



**CITY COUNCIL AGENDA ITEM NO. F.2**  
**08/08/2023**

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**SUBJECT:** Call for review of the Planning Commission's decision to approve applications for Vesting Tentative Subdivision Map and Design Review for Trumark Trailside

**DEPARTMENT:** Community Development Department

**STAFF:** Alexis Morris, Director of Community Development  
Jennifer Hagen, Senior Planner

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### **TITLE/RECOMMENDATION**

Staff recommends that the City Council adopt resolutions affirming the Planning Commission approvals of Vesting Tentative Subdivision Map No. 9610 and Design Review No. 22-006 for Trumark Trailside, as further conditioned.

The project includes a Vesting Tentative Subdivision Map (VTSM 9610) to create 63 single-family residential lots, one bio-retention basin, one open space lot adjacent to Sand Creek, and other related improvements. The project also includes a design review (DR 22-006) for the homes to be constructed on the 63 lots (including 57 single-family detached homes and six affordable duets). The project is located at 1777 Apricot Way (APNs 019-092-013 and 019-092-034).

Pursuant to the California Environmental Quality Act, Section 15183, the project is consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified. An EIR was prepared and certified by the City Council as part of the Brentwood General Plan (SCH# 2014022058) in 2014. Therefore, no further environmental analysis is required, as the proposed Vesting Tentative Subdivision Map is consistent with the General Plan.

### **FISCAL IMPACT**

The project proponent, Trumark Homes, has paid a total of \$48,600 for applications related to the project. There are no fees associated with a call for review.

### **BACKGROUND**

The item before the City Council is a call for review of the Planning Commission's decision to approve the subject applications.



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Trumark Homes is requesting a vesting tentative subdivision map (VTSM 9610) to create 63 single-family residential lots, one bio-retention basin, one open space lot adjacent to Sand Creek, and other related improvements. The project also includes a design review (DR 22-006) for the homes to be constructed on the 63 lots (including 57 single-family detached homes and six affordable duets). The duet units would have an average lot size of 4,188 square feet and the remaining 57 residential lots would range from 8,000 to 13,674 square feet in size, with the exception of one larger estate lot located along the eastern edge of the site (adjacent to the existing Ranchette Estate-zoned lots) that would be 30,000 square feet in size.

The project includes six affordable units; two reserved for very low-income households, two reserved for low-income households, and two reserved for moderate-income households. The applicant is not proposing to utilize the State Density Bonus law, and is complying with the City's density transition and mid-point policies as outlined in the General Plan.

A detailed analysis of the project is included as part of the June 20, 2023, Planning Commission staff report, which is attached for the City Council's review and reference (see Attachment 6).

**Planning Commission Meeting of June 20, 2023**

On June 20, 2023, the Planning Commission considered Vesting Tentative Subdivision Map No. 9610 and Design Review No. 22-006 for Trumark Trailside. Prior to the meeting, staff received two public comments that were distributed to the Planning Commission for consideration. After presentation of the staff report and comments from the applicant, the Planning Commission opened public comment and took testimony from four members of the public. One speaker expressed concerns with the traffic and access through the existing neighborhood and requested that the project be accessed directly off of Sand Creek Road or Fairview Avenue. The neighbor directly to the east spoke requesting clarification on the fencing, access, and home layout of the properties directly adjoining her property. One speaker requested clarification on mailbox and fence installation throughout the project and lastly, one speaker noted concerns about the project architecture, contending that the design of the homes needed to be revised to meet the Residential Design Guidelines.

After the close of the public hearing, the Planning Commission discussed the circulation and access into the development and asked staff to provide clarification on the traffic and circulation and whether there were any other alternative access routes. Staff confirmed that, as currently designed, the project met all City requirements for access and circulation by providing two access points into the development, and that a Traffic Analysis was completed for the project which indicated that the project was consistent with the impacts analyzed in the General Plan and anticipated for the project site. In addition, staff clarified that providing access directly to Sand Creek Road or Fairview Avenue was not feasible since the parcel did not have direct access or easements to either street.



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The Planning Commission also requested clarifications on the applicability of the City's Residential Design Guidelines to the project and expressed concerns with the design of the proposed homes. It was asked if there was precedent related to approving "single-story profile" homes instead of true single-story homes, in which staff clarified that, at the Planning Commission's discretion, single-story profile homes had been approved in-lieu of true single-story homes for other projects in the past. In addition, questions were raised regarding flat elevations on various proposed plan types, as well as clarification on the roof material. The applicant clarified that although the roofing plans noted concrete tile and the color schemes document reflected composition roofing that they were supportive of either as directed by the Design Review Subcommittee.

After the Planning Commission's deliberation, a motion was made to approve the vesting tentative subdivision map, which passed by a 4-1 vote. The Planning Commission then discussed modifying condition #11 of the Design Review application to require specific changes be made to the architecture of the homes and that the changes be considered by the Design Review Subcommittee. The requested changes included the following:

- a. Enhance the Plan 3 left elevation;
- b. Enhance the rear elevation of the duet units;
- c. Provide clarification on the roof materials for each plan at the discretion of the Design Review Subcommittee; and
- d. Review side elevation transitions on the corners of all plans.

With the modified condition formally added, a motion was made to approve the Design Review application, which passed by a 5-0 vote. These actions started the 10-day appeal period.

On June 29, 2023, Council Member Mendoza filed a timely call for review per Brentwood Municipal Code (BMC) Section 17.880.030. On July 21, 2023, the applicant provided a response to the call for review, which is included as Attachment 1.

Per BMC Section 17.880.030, a call for review is required to be heard before the appellate body within 45 days of being filed, unless both the applicant and appellant consent in writing to a later date. In this case, the call for review is being considered 40 days from when it was received, within the required timeframe.

## **ANALYSIS**

The June 20, 2023, Planning Commission staff report, draft meeting minutes, and public comments received via email before and after the publication of the Planning Commission packet are attached for the City Council's review and reference (see



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Attachments 6, 7, and 8). The attached staff report explains in detail how the project is consistent and complies with the City's General Plan and zoning requirements.

The main concern expressed during the June 20, 2023 meeting was related to the design of the homes and the consistency with the City's Residential Design Guidelines. The current Residential Design Guidelines were adopted by the City in 2006 in an effort to articulate the importance of high-quality design that complements and enhances the existing fabric of the community. The guidelines as currently written specifically state that "These may not apply in all individual cases to all housing types, but provide guidance for those elements that most frequently occur regardless of housing type or density." While the guidelines have helped to articulate the community's vision in the past, since they were adopted to provide "guidance" and not as development standards, they are currently difficult to enforce. In addition, many of the guidelines are subjective and may be argued to contain ambiguous or unclear standards for the review of new development, which has not always resulted in consistent interpretations over time.

Based on the Planning Commission's approval, the applicant would be required to revise the architectural plans to address the four identified areas of concern included in the modified condition #11, and present them to the Design Review Subcommittee, which consists of two appointed Planning Commissioners. The Design Review Subcommittee would then be tasked with approving the applicant's final Design Review modifications. However, since the application was called for review as a "de novo" hearing, the application would not go back to the Design Review Subcommittee if the City Council upholds the Planning Commission approval by adding or amending any conditions.

The applicant has indicated that they are supportive of the Planning Commission's request to make changes in the four identified areas as modified in condition #11 including clarifying the plans to reflect that all roofs will be tile and are now awaiting the City Council call for review before moving forward. Based on this, staff has modified condition #11 from what was approved by the Planning Commission, clarifying that the roof material be tile for all home plans, instead of providing clarification on the roof materials for each plan at the discretion of the Design Review Subcommittee as originally approved.

### **Conclusion**

According to the Municipal Code, a call for review results in a de novo or new hearing. The City Council, sitting as the appellate body, is thus required to make specific findings supporting its decision, be it upholding the lower body's decision, modifying it, or reversing it.

The following outlines the options for the City Council when considering the call for review:



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1. If the call for review results in a project approval, the existing entitlements would be affirmed, as they were approved by the Planning Commission on June 20, 2023, including the staff modification to condition #11(c) and any other appropriate conditions considered by the City Council by adopting the draft resolutions as attached. If the City Council were to add or amend conditions governing the concerns originally envisioned to be addressed by the Design Review Subcommittee, the project would no longer need to pass through that body for review.
2. If the call for review results in a project denial, the City Council would provide findings for the denial and the item would return to the City Council at a subsequent meeting to adopt a resolution formally denying the project.

### **CITY COUNCIL STRATEGIC INITIATIVE**

Not Applicable.

### **PREVIOUS ACTION**

No Previous Action.

### **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 July 28, 2023. Prior to the Planning Commission hearing, staff received two public comments, which have been included in Attachment 8. As of the agenda publication, staff has not received any additional public comments on the application.

### **ENVIRONMENTAL DETERMINATION**

California Environmental Quality Act (CEQA) Guidelines Section 15183 provides that projects that are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was prepared and certified by the City Council in 2014 as part of the Brentwood General Plan (SCH# 2014022058).

As is more fully analyzed in the CEQA document that included as Attachment 9 for reference, as well as the associated appendices that are linked here, the proposed Project is consistent with the development density established by the General Plan EIR because the subdivision will result in new parcels at a density (3.0 units per acre)



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consistent with the mid-range within the R-LD range of 1.1 to 5.0 units per acre. Compliance with these standards has been included in the conditions of approval for the Project. No additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. Therefore, no further environmental analysis beyond the Modified Initial Study is required as the requested entitlements are consistent with the General Plan.

**ATTACHMENT(S)**

1. Applicants Response to Call for Review
2. Draft Resolution - VTSM 9610
3. Draft Resolution - DR 22-006
4. Trumark Project Description
5. Trumark Plans
6. Planning Commission Staff Report w/o attachments
7. June 20, 2023 Planning Commission Draft Minutes
8. Public Comments
9. Trumark CEQA Analysis