

CITY COUNCIL RESOLUTION NO. 23-

A RESOLUTION OF THE PLANNING COMMISSION 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 Road 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, 2023, in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe; and

WHEREAS, the City Council considered the call for review of the Project at its regular meeting of 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 Planning 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 inasmuch 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, as conditioned, 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 Design 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 conditioned 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, as set forth above, 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.
4. The Planning Commission shall have jurisdiction to hear any modifications to Design Review No. 22-011.
5. 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 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.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED

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 and all successors in interest (collectively, "Permittee") 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 Planning Commission 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 Planning Commission prior to building permit issuance.
8. The building construction drawings shall indicate that the top of all rooftop equipment is below the height of the parapet to the satisfaction of the Community Development Director prior to building permit issuance. No rooftop equipment shall extend above the roofline on the building.
9. 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.

10. 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.
11. Building construction drawings shall depict all windows having details as depicted in the architectural plan submitted to the City as part of the original submittal package and date-stamped "Received October 10, 2022."
12. Building construction drawings shall reflect that the parapet wall be at least six inches taller than the maximum height of the rooftop equipment.
13. Building construction drawings shall reflect that the projecting stone accent wall on the southeast elevation be at least two feet, 6 inches, taller than the top of the parapet wall and that the entry tower be at least eleven feet taller than the parapet wall.
14. The Permittee shall indemnify, defend (with counsel of the City's reasonable choosing), and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including adoption of DR 22-011, 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, cause 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.
15. 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.
16. 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.
17. 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.

18. 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 and completed in conjunction with the proposed development.
19. 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.
20. 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.
21. Permittee shall install a pet waste station adjacent to the proposed trail to the satisfaction of the Director of Parks and Recreation.
22. 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.
23. 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.
24. 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.
25. 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.

- g. The project shall annex into the most current Emergency Medical and Fire Protection Services Community Facilities District as required by the Contra Costa County Fire Protection District.
26. Prior to issuance of a Building Permit, the applicant shall pay all Contra Costa County Fire Protection District impact fees.
 27. 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.
 28. 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.
 29. The Permittee shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code.
 30. The Permittee shall obtain from the Contra Costa Fire Protection District a land development permit prior to submitting building construction plans to the City.
 31. The Permittee shall submit to the Contra Costa Fire Protection District 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

32. 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.

33. 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.
34. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits for the Fire District.
35. The Permittee shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property.
36. The Permittee 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.
37. The Permittee 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.