



OCTOBER 15, 2024
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, 150 CITY PARK WAY

IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION

Planning Commission Members will be participating from the Council Chamber. Members of the public are invited to attend and participate at: the **Council Chambers, 150 City Park Way, Brentwood CA**

As a courtesy and technology permitting, members of the public may provide remote public comment during public hearings and on business items via the City's Zoom Platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue. In addition, the Zoom participation option is provided to the public as a courtesy in order to facilitate participation. If Zoom participation is not enabled, the meeting will continue with public attendance in person only. Members of the public desiring to provide comments as a part of the meeting are encouraged to either submit written comments by 3:00 p.m. prior to the meeting or to attend the meeting in person.

HOW PARTICIPATE

The public is invited to participate in the Planning Commission meeting using any of the following methods:

1. IN PERSON:

a. Members of the public can provide in-person comments in the Council Chambers. Members of the public are encouraged, but not required, to fill out a speaker card. The Council Chambers and teleconference location will have seating available for members of the public to attend in person up to full seating capacity.

2. REMOTE (if enabled): Remarks by members of the public participating via Zoom are limited to speaking on items listed under public hearings; business items; and requests for future agendas items, existing requests.

- a. <https://www.brentwoodca.gov/planningmeetingonline> or **Zoom Webinar ID:** 87350296630
- b. **Zoom Phone Numbers.** Dial Toll Free: (833) 548-0276 or (833) 548-0282 or (877) 853-5247.
- c. During the meeting, each period for public comment will be announced, and participants may use the "Raise Hand" feature on Zoom to request to speak. ***(If you need instructions on how to use this feature, please contact the Planning Administrative Secretary by noon of the meeting date at planning@brentwoodca.gov or 925.516.5433.)***

3. E-MAIL

- a. Public comments can also be submitted via e-mail to planning@brentwoodca.gov. Any public comments received up until 3:00 p.m. of the meeting date will be:
1. distributed to the Planning Commission via email before the meeting,
 2. posted online for public inspection at www.brentwoodca.gov/meetings and
 3. later summarized in the meeting minutes.
- b. As e-mails containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your e-mail.

4. TO WATCH OR LISTEN ONLY:

- a. The public may view the meeting via one-way video feed by selecting the video option at the City Council Agendas' link on the City webpage at www.brentwoodca.gov or via the City's YouTube Channel: <https://www.youtube.com/c/cityofbrentwoodca>



PLANNING COMMISSION AGENDA
Zoom Webinar ID: 87350296630

October 15, 2024, 7:00 p.m.
City Council Chambers
150 City Park Way
Brentwood, CA 94513

Planning Commission [Zoom Link](#)

A. CALL TO ORDER & ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

The public is permitted to address the Planning Commission on items that are on the Consent Calendar, Requests for Future Agenda Items, or items **not** on the agenda. Public comments for scheduled agenda items should wait until that time. To accommodate those speaking in person and via Zoom, we will call upon those in-person first, and then to Zoom. If necessary, we will repeat that process.

In Person: Please file a speaker's card with the Administrative Secretary on the form provided on the counter at the back of the Chambers.

Zoom: Please use the Raise Your Hand feature in Zoom during this item to speak under Public Comments.

Persons are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Chairperson subject to approval of the Planning Commission. Speakers desiring answers to questions should direct them to the Planning Commission and, if relevant, they may direct them to the appropriate staff member. Speakers can also follow up directly with staff during regular City business hours.

PLEASE NOTE THAT THE COMMISSION'S ACTIONS ARE FINAL UNLESS AN APPEAL IS FILED WITH THE CITY CLERK WITHIN TEN CALENDAR DAYS.

D. CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately

D.1 Regular Planning Commission Minutes - September 17, 2024

E. BUSINESS ITEMS

E.1 Time extension for the Lazy Dog restaurant Design Review approval.

Title/Recommendation

A time extension application (TE24-001) requesting a one-year extension for the approved Design Review (DR22-011-A1) to construct a new sit-down restaurant known as Lazy Dog, with related site improvements, located on the south side of Sand Creek Road and the east side of State Route 4 (APN 019-110-074 and a portion of CCWD owned parcel APN 019-110-023).

Staff recommends that the Planning Commission adopt Resolution No. 24-043, approving the requested time extension (TE24-001), thus extending the expiration date of DR22-011

to September 26, 2025.

On December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The approved design review application and development FAR fall below the maximum capacity that was contemplated, and therefore no further environmental review is required.

E.2 Applications for Design Review approval for two new single-family homes

Title/Recommendation

An application for Design Review (DR24-008) approval for a new 2,353 square-foot two-story home with a 430-square-foot garage and a 480-square-foot attached accessory dwelling unit (ADU) located at 171 Kayla Place (APN 016-010-006), and an application for Design Review (DR24-009) approval for a new 1,977 square-foot two-story home with a 445-square-foot garage and a 359-square-foot attached ADU located at 175 Kayla Place (APN 016-010-005).

Staff recommends that the Planning Commission adopt Resolution No. 24-038 approving DR24-008 and Resolution No. 24-039 approving DR24-009.

The proposed projects qualify as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as they are characterized as in-fill development. If the Planning Commission votes to deny the application, it would negate the need for any review under the California Environmental Quality Act (CEQA), as CEQA does not apply to projects in which a public agency rejects or disapproves per 14 CCR Section 15270(a).

F. PUBLIC HEARINGS

Persons addressing the Planning Commission are asked to file a speaker card or raise their hands using the Zoom feature. The Commission may adopt reasonable regulations at the onset of the public hearing to facilitate public testimony. These regulations may include time limits. In the absence of such regulations, the public hearing shall follow the protocol for Public Comments.

F.1 Conditional Use Permit for C'est La Vie Wine and Tea located at 6800 Lone Tree Way

Title/Recommendation

An application for a Conditional Use Permit (CUP 24-006) to establish a 3,750 square foot restaurant/cafe known as C'est La Vie Wine and Tea that would serve beer and wine, host live entertainment, and occupy more than 15% of the existing building "E" located within the Lone Tree Crossings at 6800 Lone Tree Way (APN 019-010-054).

Staff recommends that the Planning Commission adopt Resolution No. 24-042, approving Conditional Use Permit No. 24-006, subject to certain findings and conditions.

The proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), as the use will be established within an existing building located within an existing commercial center and will include only minor interior alterations (i.e., tenant improvements) and thus involves negligible or no expansion of existing or former uses.

The project further qualifies for a Class 32 categorical exemption under CEQA Guidelines Section 15332 (In-Fill Development Projects) as the proposed project is consistent with the applicable General Plan designation, as well as with applicable zoning designation and regulations, are proposed on a project site less than 5 acres in size, have no value as habitat for endangered species, would not result in significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all utilities and public services.

F.2 Focused Zoning Code update related to regulations for automobile service stations/gas stations, carwashes, and short-term rentals

Title/Recommendation

Adopt Resolution No. 24-041 recommending that the City Council adopt an Ordinance to amend the Brentwood Municipal Code to prohibit new automobile service stations/gas stations and carwashes and replace with Alternative Fuel Stations and Electric Vehicle Charging Stations in all zones throughout the city; add new land use classifications in Section 17.030.030 (Definitions) for Alternative Fuel Station and Electric Vehicle Charging Station; and update Chapter 17.796 (Short-Term Rentals) to more clearly define short-term rentals.

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinance would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

G. INFORMATIONAL REPORTS FROM COMMITTEES AND UPCOMING MEETING SCHEDULE

This portion of the agenda is to provide an opportunity for Planning Commissioners to report on attendance at events and subcommittee meetings.

TRANSPLAN Committee (Brand)	2nd Thursday of every month
Design Review Subcommittee (Flohr/Johnson) month	2nd and 4th Thursday of every month
Land Use and Development Committee (Roberts)	3rd Monday of every month
Brentwood Municipal Code Review Committee (Brand) 2nd Wednesday in January and July	

H. REQUEST FOR FUTURE AGENDA ITEMS

H.1 NEW REQUEST(S)

Planning Commissioners wishing to have an agenda item placed on a future agenda shall make a request under this section of the agenda. These items will be included on the agenda for a future Planning Commission meeting.

I. ADJOURNMENT

The next regular Planning Commission meeting is scheduled for November 5, 2024, at 7:00 PM and will be at the City of Brentwood Council Chambers located at 150 City Park Way.

Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the City Council less than 72 hours before this meeting is available for inspection at City Hall, located at 150 City Park Way, during normal business hours. These writings will also be available for review at the City Council meeting in the public access binder in the entrance of the City Council Chambers.

Public comments received after 3:00 p.m. of the meeting date, but prior to the start of the meeting, will be emailed to the Planning Commission and posted on the City's agenda webpage within one day following the meeting, and will be summarized in the meeting minutes.

The Closed Captioning provided via Zoom is auto generated. It is not the official record and is provided as a convenience.

If you challenge the any of the matters listed under 'Public Hearings' in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Brentwood Planning Commission at, or prior to, the public hearing

NOTICE

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the City Hall parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

POSTING STATEMENT

On October 10, 2024, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website www.brentwoodca.gov

A complete packet of information is available for public review at City Hall or on our website at www.brentwoodca.gov



PLANNING COMMISSION MINUTES

Date: September 17, 2024, 7:00 p.m.
Location: City Council Chambers
150 City Park Way
Brentwood, CA 94513

A. CALL TO ORDER & ROLL CALL

Chairperson Roberts called the meeting to order at 7:00 PM and found the following members present: Brand, Flohr, Johnson, Roberts and Sparling.

B. PLEDGE OF ALLEGIANCE

Chairperson Roberts led the pledge of allegiance.

C. PUBLIC COMMENTS

There were none.

The Commission received 0 public comments that were sent via email or otherwise for the Commission's consideration. Copies of these comments would be made available on the City's website on the 'Meeting Information' page, if there were any.

D. CONSENT CALENDAR

D.1 Regular Planning Commission Minutes - September 3, 2024

Moved by: Rod Flohr, Commissioner

Seconded by: Kristopher Brand, Commissioner

Ayes (5): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, Anita Roberts, Chairperson, David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (5 to 0)

E. BUSINESS ITEMS

E.1 Applications for Design Review approval for two new single-family homes, including one exception from the Interim Objective Design Standards.

Senior Planner, Jennifer Hagen, presented the staff report for this item.

Commissioner Flohr asked questions of staff.

Chairperson Roberts opened the public comment.

Applicant, Henry Ortiz, spoke regarding the project.

Danny Bruce Dohrmann spoke regarding the project.

Janna spoke regarding the project.

The Commission received 0 public comments regarding this item that were sent via email or otherwise for the Commission's consideration after the packet was published.

The Commissioners asked questions of the applicant.

Chairperson Roberts closed public comment.

The Commissioners discussed the project.

Moved by: Rod Flohr, Commissioner

Seconded by: Kristopher Brand, Commissioner

Deny Resolution No. 24-038 approving a Design Review (DR24-008) application for a new 2,388 square-foot two-story home with a 430-square-foot garage and a 403-square-foot attached accessory dwelling unit (ADU) located at 171 Kayla Place (APN 016-010-006), based on noncompliance with the City's Interim Objective Design Standards, and direct staff to bring back a resolution with findings for denial at a future meeting.

Ayes (3): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, and Anita Roberts, Chairperson

Noes (2): David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (3 to 2)

Moved by: Rod Flohr, Commissioner

Seconded by: Kristopher Brand, Commissioner

Deny Resolution No. 24-039 approving a Design Review (DR24-009) application for a new 1,997 square-foot two-story home with a 445-square-foot garage and a 359-square-foot attached ADU located at 175 Kayla Place (APN 016-010-005), based on noncompliance with the City's Interim Objective Design Standards, and direct staff to bring back a resolution with findings for denial at a future meeting.

Ayes (3): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, and Anita Roberts, Chairperson

Noes (2): David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (3 to 2)

F. PUBLIC HEARINGS

F.1 An amendment to the Brentwood Municipal Code to update Section 17.800.009(A)(2) to increase the notification radius for public hearing items from 300 feet to 1,000 feet.

Senior Planner, Jennifer Hagen, presented the staff report for this item.

Commissioner Brand had questions for staff.

Chairperson Roberts opened the public hearing.

Danny Dohrmann spoke regarding the item.

The Commission received 0 public comments regarding this item that were sent via email or otherwise for the Commission's consideration after the packet was published.

The Commissioners discussed the project.

Close public hearing

Moved by: Rod Flohr, Commissioner

Seconded by: Kristopher Brand, Commissioner

Ayes (5): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, Anita Roberts, Chairperson, David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (5 to 0)

Moved by: David Sparling, Vice Chairperson

Seconded by: Gerald Johnson, Commissioner

Adopt Resolution No. 24-040 recommending that the City Council adopt an Ordinance to amend Section 17.800.009(A)(2) of the Brentwood Municipal Code to increase the notification radius for public hearing items from 300 feet to 1,000 feet.

Ayes (5): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, Anita Roberts, Chairperson, David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (5 to 0)

G. INFORMATIONAL REPORTS FROM COMMITTEES AND UPCOMING MEETING SCHEDULE

TRANSPLAN Committee (Brand) every month	2nd Thursday of
Design Review Subcommittee (Flohr/Johnson) Thursday of every month	2nd and 4th
Land Use and Development Committee (Roberts) every month	3rd Monday of
Brentwood Municipal Code Review Committee (Brand) January and July	2nd Wednesday in

H. REQUEST FOR FUTURE AGENDA ITEMS

H.1 NEW REQUEST(S)

Vice Chairperson Sparling requested a future agenda item to discuss the status of the Zoning Ordinance Update. Planning Manager Nolthenius indicated that an informational e-mail will be sent to the Commission, and that if additional discussion was still needed after the Commission reviewed it, the request would be placed on a future agenda.

Vice Chairperson Sparling requested a future agenda item to discuss the possibility of updating the City's Affordable Housing Ordinance to reflect accommodations for individuals with specific types of employment (i.e., teachers, firefighters, and law enforcement personnel). Planning Manager Nolthenius indicated that an informational e-mail will be sent to the Commission, and that if additional discussion was still needed after the Commission reviewed it, the request would be placed on a future agenda.

I. ADJOURNMENT

Meeting adjourned at 8:24 PM

Moved by: Rod Flohr, Commissioner

Seconded by: David Sparling, Vice Chairperson

Ayes (5): Kristopher Brand, Commissioner, Rod Flohr, Commissioner, Anita Roberts, Chairperson, David Sparling, Vice Chairperson, and Gerald Johnson, Commissioner

Motion Approved (5 to 0)



SUBJECT: Time extension for the Lazy Dog restaurant Design Review approval.

DEPARTMENT: Community Development Department

STAFF: Erik Nolthenius, Planning Manager
Miguel Contreras, Associate Planner

TITLE/RECOMMENDATION

A time extension application (TE24-001) requesting a one-year extension for the approved Design Review (DR22-011-A1) to construct a new sit-down restaurant known as Lazy Dog, with related site improvements, located on the south side of Sand Creek Road and the east side of State Route 4 (APN 019-110-074 and a portion of CCWD owned parcel APN 019-110-023).

Staff recommends that the Planning Commission adopt Resolution No. 24-043, approving the requested time extension (TE24-001), thus extending the expiration date of DR22-011 to September 26, 2025.

On December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The approved design review application and development FAR fall below the maximum capacity that was contemplated, and therefore no further environmental review is required.

OWNER/APPLICANT

The State Route 4 Bypass Authority is the property owner and Robert A. Karn & Associates, Inc. is the project applicant.

GENERAL PLAN

The project site has a General Plan land use designation of Regional Commercial.

ZONING/SURROUNDING LAND USES



PLANNING COMMISSION AGENDA ITEM NO. E.1 10/15/2024

The proposed site is within the Planned Development No. 6 (PD-6) zoning district; specifically Planning Area 3, which allows for Regional Commercial uses.

PREVIOUS ACTION(S)

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are attached.

BACKGROUND

On September 26, 2023, following a call for review, the City Council approved a tentative parcel map (MS354-22) to split a 5.3-acre parcel and a design review (DR22-011) for the construction of a new 9,089 square foot Lazy Dog restaurant, with a 1,508 square foot outdoor seating area, a 764 square foot waiting area, the continuation of a public trail, and related site improvements on the northern 2.78 acres and a portion of an abutting Contra Costa Water District-owned parcel. The remaining 2.52 acres are being reserved for future development.

The call for review was a review of the Planning Commission's August 15, 2023, approval of this project. The City Council reviewed and ultimately approved the project with modifications to the Planning Commission's conditions of approval.

PROJECT DESCRIPTION AND ANALYSIS

A full analysis of the project is provided as attachments (8/15/23 Planning Commission Staff Report and 9/26/23 City Council Staff Report). As mentioned in the attached staff reports, Lazy Dog proposes to develop on the northern portion of the parcel, and the southern portion is reserved for future development. In the time extension request, the applicant has indicated that:

"Construction of the project has not commenced due to our hotel tenant pulling out of the project. Lazy Dog requires the hotel to be on a similar construction schedules as to avoid operation conflicts. We have now found another hotel operator and will soon be making planning submittals, putting both projects on schedule to commence construction mid-2025."

On January 3, 2024, the applicant submitted DR24-001 which proposed an extended stay, Woodsprings Suites, hotel on the southern portion of the property. On May 6, 2024, the operator of the hotel submitted a request to formally withdraw the application.



**PLANNING COMMISSION AGENDA ITEM NO. E.1
10/15/2024**

The applicant has indicated that Lazy Dog does not want to commence construction until construction of a hotel on the southern parcel also commences. This is so the construction activities of the future hotel do not conflict with Lazy Dog's operation.

As of the writing of this staff report a formal application for another hotel has not been submitted to the City.

The applicant is currently asking for a one-year extension of the Design Review approval as allowed by Brentwood Municipal Code section 17.820.011. If the extension is granted, the new expiration date would be September 26, 2025. This extension would align up with the Tentative Parcel Map's expiration date. No other modifications or changes are proposed.

DATE OF NOTICE

No notice is required for design review time extensions.

ENVIRONMENTAL DETERMINATION

As noted above, on December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The proposed parcel map and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required.

ATTACHMENT(S)

1. Previous Actions
2. Draft Resolution No. 24-043
3. City Council Staff Report
4. City Council Resolution No. 2023-121
5. Planning Commission Staff Report
6. Time extension request

PREVIOUS ACTIONS

Previous actions related to this agenda item are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
 - Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.
- On July 22, 2014, the City Council adopted the General Plan Update, part of which included a change to the Land Use Map designation for the project site to Regional Commercial.
 - On October 14, 2014, the City Council directed staff to initiate a City-sponsored rezone and environmental review for the PD-6 Zone to establish development standards for a 5.3-acre site owned by the State Route 4 Bypass Authority.
 - On December 12, 2017, the City Council adopted Resolution No. 2017-163, adopting a Mitigated Negative Declaration in order to rezone the subject 5.3-acre site.
 - On January 9, 2018, the City Council adopted Ordinance No. 996 approving a rezone (RZ 16-007) to amend the PD-6 map to include the subject site within the existing Planning Area 3 and to apply the established development standards to the 5.3-acre site.
 - On August 15, 2023, the Planning Commission adopted Resolution No. 23-013 approving a tentative parcel map (MS354-22) to subdivide the 5.3-acre parcel into two parcels, with the northernmost being 2.78 acres and the southernmost being 2.52 acres.
 - On August 15, 2023, the Planning Commission adopted Resolution No. 23-014 approving a design review (DR22-011), approving a 9,089 square foot Lazy Dog restaurant, with a 1,508 square foot outdoor seating area, a 764 square foot waiting area, the continuation of a public trail, and related site improvements.
 - On August, 17, 2023, Council Member Mendoza filed a call for review of the Planning Commission's decision to approve MS354-22 and DR22-011.
 - On September 26, 2023, the City Council adopted Resolutions No. 2023-220/221, approving the request to subdivide the subject site and approval of the proposed Lazy Dog restaurant.

PLANNING COMMISSION RESOLUTION NO. 24-043

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A ONE-YEAR TIME EXTENSION TE24-001 FOR DESIGN REVIEW NO. 22-011 FOR A NEW LAZY DOG RESTAURANT AND RELATED SITE IMPROVEMENTS, INCLUDING AN EXTENSION TO A PUBLIC TRAIL, LOCATED ON THE SOUTH EAST CORNER OF SAND CREEK RD. AND THE HIGHWAY 4 NORTH-BOUND OFF RAMP (APN 019-110-074) AND ON A PORTION OF CONTRA COSTA WATER DISTRICT (CCWD) OWNED PARCEL (APN 019-110-023).

WHEREAS, the City Council originally approved Design Review No. 22-011 by Resolution No. 2023-121 at its regular meeting of September 26, 2023, to allow the construction of a new approximately 9,089 square foot restaurant, 1,508 square foot outdoor patio, a 764 square foot waiting area, a portion of a public trail, and associated site improvements on a 2.78-acre parcel located on the south east corner of Sand Creek Rd. and the Highway 4 north-bound off ramp (APN 019-110-074) and on a portion of CCWD owned parcel (APN 019-110-023); and

WHEREAS, the original approval DR22-011 includes an expiration date of September 26, 2024, and

WHEREAS, on September 19, 2024, Tony Perfetto (the "Permittee") filed an application requesting approval of a one-year time extension for DR22-011; and

WHEREAS, pursuant to Municipal Code section 17.820.011, the Planning Commission may approve an extension of DR22-011 and City Council Resolution No. 2023-121 explicitly defers to the Planning Commission the authority to consider and approve a timely request for an extension of time; and

WHEREAS, the applicant's request for an extension of DR22-011 is referred to herein as the "Project;" and

WHEREAS, in 2017 the City adopted a Mitigated Negative Declaration and corresponding mitigation measures, attached hereto as Exhibit "B," which analyzed development of the project area, including 103,890 square feet of commercial space and 520 parking spaces based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR); and

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

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

- A. Hereby finds that the City previously adopted a mitigated negative declaration for the project and that the requested extension of time for DR 22-011 involves no changes in the Project which would trigger the need for further environmental review pursuant to CEQA Guidelines section 15162.
- B. Hereby finds that the applicant submitted its request for an extension of Design Review No. 22-011 (TE24-001) on September 19, 2024, prior to the expiration of said approval, which would expire on September 26, 2024, as required by Brentwood Municipal Code Section 17.820.011, and approves a one-year time extension for Design Review No. 22-011 (TE24-011), as previously conditioned.
- C. Hereby determines that Design Review No. 22-011, as extended by this resolution, shall terminate on September 26, 2025, unless actual construction or alteration under valid permits begins within said period or a written request is submitted to the City for an extension of time as allowed under the Zoning Ordinance.
- D. Hereby finds that (i) the terms of City Concil Resolution No. 2023-121 remain in full force and effect, except as extended herein, and (ii) the findings set forth in said Resolution likewise remain true and correct and are incorporated herein as if restated in full.

This permit shall terminate on September 26, 2025, unless actual construction begins prior to that date. However, such date may be extended by the Planning Commission upon application filed at any time before said expiration date.

The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of October 15, 2024, by the following vote:

AYES:
 NOES:
 ABESENT:
 RECUSE:

APPROVED

Anita Roberts
 Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager



CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023

SUBJECT: Call for review of a tentative parcel map and design review for Lazy Dog restaurant, approved by the Planning Commission on August 15, 2023

DEPARTMENT: Community Development

STAFF: Alexis Morris, Director of Community Development
Miguel Contreras, Associate Planner

TITLE/RECOMMENDATION

Staff recommends that the City Council adopt a resolution affirming the Planning Commission approval of a tentative parcel map to subdivide a 5.29-acre parcel (MS 354-22) and a design review (DR 22-011) for a new sit-down restaurant known as Lazy Dog, with related site improvements, located on the south side of Sand Creek Road and the east side of State Route 4 (APN 019-110-074 and a portion of CCWD owned parcel APN 019-110-023), as conditioned by the Planning Commission.

On December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The proposed parcel map and development FAR falls below the maximum capacity that was contemplated, and therefore no further environmental review would be required.

FISCAL IMPACT

The project proponent, RAK Engineering, has paid a total of \$22,860.94 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.



**CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023**

Robert A. Karn & Associates, Inc., is requesting approval of a tentative parcel map (MS 354-22) to subdivide a 5.29-acre parcel into two parcels and a design review (DR 22-011) for the construction of a new 9,089 square foot Lazy Dog restaurant, with a 1,508 square foot outdoor seating area, a 764 square foot waiting area, the continuation of a public trail, and related site improvements on the northern 2.78 acres of the project site and a portion of an abutting Contra Costa Water District-owned parcel. The remaining 2.52 acres to the south are being reserved for future development. The proposed project site is located immediately south of Sand Creek Road, west of the Sand Creek Crossing commercial center, east of State Route 4, and north of San Jose Avenue.

A detailed analysis of the project is included as part of the August 15, 2023, Planning Commission staff report, which is attached for the City Council's review and reference.

PLANNING COMMISSION MEETING OF AUGUST 15, 2023

On August 15, 2023, the Planning Commission held a public hearing to consider the referenced application. At least 10 days prior to the public hearing, the project applicant erected a sign advertising the upcoming public hearing. In addition, staff published a notice of public hearing for the project in the Brentwood Press and mailed it to all property owners within 300 feet of the site, as required by law. The City received one public comment regarding this item prior to the Planning Commission hearing that was received via email.

The public comment was submitted by the Contra Costa Water District (CCWD). In its letter, CCWD identified five items, including two that the Planning Commission incorporated into conditions of approval (numbers 19 and 23(a) of Planning Commission Resolution No. 23-014). These conditions require the applicant and the City to enter into an agreement with CCWD. Through this agreement, the City would obtain the surface right for the trail and the City would then maintain the trail with the Lighting and Landscaping Assessment District (LLAD) funding source. Additionally, through this agreement, the applicant would acquire the surface rights for the portions of CCWD's parcel that will be used for Lazy Dog's landscaping and parking. The applicant would maintain these areas and grant CCWD surface access to conduct repairs and maintenance of the Los Vaqueros Pipeline (LVP).

After the presentation of the staff report, the Commission opened the hearing and heard a presentation and testimony from the applicant. During this presentation, the applicant indicated that it would not accept conditions of approval numbers 8, 11,



**CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023**

12, and 13 as drafted in Resolution No. 23-014. Conditions 8, 11, and 13 require that all rooftop equipment be screened from view by raising the parapet height to be at least six inches above the mechanical equipment and that the applicant raise the entrance tower to keep the proportionality between the parapet wall and the tower element. Condition 12 requires that all stone pilasters have a minimum of eighteen inches of depth instead of the ten and a half inches shown on the proposed project plans.

The applicant presented line-of-sight diagrams depicting that a person of average height would not be able to see the rooftop equipment within four hundred feet from the restaurant. Based on these diagrams, the applicant declared that the project would comply with the City's Design Guidelines, in that the rooftop equipment would be hidden from view and therefore the above-mentioned conditions would not be necessary. The applicant further said that raising the parapet walls, accent wall, and the tower element would exponentially increase the cost to build the project.

The applicant also stated that an increase in depth to the pilasters would necessitate adding a "brow" to the building, which would give the building a top-heavy appearance. Therefore, in order to maintain architectural continuity, the applicant requested that the Commission remove condition of approval number 12 from Resolution No. 23-014. The Commission opened public comment after the applicant's presentation and testimony, and none was provided.

After closing public comment, the Planning Commission asked questions regarding the tower element, rooftop equipment, windows, and traffic circulation. Initially, the Planning Commission questioned why the proposed restaurant design included a shorter tower than what is typical of other Lazy Dog restaurants. The applicant explained that as a rebranding effort, Lazy Dog is no longer incorporating the typical angled-tower for which most Lazy Dog restaurants are known. The applicant further emphasized the fact that this was not the only Lazy Dog restaurant that has been built without the typical angled-tower element, and that similar restaurants have been built and proposed in other locations throughout the state, such as San Mateo and San Jose. The Commission acknowledged a business's right to rebrand and accepted the proposed straight-tower design as adequate.

Regarding the rooftop equipment, the Commission shared staff's concern that it would be visible, despite the applicant's line-of-sight diagrams. Staff had determined that the line-of-sight diagrams are not adequate, since the City does not utilize a line-of-sight standard for assessing rooftop equipment. Instead, the City's Design Guidelines state that rooftop equipment should be hidden from view with walls or



**CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023**

screening to match the primary building materials and should appear to be an integral part of the architecture. Staff further explained that the preferred method of screening rooftop equipment is to design parapet walls that are higher than the rooftop equipment. The Commission expressed concern that it would be difficult to correct an issue during construction if it turned out that the rooftop equipment was visible.

In regards to draft condition of approval number 11, the Commission acknowledged that an increase in depth of the pilasters would not contribute significantly to the building's architecture, given that there was ample and adequate landscaping around the building. In addition, the landscaping proposed for the overall site exceeded what was required, including the addition of 65 trees. Therefore, the Commission agreed to remove condition of approval number 11 from the resolution and keep the pilaster depth at the proposed ten and a half inches. The Commission did, however, question the lack of detail in the building's proposed windows. The proposed windows were large with no details, whereas other locations and the initial project plans depicted large windows with details such as mullions to break up the size of the window and provided visual interest.

During deliberation, the Commission expressed some concern regarding issues that might arise from traffic circulation, specifically with providing proper access to the property. The Commission questioned if there were any conditions that could be added to prevent issues in the future, including the addition of another eastbound lane on Sand Creek Road. The City's traffic engineer responded, indicating that there are no traffic concerns identified per the previously adopted MND. The traffic engineer further indicated that if any traffic concerns were to arise, the City would need to take appropriate actions to alleviate those issues. In addition, the traffic engineer clarified that the City would not be able to make any modifications to the State Route 4 off-ramps or intersections, since they are under the jurisdiction of Caltrans and would require a Caltrans permit.

After deliberation, the Commissioner adopted unanimously Resolution No. 23-013 (as conditioned) to approve MS 354-22. The Commission further adopted unanimously Resolution No. 23-014 to approve DR 22-011, with the addition of conditions 19, 20, and 23a (which require the applicant to enter into an agreement with CCWD and to install pet waste collection bags), and replacing condition 11 with a condition to add additional details to the windows to the satisfaction of the Director of Community Development. The project approval includes the conditions of approval that were requested by CCWD, as well as conditions to screen all rooftop equipment with the parapet walls, in the event that the parapet wall needs to be raised then the tower



**CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023**

element and accent wall would need to be raised in order to maintain proportionality with the parapet wall, and to add window details. These actions started the 10-day appeal period.

On August 17, 2023, Council Member Mendoza filed a timely call for review per Brentwood Municipal Code (BMC) Section 17.880.030. Per the BMC, 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.

Subsequent to the Planning Commission hearing and call for review, CCWD contacted staff and requested that an additional condition be added to the project that would limit vegetation species on the CCWD property to have root structures of a maximum two feet, six inches. This condition is reflected in the draft City Council resolution as condition of approval 36.

ANALYSIS

The August 15, 2023, Planning Commission staff report, 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. 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 August 15, 2023, meeting concerned the rooftop equipment in relation to the City's Design Guidelines. The 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. Page 15 of the Design Guidelines state the following with respect to roof mounted equipment:

Organize and screen roof mounted equipment:

- a) Place roof mounted equipment away from building edges.
- b) Group roof mounted equipment wherever possible to minimize number and extent of screen walls.
- c) Hide equipment with wall and screens to match the primary building materials in order to integrate them with the design of the building walls.
- d) Mechanical screens should appear to be an integral part of the building, not an added on element.



CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023

- e) Roof wells in sloped roof forms are strongly encouraged.

As mentioned above, the applicant indicated that it would not accept any condition that would require an increase to the height of either the parapet walls or the tower element. However, the project was approved with conditions requiring that rooftop equipment be screened by the building's parapet walls and to maintain the current proportionality between the height of the parapet wall and the tower and accent wall.

Subsequent to the August 15th Planning Commission hearing and call for review being submitted, the applicant requested that the City Council consider a change to the conditions of approval that were adopted, via Resolution 2023-014, by the Planning Commission. Specifically, the applicant is requesting the removal of conditions numbers 8, 11, 12, and 13. As noted above, conditions 8, 12, and 13 require that the parapet walls to be at least six inches above all rooftop equipment and if the parapet walls are to be raised, then the tower and accent walls shall be raised in order to keep the proportionality between these and the parapet wall. Condition 11 was re-written by the Planning Commission requiring the applicant to add additional details to all the windows similar to the drawings that were submitted with the original application.

Instead, the applicant requests that the Council consider and adopt conditions of approval that would approve the building as proposed without having to raise the height of the parapet walls if all rooftop equipment is hidden from view. The applicant has submitted a sight line study (attached), demonstrating that all rooftop equipment will be hidden from the view of an average person standing 226 feet away. If, during construction it turns out that the rooftop equipment is visible, then the applicant would accept a condition of approval requiring that the rooftop equipment be screened with materials that are of the same design as the parapet walls. Lastly, the applicant asks that the Council remove condition 11 since the applicant contends that condition fashioned by the Planning Commission was "too vague."

The replacement condition proposed by the applicant would read: The replacement condition proposed by the applicant would read:

If during construction of the building it is found by the Director of Community Development that rooftop equipment is visible from any adjacent development at street level or from any portion of the Sand Creek Road right-of-way, the applicant will develop a screening plan to be reviewed and approved by the Director of Community Development. The screening materials shall match the primary building colors and



**CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023**

materials, be integrated into the design of the building and shall not appear to be an “added on element”, to the satisfaction of the Director of Community Development. Screening shall be installed and inspected for compliance prior to issuance of certificate of occupancy for the building.

The proposed condition is not included in the attached design review resolution as it is only a proposal from the applicant for the Council’s consideration. If the Council were to adopt this condition, then conditions 8, 12 and 13 would need to be removed from the attached design review resolution.

CITY COUNCIL STRATEGIC INITIATIVE

Not applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on 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 this site on September 15, 2023. The applicant also posted the project site with the required signage.

ENVIRONMENTAL DETERMINATION

As noted above, on December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The proposed parcel map and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required.

With the adoption of the above mentioned MND, the City also adopted 30 Mitigation Measures (attached) that this project and any future development on the subject site



CITY COUNCIL AGENDA ITEM NO. G.1
09/26/2023

will need to comply with. This project is conditioned to comply with and implement all applicable mitigation measures identified in the adopted MND.

ATTACHMENT(S)

1. Previous Action
2. CC Resolution for MS 354-22
3. CC Resolution for DR 22-011
4. Planning Commission Staff Report
5. Lazy Dog, Full Plan Set
6. Lazy Dog, Sightline Exhibit (From PC)
7. Peer Review, Larry Cannon Comments
8. Adopted Mitigation Measures
9. Revised Sightline Exhibit

RESOLUTION NO. 2023-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD AFFIRMING THE PLANNING COMMISSION APPROVAL OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 22-011) FOR A NEW LAZY DOG RESTAURANT AND RELATED SITE IMPROVEMENTS, INCLUDING AN EXTENSION TO A PUBLIC TRAIL, LOCATED ON THE SOUTH EAST CORNER OF SAND CREEK RD. AND THE HIGHWAY 4 NORTH-BOUND OFF RAMP (APN 019-110-074) AND ON A PORTION OF CONTRA COSTA WATER DISTRICT (CCWD) OWNED PARCEL (APN 019-110-023).

WHEREAS, Robert A. Karn & Associates, Inc. ("Permittee") has requested that the City approve a design review application for a new approximately 9,089 square foot restaurant, 1,508 square foot outdoor patio, a 764 square foot waiting area, a portion of a public trail, and associated site improvements on a 2.78-acre parcel located on the south east corner of Sand Creek Rd. and the Highway 4 north-bound off ramp (APN 019-110-074) and on a portion of CCWD owned parcel (APN 019-110-023); and

WHEREAS, the Permittee concurrently submitted a request for a Minor Subdivision (MS354-22) to subdivide a 5.29-acre parcel into two parcels of 2.78 and 2.51 acres in size, respectively; and

WHEREAS, collectively, MS 354-22 and DR22-011 constitute the "Project"; and

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

WHEREAS, in 2017 the City adopted a Mitigated Negative Declaration and corresponding mitigation measures, attached hereto as Exhibit "B," which covers projects that fall below the maximum contemplated development of the site, which is 103,890 square feet of commercial space and 520 parking spaces, which is based on the maximum Floor Area Ratio (FAR), 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR); and

WHEREAS, the City distributed a Notice of public hearing to all property owners within 300 feet of the Project Site and published it in the Brentwood Press on August 4, 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 Planning Commission of the City of Brentwood considered this design review application at its regular meeting of August 15, 2023, and considered the staff report, all accompanying information, and testimony received from the Permittee and other interested parties; and

WHEREAS, on August 15, 2023, the Planning Commission held a public hearing and approved MS 354-22 and DR 22-011 via Planning Commission Resolutions No. 23-013 and No. 23-014 respectively; and

WHEREAS, on August 17, 2023, City Council member Jovita Mendoza timely filed a Call for Review of the Planning Commission's action approving MS 35-22 and DR 22-011; 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 September 15, 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 September 26, 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 City Council of the City of Brentwood:

1. Hereby finds that:

- A. 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 Design Review application is a project under CEQA. However, on December 12, 2017, the City Council of the City of Brentwood adopted Resolution 17-163, adopting a Mitigated Negative Declaration for the subject site which contemplated buildout of the site based on the maximum Floor Area Ratio (FAR), 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces. The proposed subdivision and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required provided that the applicant abides by all Mitigation Measures identified in Exhibit "B".

2. With respect to the Design Review findings under Section 17.820.007 of the Brentwood Municipal Code:

- A. *The proposed development creates a well-composed urban design, harmoniously related to the other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

The proposed development creates a well-composed urban design, harmoniously related to the other facilities in the immediate area and to the total setting as seen from key vantage points in the community. The proposed design includes a variety of materials that are seen in nearby buildings at The Streets of Brentwood, directly across the street.

- B. *Elements of design which have significant relationship to the exterior appearance of structures and facilities have been given special consideration; these elements include but are not limited to building height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.*

The project's proposed design is rustic, incorporating a Rocky Mountain design inspiration. The building features a variety of materials carried around all four sides of the building, which include stone veneer, stucco siding, glass storefront, and Douglas Fir wood for the siding, fascia, and exterior trellis; design elements complementary to those used elsewhere nearby. The primary focal-point is the main entry, which features a punctuated 31 foot tower element oriented towards the Sand Creek Road frontage. The outdoor patio will be dog-friendly, a popular feature for restaurant guests in other Lazy Dog Restaurants. The patio is open on all sides and includes a standing metal seam roof. The proposed colors of reds, browns, and navy accents creates a warm exterior also complements the overall shopping center.

- C. *The proposed development is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area in that the proposed infill commercial building complements and supports the variety of existing uses in the context of the surrounding area.*

The proposed project will improve the quality, character, and value in the immediate area, as the project will develop a currently vacant property with a use that is in conformance with the General Plan land use designation of Regional Commercial. The proposed use also meets all land use, setback, and height limitations set forth in the Brentwood Municipal Code, as demonstrated in finding 2.D below. The proposed commercial building will support and promote the economic goal of attracting and encouraging retail, restaurant, and employment opportunities within the City of Brentwood, which is consistent with the goals and policies of the General Plan.

- D. *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.*

While there is no specific plan governing the area, the project site is within the Planned Development No. 6 (PD-6) zoning district. The proposed restaurant establishment adheres to the intent of the planned development in that it is proposed within Plan Area 3, which is intended for the development of a variety of Regional Commercial uses, including (but not limited to) restaurants, general and convenience retail, movie theaters, financial institutions, and office use. The proposed development meets all applicable zoning development standards as summarized in the table below:

PD-6, Planning Area 3, Development Standards			
	Requirement	Proposed	Compliance
Minimum lot size	5,000 sf	2.78 acres	Complies
Maximum Building height	50 feet	31 feet	Complies
Maximum Story	3 stories	1 Story	Complies
Minimum lot width	No minimum	~ 474 feet	Complies
Minimum lot depth	No minimum	~ 279 feet	Complies
Minimum front yard	None	29 feet	Complies
Minimum side yard	10 feet	10 feet	Complies
Minimum rear yard	6 feet	~ 139 feet	Complies
Off-Street Parking			
Total parking spaces 1 space/ 100 sq. ft.	105 spaces	171 spaces	Complies
- Minimum full size parking spaces (9'x20')	118	139	Complies
- Maximum amount of compact spaces (8'x16')	53	29	Complies
- Minimum accessible spaces	5	6	Complies
Bicycle parking: 5% of total vehicle parking provided	8	10	Complies

- E. *The proposed development shall conform to 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 along the Project boundaries and between rows of parking. Furthermore, the parking spaces provided for the project exceeds the parking requirements as required by the Brentwood Municipal Code (171 provided, versus 105 required). Finally, off-street loading requirements are met with the provision of regular parking spaces adjacent to commercial retail building, as this structure is less than 10,000 square feet in area.

- F. *The siting and internal arrangement of all structures and other facilities on the site, including the uses, internal circulation, off-street parking, lighting, and access to and from public rights-of-way, as conditioned, are conducive to an orderly, attractive, efficient, and harmonious development.*

The siting and internal arrangement of the structure and circulation, parking and loading, lighting, access, landscape, hardscape, signing, and utility facilities on the site are conducive to an orderly, attractive, efficient, and harmonious development insomuch as the building is set adjacent to the Sand Creek Road frontage, and is designed in such a way as to provide an attractive and interesting street scene. The building is designed to reduce massing and introduce development on a scale that is appropriate to surrounding uses, hardscape and landscaping is employed to provide an attractive development. Additionally, as designed, the Project will not have any adverse environmental effect on adjacent developments, existing or potential, by reason of conflicts in land use in that the proposed development adheres to the established General Plan land use designation of Regional Commercial and the permitted uses authorized by PD-6 zoning district. Conflicts relating to topography are avoided, given the flat topography of both the subject site, as well as adjacent properties.

- G. *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 improvements incorporate certain elements identified in the City's Commercial and Industrial Design Guidelines. Site planning guidelines on this lot are addressed by creating an interesting street edge and varied building planes, positioning the parking so that it is minimized along the major street frontage, creating an attractive street edge that provides visual continuity along street frontages throughout the site, providing pedestrian connections between the street frontages and the entrances to the building, minimizing the visual prominence of service access areas, and providing secure bicycle storage adjacent to the building. Landscape design also plays heavily into the guidelines, in that substantial areas for landscaping along building facades facing both Sand Creek Road and the out-lot parking lot area are provided, the parking lot is proposed to be broken up with frequent landscape islands, and an

attractive street edge is created with regularly-spaced shade and ornamental trees to filter views of the site.

The design of the building also addresses elements of the guidelines in that it includes awnings along the building frontages and over the storefront systems; the design elements provide continuity between the various facades of the building; the building entry is emphasized by roof elements; vertical tower features provide visual variety; horizontal and vertical wall plane changes break up the mass of the building; and durable finish materials are employed in the form of wood siding, stucco, stone veneer, Douglas Fir window trim and trellis, and standing seam metal roofing material. Finally, the building is designed so as to screen all rooftop equipment from view.

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

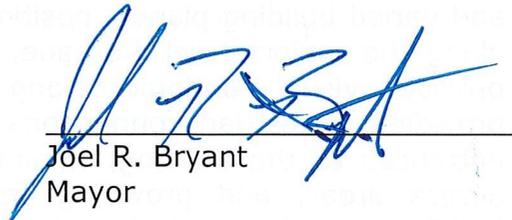
The proposed development is consistent with all applicable regulations of the zoning ordinance and other City ordinances, policies or resolutions. The project is conditioned to meet all applicable Building, Engineering, and Public Works codes and regulations.

3. Hereby approves Design Review No. 22-011, subject to the conditions of approval listed in Exhibit "A," attached hereto and made a part of this resolution, and the mitigation measures listed in Exhibit "B," attached hereto and made a part of this resolution, and all City standards applicable to this project.

This permit shall terminate on September 26, 2024, unless actual construction or alteration under valid permits has begun and is diligently pursued within said period. However, such period of time may be extended by the Planning Commission upon application filed at any time before said period has expired.

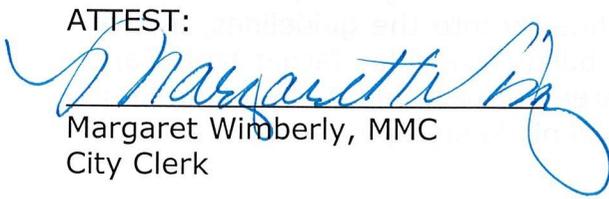
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Brentwood at its regular meeting on September 26, 2023 by the following vote:

AYES:	Mendoza, Oerlemans, Pierson, Meyer, and Mayor Bryant
NOES:	None
ABSENT:	None
RECUSE:	None



Joel R. Bryant
Mayor

ATTEST:



Margaret Wimberly, MMC
City Clerk

EXHIBIT "A" TO**CITY COUNCIL RESOLUTION NO.
DR 22-011 – DESIGN REVIEW APPROVAL FOR LAZY DOG RESTAURANT
CONDITIONS OF APPROVAL**

1. The developer shall comply with all applicable Standard Conditions of Approval for Commercial and Industrial Projects, dated May 2005, hereby incorporated by reference, unless modified by any of the conditions below.
2. The project shall be built substantially in conformance with the project plans drawn by Lazy Dog restaurants, dated "Received March 27, 2023" unless otherwise amended by the conditions of approval contained herein.
3. The project shall be built substantially in conformance with the site, grading and landscape plans drawn by RW Stover & Associates, Inc. associates dated March 15, 2023, unless otherwise amended by the conditions of approval contained herein.
4. The Permittee shall submit an application for any future signage proposed for the project, which shall require approval of an administrative sign permit by the Community Development Department.
5. The building construction drawings shall be submitted for the review and approval by the Community Development Director prior to building permit issuance and shall be designed so that illuminated signs can be installed on the building fascia without the use of external raceways.
6. Any significant alteration from the design review drawings prepared by Lazy Dog Restaurant., dated "Received March 27, 2023," as determined by the Community Development Director, except as conditioned herein, shall be approved by the Design Review Subcommittee prior to building permit issuance.
7. Any significant alteration of the building colors or materials from the approved color and materials board, as determined by the Community Development Director, shall be approved by the Design Review Subcommittee prior to building permit issuance.
8. The building construction drawings shall reflect that all roof drainage downspouts and scuppers be interior to the building. All roof drainage shall be designed to be contained within the building walls so as to not be visible from any vantage point to the satisfaction of the Community Development Director prior to building permit issuance.
9. The landscaping plans shall depict landscaping on the western elevation of the trash enclosure. This landscaping shall be comparable to that proposed on the eastern elevation of the trash enclosure to the satisfaction of the Community Development Director.

10. If during construction of the building it is found by the Director of Community Development that rooftop equipment is visible from any adjacent development at street level or from any portion of the Sand Creek Road right-of-way, the applicant will develop a screening plan to be reviewed and approved by the Director of Community Development. The screening materials shall match the primary building colors and materials, be integrated into the design of the building and shall not appear to be an "added on element", to the satisfaction of the Director of Community Development. Screening shall be installed and inspected for compliance prior to issuance of certificate of occupancy for the building.
11. The Permittee shall maintain the area surrounding the development, including but not limited to, the building and the walkways surrounding the building in a clean and orderly manner at all times to the satisfaction of the Community Development Director.
12. All on site improvements except final lift of pavement must be constructed prior to the issuance of any building permit. The improvements include but not limited to pavement, conduit, sidewalk, utilities, to the satisfaction of the Director of Public Works/City Engineer.
13. Plans for any external building-mounted light 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 classification must be submitted for all portions of the driveways and parking areas shall be illuminated between 1-7 foot-candles.
14. All applicable mitigation measures included in the Mitigated Negative Declaration approved on December 12, 2017, set forth in Exhibit B attached hereto, shall be adhered to in conjunction with the proposed development.
15. All tree types and plant materials shown on the landscape plans that are submitted for plan check must be chosen from the plant palette previously approved by the Planning Commission in approval of The Streets of Brentwood project. Further, the landscape plans must include all water use calculations necessary to determine compliance with the City's Water Efficient Landscape Ordinance and any further regulations enacted by the State of California prior to landscape plan approval.
16. Permittee shall in good faith work with the City, CCWD, and any other interest holders, to gain approvals for the construction of a trail, irrigation and landscaping (greenbelt parkway) over the CCWD right of way along the project's east frontage. Provided such approval can be obtained, Permittee shall design and construct such greenbelt parkway to the satisfaction of the Director of Parks and Recreation and CCWD prior to issuance of a building or grading permit. The city shall in good faith work with CCWD to coordinate the necessary joint use and maintenance agreements. The East Bypass Trail

(formerly the CCWD Trail) is identified in the City of Brentwood Parks, Trails and Recreation Master Plan Update adopted February 26, 2019, and as such, a portion of the cost of these improvements may be fee creditable per the City's Development Fee Program. Provided such greenbelt parkway is constructed by Permittee, the maintenance cost of these improvements shall be included into the Lighting and Landscape Assessment District for this development.

17. Permittee shall install pet waste station adjacent to the proposed trail to the satisfaction of the Director of Parks and Recreation.
18. The Permittee and all project plans and maps shall comply with Brentwood Municipal Code Title 8 "Health and Safety," Title 9 "Public Peace and Welfare," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Sewers," Title 14 "Water," Title 15 "Building and Construction," and Title 16 "Subdivision and Land Development." In particular:
 - a. Solid waste service shall comply with Brentwood Municipal Code Chapter 8.16 "Solid Waste."
 - b. Construction and demolition work shall comply with Brentwood Municipal Code Chapter 8.40 "Construction and Demolition Debris Recycling."
 - c. The Permittee shall comply with Brentwood Municipal Code Chapter 9.32 "Noise Regulations."
 - d. The Permittee shall comply with the encroachment permit requirements pursuant to Brentwood Municipal Code Chapter 12.08 "Street Encroachments."
 - e. Sewer backflow prevention, interceptors, and other health and safety requirements shall be incorporated into the project pursuant to Brentwood Municipal Code Chapter 13.04 "Sewer System – Rules and Regulations."
 - f. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
 - g. Recycled water services shall comply with Brentwood Municipal Code Chapter 13.06 "Recycled Water Regulations."
 - h. Water service shall comply with Brentwood Municipal Code Chapters 14.01 "Municipal Water System" and Chapter 14.10 "Cross-Connection Control."
 - i. Contractors requiring construction water shall obtain a temporary water permit and shall only take water metered at a location specified by the City Engineer pursuant to Brentwood Municipal Code Section 14.01.340 "Contractors."

- j. The Permittee shall comply with the Federal Clean Water Act, the Municipal Regional NPDES Permit, and Brentwood Municipal Code Chapter 14.20 "Stormwater Management and Discharge Control."
- k. Adequate fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 "Fire Code."
- l. Special flood hazard areas shall comply with the requirements of Brentwood Municipal Code Chapter 15.07 "Flood Plain Management."
- m. Grading shall comply with Brentwood Municipal Code Chapter 15.52 "Grading, Erosion and Sediment Control."
- n. All grading and noise generating activities shall be limited to the days and hours defined in Brentwood Municipal Code Section 15.52.060 "Grading Regulations."
- o. The Permittee and Permittee shall indemnify the City pursuant to Brentwood Municipal Code Section 15.52.160 "City Held Harmless."
- p. The Permittee shall obtain all required permits including, but are not limited to: buildings; sewer connections; encroachment; grading; use; business license; water connection; Army Corps of Engineers; Contra Costa County Flood Control; California Department of Fish and Wildlife pursuant to Brentwood Municipal Code Section 16.120.050 "Procedures."
- q. All storm drain, sewer, water and street systems shall be designed and sized to accommodate such additional flows, volumes or loads as may be contributed by the most intensive developed land use of the lands adjacent to or beyond the limits of the Project pursuant to Brentwood Municipal Code Section 16.120.080.
- r. All public frontage facilities shall be constructed and any existing deficiencies shall be corrected. This includes both required on- and off-site public facilities and any deficiencies on-site, abutting the parcel or parcels involved or required off-site to provide service to the proposed Project or for the continued safety, health and well-being of the public upon completion of the Project pursuant to Brentwood Municipal Code Section 16.120.090 "Public Facilities Installation."
- s. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding - Electric, Communication, Street Lighting and Advanced Technology Systems."
- t. If applicable, the Permittee shall make all land dedications pursuant to Brentwood Municipal Code Sections 16.140 and 16.150.

19. Concurrently with the issuance of an encroachment permit or approval of Improvement Plans, the following conditions shall apply:
- a. The Permittee shall design and construct all improvements in conformance with the latest Infrastructure Master Plans (i.e. Sewer, Water, etc.) and as directed by the City Engineer.
 - b. The Permittee shall design and construct all utilities, including, but not limited to, meters, hydrants, poles, signs, clean-outs, boxes, etc. to be located clear of all sidewalks and driveways or as determined by the City Engineer.
 - c. The Permittee shall design and construct all utilities with seismic considerations to the satisfaction of the City Engineer.
 - d. The Permittee shall submit a colored Composite Site Exhibit showing the location of all existing and proposed utilities, utility boxes, landscaping, monuments, street improvements, lights, signs, driveways, house envelopes, fencing, walls, easements, property lines, and other improvements as required at a sufficient scale to allow a comprehensive review of proposed improvements.
 - e. The Permittee shall design and construct all gravity utilities (i.e. storm drain and sewer) to always commence at the downstream connection and proceed to the upstream terminus.
 - f. The Permittee shall design and construct all gravity utilities (i.e. storm drain, sewer, and bioretention areas) to positively and completely drain by gravity without relying on any electro-mechanical or bubble-up means (i.e. pumps, lift stations, siphons, bubble-up inlets or pipes) to the satisfaction of the City Engineer.
 - g. The Permittee shall design and construct cathodic protection measures for all buried metallic infrastructure pursuant to City Standards or as approved by the City Engineer.
 - h. The Permittee shall design and construct all existing and proposed storm drain inlets with "No Dumping – Drains to Creek" thermoplastic stencils to the satisfaction of the City Engineer.
 - i. The Permittee shall design and construct stormwater control systems to meet the Municipal Regional NPDES Permit requirements, the latest Contra Costa County Cleanwater Program Guidebook, and to the satisfaction of the City Engineer.
 - j. The Permittee shall obtain approval from the City Engineer on the Project Operation and Maintenance Manual for all stormwater control systems. Said Manual shall comply with all applicable Municipal Regional NPDES

Permit requirements including, but not limited to, maintenance, sediment removal, weed and trash abatement, and use of chemicals. All stormwater control facilities shall be located entirely within private property.

- k. The Permittee shall design and construct all landscaping with adequate root barriers to protect all City facilities, including but not limited to sidewalks, utilities, meters, ramps, and driveways. In addition, root barriers and other mitigation measure shall be incorporated into the design to minimize impacts from nearby existing trees.
 - l. The Permittee shall have a licensed Land Surveyor locate all existing survey monuments on or adjacent to the project, and show said monuments as protected on all construction plans. The Permittee shall cause the proper replacement and recordation of any damaged survey monuments.
 - m. The Permittee shall provide a Traffic Control Plan in conformance with the latest edition of the Manual of Uniform Traffic Control Devices issued by Caltrans and as required by the City Engineer.
 - n. The Permittee shall design and construct the Project with adequate sight distance pursuant to City and Caltrans design requirements. All landscape areas required to have restrictions to comply with sight distance requirements shall be shown on applicable Plans.
 - o. The Permittee shall design and construct all required solid waste facilities, including access to/from and design of enclosures, in accordance to the review of the Solid Waste Division and approval of the City Engineer.
 - p. The Permittee shall design and construct all traffic improvements, including but not limited to signage, striping, and pavement markings along frontage roads and alleys to the satisfaction of the City Engineer.
20. Prior to issuance of a grading permit or approval of any grading and/or demolition work, the following conditions shall apply:
- a. Permittee shall secure approval for grading and on-site improvements within third-party easements and on Contra Costa Water District (CCWD) property from respective easement holders and CCWD
 - b. Pursuant to Brentwood Municipal Code 8.40.030, the Permittee shall prepare a Waste Management Plan subject to approval of the City Engineer.
 - c. Pursuant to Brentwood Municipal Code 15.070.320, the project plans shall identify any special flood hazard area and the elevation of the base flood.

- d. Pursuant to Brentwood Municipal Code 16.120.080.C, the Permittee shall provide approved hydrology and hydraulic calculations signed by a licensed engineer demonstrating that the Project will adequately collect and convey all runoff within the Project, as well as the entire developed watershed upstream and/or from upstream neighboring properties.
 - e. The Permittee shall be responsible for mitigating the upstream drainage from adjoining properties to the satisfaction of the City Engineer.
 - f. The height and location of all existing and proposed retaining walls shall be shown on the Grading Plans. Retaining walls over three feet in height shall be structurally engineered, and shall require separate building permits. All retaining walls shall include adequate subdrains to the satisfaction of the City Engineer.
 - g. The Permittee shall demonstrate with plans, analysis, or other documentation signed and stamped by a licensed Civil Engineer that there is adequate overland drainage release to an adequate public drainage facility to the satisfaction of the City Engineer. The Permittee shall acquire drainage easements, if necessary.
 - h. Plans shall include a sufficient number of cross-sections adjacent to neighboring properties showing the proximity of existing neighboring improvements and proposed grading and building foundations to the satisfaction of the City Engineer.
 - i. Plans shall clearly identify the location, species and size of those trees to be removed and those trees to be protected. The Permittee shall consult with the City Parks Department regarding removal or protection of trees.
 - j. The Permittee shall provide evidence of notification of proposed construction work to neighboring properties to the satisfaction of the City Engineer.
 - k. The Permittee shall submit a soils report with testing results for contaminants to the City Engineer and Contra Costa County Department of Environmental Health ("CCCDEH"). The Plans shall include all recommendations from CCCDEH and City prior to approval.
 - l. To the extent permitted by law, non-potable water shall be used for dust control measures.
21. Prior to issuance of any Building Permits, the following conditions shall apply:
- a. All onsite and offsite improvements shall be substantially constructed prior to the issuance of any building permit and to the satisfaction of the City Engineer.

- b. The Permittee shall provide an approval signed and sealed by a geotechnical or structural engineer of the location, nature and proximity of stormwater features near or adjacent to buildings as determined by the City Engineer. Locations and design of any mitigating structural design feature (i.e. foundations and retaining walls) shall be shown on the appropriate construction plans.
 - c. The Permittee shall pay all Development Impact Fees pursuant to, or otherwise comply with the latest City of Brentwood Development Impact Fee Program.
 - d. The Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.
 - e. The Permittee shall demonstrate that all acoustic mitigations have been incorporated into applicable plans.
 - f. The Project site shall be annexed into the most current City Community Facilities District and street lighting and landscape maintenance district (if applicable), or provide and execute an alternative funding mechanism acceptable to the City for the maintenance of City improvements.
22. Prior to issuance of a Building Permit, the applicant shall pay all Contra Costa County Fire Protection District impact fees.
23. Access roadways of less than 28-foot unobstructed width shall have signs posted or curbs painted red with the words: "No Parking – Fire Lane" clearly marked.
24. Access roadways of 28 feet or greater, but less than 36 feet unobstructed width shall have "No Parking – Fire Lanes" signs posted, allowing for parking on one side only or curbs painted red with the words "No Parking – Fire Lane" clearly marked.
The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code.
25. The applicant shall obtain from the Contra Costa Fire Protection District a land development permit prior to submitting building construction plans to the City.

The developer shall submit a minimum of two copies of full size, scaled site improvement plans indicating:

- a) All existing or proposed hydrant locations
- b) Fire apparatus access to include slope and road surface
- c) Aerial fire apparatus access

- d) Elevations of building
 - e) Size of building and type of construction
 - f) Gates, fences, retaining walls, bio-retention basins, any obstructions to access
 - g) Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor
 - h) Striping and signage plan to include "No parking - Fire Lane" markings
 - i) Provide drawings for paths from the public way to under emergency escape and rescue opening showing a proposed clear path and clear space under these opening that allow for the placement of ground ladders at a climbing angle of 70- 75 degrees and a minimum of 18" clearance from the base of the ladder to any obstruction for review and approval prior to obtaining a building permit
26. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.

A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 22 / 37 tons.

27. The building as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA. Submit a minimum of two sets of plans to the Contra Costa Fire Protection District for review and approval prior to installation.
28. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits for the Fire District.
29. The property owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property.
30. The developer shall submit landscape plans that depict trees and vegetation having a root structure that is no greater than 2.5 feet within any portion of the CCWD owned property.
31. The developer shall submit a minimum of two complete sets of building construction plans and specifications for the subject project to the Fire District. After the new construction / tenant improvement plans are approved, plans and specifications for all necessary deferred submittals shall be submitted, including, but not limited to the following:
- a. Private underground fire service water mains
 - b. Fire sprinklers
 - c. Fire alarm

- d. Fire pump if required
- e. Emergency generator if required
- f. Photovoltaic
- g. Carbon dioxide systems
- h. Commercial kitchen hood extinguishing systems
- i. Emergency responder radio coverage systems (ERRCS)

Plans shall be submitted to the Fire District for review and approval prior to construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal.



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

SUBJECT: Tentative Parcel Map and Design Review for Lazy Dog Restaurant.

DEPARTMENT: Community Development Department

STAFF: Erik Nolthenius, Planning Manager
Miguel Contreras, Associate Planner

TITLE/RECOMMENDATION

An application for a tentative parcel map to subdivide a 5.29-acre parcel (MS 354-22) and a design review (DR 22-011) for a new sit-down restaurant known as Lazy Dog, with related site improvements, located on the south side of Sand Creek Road and the east side of State Route 4 (APN 019-110-074 and a portion of CCWD owned parcel APN 019-110-023).

Staff recommends that the Planning Commission adopt Resolution No. 23-013 approving Minor Subdivision No. 354-22 and adopt Resolution No. 23-014 approving Design Review No. 22-011, both subject to certain findings and conditions.

On December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces. The proposed parcel map and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required.

PREVIOUS ACTION(S)

- On July 22, 2014, the City Council adopted the General Plan Update, part of which included a change to the Land Use Map designation for the project site to Regional Commercial.
- On October 14, 2014, the City Council directed staff to initiate a City-sponsored rezone and environmental review for the PD-6 Zone to establish development standards for a 5.3-acre site owned by the State Route 4 Bypass Authority.
- On December 12, 2017, the City Council adopted Resolution No. 2017-163, adopting a Mitigated Negative Declaration in order to rezone the subject 5.3-acre site.
- On January 9, 2018, the City Council adopted Ordinance No. 996 approving a rezone (RZ 16-007) to amend the PD-6 map to include the subject site to the



PLANNING COMMISSION AGENDA ITEM NO. E.1 08/15/2023

existing Planning Area 3 and to apply the established development standards to the 5.3-acre site.

PROJECT DESCRIPTION

The applicant, Robert A. Karn & Associates, Inc., is requesting approval of a tentative parcel map (MS 354-22) to divide the 5.3-acre parcel and a design review (DR 22-011) for the construction of a new 9,089 square foot Lazy Dog restaurant, with a 1,508 square foot outdoor seating area, a 764 square foot waiting area, the continuation of a public trail, and related site improvements on the northern 2.78 acres and a portion of an abutting Contra Costa Water District-owned parcel. The remaining 2.52 acres are being reserved for future development. The proposed project site is located immediately south of Sand Creek Road, west of the Sand Creek Crossing commercial center, east of State Route 4, and north of San Jose Avenue.

BACKGROUND

The State Route 4 Bypass Authority owns the project site and in 2014 authorized its staff to initiate the process to sell it as surplus property, pursuant to county land disposition laws. The Authority originally acquired the property for the construction of the State Route 4 Bypass project and, more specifically, the interchange at Sand Creek Road. The Authority completed the interchange in 2014 and ended up with a 5.3-acre surplus parcel.

The project site is a triangular-shaped parcel located in the southwest portion of the PD-6 zoning district. Since the subject parcel was intended to be part of the State Route 4/Sand Creek Road interchange right-of-way, it did not include any specific land use designation or zoning. The City remedied part of this in 2014 with the adoption of the General Plan Update, which assigned a land use designation of Regional Commercial to the project site. In 2014, the City Council directed staff to initiate a rezone to establish development regulations for the project site and a corresponding environmental document.

On March 15, 2017, the City entered into an agreement with De Novo Planning Group to prepare an "umbrella" CEQA document for the project site, which would streamline future development of the site with appropriate regional commercial uses without necessitating subsequent CEQA review. On December 12, 2017, the City Council adopted a resolution adopting a Mitigated Negative Declaration. Subsequently, on January 9, 2018, the City Council adopted Ordinance No. 996, which amended the zoning map to add the subject site to Planning Area 3 of the PD-6 zoning district.

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 4, 2023. The applicant also posted the project site with the required signage.



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

The City has not received any public comments regarding this project.

ENVIRONMENTAL DETERMINATION

As noted above, on December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces. The proposed parcel map and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required.

With the adoption of the above mentioned MND, the City also adopted 30 Mitigation Measures (attached) that this project and any future development on the subject site will need to comply with. This project is conditioned to comply with and implement all applicable mitigation measures identified in the adopted MND.

GENERAL PLAN

The project site has a General Plan land use designation of Regional Commercial. This land use designation is intended for large-scale retail stores and services that serve the needs of both the local community, as well as the needs of the region. Examples include restaurants, bulk retailers, large department stores, supermarkets, hardware stores, and offices. The proposed Lazy Dog restaurant will serve the local community, as well as draw patrons from a larger geographic area due to its proximity to State Route 4. The proposed project is consistent with the General Plan land use designation, goals, and policies. By way of example, the proposed project maintains and enhances the visual quality of Brentwood by promoting the highest standard of architecture and design (General Plan Land Use Goal 6), and the proposed building will support and promote the economic goal of attracting and encouraging retail, restaurant, and employment opportunities within the city of Brentwood (General Plan Land Use Goal 3).

ZONING/SURROUNDING LAND USES

The proposed site is within the Planned Development No. 6 (PD-6) zoning district; a mixed-use zone that covers approximately 265 acres. A number of smaller Planning Areas exist within the zone to allow a mix of residential densities, as well as open space, public facilities, office, and commercial uses. The subject parcel falls within Planning Area 3, which allows for Regional Commercial uses in accordance with the underlying General Plan designation. Within this Planning Area, restaurants are designated as permitted uses, and the project as conditioned meets all applicable commercial development standards, as summarized with the following table:



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

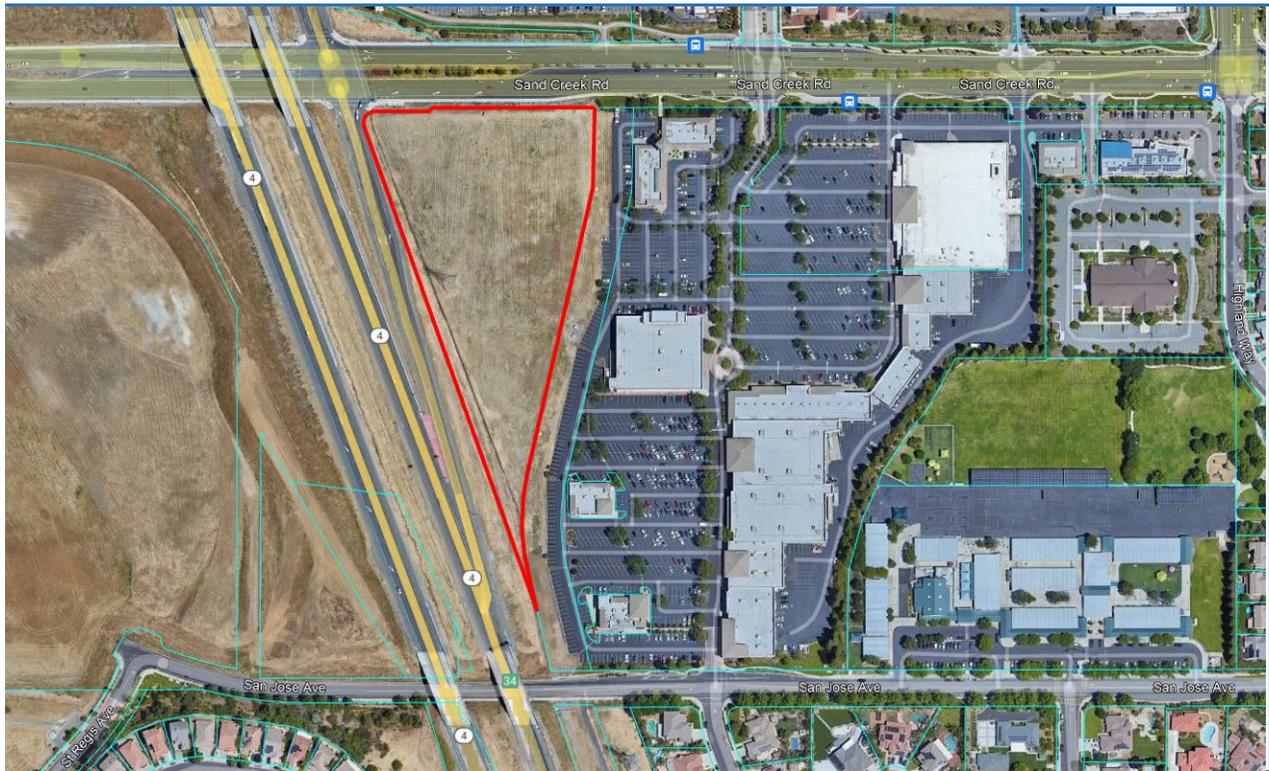
PD-6, Planning Area 3, Development Standards			
	Requirement	Proposed	Compliance
Minimum lot size	5,000 sf	2.78 acres	Complies
Maximum Building height	50 feet	38 feet	Complies
Maximum Story	3 stories	1 story	Complies
Minimum lot width	No min.	~ 474 feet	Complies
Minimum lot depth	No min.	~ 279 feet	Complies
Minimum front yard	None	29 feet	Complies
Minimum side yard	10 feet	10 feet	Complies
Minimum rear yard	6 feet	~139 feet	Complies
Off-Street Parking			
Total parking spaces 1 space/ 100 sq. ft.	105 spaces	171 spaces	Complies
- Minimum full size parking spaces (9'x20')	118	139	Complies
- Maximum amount of compact spaces (8'x16')	53	29	Complies
- Minimum accessible spaces	5	6	Complies
Bicycle parking: 5% of total vehicle parking provided	8	10	Complies
Landscaping			
71 parking spaces or more require 16% of landscaped lot coverage.	16%	23%	Complies
Shade trees at 16 trees / acre	44 shade trees	65 shade trees	Complies

SURROUNDING LAND USES

- North:** Sand Creek Road and The Streets of Brentwood commercial center
- East:** Contra Costa Water District (CCWD) land and the Sand Creek Crossing commercial center
- South:** San Jose Avenue and the East Bypass Trail (formerly the CCWD Trail)
- West:** State Route 4



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023



OWNER/APPLICANT

The State Route 4 Bypass Authority is the property owner and Robert A. Karn & Associates, Inc. is the project applicant.

ANALYSIS

TENTATIVE PARCEL MAP

The minor subdivision proposes to split the 5.3-acre site into two parcels. The northern parcel, where the proposed restaurant would be situated, would be 2.78 acres and have frontage along Sand Creek Road. The southern interior parcel would be 2.52 acres, would not have frontage on a public street, and would remain vacant. Both parcels are encumbered with a 75-foot wide PG&E tower line easement that essentially parallels the western overall boundary. Any future development of the southern parcel would be considered under a separate design review application. As noted on the above table, both parcels would be in compliance with Planning Area 3 of the PD-6 zoning district's development standards.

SITE PLAN AND ACCESS

The 9,089 square foot restaurant would be located on the northern portion of the site with a 1,508 square foot outdoor dining area and 764 square foot waiting area fronting Sand Creek Road. The restaurant would be situated in such a way that the parking lot is to the west, south, and east of the building, while the entrance to the



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

restaurant is oriented north, towards Sand Creek Road. This building orientation provides a well-defined and architecturally-significant street presence.

Both parcels would be accessed via two driveways along Sand Creek Road. Both driveways would provide only right-in/right-out turning movements given the existing median in Sand Creek Road. It is important to note that, until the westward extension of Sand Creek Road extension is completed, the subject site can only be accessed from eastbound Sand Creek Road. The Sand Creek Road extension is under construction and is anticipated to be completed in Spring 2024. Currently, there is no shared access agreement between the adjacent Sand Creek Crossing commercial center to the east and the project site. Therefore, the project site cannot be accessed through the signalized intersection at The Streets of Brentwood and Sand Creek Crossing. The developer attempted to obtain a shared access agreement with the owner of Sand Creek Crossing but was unable to secure such an agreement. The reason for this is that the San Creek Crossing center has tenants who's leases prohibit changes to the site plan and vehicle ingress/egress/circulation patterns. As such, they are unable to agree to shared access. Shared access was not contemplated when the Sand Creek Crossing center was approved, in 2001, since the subject site was owned by Caltrans and the land was going to be used for the Sand Creek interchange.

Pedestrian access would be from the existing public sidewalk fronting Sand Creek Road. Internal delineated pedestrian walkways are proposed from the parking areas to provide safe crossing for customers. Separate walkways are proposed along the west, south, and east sides of the building, which tie in with the proposed outdoor seating area located on the north side of the building.

The applicant would also construct and dedicate to the City a continuation of the East Bypass Trail on a portion of the abutting CCWD parcel. CCWD has reviewed and approved the proposed development, which includes eight parking spaces and a drive aisle on its parcel. CCWD has indicated that it is willing to enter into an agreement after the project is approved. A draft condition of approval is included in the attached resolution requiring the applicant to enter into an agreement with CCWD prior to issuance of a building permit. Through this agreement, the City would obtain the surface rights for the trail and the City would then maintain the trail with the Lighting and Landscaping Assessment District (LLAD) funding source.

ARCHITECTURE AND DESIGN

The proposed building design is rustic, incorporating a Rocky Mountain design inspiration that incorporates design approaches as identified in the City's Commercial and Industrial Design Guidelines. The building features a variety of materials carried around all four elevations, including stone veneer, stucco, aluminum storefront windows, and Douglas fir wood for the siding, fascia, metal entrance canopy and exterior trellis. Decorative lantern-style wall sconces will be installed on all sides of the building except the rear, ornamental lighting will be provided within the landscaped areas. The focal point is the main entry, which features a punctuated 31-



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

foot tower element oriented towards the Sand Creek Road frontage. The tower element is comprised primarily of stone, wood accents, divided-light windows, and a standing seam metal roof, complementary to the rustic architectural style. The restaurant includes a 1,508 square foot outdoor patio area on the north elevation. The patio will be dog friendly, a popular feature for guests at other Lazy Dog restaurants. The patio is open on all sides and includes a standing seam metal roof. The proposed color scheme of reds, browns, and navy accents creates a warm exterior promoting the rustic architecture.

In addition to the patio area, the project would also include a 764 square foot waiting area that will be improved with a decomposed-granite (DG) paving, three stone benches, five stone tables, and four large potted plants. The design of these furniture features is complimentary of the mountain aesthetic. The waiting area and the patio area will be substantially surrounded by 24 -36 inch ornamental boulders and decorative cobbles.

The proposed plans depict the limits of rooftop mechanical equipment projecting up to 2 feet, 6 inches, above the parapet wall. The applicant has provided line of sight exhibits depicting that an average person, standing from different vantage points, would not be able to see the roof top equipment. However, the rooftop equipment is of a concern for planning staff since a line of sight exhibit does not account for all vantage points and the rooftop equipment may be visible from portions of Sand Creek Rd., the parking lot and adjacent development. The City's Commercial/Industrial Design Guidelines require that rooftop equipment be hidden with walls or screens to match the primary building materials in order to integrate them with the design of the building walls. Therefore, Staff recommends, and has included draft condition of approval # 12, that the parapet walls be at least six inches taller than the maximum height of the rooftop equipment (an increase in height of approximately three feet, four inches). Due to this, staff also recommends, and has included draft condition of approval #13, that the stone accent wall and tower element be raised the same amount as the parapet wall to maintain the building's proportionality.

PEER REVIEW COMMENTS

The application was submitted in October 2022 and, since then, the design has gone through multiple iterations. The current architectural proposal is in response to the City's peer review architect, Larry Cannon's, comments on the third design submittal. A copy of the resulting drawings and e-mail comments are attached for reference and include suggestions to augment the building design by:

- 1) adding a tower element that is typical of all Lazy Dog restaurants, but was removed during the second iteration of the project,
- 2) changing the materials of a projecting stucco wall to stone to provide depth,
- 3) providing depth to all stone pilasters, and
- 4) adding additional architectural elements to the east elevation to break up the large wall plane.



**PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023**

The intent of these comments was to ensure the building adheres to the City’s Design Guidelines as closely as possible. Mr. Cannon drew examples from similar restaurants located across Sand Creek Road at The Streets of Brentwood, as well as a Lazy Dog Restaurant in Cupertino, all of which he had prior peer review experience with.

In the final proposed design (see below), the applicant re-incorporated the tower element, but at a slightly reduced height than is typical for Lazy Dog Restaurants (31 feet instead of 38 feet). There was no additional depth added to the stone pilasters, which currently project 10 ½ inches; therefore, staff recommends that the projection be increased to 18-inches in order to break up the building’s box-like appearance and comply with the City’s commercial/industrial design guidelines. Staff has included a draft condition of approval #11, which requires the applicant to add more depth to the pilasters by increasing the projection from 10 ½ inches to at least 18 inches.

In response to the peer review comments, the material to the projecting southeast corner wall was changed from stucco to stone veneer, and stone pilasters were added to the east elevation to break up the monotonous wall. Staff has included draft condition of approval #10, which requires the applicant to add landscaping to the west wall of the trash enclosure in order to be more comparable to the landscaping area on the east wall of the trash enclosure and to minimize the prominence of service areas as required by the commercial/industrial design guidelines.



Proposed Building Elevations



PLANNING COMMISSION AGENDA ITEM NO. E.1 08/15/2023

PARKING

In accordance with the Brentwood Municipal Code (BMC), restaurant parking must be provided at a rate of one space per 100 square feet of gross floor area. Given the proposed floor area, 90 spaces are required for the 9,000 square-foot restaurant and 15 spaces for the 1,508 square foot patio area. The site plan depicts 171 proposed spaces, thereby exceeding the total number of required spaces by 66. Of the proposed 171 spaces, 17% (29 spaces) would be designated as compact spaces, compliant with the BMC which allows up to 30% of the required number of spaces to be compact. The proposed parking thus complies with the off-street parking requirements as identified in the BMC.

LANDSCAPING

The conceptual landscape plan submitted as part of the design review package reflects a significant amount of landscape material along the Sand Creek Road frontage. The west and north boundaries of the site would be screened with medium-height shrubbery as a method of preventing vehicular light glare onto public streets. Proposed shade and ornamental trees would be of a 15-gallon size and the shade trees would be scattered throughout the parking areas approximately 30 feet apart. As noted in the table above, landscaping would account for 23% of lot coverage, thus exceeding the 16% requirement for sites with parking areas that consist of more than 71 parking spaces. A standard condition of approval requires the submittal of detailed landscape and irrigation plans for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance.

Storm water treatment areas are dispersed throughout the parking areas and would be in compliance with the Contra Costa County Stormwater C.3 Guidebook. All water treatment facilities would be located outside of the CCWD parcel.

LIGHTING

A total of 12 exterior wall lantern style lights, compatible with the building architecture, are proposed as shown on the project plans. The parking lot would be illuminated with 14 light poles. These would be 24 feet high and mounted on reinforced concrete pedestals to protect them from vehicular damage. All light fixtures will be full cutoff so that no light rays are emitted by the installed fixture at angles above the horizontal plane.

The submitted photometric plan depicts the light cast from these fixtures would be between 1 foot-candle and 7 foot-candles on most of the vehicle access ways and parking areas, consistent with the provisions of the BMC, which requires that all of the vehicle access ways and parking areas be illuminated between 1 foot-candle and 7 foot-candles. A draft condition of approval is included requiring the applicant to provide sufficient lighting to comply with Section 17.620.022.G of the BMC.

SIGNAGE

Conceptual sign locations are shown on the proposed building elevations. Prior to installation of any signage on the site or building, the applicant would be required to



PLANNING COMMISSION AGENDA ITEM NO. E.1
08/15/2023

submit a sign permit application to the Community Development Department for review and approval, which would be reviewed for consistency with the requirements of the BMC.

ATTACHMENT(S)

1. MS 354-22, PC Resolution 23-013
2. DR 22-011, PC Resolution 23-014
3. Lazy Dog Full Plan Set
4. Peer Review - Larry Cannon Comments
5. Adopted Mitigation Measures

From: [Yuwiler, Sarah](#)
To: [Contreras, Miguel](#)
Subject: FW: Lazy Dog -Time Extension Submittal
Date: Wednesday, September 25, 2024 2:22:44 PM
Attachments: [image001.png](#)
[Preliminary report-0227024008.pdf](#)
[Brentwood-Sand Creek planning application extension 9-5-2024.pdf](#)
[image002.png](#)

Sarah Yuwiler, Associate Planner
Community Development



From: Kirk DeClark <kirk@lrginvestors.com>
Sent: Thursday, September 12, 2024 9:51 AM
To: Web Planning Division <Planning@brentwoodca.gov>
Cc: Contreras, Miguel <mcontreras@brentwoodca.gov>; Gale, Darin <dgale@brentwoodca.gov>; Morris, Alexis <amorris@brentwoodca.gov>; Noguera, Ricardo <rnoguera@brentwoodca.gov>; tperfetto@rakengineers.com; Josh Amoroso <amo@lrginvestors.com>; Steve Cutter <steve@lrginvestors.com>; Nolthenius, Erik <enolthenius@brentwoodca.gov>; Julia Shuman <julia@lockehouse.com>
Subject: Lazy Dog -Time Extension Submittal

CAUTION – EXTERNAL SENDER

Hi,
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Please find the attached planning application extension and preliminary title report.

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Construction on the project has not commenced due to our hotel tenant pulling out of the project.?? Lazy Dog requires the hotel to be on a similar construction schedule so as to avoid operational conflicts.?? We have now found another hotel operator and will soon be making planning submittals, putting both projects on schedule to commence construction mid-2025.??

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A one-year extension is requested, starting September 26, 2024.?? As noted above, we expect to commence construction on both Lazy Dog and the hotel mid-2025.

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No further applications have been filed with the city since the Lazy Dog design review and tentative parcel map approvals.??

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Thank you,
Kirk



150 City Park Way

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Kirk DeClark
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2099 Mt. Diablo Blvd. Suite 206, Walnut Creek, CA 94596
M 805.801.9123 | D 650.548.2664 | F 650.692.3407
??

kirk@lrginvestors.com | www.lrginvestors.com

Brentwood, CA 94513

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kirk@lrginvestors.com | www.lrginvestors.com

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syuwiler@brentwoodca.gov

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SUBJECT: Applications for Design Review approval for two new single-family homes

DEPARTMENT: Community Development

STAFF: Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

An application for Design Review (DR24-008) approval for a new 2,353 square-foot two-story home with a 430-square-foot garage and a 480-square-foot attached accessory dwelling unit (ADU) located at 171 Kayla Place (APN 016-010-006), and an application for Design Review (DR24-009) approval for a new 1,977 square-foot two-story home with a 445-square-foot garage and a 359-square-foot attached ADU located at 175 Kayla Place (APN 016-010-005).

Staff recommends that the Planning Commission adopt Resolution No. 24-038 approving DR24-008 and Resolution No. 24-039 approving DR24-009.

The proposed projects qualify as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as they are characterized as in-fill development. If the Planning Commission votes to deny the application, it would negate the need for any review under the California Environmental Quality Act (CEQA), as CEQA does not apply to projects in which a public agency rejects or disapproves per 14 CCR Section 15270(a).

OWNER/APPLICANT

Stephen Matthias

GENERAL PLAN

BBSP – Brentwood Boulevard Specific Plan

ZONING/SURROUNDING LAND USES

BBSP – Brentwood Boulevard Specific Plan (Medium Density Residential)



PREVIOUS ACTION(S)

Previous actions related to this agenda item that were taken by the Planning Commission are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
- Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.

On April 2, 2024, the Planning Commission considered applications for Design Review with corresponding Variances for new single-family homes on each of the subject lots. At the conclusion of the hearing, the Planning Commission continued the item and directed staff to return with resolutions for denial, indicating that they were unable to make the required Variance findings for approval.

On April 30, 2024, the applicant formally withdrew both applications.

On September 17, 2024, the project was brought before the Planning Commission for consideration, including one request for an exception to the Interim Objective Design Standards. The Planning Commission did not approve the project based on noncompliance with the Interim Objective Design Standards and instead directed staff to return with a resolution for denial. The applicant subsequently; however, submitted revised plans for consideration that meet all Interim Objective Design Standards for the Planning Commission's consideration.

BACKGROUND

The proposed homes are located on two adjacent irregularly-shaped vacant lots, 3,346-square-foot and 3,727-square-foot in size, respectively. The lots are located at 171 and 175 Kayla Place and are identified by Assessor's Parcel Numbers (APN) 016-010-006 and 016-010-005. The General Plan designates the sites as Brentwood Boulevard Specific Plan (BBSP) and the sites are zoned Brentwood Boulevard Specific Plan (BBSP), within the Medium Density Residential (MDR) land use category.

Surrounding Land Uses

North: Vacant property owned by the Brentwood Successor Agency and the Marsh Creek Flood Control Channel

East: Single-Family Residential

South: Single-Family Residential

West: Single-Family Residential



On April 2, 2024, the Planning Commission considered applications for Design Review with corresponding Variances for new single-family homes on each of the subject lots. The Variances were requested to deviate from various development standards (i.e., to allow for reduced front, side, and rear yard setbacks) of the Brentwood Boulevard Specific Plan. After review of the applications and hearing public comments, the Planning Commission directed staff to continue the item and return with a resolution for denial for each project, based on an inability to make the required findings for the proposed Variances. After the hearing, the applicant withdrew the Design Review and Variance applications to look at other alternatives.

On May 6, 2024, the applicant submitted new Design Review applications that met all BBSP requirements, so no Variances are required. Design Review applications for new single-family homes on legally created lots that are not proposed as part of



**PLANNING COMMISSION AGENDA ITEM NO. E.2
10/15/2024**

larger subdivisions are typically reviewed and approved by the Design Review Subcommittee (DRS).

On August 22, 2024, the DRS considered the applications. After presentation of the staff report and comments from the applicant, the DRS heard public comments from two members of the public. Both speakers expressed appreciation for the changes made since the previous applications were presented to the Planning Commission; however, the commenters still maintained concerns with the size of the homes and density of the project, as well as potential privacy concerns associated with the new homes (specifically 175 Kayla Place).

After public comments, the DRS discussed the design of the homes and asked staff to provide clarification on the overall density of the project, the proposed setbacks and development standards, and the requested exception to the Interim Objective Design Standards. In addition, the DRS asked staff to clarify the type of second floor windows that face towards the east on the proposed home at 175 Kayla Place. Staff confirmed that as a legally created lot, the allowable density permitted is one single-family home and clarified that in accordance with State law, ADU's cannot be used as part of the density calculation. In addition, staff confirmed that the setbacks proposed for the single-family homes, as well as the ADU's, met all development standard requirements. The only deviation that the applicant requested was an exception to the Interim Objective Design Standards related to façade elements. Lastly, staff confirmed that the only 2nd story window on the proposed home at 175 Kayla Place that faced towards the east was a clerestory window that has been placed higher on the wall, closer to the ceiling to allow in natural light while still providing privacy to the adjacent neighbor.

At the conclusion of the discussion, the DRS could not come to a consensus on the applications, with one commissioner supportive of the project as proposed and one commissioner not supportive of the requested exception to the Interim Objective Design Standards. Since there was not a consensus, the applications were referred to the Planning Commission for consideration.

On September 17, 2024, the project was brought before the Planning Commission. During the discussion, some commissioners expressed concerns regarding the request for an exception to the Interim Objective Design Standards. Although staff had provided a draft condition to approve the project while denying the exception, the Planning Commission by a vote of 3-2 instead requested that staff return with a resolution for denial of the entire project.



On September 23, 2024, the applicant submitted revised plans that complied with all Interim Objective Design Standards for the Planning Commission’s consideration.

PROJECT DESCRIPTION

On September 23, 2024, the applicant submitted an updated set of plans (attached) with the following changes:

- Modified side elevations to provide additional volumetric elements that recess the 2nd story back beyond the first. This results in a reduction of 35 square-feet on 171 Kayla Place and 20 square-feet on 175 Kayla Place.

The overall size of each of the revised homes is shown in redline format in the following table below.

	171 Kayla Place	175 Kayla Place
Lot Size	3,346 sq. ft.	3,727 sq. ft.
1st Floor Living Area	867 sq. ft.	804 sq. ft.
2nd Floor Living Area	1,521 sq. ft. <u>1,486 sq. ft.</u>	1,193 sq. ft. <u>1,173 sq. ft.</u>
Total Habitable Area	2,388 sq. ft. <u>2,353 sq. ft.</u>	1,997 sq. ft. <u>1,977 sq. ft.</u>
Garage Area	430 sq. ft.	445 sq. ft.
Maximum Building Height	25 feet 8 inches	23 feet 7 inches
Attached ADU Area	480 sq. ft.	359 sq. ft.

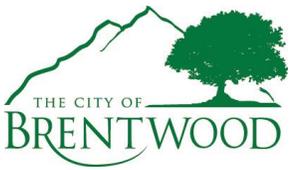
171 Kayla Place



175 Kayla Place

ANALYSIS

Except for the above mentioned changes, the resubmitted project is the same as the original (as described in the attached September 17, 2024 staff report), meeting all Brentwood Boulevard Specific Plan requirements as well as all Interim Objective Design Standards. The Planning Commission previously stated that it could not make the required Design Review findings based on noncompliance with the Interim Objective Design Standards. However, the revised plans confirm that the project now meets all Interim Objective Design Standards as well as all Brentwood Boulevard Specific Plan standards. Since the applicant revised the plans, staff prepared draft resolutions approving the revised plans for the Commission’s consideration. If the Commission still intends to deny the project as proposed, the Commission would need



**PLANNING COMMISSION AGENDA ITEM NO. E.2
10/15/2024**

to provide additional evidence to support denial of the project due to failure to make the findings required by BMC Sections 17.820.007 and 17.820.008.

ENVIRONMENTAL DETERMINATION

The proposed project qualifies as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as it is characterized as in-fill development, meeting the following conditions: a) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services. Moreover, even if the project was not exempt from further CEQA review under Class 32, it would also be exempt from additional such review under Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183, as the project is consistent with the 2014 General Plan, for which an EIR was certified.

ATTACHMENT(S)

1. Resolution No. 24-038 Design Review 24-008, 171 Kayla Place
2. Resolution No. 24-039 Design Review 24-009, 175 Kayla Place
3. Revised Plans for 171 Kayla Place
4. Revised Plans for 175 Kayla Place

PLANNING COMMISSION RESOLUTION NO. 24-038

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

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

WHEREAS, Design Review No. 24-008 constitutes the "Project;" and

WHEREAS, the Project application has been referred to various public utility companies, public districts, and pertinent departments for review and recommendations; and

WHEREAS, this Project qualifies for a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as it is characterized as in-fill development meeting the following conditions: a) the Project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, b) the proposed development occurs within city limits on a Project site of no more than five acres substantially surrounded by urban uses, c) the Project site has no value for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services; and

WHEREAS, even if the Project was not exempt from CEQA review under Class 32, it would also be exempt from review under Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183, as the project is consistent with the 2014 General Plan, for which an EIR was certified; and

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

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

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

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

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

- A. Finds the foregoing recitals are true and correct and are incorporated herein as findings.
- B. With respect to the design review findings pursuant to Brentwood Municipal Code Section 17.820.007, the Planning Commission finds:
 - i. The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

The proposed development would create a well-composed urban design, harmoniously related to other planned facilities in the immediate area, in that the style of the new home implements design features that add to the urban feel of the neighborhood due to the orientation of the home on the lot, and the site and the home are compatible with the urban design goals of the General Plan Land Use Element, Brentwood Boulevard Specific Plan Medium Density Residential zoning designation, and the Interim Objective Design Standards.

- ii. Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.*

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

- iii. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.*

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

- iv. Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the city council, the design of the development shall conform in all significant respects with such plans.*

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

- v. The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this title.*

The Project, as designed and conditioned, incorporates all required landscape areas within the front yard. Two full-size parking spaces are provided within the garage of the home with two full driveway spaces, thus meeting the parking requirements pertaining to single-family developments.

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

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

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

- vii. *"The City of Brentwood Design Guidelines" adopted March 24, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance.*

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

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

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

- C. Hereby approves Design Review No. 24-008 subject to the conditions of approval listed in Exhibit 'A', attached hereto and made a part of this resolution, and all City standards applicable to this project.
- D. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at 150 City Park Way in Brentwood, California. Planning Manager Erik Nolthenius is the custodian of records for the record of proceedings.

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

The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of October 15, 2024, by the following vote:

AYES:
NOES:
ABESENT:
RECUSE:

APPROVED

Anita Roberts
Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

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

1. The Applicant and Permittees, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Design Review (DR 24-008) (the "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed. The Permittee shall develop the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps and Design Review Applications, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The project shall be constructed in substantial conformance with the Plans submitted by the applicant, dated "Received September 23, 2024" unless otherwise amended by the conditions of approval contained herein.
4. The Permittee is responsible for ensuring that all setbacks are met at the time of plot plan submittal for building permits and throughout the construction process.
5. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
6. The Permittee shall submit detailed landscape and irrigation plans of the front yard and fencing for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance subject to review and approval of the Planning Department..
7. Residential wood fences shall meet the minimum requirement of the City's Enhanced Residential Good Neighbor Fence detail (ST-22).
8. The Permittee shall be responsible for the construction of all good neighbor fences between the properties and all perimeter walls.
9. All HVAC shall be ground mounted and shall not be visible from any street or pedestrian views. No roof mounted HVAC unit allowed.
10. The Permittee shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including approval of DR

24-008, and any environmental determination made with regard thereto, save and except to the extent caused solely by the City's sole or active negligence, or willful misconduct. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense.

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

PLANNING COMMISSION RESOLUTION NO. 24-039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 24-009) APPLICATION FOR A NEW SINGLE-FAMILY HOME LOCATED AT 175 KAYLA PLACE (APN 016-010-005).

WHEREAS, Stephen Matthias (the "Applicant"), has submitted an application for Design Review approval (DR 24-009) for a new 1,977-square-foot two-story home with a 445-square-foot garage and 359-square-foot accessory dwelling unit (ADU) located at 175 Kayla Place (the "Project Site," identified as APN 016-010-006); and

WHEREAS, Design Review No. 24-009 constitutes the "Project;" and

WHEREAS, the Project application has been referred to various public utility companies, public districts, and pertinent departments for review and recommendations; and

WHEREAS, this Project qualifies as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332), as it is characterized as in-fill development meeting the following conditions: a) the Project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, b) the proposed development occurs within city limits on a Project site of no more than five acres substantially surrounded by urban uses, c) the Project site has no value for endangered, rare, or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services; and; therefore, no further environmental review is necessary; and

WHEREAS, even if the Project was not exempt from CEQA review under Class 32, it would also be exempt from review under Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183, as the project is consistent with the 2014 General Plan, for which an EIR was certified; and

WHEREAS, the Planning Commission of the City of Brentwood considered this DR24-009 application including a request for an exception to the Interim Objective Design Standards at its regular meeting of September 17, 2024, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

WHEREAS, the Planning Commission was unable to make findings for approval of DR24-009 during the September 17, 2024 meeting based on noncompliance with one of the City's Interim Objective Design Standards and continued the item in order to allow staff to bring back a resolution for denial; and

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

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

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

- A. Finds the foregoing recitals are true and correct and are incorporated herein as findings.
- B. With respect to the design review findings pursuant to Brentwood Municipal Code Section 17.820.007, the Planning Commission finds:
 - i. The proposed development shall create a well-composed urban design, harmoniously related to other facilities in the immediate area and to the total setting as seen from key vantage points in the community.*

The proposed development would create a well-composed urban design, harmoniously related to other planned facilities in the immediate area, in that the style of the new home implements design features utilized on the existing single-family home and adds to the urban feel of the neighborhood due to the orientation of the home on the lot, and the site and the home are compatible with the urban design goals of the General Plan Land Use Element, Brentwood Boulevard Specific Plan Medium Density Residential zoning designation, and the adopted Interim Objective Design Standards.

- ii. Elements of design which have significant relationship to the exterior appearance of structures and facilities shall be given special consideration; these elements include but are not limited to height, arrangement on the site, texture, lighting, material, color, signs, landscaping, size, bulk and scale, and appurtenances.*

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

blend with the existing unit on the site, as well as other residential units in the vicinity. In addition, the unit reflects high-quality design as imposed on other developments within the city.

- iii. The proposed development shall be of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.*

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

- iv. Where the proposed development is located in an area for which a specific plan, planned development, neighborhood plan or precise plan has been adopted by the city council, the design of the development shall conform in all significant respects with such plans.*

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

- v. The proposed development shall conform with all requirements for landscaping, screening, parking, usable open space and off-street loading as set forth in this title.*

The Project, as designed and conditioned, incorporates all required landscape areas within the front yard. Two full-size parking spaces are provided within the garage of the home with two full driveway spaces, thus meeting the parking requirements pertaining to single-family developments.

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

The siting of the new home, garage and parking, access, landscape, hardscape, and utility facilities on the site are conducive to an orderly, attractive, efficient, and harmonious development

insomuch as the home is designed to be consistent with the adjacent homes and fit into the neighborhood while providing an attractive and interesting street scene. The home was designed to be complimentary in material and architectural style as the adjacent homes and surrounding uses. Additionally, as designed, the Project will not have an adverse environmental effect on the adjacent neighborhood, existing or potential, by reason of conflicts in land use in that the proposed development is consistent with the Specific Plan.

- vii. *"The City of Brentwood Design Guidelines" adopted March 24, 2001, and any other applicable specific design criteria or standards set out in this title or other city ordinance.*

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

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

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

- C. Hereby approves Design Review No. 24-009 subject to the conditions of approval listed in Exhibit 'A', attached hereto and made a part of this resolution, and all City standards applicable to this project.
- D. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at 150 City Park Way in Brentwood, California. Planning Manager Erik Nolthenius is the custodian of records for the record of proceedings.

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

The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of October 15, 2024, by the following vote:

AYES:
NOES:
ABESENT:
RECUSE:

APPROVED

Anita Roberts
Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

**EXHIBIT 'A' TO
PLANNING COMMISSION RESOLUTION NO. 24-039
CONDITIONS OF APPROVAL FOR
DESIGN REVIEW (DR 24-009)**

1. The Applicant and Permittees, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Design Review (DR 24-009) (the "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed. The Permittee shall develop the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps and Design Review Applications, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The project shall be constructed in substantial conformance with the Plans submitted by the applicant, dated "Received September 23, 2024" unless otherwise amended by the conditions of approval contained herein.
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5. All trees shall comply with the City of Brentwood's Urban Forest Guidelines.
6. The Permittee shall submit detailed landscape and irrigation plans of the front yard and fencing for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance subject to review and approval of the Planning Department..
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8. The Permittee shall be responsible for the construction of all good neighbor fences between the properties and all perimeter walls.
9. All HVAC shall be ground mounted and shall not be visible from any street or pedestrian views. No roof mounted HVAC unit allowed.
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11. Prior to building permit issuance, the Permittee shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the Contra Costa County Fire Protection District (CCCYPD). The City's Building Division shall review the building plans to ensure compliance.
12. Prior to building permit issuance, the Permittee shall provide an adequate and reliable water supply for fire protection with a minimum fire flow to the satisfaction of CCCYPD and the City of Brentwood.
13. The Permittee shall comply with all conditions of approval for Design Review No. 24-009.

8. ABBREVIATIONS

ADA	AMERICANS W/ DISABILITIES ACT
ADDL	ADDITIONAL
ARCH	ARCHITECT OR ARCHITECTURAL
BLK'G	BLOCKING
BOT	BOTTOM
CAB	CABINET
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONT	CONTINUOUS
DBL	DOUBLE
DET	DETAIL
DIA	DIAMETER
(E)	EXISTING
ELEV	ELEVATION
EA	EACH
EQ	EQUAL
EXT	EXTERIOR
FFL	FINISH FLOOR LINE
FLR	FLOOR
GYP BD	GYP SUM BOARD
INCL	INCLUDING
MIN	MINIMUM
(N)	NEW
NRTH	NORTH
NTS	NOT TO SCALE
OC	ON CENTER
REQ'D	REQUIRED
RWD	REDWOOD
SHT	SHEET
STH	SOUTH
SPECS	SPECIFICATIONS
SS	STAINLESS STEEL
TBD	TO BE DETERMINED
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
VERT	VERTICAL
W/	WITH
WD	WOOD
W/O	WITHOUT
WP	WATERPROOF

175 KAYLA PLACE RESIDENCE

175 Kayla Place Brentwood CA 94513

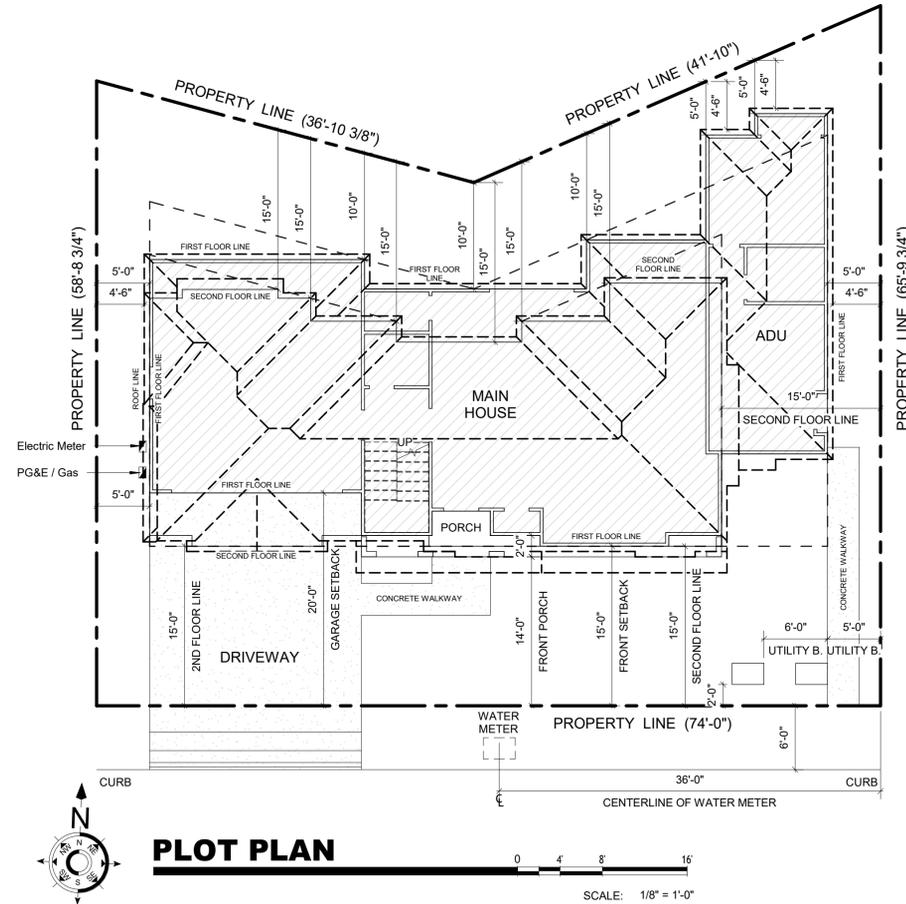
PARCEL #: 016-010-006

RECEIVED
September 23, 2024
CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT



www.mainstreamdrafting.com
Phone: 403 390 6423

5. PLOT PLAN



1. GENERAL NOTES

- SEE DRAWINGS OTHER THAN STRUCTURAL FOR TYPES OF FLOOR FINISH AND THEIR LOCATION, FOR DEPRESSIONS IN FLOOR SLABS, FOR OPENINGS IN WALLS AND FLOORS REQUIRED BY ARCHITECTURAL AND MECHANICAL FEATURES.
- HOLES AND OPENINGS THROUGH WALLS AND FLOORS FOR DUCTS, PIPING AND VENTILATION SHALL BE COORDINATED BY THE CONTRACTOR WHO SHALL VERIFY SIZES AND LOCATION OF SUCH HOLES OR OPENINGS WITH THE MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS AND THEIR SUB-CONTRACTORS.
- NO PIPES OR DUCTS SHALL BE EMBEDDED IN WALLS UNLESS SPECIFICALLY DETAILED OR APPROVED BY THE ARCHITECT.
- DRAWINGS AND SPECIFICATIONS REPRESENT FINISHED STRUCTURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION INCLUDING BUT NOT LIMITED TO SHORING AND TEMPORARY BRACING. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO INSURE SAFETY OF ALL PERSONS AND STRUCTURES AT THE SITE AND ADJACENT TO THE SITE. OBSERVATION VISITS TO THE SITE BY THE ARCHITECT, ENGINEER OR CONSTRUCTION MANAGER SHALL NOT RELIEVE THE CONTRACTOR OF SUCH RESPONSIBILITY.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT JOB SITE BEFORE COMMENCING WORK AND SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- OMISSIONS OR CONFLICTS BETWEEN VARIOUS ELEMENTS OF THE DRAWINGS, NOTES, AND DETAILS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND RESOLVED BEFORE PROCEEDING WITH THE WORK.
- DO NOT USE SCALED DIMENSIONS; USE WRITTEN DIMENSIONS. WHERE NO DIMENSION IS PROVIDED, CONSULT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.
- IF CERTAIN FEATURES ARE NOT FULLY SHOWN OR CALLED FOR ON THE DRAWINGS OR SPECIFICATIONS, THEIR CONSTRUCTION SHALL BE OF THE SAME CHARACTER AS FOR SIMILAR CONDITIONS THAT ARE CALLED FOR OR SHOWN.

9. DRAWING INDEX

2-A0	1. PROJECT SUMMARY & INFORMATION 2. COMPLIANCE CODES 3. PROJECT DESCRIPTION 4. SITE MAP 5. VICINITY MAP 6. GENERAL NOTES 7. PLOT PLAN 8. SYMBOLS 9. DRAWING INDEX 10. ABBREVIATIONS DRAINAGE & UTILITY PLAN
2-A0a	
2-A1	PROPOSED 1ST FLOOR PLAN
2-A2	PROPOSED 2ND FLOOR PLAN
2-A2.1	PROPOSED ELEVATIONS PROPOSED ELEVATIONS
2-A3	SECTIONS
2-A4	PROPOSED ROOF PLAN PROPOSED ADU ELEVATIONS
2-A5	PROPOSED ROOF PLAN
2-A6	SCHEDULE OF DOORS & WINDOWS EXTERIOR COLOR FINISH & MATERIALS
2-E1	
2-E2	
2-P1	

2. PROJECT DESCRIPTION

- PROPOSED 2-STORY RESIDENTIAL WITH ADU

3. COMPLIANCE CODES

THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL CONFORM TO THE FOLLOWING BUILDING CODES AND STANDARDS AS APPLICABLE:

- ~ CALIFORNIA BUILDING CODE, 2019 EDITION
- ~ CALIFORNIA ELECTRICAL CODE, 2019 EDITION
- ~ CALIFORNIA CALIFORNIA MECHANICAL CODE, 2019 EDITION
- ~ CALIFORNIA CALIFORNIA PLUMBING CODE, 2019 EDITION
- ~ CALIFORNIA TITLE 24 DISABLED AND ENERGY REGULATIONS, 2019 EDITION
- ~ CITY OF RICHMOND MUNICIPAL CODE
- ~ CFC (CALIFORNIA FIRE CODE)
- ~ CA GREEN BUILDING STANDARD CODES, 2019 EDITION

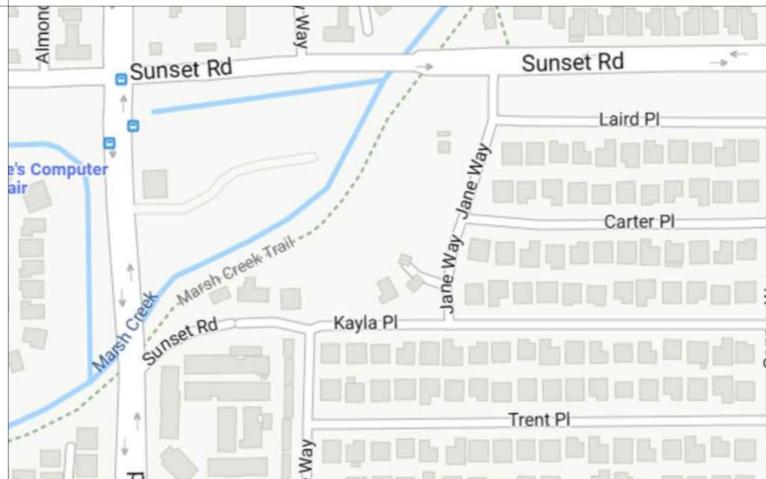
DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS AT JOBSITE AND BRING ALL CONFLICTING INFORMATION TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK

4. PROJECT SUMMARY AND INFORMATION

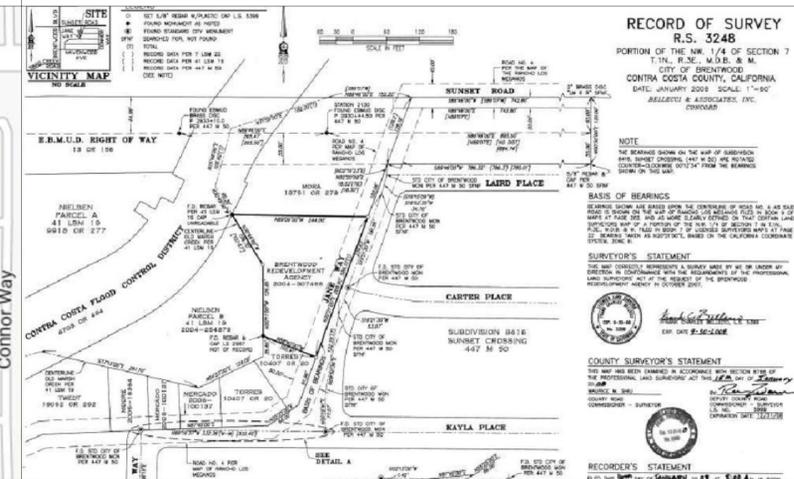
PROPERTY OWNER:	STEVE MATTHIAS
ADDRESS:	175 Kayla Place Brentwood CA 94513
TEL. NUMBER:	-
APN:	016-010-006
ZONING:	R1 (SINGLE FAMILY DWELLING)
COUNTY:	CONTRA COSTA
OCCUPANCY:	R3
TYPE OF CONSTRUCTION:	COVER
LOT AREA:	4,530 SQ.FT.
GARAGE AREA:	445 SQ.FT.
AREA OF FIRST FLOOR:	804 SQ.FT.
AREA OF SECOND FLOOR:	1,173 SQ.FT.
TOTAL LIVING AREA:	1,977 SQ.FT.
AREA OF ADU:	359 SQ.FT.
COVERED PORCH:	68 SQ.FT.
MAIN BUILDING FOOTPRINT:	1,297
ADU BUILDING FOOTPRINT:	359
TOTAL FOOTPRINT:	1,656
PERCENTAGE OF BUILDING FOOTPRINT:	36.56 %

10. SYMBOLS

7. VICINITY MAP



6. SURVEY MAP



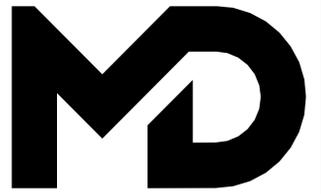
175 KAYLA PLACE RESIDENCE

175 Kayla Place Brentwood CA 94513
PARCEL #: 016-010-006

OWNER	STEVE MATTHIAS
DATE	06/04/24
DRAWN BY	
CHECKED BY	

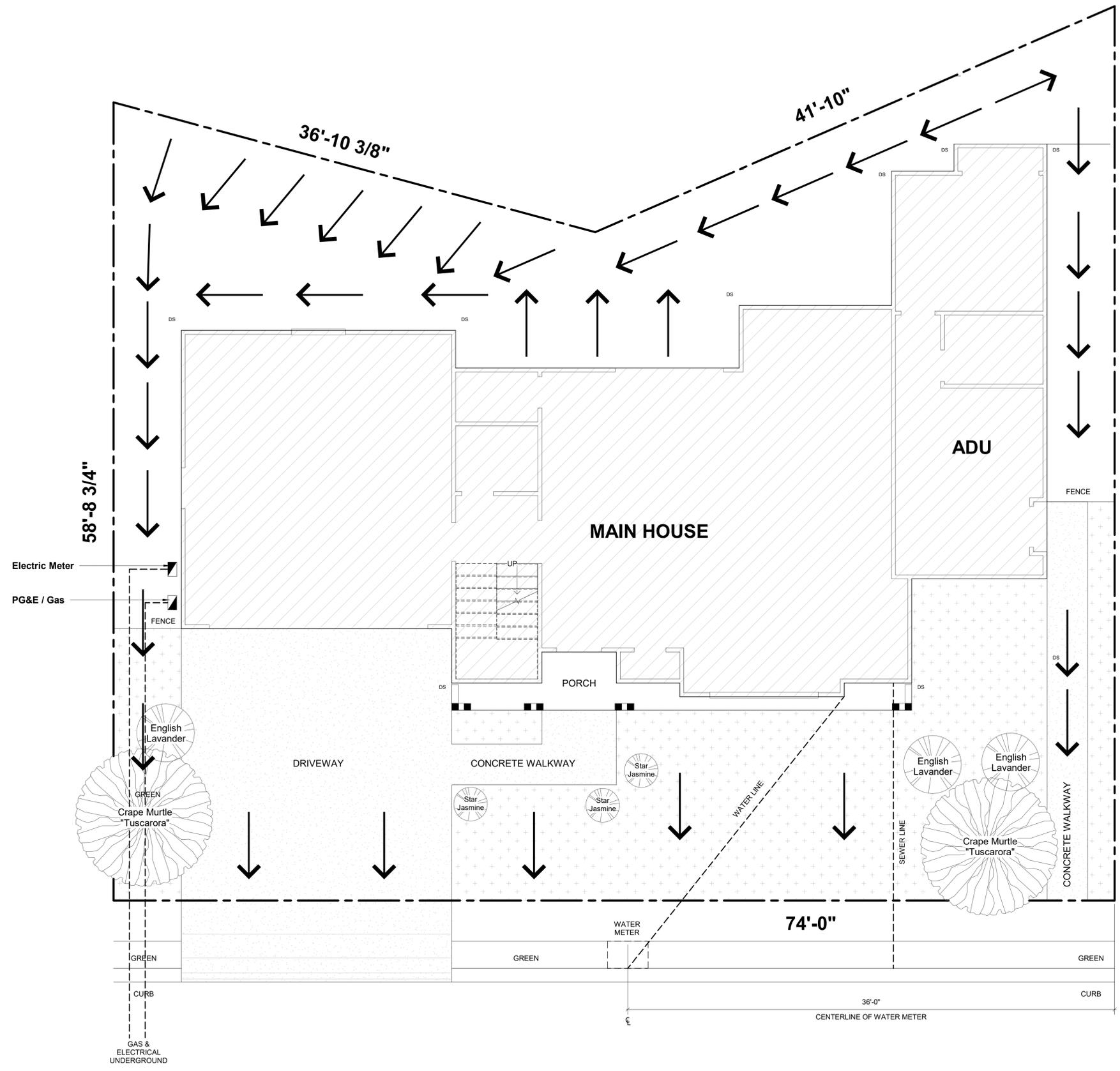
1-A0.A

SCALE As indicated



www.mainstreamdrafting.com
Phone: 403 390 6423

NOTES:



FRONTYARD SQ.FT./PERCENTAGE CALCULATION		
CONCRETE	538 SQ.FT.	39.58%
LANDSCAPE	821 SQ.FT.	60.42%

LEGEND	
	FLOW OF WATER
	LANDSCAPE
	CONCRETE

175 KAYLA PLACE RESIDENCE

175 Kayla Place Brentwood CA 94513
PARCEL #: 016-010-006

LANDSCAPE, DRAINAGE & UTILITY PLAN

OWNER: STEVE MATTHIAS
DATE: 06/04/24
DRAWN BY:
CHECKED BY:

1-A0.B

SCALE: 1/4" = 1'-0"

LANDSCAPE, DRAINAGE & UTILITY PLAN (UNIT 2)
SCALE: 1/4" = 1'-0"



SUBJECT: Conditional Use Permit for C'est La Vie Wine and Tea located at 6800 Lone Tree Way

DEPARTMENT: Community Development Department

STAFF: Erik Nolthenius, Planning Manager
Sarah Yuwiler, Associate Planner

TITLE/RECOMMENDATION

An application for a Conditional Use Permit (CUP 24-006) to establish a 3,750 square foot restaurant/cafe known as C'est La Vie Wine and Tea that would serve beer and wine, host live entertainment, and occupy more than 15% of the existing building "E" located within the Lone Tree Crossings at 6800 Lone Tree Way (APN 019-010-054).

Staff recommends that the Planning Commission adopt Resolution No. 24-042, approving Conditional Use Permit No. 24-006, subject to certain findings and conditions.

The proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), as the use will be established within an existing building located within an existing commercial center and will include only minor interior alterations (i.e., tenant improvements) and thus involves negligible or no expansion of existing or former uses.

The project further qualifies for a Class 32 categorical exemption under CEQA Guidelines Section 15332 (In-Fill Development Projects) as the proposed project is consistent with the applicable General Plan designation, as well as with applicable zoning designation and regulations, are proposed on a project site less than 5 acres in size, have no value as habitat for endangered species, would not result in significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all utilities and public services.

OWNER/APPLICANT

East Bay Real Estate LLC / DTB Ventures

GENERAL PLAN

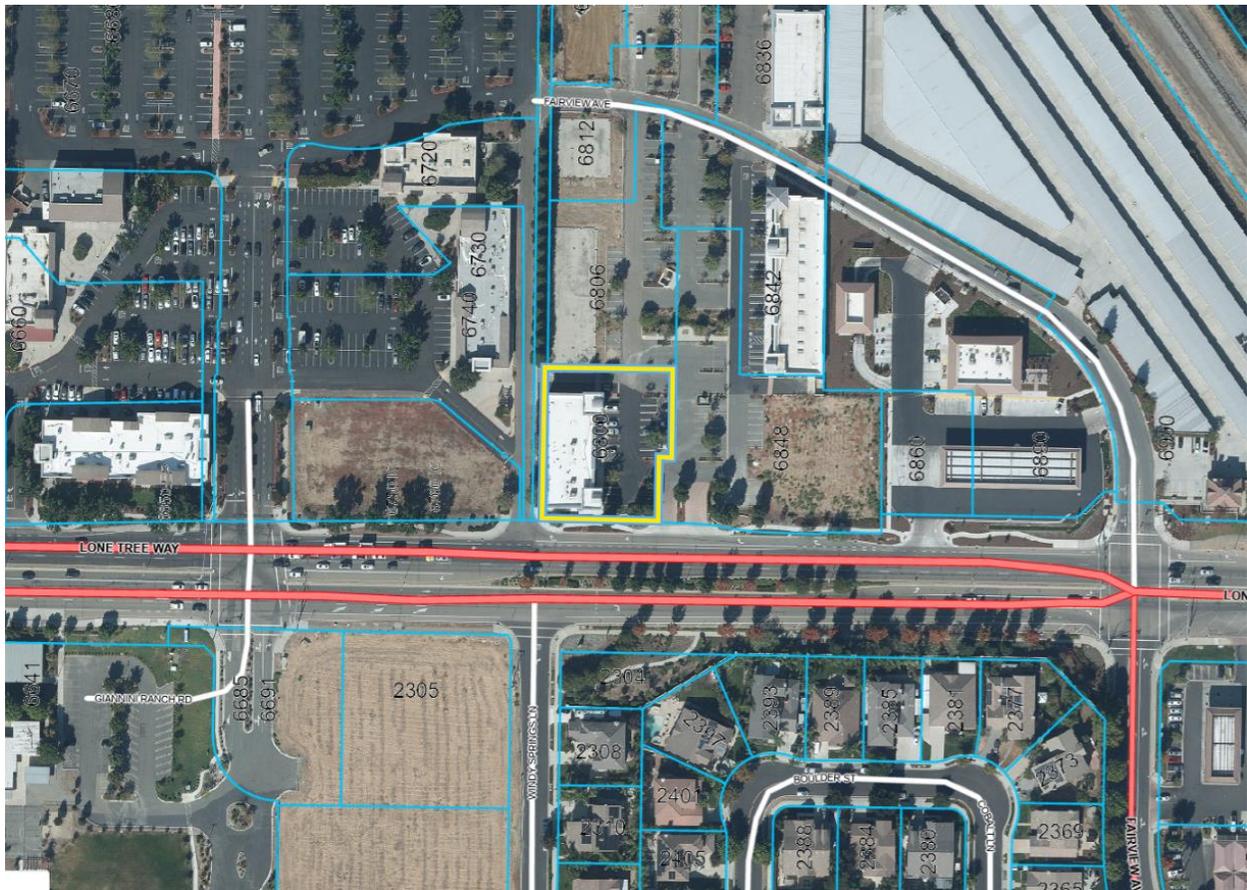
General Commercial (GC)

ZONING/SURROUNDING LAND USES

Planned Development 38, Subarea E (PD-38)

Surrounding Land Uses

- North: Vacant parcel, part of Lone Tree Crossings
- South: Lone Tree Way right-of-way
- West: Lone Tree Center & approved commercial building with drive-through, not constructed yet
- East: Vacant parcel, part of Lone Tree Crossings



PREVIOUS ACTION(S)

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed in Attachment 1. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:



**PLANNING COMMISSION AGENDA ITEM NO. F.1
10/15/2024**

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
- Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.

BACKGROUND

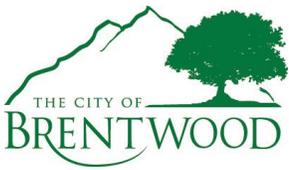
The proposed project is located within PD-38, Subarea E, also known as Lone Tree Crossings. The overall site consists of an approximately 117,368 square foot retail commercial center on nine parcels approved for development with freestanding Buildings A, A1, B, C, D, E, F, F1, and G. The center was originally approved in 2006 under Design Review 05-29 (DR 05-29) and is slowly being developed over time:

Building	Status
A	Not yet constructed; parcel vacant
A1	Constructed (The Power Church)
B	Constructed (Firestone)
C	Constructed (vacant building)
D	Not yet constructed; parcel vacant
E	Building permit recently issued (Lone Tree Animal Care)
F	Building permit submitted and under review
F1	Not yet constructed; parcel vacant
G	Subject site; not yet constructed; parcel vacant

The applicant proposes to operate C’est La Vie Wine and Tea within a recently constructed commercial shell building (“E”) at 6800 Lone Tree Way. The use would occupy 3,750 square feet of the 7,511 square foot building. Lone Tree Crossings is located directly north of Lone Tree Way, east of Windy Springs Lane and west of Fairview Avenue. There are no physical site improvements proposed, as the project only includes modifications to the tenant space to ensure it meets the needs of the restaurant/cafe. The subject building was recently constructed and finalized in 2023, with the other half of the building currently occupied by Lone Tree Animal Care.

PROJECT DESCRIPTION

The applicant proposes to establish C’est La Vie Wine and Tea as an “upscale entertainment café” in Suite 2 of building “E” within Lone Tree Crossings. The use would occupy approximately 3,750 square feet of the 7,511 square foot building. The applicant proposes to host events, such as live music nights, comedy shows, art



**PLANNING COMMISSION AGENDA ITEM NO. F.1
10/15/2024**

exhibits, themed events, book signings, and private parties, with several of these events per week. The café/restaurant venue intends to focus on local, national, and internationally known artists and entertainers. Food and beverages will be served, including beer and wine (no distilled spirits). The café will consist of a bar and cold kitchen to prepare the food items, such as pastries and snacks. While the café intends to cater toward hosting events, the café will operate daily regardless of whether there is a scheduled event. The café's proposed hours of operation are 7:00 A.M. to 12:00 A.M. Sunday through Thursday and 7:00 A.M. to 1:00 A.M. on Friday and Saturday. The applicant estimates the capacity to hold between 75 and 90 guests. The capacity would be determined by the California Building Code as well as the California Fire Code during the tenant improvement building permit review process.

ANALYSIS

GENERAL PLAN CONSISTENCY- GENERAL COMMERCIAL (GC)

The General Plan land use designation for the subject site is General Commercial, which allows for concentrations of a variety of mixed commercial uses, and service type businesses that serve specific areas of the city and neighborhoods that are related to arterial intersections. The proposed use conforms to this designation, as it is a commercial use that draws customers and provides services adjacent to a major arterial intersection (Lone Tree Way).

Restaurants and cafes are uses that are consistent with the intent of the General Commercial land use designation. The proposed project is consistent with various goals and policies of the General Plan. By way of example, the project will help build a balanced economy within a diverse business environment and support and strengthen local businesses (Goals ED 1, ED 2, and ED 3). The project also attracts economic growth across a broad spectrum of industries and encourages a diversity of employment (Goal ED 2, Policy ED 2-1).

ZONING CONSISTENCY- PLANNED DEVELOPMENT 38 (PD-38) SUBAREA E

The proposed project is located in Subarea E of the PD-38 zoning district. This subarea is specifically intended for a mix of general commercial and regional commercial uses. Restaurants, cafes, and other food service uses are permitted within the subarea, with the caveat that they occupy 15% or less of the floor area of the building. Uses such as these that occupy 15% or more of the floor area require a conditional use permit per the Brentwood Municipal Code (BMC) section 17.88.011(B)(4). Since the proposed use would occupy 3,750 square feet of a 7,511 square foot building (approximately 50% of the floor area), therefore exceeding the



**PLANNING COMMISSION AGENDA ITEM NO. F.1
10/15/2024**

15% threshold, a conditional use permit is required. Further, BMC section 17.88.011(B)(2) also requires a conditional use permit for onsite alcohol sales.

SITE PLAN, ACCESS, AND PARKING

The subject site is located on the southwest “corner” of the overall Lone Tree Crossings development, with building frontage adjacent to Lone Tree Way and additional frontage along the main access driveway. The building can be accessed through two driveways from Lone Tree Way, which are both adjacent to the building itself. As previously noted, the building, site, and parking are existing and recently constructed to comply with current regulations. No modifications are proposed to the site or exterior of the building.

BMC Section 17.488.017(B)10 stipulates a parking ratio of one space per 250 square feet of building floor area for Subarea E of PD-38. Lone Tree Crossings is partially constructed and provides a total of 507 parking spaces, which is well above the required parking per the approved building square footage. The center is currently parked at roughly one space per 230 square feet and as a previous condition of approval for Lone Tree Crossings, the developer was required to grant reciprocal parking and access rights to the adjacent parcels, meaning that the patrons of a tenant on one parcel may utilize parking facilities on another parcel in the center.

Below is a table of the existing, under construction, and proposed buildings with their associated square footages and required parking to indicate that the site, as a whole, is still parked adequately and qualifies for approval of shared parking.

SITE PARKING CALCULATIONS:

EXISTING PARKING SPACES PROVIDED: 507

BUILDING	STATUS	ORIGINAL APPROVED SF.	ORIGINAL REQUIRED PARKING SPACES	ACTUAL S.F.	PARKING SPACES USED
A	FUTURE CONSTRUCTION	46,000	184	T.B.D.	PROJECTED: 184
A1	EXISTING	10,010	40	10,010	10,010 / 250 = 40
B	EXISTING	8,142	32	8,142	8,142 / 250 = 32
C	UNDER CONSTRUCTION	11,885	48	11,705	11,705 / 250 = 47
D	FUTURE BUILDING	17,080	68	T.B.D.	PROJECTED: 68
E	UNDER CONSTRUCTION	7,491	30	7,511	7,511 / 250 = 30
F	UNDER CONSTRUCTION	9,490	38	9,458	9,458 / 250 = 38
F1	FUTURE CONSTRUCTION	4,970	20	T.B.D.	PROJECTED = 20
G	THIS APPLICATION	2,200	9	6,625	6,625 S.F. / 250 = 27
			469		486



CONDITIONAL USE PERMIT

As referenced, the size of the proposed café requires a conditional use permit, in addition to alcohol sales for on or off-site consumption and hosting live entertainment. Conditionally permitted uses are those uses that, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Brentwood Municipal Code (BMC) and with respect to their effect on surrounding uses and properties. In order to achieve these purposes, the approving body has the authority to approve, conditionally approve, or deny applications for conditional use permits. A conditional use permit may be granted only if the proposal conforms to all of the general criteria and specified findings found in Section 17.830.005 of the BMC. Staff reviewed these findings and determined they can be made, as reflected in the attached draft Resolution No. 24-042 given that; all activities will be conducted indoors, the site is served by appropriate public facilities and utilities, and is located within an existing commercial center with surrounding compatible uses.

CUP 24-006 requests approval specifically to:

- Establish a 3,750 square foot restaurant/café venue known as C'est La Vie Wine and Tea to serve beer and wine, host live entertainment, and occupy an approximately 3,750 square foot tenant space which is greater than 15% of the existing building at 6800 Lone Tree Way.

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 October 4, 2024. The applicant also posted the project site with the required signage. The City has not received any public comments regarding this project.

ENVIRONMENTAL DETERMINATION

The proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as the use will be established within an existing facility and will include only minor alterations (i.e. tenant improvements) to an existing building located within an existing office/industrial center and thus involves negligible or no expansion of existing or former uses.

The project further qualifies for a Class 32 categorical exemption under CEQA Guidelines Section 15332 (In-Fill Development Projects) as the proposed project is



**PLANNING COMMISSION AGENDA ITEM NO. F.1
10/15/2024**

consistent with the applicable General Plan Designation, as well as with applicable zoning designation and regulations, are proposed on a project site less than 5 acres in size, have no value as habitat for endangered species, would not result in significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all utilities and public services.

ATTACHMENT(S)

1. Previous Actions
2. Draft Planning Commission Resolution No. 24-042
3. Project Description
4. Project Plans date stamped received August 12, 2024

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
- Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.

On May 22, 2001, the City Council adopted Ordinance No. 668 to establish development standards for the Planned Development No. 38 (PD-38) zoning district.

On May 16, 2006, the Planning Commission approved (1) Resolution No. 06-33, recommending that the City Council approve the adoption of a Mitigated Negative Declaration for the Lone Tree Town Center (now known as Lone Tree Crossings) project, (2) Resolution No. 06-34, recommending that the City Council approve Rezone No. 05-22 from Planned Development 38, Subarea B to Planned Development 38, Subarea E, and (3) a tentative parcel map (Minor Subdivision No. 365-05) to subdivide the subject parcel into nine separate parcels.

On June 6, 2006, the Planning Commission adopted Resolution No. 06-35, approving Design Review No. 05-29 for the development of an approximately 117,368 square foot retail center located within Subarea E of Planned Development No. 38.

On June 27, 2006, the City Council adopted Resolution No. 2006-157, approving the adoption of a Mitigated Negative Declaration and waived the first reading of Ordinance No. 831 for Rezone No. 05-22 to change the zoning of the 10-acre site from Planned Development 38, Subarea B to Planned Development, Subarea E and adopted specific uses and development standards.

On July 11, 2006, the City Council adopted Ordinance No. 831, approving Rezone No. 05-22.

On November 7, 2006, the Planning Commission adopted Resolution No. 06-109, approving Conditional Use Permit No. 06-109 for a master sign program to govern Lone Tree Crossings.

On February 20, 2007, the Planning Commission adopted Resolution No. 07-015, approving Conditional Use Permit No. 06-47, allowing an 8,142 square foot auto-service center known as Firestone within Building B of the center.

In 2023, construction of building "E" was completed which was previously approved with the design of the Lone Tree Crossings Design Review No. 05-29 (DR 05-29).

On April 18, 2023, the Planning Commission adopted Resolution Nos. 23-008 and 23-009 approving a conditional use permit for the operation of an auto glass repair use and the design review of the associated building.

PLANNING COMMISSION RESOLUTION NO. 24-042

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A CONDITIONAL USE PERMIT (CUP 24-006) TO ALLOW FOR A 3,750 SQUARE FOOT RESTAURANT/CAFÉ KNOWN AS C'EST LA VIE WINE AND TEA TO SERVE BEER AND WINE, HOST LIVE ENTERTAINMENT, AND OCCUPY GREATER THAN 15% OF THE TOTAL BUILDING LOCATED AT 6800 LONE TREE WAY (APN 019-010-054).

WHEREAS, DTB Ventures, (the "Applicant") submitted an application to the City of Brentwood requesting approval of a conditional use permit (CUP 24-006) to allow for a restaurant/café to serve beer and wine, host live entertainment, and occupy greater than 15% of the total building located at 6800 Lone Tree Way (APN 019-010-054) pursuant to Brentwood Municipal Code sections 17.88.011(B)(2) and (4); and

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

WHEREAS, the City distributed a Notice of Public Hearing to all property owners within 300 feet of the Project Site and published it in the Brentwood Press on October 4, 2024, 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 proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as the use will be established within an existing facility and will include only minor alterations (i.e. tenant improvements) to an existing building located within an existing office/industrial center and thus involves negligible or no expansion of existing or former uses; and

WHEREAS, the proposed project is also exempt from the California Environmental Quality Act ("CEQA") pursuant to the Class 32 categorical exemption under the CEQA Guidelines section 15332, as it is characterized as in-fill development, meeting the following conditions: i) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, ii) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, iii) the project site has no value for endangered, rare, or threatened species, iv) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and v) the site can be adequately served by all required utilities and public services. Traffic and circulation have been reviewed to ensure circulation is kept onsite and does not spill out into the right-of-way. Additionally, the project will comply with the City's noise regulations as set forth in the Brentwood Municipal Code Chapter 9.32 and the City's General Plan; and

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

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

A. Hereby finds that:

- i. With respect to the California Environmental Quality Act, the proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as the use will be established within an existing facility and will include only minor alterations (i.e. tenant improvements) to an existing building located within an existing office/industrial center and thus involves negligible or no expansion of existing or former uses.

Additionally, the project is exempt from CEQA as it qualifies for a Class 32 categorical exemption under the CEQA Guidelines section 15332, as it is characterized as in-fill development, meeting the following conditions: i) the project is consistent with the existing General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations, ii) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, iii) the project site has no value for endangered, rare, or threatened species, iv) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and v) the site can be adequately served by all required utilities and public services. Traffic and circulation have been reviewed to ensure circulation is kept onsite and does not spill out into the right-of-way. Additionally, the project will comply with the City's noise regulations as set forth in the Brentwood Municipal Code Chapter 9.32 and the City's General Plan.

- ii. With respect to the conditional use permit findings required pursuant to Brentwood Municipal Code Section 17.830.005:
 - a. *The location, size, design and operating characteristics of the proposed development must be compatible with and must not adversely affect the livability of appropriate development of abutting properties and the surrounding neighborhood. Consideration shall be given, but shall not be limited to:*

1. *Harmony in scale, bulk, coverage and density;*

The proposed restaurant/café will occupy an existing, partially vacant building and the project does not propose to modify the

exterior design of the building, which was previously approved through Design Review No. 05-29 (DR 05-29) and found to be consistent in scale, bulk, coverage and density to the surrounding development.

2. The availability of public facilities and utilities;

The site is served by the appropriate public facilities and utilities including water, sewer, refuse, and electricity as the project is located within the existing and developed Lone Tree Crossings commercial center.

3. The harmful effect, if any, upon desirable neighborhood character or the planned specialization of retail, commercial or community service areas;

The Project would not have a harmful effect upon the neighborhood character given that the intent of the PD-38 zoning district is to develop both general and regional commercial developments in which restaurant and cafe uses are consistent with both types of commercial developments. Further, there would be no harmful effect upon the neighborhood character with approval of conditional use permit to serve beer and wine, host live entertainment, and occupy greater than 15% of the building as the site is located within a commercial development and adjacent to Lone Tree Way and not located near any residential homes.

4. Generation of traffic and the capacity of surrounding streets;

The proposed project would not generate a significant amount of traffic or impact the capacity of the surrounding streets given that the surrounding streets are designed for vehicle use and calculated to adequately handle the proposed increase in use as envisioned by the General Plan. Additionally, Lone Tree Way is a major east-west arterial street and is able to handle expanding traffic needs.

5. Other relevant impacts of the development; and

The location, size, design, and operating characteristics for the proposed project are the same as envisioned for the overall purpose and intent of Lone Tree Crossings commercial development and the PD-38 zoning district. This project will help to complete the commercial development and provide a use which will draw customers into the Lone Tree Crossings center.

- b. The location, design, landscaping and screening, and overall site planning of the proposed development will provide an attractive, useful and convenient living, working, shopping or community service area.*

The proposed location, design, landscaping, screening and overall site planning was previously well thought out to provide an attractive, useful and convenient shopping area. The proposed use does will not modify any of the exterior of the building or the site.

- B. Hereby approves this conditional use permit (CUP 24-006), subject to the above findings and the conditions set forth in Exhibit "A" attached to and incorporated into this resolution.
- C. This permit shall terminate on October 15, 2025, unless actual construction or alteration under valid permits, or the actual operation of the business authorized hereby, begins prior to that date. However, such period of time may be extended by the Planning Commission upon the filing of an extension request at any time before said period expires.
- D. The above actions are final unless an appeal is filed pursuant to Chapter 17.880 of the Brentwood Municipal Code within ten (10) calendar days following Planning Commission action.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting on October 15, 2024, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- RECUSE:**

APPROVED:

 Anita Roberts
 Planning Commission Chairperson

ATTEST:

 Erik Nolthenius
 Planning Manager

**EXHIBIT "A" TO
PLANNING COMMISSION RESOLUTION NO. 24-042
CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT NO. 24-006 TO ALLOW FOR A 3,750 SQUARE
FOOT RESTAURANT/CAFÉ KNOWN AS C'EST LA VIE WINE AND TEA TO
SERVE BEER AND WINE, HOST LIVE ENTERTAINMENT, AND OCCUPY
GREATER THAN 15% OF THE TOTAL BUILDING**

1. The Permittee, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Conditional Use Permit No. 24-006 ("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 or caused to be performed.
2. The proposed project shall be operated in substantial conformance with the project description, dated "Received September 9, 2024" unless otherwise amended by the Planning Commission or the conditions of approval contained herein. Minor changes to plans and operation may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance with the approved exhibits.
3. All applicable Standard Conditions of Approval for Commercial and Industrial Projects, dated May 2005, are hereby incorporated by reference and shall be complied with, unless modified by any of the conditions below.
4. Permittee shall maintain the project site, exterior sidewalks and parking lot in a clean and orderly manner at all times.
5. No signage is approved as part of this conditional use permit. The Permittee is required to submit an application for a sign permit for review and approval in accordance with the master sign program for the Lone Tree Crossings.
6. The permitted hours of operation of the restaurant/café are Sunday through Thursday from 7:00 A.M. to 12:00 A.M. and Friday and Saturday from 7:00 A.M. to 1:00 A.M. Any requests to operate outside of these hours shall be at the discretion of the Community Development Director, who may refer any requested change to the Planning Commission for subsequent review at a public hearing.
7. The restaurant/café is permitted to serve beer and wine only. Any request to sell distilled spirits shall be referred to the Planning Commission for subsequent review at a public hearing for consideration and approval.
8. "Last call" for alcohol sales shall be no later than a half hour prior to closing.
9. Outdoor driving of alcoholic beverages is strictly prohibited.

10. Permittee shall install clear signage that reads "no alcohol beyond this point" at any entry/exit.
11. All music and dancing related activities, including live bands, other musicians, videos, jukeboxes, disc jockeys, karaoke, and similar activities shall be conducted indoors at all times. Doors shall remain closed during all performances involving amplified sound, and cease at 12:00 AM (midnight) daily, regardless of the business hours.
12. The live entertainment shall not consist of any adult oriented entertainment as defined in Chapter 17.690 of the Brentwood Municipal Code.
13. Any exterior improvements are subject to review by Community Development before any changes occur.
14. If operation of this use results in conflicts pertaining to noise, traffic, vehicular overflow or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.
15. The Permittee will 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 this Permit, and any environmental determination made with regard thereto. 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.

C'EST LA VIE BUSINESS NARRATIVE

INTRODUCTION:

C'est La Vie Coffee Wine & Tea proposes to establish an upscale entertainment café in Suite 2 of Building E within the Lone Tree Crossings development, located at 6800 Lone Tree Way, Brentwood. The café will occupy approximately 3,750 square feet of the 7,511 square foot building.

SITE DETAILS AND ZONING:

The site is situated within Subarea E of Planned Development 38 (PD-38), designated for general and regional commercial uses. Surrounding zoning and land uses include:

- **North:** Single-family cluster homes (Chandler)
- **South:** Lone Tree Way, with single-family homes beyond
- **West:** Lone Tree Center/WinCo
- **East:** Rotten Robbie and Acorn Self-Storage

PARKING ANALYSIS:

The Lone Tree Crossings development offers shared parking across all businesses. Parking details are as follows:

- **Total existing parking spaces (for the entire development):** 507
- **Required parking for Building E (where C'est La Vie is located):** 30 spaces (based on 7,511 sq. ft. at 1 space per 250 sq. ft.)
- **Total required parking for all buildings within the development:** 486 spaces

Based on Brentwood City Ordinance §17.620.012 (J)(1), which requires 1 space per 100 sq. ft. for Eating and Drinking establishments, C'est La Vie will require 38 spaces. The shared parking arrangement accommodates this need, with a surplus of 21 parking spaces (507 existing - 486 required). Additionally, many of C'est La Vie's events will take place in the evenings when other tenants are closed, allowing for more available parking.

BUSINESS OPERATIONS:

Entertainment Offerings: The café will host live music nights, comedy shows, art exhibits, themed events, book signings, and private parties, with several live events per week. The venue plans to feature local, national, and internationally known artists and entertainers. Food and beverages will be served at events.

Food and Beverage Service (Daily Operations): C'est La Vie will serve a variety of beverages including beer, wine, coffee, and tea, along with food items such as pastries and snacks. C'est La Vie will operate daily as a fully functional café serving food and beverages, even on non-entertainment days. A bar and cold kitchen are planned, with no intention to serve hard alcohol.

Hours of Operation: The café will serve food and beverages daily, regardless of whether or not any live entertainment occurs at the facility. The proposed hours of operation are as follows:

Sunday to Thursday: 7:00 AM to 12:00 AM

Friday and Saturday: 7:00 AM to 1:00 AM

Capacity: The estimated capacity is between 75-90 guests, subject to approval by the Fire Marshal.

Staffing/Employment: C'est La Vie expects to employ 7-20 staff members, including management, café personnel, and security. C'est La Vie plans to employ a majority of Brentwood residents as employees.

Site Improvements: Interior improvements will include the installation of a stage, bar, kitchen, storage, and restrooms. No exterior modifications are planned.

Community Engagement: The café aims to actively engage with the local community by participating in events, sponsoring charities, and featuring products from local artists and artisans.

Zoning Compliance: The applicant asserts that the proposed entertainment café is consistent with the permitted uses for Subarea E of PD-38, specifically aligning with the "Café" category in BMC Section 17.488.010.A.8. A conditional use permit will be required for beer and wine sales, as well as potentially for live entertainment events.

C'est La Vie

RECEIVED
August 12, 2024

CITY OF BRENTWOOD
COMMUNITY DEVELOPMENT DEPT

LANDLORD TENANT IMPROVEMENT IN BRENTWOOD, CA

ST.
CLARE
OF
ASSISI
ARCHITECTURE



Tel: (415) 948-7763
claire.obenson@gmail.com

© St. Clare of Assisi Architecture 2024

Revisions _____ Date _____

Planning Submittal 08_07_24

Parking REV 07_23_24

Submittal 07_08_24

Meeting 06_06_24

Meeting 05_29_24

C'est La Vie

6800 Lone Tree Way, Suite 2
Brentwood, CA 94513

Drawing Title _____

Cover Sheet

Scale NA

Drawn By _____

Job Number 202413

Drawing Number _____

G0.1

ABBREVIATIONS

0	AT	0	AT
ABV.	ABOVE	MAX	MAXIMUM
ACC.	ACCESSIBLE/ ACCESSIBILITY	MFR.	MANUFACTURE
ADDN	ADDITION	MIN	MINIMUM
AFIF	ABOVE FINISHED FLOOR	MTD	MOUNTED
AVE.	AVENUE	MTL	METAL
BLDG	BUILDING	(N)	NEW
BPS	BOARDS	NIC	NOT IN CONTRACT
BLKG	BLOCKING	NFS	NOT TO SCALE
BM	BEAM	O/C O.C.	ON CENTER
CCNG	CONCRETE	O/ O'	OVER
CAB.	CABINET	CC	OCCUPANCY/ OCCUPANCY
G.B.C.	CALIFORNIA BUILDING CODE	OH	OVER HEAD, OVER HANG
C.P.C.	CALIFORNIA PLUMBING CODE	OPG	OPENING
CHAP/CHAPTER		OP	OPERATED
C.J.	CEILING JOINT	OPP	OPPOSITE
CLG	CEILING	OPT.	OPTIONAL
CLO	CLOSET	PT / PART	PARTIAL
CNTR	COUNTER	PLYWD	PLYWOOD
C.O.	CLEAN-OUT	PLT	PLATE
CONT	CONTINUOUS	P.O.S.	POINT OF SCALE
CRFET	CERAMIC TILE	PT	POINT
CT	CERAMIC TILE	PRESS	PRESSURE
DEG.	DEGREE	PRV.	PRESSURE RELIEF VALVE
DN	DOWN	PSI	POUNDS PER SQUARE INCH
DBL	DOUBLE	PSF	POUNDS PER SQUARE FOOT
D.S.	DOWN SPOUT	PT.	PRESSURE TREATED
DA	DIAMETER	(R)	RELOCATED
D.J.	DECK JOINT	R.	RADIUS, RISER
(E)	EXISTING	RA	RETURN AIR
ELECK	ELECTRIC	RD	ROAD
ELEV.	ELEVATION	RENF.	REINFORCED
ENCLM	ENCLOSURE	REQ.	REQUIRED/ REQUIREMENT
EPOK	EPOXY	RM	ROOM
EXT.	EXTERIOR	R.S.	ROUGH SWAN
EA	EACH	R.O.	ROUGH OPENING
FAU	FORCED AIR UNIT	SA	SUPPLY AIR
FBG	FIBERGLASS	SAB	SOUND ATTENUATION BATTS
FD	FLOOR DRAIN	SD	SMOKE DETECTOR
FDN	FOUNDATION	SC	SCALE
FL	FULL LIGHT	STES	SCHEDULE
FN	FINISH	SEC/SECT.	SECTION
F.S.	FLOOR SINK	SHWR	SHOWER
FX	FIXED	SH	SINGLE HUNG
FKT	FIXTURE	SM	SIMILAR
F.J.	FLOOR JOINT	SL	SLIDING SLIDER
FLR	FLOOR	SNGL	SINGLE
FLUOR	FLUORESCENT	S.O.G.	SLAB ON GRADE
FMG	FRAMING	SG	SQUARE
FR	FROM	SS	STAINLESS STEEL
FRP	FIBERGLASS REINFORCED	S.S.D.	SWW STRUCTURAL DRAWINGS
PLASTIC		STD.	STANDARD
FT	FEET	SV	SHEET VINYL
FTG	FOOTING	TEMP	TEMPERED
FURN/FURNACE/ FURNITURE		TEL	TELEPHONE
GA	GASKET	T & G	TONGUE & GROOVE
GALV.	GALVANIZED	TL	TRUE EMBED LITE
G.C.	GENERAL CONTRACTOR	T-24	TITLE 24 ENERGY COMPLIANCE
GFI	GROUND FAULT INTERRUPT	T.C.	TRASH COMPACTOR
GL	GLASS	T.O.C.	TOP OF CURB
GLB	GLUE LAMINATED BEAM	T.O.S.	TOP OF SLAB
G.S.M.	GALVANIZED SHEET METAL	THK	THICK
GYP BD.	GYP/SUM BOARD	TR	TREAD
HD	HEAD	TRF	TYPICAL
HR	HOUR	U	UNDER
HBR	HANGER	U/C	UNDER CABINET
HNGR	HANGER	UNLN	UNLESS OTHERWISE NOTED
HS	HARD SURFACE	V.B.	VAPOR BARRIER
HT	HEIGHT	V.I.F.	VERIFY IN FIELD
Hwy.	HIGHWAY	VN	SHEET VINYL
IN	INCH	W/ W'	WITH
INCAND	INCANDESCENT	W/O	WITHOUT
INC.	INCLUDE	WD	WOOD
INSUL	INSULATION	WH	WATER HEATER
LN	LINOLEUM	W/P	WATER PROOF
LNDRY	LAUNDRY	WWF	WELDED WIRE FABRIC
LT	LIGHT		
LVT	LUXURY VINYL TILE		

SCOPE OF WORK

- CONVERT THE INTERIOR OF AN EXISTING COMMERCIAL SUITE INTO A NEW RECREATIONAL SPACE
- REFER TO EXISTING SITE PLAN AND PROPOSED FLOOR PLANS FOR ROUTES OF TRAVEL

CODE INFORMATION

APPLICABLE CODES

2022 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE PART 1
 2022 CALIFORNIA BUILDING CODE PART 2, VOLUME 1
 2022 CALIFORNIA BUILDING CODE PART 2, VOLUME 2
 2022 CALIFORNIA ELECTRICAL CODE PART 3
 2022 CALIFORNIA MECHANICAL CODE PART 4
 2022 CALIFORNIA PLUMBING CODE PART 5
 2022 CALIFORNIA ENERGY CODE PART 6
 2022 CALIFORNIA HISTORICAL BUILDING CODE PART 8
 2022 CALIFORNIA FIRE CODE AS AMENDED BY THE CITY OF BRENTWOOD
 2022 CALIFORNIA EXISTING BUILDING CODE PART 10
 2022 CALIFORNIA BUILDING STANDARDS CODE (CALGREEN CODE) PART 11
 2022 CALIFORNIA REFERENCE STANDARDS CODE PART 12

ALL OTHER APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS

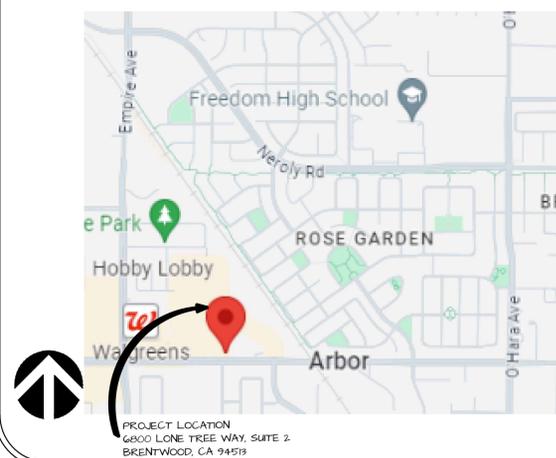
PROJECT DESCRIPTIONS

THIS PROJECT IS A TENANT IMPROVEMENT WITH VENTILATION, SANITATION, HABITABILITY AND OCCUPANCY ISSUES ADDRESSED.

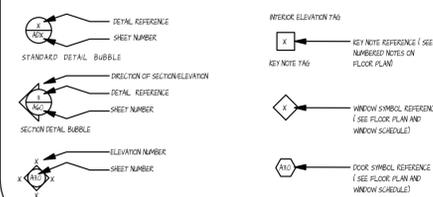
BLDG DATA

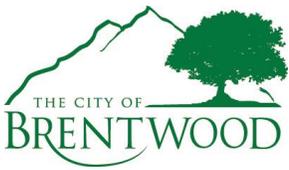
PROJECT ADDRESS : 6800 LONE TREE WAY, SUITE 2, BRENTWOOD, CA 94513
 APN : 0900054
 ZONE : SUBAREA E OF THE PLANNED DEVELOPMENT THIRTYEIGHT ZONE (PD-38)
 OCCUPANCY CLASSIFICATIONS : A2
 CONSTRUCTION TYPE : TYPE V-B HC RATED
 FIRE SPRINKLERS : YES
 TENANT IMPROVEMENT FLOOR AREA : 3,750 SQ. FT.
 YEAR BUILT : 2022
 LOT SIZE : 0.64 ACRES

VICINITY MAP



SYMBOL REFERENCES





SUBJECT: Focused Zoning Code update related to regulations for automobile service stations/gas stations, carwashes, and short-term rentals

DEPARTMENT: Community Development

STAFF: Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Adopt Resolution No. 24-041 recommending that the City Council adopt an Ordinance to amend the Brentwood Municipal Code to prohibit new automobile service stations/gas stations and carwashes and replace with Alternative Fuel Stations and Electric Vehicle Charging Stations in all zones throughout the city; add new land use classifications in Section 17.030.030 (Definitions) for Alternative Fuel Station and Electric Vehicle Charging Station; and update Chapter 17.796 (Short-Term Rentals) to more clearly define short-term rentals.

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinance would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

OWNER/APPLICANT

City of Brentwood

GENERAL PLAN

Citywide

ZONING/SURROUNDING LAND USES

Citywide

PREVIOUS ACTION(S)

Previous Action by the City Council is included in Attachment 1.



BACKGROUND

On January 24, 2023, the City Council provided direction to staff on reinitiating the City's Zoning Code Update, including a focused and phased approach, rather than the comprehensive update that was initiated in the summer of 2020. On May 23, 2023, the project scope and budget were finalized when the City Council approved a Professional Services Agreement with De Novo Planning Group to prepare and complete the Focused Zoning Code Update and Objective Design Standards. The work plan approved by the City Council includes three main tasks to complete:

Task 1: Objective Design Standards;

Task 2: Zoning Code Updates required by State Law and the Housing Element;

Task 3: Focused Zoning Code updates.

This agenda item is related to Task 3: Focused Zoning Code updates. This task includes amendments to various sections of the Zoning Code to better reflect the community's values based on feedback from the community and City Council, including changes to some permitted and conditionally permitted uses throughout the city.

On November 14, 2023, the City Council provided direction to staff on the following uses to be considered as part of the Focused Zoning Code Update efforts and also directed staff to present the Land Use and Development Committee (LUD) with an initial framework for each of the topics prior to moving forward with comprehensive and formal amendments:

1. Automobile service stations/gas stations
2. Carwashes
3. Alcohol sales
4. Self-storage facilities
5. Short-term rentals
6. Drive-through uses

On June 17th and July 15th, LUD was presented with and provided direction on the six topics. Staff received clear recommendations from LUD on three of the topic areas, including automobile service stations/gas stations, carwashes, and short-term rentals, which are now being presented to the Planning Commission. Staff had prepared individual reports for LUD on each of the topics and has included those three reports in Attachment 3 for the Planning Commission's reference.



PROJECT DESCRIPTION AND ANALYSIS

AUTOMOBILE SERVICE STATIONS/GAS STATIONS AND CARWASHES

In considering zoning provisions for automobile service stations and carwashes, it is important to consider whether Brentwood is adequately served by the existing facility locations to meet the basic needs and expectations of residents and visitors. As the city is "built-out," there will be fewer vacant sites available for overall development that is normally viewed to meet other city needs and goals, such as attracting employment-generating businesses and improving the city's jobs/housing balance. Moreover, much of the remaining vacant land is surrounded by existing development that consists of residential neighborhoods, schools, and parks, and it is generally important to consider surrounding uses and context/compatibility when reviewing proposals for new automobile service stations.

There are currently 18 automobile service stations and 14 (2 full service, 9 express, and 3 flex-service) car washes operating in the city, as shown in the attached map (Car Wash and Service Station Map – Attachment 3). Based on the existing facilities within the city, the limited available land, and in an effort to de-emphasize fossil-fueled and auto-centric uses (such as gas stations and carwashes) and reduce greenhouse gas emissions and air pollution, LUD recommended that future fossil-fuel service stations and carwashes be prohibited throughout the city. In order to provide a clear distinction between fossil-fuel stations and alternative energy charging or fueling stations, LUD also recommended changes to continue to allow for alternative fuel stations. Staff included the following proposed definitions in the draft Ordinance to address this:

"Alternative fuel station" means any establishment that dispenses alternative fuel as defined by the Energy Policy Act of 2005, including methanol, denatured ethanol, and other alcohols; mixtures containing 85% or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; non-alcohol fuels (such as biodiesel) derived from biological material; and electricity.

"Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, Article 625, as may be amended from time to time, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.



Staff also proposes amendments throughout the BMC to remove all references to automobile service stations/gas stations and replace them with alternative fuel stations.

Existing Uses

Chapter 17.610 of the BMC outlines regulations for Nonconforming Uses and Structures. The purpose of these provisions is to regulate uses of land and structures that were legal before the adoption of the BMC, but which no longer comply. The intent is to permit nonconforming uses to continue until they are removed but not encourage their survival or expansion. The Car Wash and Service Station Map included in Attachment 3 below shows names and locations of existing carwash and service station uses in the City in which would become legal non-conforming.

SHORT-TERM RENTALS

The rise in short-term rental (STR) activity over the last ten years caught many cities and municipal officials across the country off-guard, as STRs do not fit into normal municipal regulatory structures. Currently, the Brentwood Municipal Code (BMC) prohibits short-term rentals constructed, converted, or otherwise developed through the use of the two-unit housing development (SB 9) provisions set forth in BMC § 17.797 and/or through the use of the urban lot split provisions set forth in BMC § 16.169. In addition, the BMC allows rooming and boarding for not less than 30 days at a time. STRs are not explicitly defined and prohibited, but to date, the City's position is that the BMC requires that they qualify as rooming and boarding or else they are prohibited.

Based on the need to clearly define and prohibit future STRs, LUD recommended the following definition and changes be made to [Chapter 17.796 Short-Term Rentals](#) to explicitly prohibit STRs of both residential units and outside amenities:

BMC § 17.796.003 Short-term rentals prohibited.

- A. Definition. "Short-term rental unit" means the rental or occupancy of any residential dwelling unit or a portion thereof for a period of 30 consecutive calendar days or less. Short-term rental units include uninhabitable portions of the property such as swimming pools, courts, backyards, and other amenities available for rent for less than 30 consecutive calendar days.
- B. Short-term rental units prohibited. It shall be unlawful for any person or entity to offer or make available to rent or to rent (by way of a rental



agreement, lease, license, or any other means, whether written or oral), for compensation or any consideration, a short-term rental unit.

Staff has thus drafted amendments to the BMC that would prohibit all residential short-term rentals, including the rental of swimming pools, courts, and backyards, throughout the City.

DATE OF NOTICE

The City of Brentwood published a public hearing notice in the Brentwood Press on October 4, 2024.

ENVIRONMENTAL DETERMINATION

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the proposed ordinance would restrict future land uses and development and would not facilitate new construction or other groundbreaking activities. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

ATTACHMENT(S)

1. Previous Actions
2. Draft Resolution No. 24-041
3. LUD Staff Reports on Automobile Service Stations/Gas Stations, Carwashes, and Short-Term Rentals

PREVIOUS ACTIONS

Previous actions related to this agenda item are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit www.brentwoodca.gov/meetings, and select the meeting date(s) desired to see the reference materials and videos.
- Visit www.brentwoodca.gov/municipalcode to research references to the Brentwood Municipal Code and search by the code section(s) cited.

On November 16 and 17, 2017, the City Council held workshops to discuss, deliberate, and direct staff on priorities and the allocation of financial resources for the development of a Strategic Plan initiative. The City Council directed staff to initiate a comprehensive zoning ordinance update.

On February 27, 2018, the City Council adopted Resolution No. 2018-21 to approve the FY 2018/19 and FY 2019/20 City of Brentwood Strategic Plan, including Strategic Initiative 4.1.c, preparation of a comprehensive zoning ordinance update which has been continued over the past few years into the current Strategic Plan FY 2022/23 – FY 2023/24 (Focus Area 4: Land Use Planning, Goal 1: Implement Zoning Ordinance update).

On June 9, 2020, by Resolution No. 2020-73, the City Council adopted the City's 2020/21 – 2024/25 Capital Improvement Program ("CIP"), which includes the Zoning Ordinance Update, CIP Project No. 337-37228.

On January 24, 2023, the City Council provided direction to staff on reinitiating the City's Zoning Code Update, including a new focused and phased approach that is scaled down in size and focused into specific tasks.

On May 23, 2023, the City Council approved a Professional Services Agreement with De Novo Planning Group to prepare and complete the Focused Zoning Ordinance Update and Objective Design Standards.

On November 14, 2023, the City Council provided direction to staff on including updated regulations pertaining to automobile service stations/gas stations, carwashes, alcohol sales, self-storage facilities, short-term rentals, and drive-through uses as part of the Focused Zoning Code Update efforts and directed staff to present the Land Use and Development Committee (LUD) with an initial framework for each of the topics prior to moving forward with comprehensive and formal amendments.

On June 17, 2024, LUD was presented with and provided direction on the last three topics, including referring a discussion on self-storage facilities and drive-through uses back to the City Council for further direction.

On July 15, 2024, LUD was presented with and provided direction on the first three topics, including referring a discussion on alcohol sales back to the City Council for further direction.

PLANNING COMMISSION RESOLUTION NO. 24-041

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING A ZONING TEXT AMENDMENT TO THE BRENTWOOD MUNICIPAL CODE (RZ 24-005), WHICH WOULD PROHIBIT NEW GASOLINE FUEL STATIONS, NEW CAR WASHES, AND SHORT-TERM RENTALS, AND EXPAND PERMISSION FOR ALTERNATIVE FUEL STATIONS AND ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, City staff prepared a zoning text amendment that would prohibit new gasoline fuel stations, new car washes, and short-term rentals while expanding permission for alternative fuel stations and electric vehicle charging stations (the "Ordinance"); and

WHEREAS, the Ordinance would amend Title 17 (Zoning) of the Brentwood Municipal Code; and

WHEREAS, Brentwood has experienced rapid population growth over the past few decades, and in conjunction, the pace of development has been one of the highest in Contra Costa County; and

WHEREAS, Brentwood is transitioning from a city with vast areas of open land to one relying on infill development and redevelopment of existing areas and there are few vacant commercial sites to locate any new types of businesses including gasoline fuel stations and car washes; and

WHEREAS, gasoline fuel stations and car washes may not be the highest and best use of the limited available commercial land, especially where such uses may be incompatible with nearby residentially zoned properties; and

WHEREAS, short-term rentals have become increasingly popular over the past decade with the proliferation of platforms such as Airbnb and VRBO and with homeowners and renters seeking additional sources of income; and

WHEREAS, short-term rentals can have negative impacts on the community, including decreasing the local housing supply and increasing rental prices by reducing the number of available units, creating noise and parking supply issues in neighborhoods, and harming the existing hospitality industry; and

WHEREAS, expanding the availability of alternative fuel stations and electric vehicle charging stations will allow the City of Brentwood to transition away from the use of pure fossil fuels as an energy source for vehicles to lower emission and zero emission alternatives, which will have positive impacts on community health, public safety, and the local and regional environment while aligning with State goals for sustainability; and

WHEREAS, the Planning Commission has reviewed the proposed amendment to the Brentwood Municipal Code, has found that the proposed Ordinance is consistent with the goals and policies of the General Plan, and recommends adoption to the City Council; and

WHEREAS, the City published a notice of public hearing in the Brentwood Press on October 4, 2024, in accordance with City policies and Government Code Section 65090; and

WHEREAS, on October 15, 2024, the Planning Commission held a duly-noticed public hearing to consider the Ordinance, the staff report, recommendation by staff, and public testimony concerning this Ordinance; and

WHEREAS, this amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

- A. Hereby finds that with respect to Brentwood Municipal Code Section 17.870.008:
1. *No rezoning of property or text amendment shall occur which is inconsistent with the city's community development plan. In making a decision, the planning commission and council shall consider the consistency of the proposed action to the community development plan and other applicable city plans, and shall consider whether the proposed action is inappropriate or otherwise contrary to the public interest.*

The zoning text amendments set forth in Exhibit A are consistent with the General Plan because General Plan Land Use Policy LU 3-1 aims to ensure that an adequate inventory of vacant industrial, commercial, office, and business park land is designated, zoned, and maintained for targeted employment-generating uses. The Ordinance's amendments prohibiting additional gasoline fuel stations and car washes will help to preserve remaining commercial land in the city for uses with greater employment generating potential. Likewise, General Plan Land Use Policy LU 2-2 is intended to ensure compatibility between land uses and to reduce any potential negative impacts associated with aesthetics, noise, and safety. The Ordinance's amendments related to prohibition of short-term rentals will help to protect existing residential neighborhoods from negative

impacts resulting from the commercialization of homes for short-term rental use. The City Council finds that the Ordinance is appropriate and is not contrary to the public interest in that it will help preserve commercial land for the highest and best use and protect the city's residential neighborhoods.

- B. The Planning Commission likewise finds that the Ordinance is appropriate and is not contrary to the public interest in that it will add clarity to and update the provisions of the Brentwood Municipal Code and update related definitions in the Zoning Ordinance.
- C. Hereby recommends that the City Council adopt the Ordinance, approving Rezone No. 24-005, as shown in Exhibit A, attached hereto and incorporated herein including the following:
- Title 17 Zoning is hereby amended to prohibit the development of new automobile service stations/gas stations and new car washes, as provided in Exhibit A, attached hereto and incorporated herein. Revisions to existing sections are reflected in ~~strikethrough~~ for deletions and underline for additions.
 - Title 17 Zoning is hereby amended to prohibit the operation of short-term rentals, as also provided in Exhibit A, attached hereto and incorporated herein. Revisions to existing sections are reflected in ~~strikethrough~~ for deletions and underline for additions.

ADOPTED by the Planning Commission of the City of Brentwood at its regular meeting of October 15, 2024, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Anita Roberts
Planning Commission Chairperson

ATTEST:

Erik Nolthenius
Planning Manager

EXHIBIT "A"**17.030.030 Definitions.**

"Alternative fuel station" means any establishment that dispenses alternative fuel as defined by the Energy Policy Act of 2005, including methanol, denatured ethanol, and other alcohols; mixtures containing 85% or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; non-alcohol fuels (such as biodiesel) derived from biological material; and electricity.

...

"Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, Article 625, as may be amended from time to time,, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

17.250.003 Conditionally permitted uses.

The following uses are permitted only on the granting of a conditional use permit pursuant to Chapter 17.830:

- A. ~~Auto service station, nonmechanical carwash,~~ Alternative fuel station, restaurant or café restricted to sit-down facility only, on-sale or off-sale liquor establishments;

17.260.003 Conditionally permitted uses.

The following uses are permitted only on the granting of a conditional use permit pursuant to Chapter 17.830:

- A. ~~Auto service station,~~ Alternative fuel station, tire shop, repair shop, machine shop, auto seat and upholstery shop; billiard hall; bowling alleys; cardroom gaming; dancehall; laboratory—medical, dental, optical; meeting room—lodge, fraternal hall, community facility; medical or dental office; hospital; restaurant or café, on or off-sale liquor establishments; recreation services such as bowling alley, skating rink and similar uses;

17.270.003 Conditionally permitted uses.

The following uses are permitted only on the granting of a conditional use permit pursuant to Chapter 17.830:

- A. ~~Auto service station, Alternative fuel station,~~ auto tire shop, auto repair including engine, transmission, brakes, etc., auto body repair and painting, ~~car wash,~~ laundry or dry cleaning plant, bakery—wholesale; all on-sale and off-sale liquor facilities; billiard hall; card or gaming room, adult entertainment; dancehall; new and used equipment rental; meeting room—lodge, fraternal hall, community facility; hospital; truck and trailer rental, campground or recreation vehicle park, vocational or trade school;

17.456.002 Permitted uses and conditionally permitted uses.

...

PD-6—PERMITTED USES AND CONDITIONALLY PERMITTED USES							
Uses	LDR	MDR	HDR	Park/O.S./ Public Facility	Regional Commercial	P.A. 1 Office Commercial	P.A. 7 Office Commercial
Accessory Uses	P	P	P	P	P	C	C
<u>Alternative Fuel Station</u>	---	---	---	---	<u>C</u> P	---	---
Arcades, Game	---	---	---	C	C	C	C
Auto Service Station	---	---	---	---	--- C P	---	---
Bakeries	---	---	---	---	P	P	C
Bar, Tavern, Cocktail Lounge	---	---	---	---	P	P	---
Barber and Beauty Salon	---	---	C	---	P	P	P
Book Stores	---	---	---	---	P	P	P
Camera Stores	---	---	---	---	P	P	P
Car Wash	---	---	---	---	--- C	--- C	---

Notes:

- 1 Stand-alone ~~auto~~ alternative fueling and auto service stations are conditionally permitted; ~~auto~~ alternative fueling stations that are accessory uses to an anchor retailer as the principal use are permitted.

17.462.003 Conditionally permitted uses.

The following uses are conditionally permitted only on the granting of a conditional use permit pursuant to Chapter 17.830:

- A. Subarea A. The following uses shall be conditionally permitted within this subarea:
 - 1. ~~Auto service station, Alternative fuel station,~~ auto repair (tires, brakes, etc. but excluding auto body), ~~car wash,~~ auto rental and leasing agency, all on and off-sale liquor facilities, card and gaming room, dance hall, bowling alleys and similar commercial recreational uses, restaurants, new and used equipment rental, hospital, truck and trailer rental, vocational or trade school;

17.466.003 Conditionally permitted uses.

Upon obtaining a conditional use permit pursuant to Chapter 17.830, the following uses are permitted in the PD-16 zone:

- ...
- C. Subarea A. The following uses shall be conditionally permitted within this subarea:
 - ...
 - 5. ~~Gas station/mini mart, without service bays: this use must integrate with other site circulation and design. Additional access points on Walnut Boulevard and Balfour Road are not allowed (see the development plan and related exhibits). Automotive, boat, recreational vehicle or similar sales and/or service are specifically prohibited;~~ Alternative fuel station;

17.470.003 Conditionally permitted uses.

The following uses are permitted only on the granting of a conditional use permit pursuant to Chapter 17.830.

- ...
- B. General Commercial.

1. ~~Auto service station,~~ Alternative fuel station, tire shop, repair shop, machine shop, auto seat and upholstery shop; billiard hall; bowling alleys; card room gaming; dance hall; laboratory-medical, dental, optical; meeting room-lodge fraternal hall, community facility; medical or dental office; hospital; restaurant or café, on or off-sale liquor establishments; recreation services such as bowling alley, skating rink and similar uses;
2. All drive-in, drive-thru establishments, building materials, garden supply, outdoor sales or display, ~~automated car wash;~~

17.484.003 Conditionally permitted uses.

Upon obtaining a conditional use permit pursuant to Chapter 17.830, the following uses are permitted in the PD-34 zone:

...

- B. ~~Auto service station,~~ Alternative fuel station, tire shop, auto seat and upholstery shops; laboratories for medical, dental, optical uses; meeting room/fraternal hall, neighborhood community center;

17.485.003 Conditionally permitted uses.

The following uses are conditionally permitted in the PD-35 zone:

...

- C. The following uses are conditionally permitted in subarea B:

...

2. ~~Fuel sale facilities,~~ Alternative fuel station, convenience stores, ~~automated car washes,~~ meeting rooms/fraternal halls, and neighborhood community centers;

17.488.003 Conditionally permitted uses in subarea A.

The following uses are permitted in subarea A of PD-38 subject to securing a conditional use permit pursuant to Chapter 17.830:

...

- B. Drive-in and drive-through establishments, including alternative fuel stations ~~gas stations,~~ but excluding all prohibited uses;

17.488.013 Conditionally permitted uses within subarea F.

...

G. ~~Gas stations~~ Alternative fuel stations;

17.488.016 Prohibited uses.

A. The following uses shall be prohibited within subarea A:

1. Gas stations;

17.491.002 Permitted uses.

...

C. Subarea C. The following uses shall be permitted within this subarea:

...

4. ~~Car washes;~~

17.491.003 Conditionally permitted uses.

A. Subarea A. The following uses shall be conditionally permitted within this subarea:

...

2. ~~Auto service stations or gas stations;~~ Alternative fuel stations;

17.492.003 Conditionally permitted uses.

Upon obtaining a conditional use permit pursuant to Chapter 17.830, the following uses are permitted in the PD-42 zone:

...

C. Subarea C. The following uses shall be conditionally permitted within this subarea:

...

5. ~~Gasoline service stations and/or car washes;~~ Alternative fuel stations;

17.499.002 Permitted and conditionally permitted uses in subarea A.

...

The following uses are permitted within subarea A subject to approval of a conditional use permit:

...

- C. ~~Auto service station, car wash,~~ Alternative fuel stations; tire shop, new or used car sales, vehicular repair;

17.499.004 Permitted and conditionally permitted uses in subarea C.

...

The following uses are permitted within subarea C subject to approval of a conditional use permit:

...

- C. ~~Auto service station, car wash,~~ Alternative fuel stations; tire shop, new or used car sales, vehicular repair;

17.505.008 Zoning matrix of land uses by subareas for PD-55.

...

LAND USES ³	Commercial		Residential		Park and Water Quality	
	Subarea 1	Subarea 2	Subarea 3	Subarea 6	Subarea 4	Subarea 5
Commercial Uses						
...				
<u>Alternative fuel stations</u>	<u>P</u>	<u>P</u>				
Gas stations, with or without car wash and/or convenience store. Limited to one such use in one of the following subareas: 1 or 2. Any additional gas station must apply for a conditional use permit	P	P				

17.517.003 Permitted and conditionally permitted uses and general development standards for subarea B (general commercial area).

...

B. Conditionally Permitted Uses for Subarea B.

...

4. ~~Car washes,~~ Tire shops, new or used car sales, and vehicular repair;

17.517.004 Permitted and conditionally permitted uses and general development standards for subarea C (general commercial area).

...

B. Conditionally Permitted Uses for Subarea C.

1. ~~Gas stations;~~ Alternative fuel stations;

...

5. ~~Car washes,~~ Tire shops, new or used car sales, and vehicular repair;

17.796.001 Title and purpose of provisions.

A. Title. The provisions of this chapter shall be known as the "short-term rental" provisions of this title.

B. Purpose. The purpose of these provisions is to regulate the short-term rental of ~~certain~~ all residential dwelling units, including those constructed, converted, or otherwise developed through the use of California Government Code Sections 65852.21 or 66411.7.

17.796.002 Applicability of provisions.

The provisions of this chapter apply to all dwelling units in the City, including those constructed, converted, or otherwise developed through the use of California Government Code Section 65852.21 or 66411.7, as set forth in the provisions of Chapters 16.169 and 17.797 of this code.

17.796.003 Short-term rentals prohibited.

~~A. Pursuant to California Government Code Section 65852.21(e), no residential dwelling unit constructed, converted, or otherwise developed through the use of the two-unit housing development provisions set forth in Chapter 17.797 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.~~

- ~~B. Pursuant to California Government Code Section 66411.7(h), no residential dwelling unit constructed, converted, or otherwise developed through the use of the urban lot split provisions set forth in Chapter 16.169 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.~~
- A. Definition. "Short-term rental unit" means the rental or occupancy of any residential dwelling unit or a portion thereof for a period of 30 consecutive calendar days or less. Short-term rental units include uninhabitable portions of the property such as swimming pools, courts, backyards, and other amenities available for rent for less than 30 consecutive calendar days.
- B. Short-term rental units prohibited. It shall be unlawful for any person or entity to offer or make available to rent or to rent (by way of a rental agreement, lease, license, or any other means, whether written or oral), for compensation or any consideration, a short-term rental unit.

FOCUSED ZONING CODE UPDATE

1. Automobile Service Stations

Background

- A. Automobile Service Stations / Gasoline Service Stations: The gas station has been an iconic part of American car culture since the first one opened in Pittsburgh (a Gulf station) over one hundred years ago. And while gas stations can be considered essential businesses much like grocery stores and banks, they can have an impact on the urban landscape, particularly from an aesthetic and environmental/ecological perspective. In considering zoning provisions for automobile service stations, it is reasonable to ask if Brentwood is adequately served by the existing service station locations to meet the basic needs and expectations of residents and visitors. This is an important question because the city is becoming more “built-out” with less vacant land available for development that helps Brentwood meet other goals, such as attracting employment generating businesses, which would improve the city’s jobs/housing balance. Moreover, much of the remaining vacant land is surrounded by existing development that consists of residential neighborhoods, schools, and parks. It has become increasingly important to consider surrounding uses and context/compatibility when reviewing proposals for new automobile service stations.

Currently, there are no citywide regulations in the Brentwood Municipal Code (BMC) concerning development or performance standards for automobile service stations of any type. Thus, staff has limited tools available to effectively address the impacts caused by service station development and ensure that no adverse impacts occur from new service stations.

Further, the Environmental Protection Agency (EPA) has classified service stations and fuel storage locations as uses that may result in a brownfield site. Brownfield sites are properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Common contaminants found at service station sites include gasoline, diesel, petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at service stations can threaten the public health, safety, or welfare of the community.

With regard to fiscal considerations, automobile service stations do generate significant tax revenue, primarily from the sale of gasoline. However, it is anticipated that tax revenue will decline over time in part due to the availability and preference of alternative energy sources for powering automobiles. For example, electric cars powered by batteries are becoming more commonplace. In 2020 Governor Newsom signed [Executive Order N-79-20](#) to phase out gas-

powered passenger vehicles by 2035 and medium to heavy-duty vehicles by 2045. This was then followed up in 2021 by Assembly Bill 1279 [The California Climate Crisis Act](#) that codified the policies to achieve carbon neutrality no later than 2045. It is estimated that by 2030, more than one third of all new vehicles sold will be fully or partially electric powered. As battery charging can occur at home, work, or in parking lots, the need for service stations is likely to decline in a corresponding manner. The declining demand for gasoline due to changes in technology and consumer preferences may increase competition among the existing service stations in the city such that closures may occur over time.

The analysis of issues related to automobile service stations makes clear that the City should evaluate new regulations to address the potential impacts associated with this land use. Regulations could range from additional standards in the BMC to limitations on future service station locations. As Brentwood transitions to infill development and redevelopment of existing areas, there is less available open commercial land to locate new service station facilities. Automobile service stations may not be the best use of available commercial land, and on those sites that are near residentially zoned properties, they may not be compatible.

Analysis

- A. General: There are currently 18 automobile stations operating in the city, as outlined in the following table and attached map (Car Wash and Service Station Map – Attachment 1a):

	Name	Address	Carwash?
1	Chevron	330 Oak Street	No
2	Quik Stop	3940 Walnut Blvd	No
3	Arco	2250 Balfour Road	Yes
4	Chevron	190 Griffith Lane	Yes
5	Chevron	6700 Brentwood Blvd	Yes
6	National Petroleum	8401 Lone Tree Way	No
7	Power Market	8750 Brentwood Blvd	No
8	AMPM	6481 Lone Tree Way	Yes
9	Chevron	2371 Balfour Road	Yes
10	Chevron	6935 Lone Tree Way	No
11	Shell	6031 Lone Tree Way	Yes
12	Rotten Robbie	6860 Lone Tree Way	Yes

	Name	Address	Carwash?
13	ARCO	6970 Brentwood Blvd	No
14	Chevron	5591 Lone Tree Way	Yes
15	Brentwood Petroleum	7920 Brentwood Blvd	No
16	7-Eleven	5931 Lone Tree Way	No
17	7-Eleven	7460 Brentwood Blvd	No
18	Mobil	6750 Brentwood Blvd	Yes

As shown on the attached map, gas stations throughout the city are located on the periphery, with the majority of stations located on Balfour Road, Brentwood Boulevard, and Lone Tree Way. There are no gas stations located within the interior of the city or along main thoroughfares such as Sand Creek Road and Fairview Avenue.

- B. Existing Regulations: Automobile service stations can only be approved in Brentwood with a conditional use permit (CUP), which provides the City with discretionary review ability. This allows staff and the Planning Commission to consider each service station application on a case-by-case basis and to apply specific conditions to a project to ensure land use compatibility with the surrounding area. It is recommended that the City maintain this requirement for a CUP for automobile service station facilities.
- C. Locations: Automobile service stations are conditionally permitted in three commercial zoning districts and in certain Planned Development (PD) Zones. In PD-6; however, stand-alone auto fueling and automobile service stations are conditionally permitted while auto fueling stations that are *accessory uses* to an anchor retailer as the principal use are permitted by right. Brief descriptions of the intended land uses for these zoning districts are below:

C-1	Neighborhood Commercial. Intended to provide neighborhood convenience centers, which are typically a 5-10 acre shopping center with a supermarket as the prime tenant. The neighborhood convenience center generally is intended to serve the day-to-day needs of the surrounding neighbors within a one-mile radius.
C-2	General Commercial. Intended to serve the general shopping needs of the Brentwood community as well as other nearby communities. This zoning district allows retail stores and service uses to serve the general needs of the community.

C-3	<p>Thoroughfare Commercial. Commercial zone for retail and service businesses that are typically related to highways and major thoroughfares. Such uses generally do not lend themselves to be located in general commercial or neighborhood convenience centers, but are encouraged in orderly clusters in suitable locations adjacent to highways and major thoroughfares where special consideration is given to on-site and off-site traffic and circulation, impact on adjacent land uses, etc.</p>
PD	<p>Planned Development.</p> <ul style="list-style-type: none"> • PD-6 • PD-12 • PD-16 – Subarea A • PD-20 • PD-34 • PD-35 – Subarea B • PD-38 – Subarea A • PD-41 • PD-42 – Subarea C • PD-49 – Subareas A and C • PD-55 – Subareas 1 and 2 • PD-67 – Subarea C

In evaluating the suitability of the zoning districts in which automobile service stations are permitted, General Commercial (C-2) and Thoroughfare Commercial (C-3) are both intended to serve a broad market, typically along major transportation corridors. These zones can be considered a logical fit for an automobile service station use. The Neighborhood Commercial (C-1) zoning district; however, is intended for smaller scale, less intensive uses that serve the needs of the immediate neighborhood. Given that development pressure will continue throughout the city for land that will become increasingly scarce, preserving the Neighborhood Commercial zone for higher and better uses may be an economically strategic option. Furthermore, removing service stations as a conditionally permitted use in the Neighborhood Commercial zone will minimize, if not eliminate, any potential conflict between service station operations and sensitive residential receptors. It should be noted that if the BMC were amended to prohibit service stations in the C-1 zone, any existing automobile service stations in the C-1 zone would be allowed to continue operating as legal, nonconforming uses¹.

D. Potential Development and Design Standards: The application of development and operational standards for automobile service stations will ensure the consistency

¹ § 17.610.004 of the BMC states that no nonconforming use shall be expanded, extended, enlarged, substituted, replaced or otherwise altered without conforming to the provisions of this chapter.

of regulations for new service stations and for the expansion of existing service stations. Of principal concern is the impact of service stations on residential uses and on certain public uses such as schools and parks. The development standards identified below could mitigate against the negative impacts that could result from new and remodeled automobile service station sites.

- **Location and separation.** An automobile service station shall be at least three hundred feet from any school, park, or similar use, and shall be at least five hundred feet from any other service station on the same side of a street, except at an intersection of two streets where a maximum of two stations may be permitted on the corners of such intersection.
- **Lot size.** An automobile service station site shall be at least one hundred fifty feet by one hundred fifty feet or the minimum required for the zone in which it is located, whichever is greater. A service station may be modified or rebuilt on an existing service station parcel with site dimensions less than required in this section, provided that all other development standards for the service station are satisfied.
- **Setbacks.** Notwithstanding the applicable setback regulations for the underlying zone, canopies over pump islands, whether attached to a building or not, may extend to within ten feet of street property lines.
- **Parking requirements.** An automobile service station and any ancillary uses shall comply with all applicable standards of Chapter 17.620 (Off-Street Parking). Where conflict arises between sections, the requirements of this subsection shall take precedence.
 - Automobile service station: Two spaces minimum. Spaces at the pump islands do not satisfy this parking standard. Any additional ancillary uses on the property shall also include the parking requirements listed below.
 - Automobile service station with a convenience store: Five spaces per 1,000 square feet of gross floor area of the convenience store. Up to 50 percent of the pump islands may be counted as parking spaces.
 - Automobile service station with car wash: The parking requirement shall be determined by a parking demand study prepared by an independent traffic engineer licensed by the State of California. The study shall be provided by the applicant, at their sole expense.
 - Automobile service station with vehicle service bay: One space per service bay.
 - A minimum of one loading space and delivery vehicle stacking area shall be located and designed to avoid undue interference with the public use of streets and alleys, drive aisles, or automobile parking spaces.

- **Driveways.** No more than two driveways or means of access shall be provided to any one street. Driveways shall be located as follows:
 - Not less than twenty-five feet from the nearest street intersection;
 - Not less than twenty-five feet from any other driveway;
 - Not less than five feet from a side property line.
- **Ancillary equipment/devices.** Ancillary equipment/devices such as air compressors shall not be located in any required building setback area.
- **Alternative fuel stations.** In addition to the minimum electric vehicle (EV) charging stations required by the California Building Code (CBC), a minimum of one alternative fuel station shall be provided for every four petroleum-based fuel pumps. The alternative fuel station can be an additional EV charging station, compressed natural gas (CNG), hydrogen, or other alternative fuel.
- **Restrooms.** Public restrooms shall be provided on site, at no charge, for customer use during normal business hours. The restroom shall be continuously maintained in a clean and sanitary manner. Entrances to restroom facilities shall be located within a building.
- **Design.** All service station developments shall be subject to the City of Brentwood Commercial and Industrial Design Guidelines. The service station structure must be architecturally compatible with any other buildings on site and with the surrounding neighborhood.
- **Landscaping.** In addition to all landscaping standards outlined in Chapter 17.630 (Landscaping and Screening), a landscaped buffer strip five feet wide shall be provided along all interior lot lines except where such area is occupied by buildings or driveways.
- **Signs.** Signs for an automobile service station and any ancillary uses shall comply with all applicable standards of Chapter 17.640 (Sign Ordinance).

E. Potential Operational Requirements:

- **Location of activities.** All activities shall be conducted within buildings except dispensing of fuel products from pump islands, vehicle charging, and air and water services, and minor emergency repairs including replacement of headlights, turn indicator bulbs, or windshield wipers.
- **Hours of Operation.** Hours of operation shall be determined through the CUP process based on nearby uses and shall not operate 24 hours a day if directly adjacent to residential development.
- **Site maintenance.** The site including all structures, landscaping, walls/fences, and signs shall be maintained in good repair, in a clean, neat, and orderly condition. Driveways, parking, landscape, and service areas shall

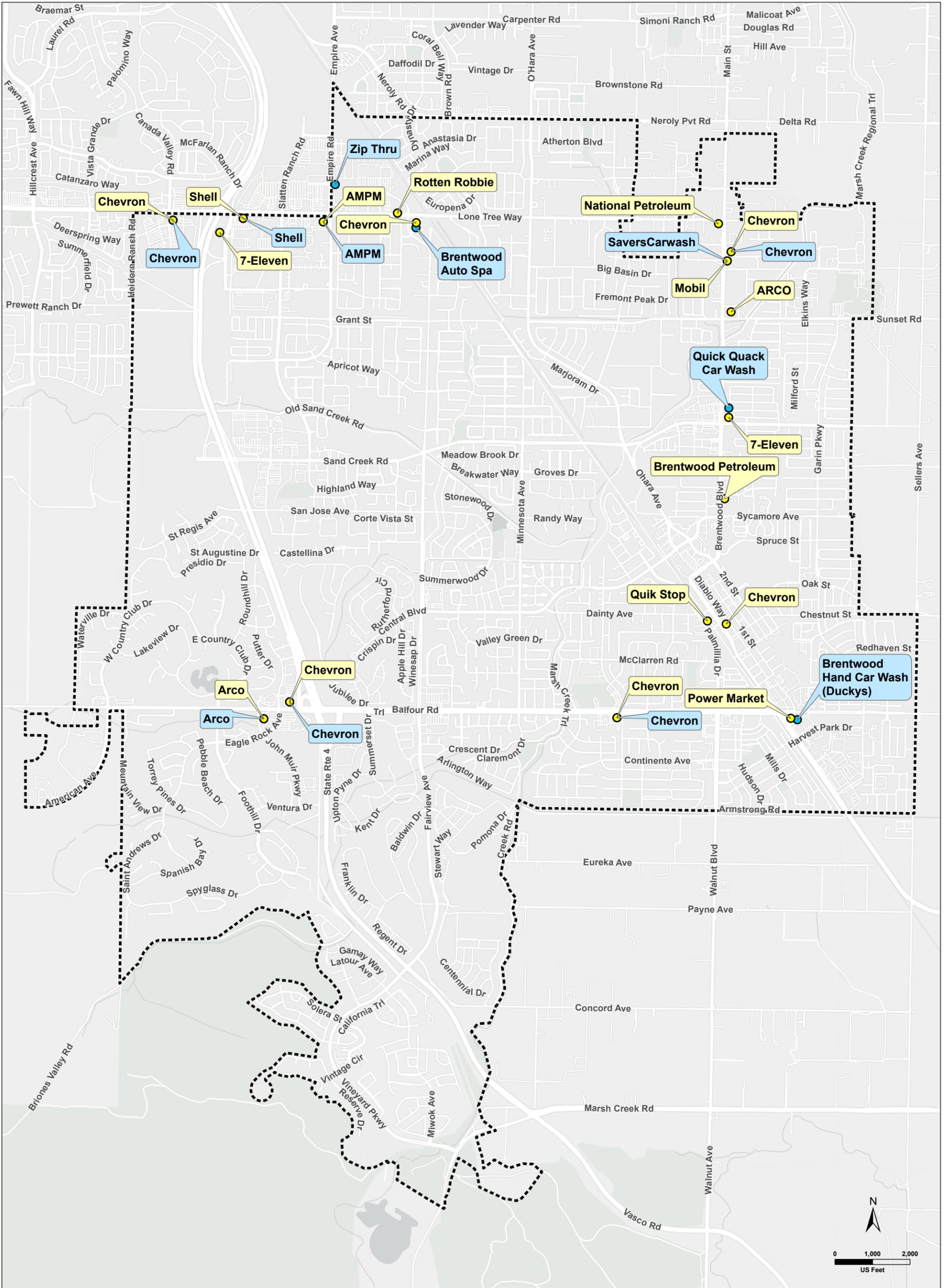
be maintained and kept free of grease, oil, and other petroleum products in addition to litter. These areas shall be periodically cleaned with equipment that dissolves spilled grease, oil, and other petroleum products without washing them into drainage, gutter, or sewer systems.

- **Trash receptacles.** Trash receptacles shall be located at the building entrance and at each pump island. The premises shall be kept free of the accumulation of litter or waste. Removal of waste or litter from the trash receptacles shall occur at a minimum of once each day the business is open.
- **Trash enclosure.** A trash enclosure, completely enclosed with a decorative masonry wall not less than six feet high with a solid metal, self-enclosing gated opening, and large enough to accommodate standard-sized commercial trash bins, shall be located on the rear portion of the property in a manner which is accessible to refuse collection vehicles.
- **Ancillary uses.** Ancillary uses related to automobile service stations shall comply with the following:
 - Convenience store.
 - Outdoor display of merchandise shall be prohibited unless a temporary use permit is obtained pursuant to Chapter 17.850 (Temporary Use Permits).
 - Car wash.
 - Shall comply with all applicable standards as determined through the Focused Zoning Code Update which may include additional separation requirements and operational restrictions.
 - Applicants shall provide a noise study prepared by an independent acoustical engineer licensed by the State of California. The study shall be provided by the applicant, at their sole expense.
 - Vehicle repair shop.
 - Shall not operate 24 hours a day and shall be determined through the CUP process based on nearby uses.
 - Openings of service bays shall be designed to minimize the visual intrusion onto adjoining public rights-of-way and properties.
 - Service bay doors shall not directly face an existing residential development or residential zone.
 - Vehicle repair shops shall be limited to battery and ignition services, tire repair and sales, and other accessory sales and services for automobiles, but shall exclude major automobile

repairs, tire recapping, steam cleaning, painting, body and fender work, engine overhaul, and other work of a similar nature.

- **Hazardous materials.** All necessary permits for the storage and use of hazardous materials shall be obtained. All automobile fluids shall be recycled or removed according to applicable state and federal standards.
- F. Potential Full or Partial Moratorium: In an effort to reduce greenhouse gas emissions and air pollution, a number bay area cities have adopted ordinances to prohibit any new fossil-fuel pumps throughout their cities. The movement to prohibit new gas stations began in 2021 when the City of Petaluma became the first city in the U.S. to prohibit new gas stations. After Petaluma’s ordinance was passed additional cities in Sonoma County and all cities in Napa County joined suit. As Brentwood transitions to infill development and redevelopment of existing areas, there is less available open commercial land to locate new service station facilities. Automobile service stations may not be the best use of available commercial land, and therefore a complete ban on future development may be considered.

As shown on the attached map, gas stations throughout the city are located on the periphery, with the majority of stations located on Balfour Road, Brentwood Boulevard, and Lone Tree Way. There are no gas stations located within the interior of the city or along main thoroughfares such as Sand Creek Road and Fairview Avenue. Therefore, based on the concentration map included in Attachment 1a, future stations in these areas such as along the Sand Creek Road extension west of Highway 4 on commercially designated parcels, would not cause or contribute to overconcentration and may be appropriate. Thus, the City may want to consider continuing to allow gas stations only in these zones/areas and ban future development in all other areas.

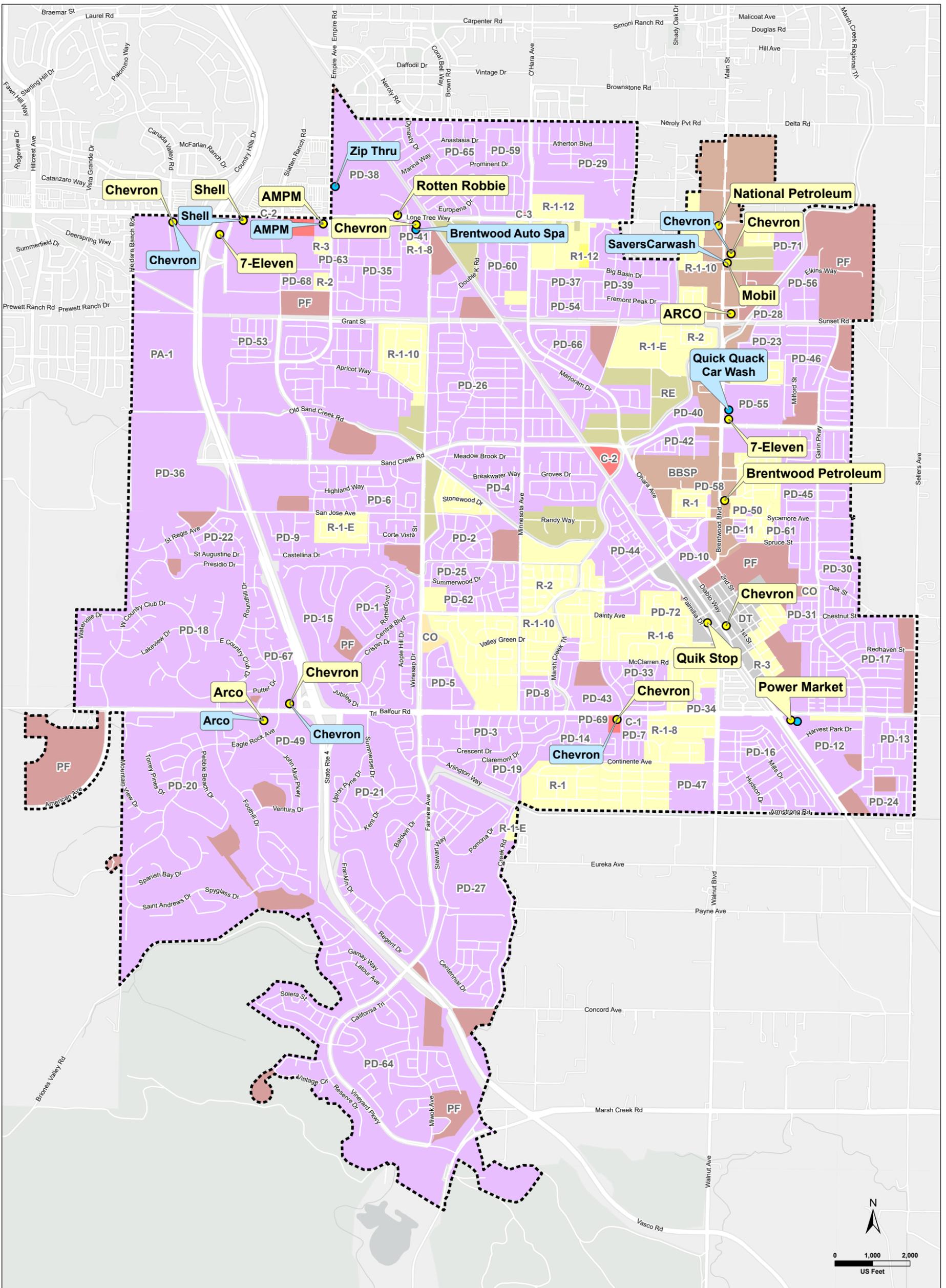


LEGEND

- Gas Station Locations
- Carwash Locations
- Brentwood City Limits

CITY OF BRENTWOOD

Gas Stations and Carwashes



LEGEND

- | | | |
|---|--|--|
| ● Gas Station Locations | City of Brentwood Zoning | ■ PD |
| ● Carwash Locations | ■ BBSP | ■ PF |
| Brentwood City Limits | ■ C | ■ R |
| | ■ CO | ■ R1 |
| | ■ DT | ■ RE |

CITY OF BRENTWOOD

Gas Stations and Carwashes

FOCUSED ZONING CODE UPDATE

2. CAR WASHES

Background

- A. Car Washes: Car washes have steadily developed to incorporate automation and water-saving technologies. There are three primary types of car washes today: full service, express service, and flex-service.

Full service car washes are typically stand-alone facilities that employ a relatively large number of people either to wash, hand wash, or detail vehicles. These types of car washes are typically the only use on a property. Express car washes are usually associated with gas stations and are more commonly called drive-thru car washes. These facilities are a secondary, accessory use relative to the gas station, convenience store, or combination thereof. They are fully automated and require little to no staff. Older, unattended self-service car washes where customers wash, dry, and vacuum their own vehicles also fall within the express car wash category as these types of facilities are typically unattended.

Flex-service car washes (a hybrid of the full service and express service car wash models) combine the full service and express car wash models to offer both services in one location. The car wash industry is trending toward greater flexibility and reducing labor costs by transitioning from a full service model to a flex-service model, often with a flat monthly fee for unlimited washes. The foundation of this style is a conveyerized tunnel with an entry payment system. Customers select a base wash package at the automated computer attendant and then add optional aftercare services such as interior vacuum, waxing, and/or a tire shine. All wash customers stay in the vehicle through the wash. Customers who purchase aftercare services follow directional signage to an aftercare center where they turn over their car to an attendant and wait in a lobby while their vehicle is prepared. Customers who do not elect any of the optional services may still utilize vacuums at vended stations which may contain between 10 to 40 vacuums. Flex-service car washes usually employ less staff than full service car washes.

There are currently no citywide regulations in effect regarding the operational and locational standards for car wash facilities of any type.

Analysis

- A. General – Car Washes: There are currently 14 (2 full service, 9 express, and 3 flex-service) car washes operating in the city, as outlined in the following table and attached map (Car Wash and Service Station Map – Attachment 1a):

	Type	Name	Address
1	Full Service	Brentwood Auto Spa	6945 Lone Tree Way
2	Full Service	Brentwood Hand Car Wash (Ducky's)	4950 Balfour Road
3	Flex-Serve	Quick Quack Car Wash	7450 Brentwood Blvd
4	Flex-Serve	Savers Carwash	6750 Brentwood Blvd
5	Flex-Serve	Super Clean Carwash	6970 Brentwood
6	Express	Zip Thru	2650 Empire Ave
7	Express	Chevron	2371 Balfour Road
8	Express	Arco	2250 Balfour Road
9	Express	Chevron	190 Griffith Lane
10	Express	AM/PM	6481 Lone Tree Way
11	Express	Shell	6031 Lone Tree Way
12	Express	Rotten Robbie	6860 Lone Tree Way
13	Express	Chevron	5591 Lone Tree Way
14	Express	Chevron	6700 Brentwood Blvd

Car washes remain popular among drivers as the convenience and relative low cost of getting a car wash continues to attract customers. Additionally, there are environmental benefits to modern car washes as they utilize water recycling systems that consume less water than washing a car at home on a driveway. Trends in car wash development suggest a movement from full service car washes to express and flex-service car wash models.

Car washes are often loud because, in addition to other equipment that generates noise during their operation, they require the use of large-scale, industrial vacuuming systems. These impacts can be particularly acute when car washes are located near residential uses and when multiple car washes are concentrated in a small area. Car washes surrounded by residential uses may have the potential to expose neighboring residents to excessive noise. As car washes move from full service to express and flex-service models, there is also concern that fewer on-site employees may result in less oversight, and therefore less control of impacts that these facilities may have on adjacent properties.

- B. Existing Regulations: The Brentwood Municipal Code does not have citywide development standards to mitigate impacts caused by car washes. Currently, car washes are a conditionally permitted use in the Neighborhood Commercial (C-1) and Thoroughfare Commercial (C-3) Zones. Car washes are also permitted or

conditionally permitted in certain Planned Development (PD) Zones. Aside from the PD Zones, car washes can only be approved in Brentwood following the approval of a conditional use permit (CUP), which provides the City with discretionary review ability. This allows staff and the Planning Commission to consider each car wash application on a case-by-case basis and to apply specific conditions to a project to ensure land use compatibility with the surrounding area. It is recommended that the City maintain this requirement for a CUP for car wash facilities.

C. Locations: As noted above, car washes are allowed in two commercial zoning districts and in certain Planned Development Zones. A brief description of the intended land uses for these zoning districts is below:

C-1	Neighborhood Commercial. Intended to provide neighborhood convenience centers which are typically a five to ten acre shopping center with a supermarket as the prime tenant. The neighborhood convenience center generally is intended to serve the day-to-day needs of the surrounding neighbors within a one-mile radius.
C-3	Thoroughfare Commercial. Commercial zone for retail and service businesses that are typically related to highways and major thoroughfares. Such uses generally do not lend themselves to be located in general commercial or neighborhood convenience centers, but are encouraged in orderly clusters in suitable locations adjacent to highways and major thoroughfares where special consideration will be given to on-site and off-site traffic and circulation, impact on adjacent land uses, etc.
PD	Planned Development. <ul style="list-style-type: none"> • PD-6 • PD-12 • PD-20 • PD-35 • PD-41 • PD-42 • PD-49 – Subareas A and C • PD-55 • PD-67 – Subareas B and C

As developable land becomes scarcer in the city there may be concern that a proliferation of car washes without further regulation could have adverse impacts on neighborhoods and result in significant, irreversible change to neighborhood and community character. As the city transitions to in-fill development and re-development of existing areas, there is less available open commercial land to

locate new car wash facilities. Many smaller commercial parcels potentially available for this type of land use may be near or adjacent to residential uses that could be negatively impacted by this use. Unattended or lightly staffed car washes with the potential for traffic and noise impacts may not be the best use of available commercial land, and on those sites that are in close proximity to residentially zoned properties they may not be compatible.

In evaluating the suitability of the land use districts in which car washes are permitted an argument can be made that the Neighborhood Commercial (C-1) Zone may not be the most suitable for allowing a car wash use and perhaps should be reconsidered. Although residential zones abut much of the commercial land in the city, the Neighborhood Commercial Zone is intended for smaller scale, less intensive uses that serve the needs of the immediate neighborhood. Given that development pressure will continue throughout the city for land that will become increasingly scarce, preserving the Neighborhood Commercial Zone for higher and better uses may be an economically strategic option. Furthermore, removing car washes as a conditionally permitted use in the Neighborhood Commercial Zone will minimize, if not eliminate, any potential conflict between car wash operations and sensitive residential receptors. It should be noted that any existing car wash in these districts would be allowed to continue operations as a legal, nonconforming use.

D. Potential Development Standards: The application of development and operational standards for car washes will ensure the consistency of regulations for new car washes and for the expansion of existing car washes. Of principal concern is the impact of car washes on residential uses. The development standards identified below will mitigate against the negative impacts that could result from new and remodeled car wash sites.

- **Residential Setback.** Whether automatic, by hand, or self-service, the car wash structure (including wash bays) and outdoor vacuuming machines or areas shall be located a minimum distance (e.g., 100 ft. or as LUD sees appropriate) feet from the property line parcel that contains a residential use or that could in the future (i.e., by GP/zoning).
- **Openings.** All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
- **Queuing of Vehicles.** An on-site queuing plan shall be provided to the City for review and approval. Traffic circulation shall be designed to ensure efficient circulation on and off the subject site and ensure that the car wash will not obstruct the use of any service station gasoline dispensers, drive aisles, back-up areas, or parking spaces. Furthermore, vehicles shall not queue onto a public street, alley, driveway, or onto adjacent properties/parcels not associated with the car wash use.

- **Design.** All car wash developments shall be subject to the City of Brentwood Commercial and Industrial Design Guidelines. The car wash structure must be architecturally compatible with any other buildings on site and with the surrounding neighborhood.

E. Potential Operational Requirements:

- **Hours of Operation.** Hours of operation shall be limited to: Monday through Saturday, 8:00 AM to 7:00 PM; and Sunday, 9:00 AM to 6:00 PM or as LUD recommends.
- **Water Recycling.** Recycling of water used for vehicle washing shall be maximized. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal guidelines/standards and must be approved by the Engineering Department.
- **Air Quality.** All mechanical ventilating equipment shall be directed to exhaust vents and cannot face adjacent residential properties. Exhaust systems shall be equipped with appropriate control systems to minimize or eliminate noxious pollutants that may impact ambient air quality and must adhere to all applicable local, state, and federal air quality standards.
- **Noise.** All uses at the subject site, including any power driven or steam cleaning machinery, drying equipment, or vacuuming machines shall maintain noise levels below the levels provided in Chapter 9.32 Noise Regulations of this Code.
- **Outdoor Loudspeakers.** The installation and operation of outdoor loudspeakers or public address systems are not permitted.

FOCUSED ZONING CODE UPDATE

2. Short-Term Rentals

Background

- A. Short-term Rentals: A short-term rental (STR) is a residential property that is rented for a brief duration, typically for 30 days or less. STRs consist of (1) home-sharing, where a room in a dwelling unit or an accessory structure is rented, usually with the owner present, or (2) vacation rentals, where the entire unit is rented out to guests with the owner absent. STRs have become increasingly popular over the past decade as homeowners and renters look for additional sources of income and with the proliferation of platforms such as Airbnb, VRBO, Home-Away, and FlipKey.

The rise in short-term rental activity over the last ten years caught many cities and municipal officials across the country off-guard, as STRs do not fit into normal municipal regulatory structures. Cities have responded by either banning STRs entirely or creating new regulatory systems to allow short-term rental activity. Currently, the Brentwood Municipal Code (BMC) prohibits short-term rentals constructed, converted, or otherwise developed through the use of the two-unit housing development (SB 9) provisions set forth in [BMC § 17.797](#) and/or through the use of the urban lot split provisions set forth in [BMC § 16.169](#). In addition, the BMC allows rooming and board for not for less than 30 days at a time. Although STRs are not explicitly defined and prohibited, by process of elimination, unless the STR qualifies as rooming and boarding, then it would be prohibited.

In addition, the City struggles to proactively enforce the prohibitions because there are little resource or mechanism to correlate length of stay with STRs to determine if it qualifies as a room and board. Although Community Enrichment does search short-term rental websites throughout the year to see if any Brentwood properties are listed, enforcement is difficult unless the addresses are listed or location is otherwise identifiable. Therefore, the majority of the time the City is reacting to short-term rental complaints as they are received and uses Community Enrichment and Police Department personnel to address each complaint on a case-by-case basis.

Not every city or locality is being impacted by short-term rentals in the same way. Coastal/beach communities, mountain/ski communities, and communities that can be considered a “destination” either for an attraction, as an employment center, etc., have seen greater STR demand than communities that do not have these characteristics or that may be considered bedroom communities. Nonetheless, a degree of STR activity seems to be present in most jurisdictions.

Arguments in favor of regulating and allowing STRs include allowing homeowners and renters to generate extra income, making more hotel-like rooms available for

rent in a city, providing alternatives to hotels, and creating an economic spark for the communities where STR visitors choose to stay. Arguments against regulating and allowing STRs are that they decrease the housing supply and increase rental prices by reducing the number of available units, create noise and parking supply issues in neighborhoods, and harm the existing hospitality industry.

Staff believes that the City of Brentwood should be explicitly clear in either prohibiting or allowing short-term rentals and understands that the direction from the City Council is to research prohibiting the use to protect residential neighborhoods. Should the City wish to allow STRs instead, then well-defined rules and regulations would (1) enable STR hosts and visitors to have standards regarding the operation of a short-term rental, (2) help to ensure STRs do not limit the housing market and that neighborhoods and residents are not affected by their operations, and (3) provide the City with additional Transient Occupancy Tax (TOT) collected in the same manner as with hotels.

- B. Short-term Renting of Backyards and Swimming Pools: As an off-shoot to the rise of short-term rentals, new platforms are emerging that allow property owners to market their swimming pools, courts, backyards, entire homes, and other on-site amenities for hourly rental. Platforms such as Swimply allow hosts to further commercialize their properties by facilitating pool parties, house parties, photoshoots, dinner parties, etc., at the residence of the host.

Although Airbnb and VRBO have tightened restrictions on having parties in short-term rentals, the new platforms that cater specifically to hosting events rather than nights stayed can have a negative impact on residential neighborhoods, particularly with regard to noise, traffic, parking, and other nuisance issues.

- C. Penalties and Fines: The City's enforcement efforts on unpermitted short-term rentals and unpermitted rentals of pools and backyards are often reactionary, happening after the fact. Furthermore, the fine for committing the infraction may not be substantial enough to deter the activity.

[BMC § 17.890.007](#) Penalties, states that "Any person who knowingly violates or causes or permits another person to violate any provision of this title is guilty of an infraction, and upon conviction shall be punishable by a fine of not more than two hundred fifty dollars. A violator may be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued or permitted."

Analysis

- A. General: A booking search for short-term rentals in Brentwood (using July 12-14 and August 2-4) found that only one listing for a private room in a house in the city was available on both Airbnb and VRBO. Similarly, only one listing for a swimming pool rental was available on Swimply (using July 12 and August 2). Although numerous listings are available in the region, including some neighboring

jurisdictions like Antioch and Discovery Bay, there is relatively little supply in Brentwood itself.

B. Existing Regulations: As noted above, the Brentwood Municipal Code *partially* prohibits short-term rentals under [BMC § 17.796.003](#) Short-term rentals prohibited, which states:

A. Pursuant to California Government Code Section [65852.21\(e\)](#), no residential dwelling unit constructed, converted, or otherwise developed through the use of the two-unit housing development provisions set forth in Chapter 17.797 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.

B. Pursuant to California Government Code Section [66411.7\(h\)](#), no residential dwelling unit constructed, converted, or otherwise developed through the use of the urban lot split provisions set forth in Chapter 16.169 of this code shall be rented, leased, or otherwise let for occupancy for a period of less than thirty calendar days.

In addition as noted above, the Brentwood Municipal Code does allow for room and boarding, which is defined in [BMC § 17.650.003\(4\)](#) as follows:

Rooming and boarding, defined as the renting of a room with or without table board to an individual for a duration of not less than thirty consecutive calendar days, shall be permitted as follows:

- a. Occupancy to be limited to four paying guests,
- b. Occupancy in excess of four guests may be permitted subject to obtaining a conditional use permit,
- c. Rooming and boarding shall be conducted only by a person or persons residing on the premises,
- d. Off-street parking shall be provided in compliance with Chapter 17.620,
- e. The use of signs in conjunction with rooming and boarding shall be prohibited,
- f. Rooming and boarding shall be subject to all other applicable city ordinances;

Although STRs are not explicitly defined and prohibited, by process of elimination, unless the STR qualifies as rooming and boarding, then it would be prohibited. Moreover, commercial activities such as event/social centers are not permitted in residential zones without a Conditional Use Permit, and there are no regulations

in the BMC to explicitly prohibit the rental of backyards, swimming pools, courts, and other similar facilities.

- C. Survey of Nearby Cities: A survey of nearby cities was conducted to determine if and how they regulate STRs. The table below depicts the high-level results for a selection of cities in the region, including whether they allow home-sharing, vacation rentals, or both, and any other relevant provisions.

City	Home-sharing	Vacation Rental	Specific Requirements
Antioch	N/A	N/A	<ul style="list-style-type: none"> No provisions in the Municipal Code to regulate or prohibit
Livermore	Yes	Yes	<ul style="list-style-type: none"> ADUs that obtained a building permit on or after January 1, 2020 cannot be used as STRs Hosts allowed only one STR in city
Martinez	No	No	<ul style="list-style-type: none"> No dwelling unit can be occupied as an STR
Oakley	Yes	No (but unhosted stays permitted)	<ul style="list-style-type: none"> Minimum stay of 2 nights required Max. number of guests
Pittsburgh	N/A	N/A	<ul style="list-style-type: none"> No provisions in the Municipal Code to regulate or prohibit
Stockton	N/A	N/A	<ul style="list-style-type: none"> No provisions in the Municipal Code to regulate or prohibit
Walnut Creek	N/A	N/A	<ul style="list-style-type: none"> No provisions in the Municipal Code to regulate or prohibit

- D. Prohibiting Short-term Rentals in Brentwood: While some cities have chosen to ban short-term rentals, the main challenge to this is implementing ongoing enforcement. Resources would be needed to identify who is illegally operating an STR. Since online platforms do not provide addresses of rental units publicly, City staff might need assistance from a consulting firm that has the ability to find this information. Currently, staff does search short-term rental websites throughout the year to see if any Brentwood properties are listed, enforcement is difficult unless the addresses are listed or location is otherwise identifiable. The majority of information received about who is operating an STR is received from the public. If the public is able to provide information on the specific housing unit, Community

Enrichment staff can then investigate to find any information that is available online prior to contacting the homeowner.

Fortunately for Brentwood there appears to be relatively little STR activity and existing staff can likely handle the anticipated volume of cases. In other jurisdictions where short-term rentals are very active and the city has prohibited the use, significant resources have been needed to enforce the ban. For example, in the City of West Hollywood there was a ban on all STRs from 2015-2018 and staff experienced more than 265 open code enforcement cases related to STRs, mailed over 800 warning letters, and levied over \$250,000 in fines. However, the success rate in getting people to respond or remove their listing was low. People would either re-list at a different time or use a different room in their house. Due to the complexity of addressing the ban and the increased demand from residents to allow STRs, the City of West Hollywood now allows STRs through their Home-Sharing Program and requires residents to register for a Home-Sharing Business License as of 2018. While Brentwood has a different set of characteristics, the City should anticipate additional staffing resources associated with enforcing a ban.

- E. Potential Zoning Ordinance Amendment: Should the City wish to explicitly prohibit STRs of both residential units and outside amenities, then the following draft amendment to the Zoning Ordinance could be considered:

BMC § 17.XXX Short-term rentals prohibited.

It shall be unlawful for any person or entity to offer or make available for rent (via advertisement on a short-term or vacation rental website or otherwise) or to rent (by way of a rental agreement, lease, sublease, license, via a short-term or vacation rental website, or any other means, whether oral or written) for compensation or consideration a home-sharing rental, short-term, or vacation rental for less than 30 days, pursuant to a rental agreement, lease, sublease, license, via a short-term or vacation rental website, or any other means, whether oral or written, for compensation or consideration, or maintain any advertisement of a home-sharing rental, short-term, or vacation rental for less than 30 consecutive days. This prohibition shall also include rental of not only the habitable portions of a home or residential property but also rental of swimming pools, courts, backyards, entire homes, and other on-site amenities for hourly rental, daily, or nightly rental.