

**CITY OF ANTIOCH ZONING ADMINISTRATOR  
RESOLUTION NO. 2023-03**

**RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR  
APPROVING A USE PERMIT (UP2023-0007) FOR A LIQUOR STORE AT 2665  
SOMERSVILLE ROAD (APN 074-432-025).**

**WHEREAS**, the City of Antioch received an application 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 2665 Somersville Road (UP2023-0007) (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 for the Zoning Administrator public hearing held on December 14, 2023;

**WHEREAS**, on December 14, 2023, the Zoning Administrator duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and documentary; and

**WHEREAS**, the Zoning Administrator 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 Zoning Administrator 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. Additionally, this is a relocation of an existing liquor store in the vicinity and will not be increasing the number of liquor stores or Type-21 ABC Licenses in the area. 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 Zoning Administrator 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 2665 Somersville Road, (UP2023-0007) (APN: 076-432-025); 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 of Antioch 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 December 14, 2025), unless a building permit has been approved and construction has diligently commenced, or 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 operation of a Liquor Store at 2665 Somersville Road, and as depicted on the project plans and materials submitted to the City of Antioch on October 18, 2023.
2. The hours of operation for the convenience store shall be from 8:00 AM – 11:00 PM seven days a week. Any request to modify the hours of operation shall be subject to Zoning Administrator approval.
3. 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.
4. The project is subject to City of Antioch Municipal Code Section 9-5.3843, regulating the sale of tobacco products and drug paraphernalia.
5. Temporary signs, banners, commercial flags, and similar devices are prohibited, except as individually approved by the Community Development Department.
6. 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.
7. The operator shall store all cardboard and other refuse entirely within the trash dumpsters or within the store.
8. 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.
9. 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.

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**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 14th day of December 2023.

*Kevin Scudero*

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**KEVIN SCUDERO  
ZONING ADMINISTRATOR**






# 2023-03\_Black Diamond Market

Final Audit Report

2024-01-23

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