

PLANNING COMMISSION RESOLUTION NO. 24-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A DESIGN REVIEW (DR 23-013) FOR A NEW INDOOR/OUTDOOR RESTAURANT ("THE YARD"), LOCATED AT 200 OAK STREET (APN 019-110-074).

WHEREAS, Starboard Hospitality Group, LLC / Alyssa & Anthony Roost ("Applicant") has requested that the City approve a design review application for a 33 square foot addition, façade modifications, and exterior site improvements associated with converting a former automobile service station into an indoor/outdoor restaurant, located at 200 Oak Street (APN 013-110-024), and within the Downtown Specific Plan area; and

WHEREAS, the proposed project qualifies as a Class 3 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures) in that it includes the conversion of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure. Though the site was formerly used as an automobile service station and repair shop that dispensed gasoline and used other hazardous materials, the exceptions contained in Section 15300.2 of the CEQA Guidelines, and specifically Section 15300.2(e) pertaining to hazardous waste sites, do not apply as the site is not included on any list compiled pursuant to Section 65962.5 of the Government Code ("Cortese List"). The aforementioned uses ceased in 2001, site remediation continued through 2012, and the Central Valley Regional Water Quality Control Board issued a No Further Action Required Letter ("closure letter") in 2016; and

WHEREAS, the Planning Commission of the City of Brentwood considered this design review application at its regular meeting of March 19, 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:

1. The project qualifies as a Categorical Exemption – Class 3 in accordance with Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, as it involves the conversion of an existing small commercial structure with a floor area of less than 2,500 square feet from one use to another where only minor modifications are made in the exterior of the structure. Furthermore, the exceptions contained in Section 15300.2 of the CEQA Guidelines, and specifically Section 15300.2(e) pertaining to hazardous waste sites, do not apply as the site is not included on any list compiled pursuant to Section 65962.5 of the Government Code ("Cortese List").

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

- a. *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.*

As it proposes to maintain the existing building with only minimal physical changes, the proposed development will maintain its existing compatibility with the surrounding area in terms of scale, bulk, and coverage.

- b. *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.*

No changes are proposed to the building height, arrangement on the site, texture, material, color, landscaping, size, or bulk and scale. The project proposes high-quality decorative outdoor lighting, appropriately placed signage, and high-quality outdoor appurtenances such as outdoor seating, umbrellas, games, and artificial turf. As conditioned, these items will be maintained in like-new condition.

- c. *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 project proposes to maintain the existing building's clean lines, while also adding amenities that will promote a family picnic-like feel to the outdoor dining area that is reminiscent of the city's small-town character, and which will provide an important commercial linkage between the downtown core and City Park.

- 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.*

The project complies with the standards and guidelines of the Downtown Specific Plan as follows:

- i. With respect to the standards and guidelines for outside dining, site furnishings, and display contained in Section 2.3 of the Downtown Specific Plan:
- *Public gathering places and other publicly accessible areas should be detailed with decorative, pedestrian-scaled site furnishings and equipment.*

The proposed outdoor seating, picnic benches, umbrellas, and games are all specifically designed for direct use by people on foot, and are of a design reminiscent of the City's small-town heritage.

- *Seating, freestanding planters, ornamental trash and recycling receptacles, drinking fountains, pergolas, trellises, and decorative bollards are recommended.*
 - ◇ *The provision of recycling receptacles alongside trash receptacles is strongly encouraged.*
 - ◇ *At seat walls with straight edges of more than 6 feet in length shall include detailing to prevent skateboard damage should be applied to the design.*

The existing landscape planting areas along the perimeter of the site will continue to provide separation from the adjacent sidewalk. Recycling receptacles will be provided as required by the City of Brentwood Solid Waste Division. No seat walls are proposed.

- *Landscape structures and sculptural objects should reference the human scale in their overall massing and detailing to help preserve the city's small-town character.*

No landscape structure or sculptural objects are proposed beyond the existing in-ground planting areas surrounded by six-inch high concrete curbing. The design of the proposed outdoor seating is compatible with the surrounding area and promotes a family-friendly small-town atmosphere.

- *Components shall be made of durable high quality materials such as painted fabricated steel, painted cast iron, painted cast aluminum, and integrally colored precast concrete. Recycled materials should be used so long as the finish or look of the material is consistent with or similar to the finishes prescribed above. Masonry surfaces should be treated with an anti-graffiti coating. Metal surfaces should be coated with highly durable finishes such as aliphatic polyurethane enamel. An ultraviolet protectant clear coating is strongly recommended for dark or fugitive colors.*

The proposed outdoor seating will consist of picnic tables and custom benches constructed from heavy 2x6 redwood boards, with heavyweight-cantilevered umbrellas constructed of power-coated aluminum and high-density fabric with an anti-UV coating.

- ii. The parking standards and guidelines contained in Section 2.4 of the Downtown Specific Plan do not apply, as the project does not propose any on-site parking, and none is required pursuant to Brentwood City Council Resolution No. 2014-132.

- iii. The architectural standards and guidelines contained in Section 2.5 of the Downtown Specific Plan do not apply because: 1) the project does not propose the construction of a new building, 2) the project does not propose any exterior alterations to the existing building beyond a minor 33 square-foot addition and minor exterior alterations to doors and windows, and 3) the minor addition and alterations will match the colors, materials, and design of the existing building.
- iv. The examples of architectural styles contained in Section 2.6 of the Downtown Specific Plan do not apply, as the project does not propose any changes to the architectural style of the existing building.
- v. The color standards and guidelines contained in Section 2.7 of the Downtown Specific Plan do not apply, as the project does not propose any changes to the color of the existing building.
- vi. The proposed addition and alterations comply with the policies and strategies of the Downtown Specific Plan to:
 - *"direct new commercial investment into the Downtown Core to create a 'critical mass' of retail, restaurant, service and entertainment uses in a compact, walkable, and unique setting that only Downtown can offer";*
 - *"create a well-defined retail core with ground-floor activity generating uses throughout";*
 - *"cluster a variety of different restaurants to create a 'restaurant row'; and*
 - *"promote the continued development of and re-use of buildings to add a strong supply of dining establishments to the Downtown core".*

The project proposes to maintain the existing building's clean lines, which are typical of its early midcentury modern architectural style, and builds upon its period-correct architectural detailing. Additionally, while remaining true to the design of the existing building, the project also proposes new elements that harken back to Brentwood's rural and agricultural heritage, including new "barn style" shielded lighting, and outdoor furniture and amenities that will promote a family picnic-like feel to the outdoor dining area that is reminiscent of the city's small-town character.

- vii. The proposed addition and alterations comply with the regulations for nonconforming buildings contained in Section 2.1.1(d)(2)(iii) of the Downtown Specific Plan ("One time only building additions less than 5% of the gross floor area of an existing building and minor exterior changes using materials similar to the existing building materials shall be permitted but shall be designed so as to not increase the nonconformity to the intent of the DSP.") The proposed addition will

result in only a three percent increase in floor area; the addition and exterior alterations will match the colors, materials, and design of the existing building; and the proposed additions and alterations will not increase the nonconformity to the intent of the Downtown Specific Plan.

- e. *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 plans have been reviewed and found to comply with all applicable requirements.

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

The proposed project complies with site development criteria as follows:

- i. *The siting and internal arrangement of all structures and other facilities on the site, including the land uses, internal circulation, off-street parking and loading facilities, lighting, signing and access to and from public rights-of-way, shall be conducive to an orderly, attractive, efficient and harmonious development.*

The site and building will be appropriately served by accessible pedestrian paths of travel from the public sidewalk. Adequate lighting will be provided for nighttime customers between the public sidewalk and the building.

- ii. *The proposed development shall not have adverse environmental effects on adjacent developments, existing or potential, by reason of conflicts in land use, topography or traffic.*

The proposed indoor/outdoor restaurant is a permitted use in this zone, and will be similar to and compatible with surrounding development.

- 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 development is subject to and consistent with the standards and guidelines of the Downtown Specific Plan, as described above.

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

The project plans have been reviewed and found to comply with all applicable requirements.

- B. Hereby approves Design Review No. 23-013, 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.

Pursuant to Section 17.820.011 of the Brentwood Municipal Code, this permit shall terminate on March 19, 2025, 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.

This action is 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 March 19, 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. 24-013
DR 23-013 – DESIGN REVIEW APPROVAL FOR A NEW INDOOR/OUTDOOR
RESTAURANT ("THE YARD") LOCATED AT 200 OAK STREET
CONDITIONS OF APPROVAL**

1. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. Design Review No. 23-013 ("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 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.
3. The project shall be built substantially in conformance with the project plans prepared by Gil Dominguez Custom Home & Addition Remodel Design, dated "Received February 22, 2024" unless otherwise amended by the conditions of approval contained herein.
4. Any significant alteration from the design review drawings prepared by Gil Dominguez Custom Home & Addition Remodel Design, dated "Received February 22, 2024" as determined by the Director of Community Development, except as conditioned herein, shall be approved by the Design Review Subcommittee prior to building permit issuance.
5. 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.
6. The building construction drawings shall indicate that the top of all rooftop equipment is below the height of the screen wall to the satisfaction of the Director of Community Development prior to building permit issuance.
7. The Permittee shall obtain any required building permits, and all modifications to the building and site, as depicted on the approved plans, shall be completed prior to commencement of use to the satisfaction of the Director of Community Development.
8. The Permittee shall regularly water and maintain all approved landscaping. Dead or dying plants shall be promptly replaced in-kind (minimum 24-inch box for all trees, minimum five-gallon pot for all shrubs, minimum one-gallon pot for all other plants).

9. The Permittee shall maintain all outdoor furniture (including tables, chairs, umbrellas, and games) in like-new condition, and shall be repair or replace any items that become worn or damaged.
10. 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 Director of Community Development.
11. 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 Design Review No. 23-013, 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.