

CITY COUNCIL RESOLUTION NO. 24-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD (1) DENYING REVISED AND ALTERNATE VESTING TENTATIVE SUBDIVISION MAP NO. 9586 FOR THE SUBDIVISION OF AN APPROXIMATELY 135-ACRE SITE; (2) DENYING THE DESIGN REVIEW OF 13 HOME PLANS, FOR THE BRIDLE GATE PROJECT, LOCATED GENERALLY WEST OF THE SAND CREEK ROAD AND THE STATE ROUTE 4 INTERCHANGE (APN 019-082-009 and 010); AND (3) TAKING NO FURTHER ACTION ON THE REVISED ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT (APNs: 019-082-009 and 019-082-010)

WHEREAS, on October 22, 2021, WCHB Development, LLC (the "Applicant") submitted an application to the City of Brentwood requesting approval of (1) a vesting tentative subdivision map (No. 9586) to subdivide approximately 135 acres into 286 single-family residential parcels, two park parcels, two bio-retention areas for stormwater treatment, one open space parcel, as well as several parcels for landscaping and pedestrian access, and a designated remainder, and (2) design review (DR 21-010) for thirteen home plans to be constructed on the single-family residential lots (the "Project," modified as noted below); and

WHEREAS, the Project is proposed to be located on a roughly 135-acre site bounded by the proposed Sand Creek Road Extension to the north, State Route 4 to the east, a single-family residential development (Brentwood Hills) to the south, and the edge of the Brentwood Planning Area and the City of Antioch's city limits to the west, with a small segment of existing San Jose Avenue bounding the site at its farthest southeastern corner (the "Project Site"); and

WHEREAS, the City referred the Project to various departments and agencies for review and recommendations; and

WHEREAS, in August 2022, the Applicant initiated legal proceedings against the City in the Contra Costa Superior Court (the "Court") pertaining to the processing of the Project, alleging, among other things, that the PD-36 zoning standards applicable to the Project were not objective; and

WHEREAS, on June 30, 2023, the Applicant revised its application by submitting a modified proposed vesting tentative subdivision map that increased the minimum lot size for all parcels to 5,000 square feet, and decreased the number of units to 272, and on August 3, 2023, the Applicant further revised its application by submitting a modified master plotting plan, floor area matrix, and lot coverage matrix, with 50 foot lot widths (the "Revised Map"); 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 August 25, 2023, and the Applicant posted the Project Site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the City prepared a Final Revised Environment Impact Report (REIR), including a Mitigation Monitoring and Reporting Plan for this Project in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 15000, *et seq.*, and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, *et seq.*); and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of September 5, 2023, to consider the Project, including the vesting tentative subdivision map and design review application, and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses; and

WHEREAS, the Planning Commission, on September 5, 2023, continued the item to a date uncertain and directed staff to work with the Applicant to evaluate the intersection of St. Regis Avenue/San Jose Avenue for a possible gate or emergency vehicle access only, with the understanding that staff will evaluate any other viable solution that would lessen the impact of traffic on the existing residential areas to the south (i.e., Brentwood Hills and Shadow Lakes); and

WHEREAS, on behalf of the Applicant, Abrams Associates reviewed five potential options for minimizing additional traffic on St. Regis Avenue, which involve various turn restrictions and circulation modifications; 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 5, 2024, and the Applicant posted the Project Site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the Planning Commission held a public hearing on this project at its regular meeting of July 16, 2024, and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses, and adopted a resolution denying the Project and taking no CEQA action; and

WHEREAS, on July 24, 2024, the Applicant appealed the Planning Commission's decision to the City Council in accordance with Chapter 17.880 of the Brentwood Municipal Code; 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 August 16, 2024, and the Applicant posted the Project Site with the required signage in accordance with City policies and Government Code Section 65090; and

WHEREAS, the City Council held a public hearing on this project at its regular meeting of August 27, 2024, to consider the Project, including the Revised Map (VTSM 9586) and design review (DR 21-010) application and considered the staff report,

supporting documents, public testimony, all appropriate information submitted with the proposed Project, and studied the compatibility of this request with adjacent land uses; and

WHEREAS, at the August 27, 2024, City Council meeting, the Applicant and Applicant's legal counsel both asserted that the Project would qualify for a density bonus, as well as concessions and waivers, per the State Density Bonus Law (Government Code §§ 65915, *et seq.*); and

WHEREAS, the State Density Bonus Law (Government Code § 65915(a)(1)) provides:

When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented.

WHEREAS, Brentwood Municipal Code Section 17.720.040(C) requires that:

All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the community development director, or designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest.

The information required to be provided to the City in conjunction with a density bonus application is listed in Brentwood Municipal Code Section 17.720.040(D); and

WHEREAS, Applicant has not at any time submitted either a request for a density bonus, incentive, parking reduction, or waiver, or the information required under Brentwood Municipal Code Section 17.720.040(D) to support such a request, to the City of Brentwood in conjunction with the Project; and

WHEREAS, during the August 27, 2024 hearing, the City Council raised a number of issues, including concerns about traffic circulation and impacts on adjacent/surrounding neighborhoods, CEQA impacts related to Vehicle Miles Traveled (VMT), a preference for providing one large park instead of two smaller ones, compliance with PD-36 Sub Area C standards, deterioration of ridgelines, and noise; and

WHEREAS, a motion to deny the appeal and uphold the Planning Commission's denial of the project was unanimously passed by the City Council, but no final action was taken on the Project at that meeting as the Council directed staff to come back with a proposed resolution for final action; and

WHEREAS, subsequent to the August 27, 2024, City Council meeting, the applicant submitted an alternate VTSM to address several of the concerns raised by the City Council (the "Alternate Map"). The Alternate Map includes the following modifications: (1) change of access points to allow Emergency Vehicle Access (EVA) only at St. Regis Avenue and San Jose Avenue; (2) the addition of a second access point (right-in/right-out only) on Sand Creek Road near SR 4; (3) the combination of the two original park locations into one 8.49 acre parcel in the northwest corner of the subdivision; and (4) a reduction in the overall number of residential units from 272 to 269; and

WHEREAS, the City Council held a public hearing at its regular meeting on December 10, 2024, to consider the Project, including both the Revised Map and Alternate Map and design review; and

WHEREAS, the City Council determined that the Alternate Map did not address all of the concerns noted by the City Council, including compliance with zoning standards, and protection of ridgelines.

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

1. Recitals. The recitals set forth above are true and are hereby adopted in full.
2. California Environmental Quality Act. With respect to CEQA, as set forth in CEQA Guidelines section 15270(a), "CEQA does not apply to projects which a public agency rejects or disapproves." Therefore, this action denying the Project approvals is exempt from CEQA and the City Council takes no action to certify the REIR. Further, the City Council has determined that it could not certify the REIR as a number of concerns with the REIR have been noted during the public hearing process that would require further review, including but not limited to, issues regarding transportation, such as a traffic study is outdated and does not reflect recent traffic counts and analysis of Vehicles Miles Travelled (VMT), and noise.
3. Inconsistency with Objective Planning Standards. The City Council finds and determines that the Project is not consistent with the objective planning standards for the Project Site. The Project Site is designated Low Density Residential in the General Plan. The zoning for the Project Site is Planned Development 36 (PD-36), as set forth in Brentwood Municipal Code Chapter 17.486. This zoning includes two subareas, Subarea C and D, that are both consistent with the low density residential General Plan land use designation, and Municipal Code Chapter 17.486 requires the Project to include a mix of homes that that satisfy Subarea C and D objective planning standards. Chapter 17.486 envisions 124 units in Subarea C (§ 17.486.004(C)(12)) and 42 units in Subarea D (§ 17.486.005(C)(12)), creating a mix of residential uses consistent with the intent of planned development zoning. However, both the Revised Map and Alternate Map only provide residential uses

consistent with Subarea C, ignoring objective planning standards in Subarea D. Thus, the Project, including both the Revised Map and the Alternate Map, is not consistent with objective planning standards for the Project Site.

4. Vesting Tentative Subdivision Map.

A. Revised Map [see below re: Alternate Map]

1. Findings. With respect to the findings required for a vesting tentative subdivision map, the City Council considered all of the required findings set forth in the Brentwood Municipal Code Section 16.050.040.B and Government Code section 66474 and hereby finds that the following findings cannot be met:

a. That the proposed map is consistent with the community development plan and any applicable specific plans.

The Revised Map is inconsistent with the City's General Plan in that the Project does not conform to the following General Plan policies and the Brentwood Municipal Code:

i. General Plan Policy SA 3-3 requires that "emergency access routes [be kept] free of traffic impediments" and Policy SA 3-5 requires "that all areas of the city are accessible to emergency response providers." Development under the Revised Map would add further vehicle trips to local roads already seriously impacted by school traffic, including San Jose Avenue, St. Regis Avenue, Capilano Drive, Presidio Drive, and West Country Club Drive, during school drop-off and pick-up hours. This additional traffic could impede the use of these roads by emergency response providers during these time periods. The Revised Map is thus inconsistent with Policies SA 3-3 and 3-5.

ii. General Plan Policy CIR 3-4 requires that development projects "[p]rovide an interconnected street network that provides multiple points of access, discouraging cut-through traffic while maintaining neighborhood connectivity." The public schools serving residents of the Project would include Adams Middle School and Heritage High School, both located on American Avenue at Balfour Road. Vehicular traffic leaving the Project Site is anticipated to cut through the Brentwood Hills and Shadow Lakes neighborhoods that lie between the Project and these schools, thus violating Policy CIR 3-4.

iii. General Plan Goal COS 7 requires the protection of "hillsides and ridgelines from visual impacts and erosion." To this end, General Plan Policy COS 7-1 states "[p]rotect Brentwood's ridgelines (hilltops and steep hillsides) from erosion, slope failure, and development," and Policy COS 7-2 states "[p]reserve the topography of Brentwood's hills by discouraging unnecessary leveling/grading activities prior to site-

building on hillsides where development is permitted.” Development under the Revised Map would include substantial grading of the hillside in the southwestern portion of the residential area of the Project Site, thus violating Policy COS 7-2. In addition, as shown on the master plotting plan submitted by the Applicant, the Project would also locate single family residences along hilltops within the Project Site, and is thus inconsistent with Goal COS 7.

iv. General Plan Policy N 1-14 provides that the City shall “[e]nsure that new development does not result in indoor noise levels exceeding 45 dBA Ldn for residential uses.” As noted in the Revised EIR prepared to study the Project:

With regard to interior noise levels, modern construction typically provides a 25 dB exterior-to-interior noise level reduction. The 25 dB level of noise reduction would not be adequate to reduce future traffic noise levels within all proposed residences to below the City’s General Plan interior noise level standard of 45 dB Ldn. Therefore, additional interior noise control measures would be required in order to reduce traffic noise exposure.

The additional interior noise control measures proposed consist of (1) soundwalls to shield the residences from roadway noise associated with Sand Creek Road and Highway 4, and (2) for the first row of residences along the SR 4 corridor and Sand Creek Road corridor that have windows with a view of either roadway, either the installation of windows with a minimum STC rating of 34, or the preparation of an interior noise analysis (prepared by a qualified acoustic engineer) outlining the measures required to meet the City’s 45 dBA Ldn interior noise standard, especially at unshielded second floor facades along the SR 4 corridor or Sand Creek Road. These measures do not allow for the achievement of a noise level at or below 45 dBA Ldn when the windows of said residences are open, and thus Policy N 1-14 is not met.

v. Brentwood Municipal Code Chapter 16.150 and General Plan Policy CSF 2-2 (“[a]chieve and maintain a minimum overall citywide ratio of 5 acres of parkland per 1,000 residents”) sets forth the City’s parkland dedication requirements per Government Code Section 66477. According to Brentwood Municipal Code Section 16.150.040(B), “[I]and to be dedicated shall be suitable for park or other recreational purposes to serve the immediate and future needs of residents in the area.” The Project proposes to include two parks to satisfy these requirements:

- Parcel A is identified as a park consisting of six acres. Of this six acres, 1.94 acres will be graded to less than 3% slope, which is

considered usable park land, per City requirements.

- Parcel G is identified as a park consisting of 2.49 acres, of which 2.41 acres will be graded to less than 3% slope, and thus considered usable park land.
- The two parks combined result in 4.35 acres, which satisfies the quantity of parkland required to be dedicated.

The City Council finds that the two parks proposed to serve the Project are not suitable for park and recreational purposes to serve the immediate and future needs of the Project residents, despite their quantitative conformance to the City's requirements. The Council makes this determination based on the fact that (a) the proposed parks are not sufficient to meet the needs of the Project's residents, (b) the Project is bordered by significant topographical features (hills) that inhibit easy access by Project residents to neighborhood parks beyond the Project's boundaries, and (c) the proposed parks did not include parking for users, considerably decreasing the utility of the parks.

- b. *That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.*

The Project Site is not within any applicable specific plan area. However, the design and improvement of the Revised Map is inconsistent with General Plan and the Brentwood Municipal Code for the reasons set forth in Section 3 and 4(A)(1)(a) of this Resolution, which are incorporated herein as if restated in full.

- c. *That the site is physically suitable for the type of development.*

The site is not physically suitable for the type of development proposed in that the Project Site includes many hilltops and ridges that would be subject to significant grading and/or developed with single family residences as developed under the Revised Map. Inasmuch as the City's Conservation and Open Space element of the General Plan looks to "protect hillsides and ridgelines from visual impacts and erosion" and "protect Brentwood's ridgelines (hilltops and steep hillsides) from erosion, slope failure, and development," the Project Site is not suitable for the residential development proposed by Applicant. Further, there are other development plans that would be more protective of the hillsides and ridgelines and provide for housing consistent with the both the General Plan and the zoning for the Project Site.

- d. *That the site is physically suitable for the proposed density of development.*

The site is not physically suitable for the proposed density of development in that the Revised Map is not consistent with the

development standards in PD-36. As set forth in Section 3 above, the Project Site is designated low-density residential and the zoning for the Project Site includes two sub-area standards and envisions housing compliant with both the Subarea C and D standards. The Revised Map includes residential development consistent with only Subarea C standards.

- e. *That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat unless an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.*

The City Council cannot make this finding as the City Council has not certified the proposed REIR. Further, concerns were noted about the REIR due to concerns about the transportation and noise impacts, as described in Section 2 above. Without a certified EIR, the City Council cannot make a finding that the design of the Revised Map is not likely to cause substantial environmental damage.

- f. *That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the Revised Map is likely to cause serious public health problems in that the proposed development will result in an increase in traffic along San Jose Avenue, St. Regis Avenue, and Presidio Drive during peak travel periods when there are a large amount of children and families traveling to and from schools and residences. General Plan Policy SA 3-3 requires “[k]eep emergency access routes free of traffic impediments” and Policy SA 3-5 provides “[e]nsure that all areas of the city are accessible to emergency response providers.” The increased traffic introduced onto these roads by the Project could cause serious health problems by reducing the ability of safety vehicles, possibly including police, fire, and paramedics to arrive at scenes of an accident, fatality, or medical emergency.

2. Denial. Therefore, the City Council hereby denies the Revised Map.

B. Alternate Map [see above re: Revised Map]

1. Findings. With respect to the findings required for a vesting tentative subdivision map, the City Council considered all of the required findings set forth in the Brentwood Municipal Code Section 16.050.040.B and Government Code section 66474 and hereby finds that the following findings cannot be met:

a. That the proposed map is consistent with the community development plan and any applicable specific plans.

The Alternate Map is inconsistent with the City's General Plan in that the Project does not conform to the following General Plan policies and the Brentwood Municipal Code:

i. General Plan Policy SA 3-3 requires that "emergency access routes [be kept] free of traffic impediments" and Policy SA 3-5 requires "that all areas of the city are accessible to emergency response providers." Although the Applicant has modified the access points of the Project, development under the Alternate Map would continue to add further vehicle trips to local roads already seriously impacted by school traffic, including San Jose Avenue, St. Regis Avenue, Capilano Drive, Presidio Drive, and West Country Club Drive, during school drop-off and pick-up hours. This additional traffic could impede the use of these roads by emergency response providers during these time periods. The Alternate Map is thus inconsistent with Policies SA 3-3 and 3-5.

ii. General Plan Goal COS 7 requires the protection of "hillsides and ridgelines from visual impacts and erosion." To this end, General Plan Policy COS 7-1 states "[p]rotect Brentwood's ridgelines (hilltops and steep hillsides) from erosion, slope failure, and development," and Policy COS 7-2 states "[p]reserve the topography of Brentwood's hills by discouraging unnecessary leveling/grading activities prior to site-building on hillsides where development is permitted." Development under the Alternate Map would include substantial grading of the hillside in the southwestern portion of the residential area of the Project Site, thus violating Policy COS 7-2. In addition, as shown on the master plotting plan submitted by the Applicant, the Project would also locate single family residences along hilltops within the Project Site, and is thus inconsistent with Goal COS 7.

iii. General Plan Policy N 1-14 provides that the City shall "[e]nsure that new development does not result in indoor noise levels exceeding 45 dBA Ldn for residential uses." As noted in the Revised EIR prepared to study the Project:

With regard to interior noise levels, modern construction typically provides a 25 dB exterior-to-interior noise level reduction. The 25 dB level of noise reduction would not be adequate to reduce future traffic noise levels within all proposed residences to below the City's General Plan interior noise level standard of 45 dB Ldn. Therefore, additional interior noise control measures would be required in order to reduce traffic noise exposure.

The additional interior noise control measures proposed consist of (1) soundwalls to shield the residences from roadway noise associated with Sand Creek Road and Highway 4, and (2) for the first row of residences along the SR 4 corridor and Sand Creek Road corridor that have windows with a view of either roadway, either the installation of windows with a minimum STC rating of 34, or the preparation of an interior noise analysis (prepared by a qualified acoustic engineer) outlining the measures required to meet the City's 45 dBA Ldn interior noise standard, especially at unshielded second floor facades along the SR 4 corridor or Sand Creek Road. These measures do not allow for the achievement of a noise level at or below 45 dBA Ldn when the windows of said residences are open, and thus Policy N 1-14 is not met.

- b. That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.*

The Project Site is not within any applicable specific plan area. However, the design and improvement of the Alternate Map is inconsistent with General Plan and the Brentwood Municipal Code for the reasons set forth in Section 3 and 4(A)(1)(a) of this Resolution, which are incorporated herein as if restated in full.

- c. That the site is physically suitable for the type of development.*

The site is not physically suitable for the type of development proposed in that the Project Site includes many hilltops and ridges that would be subject to significant grading and/or developed with single family residences as developed under the Alternate Map. Inasmuch as the City's Conservation and Open Space element of the General Plan looks to "protect hillsides and ridgelines from visual impacts and erosion" and "protect Brentwood's ridgelines (hilltops and steep hillsides) from erosion, slope failure, and development," the Project Site is not suitable for the residential development proposed by Applicant. Further, there are other development plans that would be more protective of the hillsides and ridgelines and provide for housing consistent with the both the General Plan and the zoning for the Project Site.

- d. That the site is physically suitable for the proposed density of development.*

The site is not physically suitable for the proposed density of development in that the Alternate Map is not consistent with the development standards in PD-36. As set forth in Section 3 above, the Project Site is designated low-density residential and the zoning for the Project Site includes two sub-area standards and envisions housing

compliant with both the Subarea C and D standards. The Alternate Map includes residential development consistent with only Subarea C standards.

- e. *That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat unless an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.*

The City Council cannot make this finding as the City Council has not certified the proposed REIR. Further, concerns were noted about the REIR due to concerns about the transportation and noise impacts, as described in Section 2 above. Without a certified EIR, the City Council cannot make a finding that the design of the Alternate Map is not likely to cause substantial environmental damage.

- f. *That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the Alternate Map is likely to cause serious public health problems in that the proposed development will result in an increase in traffic along San Jose Avenue, St. Regis Avenue, and Presidio Drive during peak travel periods when there are a large amount of children and families traveling to and from schools and residences. General Plan Policy SA 3-3 requires “[k]eep emergency access routes free of traffic impediments” and Policy SA 3-5 provides “[e]nsure that all areas of the city are accessible to emergency response providers.” The increased traffic introduced onto these roads by the Project could cause serious health problems by reducing the ability of safety vehicles, possibly including police, fire, and paramedics to arrive at scenes of an accident, fatality, or medical emergency.

- 2. Denial. Therefore, the City Council hereby denies the Alternate Map.

5. Design Review.

- A. Findings. With respect to the findings required for design review, the City Council considered all of the required findings set forth in the Brentwood Municipal Code Section 17.820.007 and hereby finds that the proposed design review would not be consistent with the City of Brentwood Municipal Code as neither the Revised Map or Alternate Map for the Project Site has been approved. If a Vesting Tentative Subdivision Map is not approved, the design review cannot be approved. Further, the design review would be inconsistent with the existing General Plan and Municipal Code (e.g.,

Subdivision Ordinance standards) that govern the Project Site, as set forth in section 4 above. In addition, the following findings cannot be met:

1. *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 not create a well-composed urban design related to other facilities in the immediate area and to the total setting of the community of the community as the design review is based on the creation of a subdivision that was not approved. Without an approved subdivision, the design of the homes cannot be found to be harmoniously related to the surroundings. Further, the development is not consistent with General Plan policies requiring the protection of hillsides and ridgelines and an interconnected street network. Therefore, the development does not harmoniously relate to the adjoining neighborhoods or to the total setting seen from key vantage points in the community.

2. *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.*

Elements of design are not consistent with the General Plan or Brentwood Municipal Code as a subdivision has not been approved for the Project Site. Further, the proposed size, bulk and scale of the homes is not consistent with the zoning for the Project Site, which requires a mix residential consistent with Subarea C and Subarea D standards.

3. *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 proposed development is not of a quality and character of design appropriate to, and serving to protect the value of, private and public investments in the immediate area in that the design is based on a subdivision that has not been approved and is not consistent with the City's General Plan or Municipal Code, as set forth in Section 3 and 4(A)(1)(a) above.

4. *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 proposed development is located within PD-36, and the design of the development does not conform in all significant respects with PD-36, as set forth in Section 3 above.

5. *The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in Title 17 of the Brentwood Municipal Code.*

The proposed development does not conform with all requirements for landscaping, screening, parking and usable open space in that the development is not consistent with the City's General Plan and the PD-36 zoning for the Project Site.

6. *The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.*

The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, are not conducive to an orderly, attractive, efficient and harmonious development in that the siting and arrangement is based on a subdivision that has not been approved and is not consistent with the City's General Plan or Municipal Code, as set forth in Section 3 and 4(A)(1)(a) above.

7. *The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.*

The proposed development would have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic in that the proposed subdivision has not been approved due to inconsistency with land use zoning, and requirements for hillside preservation. In addition, the development would cause adverse environmental effects on adjacent developments due to the traffic and circulation patterns of the Project, as described in Sections 4(A)(1)(a) and 4(B)(1)(a) above.

8. *"The City of Brentwood Design Guidelines" Draft, dated February 1, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance.*

The proposed Project is inconsistent with design criteria or standards set out in the City of Brentwood Design Guidelines in that in that the design is based on a subdivision that has not been approved and is not

consistent with the City's General Plan or Municipal Code, as set forth in Sections 3, 4(A)(1)(a) and 4(B)(1)(a) above.

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

The proposed Project is inconsistent with regulation of the zoning ordinance or other City ordinance, policies or resolutions as set forth in Sections 3, 4(A)(1)(a) and 4(B)(1)(a) above.

B. Denial. Therefore, the City Council hereby denies Design Review No. 21-010.

6. Denial Without Prejudice. VTSM 9586, including both the Revised Map and the Alternate Map, and DR 21-010 are denied without prejudice. The applicant may submit a revised application to the City addressing the findings of the City Council as documented above.
7. Housing Accountability Act Findings. With respect to Government Code Section 65589.5(j)(1), the City Council finds that these findings need not be made, as the City Council has determined, as set forth above, that the Project does not conform to the objective standards of the General Plan or the applicable zoning, as set forth above.

ADOPTED by the City Council of the City of Brentwood at its regular meeting of December 10, 2024, by the following vote:

AYES:

NOES:

ABSENT:

RECUSE:

APPROVED:

Joel Bryant
Mayor

ATTEST:

Amanda McVey
City Clerk