

SUBJECT: Focused Zoning Code Update Direction: Alcohol Sales, Self-storage facilities, and Drive-through uses

DEPARTMENT: Community Development

STAFF: Alexis Morris, Director of Community Development
Erik Nolthenius, Planning Manager
Jennifer Hagen, Senior Planner

TITLE/RECOMMENDATION

Provide direction to staff on potential new regulations within the framework of the Focused Zoning Code Update related to the following land uses: Alcohol sales, self-storage facilities; and, drive-through uses.

FISCAL IMPACT

The cost of the update is included in the Zoning Ordinance Focused Update, CIP Project No. 337-37228, ("Project") which is included in the adopted and amended 2024/25 – 2028/29 Capital Improvement Program. The majority of the Project is funded by the General Fund, with a minor amount from SB 2 grant funding.

BACKGROUND

On January 24, 2023, the City Council provided direction on reinitiating the City's Zoning Code Update, including a new focused and phased approach. On May 23, 2023, the project scope was finalized when the City Council approved a Professional Services Agreement with De Novo Planning Group to prepare and complete the Focused Zoning Code Update and Objective Design Standards. The plan approved by the Council includes three main tasks to complete:

Task 1: Objective Design Standards;

Task 2: Zoning Code Updates required by State Law and the Housing Element;

Task 3: Focused Zoning Code updates.

This agenda item is related to Task 3: Focused Zoning Code updates. This task includes amendments to various sections of the Zoning Code to better reflect the community's values based on feedback from the community and City Council, including changes to some permitted and conditionally permitted uses throughout the City.



On November 11, 2023, the City Council provided direction on the following uses to be considered as part of the Focused Zoning Code Update efforts and directed staff to present the Land-Use and Development Committee (LUD) with an initial framework for each of the topics prior to moving forward with comprehensive and formal amendments:

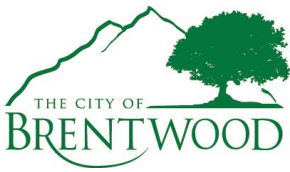
1. Automobile service stations/gas stations
2. Carwashes
3. Alcohol sales regulations
4. Self-storage facilities
5. Short-term rental regulations
6. Drive-through uses

On June 17th and July 15th, LUD was presented with and provided direction on the six topics. LUD recommended that staff return to the full City Council for direction related to alcohol sales, self-storage facilities, and drive-thru uses to obtain further direction before drafting amendments for review and approval. Staff received clear recommendations from LUD on amendments related to automobile service stations/gas stations, carwashes, and short-term rental regulations, which will be first presented to the Planning Commission and then returning to City Council for review and approval in the near future. Both the Planning Commission and City Council meetings will be public hearings and will be noticed in the local paper.

DISCUSSION

Staff has prepared the attached individual reports on the topics. Each report has been formatted to provide the following information, if applicable:

1. Background – a discussion of the use and relevant information
2. Analysis
 - A. General – a discussion on the existing uses in operation throughout the City. Within the alcohol sales report, staff has also included attachments 2A and 2B, that includes a list of all active on-sale and off-sale retail licenses for general background and reference purposes.
 - B. Existing Regulations – a discussion on whether there are currently any regulations on the subject use, including whether they typically are permitted or conditionally permitted.
 - C. Locations – a discussion of what zones identify the subject use as permitted or conditionally permitted.



CITY COUNCIL AGENDA ITEM NO. I.3
09/24/2024

- D. Potential Development and Design Standards – a discussion of potential development and design standards related to the identified uses for consideration to be incorporated into a future focused zoning code amendments.
- E. Potential Operational Requirements – a discussion of potential operational requirements related to the identified uses for consideration to be incorporated into a future focused zoning code amendments.

Subsequent to the LUD meeting, staff added two new sections to the summaries:

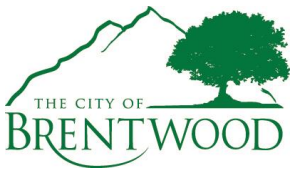
- a “LUD Summary and Further Discussion” section at the end of each report that includes a summary of the LUD conclusions, additional consideration and/or discussion points, and recommended City Council direction; and
- a “Potential Economic Impact” section that provides information on the potential impacts new standards or regulations may have on the existing and/or future economic growth and welfare of the City.

Staff is presenting the City Council with recommendations on the final three land uses and the requested direction for each, as summarized below. A full discussion of each land use can be found in each of the attached individual reports (Attachment 2 – Alcohol Sales, Attachment 3 – Self- Storage Facilities, and Attachment 4 – Drive-through Facilities.)

Alcohol Sales

In order to move forward with a focused update related to alcohol sales, staff needs direction on the recommended development standards and operational requirements for alcohol sales throughout the City. Staff has provided recommendations below and is requesting direction on the following:

1. Individualized and General Regulations: Overall, staff recommends that the City Council consider requiring individualized regulations for specific areas such as the Downtown, the Innovation Center, and PD-6 (Streets of Brentwood/Raley’s Center), while potentially creating one set of regulations for the rest of the City that would allow for consistency and more easily understood regulations.
2. Definitions: In addition, staff recommends that new definitions be created within alcohol-regulating provisions for the following:
 - Day Care Center, Children



CITY COUNCIL AGENDA ITEM NO. I.3
09/24/2024

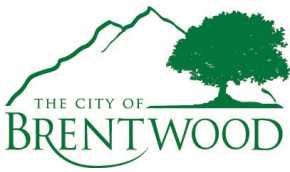
- Private Educational Facilities
 - Public School Facilities
 - Food and Beverage Stores – Convenience Store
 - Food and Beverage Stores – Grocery Store
 - Food and Beverage Stores – Liquor Store
 - Food and Beverage Stores – Specialty Food & Wine
 - Food and Beverage Stores – Neighborhood Market
3. No further restrictions for on-sale license: Staff does not recommend further restricting on-sale licenses within the City unless they are located adjacent to, or within a distance as recommended by City Council, to a Public School Facilities or a Private Educational Facility only.
 4. Separation Requirements: Staff does not recommend implementing separation requirements from Child Day Care Centers at this time. Staff also recommends that all that the incidental sale of alcohol at all grocery stores, specialty food and wine stores and neighborhood markers be permitted by-right where the use is allowed in the underlying zone.
 5. CUPs: Staff recommends that all convenience stores and liquor stores be conditionally permitted where the use is allowed in the underlying zoning.

City Council Options

The following outlines the options for Council when considering the options for alcohol sales:

1. Support Staff Recommendation. If the City Council supports staff's recommendations, staff will draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.
2. Modify Staff Recommendation. If the City Council supports modifying staff's recommendations, such as recommending additional sensitive uses, or alternative location based zoning suggestions, the City Council would need to provide clear and concise direction on the proposed changes. Staff would then draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.

Self- Storage Facilities



**CITY COUNCIL AGENDA ITEM NO. I.3
09/24/2024**

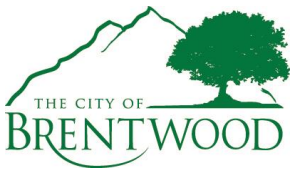
At this time, staff supports including a clear definition for self-storage in the Zoning Code in order to assist in regulating establishments within the City. However, staff does not recommend expanding or modifying zones where self-storage facilities are currently permitted; therefore, only allowing self-storage facilities in the zones identified in Table 1 in the attached.

City Council Options

The following outlines the direction that staff is requesting from the Council:

1. Support Staff Recommendation. Does the City Council support not expanding or modifying zones where self-storage facilities are permitted and clearly defining self-storage facilities? This would result in retaining the ability for self-storage facilities in the zones identified in Table 1 to continue, expand or redevelop, and would preclude new self-storage facilities in all other zones that are not identified in the zones listed in Table 1.
 - If the City Council supports this option, staff recommends that clear design criteria be established that would regulate the expansion, addition, and renovation of the existing self-storage facilities within the zones in Table 1, as well as new facilities within these zones. Potential regulations would include, but are not limited to, building design, street fronting articulation, massing, setbacks, landscaping, site maintenance, storage of hazardous materials, etc. If the City Council supports staff's recommendations, staff would draft these design criteria and bring them to the Planning Commission and City Council for consideration in early 2025.
2. Modify Staff Recommendation. Does the City Council support prohibiting all future self-storage facilities or expansions of existing facilities in all zones, including those listed in Table 1? This would cause all existing facilities to become legal non-conforming uses. They would thus be allowed to remain as they are currently constructed, but the facilities would not be able to add on or expand in the future. If the City Council supports modifying staff's recommendations, such as prohibiting all future facilities, staff would draft language to be included in the Zoning Ordinance that would be brought back to the Planning Commission and City Council for consideration in early 2025.

Drive-through Facilities



CITY COUNCIL AGENDA ITEM NO. I.3
09/24/2024

In order to move forward with a focused update related to drive-through facilities, staff needs direction on the attached development standards and operational requirements for future drive-through establishments. Overall, staff recommends that the City Council consider requiring a Conditional Use Permit for all future drive-through establishments. In addition to requiring a CUP, staff recommends that new development standards be drafted and implemented that include the following items:

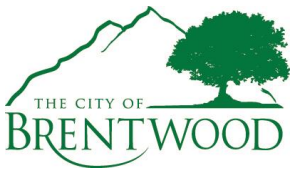
- Residential Setbacks.
- Queuing Analysis.
- Separate Waiting Lane.
- Vehicle Stacking.
- Pedestrian Access and Circulation.
- Building Design.

Staff does not recommend prohibiting future drive-through uses at this time or modifying zones where drive-throughs are currently conditionally permitted, beyond imposing the standards identified above. Staff believes that with incorporation of the development standards related to the above mentioned items, as well as vetting through the CUP process (including increased public hearing notice requirements of a 1,000 foot radius being brought forward for City Council approval separately) for all future drive-thru facilities, that potential negative impacts of future drive-through uses would be mitigated and adequately addressed during the entitlement process.

City Council Options

The following outlines the options for Council when considering the attached standards:

1. Support Staff Recommendation. If the City Council supports staff's recommendations, staff will draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.
2. Modify Staff Recommendation. If the City Council supports modifying staff's recommendations, such as adjusting the required residential setbacks or prohibiting all future drive-throughs, the City Council would need to provide clear and concise direction on the proposed changes. Staff would then draft final language to be brought to the Planning Commission for consideration and recommendation before being brought back to the City Council for final approval.



Conclusion

Staff is recommending that each topic be presented and discussed, as well as receive public comment individually, in order to get clear and concise direction before moving on to the next topic. Once Council has provided final direction on the final three focused zoning code items, staff will begin to draft final ordinances to bring forward for Planning Commission and City Council consideration in early 2025.

CITY COUNCIL STRATEGIC INITIATIVE

City of Brentwood Strategic Plan FY 2022/23 – FY 2023/24 Focus Area 4: Land Use Planning, Goal 1: Implement Zoning Ordinance update to maintain compliance with State law, including developing objective design standards (SB 330 compliance).

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

ATTACHMENTS

1. Previous Action
2. Alcohol Sales
 - a. Brentwood Off-Sale ABC Licenses
 - b. Brentwood On-Sale ABC Licenses
3. Self-storage facilities
4. Drive-through uses