

## **PLANNING COMMISSION RESOLUTION NO. 24-038**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 24-008) APPLICATION FOR A NEW SINGLE-FAMILY HOME LOCATED AT 171 KAYLA PLACE (APN 016-010-006).**

**WHEREAS**, Stephen Matthias (the "Applicant"), has submitted an application for Design Review approval (DR 24-008) for a new 2,353-square-foot two-story home with a 430-square-foot garage and 480-square-foot accessory dwelling unit (ADU) located at 171 Kayla Place (the "Project Site," identified as APN 016-010-006); and

**WHEREAS**, Design Review No. 24-008 constitutes 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**, this Project qualifies for 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; and

**WHEREAS**, even if the Project was not exempt from CEQA review under Class 32, it would also be exempt from 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; and

**WHEREAS**, the Planning Commission of the City of Brentwood considered this DR24-008 application including a request for an exception to the Interim Objective Design Standards at its regular meeting of September 17, 2024, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

**WHEREAS**, the Planning Commission was unable to make findings for approval of DR24-008 during the September 17, 2024 meeting based on noncompliance with one of the City's Interim Objective Design Standards and continued the item in order to allow staff to bring back a resolution for denial; and

**WHEREAS**, on September 23, 2024, the applicant submitted a revised proposal that revised the proposed architecture to meet all Interim Objective Design Standards; and

**WHEREAS**, the Planning Commission considered this Project at its regular meeting of October 15, 2024, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Brentwood:

- A. Finds the foregoing recitals are true and correct and are incorporated herein as findings.
- B. With respect to the design review findings pursuant to Brentwood Municipal Code Section 17.820.007, the Planning Commission finds:
  - 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 proposed development would create a well-composed urban design, harmoniously related to other planned facilities in the immediate area, in that the style of the new home implements design features that add to the urban feel of the neighborhood due to the orientation of the home on the lot, and the site and the home are compatible with the urban design goals of the General Plan Land Use Element, Brentwood Boulevard Specific Plan Medium Density Residential zoning designation, and the Interim Objective Design Standards.

- 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.*

Special consideration is given to those elements of the design that have a significant relationship to the exterior appearance of structures proposed within the project site including the layout on the site, building design, and building material selection, in that the materials used in the construction of the accessory dwelling unit reflect those predominantly seen on the existing single-family home and the surrounding neighborhood (e.g., siding exterior with stone accents and tile roofing), and the size and colors of the unit blend with the existing unit on the site, as well as other residential units in the vicinity. In addition, the unit reflects high-quality design as imposed on other developments within the city.

- 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.*

The architectural design and site improvements are compatible with the City's plans for the surrounding neighborhood and the proposed project will be of a quality and character appropriate to, and serving to protect and enhance the value of, private and public investments in the immediate area, in that the proposed project meets the all of the design standards of the City as specified in the Design and Site Development Review criteria of the Municipal Code and the adopted Interim Objective Design Standards, as well as all applicable requirements for landscaping, screening, parking, usable open space and off-street loading.

- 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 located within the Brentwood Boulevard Specific Plan area and is subject to the provisions of the Medium Density Residential district, which allows for single-family detached residential uses on lots as well as provide development standards including height, setbacks and parking standards. The project meets all development standards including lot coverage and building height.

- 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 the front yard. Two full-size parking spaces are provided within the garage of the home with two full driveway spaces, thus meeting the parking requirements pertaining to single-family developments.

- vi. The site development criteria set forth in Section 17.820.008.*

The siting of the new home, garage and parking, access, landscape, hardscape, and utility facilities on the site are conducive to an orderly, attractive, efficient, and harmonious development insomuch as the home is designed to be consistent with the adjacent homes and fit into the neighborhood while providing an attractive and interesting street scene. The home is designed to be complimentary in material and architectural style as the

adjacent homes and surrounding uses. Additionally, as designed, the Project will not have an adverse environmental effect on the adjacent neighborhood, existing or potential, by reason of conflicts in land use in that the proposed development is consistent with the Specific Plan.

- 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.*

The proposed project incorporates elements and features included in the Residential Design Guidelines adopted by the City Council on September 26, 2006 and the Interim Objective Design Standards adopted by the City Council on June 27, 2023. The project meets all Interim Objective Design Standards including a variety of building materials and colors as well as tile roofing.

- viii. *All applicable regulations of the zoning ordinance and other city ordinances, policies or resolutions.*

The project is consistent with the Brentwood Boulevard Specific Plan General Plan land use designation and conforms to the applicable Brentwood Boulevard Specific Plan Medium Density Residential district development standards.

- C. Hereby approves Design Review No. 24-008 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.
- D. 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.

This permit shall terminate on October 15, 2025, unless actual construction begins prior to that date. However, such date may be extended by the Planning Commission upon application filed at any time before said expiration date.

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 October 15, 2024, by the following vote:

AYES:

NOES:

ABESENT:

RECUSE:

APPROVED

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Anita Roberts  
Planning Commission Chairperson

ATTEST:

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Erik Nolthenius  
Planning Manager

**EXHIBIT 'A' TO  
PLANNING COMMISSION RESOLUTION NO. 24-038  
CONDITIONS OF APPROVAL FOR  
DESIGN REVIEW (DR 24-008)**

1. The Applicant and Permittees, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Design Review (DR 24-008) (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 the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps and Design Review Applications, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The project shall be constructed in substantial conformance with the Plans submitted by the applicant, dated "Received September 23, 2024" unless otherwise amended by the conditions of approval contained herein.
4. 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.
5. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
6. The Permittee shall submit detailed landscape and irrigation plans of the front yard and fencing 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 of the Planning Department..
7. Residential wood fences shall meet the minimum requirement of the City's Enhanced Residential Good Neighbor Fence detail (ST-22).
8. The Permittee shall be responsible for the construction of all good neighbor fences between the properties and all perimeter walls.
9. All HVAC shall be ground mounted and shall not be visible from any street or pedestrian views. No roof mounted HVAC unit allowed.
10. 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 approval of DR

24-008, 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.

11. Prior to building permit issuance, the Permittee shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the Contra Costa County Fire Protection District (CCCYPD). The City's Building Division shall review the building plans to ensure compliance.
12. Prior to building permit issuance, the Permittee shall provide an adequate and reliable water supply for fire protection with a minimum fire flow to the satisfaction of CCCYPD and the City of Brentwood.
13. The Permittee shall comply with all conditions of approval for Design Review No. 24-008.