



SUBJECT: Conditional Use Permit and Design Review for the Lone Tree Way Commercial Speculative Building.

DEPARTMENT: Community Development Department

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

TITLE/RECOMMENDATION

An application for a Conditional Use Permit (CUP 23-002) and a Design Review (DR 23-002) for a new, 6,061 square foot, multi-tenant commercial speculative building with a 24-vehicle capacity drive-through lane and associated site improvements on a ±0.83-acre parcel located at 6740 Lone Tree Way (APN 019-010-038).

Staff recommends that the Planning Commission adopt Resolution No. 24-001, approving Conditional Use Permit No. 23-002, and adopt Resolution No. 24-002, approving Design Review No. 23-002, both subject to certain findings and conditions.

The project qualifies as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects), inasmuch as the proposed commercial speculative building and drive-through are 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

Fletcher Lane Properties, LLC

GENERAL PLAN

General Commercial (GC)

ZONING/SURROUNDING LAND USES

Planned Development 38 (PD-38), Subarea F

Surrounding Land Uses

North: The WinCo grocery store and five multi-tenant retail buildings

within the Lone Tree Center
South: Lone Tree Way and the Cornerstone Fellowship property
East: Lone Tree Plaza commercial center
West: The Brentwood Junction shopping center



PREVIOUS ACTION(S)

Previous actions related to this agenda item that were taken by the City Council are listed in Attachment 1. 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.

BACKGROUND

The project site is generally a rectangular-shaped vacant parcel located in the southwest portion of Subarea "F" of the PD-38 zoning district. It is part of the Lone Tree Center commercial center, which is directly north of Lone Tree Way and east of Empire Avenue.



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On January 2, 2002, the Planning Commission held a workshop to discuss turning a 20-acre site into a retail shopping center consisting of 179,500 square feet of retail uses. The development site was shown being divided into two phases. Phase 1 was to account for 158,000 square feet of retail space, and the two pads closest to Lone Tree Way were part of Phase 2 and would account for 21,500 square feet of retail space.

The Planning Commission approved the original Lone Tree Center design review (DR 01-32) on February 5, 2002. The approved design review for the center includes eight buildings of various sizes located around the perimeter of the site. Currently, six buildings are constructed, and there are two vacant pads, including a 33,000 square foot pad located next to the WinCo building in the rear right corner of the site, as well as the subject site located in the front right corner of the site.

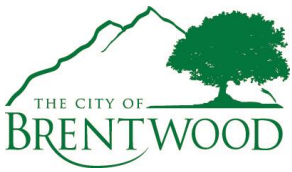
In 2011, the Planning Commission approved a conditional use permit and design review for a new 4,208 square foot Chase Bank with a drive-through component on the subject parcel. At the time, drive-through features were not explicitly allowed by right and therefore a CUP was required to establish a bank with a drive-through component. In addition, restaurants with drive-through components were explicitly prohibited and only non-restaurant uses could incorporate drive-through features (with a CUP). Ultimately, Chase Bank elected not to move forward with the project, and those approvals expired on November 15, 2012.

In 2016, an application for a rezone, along with a conditional use permit and design review, was submitted to the City requesting approval of a new sit-down restaurant with drive-through component for El Pollo Loco. Specifically, the application sought a rezone to allow drive-through features, with a CUP, within subarea "F" of the PD-38 zoning district. On May 23, 2017, the City Council adopted Ordinance No. 990, which removed "drive-through restaurants" as prohibited uses and added "drive-through features" as conditionally permitted uses within subarea "F" of PD-38. Along with this rezone, the City Council approved a CUP and design review (DR) application for El Pollo Loco. Similar to Chase Bank, the project proponent did not move forward with the project and the CUP and DR approvals expired in 2018.

PROJECT DESCRIPTION

The applicant, Fletcher Lane Properties, LLC, requests approval of a Conditional Use Permit (CUP 23-002) and Design Review (DR 23-002) to construct a multi-tenant commercial speculative building with drive-through component located at 6740 Lone Tree Way.

The proposed plans include a 6,061 square foot commercial building, a 24-car drive-through, 11 parking spaces, landscaping, a bio-retention basin for stormwater treatment, a decorative trellis, and trash enclosure. The building is designed for up to five "move-in-ready" tenant spaces, including a drive-through feature specifically for the easternmost tenant space.



The site is accessed through a main signalized entrance aisle from Lone Tree Way, with two secondary entrances also from Lone Tree Way, including one on the west side of the overall Lone Tree Center site and one on the east side. There is a secondary entrance from the commercial center to the west (Brentwood Junction) and four secondary entrances from the commercial center to the east (Lone Tree Crossing). The commercial center includes developed traffic aisles for circulation and a cross access parking agreement that would provide access to 884 parking spaces within the center, in addition to the 11 proposed parking spaces.

ANALYSIS

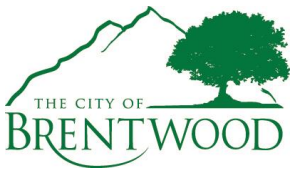
General Plan Consistency – General Commercial (GC)

This project site is designated General Commercial (GC) according to the General Plan. This land use category allows for concentrations of a variety of mixed commercial uses and service type uses to serve specific areas of the city and neighborhoods that are related to State Route 4 and some arterial intersections on parcels generally ranging from one (1) to twenty (20) acres. Such uses do not lend themselves to being located in regional commercial centers but are encouraged in orderly clusters in suitable locations adjacent to the highway and major arterials.

Depending upon the size of the center, a single major tenant (e.g. supermarket or small department store) or a single small tenant (e.g. convenience store) should provide the anchor. As a secondary use, independent small businesses (e.g. hair salons, shoe repair, certain small offices, and sit down restaurants) are also allowed. Examples of uses include convenience stores, fast serve eating establishments, auto repair, gas stations, and offices. As a result, a speculative building that would cater to these uses and a drive-through component (with approval of a CUP) would be consistent with the General Plan.

Staff reviewed the goals, policies, and actions in the General Plan, and determined that this project, as proposed, is consistent. Some of the more notable consistencies include:

- Land Use Element, Goal 1: Facilities and Services, Action Program 1.1.6 – Contiguous Development: Require new development to be contiguous to existing development, whenever possible. Given that the proposed development is part of and will further complete the buildout of the Lone Tree Center.
- Land Use Element, Goal 1: Facilities and Services, Action Program 1.3.3 – Design Standards: Adopt and apply design guidelines that require high quality design for non- residential land uses. The proposal incorporates the existing design that is found throughout the greater Lone Tree. This would include



similar materials and a variety of architectural elements and design.

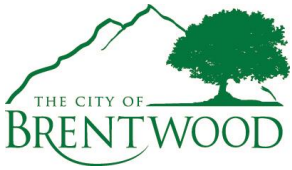
- Land Use Element, Goal 3: Economic Vitality, Policy 3.4 – Superior Commercial Design: Strongly encourage exceptional high quality, innovation, and unique new commercial development throughout the city that meets the existing and future needs of Brentwood residents and visitors. The proposed commercial building would be of high quality and a design that uses various architectural design elements, such as varying flat and sloped roof forms, metal awning and brackets in the wall plan. The building will be used as a speculative building that would allow for a diversity of tenants to meet the resident’s needs.

Zoning Consistency – Planned Development 38 (PD-38)

The project site is zoned Planned Development (PD) 38, and in order to achieve the purpose of implementing the development of uses identified in the General Plan for this zone, it is subdivided into seven subareas. Subarea F, which includes the entirety of Lone Tree Center and consists of roughly 20 acres, is intended for a mix of general commercial and regional commercial uses.

The project, including the speculative building and drive-through use, would be consistent with the PD-38 development standards as summarized with the following table:

| PD-38, Subarea F, Development Standards | | | |
|--|--------------------|-------------------|--|
| | Requirement | Proposed | Compliance |
| Maximum Building height | 45 feet | 28 feet | Complies |
| Maximum Story | 3 stories | 1 story | Complies |
| Minimum front yard | 5 feet | 17 feet, 6 inches | Complies |
| Minimum side yard | 0 feet | ~70 feet | Complies |
| Minimum rear yard | 0 feet | ~76 feet | Complies |
| Off-Street Parking | | | |
| Total parking spaces 1 space/ 200 sq. ft. | 31 spaces | 11 spaces | Complies (with established cross access parking agreement) |
| - Minimum full size parking spaces (9'x20') | 22 | 11 | Complies |



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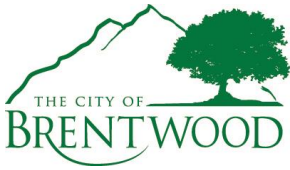
| | | | |
|---|--|----------------|---|
| | | | (with established cross access parking agreement) |
| - Maximum amount of compact spaces (8'x16') | 9 | 0 | Complies |
| - Minimum accessible spaces | 2 | 3 | Complies |
| Bicycle parking: 5% of total vehicle parking provided | 4 | 4 | Complies |
| Off-street loading space requirements | <10,000 sf building: 0 loading spaces | 0 | Complies |
| Landscaping | | | |
| 7-15 parking spaces require 7% of landscaped lot coverage | 7% | 25% | Complies |
| Shade trees at 16 trees / acre | 13 shade trees | 15 shade trees | Complies |

Conditional Use Permit

CUP 23-002 requests approval of a drive-through feature as part of the proposed commercial building. The drive-through tenant would be the easternmost tenant space. Possible drive-through uses could be bank, pharmacy, fast food/beverage, or retail. Depending on the tenant’s need, the drive-through suite could serve a minimum of 1,135 square feet and a maximum of 6,061 square feet, since the proposed demising walls allow for flexibility of tenancy and use.

The drive-through would consist of double lanes and would have a capacity for up to 24 vehicles. A vehicle would enter the drive-through aisle located on the west side of the building and pick up an order on the easternmost side of the building, exiting the drive-through aisle on the east portion of the site. Since the proposed drive-through use is speculative at this time, it may or may not have a need for a speaker box. For example, banks and pharmacies typically do not feature a speaker box, whereas fast food/beverage uses typically do. The applicant proposes two speaker boxes if needed, both located on the western portion of the drive-through lane, one on a landscape strip and the other on a median that separates the double drive-through lanes. The speaker boxes would be at least 400 feet (measure from Google Earth) from the nearest existing residence, which is across Lone Tree Way to the east. The drive-through lane would be screened from view with a “green screen”, which is a fence that supports the growth of vegetation.

Staff is concerned that the proposed speaker box locations would create a “choke-



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point” that could cause vehicles to back up while stacking and, therefore, a draft condition of approval is included requiring that the installation of any speaker box be to the satisfaction of the Director of Community Development and the Director of Engineering/City Engineer.

The drive-through tenant’s hours of operation are requested to be between 4:30 a.m. to 11:00 p.m., seven days a week. The applicant indicates that the drive-through tenant will have a maximum of five employees working at any given time. A draft condition of approval is included that gives the Community Development Director the discretion to refer the CUP to the Planning Commission if issues/complaints arise regarding, among other things, any overflow of traffic into the public right-of-way. The project is further conditioned to only have one drive-through tenant and one drive-through window, and the drive-through window could only be placed as depicted in the proposed plans (easternmost portion of the building).

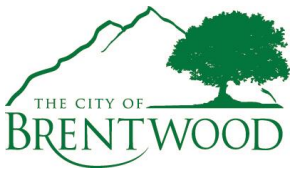
Conditionally permitted uses are those uses that, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Brentwood Municipal Code (BMC) and with respect to their effect on surrounding uses and properties. In order to achieve these purposes, the approving body has the authority, within the bounds of the law, 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. 24-002.

Design Review

Site Plan

The proposed project site is a 0.83-acre parcel that fronts Lone Tree Way and is located within the Lone Tree Center development. The existing pad is located roughly four feet lower than the finished elevation of Lone Tree Way. Fill will be brought in to raise the pad elevation for to meet the County’s C.3 requirements. The grading plans depict the finished floor of the building to be at the same elevation as Lone Tree Way; while the rest of the site will be roughly a foot lower than Lone Tree Way. The Lone Tree Way frontage is landscaped and includes a meandering sidewalk, linking this site with the shopping centers to the east and west of it.

The project would be served by two internal driveways, one located on the eastern side of the project and one located on the northern side of the project. The northern driveways take access from the shared parking lot for the Lone Tree Center and provide access into the parking lot. The eastern driveway would serve only as egress towards Lone Tree Way or the greater Lone Tree Center parking area. The main entrance to the shopping center parking lot is through the signalized intersection of



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Lone Tree Way and Giannini Ranch Road. There is also a secondary access point, located just east of this signalized intersection.

The proposed project plans show a total of 11 on-site parking spaces. Based upon the BMC requirement to provide one parking space for every 200 square feet of building area, the proposed 6,061 square foot building would require a total of 31 parking spaces. This would leave the individual project site with a 20 parking space shortage; however, with the cross access parking agreement (as permitted by [BMC 17.620.020.B](#)) in place for this shopping center, this 20 space shortage would not create an on-site parking problem. As demonstrated on the parking table in Sheet A03 of the project plans, the overall parking need for the Lone Tree Center is 864 parking spaces (including the vacant space next to Winco identified on the plans as Major B). The commercial center is currently improved with 884 parking spaces, which is a surplus of 20 spaces. The overall parking need for the entire site, including the subject speculative building, would be 895 parking spots, which is provided with the inclusion of the 11 proposed parking stalls (884 existing spaces + 11 proposed spaces = 895 spaces). The City's Traffic Engineer reviewed the project site layout and did not identify any major concerns.

The building is placed on the site with the main entrances facing north towards the on-site parking lot and a portion of the shopping center parking lot, with the rear of the building facing Lone Tree Way. There is a drive-through travel lane that starts along the west side of the building, where the orders would be placed (if the tenant use requires this feature), extends along the south side of the building, and terminates at the east side of the building, where orders would be picked up and the exit from the site is located. The drive-through queuing lane does not start until a vehicle turns to the west side of the building. The drive-through order boards (if any) would face west, towards Giannini Ranch Road (the main entrance and exit for the Lone Tree Center) and the drive-through pick-up window would face east. The proposed parking lot is located along the north side of the building. This project will complete the sidewalk around the north side of the site and improve the pedestrian access to the rest of the shopping center.

The proposal includes a 144 square foot, 12 feet, 6 inch tall, trellis that is located in front of the eastern portion of building. This trellis will be of the same design as those that are found throughout the greater Lone Tree Center. A draft condition of approval is included in Resolution No. 24-001 requiring the applicant to ensure that the trellis is improved with climbing plants and that two benches be provided underneath the trellis; these should ensure adequate shade and seating as an amenity to guests and passersby. Furthermore, this trellis and seating area will not be designated to any particular tenant and will be provided as an amenity for the building overall.

Architecture

The design of the building incorporates a combination of shed, gable, and parapet

roofing elements, which serve to break up the roof line. The massing of the building is further broken up through projecting walls/entrances and through awnings. The building would be primarily stucco with metal accents (awnings) and would be painted with primarily neutral tones. The rooftop equipment will be at least two feet below the proposed parapet roof, as detailed on the project plans, and would not be visible from the public right of way. The trash enclosure would be cement plaster over CMU walls and adorned with a wall cap. The trash enclosure would also be painted to match the building. The materials for the proposed trellis would be stone and wood to match the existing trellises that are located throughout the Lone Tree Center.

South Elevation



North Elevation



West Elevation



East Elevation





Peer Review Comments

The application was routed to Larry Cannon of Cannon Design Group for peer review and comments. Mr. Cannon's recommendations include:

- Projecting wall caps and brackets
- Recessed windows
- Increase height and simplify towers
- Landscape trellis (in front of east tenant)
- Add trellis (roof) to trash enclosure (not permitted per Solid Waste policy)
- Change the blue tones to match rest of building
- Simplify electrical room
- Add trellis to drive-through

The applicant made the following changes:

- Simplified tower
- Added landscape trellis (in front of east tenant)
- Added additional trees and landscaping

As noted above, the applicant did not incorporate all of Mr. Cannon's recommendations and only provided minimal changes to the design. While the project is in substantial compliance with the Commercial/Industrial Design Guidelines, staff believes that the applicant could have incorporated more of Mr. Cannon's recommendations into the design.

Landscaping

A preliminary landscape plan is included as part of the project. The plan includes trees, shrubs, and groundcover planted heavily along the west and east side of the project. Trees, shrubs, and groundcover are also planted around the building, patio, trash enclosure, and PG&E power boxes on the west side of the property. A bio-retention basin for stormwater runoff is incorporated into the landscaping along the east side of the property.

The landscape area along Lone Tree Way is part of the City's right-of-way and the landscaping is maintained by the City. With the existing landscaping, the proposed four-foot vegetated "green-screen" that would be put in place as part of this project, the drive-through would be adequately screened.

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 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 and the Lone Tree Center Master Sign Program (MSP).



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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 January 5, 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 as a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332 Infill Development) in that the proposed commercial speculative building and drive-through are 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. The project site is also included in (and consistent with) the analysis provided in a previously certified EIR for Lone Tree Center in 2002 (SCH#2001072016). Therefore, no further environmental documentation is required at this time.

ATTACHMENT(S)

1. PC Resolution No. 24-001, Design Review
2. PC Resolution No. 24-002, Conditional Use Permit
3. Project Plans
4. Project Description
5. Architectural Comments, Larry Cannon