

**STAFF REPORT TO THE ZONING ADMINISTRATOR  
FOR CONSIDERATION AT THE MEETING OF JANUARY 11, 2024**

**Prepared by:** Samina Merchant, Interwest Consultant

**Approved by:** Zoe Merideth, Acting Planning Manager

**Date:** January 11, 2024

**Subject:** Food Mart at 76 Station Type 21 ABC License (UP2023-0009)

**RECOMMENDATION**

It is recommended that the Zoning Administrator **APPROVE** a use permit for a Type 21 off-sale general Alcoholic Beverage Control (ABC) license at the existing food mart at 76 Gas Station on 4649 Golf Course Road, subject to the conditions outlined in the attached resolution.

**REQUEST**

Mohan S. Rai and Rajnesh Singh, GC GAS, INC requests approval of a use permit for a Type 21 off-sale general ABC license to allow the sale of beer, wine, and distilled spirits at the Food Mart at 76 Station. The store currently has a Type 20 off-sale beer and wine ABC license. The subject property is located at 4649 Golf Course Road (APN 072-012-113).



## **ENVIRONMENTAL**

This project is Categorically Exempt from the provisions of CEQA, pursuant to Article 19, Section 15301 – Existing Facilities. This section of CEQA exempts projects that:

- Consist of the operation of existing public or private structures.
- Involve negligible or no expansion of an existing use beyond that existing at the time of the lead agency determination.

## **ANALYSIS**

### **Issue #1: Project Overview**

The applicants, Mohan S. Rai and Rajnesh Singh are the owners of the food mart at 76 Gas Station and the owner of the subject property. The store is an existing convenience store that sells groceries, household goods, snacks, tobacco products, and beer and wine. The store currently has a Type 20 off-sale beer and wine ABC license that allows the sale of beer and wine for off-site consumption. The applicant is requesting a use permit in order to obtain a Type 21 off-sale general ABC license, which allows the sale of distilled spirits in addition to beer and wine.

The applicant's project description is provided as Attachment "B".

The property is within the Convenience Commercial Land Use designation of the General Plan and zoned Planned Development District (P-D). The project's master use list requires that the uses permitted in the C-2, Neighborhood/Community Commercial District be allowed. The C-2 district requires liquor establishments to obtain a Use Permit.

### **Issue #2: ABC License Request**

Currently, the food Mart sells alcohol but does not have a use permit. The project's master use list requires that the uses permitted in the C-2, Neighborhood/Community Commercial District be allowed. The C-2 district requires liquor establishments to obtain a Use Permit per Antioch Municipal Code § 9-5.3803 Table of Land Use Regulations. A search of ABC records confirms that the first recorded ABC license for the subject location was granted in 2005, which is consistent with when the building was constructed.

As the business owner is now requesting to expand upon the existing use by also selling distilled spirits, a Use Permit is required per the Antioch Municipal Code. Antioch Municipal Code § 9-5.3831 Liquor Establishments places limits on the locations liquor establishments, including convenience stores selling alcohol. The section limits the location of alcohol establishments within a radius of 500 feet from any other alcohol establishment, school, public park, playground, recreational center, day care center, or similar use. The subject property is not within 500 feet of any of these uses and meets the requirements of the Antioch Municipal Code.

The applicant has held the current Type 20 license since July 2023, according to ABC records. There are no reported disciplinary actions or operating restrictions reported on the current ABC license.

**Issue #3: Tobacco Sales**

The City of Antioch Municipal Code § 9-5.3843 Tobacco and Paraphernalia Retailers prohibits tobacco retailers within the City under most circumstances. § 9-5.3843(D) allows tobacco retailers lawfully established and operating prior to the effective date of the section, September 2017, to continue to operate as nonconforming uses. The food mart at 76 Gas Station sold tobacco products prior to 2017 and may continue to sell tobacco products as a legal, nonconforming use.

**ATTACHMENTS**

- A. Resolution
- B. Applicant's Project Description

## ATTACHMENT "A"

### CITY OF ANTIOCH ZONING ADMINISTRATOR RESOLUTION NO. 2024-\*\*

#### RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR APPROVING A USE PERMIT (UP2023-0009) FOR TYPE 21 OFF-SALE GENERAL ABC LICENSE AT 4649 GOLF COURSE ROAD

**WHEREAS**, Mohan S. Rai and Rajnesh Singh requests approval of a use permit for a Type 21 off-sale general ABC license to allow the sale of beer, wine, and distilled spirits at Food Mart at 76 gas station, located at 4649 Golf Course Road (APN 072-012-113);

**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 January 11, 2024, duly held a public hearing and received and considered evidence, both oral and documentary; and,

**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 ABC license Type 20 to Type 21 off-sale ABC license 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 Planned Development District (P-D). The project's master use list requires that the uses permitted in the C-2, Neighborhood/Community Commercial District be allowed. The C-2 district requires liquor establishments to obtain a Use Permit.

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 liquor store will take place in an existing commercial building that is used for a liquor store that sells beer and wine only. The proposed sale of liquor will not affect the parking at the site, which is sufficient for the use.

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 at the intersection of Golf Course Road and Lone Tree Way, which is 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 Convenience 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** UP2023-0009, for a Type 21 off-sale general ABC license to allow the sale of beer, wine, and distilled spirits at the existing food mart at 76 Gas Station on 4649 Golf Course Road (APN 072-012-113), subject to the following conditions:

**A. GENERAL CONDITIONS**

1. The project shall comply with the Antioch Municipal Code. All construction and improvements 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 January 11, 2026), 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.

**C. FEES**

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

**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 REQUIREMENTS**

1. The use permit approval allows for a Type 21 ABC license at 4649 Golf Course Road.
2. The operator shall store all cardboard and other refuse entirely within the recycling dumpsters or within the store.
3. All temporary signage shall comply with section § 9-5.508 of the Antioch Municipal Code. Any temporary or moveable signs shall be removed from in front of the business.
4. 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.

\* \* \* \* \*

**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 11th day of January 2024.

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**KEVIN SCUDERO**  
**ZONING ADMINISTRATOR**

**ATTACHMENT "B"**



GC GAS INC dba **Golf Course 76**

4649 Golf Course Rd, Antioch CA 94531

Owners Authorization:-

**City of Antioch** for Minor Use Permit Application

A handwritten signature in black ink, appearing to read 'Mohan S. Rai'.

Mohan S. Rai

916-759-8601

[Ray729@comcast.net](mailto:Ray729@comcast.net)

A handwritten signature in black ink, appearing to read 'Rajnesh Singh'.

Rajnesh Singh

916-805-9902

[Raj1mtg@yahoo.com](mailto:Raj1mtg@yahoo.com)

We are converting our existing beer & wine license to liquor license

We have already installed the shelving for where the liquor will be displayed