

**PLANNING COMMISSION AGENDA ITEM NO. E.2**  
**08/06/2024**

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**SUBJECT:** Conditional Use Permit and Design Review for a new drive-through Dutch Bros Coffee located on a vacant parcel at The Streets of Brentwood

**DEPARTMENT:** Community Development

**STAFF:** Erik Nolthenius, Planning Manager  
Sarah Yuwiler, Associate Planner

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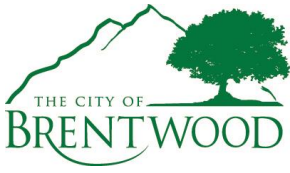
**TITLE/RECOMMENDATION**

A conditional use permit (CUP 24-001) and design review (DR 24-003) for a new 1,106 square foot drive-through Dutch Bros Coffee and associated site improvements on a 0.86-acre parcel located between Black Angus and Sprouts at The Streets of Brentwood (APN 019-910-010).

Staff recommends that the Planning Commission adopt Resolution No. 24-033 approving Conditional Use Permit No. 24-001 and Resolution No. 24-034 approving Design Review No. 24-003, subject to the attached findings and conditions.

The proposed project qualifies for a Class 32 categorical exemption under the California Environmental Quality Act (CEQA Guidelines Section 15332 Infill Development) in that the proposed commercial 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.

Additionally, the City previously prepared and adopted a Mitigated Negative Declaration (MND) for the overall development of the commercial center known as The Streets of Brentwood, in conjunction with approval of that project (DR 06-008) on October 3, 2006. The MND identified and adequately discussed potential impacts associated with the entirety of the proposed development of The Streets, including the parcel on which Dutch Bros Coffee is proposed. The MND was completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and there does not exist any evidence under CEQA Guidelines Section 15162 supporting the need for additional environmental review for this project, which is within the scope of the buildout analyzed in the MND.



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**OWNER/APPLICANT**

FHB Land Property, LLC/ QDB Coffee Inc DBA Dutch Bros Coffee

**GENERAL PLAN**

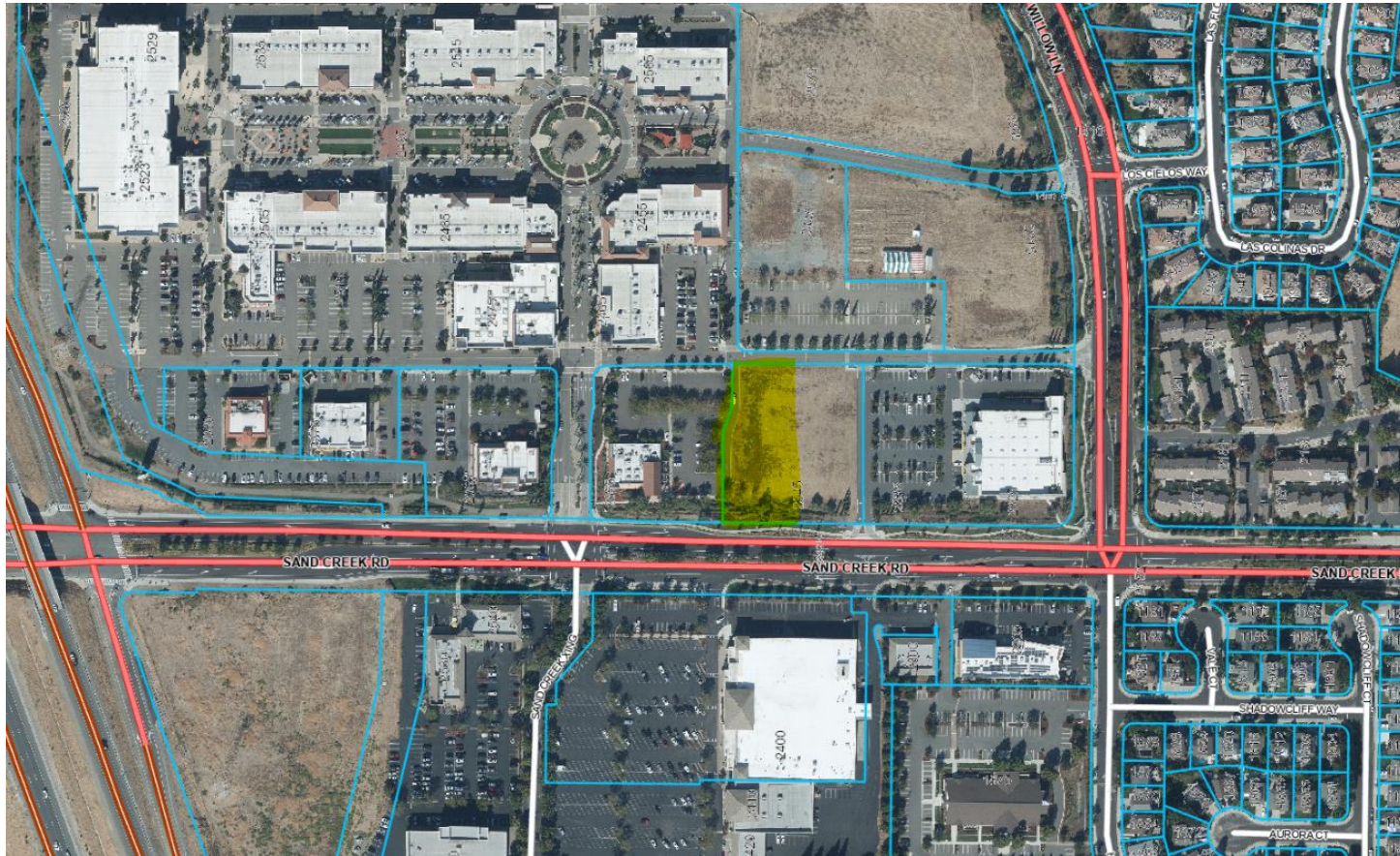
RC- Regional Commercial

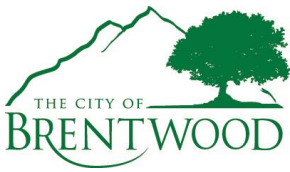
**ZONING/SURROUNDING LAND USES**

Planned Development 6 (PD-6), Planning Area 2—Regional Commercial

Surrounding Land Uses

- North: Ultra Beauty Store/ The Streets of Brentwood
- South: Sand Creek Road/ Sand Creek Crossing shopping center
- West: Black Angus/ The Streets of Brentwood
- East: Vacant parcel/ driveway into The Streets of Brentwood & Sprouts





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

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are attached as Attachment 1. 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.

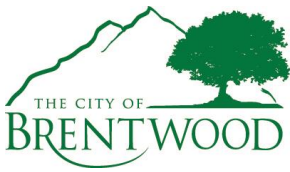
### **BACKGROUND**

In 2006, the Planning Commission adopted a Mitigated Negative Declaration (MND) and approved the design review entitlements and conceptual site plan for The Streets of Brentwood shopping center. That approval involved the design review of approximately 54 acres, located north of Sand Creek Road between State Route 4 and Shady Willow Lane, and approximately 460,000 square feet of building area for a theater, commercial retail, and restaurant space. Since 2007, a total of 15 buildings have been developed, with a majority of them arranged near the middle of the site. Currently, parcels along the Sand Creek Road and Shady Willow Lane frontages are developed with Red Robin, BJ's Brewhouse, Black Angus, a multi-tenant building including a Sleep Number store and Starbucks with a drive-through, and the Sprouts grocery store.

In February 2024, the Zoning Administrator approved a parcel map waiver to subdivide the vacant 1.87-acre subject parcel into two parcels. The Dutch Bros Coffee project is proposed to be located on the smaller of the two newly created parcels, directly east of Black Angus.

### **PROJECT DESCRIPTION**

The applicants, who own the existing Dutch Bros franchise located on Brentwood Boulevard and the one located in Oakley, intend to become the property owners once the parcel map that was approved in February is recorded. The applicant is requesting approval of a Conditional Use Permit (CUP 24-001) and Design Review (DR24-003) for a new 1,106 square foot drive-thru Dutch Bros Coffee and associated site improvements on the newly created 0.86-acre vacant parcel located adjacent to the existing Black Angus and along the Sand Creek Road frontage of The Streets of Brentwood.



There are three points of vehicular access to the site: 1) the signalized main entrance for The Streets of Brentwood on Sand Creek Road; 2) a right-in and right-out only driveway along Sand Creek Road between the vacant adjacent parcel and the existing Sprouts grocery store; and 3) the signalized entrance on Shady Willow Lane and Los Cielos Way adjacent to the recently approved La Quinta and Hawthorn Suites project. The Streets of Brentwood includes developed traffic aisles for circulation and cross-access and parking agreements between various parcels.

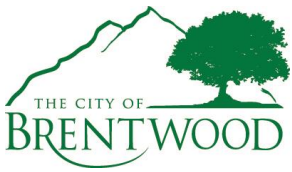
## **ANALYSIS**

### **GENERAL PLAN**

The project site has a General Plan land use designation of Regional Commercial (RC). This land use designation 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. 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. The proposed Dutch Bros Coffee will serve the local community, as well as draw patrons from other larger geographic areas due to its proximity to State Route 4.

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. The proposed development is part of and will further complete the buildout of The Streets of Brentwood and adheres to the continuity of the shopping 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 elements of the existing design that is found throughout the greater Streets of Brentwood while maintaining its unique franchise considerations in addition to adhering to the City's Commercial and Industrial Design Guidelines.
- *Land Use Element, Goal 3: Economic Vitality, Policy 3.4 – Superior Commercial Design:* Strongly encourage exceptional high quality, innovation,



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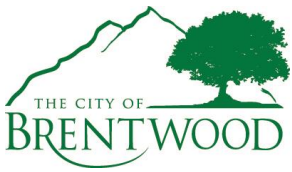
and unique new commercial development throughout the city that meets the existing and future needs of Brentwood residents and visitors. The proposed commercial building would be of high quality and a design that uses various architectural design elements to be consistent with the existing Streets of Brentwood development which has a unique and strong sense of place that is different than any other shopping center within the city.

**ZONING CONSISTENCY**

The site is zoned Planned Development 6 (PD-6) within the Regional Commercial Planning Area 2 (i.e., subarea). The purpose of PD-6 is to allow a mixture of uses, building intensities and design characteristics, and variations in density that would not normally be permitted in a single use zone in concurrence with the underlying General Plan designation. This zone covers approximately 326 acres including The Streets of Brentwood commercial center and the subject parcel. The proposed Dutch Bros as designed would be consistent with the PD-6, Regional Commercial Planning Area development standards as summarized with the following table:

**Table 1: Development Standards**

<b>PD-6, Planning Area 2: Regional Commercial Development Standards</b>			
	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Maximum Building height (feet/stories)	50 ft./3*	24 ft.	YES
Minimum front yard	N/A	+/-120 ft.	YES
Minimum side yard	10 ft.	+/-50 ft. & +/- 38 ft.	YES
Minimum rear yard	6 ft.	+/-110 ft.	YES
Parking	1/200 sf= 6 spaces	8 spaces	YES
Bicycle Parking: 5% of total vehicle parking	4 spaces	4 spaces	YES
<b>Landscaping</b>			
7 to 15 parking spaces	7% of lot landscaped	12.3% of lot landscaped	YES

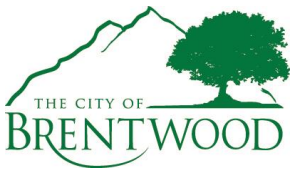


**CONDITIONAL USE PERMIT**

The Regional Commercial subarea of the PD-6 zoning district requires drive-through uses to obtain a conditional use permit due to operational characteristics. 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. 24-033.

Dutch Bros is primarily an auto-oriented business. The typical hours of operation are 5:00 am to 11:00 pm, seven days a week. There is no interior building area open to the public, which eliminates the need for a larger building; however, there is a walk up window and small seating area consisting of benches on the east side of the building for those who do wish to park and walk-up or bike to the business.

The drive-through consists of two lanes, which funnels down to one-lane after orders are taken, and can accommodate up to 27 vehicles stacking within the queue. Dutch Bros uses a “runner” system to increase speed and efficiency in serving customers. This system utilizes employees to travel vehicle to vehicle to greet customers and take orders via a handheld device which transmits the order to employees inside the building. The runners also process the payment so that by the time the car arrives at the pick-up window, the only interaction is to pick up the order, further expediting the process and decreasing wait times. The applicant’s written statement indicates that the runner system reduces customer time at the window by 30 to 45 seconds. The system also alleviates the need for speaker boxes which are typically used to take orders at other drive-through businesses. The runners also act as traffic control during business hours. Orders that are completed early, before the car approaches the pickup window, are delivered to the vehicle by runners. The drive-through is also designed to incorporate an “escape lane” (an area adjacent to the pick-up lane) that allows vehicles to leave the line prior to the car in front of them if their order is completed first which helps to alleviate the queuing of cars. While no impacts are anticipated, a draft condition of approval is included that gives the Director of Community Development the discretion to refer the CUP to the Planning Commission if any problems or unanticipated impacts do arise (e.g., overflow of traffic into the public right-of-way).



## **DESIGN REVIEW**

### **Site Plan**

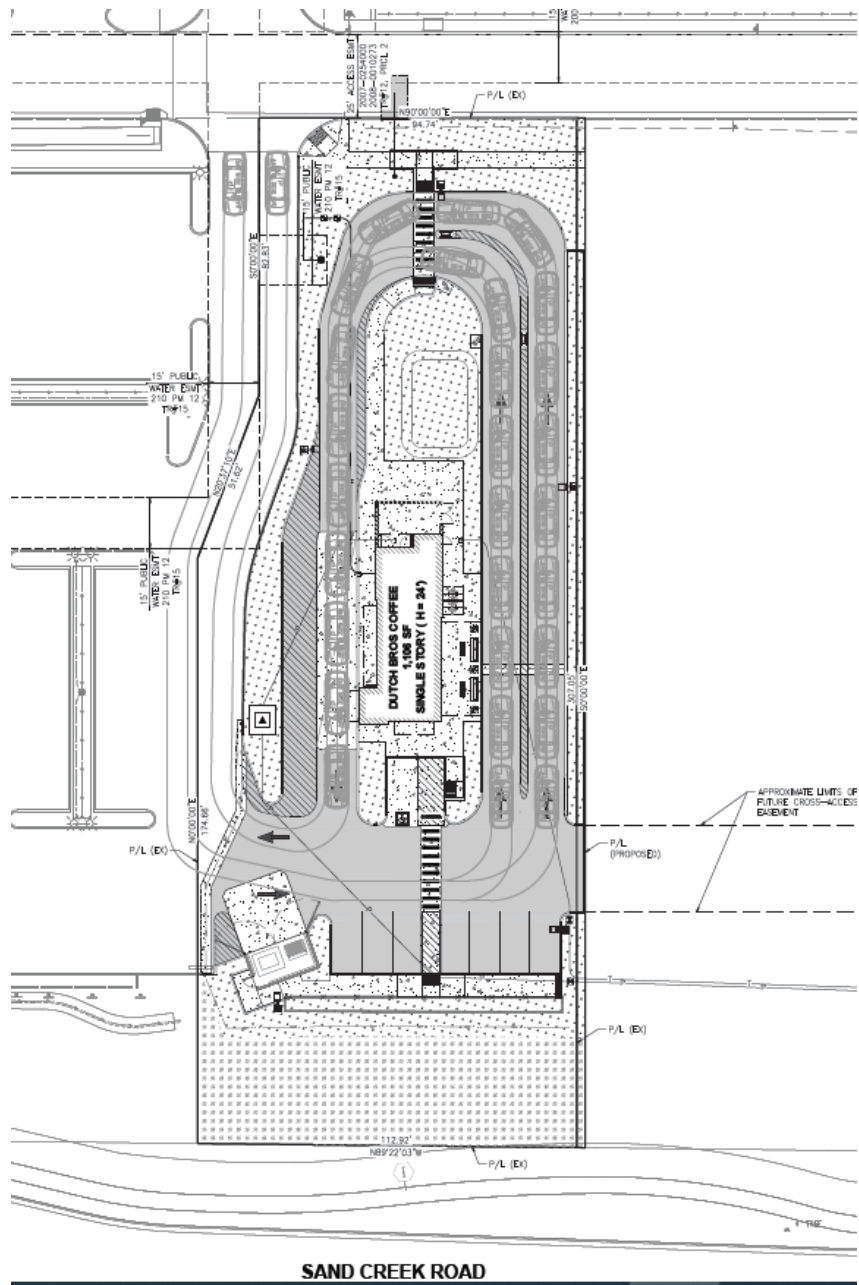
The Streets of Brentwood was designed with a total of 16 buildings arranged around a central pedestrian-friendly street and vehicular loop road. The 16 buildings in the center of the site include a theater and most of the retail stores. There are eight parcels located along the two major street frontages, Sand Creek Road and Shady Willow Lane. The perimeter parcels are developed as follows: Red Robin, completed in 2008 and located nearest the intersection of Sand Creek Road and State Route 4; BJ's Brewhouse, completed in 2011 and located immediately west of the primary vehicular entrance from Sand Creek Road; a multi-tenant pad building including Starbucks, completed in 2013 and located immediately east of the Sand Creek Road entrance; and Sprouts grocery store, completed in 2016 and located at the corner of Sand Creek Road and Shady Willow Lane.

The 0.86-acre proposed project site was recently subdivided from a vacant parcel that originally measured 1.87-acres, leaving an additional approximately 1.01-acre vacant parcel to be developed in the future. The proposed Dutch Bros would be located on the smaller parcel along Sand Creek Road. Primary vehicular access to the site would be via the existing main signalized intersection to The Streets of Brentwood at Sand Creek Road and Sand Creek Crossings, and access to the proposed Dutch Bros will be from the private internal shopping center road to the north. The 1,106 square foot building would be located roughly in the middle of the site with the drive-through encircling a majority of the building to ensure adequate queuing of vehicles. The drive-through begins with double lanes for the stacking of vehicles and transitions down to one lane with an "escape lane" as vehicles get closer to the pickup window. The center area between the drive-through and the building will consist of landscaping and a bioretention facility.

The site is approximately six feet lower than the existing landscape berm along the edge of The Streets of Brentwood and adjacent to Sand Creek Road. The project does not propose to modify this existing landscape berm or the frontage landscaping along the meandering sidewalk, which is consistent along the entire frontage of both Sand Creek Road and Shady Willow Lane.

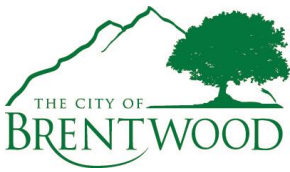
As previously referenced, the interior of the building is not accessible to patrons; however, there is a walk-up window on the eastern side of the building for those who choose to use it instead of the drive-through. ADA accessible parking is located adjacent to the building with all other required parking located along Sand Creek

Road, consistent with the parking for Black Angus, and blocked from public view by the existing landscape berm. There is also a storage area attached to the north end of the building which will be used for some of the recycling goods that will later be put in the trash enclosure. The applicant has indicated that the rate in which milk cartons and pallets are used requires an area, screened from view, to store product during the hours of operation to ensure employees are not leaving the building to access the trash enclosure constantly throughout the day.



Site Plan





### **Architecture**

The proposed building will be constructed with a variety of high-quality materials and painted with simple, bold colors that represent the franchise branding of blue and gray. The architecture has been modified throughout the processing of the application to complement The Streets of Brentwood architecture and design as much as possible. The building includes a tower element with a flat roof as well as a sloped, tiled, canopy over the walk-up window, which complements the areas of tiled roof throughout the center. The walls of the building consist of stucco with areas of deep reveals for visual interest. The tower element consists of a blue fiber cement siding system. The building is wrapped with a stone wainscot which matches the columns that support the canopy. The building is wrapped with a distinct blue cornice.

### Peer Review Comments

The City's peer review architect, Larry Cannon, provided comments on the initial design submittal, which is attached to the staff report for reference and depicted in the marked up renderings as well as summarized below.

1. Revise the site plan to relocate the trash enclosure to minimize visual impacts on the Sand Creek Road frontage.
2. Re-evaluate the necessity of the second drive-thru lane to provide a landscape buffer along the east property line and more outdoor dining spaces.
3. Consider a relocation of the outdoor dining space to allow more space and a better landscaped setting.
4. Add landscaping along the street frontages to match the landscaping on the adjacent parcels.
5. Add buffer landscaping along the east property line.
6. Refine the building design. Suggestions include:
  - a. Extend the stone base around all sides of the structure.
  - b. Provide some landscape buffering between the drive-thru lanes and the outdoor dining.
  - c. Extend the canopy along the east façade and consider opening the roof to a trellis structure.
  - d. Extend the east façade canopy around to the Sand Creek Road Façade.
  - e. Strongly consider utilizing another Dutch Bros prototype with sloped roofs for more visual interest and consistency with the City's Design Guidelines which encouraged the incorporation of pitched roofs whenever possible.

The changes made in response to these comments include:

1. Added/incorporated matching landscaping along the street frontage to be consistent with the adjacent parcels.
2. Extended the El Dorado Stone base around the entire building.
3. Provided a wider landscape buffer along the eastern property line. This will require the applicant to process a ministerial lot line adjustment with the Engineering division so that the Dutch Bros parcel can gain a few feet of additional width. Processing of a lot line adjustment has been added as a condition of approval to the project.
4. Added a landscape buffer between the drive-thru lanes and the outdoor dining.
5. Incorporated a pitched roof element into the project, which has similarly been done with other buildings within The Streets of Brentwood.

The applicant indicated in a response letter that the plans implement the latest Dutch Bros design, with certain modifications to address this location's operational needs. The applicant indicated that incorporating all of the peer review comments would make the project unfeasible due to costs. The applicant also indicated that the location of the trash enclosure will not be seen by the public on Sand Creek Road due to the landscape berm that surrounds the property. Additionally, the location of the trash enclosure is necessary given the design of the drive-through as well as compliance with solid waste requirements. Finally, the applicant has indicated that the plans match the materials and colors of The Streets of Brentwood so as to blend into the rest of the development, while also keeping the preferred Dutch Bros building style and design.

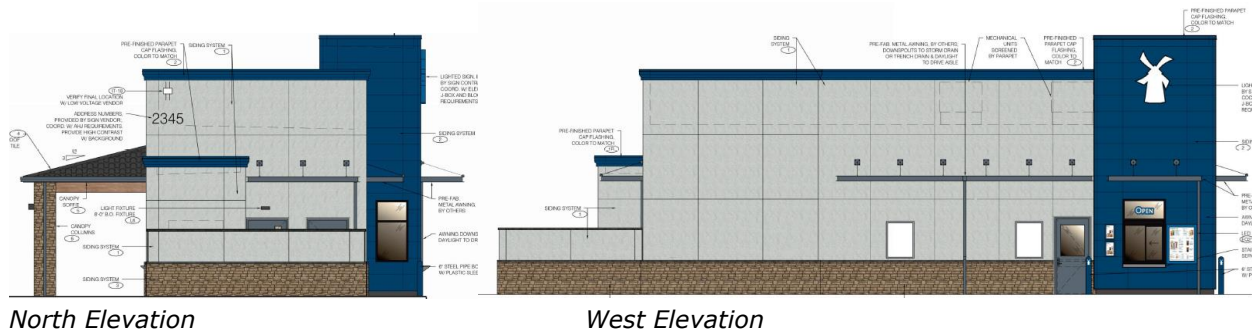
As noted, the applicant did not incorporate all of Mr. Cannon's recommendations, but did modify the initial design to demonstrate substantial compliance with the Commercial and Industrial Design Guidelines as currently proposed.



*South Elevation*



*East Elevation*



### Design Guidelines

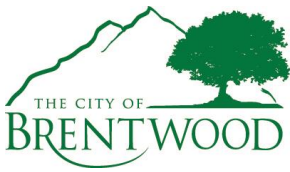
The project has been modified to comply with a number of the City's Commercial and Industrial Design Guidelines, which encourage projects to "incorporate pitched roofs, whenever possible" and strongly encourage the "use of awnings and trellises." The project includes "substantial areas for landscaping between the street edge and the building" which screens parking and services areas with berms as desired by the Commercial and Industrial Design Guidelines. Access to the project is via the main access/entry point to The Streets of Brentwood and does not create a new access point, which is consistent with the design guidelines regarding consolidation of vehicular entries.

### Landscaping

A preliminary landscape plan is included as part of the project for conceptual review. Landscaping is proposed around the perimeter of the drive-through along the three property lines, which also aids in screening the vehicles. Chinese Pistache trees are spread throughout the landscape strips along the western and eastern property lines, while evergreen Magnolia trees will be spread along the northern property line. In addition to the trees, intermixed throughout the landscape areas are shrubs including; 'Little Ollie' olive shrubs, 'Moon Bay' Heavenly Bamboo, Yedda Hawthorn, and ornamental grasses. There is a landscape buffer along the majority of the interior and exterior of the drive-through lanes, and the area inside the center of the drive-through serves as the bioretention area.

### 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 Streets of Brentwood Master Sign Program (MSP).



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Public Comment

Prior to the publication of the staff report, staff received 17 public comments in support of the project. These comments can be found as Attachment 6.

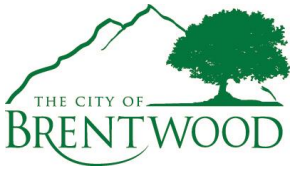
**DATE OF NOTICE**

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 July 26, 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 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 would be located in an existing commercial and retail center and there is no evidence of potential environmental impacts. Traffic and circulation have been reviewed to ensure circulation is kept onsite and does not spill out into the right-of-way. Additionally, the project will comply with the City's noise regulations as set forth in the Brentwood Municipal Code Chapter 9.32 and the City's General Plan.

Additionally, the City previously prepared and adopted a Mitigated Negative Declaration (MND) for the overall development of the commercial center known as The Streets of Brentwood, in conjunction with approval of that project (DR 06-008) on October 3, 2006. The MND identified and adequately discussed potential impacts associated with the entirety of the proposed development, including the vacant parcel on which Dutch Bros is proposed. The MND was completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and there does not exist any evidence under CEQA Guidelines Section 15162 supporting the need for additional environmental review for this project, which is within the scope of the buildout analyzed in the MND.



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**ATTACHMENT(S)**

1. Previous Actions
2. Planning Commission Resolution No. 24-033- Conditional Use Permit
3. Planning Commission Resolution No. 24-034- Design Review
4. Project Plans
5. Project Description
6. Public Comments received as of August 1, 2024
7. [Link](#) to article submitted to staff by the applicant