

**PLANNING COMMISSION
RESOLUTION # 2023-08**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT FOR THE SOMERSVILLE PLAZA LIQUOR STORE AT 2651
SOMERSVILLE ROAD, SUITE D
(UP-22-17)
(APN: 076-432-025)**

WHEREAS, the City of Antioch received an application from Gurmej Singh, for approval of a Use Permit for the operation of a liquor store with a type 21-Off-Sale General Alcoholic Beverage Control License at 2651 Somersville Road, Suite D (UP-22-17) (APN: 076-432-025);

WHEREAS, the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15332 Infill Development. Class 32 consists of projects characterized as in-fill development;

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on February 2, 2023 for the Planning Commission public hearing held on February 15, 2023;

WHEREAS, on February 15, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and documentary; and

WHEREAS, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission hereby make the following findings for approval of the requested Use Permit pursuant to Section 9-5.2703 "Required Findings" (B) (1) (a-e) of the Antioch Municipal Code:

- a. That 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.

Finding: The project has been designed to comply with the City of Antioch Municipal Code requirements. Operational conditions such as storing cardboard waste and leaving windows uncovered, will minimize impacts. Based upon the conditions imposed, the liquor store will not be detrimental to the public health or welfare or injurious to the property.

- b. That the use applied at the location indicated is properly one for which a use permit is authorized.

Finding: The property is Zoned C-3 "Regional Commercial District." The zoning district allows liquor stores with a use permit.

- c. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required.

Finding: The project is located in a retail commercial center with a parking lot to serve customers. Other retail stores operate at the center without issue.

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

Finding: The project site is located on Somersville Road, a major arterial. The existing road will support traffic generated from the use. The commercial center includes a one-way in driveway and a second two-way directional driveway.

- e. That the granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are consistent with the General Plan.

Finding: The General Plan designation for project site is because the project is consistent with the General Plan land use designation of Regional Commercial within the Western Antioch Commercial Focus Area.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** a Use Permit for the operation of a liquor store with a type 21-Off-Sale General Alcoholic Beverage Control License at 2651 Somersville Road, Suite D (UP-22-17) (APN: 076-432-025); subject to the Conditions of Approval contained in Exhibit A.

* * * * *


I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 15th day of February 2023 by following vote:

AYES: Gutilla, Martin, Motts, Schneiderman

NOES: Hills, Lutz, Riley

ABSTAIN:

ABSENT:


Forrest Ebbs (Feb 15, 2023 21:07 PST)

FORREST EBBS
Secretary to the Planning Commission

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

FINAL

General Conditions		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	Project Approval. This Use Permit approval is for 2651 Somerville Road Suite D (APN: 076-432-025), as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans date received October 12, 2022 and November 17, 2022, as presented to the Planning Commission on February 15, 2023 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Antioch	On-Going	Planning Department	
2.	Project Approval Expiration. This Use Permit approval expires on February 15, 2025 (two years from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval for up to two additional years from the expiration date.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

3.	<p>City Fees. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.</p> <p><i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i></p>	City of Antioch	On-Going	Community Development Department	
4.	<p>Pass-Through Fees. The developer shall pay all pass-through fees. Fees include but are not limited to: East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance. Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). Contra Costa County Flood Control District Drainage Area fee. School Impact Fees. Delta Diablo Sanitation Sewer Fees. Contra Costa Water District Fees.</p>	City of Antioch	On-Going	Community Development Department	
5.	<p>Appeals. Pursuant to Section 9-5.2705 of the Antioch Municipal Code, any decision made by the Zoning Administrator which would otherwise constitute final approval or denial may be appealed to the Planning Commission. Such appeal shall be in writing and shall be filed with the Community Development Director within five (5) working days after the decision. All appeals to the Planning Commission from the Zoning Administrator shall be accompanied by a filing fee established by a resolution of the City</p>	City of Antioch	Within 5 Days of Zoning Administrator Action	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

	Clerk.				
6.	Requirement for Building Permit. Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.	City of Antioch	On-Going	Building Department	
7.	Modifications to Approved Plans. The project shall be implemented as approved and with any additional changes required pursuant to the Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.	City of Antioch	On-Going	Planning Department	
8.	Hold Harmless Agreement/Indemnification. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Antioch and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

At the Time of Construction		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
9.	Collection of Construction Debris. Gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	City of Antioch	On-Going	Building Department	
10.	Construction Hours. Construction activity shall be as outlined in in the Antioch Municipal Code. Construction activity is limited to 8:00 AM to 5:00 PM Monday-Friday or as approved in writing by the City Manager. Requests for alternative construction hours shall be submitted in writing to the City Engineer. days/times restricted to the hours of 8:00 a.m. to 6:00 p.m.	City of Antioch	On-Going	Building Department/ Public Works Department	
11.	Demolition, Debris, Recycling. The project shall be in compliance with and supply all the necessary documentation for Antioch Municipal Code § 6-3.2: Construction and Demolition Debris Recycling.	City of Antioch	On-Going	Building Department/ Public Works Department	

	Fire Standards	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
12.	The applicant shall comply with the Contra Costa County Fire Protection District requirements in the letter dated December 16, 2022.	Contra Costa Fire Protection District	On-Going	Contra Costa Fire Protection District	

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

13.	Debris Removal. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.	City of Antioch	On-Going	Building Department/ Public Works Department	
	Prior to Issuance of Occupancy Permit	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
14.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Antioch	Prior to Occupancy Permit	Planning Department	
15.	Debris Removal. All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	City of Antioch	Prior to Occupancy Permit	Building Department	
16.	Fire Prevention. A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	Contra Costa County Fire District	Prior to Occupancy Permit	Fire Department	
	Project Specific Conditions	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
17.	Hours of Operation. Hours of operation shall be 7 AM – 12 AM 10 PM , seven (7) days a week. Any request to modify the hours of operation shall be subject to Zoning Administrator approval. <i>(Per Planning Commission review 2/15/23)</i>	City of Antioch	On-Going	Planning Division	

EXHIBIT A: CONDITIONS OF APPROVAL “Somersville Plaza Liquor Store” 2615 Somersville Road, Suite D (UP-22-17)

18.	Contra Costa Environmental Health. The applicant shall comply with the Contra Costa County Environmental Health requirements in the email and letter dated December 14, 2022.	Contra Costa Environmental Health	On-Going	Contra Costa Environmental Health	
19.	Requirement for Trash Enclosure. The applicant shall provide a trash enclosure consistent with the requirements of Contra Costa Environmental Health and the City of Antioch Municipal Code. Enclosure details shall be included on the building permit submittal for the project.	Contra Costa Environmental Health	At the Time of Building Permit Submittal	Community Development Department	
20.	Revocation. Pursuant to Section 9-5.2707.1 “Violation, Revocation, Fine” of the Antioch Municipal Code, if there is a violation of the Conditions of Approval, the Planning Commission shall hold a public hearing to consider revocation of the Conditional Use Permit. If the Planning Commission determines that the operation is not in compliance with the Conditions of Approval, there is a public nuisance or otherwise a threat to public health, safety, or welfare, this may result in revocation of or modification to the Use Permit or imposition of a fine.	City of Antioch	On-Going	Community Development Department	
21.	Tobacco Sales Prohibited. In accordance with the City of Antioch Municipal Code Section 9-5.3843, tobacco products and drug paraphernalia are prohibited from being sold.	City of Antioch	On-Going	Community Development Department	
22.	Temporary Signs. Temporary signs, banners, commercial flags, and similar devices are prohibited, except as individually approved by the Community Development Department.	City of Antioch	On-Going	Community Development Department	
23.	Window Signage. Windows signage (including open/closed signs and business hour signs) shall occupy less than 25% of the windows. Windows shall remain un-tinted to allow law enforcement personnel to have a clear and unobstructed view of the interior of the store.	City of Antioch	On-Going	Community Development Department	
24.	Alcohol Sales. The following conditions apply to the sale of alcohol at the site: a. Containers of beer may only be sold in packages of three or more.	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL “Somerville Plaza Liquor Store” 2615 Somerville Road, Suite D (UP-22-17)

	<p>b. Wine shall only be sold in units of 750 ml or greater.</p> <p>c. Liquor shall only be sold in units of a half pint or greater.</p> <p>d. Alcohol sales floor area shall be limited to a maximum of 25% of overall floor area. (Per Planning Commission review 2/15/23)</p>				
25.	<p>Cardboard Storage. The operator shall store all cardboard and other refuse entirely within the trash dumpsters or within the store.</p>	City of Antioch	On-Going	Community Development Department	
26.	<p>Surveillance Cameras. Security surveillance cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of the store. Cameras shall remain active at all times and be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for a minimum of sixty (60) days.</p>	City of Antioch	On-Going	Community Development Department	
SP-1	.				






Resolution 2023-08 UP-22-17 Somersville Liquor Store

Final Audit Report

2023-02-16

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