

**CITY COUNCIL RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 22-006) FOR 63 HOMES (57 SINGLE-FAMILY DETACHED UNITS AND SIX DUET UNITS) FOR TRUMARK TRAILSIDE, LOCATED AT 1777 APRICOT WAY (APNS 019-092-013 AND 019-092-034).**

**WHEREAS**, Trumark Homes (the "Permittee") has requested that the City approve a design review (DR 22-006) for a subdivision of 20.90 acres into 63 single-family residential lots, one bio-retention basin, one open space lot adjacent to Sand Creek, and other related improvements; and

**WHEREAS**, the Permittee concurrently submitted a request for a vesting tentative subdivision map (VTSM 9610); and

**WHEREAS**, collectively, VTSM 9610 and DR 22-006 as set forth above constitute the "Project;" and

**WHEREAS**, the Project is proposed to be located on a 20.90-acre site located on two parcels at 1777 Apricot Way (APNs 019-092-013 and 019-092-034) (the "Project Site"); and

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

**WHEREAS**, on July 22, 2014, the City Council certified an Environmental Impact Report (EIR) that was prepared and certified as part of the Brentwood General Plan (SCH# 2014022058) in accordance with the California Environmental Quality Act ("CEQA"), codified at Public Resources Code §§ 15000, et seq., and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, et seq. Cumulative impacts associated with full development and buildout at a density consistent with the mid-range within the R-LD range of 1.1 to 5.0 units per acre, including the proposed project site, were fully addressed in the EIR; and

**WHEREAS**, the Project is consistent with the General Plan and General Plan EIR and would not result in any Project-specific significant effects to the environment, and is therefore determined to be exempt per California Environmental Quality Act Section 15183 ('Consistent with Community Plan, General Plan, and Zoning 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 June 9, 2023, in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe for the June 20, 2023 Planning Commission hearing; and

**WHEREAS**, on June 20, 2023, the Planning Commission held a public hearing, reviewed said Project, studied the compatibility of this request with adjacent land uses, and considered this request, as well as considered the staff report, all accompanying information, and testimony received from the Applicant and other interested parties; and

**WHEREAS**, on June 20, 2023, the Planning Commission approved the requested Design Review application (DR22-006), by Planning Commission Resolution No. 23-025; and

**WHEREAS**, on June 29, 2023, City Council member Jovita Mendoza timely filed a Call for Review of the Planning Commission's action approving VTSM 9610 and DR 22-006; 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 28, 2023, in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe; and

**WHEREAS**, the City Council considered the call for review of the Project at its regular meeting of August 8, 2023, and considered the staff report, all accompanying information, and testimony received from the Permittee and other interested parties.

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

- A. Hereby finds that the California Environmental Quality Act (Public Resources Code §§ 21000, et. seq., hereafter "CEQA") requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed tentative parcel map is a project under CEQA. As set forth in the accompanying environmental evaluation, no further analysis is required pursuant to CEQA Guidelines Section 15183 ('Projects Consistent with a Community Plan or Zoning'), which provides that projects that are consistent with the development density and intensity established by existing zoning, community plan, or general plan policies 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."

In accordance with California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, and based on the entirety of the record of proceedings, including the Environmental Checklist for Streamlined Review prepared for this Project, the Project is consistent with the land use designation and densities established by the General Plan, for which an EIR was certified.

In particular, the proposed Project is consistent with the development density established by the General Plan EIR (1.1-5.0 dwelling units per acre; Project proposes 3.0 units per acre) and no additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. The Project would not result in any significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the General Plan EIR; or (3) were previously identified significant effects, which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the General Plan EIR. As a result, the Project is exempt from further environmental review under CEQA. The City Council directs staff to file a Notice of Exemption for this Project with the County Clerk within five working days of the project approval; and

B. With respect to the design review findings pursuant to Brentwood Municipal Code Section 17.820.007:

*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 proposal provides for a varied streetscape, interspersing single-story profile, two-story plans and duet units. Single story profile units are located on corner lots to provide massing and lot proportions consistent with the residential development. The streetscape is varied by the incorporation of three elevations for each of the three detached home plans and two elevations for the duet home plans. While the Residential Design Guidelines requires the provision of two plans with four distinct elevations per plan, the proposed project is providing a total of 12 varied elevations, ensuring significant architectural variation within the streetscape and, thereby, meeting the intent of the guidelines. In addition, with 9 color schemes, the project will provide significant color scheme variation that creates 36 possible combinations. The project includes a single story profile plan, which is 25.4% of the total units thereby exceeding the minimum 25% requirement for single story homes within the subdivision. The project also includes a story home plan with a side loaded garage to help break up the street scene. Approximately 25.4% of the units have side-loaded garages thereby exceeding the minimum 10% requirement for side-loaded garages. The project provides a variety in unit plans and elevations consistent with the Design Review Guidelines.

*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.*

The proposed architecture is uniquely designed, allowing for increased variation of building design and massing throughout the subdivision. There are three home plans for the detached homes and one home plan for the duet units. Each of the floor plans offer a unique configuration of massing, intended to create differentiation and variety on the streetscape, and provide buyers with distinct choices in lifestyle and use of space. There are three distinctive elevation styles for each of the detached home plans and the duet units, which include Farmhouse, Craftsman, and Prairie. The exterior materials, massing, roof shape and pitches, trim shapes, colors and materials create a strong neighborhood identity and provides for architectural variation throughout the subdivision. For each plan there are nine color schemes that represent the particular style, for a total of 36 color combination schemes. The proposed design provides architectural elements and building forms that reflect attention to detail and general compliance with the City's Design Guidelines.

- 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.*

With the exception of the affordable units, which are proposed to be duets, no two identical floor plans are repeated side-by-side facing the same street. The façade massing is broken up with varying elevations styles, rooflines, color schemes, and finished materials. Architectural integrity is maintained in that the architectural style of each elevation type remains consistent with the traditional examples on which the style is based, and the elements evident on the front façade are carried around to the less-prominent side and rear elevations. Articulated front façades and the use of rooflines to differentiate the first and second stories help to reduce building massing. Front elevations use porches and finish materials to emphasize points of entry.

Other features identified in the design guidelines are carried through onto the proposed plans; including maintenance of architectural integrity with window-wrapping treatment carried around to the side and rear elevations; inclusion of various roof heights and forms; the visual emphasis of front doors from the street, and the avoidance of exposed and unarticulated second-floor walls. Roof forms and pitch angles vary slightly, but are generally consistent throughout each architectural elevation style.

Taken together, these elements reflect attention to detail and general compliance with the City's design guidelines.

- 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 within the General Plan Residential Low Density (R-LD) land use designation which provides for 1.1-5.0 dwelling units per acre with a mid-range of 3.0 units per gross acre. According to the General Plan, density calculations are to be made based on a project's gross acreage. This project would result in an overall density of 3.0 dwelling units per acre, complying with the General Plan policy.

- 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 private front yards and in common areas maintained for open space or treatment of stormwater. Two full-size parking spaces are provided within the garage of each home plan, thus meeting the parking requirements pertaining to single-family developments.

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

The siting and internal arrangement of all structures and circulation, parking, lighting, access, landscape, hardscape, and utility facilities on the site are conducive to an orderly, attractive, efficient, and harmonious development inasmuch as the homes are plotted to meet the allowed setbacks and are designed to provide an attractive and interesting street scene. The home plans are designed to reduce massing and introduce development on a scale that is appropriate to surrounding uses. Access to the neighborhood is provided through public streets and required parking is provided on each residential lot within a two-car or three-car garage. Additionally, as designed, the Project will not have an adverse environmental effect on adjacent developments, existing or potential, by reason of conflicts in land use in that the proposed development adheres to mid-point density.

- 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.*

Access to the site would be via the existing streets, Strathaven Place and Montclair Place, which have been stubbed to the northern edge of the site by previous developments. The streets will continue approximately 56 feet in width, with sidewalks connecting to the existing sidewalk and will be looped and provide access to the open-space buffer for pedestrian access and views. Pedestrian access and sidewalks are proposed along the interior streets within the project site. Full right-of way improvements would be constructed within the street, including utilities, curb gutter, and a separated sidewalk with a landscape strip. The subdivision would be oriented in a grid like pattern similar to most single-family subdivisions, thus creating a fabric of viable and interrelated neighborhoods (Policy LU1-5, LU1-4, Policy CIR 1-2).

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

The project is consistent with the General Plan Planned Development land use designation and conforms to the applicable Planned Development 35 (PD-35), Subarea K, development standards, including:

	<b>PD-35 Subarea K</b>	<b>Proposed</b>
<b>Minimum Lot Size</b>	8,000 square feet	8,000 square feet
<b>Minimum Lot Width</b>	70 feet <sup>1</sup>	70 feet <sup>1</sup>
<b>Minimum Front Yard Setback</b>	20 feet <sup>2</sup>	20 feet <sup>2</sup>
<b>Minimum Side Yard Setback</b>	7 feet (with an aggregate of 20 feet)	7 feet (with an aggregate of 20 feet)
<b>Minimum Street Side Setback</b>	10 feet	10 feet
<b>Minimum Rear Yard</b>	20 feet (patios can be at 13 feet)	20 feet (patios can be 13 feet)
<b>Minimum Off-Street Parking Spaces In a Garage</b>	2	2
<b>Maximum Building Height</b>	30 feet and two stories	29 feet 11 inches
<b>Minimum percentage of required single-story homes or designed in such a manner as to resemble a one-story profile</b>	25%	25.4%

<b>Minimum percentage of required side-loading garages</b>	10%	25.4%
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- C. Hereby approves Design Review No. 22-006, 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 Planning Commission shall have jurisdiction to hear any modifications to Design Review No. 22-006.
- E. 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this design review application shall terminate on August 8, 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.

**ADOPTED** by the City Council of the City of Brentwood at its regular meeting of August 8, 2023 by the following vote:

AYES:  
NOES:  
ABSENT:  
RECUSE:

APPROVED:

\_\_\_\_\_  
Joel R. Bryant  
Mayor

ATTEST:

\_\_\_\_\_  
Margaret Wimberly, MMC  
City Clerk

**EXHIBIT "A" TO  
CITY COUNCIL RESOLUTION NO.  
DR 22-006 – DESIGN REVIEW APPROVAL FOR TRUMARK TRAILSIDE  
CONDITIONS OF APPROVAL**

1. The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in the Permit. Design Review No. 22-006 (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. Permittee shall comply with all applicable City of Brentwood Standard Conditions of Approval for Residential Design Review, dated May 2005, hereby incorporated by reference, unless otherwise modified by these conditions.
3. 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 adoption of VTSM 9610, and DR 22-006, 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. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to VTSM 9610, and the remainder of this obligation shall be unaffected by said Government Code section.
4. The residential units shall be constructed in substantial conformance with the Design Booklet prepared by SDG Architects, dated "Received March 8, 2023," unless otherwise modified by these conditions.
5. The residential units shall be constructed in substantial conformance with the Master Plotting Plan prepared by SDG Architects, dated "Received March 8, 2023," unless otherwise modified by these conditions.
6. The community building shall be constructed in substantial conformance with the plans prepared by SDG Architects, dated "Received March 8, 2023," unless otherwise modified by these conditions.



7. The residential units shall be constructed in substantial conformance with the Colors and Materials booklet prepared by SDG Architects, dated "Received March 8, 2023," unless otherwise modified by these conditions.
8. The buildings and related improvements for this project shall be constructed in substantial conformance with the plans prepared by CBG Civil Engineers, dated "Received March 8, 2023," unless otherwise modified by these conditions.
9. 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.
10. The Permittee shall provide staff with an updated master plotting plan upon any changes related to setbacks, home plans, and elevation combinations. The changes shall be reviewed and approval shall be to the satisfaction of the Community Director or their assignee.
11. Any alteration of the building designs, building colors, or materials from the approved plans and materials board shall be submitted for the review of the Community Development Director prior to building permit issuance and, if judged to be substantial, may be referred to the Design Review Subcommittee for approval. Specific changes to be brought back and approved by the Design Review Subcommittee include the following:
  - a) Enhance the Plan 3 left elevation.
  - b) Enhance the rear elevation of the duet units.
  - c) All proposed roof materials shall be tile for each plan.
  - d) Review side elevation transitions on the corners of all plans.
12. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
13. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, fencing, and bio retentions areas 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.
14. Residential wood fences shall meet the minimum requirement of the City's Enhanced Residential Good Neighbor Fence detail (ST-22).
15. The Permittee shall be responsible for the construction of all good neighbor fences between the properties, bio-retention fencing, and all perimeter walls.
16. Prior to building permit submittal, plans for all external lighting fixtures shall be submitted in conjunction with the photometric plan for the review and approval of the Community Development Director. All fixtures must be of a cut-off or full cut-off classification and cut-sheets allowing verification of the design must be submitted to the Planning Department.

17. The Permittee shall comply with all conditions of approval for Subdivision Map No. 9610, and Design Review No. 22-006.