

**STAFF REPORT TO THE ZONING ADMINISTRATOR
FOR CONSIDERATION AT THE MEETING OF FEBRUARY 24, 2022**

Prepared by: Jose Cortez, Associate Planner

Approved by: Forrest Ebbs, Community Development Director

Date: February 24, 2022

Subject: La Princesa Market (UP-21-18)

RECOMMENDATION

It is recommended that the Zoning Administrator **APPROVE** a use permit to occupy an existing commercial space to operate a convenience store with an attached restaurant subject to the conditions contained in the attached resolution.

REQUEST

The applicant, Muthanna Naser, requests approval of a use permit to occupy an existing commercial space to operate a convenience store with an attached restaurant. The subject property is located at 1721 Alhambra Drive (APN 065-235-023).



ENVIRONMENTAL DETERMINATION

This project has been deemed Categorically Exempt from CEQA under Article 19, Section 15301, Existing Facilities, Class 1 because the project involves no expansion of use.

ANALYSIS

Issue #1: Project Overview

The applicant proposes to occupy an existing commercial space to operate a convenience store with an attached restaurant at 1721 Alhambra Drive. Proposed operating hours are 7 days a week and are:

- Convenience store: 8:00 AM to 10:00 PM
- Restaurant: 10:00 AM to 8:00 PM.

Exterior modifications are not proposed. Minor interior improvements are proposed and include shelving for merchandise and upgrades to the existing kitchen area. The proposed convenience store will utilize approximately 2,158 square feet, and the taqueria will utilize 954 square feet. The restaurant portion of the project is managed by a separate operator. The applicant's project plans are provided as Attachment "B".

Issue #2: General Plan, Zoning Consistency and Land Use

The General Plan designation of the property site is Neighborhood Community Commercial. The site is zoned Convenience Commercial District (C-1) which is intended to contain a mix of retail uses that provide goods and services to the immediate residential neighborhood area. These uses typically have a service area of a one-mile radius or less. A convenience store requires the approval of a use permit in the Convenience Commercial District (C-1).

The surrounding land uses and zoning designations are as noted below:

North: Single-Family Residential District (R-6)
South: Single-Family Residential District (R-6)
East: Neighborhood/Community Commercial District (C-2)
West: Neighborhood/Community Commercial District (C-2)

Issue #3: Site Plan & Parking

The site is approximately 0.59 acres in size and is developed with a commercial building, and parking lot. The site is currently accessed via two driveways along Alhambra Drive and one along East 18th Street that can be used to both enter and exit the site. Further

development of the site is not required in order to accommodate the proposed convenience store.

The proposed convenience store proposes to occupy an existing commercial space that was previously used as a restaurant. The site is developed with 18 parking spaces allotted for all the uses on site. The existing parking complies with the requirements of Antioch Municipal Code § 9-5.1703., which requires five (5) spaces per 1,000 square feet of gross floor area. The proposed convenience store will be located within the existing building and utilize approximately 3,112 square foot of the building. The proposed use will not be more intensive than the uses allowed in the C-1 zoning district.

Pursuant to the requirements of Antioch Municipal Code § 9-5.14, which requires projects to construct a trash enclosure, the applicant proposes to build a new 195 square foot trash enclosure on the Northeast corner of the building. The enclosure is made of masonry block, a comp shingle roof, and metal doors.

Issue #4: Use Permit

The City of Antioch Municipal Code requires a Use Permit for convenience stores; therefore, the applicant is requesting Use Permit approval for La Princesa Market. Use Permits are required for land uses that may be suitable only in specific locations or require special consideration in their design, operation, or layout to ensure compatibility with surrounding uses.

The C-1 Zoning District provides for a wide range of commercial and personal service uses and, a mix of retail uses that provide goods and services to the immediate residential neighborhood area. The proposed use complies with the underlying zoning and goals in that it adds a retail type use within the district.

ATTACHMENTS

- A: Resolution
- B: Project Plans
- C: Project Description
- D: CCCFD Comment Letter
- E: Environmental Health Letter

ATTACHMENT A

Resolution

**CITY OF ANTIOCH ZONING ADMINISTRATOR
RESOLUTION NO. 2022-****

**RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR
APPROVING A USE PERMIT (UP-21-18) FOR A CONVENIENCE STORE AT 1721
ALHAMBRA DRIVE**

WHEREAS, Muthanna Naser requests approval of a use permit for a convenience store, located at 1721 Alhambra Drive (APN 065-235-023);

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant 15301, Existing Facilities, Class 1;

WHEREAS, the Zoning Administrator duly gave notice of public hearing as required by law;

WHEREAS, the Zoning Administrator on February 24, 2022, duly held a public hearing and received and considered evidence, both oral and documentary;

WHEREAS, the Zoning Administrator does determine:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed convenience store and associated restaurant will not be detrimental to the surrounding property or improvements. Based upon the conditions imposed, the proposed use will not create adverse impacts to the surrounding businesses and residents.

2. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is zoned Convenience Commercial District (C-1), which is intended to contain a mix of retail uses that provide goods and services to the immediate residential neighborhood area. The City of Antioch Municipal Code allows convenience stores with the approval of a use permit in the Convenience Commercial District.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The proposed convenience store will occupy an existing commercial building that had been previously used as a restaurant. The proposed convenience store is located within an existing commercial site with a developed parking lot that provides sufficient parking for commercial uses and, the proposed convenience store.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is currently developed and is located on the corner of Alhambra Drive and East 18th Street, which are adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Neighborhood Community Commercial and is located in an existing commercial building.

NOW, THEREFORE, BE IT RESOLVED, the Zoning Administrator of the City of Antioch does hereby **APPROVE** UP-21-18, for a convenience store at 1721 Alhambra Drive (APN 065-235-023), subject to the following conditions:

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Zoning Administrator.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Zoning Administrator and the standards of the City.
5. This approval expires two years from the date of approval (expires February 24, 2024), unless an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.

6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
7. This approval supersedes previous approvals that have been granted for this site.

B FEES

1. The applicant shall pay all fees as required by the City Council.

C. AGENCY REQUIREMENTS

1. All requirements of the Contra Costa Fire District shall be met.
2. All requirements of the Contra Costa Environmental Health Department shall be met.

D. PROPERTY MAINTENANCE

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
3. No signs shall be installed on this site without prior City approval.

E. PROJECT SPECIFIC CONDITIONS

1. This use permit approval applies to the convenience store at 1721 Alhambra Drive, and as depicted on the project plans submitted to the City of Antioch on December 13, 2021.
2. The hours of operation for the convenience store shall be from 8:00 AM - 10:00 PM
3. The hours of operation for the restaurant shall be from 8:00 AM - 8:00 PM.
4. Any changes to the hours of operation shall be subject to the review and approval of the Zoning Administrator.
5. Alcohol/liquor sales are prohibited as part of this entitlement.
6. Tobacco sales are prohibited and are not approved as a part of this entitlement.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Zoning Administrator of the City of Antioch at a regular meeting thereof held on the 24th day of February 2022.

FORREST EBBS
ZONING ADMINISTRATOR

ATTACHMENT B

Project Plans

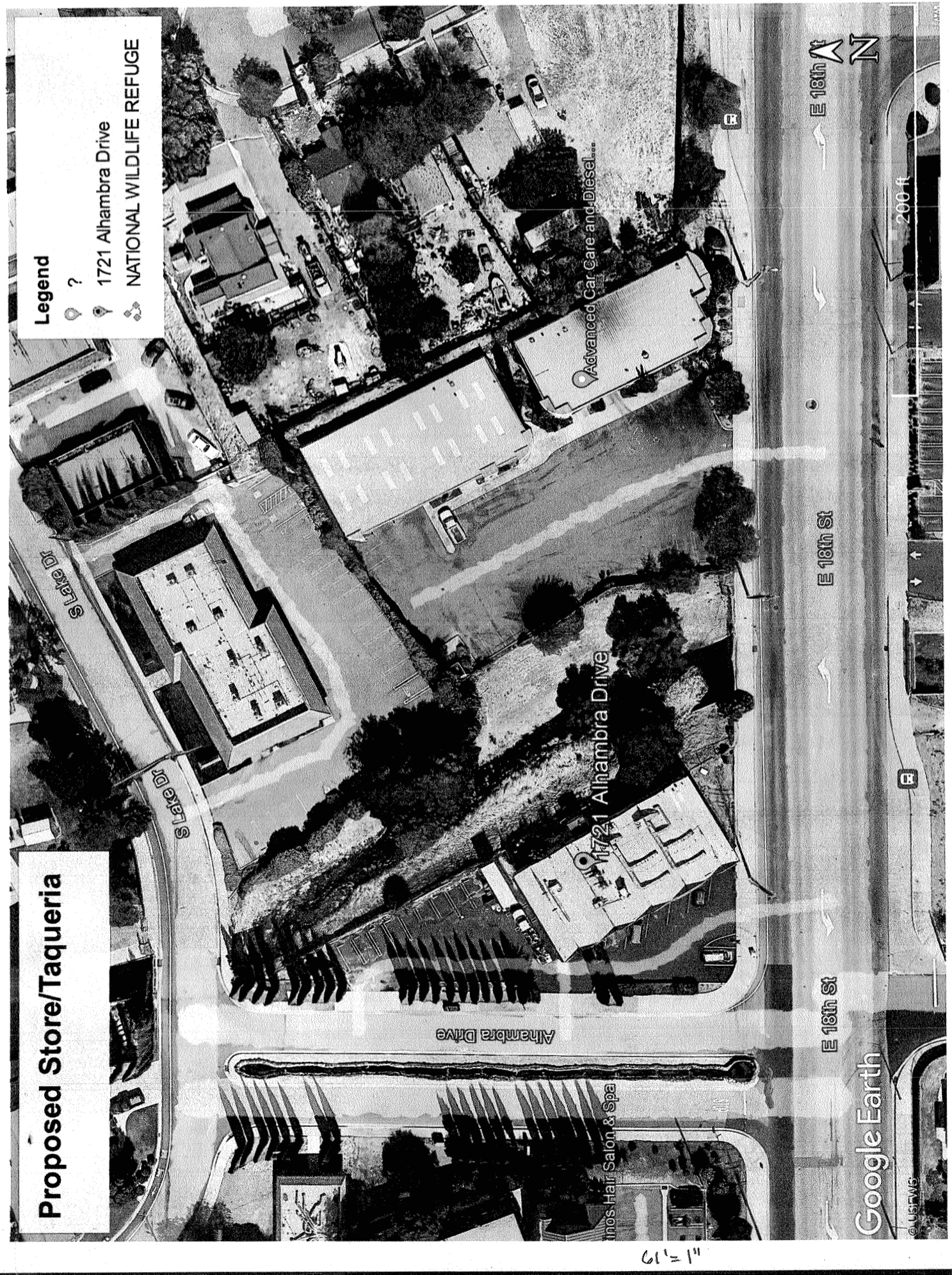
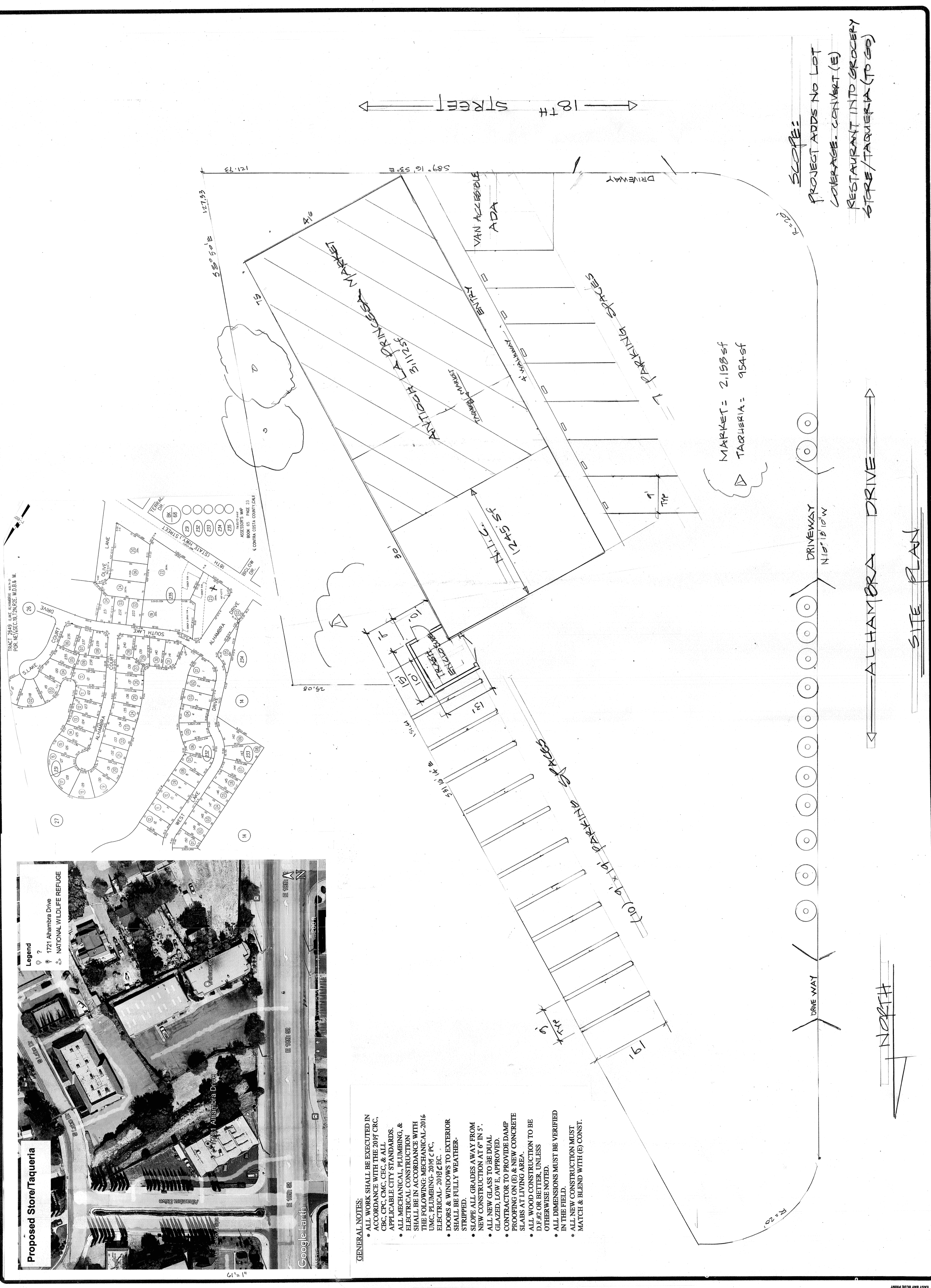
NO.	REVISIONS	BY

TOM LINN DRAFTING & DESIGN
P.O. BOX 313
ANTIOCH, CA. 94509
925-852-9643
tomlinndrafting@bcgglobal.net

Antioch La Princesa
Market
1721 Alhambra Dr. ANTIOCH

SITE PLAN/NOTES/CODES
SCOPE

DRAWN BY
CHECKED BY
DATE 10/2/11
13 PLANS
TOP NO. 21024
SHEET ONE
SHEETS OF 2



- GENERAL NOTES:**
- ALL WORK SHALL BE EXECUTED IN ACCORDANCE WITH THE 2017 CBC, CBC, CPC, CMC, CEC, & ALL APPLICABLE CITY STANDARDS.
 - ALL MECHANICAL, PLUMBING, & ELECTRICAL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE FOLLOWING: MECHANICAL-2016 UMC, PLUMBING- 2019 CPC, ELECTRICAL- 2018 CEC.
 - DOORS & WINDOWS TO EXTERIOR SHALL BE FULLY WEATHER-STRIPPED.
 - SLOPE ALL GRADES AWAY FROM NEW CONSTRUCTION AT 6" IN 5'.
 - ALL NEW GLASS TO BE DUAL GLAZED, LOW E, APPROVED.
 - CONTRACTOR TO PROVIDE DAMP PROOFING ON (E) & NEW CONCRETE SLABS AT LIVING AREA.
 - ALL WOOD CONSTRUCTION TO BE D.F.#2 OR BETTER, UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD.
 - ALL NEW CONSTRUCTION MUST MATCH & BLEND WITH (E) CONST.

SCALE:
PROJECT ADDS NO LOT COVERAGE. CONVERT (E) RESTAURANT INTO GROCERY STORE/TAQUERIA (TO GO)

MARKET = 2,188-sf
TAQUERIA = 954-sf

ALHAMBRA DRIVE
SITE PLAN

NORTH

REVISIONS	BY

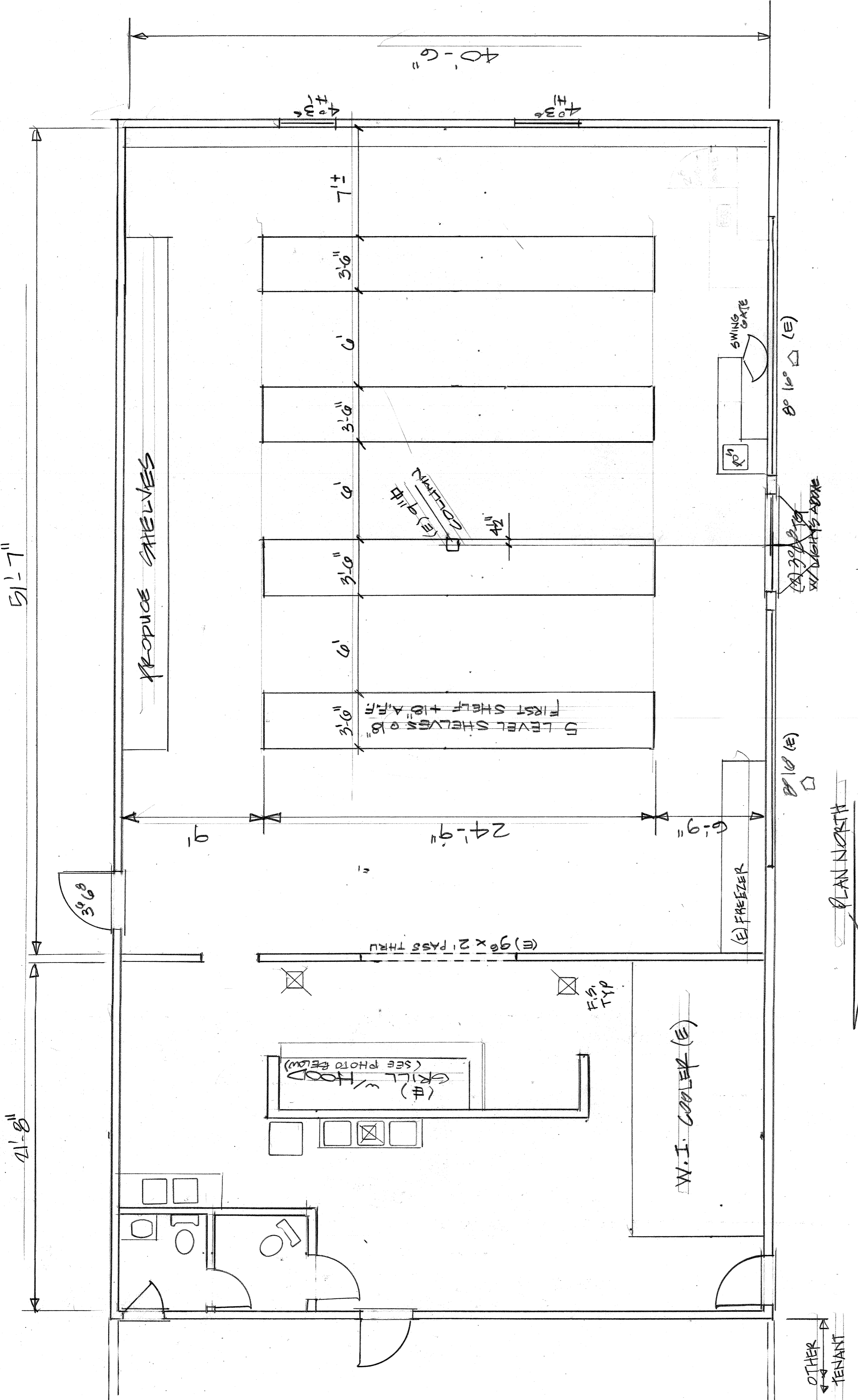
TOM LINN DRAFTING & DESIGN
 P.O. BOX 313
 ANTIOCH, CA. 94509
 925-852-9643
 tomlinndrafting@bcgglobal.net

Antioch La Princesa Market
 1721 Alhambra Dr. ANTIOCH

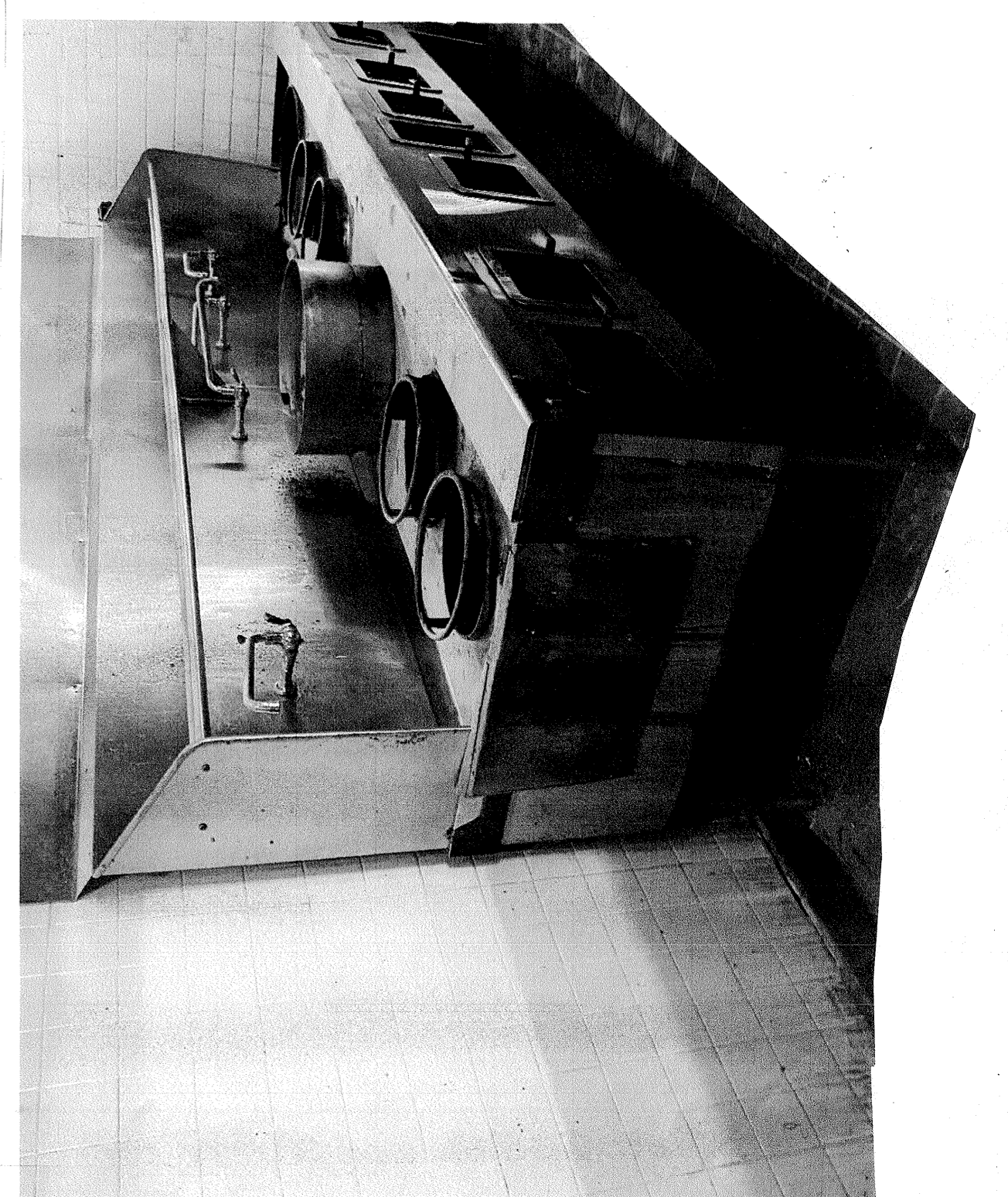
NEW FLOOR PLAN

DRAWN	TJ
CHECKED	LD
DATE	10-21
SCALE	1/4" = 1'-0"
JOB NO.	21034
SHEET	2

OF 2 SHEETS



REMODEL FLOOR PLAN
 NO EXTERIOR CHANGES, NO NEW GLAZING, ALL WALLS (E)



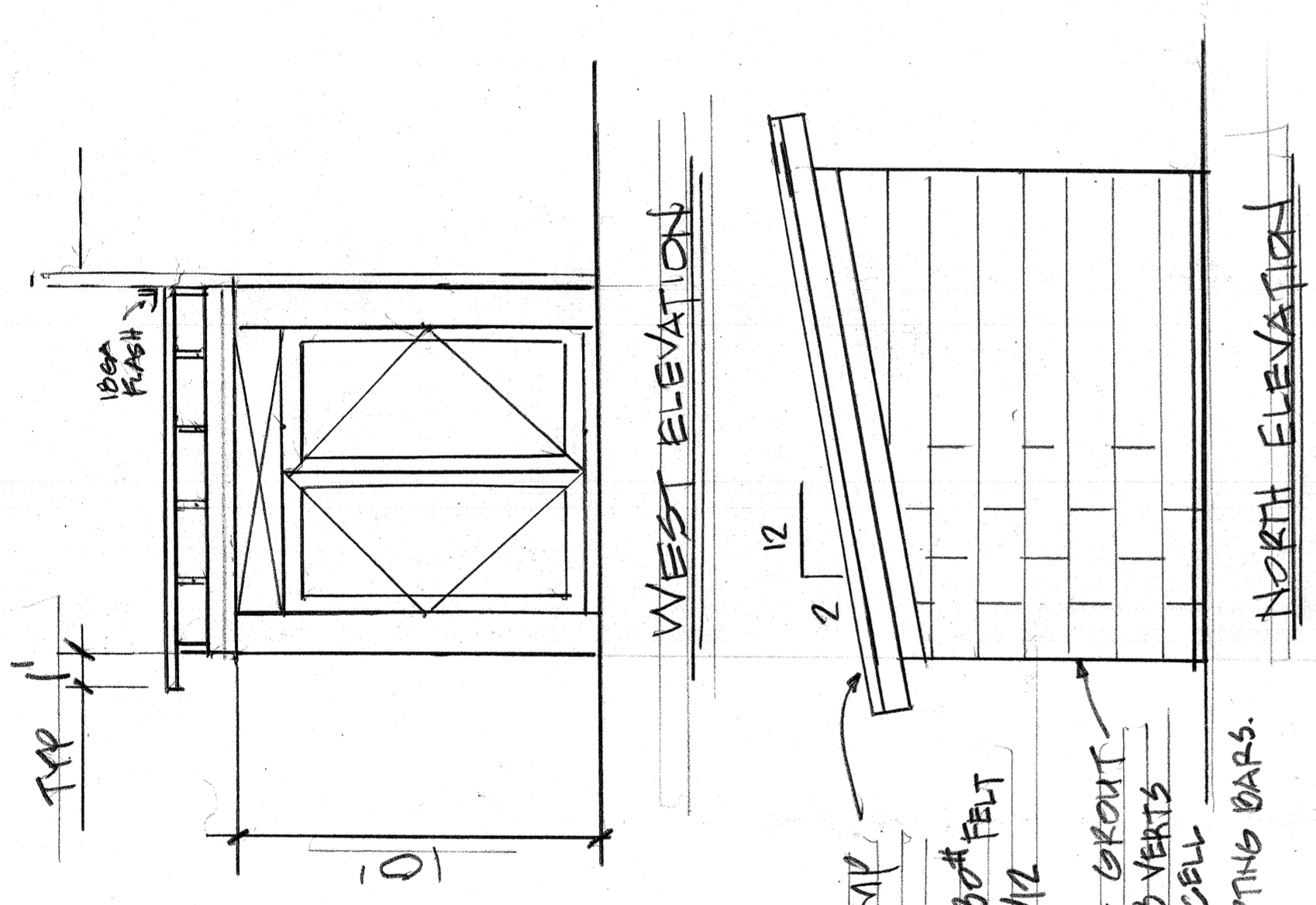
REVISIONS	BY	DATE	DESCRIPTION

TOM LINN DRAFTING & DESIGN
 P.O. BOX 313
 ANTIOCH, CA. 94509
 925-852-9643
 tom.linn.drafting@bcbglobal.net

Antioch La Princesa Market
 1721 Alhambra Dr. ANTIOCH

TRASH ENCLOSURE DETAILS
 FOUNDATION PLAN ROOF PLAN
 ELEVATIONS
 BUILDING SECTIONS

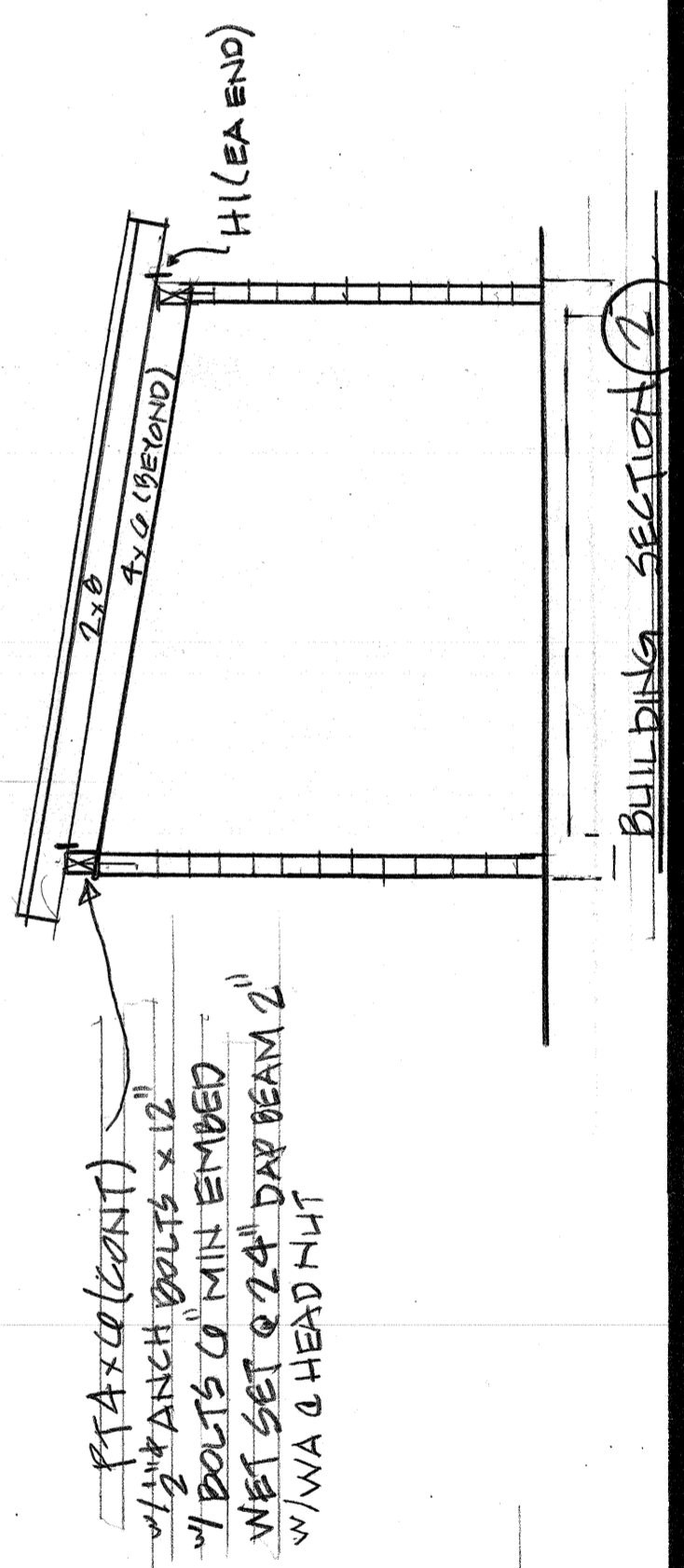
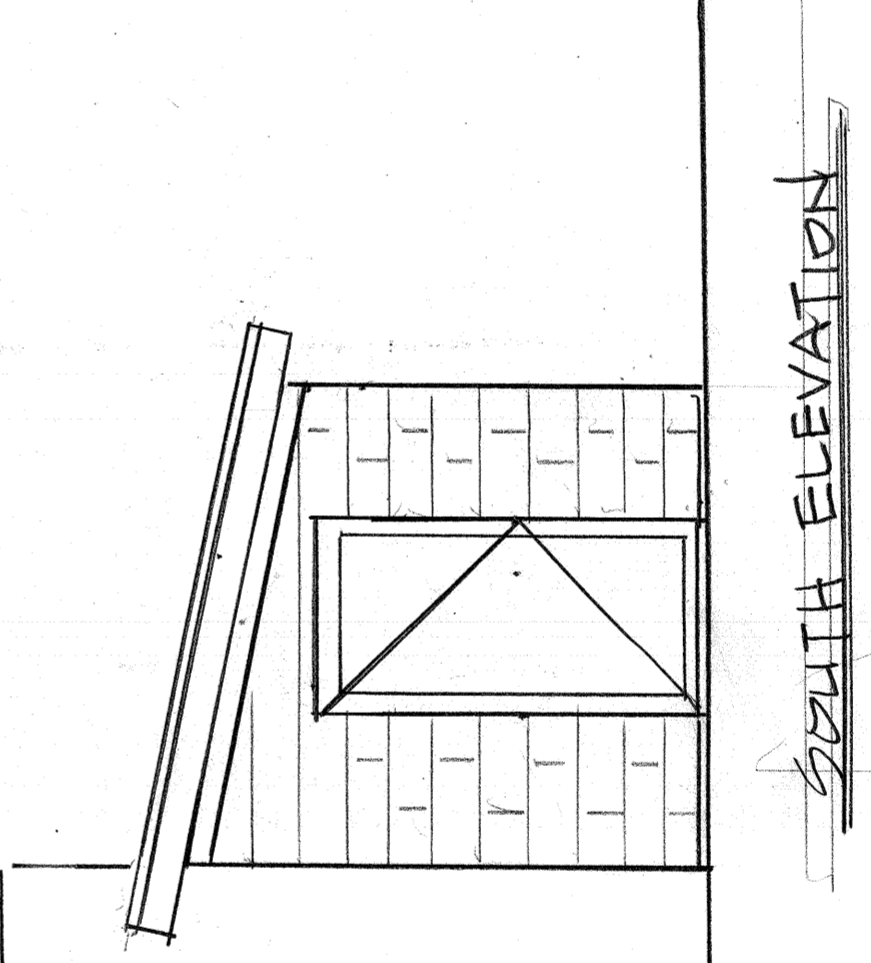
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 CHECKED: LJD
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 SCALE: 1/4" = 1'
 JOB NO.: 21034
 SHEET: 3
 SHEETS: OF 3



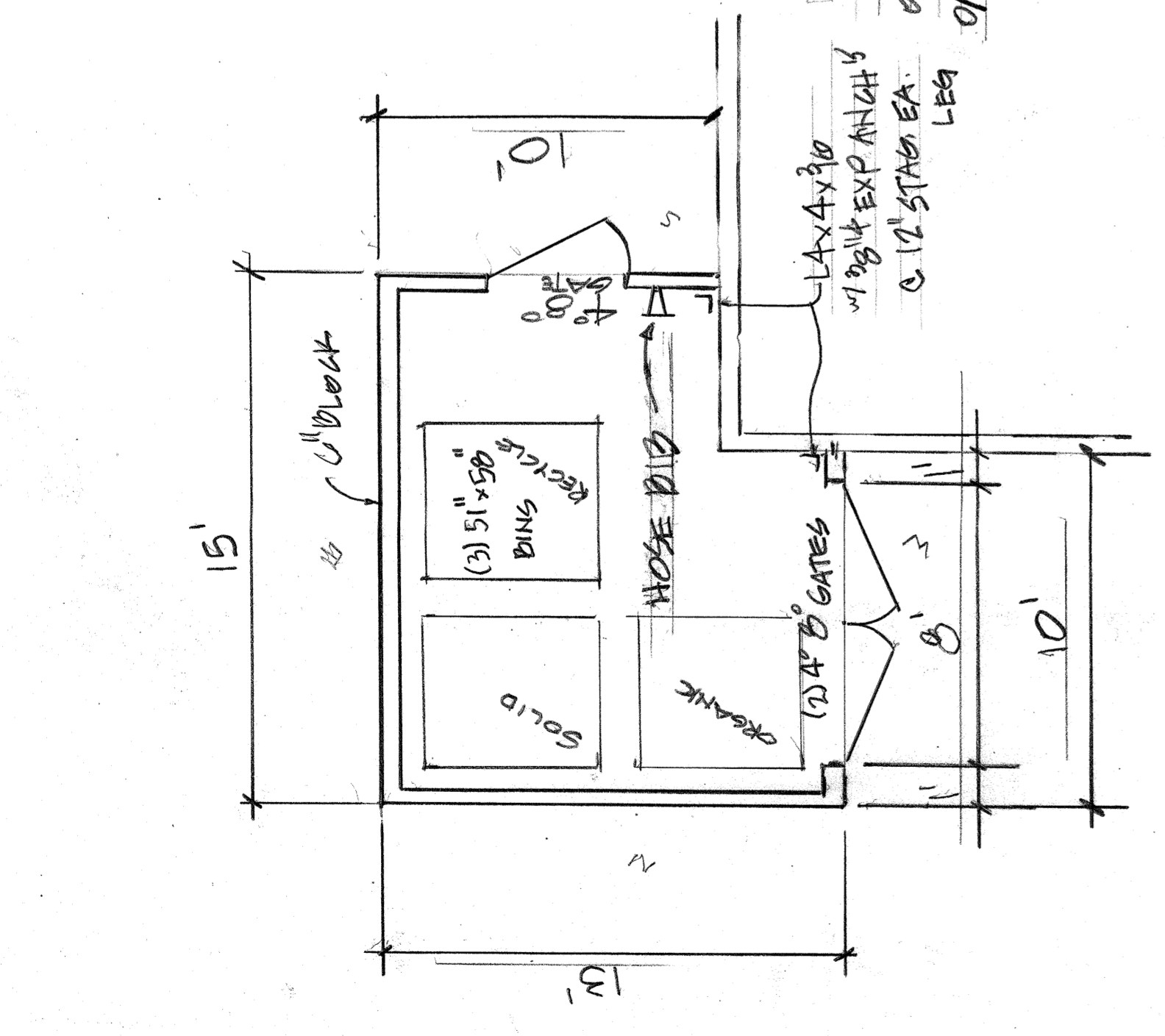
CLASS & CONCR. SHINGLES
 0/12 LAYERS 30" FELT
 0/12 PLY 10/12
 6" BLOCK GROUT
 SOLID #3 VERTS
 EVERY 3RD CELL
 TIE TO FOOTING BARS.



EAST ELEVATION

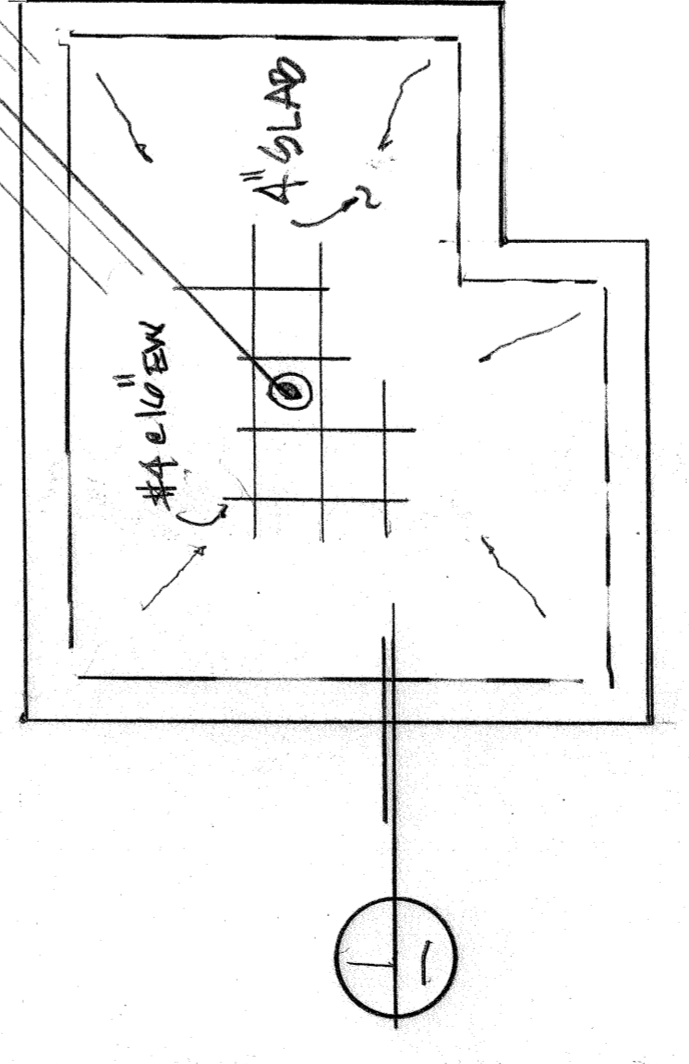


DETAIL 1

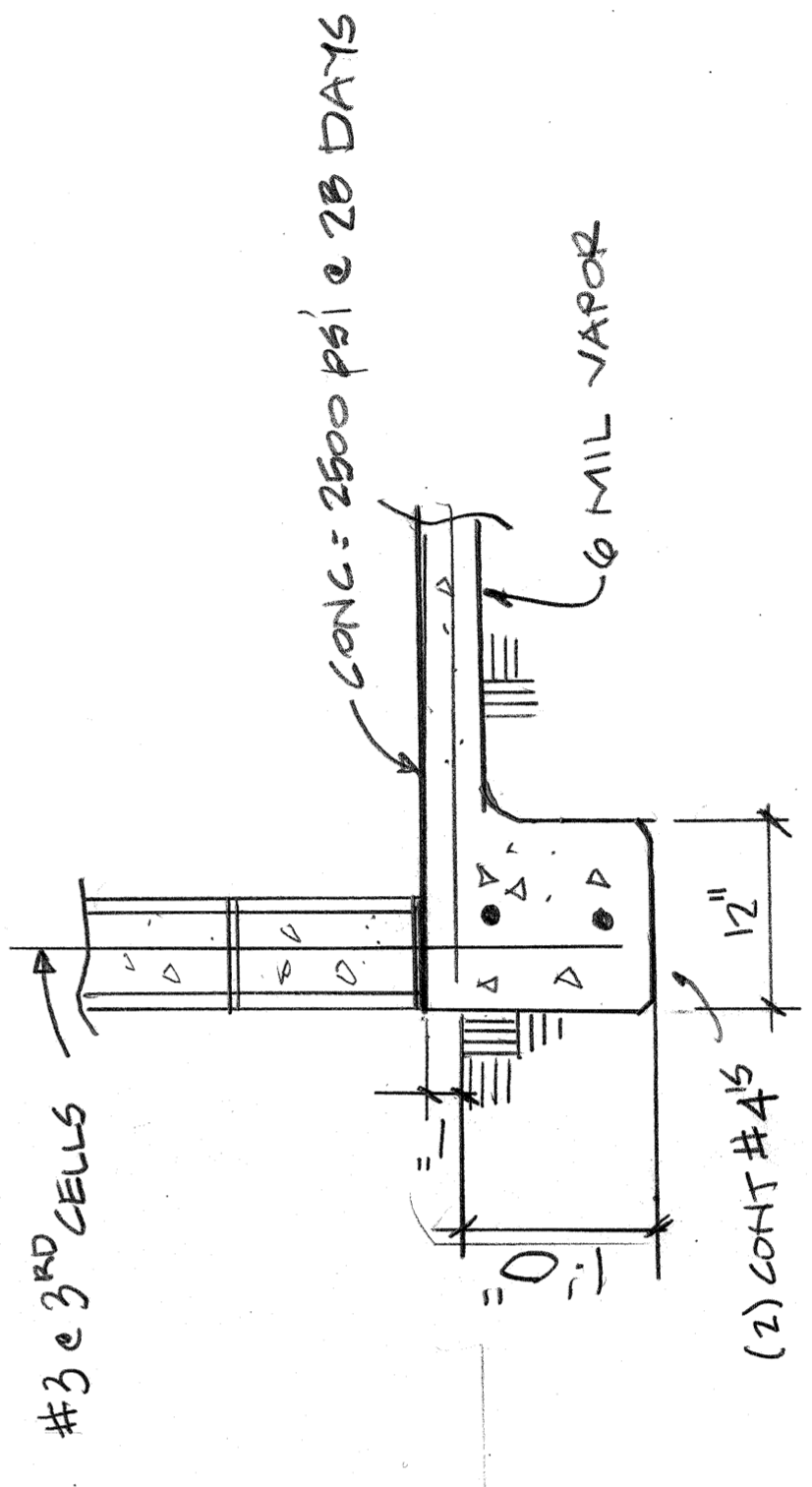
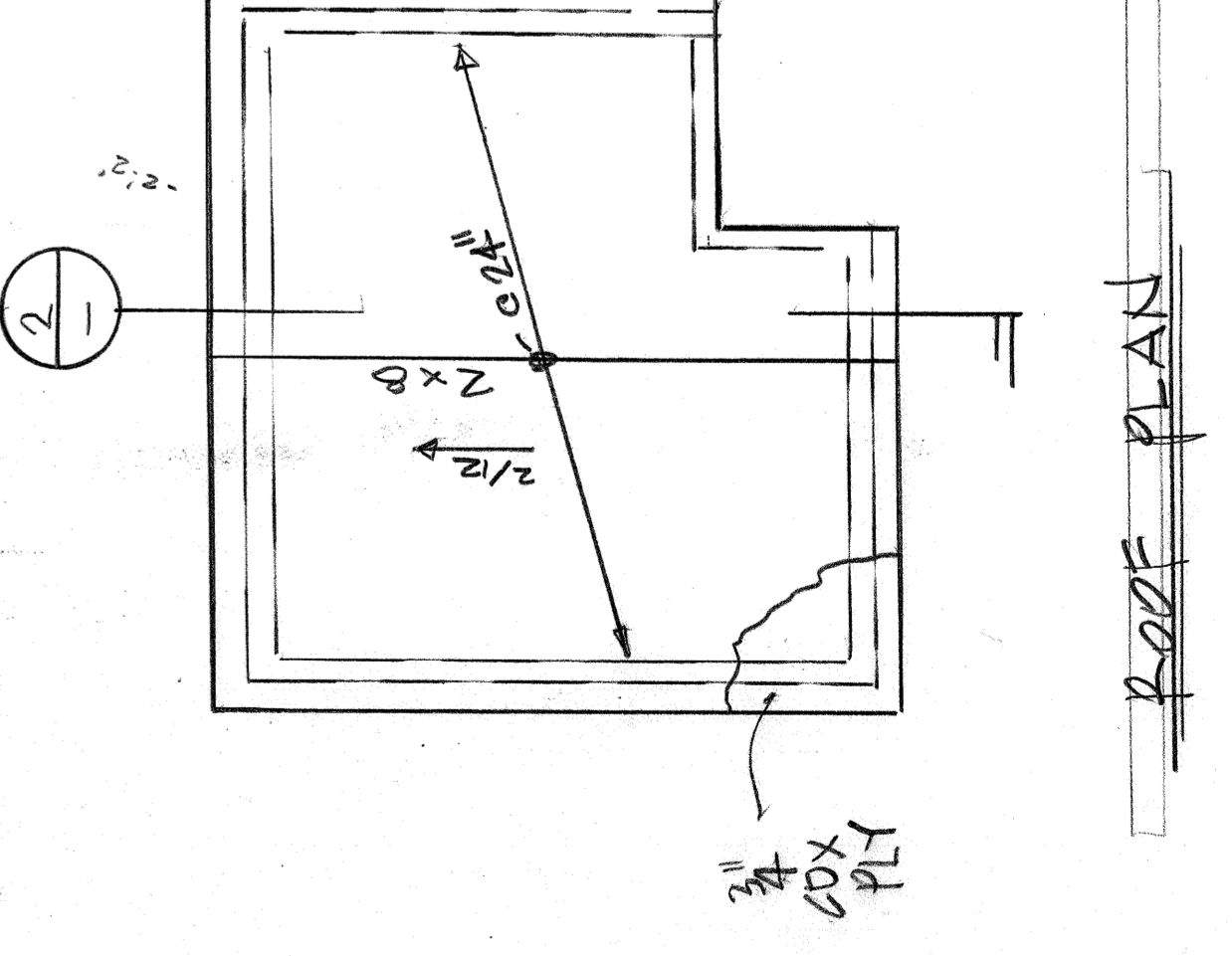


PLAN OF TRASH ENCLOSURE

PLAN NORTH



FOUNDATION/SLAB PLAN



ATTACHMENT C

Project Description

Project description

Changing the zoning from a restaurant to a small market in a restaurant. No alcohol beverages. Just food

Hours of operation:

7 days a week

Market: 8:00 AM to 10:00 PM

Restaurant: 10:00 AM to 8:00 PM.

ATTACHMENT D

**Contra Costa County Fire Protection District (CCFPD)
Comment Letter**

Contra Costa County



Fire Protection District

January 19th, 2022

Jose Cortez
Community Development Department
200 H Street
Antioch, CA 94509

Subject: La Princesa Market
1721 Alhambra Drive, Antioch
File # UP-21-18
CCCFPD Project No.: P-2022-015922

Dear Mr. Cortez:

We have reviewed the use permit application to establish a grocery store with an attached restaurant in an existing building at the subject location. The following is required for Fire District approval in accordance with the 2019 California Fire Code (CFC), the 2019 California Building Code (CBC), and Local and County Ordinances and adopted standards:

1. The owner/contractor shall submit a minimum of two (2) complete sets of building plans and specifications of the subject project to the Fire District for review and approval **prior to** construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (107) CBC
2. Submit plans to Contra Costa County Fire Protection District at the address below.
3. Changes of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code. (§102.3) CFC

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "SB".

Sofia Bach
Fire Inspector I

File: 1721 ALHAMBRA DRIVE – PLN – P-2022-015922

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Boulevard, Suite 100
Concord, California 94520
Ph (925) 608-5500
Fax (925) 608-5502
www.cchealth.org/eh/

January 19, 2022

City of Antioch
Planning Division
Attn: Jose Cortez
P.O. Box 5007
Antioch, CA 94531

RECEIVED

JAN 25 2022

**CITY OF ANTIOCH
COMMUNITY DEVELOPMENT**

RE: UP-21-18 – Land Use Application For La Princesa Market
1721 Alhambra Drive, Antioch, CA
APN: 065-235-023
Service Request #: SR0018487

Dear Mr. Cortez:

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. The following are our comments [if the project is served by public sewer and public water]:

1. A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) must be destroyed under permit from CCEH. If the existence of such wells are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.
3. It is recommended that the project be served by public sewer and public water.
4. A health permit is required for retail food facilities. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students).
5. Plans must be submitted to CCEH and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEH staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.



6. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.
7. All retail food facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.
8. Substantial construction and demolition (C & D) waste could result from this project. Hazardous construction and demolition materials should be separated from those that can be recycled or disposed.
9. Non-source-separated waste materials must not be brought back to the contractor's yard unless the facility has the appropriate solid waste permit or EA Notification.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 608-5538.

Sincerely,



W. Eric Fung, REHS
Environmental Health Specialist II

cc: Veronica Burell, Contra Costa Environmental Health

WEF:ap

ATTACHMENT E

Contra Costa County Environmental Health Comment Letter

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Boulevard, Suite 100
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Ph (925) 608-5500
Fax (925) 608-5502
www.cchealth.org/eh/

January 19, 2022

City of Antioch
Planning Division
Attn: Jose Cortez
P.O. Box 5007
Antioch, CA 94531

RECEIVED

JAN 25 2022

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Sincerely,



W. Eric Fung, REHS
Environmental Health Specialist II

cc: Veronica Burell, Contra Costa Environmental Health

WEF:ap