

SUBJECT: An application for the Bridle Gate project, including a Revised Environmental Impact Report, Vesting Tentative Subdivision Map, and Design Review.

DEPARTMENT: Community Development

STAFF: Alexis Morris, Community Development Director
Erik Nolthenius, Planning Manager

TITLE/RECOMMENDATION

Staff recommends that the City Council consider the following two options:

1. Deny the appeal, upholding the Planning Commission's action to deny the project by adopting a resolution supported by factual finds; or
2. Approve the appeal, reversing the Planning Commission's action to deny the project by adopting three resolutions: (1) certifying the Revised EIR (REIR) and making CEQA findings, (2) approving the Vesting Tentative Subdivision Map (VTSM 9586), and (3) approving the Design Review (DR 21-010).

The proposed project would include subdivision of the site for development of 272 single-family detached residences, as well as associated improvements within the project site, including two parks, open space, stormwater detention and treatment areas, utility connections, and construction of an internal roadway network on approximately 92.96 acres. The 36.82 acres of land located north of the future Sand Creek Road extension are on a separate legal parcel shown as a designated remainder on the vesting tentative subdivision map (VTSM), and are therefore not proposed to be developed as part of this application. The project site is bounded by Old Sand Creek Road to the north, State Route (SR) 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 (APNs: 019-082-009 and 019-082-00).

The City prepared a Revised Environmental Impact Report (REIR) for this project in accordance with the requirements of the California Environmental Quality Act (CEQA, codified at Public Resources Code §§ 21000, et seq., and as further governed by the State CEQA Guidelines, found at 14 CCR §§ 15000, et seq.). Several potentially significant impacts are identified; however, mitigation measures are proposed to reduce those impacts to less-than-significant levels.



FISCAL IMPACT

The applicant, WCHB Development, LLC, has paid approximately \$300,000 to process the application. These fees fully cover staff and consultant's time spent processing the application, including preparation of the REIR.

BACKGROUND

PLANNING COMMISSION ACTION AND APPEAL

On July 16, 2024, the Planning Commission held a continued public hearing on the proposed project. After extensive deliberation, the Commission voted unanimously to deny the proposed project. Because a denial does not require CEQA review, the Planning Commission took no action regarding the project's REIR. The Planning Commission provided findings for denial which were incorporated into the resolution (Attachment 6). The Planning Commission meeting is discussed in more detail below. On July 24, 2024, WCHB Development, LLC, filed a timely appeal of the Planning Commission action with the City Clerk.

PROJECT DESCRIPTION

The project site is bounded by Old Sand Creek Road to the north, State Route (SR) 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. A small segment of existing San Jose Avenue bounds the project site at its farthest southeastern corner. The western terminus of Sand Creek Road, constructed as part of the interchange with SR 4, is located adjacent to the eastern site boundary.

The proposed project would include subdivision of the site for development of 272 single-family detached residences, as well as associated improvements within the project site, including two parks, open space, stormwater detention and treatment areas, utility connections, and construction of an internal roadway network on approximately 92.96 acres. The 36.82 acres of land located north of the future Sand Creek Road extension are on a separate legal parcel shown as a designated remainder on the vesting tentative subdivision map (VTSM), and are therefore not proposed to be developed as part of this application.

The single-family residential area would be developed with lot sizes ranging from 5,000 to 15,930 square feet (sf). The application proposes one- to three-story residences ranging from 1,808 sf to 3,222 sf. As noted below, staff is recommending a condition to limit the residences to two stories consistent with Planned Development (PD) 36 Subarea C standards. Overall, a total of 67.96 acres of the project site would be developed with residential uses. Therefore, buildout of the single-family residential



CITY COUNCIL AGENDA ITEM NO. F.1
08/27/2024

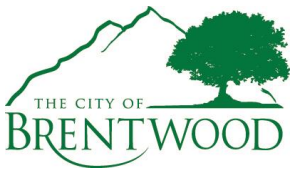
development would result in a density of approximately 4.0 dwelling units per acre (du/ac). The density calculation included here is based only on the portions of the site dedicated to residential use and not designated as Permanent Open Space, consistent with the City's General Plan.

One parcel totaling six acres (northwest portion of the site) and a second parcel totaling 2.49 acres (southeast portion of the site), respectively, would be dedicated to the City of Brentwood for use as public parks. The parks would provide recreational amenities for residents of the proposed single-family subdivision. Landscaping elements would be provided throughout the proposed park areas and all other developed portions of the site consistent with City requirements. An additional 25 acres of permanent open space would be located within the southwestern portion of the site. Sand Creek currently flows from west to east through the northern portion of the proposed project site, and primarily through the 36.82-acre designated remainder.

The proposed project would include water, sewer, and stormwater utility improvements. Stormwater draining off impervious surfaces within the site would be directed to two bio-retention basins located in the northwestern portion of the site, southeast of the proposed six-acre park (Parcel B), and along the southeast boundary of the site (Parcel E), respectively. Water and sewer service for the proposed project would be provided by the City of Brentwood.



FIGURE 1: AERIAL PHOTOGRAPH OF THE PROJECT SITE AND SURROUNDING AREA



APPLICABLE STATE HOUSING LAW

The applicant submitted a preliminary application for this project under [SB 330 \(Government Code § 65941.1\)](#). By submitting a preliminary application and complying with the timelines set forth in the law, applicants can vest or “lock in” the City ordinances and regulations, including zoning and objective design standards, in effect at the time of application ([Government Code § 65589.5\(o\)](#)). In this case, the application must be processed under the City ordinances and regulations in effect as of submittal of the preliminary application, October 22, 2021.

Review of the application must also comply with all of the provisions [SB 330](#), including the following:

- If the application complies with the applicable objective general plan, zoning, and subdivision standards and criteria, including design review standards, the City cannot deny or condition the project in a manner that would lessen the intensity of housing, such as decreasing the density or number of units ([Government Code § 65589.5\(j\)](#)). Therefore, the City cannot require compliance with the City’s General Plan “mid-range” policy or require that the applicant obtain conditional use permits for any units over a certain density. The “mid-range” policy requires that applicants meet subjective criteria to develop above the mid-point of the applicable General Plan density range, and is, therefore, contrary to the requirement that cities cannot limit density through subjective criteria. The Brentwood Municipal Code (BMC) also requires that residential projects obtain CUPs for units over a certain density range, for PD-36 over 3.5 units per gross acre (see [BMC §§ 17.130\(B\), 17.486.004\(B\)\(1\)](#)). This provision is also contrary to current state law and therefore cannot be imposed.
- The City cannot impose the maximum number of primary dwelling units set forth in PD-36 (see [BMC § 17.486.004\(C\)\(12\)](#)), as it is directly contrary to [SB 330](#), which states that a city may not impose a housing cap ([Government Code § 66300\(b\)\(1\)\(D\)\(ii\)](#)).
- Any decision to deny or lower the density of a project that is consistent with applicable objective City standards must be supported by a preponderance of evidence that both: (1) the project has a specific adverse impact upon public health or safety based on objective, identified written public health or safety standards; and (2) there is no feasible way to mitigate the impact other than denial or approval at a lower density. ([Government Code § 65589.5\(j\)\(1\)](#).)

PROJECT SUMMARY

General Plan & Zoning Consistency

The project is consistent with the General Plan. As shown in the figure below, the General Plan designates the overall project site for a variety of land uses, including Residential Low Density (R-LD) on the majority of the site and south of Sand Creek Road, which allows for development between 1.1 and 5.0 dwelling units per gross acre. The northern portion of the site, which includes a single parcel of 36.82 acres, is shown on the vesting tentative subdivision map as a designated remainder with no specific development proposed as part of this application¹ The General Plan also designates approximately six acres of the site as Park and approximately 25 acres of the site as Permanent Open Space, all of which are located south of Sand Creek Road along the western boundary of the site.

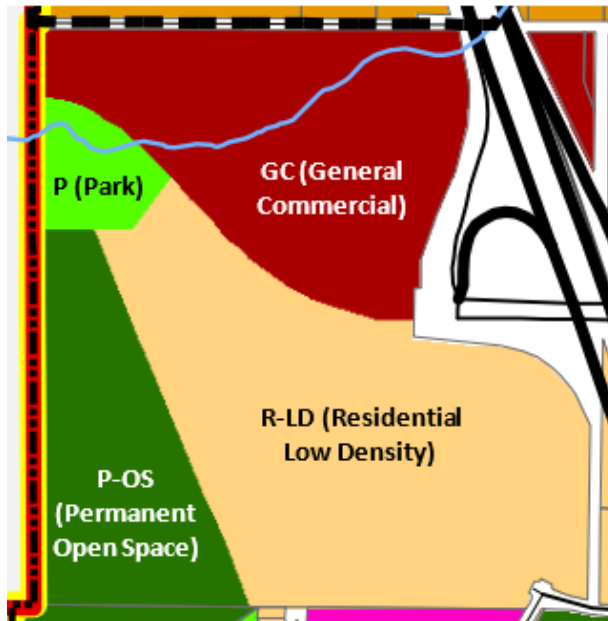
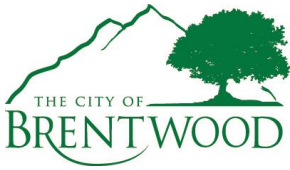


Figure 2: General Plan Land Use Designations

The zoning for the project site is PD-36, which is set forth in BMC [Chapter 17.486](#) and includes a map that does not show any subarea boundaries. [Chapter 17.486](#) does; however, include objective zoning standards for PD-36 that are consistent with the General Plan designation. The fact that the map for PD-36 does not include

¹ The applicant has filed separate preliminary applications under SB 330 for development of this area, but no formal development applications have been submitted to date. The applicant is required to submit the required development applications by September 21, 2024 (within 180 days of submittal of a qualifying preliminary application to the City).



locations for the various subareas was one of the subjects of a lawsuit concerning this application. In that lawsuit, the City maintained that appropriate residential development standards are those in [BMC Section 17.486.004](#), referring to Subarea C. This was consistent with the property's General Plan designation of Residential Low Density, which allows for residential development densities ranging from 1.1 to 5.0 units per acre. The court hearing the lawsuit did not raise concerns with using these objective standards to review the subject application, and so these have been applied.

The minimum lot size for PD-36, Subarea C is 5,000 sf. The applicant thus provided a revised VTSM on August 4, 2023 to comply with [BMC Section 17.486.004](#), including a minimum lot size of 5,000 sf, which resulted in a reduction in the number of lots from 286 (October 2021) to 272, remaining consistent with the density identified in the General Plan designation of Residential Low Density. The project also complies with the PD-36 development standards pertaining to open space and recreation.

It should be noted that the City cannot impose certain PD-36 standards that are inconsistent with State law (e.g., Subarea C's requirements regarding a housing cap or the requirement to obtain a CUP for residential units over a certain density).

A detailed analysis of the project's General Plan and Zoning consistency can be found starting on page 21 in the Planning Commission staff report (Attachment 7).

Vesting Tentative Subdivision Map

The project site consists of a total of 135.31 acres. Of this acreage, 25 acres (Parcel I) are preserved as permanent open space, the majority of which is located along the western property line corresponding to hillside ridgelines. The remaining acreage located south of Sand Creek Road includes a ten-foot trail connection (Parcel H) to the Brentwood Hills subdivision to the south, two park locations (6.0 acre Parcel A and 2.49 acre Parcel G, resulting in 4.35 acres of useable park space with less than three percent slope), per the Parks, Recreation and Trails Master Plan, and the 272 single-family residential lots. The trail connection is clarified in draft condition of approval #12b on the tentative map resolution to be relocated to Parcel I, connecting to Sand Creek Road; therefore, Parcel H can be eliminated and absorbed into the adjacent lots.

The single-family lot sizes would range from 5,000 sf to 15,930 sf. The remaining parcels are to be utilized for landscaping or bioretention areas for stormwater treatment. Along the northern property line and north of Sand Creek is a 36.82-acre designated remainder parcel, which is not proposed to be developed as part of this project.

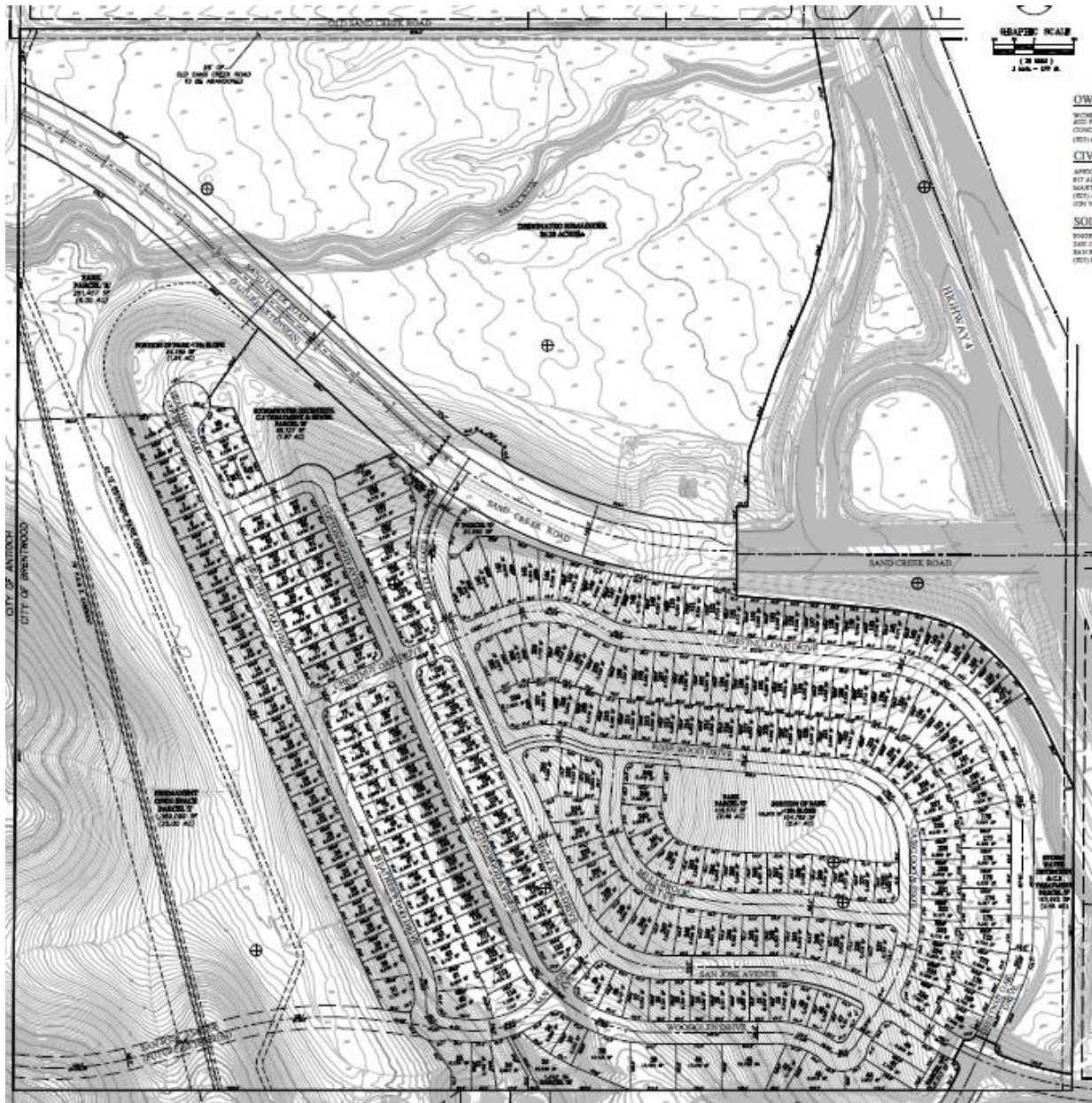


Figure 3: VTSM 9586

Access to the single-family development would be through a signalized intersection with Sand Creek Road from the north (located just west of the SR 4 interchange) and another via the extension of San Jose Avenue from the south.

A more detailed description of the Vesting Tentative Subdivision Map can be found starting on page 9 in the attached Planning Commission staff report (Attachment 7).

Affordable Housing



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Under [SB 330](#), the project must comply with the affordable housing ordinance in place at the time of application submission. Ordinance No. 1014 was in place at the time of project application and requires 10% of the total units within a project to be affordable to various income categories. The applicant originally proposed less than the required number of affordable units, but has since agreed to comply with Ordinance No. 1014. A draft condition of approval is included to require the Applicant to enter into an Affordable Housing Agreement with the City to provide a minimum of 27 affordable units at the required affordability levels. Compliance with this condition, per the City’s Affordable Housing Ordinance, is required prior to final map approval and will ensure, among other things, that the affordable units are spaced appropriately throughout the subdivision. The affordability levels for the 27 units are broken down as follows:

Affordability Level	Requirement
Very Low Income	3% of 272 = 8 units
Low Income	4% of 272 = 11 units
Moderate Income	3% of 272 = 8 units
Total	10% = 27 units

Design Review

The proposed design review includes 13 distinct floor plans with four alternative elevations per plan, except for Floor Plan 13, which has two elevations. The project includes only two units to be built according to Floor Plan 13, which shows it as a three-story unit. Three of the plans, Plans 1, 2, and 3, are single-story homes, with the remaining plans all two-story homes with a two-car front-on garage. Due to the relatively small minimum lot size (5,000 sf), alternative garage configurations are difficult to accomplish; however, the homes are designed to minimize the garage by setting it back from the front plane of the living spaces, thereby minimizing its prominence in the front elevation, and all of the plans show decorative garage doors to match the architectural style of the home. As mentioned, each plan has four distinct architectural styles, including Tuscan, Craftsman, French Cottage, and Bay Area Modern. The master plotting plan shown below, depicts the variation of the different home plans and elevations to ensure that no two identical homes are located next to each other. A more detailed explanation can be found starting on page 25 in the attached Planning Commission staff report (Attachment 7) for more information.

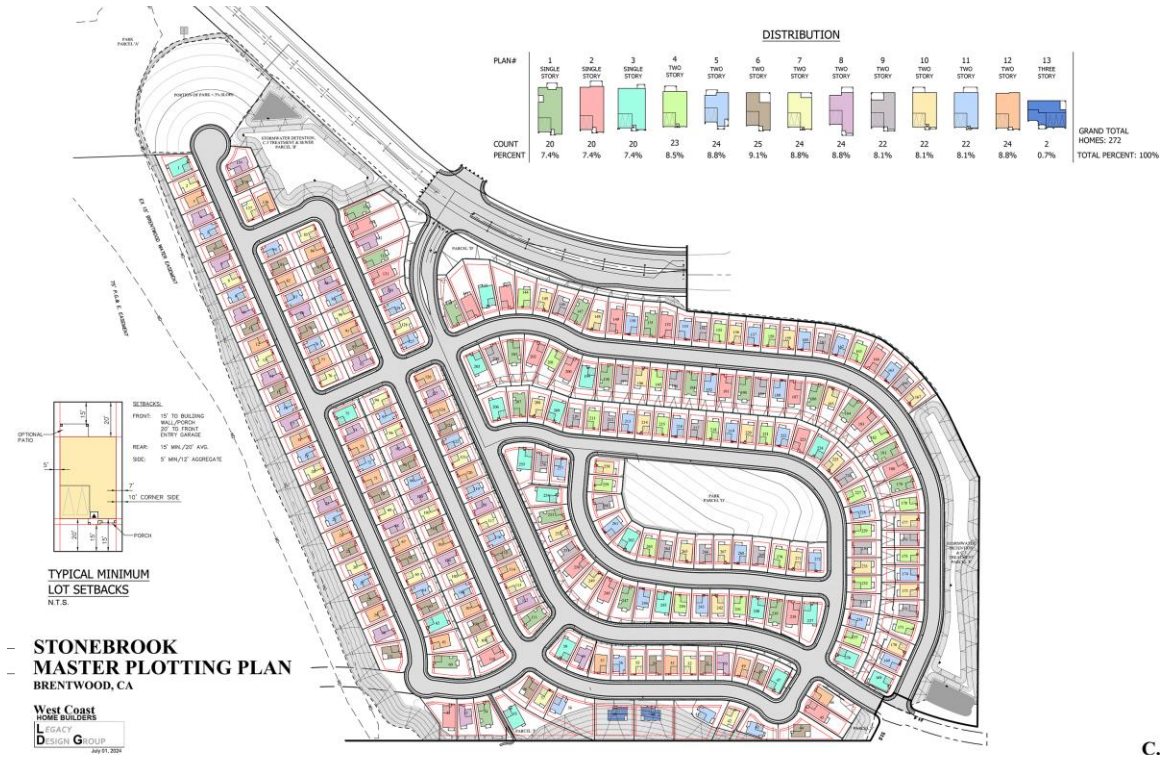


Figure 4: Master Plotting Plan

PLANNING COMMISSION MEETINGS

The Planning Commission held a public hearing on September 5, 2023, at which many items were discussed. The Planning Commission continued the item and directed staff to work with the applicant on options to address concerns regarding traffic due to the extension of San Jose Avenue and the potential additional traffic on St. Regis Avenue. On July 16, 2024, the Planning Commission held a continued public hearing on the proposed project which included a discussion of several options related to the St. Regis Avenue/San Jose Avenue intersection as well as other topics which are summarized below. It should be noted that the July 2024 hearing reiterated many topics which had been raised at the September 2023 hearing, so the summary below encompasses both hearings.

St. Regis Avenue and San Jose Avenue Circulation Options

As noted above, after the previous hearing, the Planning Commission directed staff to work with the applicant on options to address the concerns regarding traffic. Consistent with the Planning Commission’s motion, the applicant prepared a memo (dated October 12, 2023) to address the options for minimizing additional traffic on St. Regis Avenue (included in Attachment 13). Five options were evaluated in the memo and are summarized in the table below.



Table 1: St. Regis Avenue/San Jose Avenue Intersection Options

Option	Summary
Option 1	Would prohibit (a) eastbound right turns from the planned San Jose Avenue extension onto St. Regis Avenue, and (b) southbound through traffic from Chestnut Oak Drive onto St. Regis Avenue
Option 2	Like Option 1, would prohibit (a) eastbound right turns from the planned San Jose Avenue extension onto St. Regis Avenue, and (b) southbound through traffic from Chestnut Oak Drive onto St. Regis Avenue, but would additionally prohibit (c) southbound left-turns from Chestnut Oak Drive to eastbound San Jose Avenue
Option 3	Would restrict a one-block section of the San Jose Avenue extension (immediately west of St. Regis Avenue) to one-way westbound traffic flow only and prohibit southbound left-turns from Chestnut Oak Drive to eastbound San Jose Avenue
Option 4	Full or partial closure at the south end of Chestnut Oak Drive
Option 5	Would include an additional access point from the Bridle Gate Project to Sand Creek Road

A summary of the options from the memo is provided below.

- *Option 1: Turn Restrictions Alternative A*

Two components make up Option 1. The first component is a prohibition of eastbound right turns from the planned San Jose Avenue extension onto St. Regis Avenue. A preliminary design for this is presented below. This plan would include an extension of the curb on the southwest corner to not allow right turns and increase compliance with the prohibition on right turns from eastbound San Jose Avenue onto southbound St. Regis Avenue. The second component of Option 1 is preventing southbound traffic from Chestnut Oak Drive from accessing St. Regis Avenue. With the turn restrictions at the St. Regis Avenue/San Jose Avenue intersection, traffic on southbound Chestnut Oak Drive would only be able to turn left or right onto San Jose Avenue and southbound through traffic onto St. Regis Avenue would be prohibited. In addition to signage, all-way stop control, and pavement markings, this plan would include a splitter island on the southbound Chestnut Oak Drive approach that would preclude through traffic onto St. Regis Avenue.

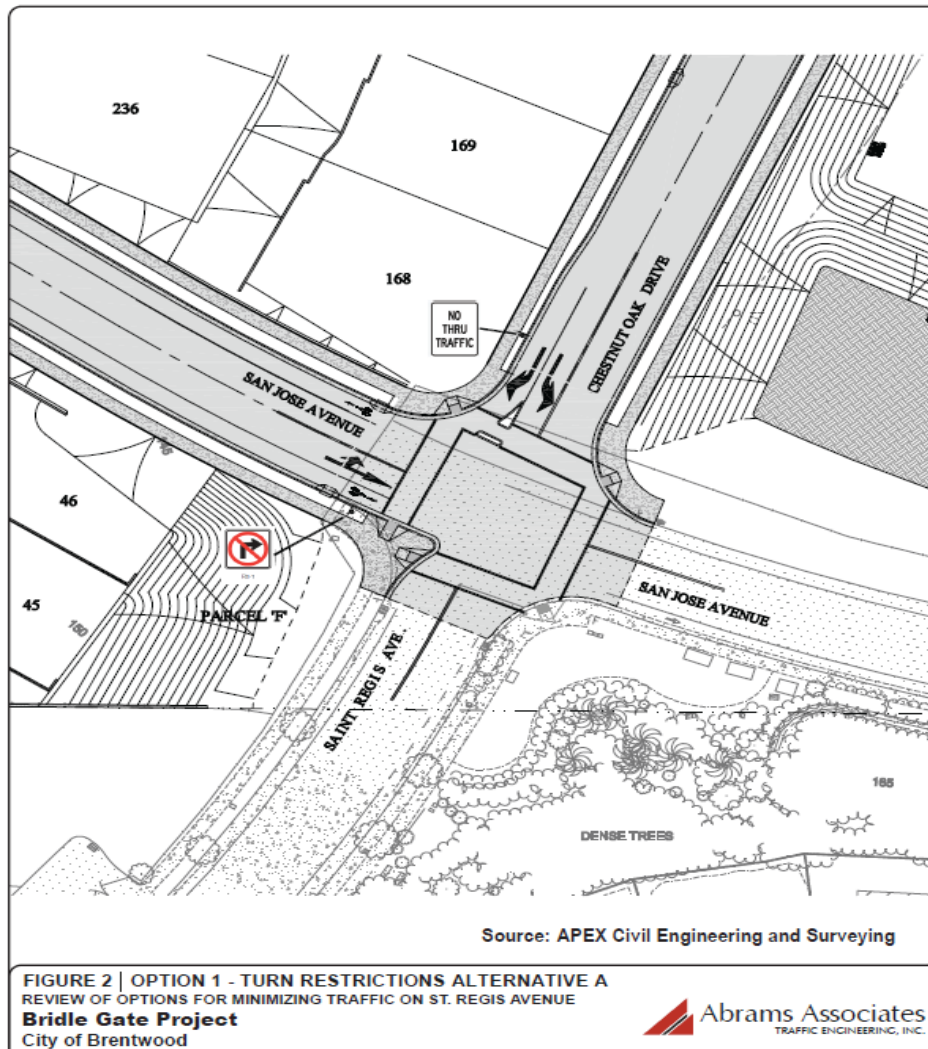


Figure 5: Option 1: Turn Restrictions Alternative A

- Option 2: Turn Restrictions Alternative B

Option 2 is essentially the same as Option 1, with the exception that southbound left-turns from Chestnut Oak Drive to eastbound San Jose Avenue would also be prohibited. A preliminary design for accomplishing this is presented below. This plan would include the same extension of the curb on the southwest corner of the intersection to not allow right turns and increase compliance with the prohibition on right turns from eastbound San Jose Avenue onto southbound St. Regis Avenue. However, under this option on the northern side of the intersection all southbound traffic would be required to turn right onto San Jose Avenue. Left turns onto San Jose Avenue and southbound through traffic onto St. Regis Avenue would both be prohibited.

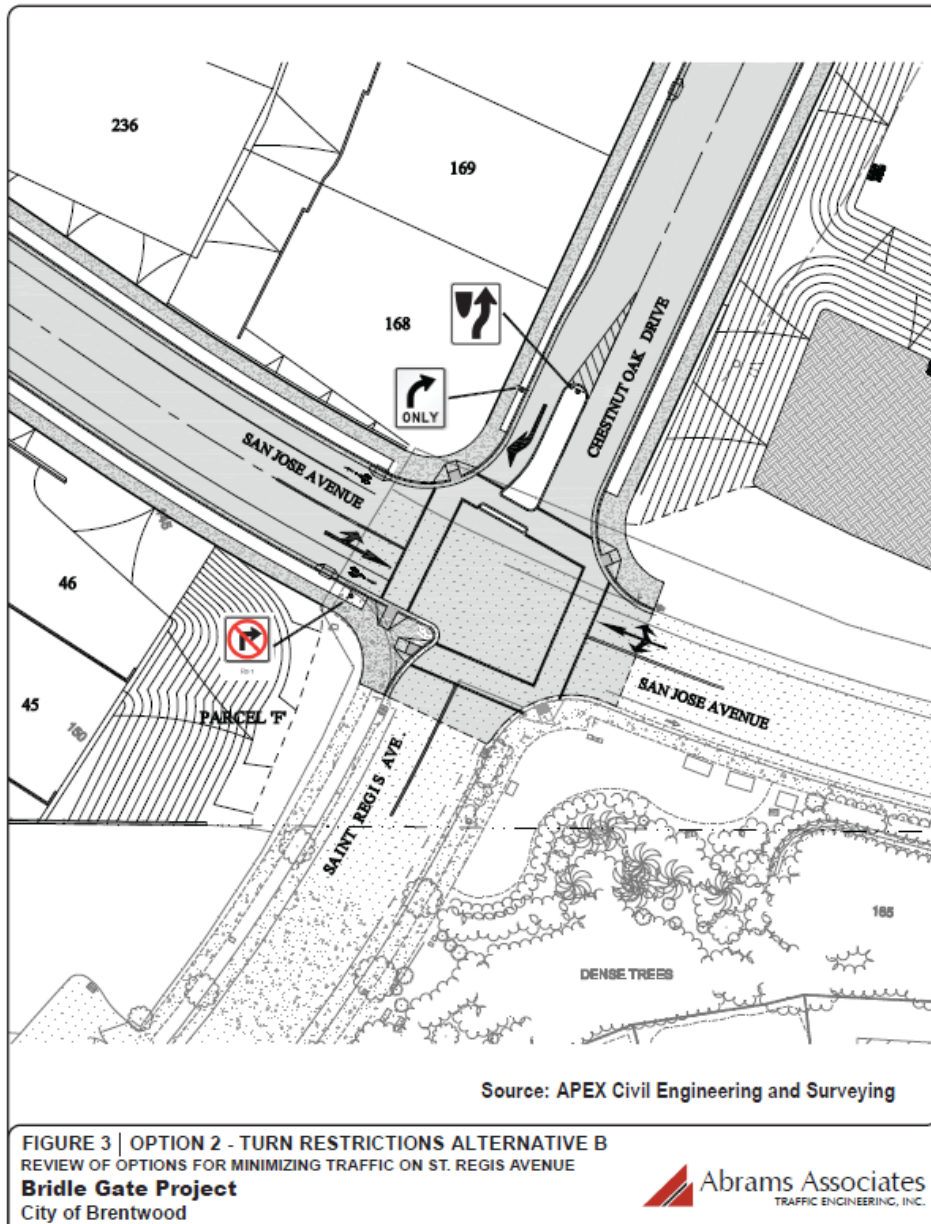


Figure 6: Option 2: Turn Restrictions Alternative B

- Option 3: One-Way Street

Option 3 includes two components. The first is to restrict the first segment of the San Jose Avenue extension to one-way westbound traffic only to the west of its intersection with St. Regis Avenue. The one-way section would extend from St. Regis Avenue to the first intersection within the Bridle Gate Project (Rose Wood Drive). All eastbound traffic on San Jose Avenue would then have to turn left or right at Rose Wood Drive within the Bridle Gate Project. The second component

is the same as for the above-described turn restrictions option. In addition to restricting a one-block segment of San Jose Avenue to eastbound traffic only, this option would also include the same prohibition to southbound through traffic from Chestnut Oak Drive onto St. Regis Avenue. Traffic on southbound Chestnut Oak Drive would only be able to turn right onto San Jose Avenue, while left-turns and through traffic would be prohibited. A preliminary design for accomplishing this is presented below.

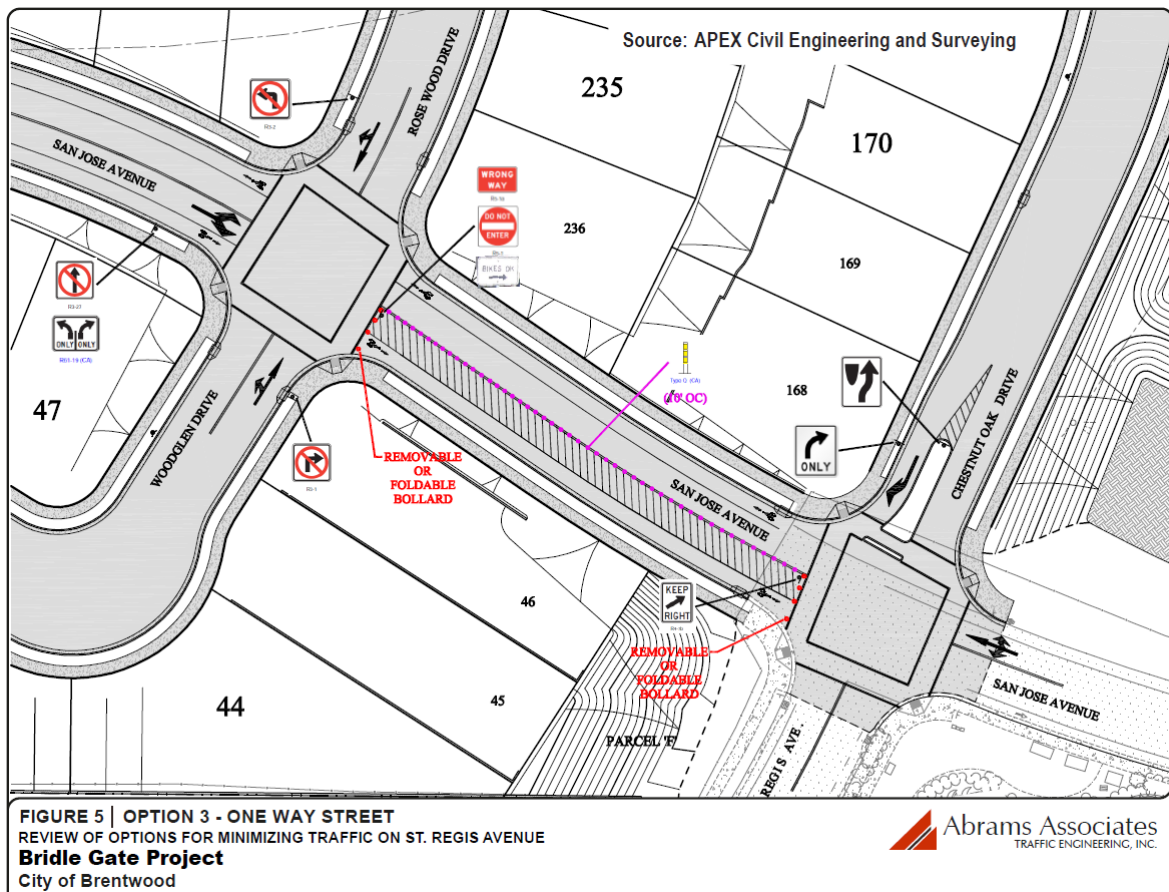


Figure 7: Option 3: One Way Street

- Option 4: Full or Partial Street Closure

This option involves a full or partial closure at the south end of Chestnut Oak Drive. A partial closure would involve closing only the southbound direction of Chestnut Oak Drive at San Jose Avenue. Under this option, traffic would still be permitted to travel northbound onto Chestnut Oak Drive from the San Jose Avenue/St. Regis Avenue intersection. In the other direction, southbound traffic would be prohibited using a design to block traffic that would be acceptable to the Fire District. The roadway would be designed to effectively block any



southbound traffic from entering the intersection from Chestnut Oak Drive. A full closure would involve closing both directions of Chestnut Oak Drive just north of San Jose Avenue. Under this option Chestnut Oak Drive would become a dead end just north of the San Jose Avenue/St. Regis Avenue intersection. This would include a connection to San Jose Avenue for emergency vehicles only, designed in a manner that would be acceptable to the Fire District. The southern end of the roadway would be designed to effectively block any Chestnut Oak Drive traffic from traveling to or from San Jose Avenue or St. Regis Avenue. The intersection of St. Regis Avenue with San Jose Avenue would become a three-way intersection, with no northern leg connecting to Chestnut Oak Drive. Note, the applicant's consultant did not prepare a corresponding figure for Option 4.

- *Option 5: Additional Access to Sand Creek Road*

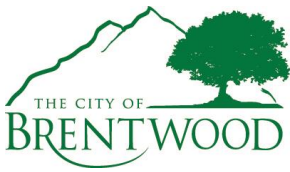
Option 5 would create a new right-in/right out only access point onto Sand Creek Road between Bridle Gate Drive and the intersection with the State Route 4 (SR 4) eastbound ramps. A full-access intersection is not feasible because intersection spacing standards cannot be met. In addition, there are significant topography issues, with the grade difference between the Bridle Gate roadway system and the final alignment of Sand Creek Road being substantial. Therefore, the only potential option to consider would be a new right-in/right out only access onto Sand Creek Road to the east of Bridle Gate Drive. Note, the applicant's did not prepare a corresponding figure for Option 5.

- *Planning Commission Discussion of Options*

The Planning Commission reviewed the options and determined that none of them reduced existing traffic that turns left (south) onto St. Regis Avenue. Staff explained that the options were designed to reduce the project's traffic on St. Regis Avenue and that the applicant is not responsible for solving existing traffic issues or concerns. The Planning Commission discussed many options, including closing St. Regis completely and time restrictions on westbound left-turns from San Jose Avenue onto St. Regis Avenue.

Traffic

The Planning Commission expressed concerns with the use of a traffic study from 2020. Staff explained that the traffic counts conducted were still valid because of the limited changes in the immediate vicinity. Further, the traffic study looked at a significantly larger version of the project so any impacts would likely be reduced from what was identified in the study. Finally, staff explained that CEQA no longer allows analysis of environmental impacts based on level of service (LOS), and currently uses



a methodology based on vehicle miles traveled (VMT). The CEQA analysis of traffic and transportation can be found beginning on page 245 of the REIR, which can be accessed by clicking on the following link and scrolling to "Bridle Gate:" <https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents>.

Parks

The Planning Commission had concerns that the proposed project includes two parks rather than a central larger park. The proposed subdivision includes two designated park parcels. Parcel A, located northwest of the main access at Sand Creek Road (as shown in the General Plan), is six acres and will be designed as a neighborhood park². The smaller park is Parcel G, which encompasses 2.49 acres and will also be designed as a neighborhood park. Staff has calculated the required park acreage based on an expected population within the subdivision of 870 (272 units x 3.2 persons per unit). Using the City's formula of providing 5 acres of park for every 1,000 residents, a total of 4.35 acres of park is required.

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. 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, consistent with the required acreage.

Staff explained that the Parcel A park is consistent with the General Plan and to require a larger centrally located park would require a General Plan Amendment, which the City cannot require the developer to do. Staff further explained that having two parks allows greater access for the entire subdivision and described various park programming that might be placed in each park. In addition, there is no objective standard requiring one larger park.

Affordable Housing Locations

The applicant provided a preliminary concept of the locations of the affordable units within the subdivision at the Planning Commission hearing at the request of staff (Attachment 15); however, staff was not able to review the plan before the hearing. At the hearing, staff noted that, should the project be approved, the final location of

² According to the City's Parks, Trails & Recreation Master Plan Update (p. 22), neighborhood parks are parks that typically serve the surrounding neighborhood for multiple uses. Park development may include play areas, small fields, benches, picnic tables, and improved paths but do not include restroom facilities. Geographic range of users is generally up to one-half-mile as the crow flies.



the units would be determined as part of the Affordable Housing Agreement with the City Council. The Planning Commission suggested that the units be further spread throughout the subdivision when it was reviewed by City Council. The conceptual plan provided by the applicant does not distribute the units throughout the development as required by the Affordable Housing Ordinance. A condition on the VTSM (Condition #20) requires compliance with the Affordable Housing Ordinance, including its provisions as to spacing of the affordable units.

Hillside Preservation

The Commission expressed concerns that PD-36 was designed to preserve hillsides and that the proposed project would be constructed in a manner that does not preserve the hillside, which is inconsistent with the General Plan. Staff explained that the General Plan policy focuses on the unnecessary grading of a hillside.

Noise

The Commission discussed the required noise mitigation and questioned the adequacy of the analysis, the varying heights of the wall, and the adequacy of the STC rating. Commissioners expressed concern that in order to meet the standards, windows must remain closed. Staff explained the methodology of the noise analysis, as well as the applicable City noise standards. The Commission noted that these homeowners would be aware of the noise situation when purchasing a home. The CEQA analysis of noise can be found beginning on page 222 of the REIR, which can be accessed by clicking on the following link and scrolling to "Bridle Gate:" <https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents>.

EIR

The Planning Commission expressed concerns regarding the number of potentially significant impacts identified in the EIR. Staff explained that the document they were referring to was the Initial Study prepared to determine areas that required further analysis in the EIR. Each of the environmental areas were analyzed in the EIR and, if necessary, mitigation measures were imposed to reduce the impacts to a less-than-significant level. The EIR did not identify any significant and unavoidable impacts.

The Commission specifically questioned the impacts of abandoned oil wells. Staff explained that the wells have been abandoned to the standards of the State of California and were revisited again prior to the preparation of the EIR and found to be in compliance. Mitigation measures are included to require no structures within a 10-foot radius around the wells as required by the BMC and to require disclosure of the wells to future owners.



Questions were also raised regarding the adequacy of the biological mitigation measures and the loss of habitat. Staff explained that the purpose of the HCP is to cumulatively be able to purchase habitat that would not be fragmented and allow adequate preservation of habitat.

The REIR for the project can be accessed by clicking on the following link and scrolling to "Bridle Gate:" <https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents>.

Landscape and Defensible Space

The Commission raised concerns regarding defensible space around the homes and whether homeowners will be able to obtain insurance if there is not sufficient defensible space around the homes, particularly related to the proposed front yard landscaping. The Commission ultimately wanted to ensure that homes would be able to procure insurance, and therefore wanted to add a condition of approval to require a minimum of five feet of defensible space around the homes. Additionally, the Commission discussed the concern that the proposed trees may cause the sidewalks to buckle over time.

Zoning Standards

The Planning Commission noted that they were concerned with the application of the PD-36 Sub Area C standards and noted that Sub Area D standards are objective and would also be consistent with the General Plan. As noted above under the Zoning discussion, staff explained that the court hearing the lawsuit did not have objection to the imposition of the Sub Area C standards, but did not explicitly address the Sub Area D standards. The PD-36 Zoning standards can be found at the following link: <https://ecode360.com/43621934>.

Planning Commission Action

After deliberation, including the discussion mentioned above, the Planning Commission voted unanimously to deny the proposed project. Because a denial does not require CEQA review, the Planning Commission took no action regarding the EIR. The Planning Commission provided findings for denial which were incorporated into the resolution (Attachment 6).

CITY COUNCIL OPTIONS

Several resolutions are attached which provide the City Council with two options for the proposed Bridle Gate project.



- Option 1: Deny the Project:

Attachment 2 is a draft resolution that would deny the appeal and uphold the Planning Commission’s denial of the project. The draft resolution denies the proposed vesting tentative subdivision map and the design review. The resolution further notes that CEQA is not required for denial and therefore takes no action related to the REIR. The draft resolution includes the list of required findings that must be made for the project. The City Council will need to determine which of these findings cannot be made based upon the evidence and the facts in the record. If the Council opts for Option 1, staff would recommend that the City Council provide direction to staff regarding the evidence to support the findings and staff would then bring a final resolution back to the City Council for adoption.

- Option 2: Approve the Project

Attachments 3 through 5 are draft resolutions that would uphold the appeal, overturn the Planning Commission’s decision and approve the project. Attachment 3 certifies the EIR. Attachment 4 approves the vesting tentative subdivision map, including findings of fact and conditions of approval. Attachment 5 approves the design review, including findings of fact and conditions of approval. These resolutions were originally included in the Planning Commission packet based upon the staff recommendation for approval and have been modified to include recitations related to Planning Commission action and the appeal.

CITY COUNCIL STRATEGIC INITIATIVE

Not applicable.

PREVIOUS ACTION

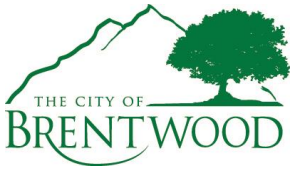
Previous Actions are included as Attachment 1.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press and mailed it to all property owners within 300 feet of the site on August 16, 2024.

ENVIRONMENTAL DETERMINATION

The Bridle Gate Project has been previously proposed and evaluated in past EIRs. A new project-level REIR has been prepared for the currently proposed project. In order to differentiate the current analysis from previous EIRs, although an REIR is not a technical CEQA term, the current analysis has been labeled as such in order to further denote that the Bridle Gate Project has been revised and is now subject to new



analysis. The REIR (SCH# 2022120683) for this project was prepared in accordance with the requirements of CEQA. Several potentially significant impacts are identified; however, mitigation measures are incorporated to reduce those impacts to less-than-significant levels. All mitigation measures not addressed by the standard conditions of approval are included as recommended conditions of approval. The Draft REIR was available for review and comment from May 26, 2023 to July 10, 2023. Several comments were received and addressed in the Final REIR. The Draft REIR and Final REIR may be reviewed by clicking on the link below and scrolling to "Bridle Gate:"

<https://www.brentwoodca.gov/government/community-development/planning/ceqa-documents>

In addition, the City's CEQA consultant, Raney Planning & Management, Inc., prepared a memorandum (Attachment 13), to analyze whether any of the proposed traffic calming options, which are described in detail below, would alter the conclusions of the REIR ("CEQA Traffic Options Memo"). The CEQA Traffic Options Memo concluded that none of the options alter the conclusions of the REIR.

ATTACHMENT(S)

1. Previous Actions
2. Draft City Council Resolution Denying VTSM 9586 and DR 21-010
3. Draft City Council Resolution Certifying the EIR
4. Draft City Council Resolution Approving VTSM 9586
5. Draft City Council Resolution Approving DR 21-010
6. Planning Commission Resolution No. 23-032 (adopted July 16, 2024)
7. Planning Commission Staff Report without attachments (July 16, 2024)
8. Final Revised EIR (see link embedded on page 19 of the staff report)
9. Draft Revised EIR (see link embedded on page 19x of the staff report)
10. VTSM 9586 and Preliminary Grading & Utility Plan
11. Bridle Gate Design Review Booklet
12. Preliminary Landscape Plans
13. Raney Memorandum on Traffic Calming Options (July 9, 2024)
14. City Council Ordinance No. 1014
15. Preliminary Affordable Housing Site Layout