



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

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**SUBJECT:** Planning Commission Staff Report.docx

**DEPARTMENT:** Community Development Department

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

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### **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



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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.



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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:



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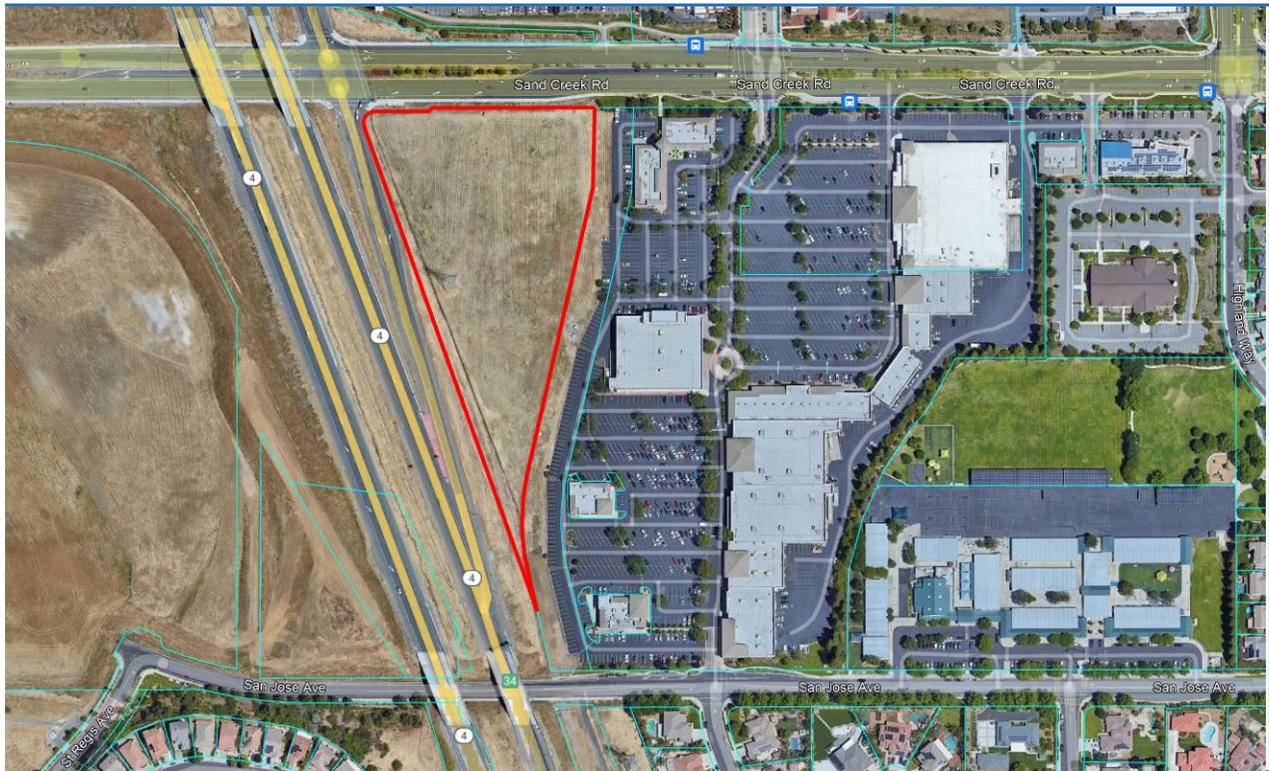
<b>PD-6, Planning Area 3, Development Standards</b>			
	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Minimum lot size	5,000 sf	2.78 acres	Complies
Maximum Building height	50 feet	38 feet	Complies
Maximum Story	3 stories	1 story	Complies
Minimum lot width	No min.	~ 474 feet	Complies
Minimum lot 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
<b>Off-Street Parking</b>			
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
<b>Landscaping</b>			
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



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### 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



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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-



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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.



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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*



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### **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



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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