

**PLANNING COMMISSION AGENDA ITEM NO. E.2  
10/15/2024**

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**SUBJECT:** Applications for Design Review approval for two new single-family homes

**DEPARTMENT:** Community Development

**STAFF:** Erik Nolthenius, Planning Manager  
Jennifer Hagen, Senior Planner

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### **TITLE/RECOMMENDATION**

An application for Design Review (DR24-008) approval for a new 2,353 square-foot two-story home with a 430-square-foot garage and a 480-square-foot attached accessory dwelling unit (ADU) located at 171 Kayla Place (APN 016-010-006), and an application for Design Review (DR24-009) approval for a new 1,977 square-foot two-story home with a 445-square-foot garage and a 359-square-foot attached ADU located at 175 Kayla Place (APN 016-010-005).

Staff recommends that the Planning Commission adopt Resolution No. 24-038 approving DR24-008 and Resolution No. 24-039 approving DR24-009.

The proposed projects qualify as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as they are characterized as in-fill development. If the Planning Commission votes to deny the application, it would negate the need for any review under the California Environmental Quality Act (CEQA), as CEQA does not apply to projects in which a public agency rejects or disapproves per 14 CCR Section 15270(a).

### **OWNER/APPLICANT**

Stephen Matthias

### **GENERAL PLAN**

BBSP – Brentwood Boulevard Specific Plan

### **ZONING/SURROUNDING LAND USES**

BBSP – Brentwood Boulevard Specific Plan (Medium Density Residential)



### **PREVIOUS ACTION(S)**

Previous actions related to this agenda item that were taken by the Planning Commission are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit [www.brentwoodca.gov/meetings](http://www.brentwoodca.gov/meetings), and select the meeting date(s) desired to see the reference materials and videos.
- Visit [www.brentwoodca.gov/municipalcode](http://www.brentwoodca.gov/municipalcode) to research references to the Brentwood Municipal Code and search by the code section(s) cited.

On April 2, 2024, the Planning Commission considered applications for Design Review with corresponding Variances for new single-family homes on each of the subject lots. At the conclusion of the hearing, the Planning Commission continued the item and directed staff to return with resolutions for denial, indicating that they were unable to make the required Variance findings for approval.

On April 30, 2024, the applicant formally withdrew both applications.

On September 17, 2024, the project was brought before the Planning Commission for consideration, including one request for an exception to the Interim Objective Design Standards. The Planning Commission did not approve the project based on noncompliance with the Interim Objective Design Standards and instead directed staff to return with a resolution for denial. The applicant subsequently; however, submitted revised plans for consideration that meet all Interim Objective Design Standards for the Planning Commission's consideration.

### **BACKGROUND**

The proposed homes are located on two adjacent irregularly-shaped vacant lots, 3,346-square-foot and 3,727-square-foot in size, respectively. The lots are located at 171 and 175 Kayla Place and are identified by Assessor's Parcel Numbers (APN) 016-010-006 and 016-010-005. The General Plan designates the sites as Brentwood Boulevard Specific Plan (BBSP) and the sites are zoned Brentwood Boulevard Specific Plan (BBSP), within the Medium Density Residential (MDR) land use category.

Surrounding Land Uses

**North:** Vacant property owned by the Brentwood Successor Agency and the Marsh Creek Flood Control Channel

**East:** Single-Family Residential

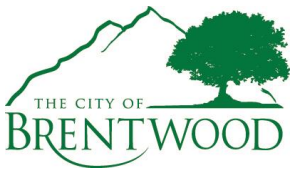
**South:** Single-Family Residential

**West:** Single-Family Residential



On April 2, 2024, the Planning Commission considered applications for Design Review with corresponding Variances for new single-family homes on each of the subject lots. The Variances were requested to deviate from various development standards (i.e., to allow for reduced front, side, and rear yard setbacks) of the Brentwood Boulevard Specific Plan. After review of the applications and hearing public comments, the Planning Commission directed staff to continue the item and return with a resolution for denial for each project, based on an inability to make the required findings for the proposed Variances. After the hearing, the applicant withdrew the Design Review and Variance applications to look at other alternatives.

On May 6, 2024, the applicant submitted new Design Review applications that met all BBSP requirements, so no Variances are required. Design Review applications for new single-family homes on legally created lots that are not proposed as part of



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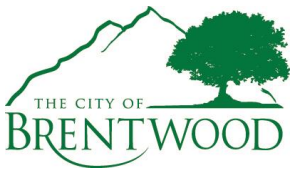
larger subdivisions are typically reviewed and approved by the Design Review Subcommittee (DRS).

On August 22, 2024, the DRS considered the applications. After presentation of the staff report and comments from the applicant, the DRS heard public comments from two members of the public. Both speakers expressed appreciation for the changes made since the previous applications were presented to the Planning Commission; however, the commenters still maintained concerns with the size of the homes and density of the project, as well as potential privacy concerns associated with the new homes (specifically 175 Kayla Place).

After public comments, the DRS discussed the design of the homes and asked staff to provide clarification on the overall density of the project, the proposed setbacks and development standards, and the requested exception to the Interim Objective Design Standards. In addition, the DRS asked staff to clarify the type of second floor windows that face towards the east on the proposed home at 175 Kayla Place. Staff confirmed that as a legally created lot, the allowable density permitted is one single-family home and clarified that in accordance with State law, ADU's cannot be used as part of the density calculation. In addition, staff confirmed that the setbacks proposed for the single-family homes, as well as the ADU's, met all development standard requirements. The only deviation that the applicant requested was an exception to the Interim Objective Design Standards related to façade elements. Lastly, staff confirmed that the only 2<sup>nd</sup> story window on the proposed home at 175 Kayla Place that faced towards the east was a clerestory window that has been placed higher on the wall, closer to the ceiling to allow in natural light while still providing privacy to the adjacent neighbor.

At the conclusion of the discussion, the DRS could not come to a consensus on the applications, with one commissioner supportive of the project as proposed and one commissioner not supportive of the requested exception to the Interim Objective Design Standards. Since there was not a consensus, the applications were referred to the Planning Commission for consideration.

On September 17, 2024, the project was brought before the Planning Commission. During the discussion, some commissioners expressed concerns regarding the request for an exception to the Interim Objective Design Standards. Although staff had provided a draft condition to approve the project while denying the exception, the Planning Commission by a vote of 3-2 instead requested that staff return with a resolution for denial of the entire project.



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On September 23, 2024, the applicant submitted revised plans that complied with all Interim Objective Design Standards for the Planning Commission’s consideration.

**PROJECT DESCRIPTION**

On September 23, 2024, the applicant submitted an updated set of plans (attached) with the following changes:

- Modified side elevations to provide additional volumetric elements that recess the 2<sup>nd</sup> story back beyond the first. This results in a reduction of 35 square-feet on 171 Kayla Place and 20 square-feet on 175 Kayla Place.

The overall size of each of the revised homes is shown in redline format in the following table below.

	<b>171 Kayla Place</b>	<b>175 Kayla Place</b>
<b>Lot Size</b>	3,346 sq. ft.	3,727 sq. ft.
<b>1<sup>st</sup> Floor Living Area</b>	867 sq. ft.	804 sq. ft.
<b>2<sup>nd</sup> Floor Living Area</b>	<del>1,521 sq. ft.</del> <u>1,486 sq. ft.</u>	<del>1,193 sq. ft.</del> <u>1,173 sq. ft.</u>
<b>Total Habitable Area</b>	<del>2,388 sq. ft.</del> <u>2,353 sq. ft.</u>	<del>1,997 sq. ft.</del> <u>1,977 sq. ft.</u>
<b>Garage Area</b>	430 sq. ft.	445 sq. ft.
<b>Maximum Building Height</b>	25 feet 8 inches	23 feet 7 inches
<b>Attached ADU Area</b>	480 sq. ft.	359 sq. ft.

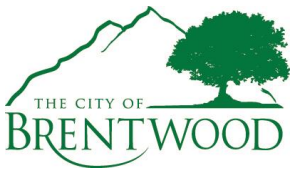
**171 Kayla Place**



**175 Kayla Place**

**ANALYSIS**

Except for the above mentioned changes, the resubmitted project is the same as the original (as described in the attached September 17, 2024 staff report), meeting all Brentwood Boulevard Specific Plan requirements as well as all Interim Objective Design Standards. The Planning Commission previously stated that it could not make the required Design Review findings based on noncompliance with the Interim Objective Design Standards. However, the revised plans confirm that the project now meets all Interim Objective Design Standards as well as all Brentwood Boulevard Specific Plan standards. Since the applicant revised the plans, staff prepared draft resolutions approving the revised plans for the Commission's consideration. If the Commission still intends to deny the project as proposed, the Commission would need



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to provide additional evidence to support denial of the project due to failure to make the findings required by BMC Sections 17.820.007 and 17.820.008.

**ENVIRONMENTAL DETERMINATION**

The proposed project qualifies as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as it is characterized as in-fill development, meeting the following conditions: a) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services. Moreover, even if the project was not exempt from further CEQA review under Class 32, it would also be exempt from additional such review under Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183, as the project is consistent with the 2014 General Plan, for which an EIR was certified.

**ATTACHMENT(S)**

1. Resolution No. 24-038 Design Review 24-008, 171 Kayla Place
2. Resolution No. 24-039 Design Review 24-009, 175 Kayla Place
3. Revised Plans for 171 Kayla Place
4. Revised Plans for 175 Kayla Place