

AGENDA

CITY OF ANTIOCH ZONING ADMINISTRATOR

**THURSDAY, JANUARY 23, 2020
3:00 P.M.**

REGULAR MEETING

**CITY HALL SECOND FLOOR CONFERENCE ROOM
200 "H" STREET**

APPEAL

All items that can be appealed under Section 9-5.2705 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 PM on **THURSDAY, JANUARY 30, 2020**.

PUBLIC COMMENTS

NEW PUBLIC HEARING

1. **UP-19-09, AR-19-24 – Baby Yale Academy** – Lita Reeves requests a Use Permit and Design Review to occupy an existing 14,000 square foot building in Delta Fair Shopping Center with a 123 student day care and a 4,728 +/- square foot religious assembly. A new gated playground is proposed to be constructed at the rear of the building. This project has been determined to be exempt from the California Environmental Quality Act (CEQA). The project is located at 2710 Delta Fair Blvd (**APN 076-440-031**).

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Zoning Administrator. For almost every agenda item, materials have been prepared by the City staff for the Zoning Administrator's consideration. These materials include staff reports which explain in detail the item before the Zoning Administrator and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these

materials are available at the Community Development Department located on the 2nd floor of City Hall, 200 “H” Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee) or on our website at:

<https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>.

Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

**STAFF REPORT TO THE ZONING ADMINISTRATOR
FOR CONSIDERATION AT THE MEETING OF JANUARY 23, 2020**

Prepared by: Zoe Merideth, Associate Planner *zm*

Approved by: Alexis Morris, Planning Manager *AM*

Date: January 17, 2020

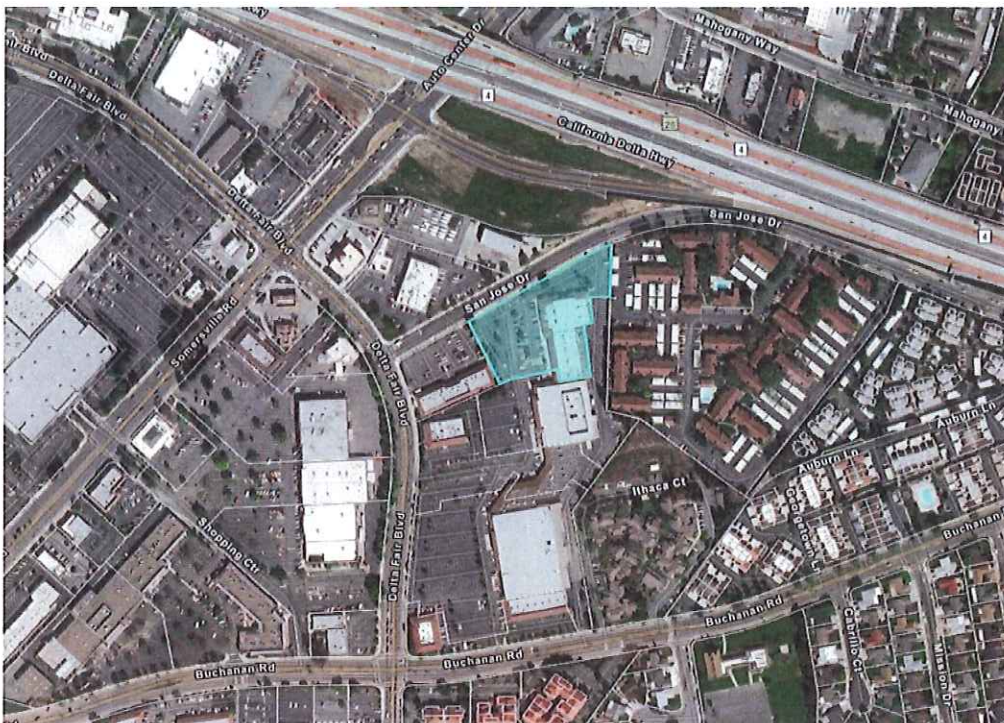
Subject: Baby Yale Academy - UP-19-09, AR-19-24

RECOMMENDATION

It is recommended that the Zoning Administrator **APPROVE** a use permit and design review application allowing a day care and religious assembly at 2710 Delta Fair Boulevard, subject to the conditions contained in the attached resolution.

REQUEST

Lita Reeves requests a Use Permit and Design Review to occupy an existing 14,000 square foot tenant space in Delta Fair Shopping Center with a 123-student day care and a 4,728 +/- square foot religious assembly. A new gated playground is proposed to be constructed at the rear and north side of the building. The subject property is located at 2710 Delta Fair Boulevard (APN 076-440-031).



ENVIRONMENTAL

This project is Categorically Exempt from the provisions of CEQA, pursuant to 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 applicant proposes to operate a day care for up to 123 students and a 4,728 +/- square foot religious assembly in an existing 14,000 +/- square foot commercial tenant space at Delta Fair Shopping Center.

The day care use will serve as a preschool/day care and provide additional before and after school care. The program provides an educational and enriching day care program. The proposed hours of operation are 6:00 am to 6:30 pm Monday through Friday. If demand increases, the day care would eventually open Saturday and Sunday as well. The day care is open year-around.

In addition to the day care use, the applicant is also proposing to use part of the tenant space for religious assembly. Services are planned for Sunday, with Bible study planned for Wednesday. As a community service, food and clothing outreach will occur on Tuesday and Saturday. Recommended conditions of approval have been added to regulate this activity, limiting the hours of operation from 8am to 5pm, requiring all activities to occur indoors, and requiring litter pick-up. A recommended condition of approval has also been added to ensure all food preparation and packaging meets the requirements of Contra Costa County Environmental Health.

The applicant is proposing to build 11 classrooms totaling 4,315 +/- square feet, offices, and bathrooms around a centrally located 4,728 +/- square foot assembly area. The assembly area will have a stage and be accessed from a lobby at the front of the tenant space. The religious assembly use would use this assembly area, but the day care could use the space as well.

The applicant is also proposing to build a playground at the rear and north side of the building. The playground will remove some existing landscaping area, loading area, and two parking spaces at the rear of the building to accommodate the playground. In order to construct a level and even playground, a recommended condition of approval has been added that the area be demolished and replaced with a level surface. The existing freeway sign on the north side of the building will remain and the playground will wrap around the sign on two sides. The entire playground will be fenced with four to six-foot-tall fencing. At the rear of the building, an existing wrought iron fence and gate is located where part of the playground is planned to be located. A recommended condition of

approval has been added to move and replace the existing fence and gate, like for like, to accommodate the new playground. A recommended condition of approval has been added that an elevation of the fencing must be provided on the building permit plans and may not be chain link, mini-mesh, or fabric covered.

Issue #2: Parking and Circulation

Antioch Municipal Code § 9-5.1703.1 requires day cares to provide one space per employee on the largest shift plus one space per eight children. Based on the applicant's project description, 25 staff members will be needed. Additionally, in order to meet the parking requirement for day cares to provide one additional parking space per eight children, an additional 16 spaces would need to be provided for the 123 students. In total, 41 parking spaces are needed for the day care use.

Antioch Municipal Code § 9-5.1703.1 requires assembly uses without fixed seats, such as pews, to provide one parking space per 50 square feet of assembly area. The proposed assembly area is 4,728 +/- square feet, which equates to 95 needed parking spaces.

If both proposed uses were to be at capacity at the same time, a total of 136 parking spaces would be required. While some overlap of operating hours is proposed, it is unlikely that both uses would be at maximum parking capacity at once. Nevertheless, the parking lot has 146 parking spaces immediately around the tenant space, which would accommodate both uses at once and would not create a parking shortage at the center.

The front of the tenant space is located near a driveway serving the shopping center. Parking spaces are available in front of the tenant space. In order to facilitate pick-up and drop-off of the day care, staff has added a recommended conditional of approval that requires day care employees to park on the north side and rear of the tenant space, which leaves the parking at the front of the tenant space available for pick-up and drop-off.

ATTACHMENTS

- A. Resolution
- B. Applicants' Project Description

ATTACHMENT “A”

**CITY OF ANTIOCH ZONING ADMINISTRATOR
RESOLUTION NO. 2020-****

**RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR
APPROVING A USE PERMIT AND DESIGN REVIEW (UP-19-09, AR-19-24) FOR A
DAY CARE AND RELIGIOUS ASSEMBLY LOCATED AT 2710 DELTA FAIR
BOULEVARD (APN 076-440-031)**

WHEREAS, Lita Reeves requests approval of a use permit and design review to operate a day care and religious assembly. The subject property is located 2710 Delta Fair Boulevard (APN 076-440-031).

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301; and,

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

WHEREAS, the Zoning Administrator on January 23, 2020, 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 day care and assembly use 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 Regional Commercial (C-3). The City of Antioch Municipal Code allows day cares and assembly uses with the approval of a use permit in the Regional 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 use will take place in an existing commercial building and will not require any alterations to the site, besides adding a playground at the rear of the building. Based on the conditions imposed, the project site provides sufficient off-street parking.

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 Delta Fair Boulevard, 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 Regional Commercial and is located in an existing retail center.

NOW THEREFORE BE IT RESOLVED, the Zoning Administrator of the City of Antioch does hereby **APPROVE** UP-19-09, AR-19-24, to allow a day care and religious assembly use at 2710 Delta Fair Boulevard (APN 076-440-031), 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 January 23, 2022), 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. FIRE REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met, including the comments provided in the District's letter dated December 20, 2019:

- a. Access as shown on Sheets 1 appears to comply with Fire District requirements.

Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC

- b. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with words NO PARKING – FIRE LANE clearly marked. (22500.1) CVC, (503.3.) CFC

Access roadways of 28 feet or greater, but less than 36 feet unobstructed width shall have NO PARKING – FIRE LANE signs posted, allowing for parking on one side only or curbs painted red with the words NO PARKING – FIRE LANE clearly marked. (22500.1) CVC, (503.3.) CFC

- c. 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
- d. Submit at least two sets of architectural drawings to the Fire District for review and pay the associated fees.
- e. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be

equipped with a Knox Company key operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key-operated switch. (D103.5) CFC

- f. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
- g. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating all existing or proposed hydrant locations, fire apparatus access, elevations of building, size of building and type of construction and a striping and signage plan for review and approval prior to obtaining a building permit. This is a separate submittal to the Fire District to be approved prior to construction plan submittal. Final placement of hydrants shall be determined by this office.

This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

- h. The buildings as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, Contra Costa County Ordinance 2016-23
- i. The developer shall submit a minimum of two (2) complete sets of plans and specifications of the subject project, including plans for any of the following required deferred submittals, 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, (901.2) CFC, (107) CBC
 - Building construction plans
 - Fire sprinklers
 - Fire alarm
 - Commercial kitchen hood extinguishing systems
 - Provide safety during construction. (Ch. 33) CFC

C. FEES

- 1. The applicant shall pay all fees as required by the City Council.
- 2. The applicant shall pay all required fees at the time of building permit issuance.

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 applies to a day care with a maximum of 123 students and a religious assembly use occupying 4,728 +/- square feet. Approval of a supplemental use permit shall be required to serve more than 123 students.
2. The building permit plans shall show elevations of the playground fencing.
3. Fencing shall not be chain link, mini-mesh, or fabric covered.
4. The existing wrought iron fence and gate at the rear of the tenant space shall be relocated out of the proposed playground and replaced like for like. Any parking spaces that abut new the fence shall be striped "No Parking".
5. The area occupying the playground shall be demolished and replaced with a level, even playground surface prior to issuance of certificate of occupancy for the building.
6. All day care employees shall park at the rear and north side of the tenant space and allow the parking at the front of the tenant space to remain available for pick-up and drop-off.
7. Hours of operation for the clothing and food outreach shall be from 8:00 am to 5:00 pm, every day.
8. Any food prepared, cooked, packaged, or served shall meet all the requirements of Contra Costa County Environmental Health.
9. All food and clothing outreach shall occur within the building. No items may be stored or placed for donation outside of the building.
10. No customers shall be permitted to loiter or congregate outside of the building.
11. All customers waiting to receive food or clothing shall wait inside of the building. Customers may not line up outside of the building.

12. The operator shall be responsible for litter control and sweeping of all paved surfaces, including sidewalks and the parking lot, to prevent the accumulation of litter and debris. If pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system.

* * * * *

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 23rd day of January, 2020.

FORREST EBBS
ZONING ADMINISTRATOR

ATTACHMENT “B”

Project Description: Dual Use – School and Church - Daycare/Preschool – Baby Yale Academy See Page 2 for information on Church

Baby Yale Academy is a preschool/daycare offering educational, enrichment, childcare programs and a transportation program used for providing before and after school care. Our goal is to provide a beneficial service to the community while preparing students for their next steps toward higher learning. We are open year-round, offering sensible hours of operations, that supports the working community in having a safe and secure place for their children to thrive. Baby Yale Academy aids low-income families by providing free or low-cost care to those families who meet the guidelines. Our policies prohibit discriminating on the basis of race, color, national origin, sex, age and disability.

We accept students from age 6-weeks through 12 years old. We currently have 3 schools in Brentwood, 1 to open in Oakland around December 2019 and Delta Fair (this location) with an anticipated opening date of January 2020.

Project Location:

2710 Delta Fair, Suite A, Antioch, CA

Days of Service:

Monday through Friday initially, and eventually Saturday and Sunday upon demand. The School is year-round.

Hours of Operation:

6:00 am to 6:30 pm. On occasion, the School may provide a service to the parents where the school is open for additional hours to allow the parents the opportunity to have free time, at no additional costs, for Parent Appreciation or Parents Night Out for example.

Type of Business:

Education

Number of Employees:

Under 50 at full capacity

Required Parking:

Project Description: Dual Use Church and School - The City of the Lord Zion

The City of the Lord Zion Church will mainly have separate areas from the school. Although, there will be common areas such as the staff bathrooms, kitchen area, lounge areas, conference rooms, etc., that will be shared by both groups. The City of the Lord Zion Church exist to help people who need assistance and to help people grow closer to God and one another. We provide food from the food banks and local suppliers. We provide gently used clothing for children, youth and adults. At our church, our doors are open to people of all backgrounds, regardless of where they are on their spiritual journey. You do not need to be a member of our church to participate in any of the events we provide for the community. Our guidelines and rules prohibit from discriminating on the basis of race, color, national origin, sex, age, disability. We are a non-profit organization.

Project Location:

2710 Delta Fair, Suite B, Antioch, CA

Days of Service:

Church Services are on Sunday. Bible Study on Wednesday. Food and Clothing Outreach: Tuesday and Saturday. May be open other days of the weeks for special events or programs. Open Year-round.

Hours of Operation:

Hours of operation varies depending on the type of event. Events can be in the day and/or night.

Type of Business:

Church

Number of Employees:

Under 10, but could increase as the membership grows.

Required Parking:

What is currently allotted is sufficient. We will not need additional parking.

10/4/19

Incomplete letter dated August 28, 2019

RECEIVED

OCT 09 2019

Project Description:

How many will attend Church services
- See site plan

Maximum # of children at the facility.
- This is ultimately determined by Community Care license, but an estimate is based on 35 square feet per child and we are proposing $4,315 \text{ SF} = 123 \pm$ students

Precise parking for employees: 25 parking spaces.
See site plan

Project Plans

- Parking Spaces available for the business
- See site plan.

- Landscape plan

- We do not plan on changing what is already there.
- The playground will not include plants.
- There is no need for a planting plan as no landscaping will occur as part of the playground.

- Fencing

- Licensing requires 4 to 6 feet of fencing. We will have 6 feet of fencing with 2 exits.

Playground

- Will run along the side of the building in the back. Will not be where the freeway sign is located. The children will be able to exit from the building directly into the fenced area of the playground. It will not interfere with any trucks coming to load/unload in the back of the other potential stores.

Parking

Although, the total parking for the project is 140 parking spaces. The School and Church will most likely be there at the same time as the Center closes at 6:00 - 6:30pm and is not open on the weekends.

Playground Equipment

- See attached - drawing

We will make contact with Contra Costa Fire Protection District.
Please give me a call if you have further questions.

Sincerely,

Lita

Lita A. Reeves

925 413-3608 (cell)

925 308-7693 (School,)