

PLANNING COMMISSION RESOLUTION NO. 24-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT (CUP 00-04-A1) FOR THE DEER RIDGE CLUBHOUSE TO AUTHORIZE ITS USE AS A FULL-SERVICE RESTAURANT AND BAR, WITH OUTDOOR DINING AND PERIODIC OUTDOOR EVENTS, LOCATED AT 801 FOOTHILL DRIVE (APN 007-100-131).

WHEREAS, on August 29, 2000, the Planning Commission adopted Resolution No. 00-57, approving Conditional Use Permit (CUP) No. 00-04 for the Deer Ridge clubhouse and associated improvements located at 801 Foothill Drive (the "Project Site"); and

WHEREAS, CUP No. 00-04 allowed for the development of a clubhouse of up to 9,000 square feet, consisting of a "pro-shop, dining room/bar, office and bathrooms, a driving range and putting green, a 500 square foot pool cabana with a 260 square foot restroom facility, and a 4,000 square foot maintenance building;" and

WHEREAS, on August 1, 2006, the Planning Commission adopted Resolution No. 06-75, approving Conditional Use Permit No. 06-12 to allow a 5,000 square foot temporary "hospitality pavilion" as an ancillary use to the Deer Ridge clubhouse; and

WHEREAS, the pro-shop, dining room and bar, office and bathrooms were eventually constructed and operated in the roughly 9,000 square foot building, as were the driving range and putting green. The pool/cabana facility and maintenance building were never constructed; and

WHEREAS, on June 6, 2023, Commissioner Flohr made a future agenda item request to review CUP 00-04, resulting in a motion adopted by the Planning Commission requesting staff to respond to several questions presented by Commissioner Flohr; and

WHEREAS, on August 15, 2023, the Planning Commission reviewed CUP 00-04 in detail, after which the Planning Commission adopted a motion requesting that staff do the following: (1) work with the current property owner to identify potential additional uses (and any conditions necessitated thereby) permissible on the project site under Measure Q; (2) investigate whether modified conditions of approval may be needed to address the impacts of the proposed use, particularly regarding the hours of operation, amplification of music, and rules governing events, as well as the possible clarification of the use itself; and (3) notice the Planning Commission's future review of the conditional use permit to allow the Planning Commission to consider and take action on any proposed modifications; and

WHEREAS, on August 15, 2023, the Planning Commission also adopted Resolution No. 23-028, approving Design Review No. 23-007, for a series of landscaping and outdoor patio improvements to be installed on the Project Site; and

WHEREAS, the Project Site is owned by Sean McCauley Investments ("Property Owner"), who has proposed to use the entirety of the existing nearly 9,000 square foot building as a restaurant and bar, with associated indoor and outdoor dining, along with periodic special events at the Project Site (the "Project"); and

WHEREAS, this application is exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, given that the Project includes the minor alteration of existing private structures, facilities, and mechanical equipment, involving negligible or no expansion of existing or former use; and

WHEREAS, 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 Project Site on February 9, 2024, in accordance with City policies and Government Code Section 65090; and

WHEREAS, the Planning Commission held a public hearing on February 20, 2024, reviewed said amendment proposal, studied the compatibility of this request with adjacent land uses, and considered this request in accordance with the conditional use permit criteria established in Section 17.830.005 of the Brentwood Municipal Code.

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

- A. Finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities), in that it consists of the operation, repair, maintenance, and minor alteration of an existing private structure, involving no expansion of its former use as a clubhouse for the Deer Ridge Golf Club. As a result, no additional environmental review is necessary for the requested amendment to Conditional Use Permit No. 00-04 at this time.
- B. Finds that with respect to the conditional use permit findings pursuant to Brentwood Municipal Code Section 17.830.005:
 - a. *The location, size, design and operating characteristics of the proposed development must be compatible with and must not adversely affect the livability of appropriate development of abutting*

properties and the surrounding neighborhood. Consideration shall be given, but shall not be limited to:

1. The harmony in scale, bulk, coverage, and density.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding properties, such as compatibility with the scale, bulk, coverage and density of both existing and proposed land uses on surrounding parcels. The Project involves the use of an existing building that was formerly used as a clubhouse for the Deer Ridge Golf Club. The clubhouse was designed and approved in a manner that is sensitive to nearby developments, including a separation of approximately 350 feet to the nearest single-family home. In addition, the outdoor dining areas on the north and west sides of the building are positioned away from the nearest single-family homes located along Augusta Drive. The existing building was designed to be complementary and compatible in design with surrounding properties, and no changes are proposed that would alter the exterior design.

2. The availability of public facilities and utilities.

The project site is served by the appropriate public facilities and utilities, including water, sewer, solid waste, and electricity that are needed to serve the proposed use.

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

The proposed restaurant will operate within an existing building, in a manner that is consistent with its prior use as a clubhouse containing a restaurant/bar and pro-shop for the Deer Ridge Golf Club, with no harmful effect upon the desirable neighborhood character as conditioned.

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

The originally approved CUP included a driving range and putting green, as well as the pro shop and bar, so the proposed restaurant and bar is not expected to generate significantly more traffic than what was historically generated when the Deer Ridge Golf Club was operational. No changes to vehicular access are proposed, with a single driveway located in the far northeast corner of the project site that provides full turning movements to/from Foothill Drive. In addition, the project site includes more than adequate parking to accommodate the restaurant, with 180 spaces provided and only 90 spaces required. If a concern arises regarding traffic, parking, or circulation, a condition of approval provides for review of the permit by the Community Development Department, or if needed, to return to the Planning Commission for additional review.

5. Any other relevant impact of the development.

The Project has limited potential to create new sources of light, glare, or noise within the community, as it involves the operation of a restaurant within an existing building and the use of existing site improvements (i.e., lighting, vehicular access, and parking). Conditions of approval are included that restrict the hours of operation, outdoor activities, and the use of nighttime lighting in order to address potential impacts in these regards.

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

The Project will be located within an existing building that was designed to be complementary and compatible with the surrounding neighborhood, and was recently improved with new landscaping, including over 400 new grape vines, over 400 olive trees, a wooden trellis along the patio, and an outdoor patio to further enhance the aesthetic quality of the site.

- C. Finds that the operation of a restaurant/bar and pro-shop, as approved and conditioned herein, are consistent Measure Q, inasmuch as these uses were initiated and vested prior to the passage of Measure Q and

are consistent with the Project Site's General Plan land use designation of Semi-Public Facility.

- D. Approves the amendment to Conditional Use Permit No. 00-04 (CUP 00-04-A1), 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. This approval replaces and supersedes in all regards Resolution No. 00-57, which authorized the original approval of Conditional Use Permit No. 00-04.

This permit shall terminate on February 20, 2025, unless all conditions are complied with and the use is commenced prior to that date. Such period of time may; however, be extended by the Planning Commission upon application filed at any time before said date.

This action is final unless an appeal or call for review 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 February 20, 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. 24-008
DEER RIDGE CLUBHOUSE CUP AMENDMENT (CUP 00-04-A1)
CONDITIONS OF APPROVAL**

1. The Property Owner, including all successors in interest (collectively, "Permittee"), shall comply with each and every condition set forth in the Permit. Conditional Use Permit No. 00-04-A1 (the "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed. The Permittee shall maintain the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. The Permit shall be operated in accordance with the "Conditional Use Permit (CUP) Outline for Deer Ridge Project" prepared by Sean McCauley Investments, except as amended by the Planning Commission or any conditions contained herein. Minor changes to operations may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the CUP Outline for Deer Ridge Project. Any deviations determined not to be in substantial conformance shall be reviewed by the Planning Commission as part of a noticed public hearing.
3. The Permit shall be developed in conformance with the Project site plan dated November 2, 2023 and building floor plans dated November 3, 2023. Minor changes to plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Any deviations determined not to be in substantial conformance shall be reviewed by the Planning Commission as part of a noticed public hearing.
4. The Permittee shall obtain all necessary building permits from the Community Development Department and have final inspections completed prior to opening.
5. The Permit authorizes use of the entire existing building for a full-service restaurant and bar. All outdoor dining shall be confined to the existing area located on the west side of the building and under the roofline. The patio located on the north side of the building shall be utilized as a waiting area for patrons of the restaurant and bar, but shall not be used for additional seating.
6. The restaurant and bar shall open no earlier than 9:00 a.m. and close no later than 11:00 p.m., Monday through Saturday, including holidays. The restaurant shall close no later than 10:00 p.m. on Sunday.
7. The Permit shall authorize continued use of a Type 47 (On-Sale General – Eating Place) license as issued by the California Department of Alcoholic

Beverage Control (ABC). Said license authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises. It also authorizes the sale of beer and wine for consumption off the licensed premises. The premises must be operated and maintained as a bona fide eating place (i.e., more than half of all gross sales from food). The Permittee shall comply with all ABC licensing requirements.

8. Music (live or otherwise) associated with the restaurant and bar shall not be played after 10:00 p.m., except as may be allowed for outdoor special events through condition of approval number 9.
9. Indoor special events shall be limited to four per month on Fridays, Saturdays, and holidays only. Outdoor special events shall be limited to four per month and shall be confined to the existing patio and lawn areas that surround the clubhouse building. Any music associated with outdoor special events shall be limited to Fridays, Saturdays, and holidays, and shall only be played until 8:00 p.m. The Permittee shall notify the Chief of Police in writing at least two weeks prior to each event including, at a minimum, a detailed description of the event and the expected number of attendees. Based on the information submitted, the Chief of Police will determine if any special measures related to safety and/or security are necessary. In no case shall any event conclude later than 10:00 p.m.
10. All parking lot lighting shall be turned off by 1:00 a.m. daily.
11. The Permittee shall maintain the area surrounding the Project Site, including but not limited to the building in which the Project is located, sidewalk, landscaping, and parking areas, in a clean and orderly manner at all times.
12. The Permit shall be reviewed by the Planning Commission within one year of the commencement of use to ensure compliance with all operational conditions and to determine whether any modifications are necessary.
13. The Permittee shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including approval of the amendment to Conditional Use Permit No. 00-04 (CUP 00-04-A1), 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.

14. If operation of the Project at any time results in impacts (e.g., parking, noise, traffic, or solid waste), the Director of Community Development may refer the Permit to the Planning Commission for subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.
15. The Planning Commission shall have jurisdiction to hear any requested modifications to or enforcement of the Permit.