

Shea Homes Project Description for McCoy Property

Density Bonus and SB-330 Compliant VTSM Preliminary Application – 08/8/2023

Shea Homes is a large private homebuilder that has been developing communities and building homes for more than fifty years. Shea Homes is currently building the Orchard Trails and Orchard Grove communities on the south side and north side of Brentwood respectively in addition to a number of other new home communities in Brentwood over the past several decades. Shea Homes is part of the larger JF Shea Company which has been continually operating since 1881. Our Northern California office is located in Livermore while the corporate office is located in Walnut, California. More information about Shea Homes can be found at this website:

<https://www.sheahomes.com/shea-difference/>

Project Description

Shea Homes is proposing to subdivide and develop 34 units on 10 +/- acres that are currently vacant land with a single residential home and barn. The property is located between Adams Lane and Lone Oak Road with a street address of 1901 Lone Oak Road. The project would propose to remove the barn but preserve the home. The property is currently owned by Gloria McCoy, and the Preliminary Application and Tentative Map Application has been signed by her.

The proposed market rate home designs will consist of four floor plans, two single story (2,836sf and 3,048sf) and two, two-story (3,518sf and 3,988sf +/-). The homes are consistent with the City of Brentwood Design Guidelines and the identical architecture has recently been approved for use on the applicant's Orchard Grove project adjacent and to the south of this parcel (Tract 9532). Elevations are reminiscent of Early California/Spanish, Mediterranean Revival, and Craftsman. All floor plans will have garage space for two or three cars, and one floor plan is fitted with a side entry third car garage to break up the street scene. The affordable homes are proposed as two floor plans constructed as a duet. The duet plans are 1,976sqft and 2,073sqft and both are designed as 4-bedroom 3-bathroom two story homes. There is a single elevation proposed for the duets that matches the Craftsman elevation of the market rate homes. Color schemes for the duets will be selected from the color schemes proposed for the Craftsman elevation of the market rate homes. The affordable home designs are also identical to those approved for the Orchard Grove project to the south. Specifics and renderings of the architecture can be found in the architectural design review package attached to this application.

The proposed new public street internal to the project will be a simple loop road that takes access from two locations off the internal street for Tract 9532 Orchard Grove, and will share the two existing access points to Adams Lane. Pursuant to the requirements of the City's engineering department, Adams Lane will be widened along the project frontage in a manner to be determined with City of Brentwood engineering and traffic divisions.

Abutting the south side of the property is Shea's Tract 9532 Orchard Grove project, which as stated above has identical architecture. Upon completion of this project it will feel like a single cohesive neighborhood with Orchard Grove to the south. Along the east side of the property is Lone Oak Road, a public street which also currently serves other residential properties to the east with a General Plan designation of Residential Very Low density (R-VLD). The existing residential properties adjacent to the proposed project along this stretch of Lone Oak Road are four ranchette style lots that are larger than 1-acre in total area and are anywhere from 105' to 260' wide where fronting Lone Oak Road and facing the proposed project.

To the north of the property is the Rock Creek Church and a vacant lot zoned "Semi-Public Facility" (SPF). The very southeast corner of the property contains the family home of Mrs. McCoy. The project as proposed will preserve the McCoy family home in its current location as a 14,500sqft lot with perimeter conditions that will be negotiated

with Mrs. McCoy. A barn structure also exists behind the McCoy family home. This barn will be removed as part of the project improvements.

To the west is Adams Lane, the main collector road for the area and then across Adams Lane are the playfields for Marsh Creek elementary school. The project proposes to widen Adams Lane as shown on the plan sets submitted, and to improve the property's frontage along Adams Lane with landscaping consistent with that to the south.

Consistent with the Orchard Grove project to the south, the development is designed such that no access will be taken off Lone Oak Road, keeping the existing roadway serving the ranchette properties to the east with a rural feel. The project will require a maintenance access connection to Lone Oak for the City to maintain the future detention basin. The applicant also reserves the right to propose EVA roads, or other controlled access points to the project from Lone Oak Road if deemed necessary for emergency services, City maintenance access, or other life safety accommodations.

Although the applicant is not loading houses on Lone Oak Road, the applicant is offering to dedicate property for the potential future widening of Lone Oak Road as an irrevocable offer of dedication for public road purposes. No improvements are proposed along Lone Oak Rd except for those necessary to provide for storm drainage, dry utility undergrounding, and a buffer between the detention basin and existing Lone Oak Rd pavement.

Storm water quality for the site will be achieved with a bioretention basin constructed at or near the north east corner of the site. Storm drainage is proposed to then be conveyed to the existing storm pipe in Lone Oak road that outfalls to Marsh Creek. The bioretention basin parcel and adjacent landscape areas with storm drain pipe will be dedicated in fee to the City of Brentwood and a Landscape and Lighting Assessment District will be established to provide funding for the maintenance of the basins and surrounding landscape. This same assessment district will provide funding for maintenance of the frontage improvements along Adams Lane.

The applicant is requesting that this application be considered as a full and complete Preliminary Application pursuant to SB-330. A checklist of the information required by state law to be included to be considered a complete application is provided as part of this application, along with all the supporting documents listed in that checklist.

Density Bonus Request

The applicant requests that the project be processed as a Density Bonus project pursuant to the City's Density Bonus program (Brentwood Municipal Code Chapter 17.720) and state law.

Existing General Plan and Zoning Designations

The property currently has a General Plan designation of Residential Very Low Density (R-VLD) with an allowable density range of 1.1 to 3.0 units per gross acre, and a zoning designation of R-1-E.

Density Bonus Project

To satisfy the City's affordable housing ordinance and to qualify as a Density Bonus project under the City's ordinance and State Law, the applicant proposes to provide four (4) Duet units on lots that are generally 40' wide by 60' deep. Two (2) of the Duet units will be sold to households that qualify as Very Low Income, and two (2) of the Duet units will be sold to households that qualify as Moderate Income.

The City's ordinance calls for projects of 27-34 units to provide one (1) Low Income unit, two (2) Moderate Income units, and one (1) Very Low income unit. Pursuant to the City's ordinance and consistent with state law, a Very Low Income unit qualifies as a Low Income unit, therefore two Very Low and two Moderate income units will satisfy the City's ordinance.

Under the State’s Density Bonus law, density bonuses are awarded on a sliding scale depending what percentage of the base project’s units are offered to varying levels of affordability. The base project allowed under the City’s general plan density is 3 units/acre on 9.6 acres (10 acres less the parcel reserved for the McCoy family home), or 29 units before applying any Density Bonus. In order to be considered a density bonus project the applicant must provide a minimum of 5% of the units in the project as affordable to Very Low income qualified buyers. The two Very Low Income units calculates to 6% of the total project ($2/34 = 5.88\%$ rounded up to 6%). The state’s sliding scale allows for a 22.5% density bonus for projects that offer 6% Very Low Income units. This converts to a maximum of 36 units on the 9.6 acres ($29 \times 1.225 = 35.5$, round up to 36). In addition to the additional units over the general plan maximum, the project would have the opportunity to take advantage of (i) unlimited waivers or reductions of development standards, (ii) one concession, and (iii) reduced parking ratios.

Address:	1901 Lone Oak Drive
General Plan	Residential Very Low Density (R-VLD)
Zoning	R-1-E
Existing Use	Vacant
Lot Size:	9.6 acres (10ac less 0.4ac McCoy)
Max Density:	3 units per acre.
Proposed Affordable Units	2 Moderate Income (6%) 2 Very Low Income (6%) Total 4 units (12%)
Proposed Density Bonus	22.5% allowed, 17.2% proposed
Total Units	34 (30 market and 4 affordable)
Proposed Units Per Acre	3.54

Government Code Section 65915(f) – Requested Density Bonus

The project is allowed up to a 22.5% bonus over and above the 29-unit base project but is only requesting a 17.2% bonus for a total of 34 units.

Government Code Section 65915(e)(1)— Requested Waivers of Development Standards

Government Code Section 65915(e)(1) provides, in part, that “in no case may a city . . . apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) [a density bonus project] at the densities or with the concessions or incentives permitted by this section.” The right to waivers has been broadly interpreted by the courts. (*See Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346–1347 [“Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period. [] The statute does not say that what must be precluded is a project with no amenities, or that amenities may not be the reason a waiver is needed.”].)

Waivers Requested

In order to accommodate the applicant’s proposed product type, development plan, and architectural designs, the required/requested waivers are:

- a. Minimum lot sizes for the market rate units shall be reduced to 8,000sqft from 10,000sqft+
 - i. Larger lot sizes would not allow for the project to build to the density permitted under the Density Bonus Law. The applicant ran a sample land plan scenario respecting the constraints of 10,000 sqft minimum lot sizes on the project as a whole. The maximum

number of units possible on this site under those conditions would be 28, including the four affordable units required by local ordinance. The reduction to 8,000 sqft minimum lot sizes on the market rate units is necessary to allow for development of the 34-unit proposed density bonus project, and a housing product consistent with the surrounding neighborhoods and economically feasible in the marketplace.

- b. Minimum lot sizes for the affordable units shall be reduced to 3,750 square feet from 10,000 sqft+
 - i. The duet housing product proposed for the affordable units provides for a 4-bedroom two story home with a two car garage. This home design is comparable in bedroom & bathroom count, garage configuration, and floor plan layout with the market rate homes, although of smaller total square footage as is allowed under Brentwood affordable housing code. A lot size requirement any larger than what is proposed would impact the setbacks of the remaining homes on the block. Without this waiver, the proposed density project would be physically precluded even with the requested waivers for the market rate units.
- c. Minimum lot dimensions for the market rate units shall be reduced from 100 feet wide to 80 feet wide as measured at the rear lot line.
 - i. Increased lot widths would not allow for the project to build to the density permitted under the Density Bonus Law. The applicant ran a sample land plan scenario respecting the constraints of a 10,000 sqft minimum lot size (essentially the same as applying a 100 foot minimum lot width) on the project as a whole, The maximum number of units possible on this site under those conditions would be 28, including the four affordable units required by local ordinance. The reduction in the minimum lot dimensions on the market rate units is necessary to allow for development of the 34-unit proposed density bonus project, and a housing product consistent with the surrounding neighborhoods and economically feasible in the marketplace.
- d. Minimum lot width for duet units shall be reduced from 100 feet wide to 40' wide as measured at the rear lot line.
 - i. The duet housing product proposed for the affordable units provides for a 4 bedroom two story home with a two car garage. This home design is comparable in bedroom & bathroom count, garage configuration, and floor plan layout with the market rate homes, although of smaller total square footage as is allowed under Brentwood affordable housing code. The lot dimensions proposed are appropriate to the proposed architecture and provide for comfortable and livable setbacks. Lot dimensions any larger than what is proposed would not materially improve the duet homes and would significantly impact the lot sizes and setbacks of the remaining lots and homes in the subdivision. Without this waiver, the proposed density project would be physically precluded from building the 34-units allowed even with the other requested waivers for setbacks and lot sizes.
- e. Minimum front yard setbacks shall include an allowance to decrease the front setback to 15' to living space, yet maintain the existing 20' to the garage.
 - i. Existing zoning calls for minimum 20' setback to garage. The requested waiver is to allow for a 15' front setback to any living space that may project forward of the garage. This is necessary to support the proposed architecture as described above while preserving reasonable rear yard setbacks. Without this waiver, lot depths would have to increase resulting in the reduction of the total number of units proposed for the project, and physically precluding the proposed 34-unit density bonus project.
- f. Minimum side yard setback shall be reduced from 10' minimum to 7' minimum and reduced from 25' in aggregate to 20' in aggregate.
 - i. Existing zoning calls for minimum 10' and 25' aggregate side yard setback. The requested reduction is to allow for a reduction of 3 feet on the minimum and five feet on the

aggregate side yard setback. This is necessary to support the proposed architecture as described above and accommodating lot widths necessary to achieve the densities allowed under density bonus. Without this waiver, lot widths would have to increase resulting in the reduction of the total number of units proposed for the project, and physically precluding the proposed 34-unit density bonus project.

- g. Side yard setbacks shall include a provision for a zero setback on the lot line defining the common wall between duets.
 - i. Because the duet units are proposed to be fee simple ownership, individual legal lots must be mapped. A zero setback is required on the lot line that splits the building. Without this waiver the development would be physically precluded from constructing the proposed duet homes.
- h. Minimum rear yard setback shall be reduced from 30' to 15'.
 - i. A 15' minimum rear yard setback is necessary to support the proposed architecture as described above while preserving the minimum front yard setbacks also described above. Without this waiver, lot depths would have to increase resulting in the reduction of the total number of units proposed for the project, and physically precluding the proposed 34-unit density bonus project.
- i. The applicant has proposed that the City's General Plan density transition policy LU-2a does not apply to the lots on the northern edge of the proposed development. If the City staff does not agree with the applicant's interpretation of this policy, then the applicant requests a Density Bonus waiver of this policy. Requiring strict adherence to this policy with regard to the northern block of lots abutting existing commercial land would eliminate multiple lots from the land plan, thereby physically precluding the proposed 34-unit density bonus project.
- j. The City's residential design guidelines call for a 30' setback between sound walls and bordering collector streets. This application proposes a soundwall parallel to Adams Lane that will be setback 15' from the face of curb where Adams Lane is proposed to be widened, which is consistent with the existing frontage along this side of Adams Lane. Any deeper setback along this frontage would physically preclude the proposed 34-unit density bonus project by reducing the allowable number of lots.
- k. The applicant reserves the right to request additional waivers during the entitlement and approval process should it become necessary or convenient to do so.

See Chart below for summary of requested waivers

	R-1-E Development Standards	Proposed	Complies
Minimum Lot Area	14,500 sf 10,000 sf (w/ CUP)	8,000 sf 3,750 sf (duet units)	No, waiver requested.
Minimum Lot Width	100 ft	80 ft 40 ft (duet units)	No, waiver requested.
Minimum Front Yard Setback	20 Ft	15 ft to living space 20 ft to garage	No, waiver requested.
Minimum Side Yard Setback	10 ft, sum of both sides 25 ft,	7 ft, sum of both sides 20 ft, 0 ft minimum for duet on lot line that splits the building	No, waiver requested.
Minimum Street Side for Corner Lots	15 ft	15 ft	Yes
Minimum Rear Yard Setback	30 ft	15 ft	No, waiver requested
Minimum Off-Street Parking Spaces	2 spaces	2 spaces	Yes
Maximum Building Height	30 ft	29 ft 7 in	Yes
Density	2.0 units /acre (permitted) 3.0 units/acre (conditionally)	3.54 units / acre	State Density Bonus law allows for an increase in density.

Government Code Section 65915(d)— Requested Concessions

A concession or incentive is a “reduction in site development standards or a modification of zoning code requirements or architectural design requirements . . . or other regulatory incentives or concessions proposed by the developer . . . that result in identifiable and actual cost reductions to provide for affordable housing costs.” (§ 65915(k).) A city “shall grant the concession or incentive requested by the applicant unless the city . . . makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, [], to provide for affordable housing costs

(B) The concession or incentive would have a specific, adverse impact . . . upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources

(C) The concession or incentive would be contrary to state or federal law.” (§ 65915(k).)

Since 2017, the Density Bonus Law no longer requires a showing that a requested concession is required to make a project economically feasible. (Stats. 2016, ch. 758, § 1; Schreiber v. City of Los Angeles (2021) 69 Cal.App.5th 549, 558 [rejecting claim that Density Bonus Law required applicant to submit certain financial information such as a proforma to support a request for incentives and waivers.]) The applicant . . . is not required to establish that cost reductions will result.” (Id. at p. 555.) The local jurisdiction bears “the burden of proof for the denial of a requested concession or incentive.” (Gov. Code, § 65915, subd. (d)(4).)

Concessions Requested

In order to accommodate the applicant's proposed product type, development plan, and architectural designs, the required/requested concessions are:

- 1) The City has a General Plan policy requiring that developments exceeding the mid-point of the General Plan density range, must provide a public benefit. A public benefit is an undefined concession from the developer that typically requires a negotiation where the developer must provide a public amenity somewhat reflecting the added economic benefit to the developer of a project that builds to the higher end of the density range. Because the intent of density bonus legislation is to provide for incentives to the developer to forego economic benefit in exchange for more units and more affordability. The waiving of the cost of any additional public benefit beyond what is proposed by the applicant would be an identifiable and actual cost reduction that would provide for the project's affordable housing costs.

Government Code Section 65915(p)— Reduced Parking Ratios

No reduced parking ratios are requested.