

**PLANNING COMMISSION AGENDA ITEM NO. E.1  
10/15/2024**

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**SUBJECT:** Time extension for the Lazy Dog restaurant Design Review approval.

**DEPARTMENT:** Community Development Department

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

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### **TITLE/RECOMMENDATION**

A time extension application (TE24-001) requesting a one-year extension for the approved Design Review (DR22-011-A1) to construct a new sit-down restaurant known as Lazy Dog, with related site improvements, located on the south side of Sand Creek Road and the east side of State Route 4 (APN 019-110-074 and a portion of CCWD owned parcel APN 019-110-023).

Staff recommends that the Planning Commission adopt Resolution No. 24-043, approving the requested time extension (TE24-001), thus extending the expiration date of DR22-011 to September 26, 2025.

On December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The approved design review application and development FAR fall below the maximum capacity that was contemplated, and therefore no further environmental review is required.

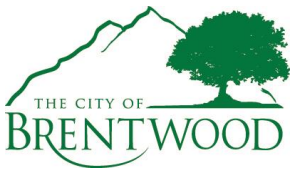
### **OWNER/APPLICANT**

The State Route 4 Bypass Authority is the property owner and Robert A. Karn & Associates, Inc. is the project applicant.

### **GENERAL PLAN**

The project site has a General Plan land use designation of Regional Commercial.

### **ZONING/SURROUNDING LAND USES**



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The proposed site is within the Planned Development No. 6 (PD-6) zoning district; specifically Planning Area 3, which allows for Regional Commercial uses.

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

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

### **BACKGROUND**

On September 26, 2023, following a call for review, the City Council approved a tentative parcel map (MS354-22) to split a 5.3-acre parcel and a design review (DR22-011) for the construction of a new 9,089 square foot Lazy Dog restaurant, with a 1,508 square foot outdoor seating area, a 764 square foot waiting area, the continuation of a public trail, and related site improvements on the northern 2.78 acres and a portion of an abutting Contra Costa Water District-owned parcel. The remaining 2.52 acres are being reserved for future development.

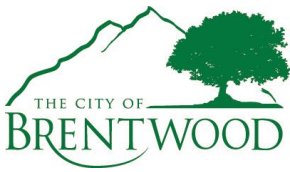
The call for review was a review of the Planning Commission's August 15, 2023, approval of this project. The City Council reviewed and ultimately approved the project with modifications to the Planning Commission's conditions of approval.

### **PROJECT DESCRIPTION AND ANALYSIS**

A full analysis of the project is provided as attachments (8/15/23 Planning Commission Staff Report and 9/26/23 City Council Staff Report). As mentioned in the attached staff reports, Lazy Dog proposes to develop on the northern portion of the parcel, and the southern portion is reserved for future development. In the time extension request, the applicant has indicated that:

"Construction of the project has not commenced due to our hotel tenant pulling out of the project. Lazy Dog requires the hotel to be on a similar construction schedules as to avoid operation conflicts. We have now found another hotel operator and will soon be making planning submittals, putting both projects on schedule to commence construction mid-2025."

On January 3, 2024, the applicant submitted DR24-001 which proposed an extended stay, Woodsprings Suites, hotel on the southern portion of the property. On May 6, 2024, the operator of the hotel submitted a request to formally withdraw the application.



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The applicant has indicated that Lazy Dog does not want to commence construction until construction of a hotel on the southern parcel also commences. This is so the construction activities of the future hotel do not conflict with Lazy Dog's operation.

As of the writing of this staff report a formal application for another hotel has not been submitted to the City.

The applicant is currently asking for a one-year extension of the Design Review approval as allowed by Brentwood Municipal Code section 17.820.011. If the extension is granted, the new expiration date would be September 26, 2025. This extension would align up with the Tentative Parcel Map's expiration date. No other modifications or changes are proposed.

#### **DATE OF NOTICE**

No notice is required for design review time extensions.

#### **ENVIRONMENTAL DETERMINATION**

As noted above, on December 12, 2017, the City Council adopted a City-initiated Mitigated Negative Declaration (MND) (SCH# 2017102022) prepared for the subject site. The Initial Study (IS) for the MND contemplated buildout of the site based on the maximum Floor Area Ratio (FAR) of 0.45, as provided in Table 2.0.2 of the City of Brentwood General Plan Environmental Impact Report (EIR). Based on the size of the project site and the maximum FAR, the site could be developed with a maximum of 103,890 square feet of commercial space and a maximum of 520 parking spaces and remain within the envelope of what was studied in the MND. The proposed parcel map and development falls below the maximum capacity that was contemplated and therefore no further environmental review would be required.

#### **ATTACHMENT(S)**

1. Previous Actions
2. Draft Resolution No. 24-043
3. City Council Staff Report
4. City Council Resolution No. 2023-121
5. Planning Commission Staff Report
6. Time extension request