constructing the proposed number of units because an increased setback would reduce the number of units. This development standard is also inconsistent with existing sound walls on Adams Lane or any minor arterial in Brentwood.
2.2(E)1	A minimum of one unit on each lot must have the front entry door facing the street.	Allow eight lots to have entry doors not facing the street.	The proposed subdivision has some lots that gain access via a shared access drive aisle off of the public street and therefore these homes are not oriented facing the public street. Some of the entrance doors for the duet units are located on the side in order to match the rest of the subdivision. The requirement to

	Objective Design Standards*	Waiver/Reduction Request	Analysis
			have these lots face the street would physically preclude construction of the number of proposed lots as there is not enough room for all lots to fit with frontage on the street.
2.2(E)2&3	Where the housing development comprises two side-by-side detached units positioned along the street frontage, each unit must have the front entry door facing the street. Where two units are proposed to be attached and are located on an interior lot, one of the two units must have its front entry door facing the street, and the other unit must have its front entry door on the building side or rear.	Allow the duet units to have front doors both facing the same street.	Some of the entrance doors for both of the duet units are located on the front in order to match the rest of the subdivision and appear as one single-family home. The duets cannot be physically constructed to comply with this requirement and thus without the waiver, the project could not be constructed at the proposed density.

Additionally, the City Council has the discretion to grant exceptions to the IODS standards. The applicant also requested, and the City Council has granted, by Resolution No. 24-_____, exceptions from the three IODS listed below:

Interim Objective Design Standard Exceptions

IODS	Standard	Exception Request	Analysis
2(E)7	Street-facing doors must provide 6 sq. ft. of glazing.	Allow some architectural styles a reduction in the required glazing square footage.	The elevation styles that are appropriate for glazing will have at least six square feet such as the Craftsman style. Other styles where this is not appropriate architecturally are requesting an exception. Applicant is requesting a modification from the ODS for the Early California/Spanish and Mediterranean Revival architectural styles.
2.2(J)2	Exterior wall planes exceeding 250 square feet in area must provide glazing for	Allow some areas of the home a reduction in glazing due to location.	This requirement is not possible to achieve on certain areas of the homes, such as attic space gables, garages, utility walls, etc. therefore, an exception is being requested. Applicant is requesting a modification from the ODS.

IODS	Standard	Exception Request	Analysis
	30% of the total wall area.		
2.2(k)2c	When stucco is used, it must be used in combination with a least one other wall material, which must comprise of at least 20% of the building frontage, excluding windows and railings.	Allow Spanish elevations a reduction in the 20% requirement of a secondary material.	The Spanish elevation has introduced mosaic tile accents on the front elevation. While this does not result in 20% of the frontage being a different material, it does introduce a second material, different than stucco, that is appropriate to the style. All other elevations comply. Applicant is requesting a modification from the IODS to allow for this alternative approach to adding the appearance of a secondary material.

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 the resolution approving Vesting Tentative Subdivision Map (VTSM 9649), which findings are incorporated herein as if restated in full.

- B. Hereby approves Design Review (DR 23-012) 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 August 13, 2024, by the following vote:

AYES:
NOES:
ABESENT:
RECUSE:

APPROVED

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

CITY COUNCIL RESOLUTION NO. 2024-_____
CONDITIONS OF APPROVAL FOR
DESIGN REVIEW (DR 23-012)

1. The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in the Permit. Design Review No. 23-012 (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 all applicable laws and regulations and the approved Attachments and as modified by these Conditions of Approval.
2. Permittee shall comply with all applicable City of Brentwood Standard Conditions of Approval for Residential Design Review, dated May 2005, hereby incorporated by reference, unless otherwise modified by the Planning Commission, City Council, or any of these conditions.
3. Permittee shall comply with and perform all mitigation measures set forth in the Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Plan for the Project, as adopted by City Council Resolution No. _____.
4. 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 9649, and DR 23-012, 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 9649, and the remainder of this obligation shall be unaffected by said Government Code section.
5. The residential units shall be constructed in substantial conformance with the Design Booklet prepared by Shea Homes, dated "Received February 19, 2024," unless otherwise modified by the Planning Commission, City Council, or any of these conditions.

6. The residential units shall be constructed in substantial conformance with the Master Plotting Plan prepared by Shea Homes, dated "Received February 19, 2024," unless otherwise modified by the Planning Commission, City Council, or any of these conditions.
7. The residential units shall be constructed in substantial conformance with the Colors and Materials booklet prepared by Shea Homes, dated "February 19, 2024," unless otherwise modified by the Planning Commission, City Council, or any of these conditions.
8. The buildings and related improvements for this project shall be constructed in substantial conformance with the plans prepared by CBG Civil Engineers, dated "Received February 19, 2024," unless otherwise modified by the Planning Commission, City Council, or any of these conditions.
9. 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.
10. 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.
11. Prior to building permit issuance, the applicant shall incorporate a decorative trim element to break up the first and second floor massing for the right elevation of Plan 4.
12. Any alteration of the building designs, building colors, or materials from the approved plans and materials board shall be submitted for the review of the Community Development Director prior to building permit issuance and, if judged to be substantial, may be referred to the Design Review Subcommittee for approval.
13. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
14. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, fencing, 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.
15. The final landscape plan shall incorporate a minimum five-foot defensible space around the home (i.e., some form of hardscape), if feasible and not in conflict with any portion of the Brentwood Municipal Code.
16. The final landscape plans shall incorporate root barrier protection for all trees to be installed.

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, bio-retention fencing, the perimeter wall at Adams Lane, and the perimeter wall along the northern property line.
19. 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 Division.
20. The Permittee shall comply with all conditions of approval for Subdivision Map No. 9646, and Design Review No.23-012.