

**PLANNING COMMISSION AGENDA ITEM NO. E.2**  
**04/16/2024**

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**SUBJECT:** Conditional Use Permit and Design Review for Popeye's restaurant with drive-through.

**DEPARTMENT:** Community Development Department

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

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**TITLE/RECOMMENDATION**

An application for a Conditional Use Permit (CUP 23-006) and a Design Review (DR 23-003) to construct (and operate beyond 10:00 p.m.) a new, 2,735 square foot, Popeye's fast-food restaurant with a 21-vehicle capacity drive-through lane and associated site improvements on a 3.4-acre parcel located at 7820 Brentwood Boulevard (APN 016-150-106).

Staff recommends that the Planning Commission adopt Resolution No. 24-018, approving Conditional Use Permit No. 23-006, and adopt Resolution No. 24-019 approving Design Review No. 23-003, 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 restaurant 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**

Centro Development Properties, LLC

**GENERAL PLAN**

Brentwood Boulevard Specific Plan (BBSP)

**ZONING/SURROUNDING LAND USES**

Mixed Use, Commercial/Office/Industrial/Residential (COIR)

### Surrounding Land Uses

**North:** Vacant property and two fast food restaurants, Taco Bell and KFC, with Nancy Street beyond.

**East:** Susan Street with a single-story condominium neighborhood (Brentwood Villa) beyond.

**South:** Village Drive with a mix of commercial and apartment units beyond.

**West:** Brentwood Boulevard with NAPA Auto Parts and large vacant parcels.

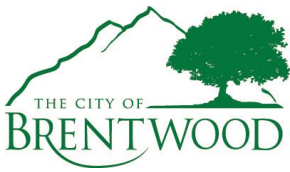


**Figure 1 Project Site**

### **PREVIOUS ACTION(S)**

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed below. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:

- Visit [www.brentwoodca.gov/meetings](http://www.brentwoodca.gov/meetings), and select the meeting date(s) desired to see the reference materials and videos.
- Visit [www.brentwoodca.gov/municipalcode](http://www.brentwoodca.gov/municipalcode) to research references to the Brentwood Municipal Code and search by the code section(s) cited.



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The Brentwood Boulevard Specific Plan was approved by the City Council on March 27, 2012.

#### **BACKGROUND**

The project site is located within the Brentwood Plaza commercial center. The center is improved with two buildings, totaling 32,395 square feet of floor area and nine distinct tenant spaces. The buildings and center were completed between 1966 and 1967, shortly after their annexation into the City (November, 1965). For many years the site was anchored by a supermarket known as Centro Mart, and most recently, since 2012, has been anchored by Dollar General. Other tenants within the center include restaurant, retail, service, and fitness uses.

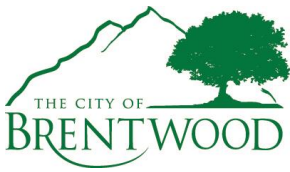
In 2012, the City Council adopted the Brentwood Boulevard Specific Plan (BBSP) and designated the subject site COIR. The COIR designation allows for mixed-use, including commercial, office, industrial, and residential uses. Historically, Brentwood Boulevard served as the primary route through the city for residents, workers, and visitors. The corridor includes a major gateway into the city along the shared boundary with the City of Oakley at Delta Road on the north, and a connection to the historic Downtown at Second Street on the South. The vision for the BBSP is to transform the former State Route 4 corridor into a more traditional boulevard with distinctive and unique buildings to provide an active, inviting, and attractive location for residents, workers, and visitors.

#### **PROJECT DESCRIPTION**

The applicant, Charlie Brown, requests approval of a Conditional Use Permit (CUP 23-006) and Design Review (DR 23-002) to construct a new Popeye's fast food restaurant with drive-through component within the Brentwood Plaza commercial center located at 7820 Brentwood Boulevard.

The proposed plan includes a 2,735 square restaurant building, a drive-through (21 vehicle capacity), 12 new parking spaces, landscaping, storm water treatment area, trash enclosure, and public seating area (with trellis and benches), all located on the south-west section of the plaza. Included in the proposal is the relocation of existing parking spaces and an existing trash enclosure at the eastern portion of the plaza (behind the existing buildings).

The site can be accessed through Village Drive or directly off of Brentwood Boulevard. The commercial center includes developed traffic aisles for circulation and a cross access parking agreement that would provide access to 158 parking spaces within the center, in addition to the 12 proposed on-site parking spaces. A cross access agreement is required since the applicant has indicated that in the future the project site will be split from the existing parcel to be located on its own parcel.



## **ANALYSIS**

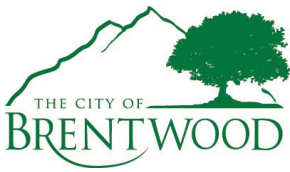
### **GENERAL PLAN CONSISTENCY – BRENTWOOD BOULEVARD SPECIFIC PLAN (BBSP)**

The subject site has a General Plan land use designation of BBSP. The intent of the BBSP is to guide future development in order to fulfill the community's intention for the creation of a distinctive corridor along Brentwood Boulevard, stretching between the city's northern boundary and the Downtown.

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: Facility and Services, Action Program 1.1.6 – Contiguous Development: Require new development to be contiguous to existing development, whenever possible. The proposed project would be within the existing Brentwood Plaza as an infill project.
- 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 architectural elements that are required by the BBSP and the City's Commercial/Industrial Design Guidelines. The proposal also incorporates suggestions from the City's architectural consultant, such as increasing/adding projections of architectural elements, landscaping, and trellises.
- BBSP Goal 7: Stimulate and encourage the revitalization and/or improvement of existing land uses, including buildings, landscaping, access points, and parking areas. The proposal would serve to revitalize the existing, 50 year old strip mall through the incorporation of a new building, landscape areas, and a new trash enclosure.
- BBSP Goal 9: Create conditions that will attract economic investment. The new development brings new economic investment to a site that has not had substantial investment in years and has the potential to attract additional economic investment to the site.

### **ZONING CONSISTENCY – COMMERCIAL OFFICE INDUSTRIAL RESIDENTIAL (COIR)**



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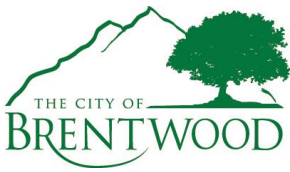
As found in the BBSP, the subject site is within the Commercial Office Industrial Residential (COIR) zoning district. The COIR zoning district is intended to provide a transition between employment areas and residential areas located primarily near the Downtown, and to serve as an attractive gateway to the Downtown. The proposed restaurant, its hours of operation, and drive-through component can be permitted with a conditional use permit.

The project is designed to meet all applicable commercial development standards as summarized with the following table:

**Table 1 COIR Development Standards**

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Minimum building height	20' within 150' of Brentwood Boulevard	20' at parapet 25' at highest point	Complies
Maximum Story	3 stories	1 story	Complies
Minimum setback from right of way	10' from all right of way	35' from Brentwood Boulevard  20' from Village Drive	Complies
Useable Common space	10% of the site	10% Site sq. ft. = 21,135 sq. ft. Common space proposed = 2,063  $2,063/21,135 = 9.76\%$	Complies
Parking	14 spaces	12 on site Will have a COA for parking agreement	Complies with required parking agreement
Total Brentwood Plaza parking (including Popeye's)	149 spaces	158 spaces Including 22 compact spaces (13.9%)	Complies
Bicycle parking	4 parking spaces	6 parking spaces	Complies





## **CONDITIONAL USE PERMIT**

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. 24-018.

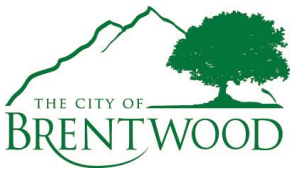
CUP 23-006 requests approval to:

- Operate a restaurant from 10 a.m. - 12:00 a.m.
  - The COIR zoning district requires restaurants that operate between the hours of 10:00 p.m. and 7:00 a.m. to obtain a CUP.

The applicant has indicated that the proposed restaurant would operate for 14 hours a day, 7 days a week, year-round. Employees would arrive approximately one hour before the restaurant opens (9:00 a.m.) and would remain approximately one hour after the restaurant closes (1:00 a.m.). The restaurant would employ between 12-15 full time employees and 15-20 part time employees. The typical number of employees on site at any given time would be six, but this can fluctuate during peak seasons.

- Operate a restaurant with a drive-through component.

The drive-through hours would be the same as the restaurant hours (10:00 a.m.-12:00 a.m.). The drive-through would consist of a single lane that would split into two lanes at the two speaker boxes, and would merge to one lane after ordering. The drive-through lane has a 21-vehicle stacking capacity and would be entered at the northern portion of the project site off of the Plaza's main driveway and would exit on the southern portion of the project site onto the Plaza's main driveway. The drive-through would feature two speaker boxes and menu boards that would be oriented towards Brentwood Boulevard. The only residential use that the speaker boxes face directly would be a single family home at the pocket of the cul-de-sac where Berry Lane and Curtis Drive intersect. However this home would be approximately 305 feet away from the edge of the subject parcel, across Brentwood Boulevard and through the Napa Auto Parts' parking lot. The project is also conditioned to be in compliance with the City's noise ordinance. The application proposes to screen all portions



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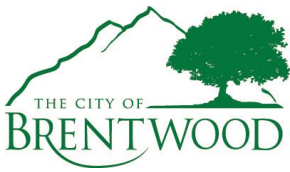
of the drive-through with a 3-foot high CMU wall. Staff has included a draft condition of approval requiring said wall be at least 48 inches high. Additionally, staff has included a draft condition of approval that gives the Director of Community Development the ability to refer the CUP to the Planning Commission if issues/complaints arise regarding, among other things, the drive-through component of this project.

**DESIGN REVIEW**

The proposed project site is within the 3.4-acre Brentwood Plaza, specifically on the south-west portion of the Plaza. The project would be served by the Plaza's internal driveway and access onto this driveway can be taken off of both Brentwood Boulevard and Village Drive. As mentioned above, in the future the project site is anticipated to be split from the existing parcel so that it would be located on its own parcel, but the proposed restaurant would still be an integral part of the Brentwood Plaza, given that there will be continuity through vehicular and pedestrian access.

The proposed project plans show 12 on-site parking spaces. Based upon the BBSP requirement to provide one parking space for every 200 square feet of restaurant use, the proposed 2,735 square foot building would require a total of 14 parking spaces. This would leave the individual project site with a two parking-space shortage; however, with the cross access parking agreement (as required by the BBSP) conditioned for the project this two space shortage would not create an on-site parking problem. As demonstrated on the parking table (attached), the overall parking need for the Brentwood Plaza is 149 spaces (including Popeye's) and the overall parking being provided would be 158 spaces. The applicant submitted a traffic study evaluating potential traffic impacts. The analysis found that the project would not generate a significant amount of traffic or impact the capacity of the surrounding streets. The City's Traffic Engineer reviewed said traffic study and the project site layout and did not identify any major concerns.

Due to the location of the new project area, existing parking spaces would be removed from the south-west portion of the plaza and relocated on the eastern portion of the plaza (behind the existing buildings). The eastern portion of the plaza has been used as parking throughout the years but was never formally striped. In addition, the site's refuse bins have been kept in this area without a trash enclosure and therefore the bins tend to move around the site. Part of this application includes striping the rear parking area and creating a new enclosure to store the refuse bins, bringing this portion of the center into compliance with City standards. The applicant has worked closely with the City's Solid Waste Division to ensure ease of access for



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refuse collection and for orderly development.

The building is placed on the site with the main entrance facing north into the Brentwood Plaza and a secondary entrance directly facing the eastern right-of-way ensuring pedestrian circulation directly off of Brentwood Boulevard (as required by the BBSP). Pedestrian connectivity between the project site and the rest of the plaza is given via a 10-foot wide delineated pedestrian crossing.

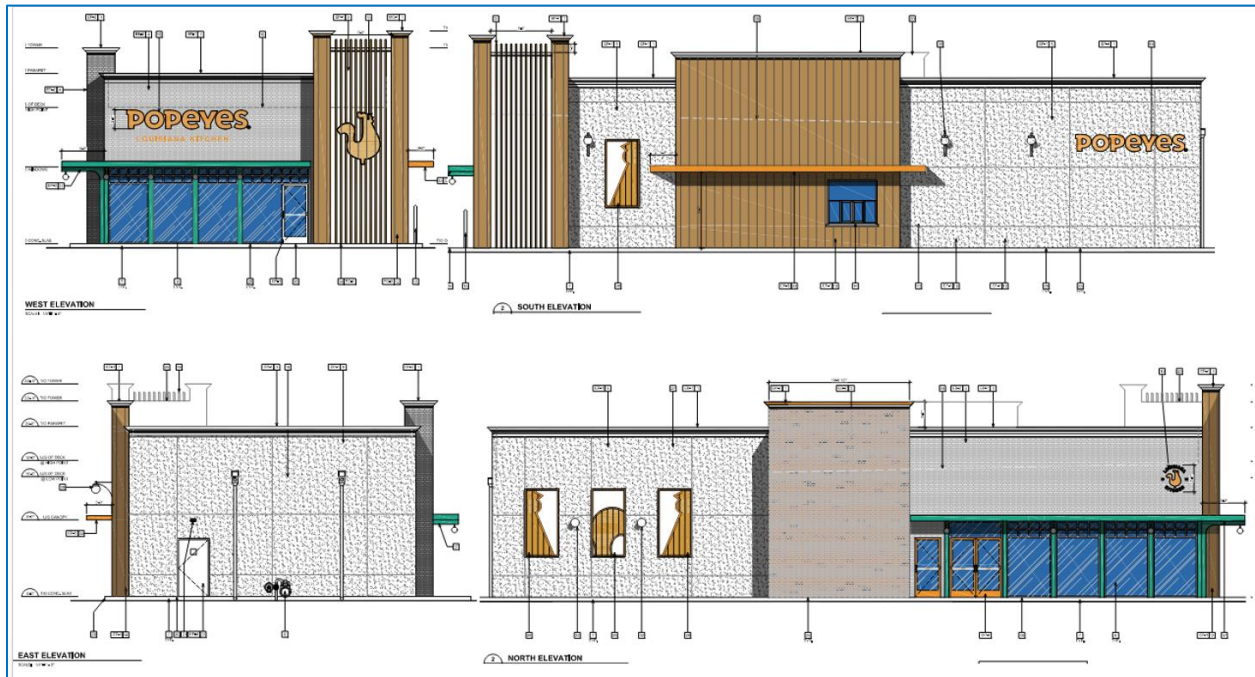
The BBSP requires that 10% of a new project's site area be for the purpose of usable open space for the enjoyment of visitors, employees, and passersby. Therefore the application proposes 2,063 square feet (9.8% of the project site) as usable open space. A draft condition of approval is included to ensure that this space can be used by all and it is not exclusive to the restaurant's clientele. This space will be improved with a 186 square foot trellis, five benches, and three tables. The trellis and seating are easily accessible from the right-of-way and would serve as additional/alternative seating for residents waiting for the bus at the nearby bus stop.

#### Architecture

The design of the building incorporates different materials that create diversity and breaks up the building's massing. The building's massing is further broken up with horizontal and vertical projecting architectural elements, including towers, parapets, cornice, slats, and metal awnings. The proposed materials include stucco, brick veneer (Ashen White and Alexandria Buff), simulated wood slats, and cedar wood veneer. The roof top equipment is proposed to be below the parapet and will not be visible from the public right-of-way.

The trash enclosure would be split face over CMU walls and adorned with a wall cap. The open space will be improved with an 11 ½ feet wooden trellis featuring CMU pillars adorned with "ashen white" Nechiha Vintage Brick veneer. The drive-through will also feature a 60 square foot ornamental wooden trellis at the pick-up window and will feature the same style of pillars as the other trellis. The proposed CMU wall that will screen the drive-through area would also be adorned with "ashen white" Nechiha Vintage Brick veneer.





### Peer Review Comments

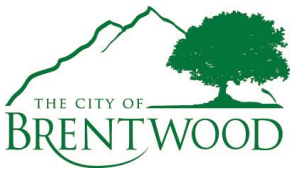
The application was routed to Larry Cannon of Cannon Design Group for peer review and comments. Mr. Cannon's recommendations (attached) include:

- Adding a trellis over the open space area
- Adding a trellis over the pick-up window
- Adding a low wall around drive-through area
- Increase depth and height of architectural projections
- Increase depth of awnings
- Use more brick (veneer) instead of EIFS
- Adding landscaping between the path of travel and building

The applicant incorporated all of Mr. Cannon's recommendations, and in some instances went beyond the minimum requirement. For example, the low CMU wall will be adorned with brick veneer rather than leaving it plain or mixing materials (brick and wood) at both trellises.

### Landscaping

A preliminary landscape plan is included as part of the project. The plan includes trees, shrubs, and groundcover planted heavily at the western edges of the drive-through (fronting Brentwood Boulevard), around the trash enclosure, and at the property lines. A bio-retention basin for stormwater runoff is incorporated into the landscaping along the eastern edges of the drive-through. A draft condition of approval, as recommended by the Parks and Recreation Department, requires the project to be annexed into LLAD 19-3.



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### Signage

Conceptual sign locations are shown on the proposed building elevations but are not approved. 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 BBSP.

### **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 April 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 restaurant 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.

### **ATTACHMENT(S)**

1. PC resolution No. 24-018, CUP 23-006
2. PC resolution No. 24-019, DR 23-003
3. Project Plans
4. Project Description
5. Parking Calculations
6. Architectural Comments, Larry Cannon