

**PLANNING COMMISSION RESOLUTION NO. 24-043**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRENTWOOD APPROVING A ONE-YEAR TIME EXTENSION TE24-001 FOR DESIGN REVIEW NO. 22-011 FOR A NEW LAZY DOG RESTAURANT AND RELATED SITE IMPROVEMENTS, INCLUDING AN EXTENSION TO A PUBLIC TRAIL, LOCATED ON THE SOUTH EAST CORNER OF SAND CREEK RD. AND THE HIGHWAY 4 NORTH-BOUND OFF RAMP (APN 019-110-074) AND ON A PORTION OF CONTRA COSTA WATER DISTRICT (CCWD) OWNED PARCEL (APN 019-110-023).**

**WHEREAS**, the City Council originally approved Design Review No. 22-011 by Resolution No. 2023-121 at its regular meeting of September 26, 2023, to allow the construction of a new approximately 9,089 square foot restaurant, 1,508 square foot outdoor patio, a 764 square foot waiting area, a portion of a public trail, and associated site improvements on a 2.78-acre parcel located on the south east corner of Sand Creek Rd. and the Highway 4 north-bound off ramp (APN 019-110-074) and on a portion of CCWD owned parcel (APN 019-110-023); and

**WHEREAS**, the original approval DR22-011 includes an expiration date of September 26, 2024, and

**WHEREAS**, on September 19, 2024, Tony Perfetto (the "Permittee") filed an application requesting approval of a one-year time extension for DR22-011; and

**WHEREAS**, pursuant to Municipal Code section 17.820.011, the Planning Commission may approve an extension of DR22-011 and City Council Resolution No. 2023-121 explicitly defers to the Planning Commission the authority to consider and approve a timely request for an extension of time; and

**WHEREAS**, the applicant's request for an extension of DR22-011 is referred to herein as the "Project;" and

**WHEREAS**, in 2017 the City adopted a Mitigated Negative Declaration and corresponding mitigation measures, attached hereto as Exhibit "B," which analyzed development of the project area, including 103,890 square feet of commercial space and 520 parking spaces 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); and

**WHEREAS**, the Planning Commission considered this project at its regular meeting of October 15, 2024, and considered the staff report, all accompanying information, and testimony received from the applicant and other interested parties; and

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

- A. Hereby finds that the City previously adopted a mitigated negative declaration for the project and that the requested extension of time for DR 22-011 involves no changes in the Project which would trigger the need for further environmental review pursuant to CEQA Guidelines section 15162.
- B. Hereby finds that the applicant submitted its request for an extension of Design Review No. 22-011 (TE24-001) on September 19, 2024, prior to the expiration of said approval, which would expire on September 26, 2024, as required by Brentwood Municipal Code Section 17.820.011, and approves a one-year time extension for Design Review No. 22-011 (TE24-011), as previously conditioned.
- C. Hereby determines that Design Review No. 22-011, as extended by this resolution, shall terminate on September 26, 2025, unless actual construction or alteration under valid permits begins within said period or a written request is submitted to the City for an extension of time as allowed under the Zoning Ordinance.
- D. Hereby finds that (i) the terms of City Concil Resolution No. 2023-121 remain in full force and effect, except as extended herein, and (ii) the findings set forth in said Resolution likewise remain true and correct and are incorporated herein as if restated in full.

This permit shall terminate on September 26, 2025, unless actual construction begins prior to that date. However, such date may be extended by the Planning Commission upon application filed at any time before said expiration date.

The above actions are final unless an appeal 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 October 15, 2024, by the following vote:

AYES:  
 NOES:  
 ABESENT:  
 RECUSE:

APPROVED

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Anita Roberts  
 Planning Commission Chairperson

ATTEST:

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Erik Nolthenius  
Planning Manager