



REGULAR MEETING OF THE CITY OF CONCORD ZONING ADMINISTRATOR

9:00 a.m., Wednesday, January 27, 2016
CITY COUNCIL CHAMBERS
1950 Parkside Drive, Concord

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. [Concord Cigarettes at 4471 Clayton Road \(PL15486 – MP\)](#) – Application for a Zoning Administrator Permit (Minor Use Permit) to operate a tobacco store at 4471 Clayton Road. The General Plan designation is Neighborhood Commercial; zoning classification is NC (Neighborhood Commercial); APN 115-420-033. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15301 Class 1 “Existing Facilities,” and therefore no further environmental review is required. **Project Planner: Jessica Gonzalez @ (925) 603-5821.**

ADJOURNMENT

Next Zoning Administrator’s Meeting: February 10, 2016

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3257, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.

DATE: January 27, 2016

SUBJECT: Concord Cigarettes (PL15486-MP)

Recommendation: Adopt Zoning Order No. 16-01, approving a Minor Use Permit for Concord Cigarettes (PL15486-MP).

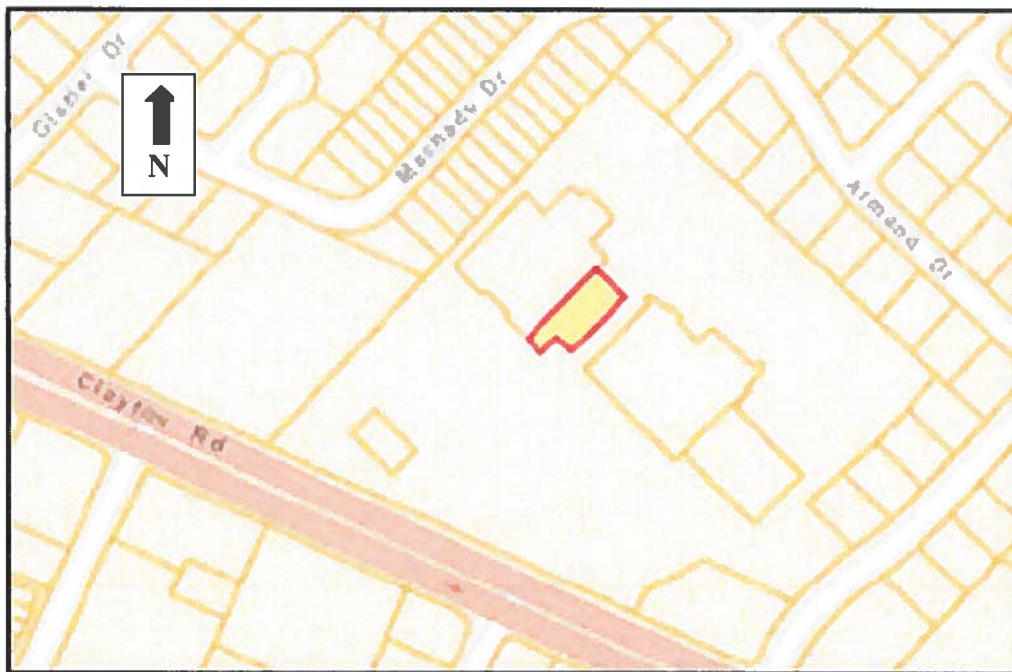
I. Introduction

A. Application Request

Application for a Zoning Administrator Permit (Minor Use Permit) to operate a tobacco store at 4471 Clayton Road.

B. Location

The project site is located at 4471 Clayton Road; APN 115-420-033



C. Applicant

Waleed Fayzi
4471 Clayton Road
Concord, CA 94521
(209) 640-6592

Property Owner

Dianda Enterprises, LLC
1615 Farm Bureau Road
Concord, CA 94519
(925) 685-7705

II. Background

On November 23, 2015, the applicant submitted a Minor Use Permit application (Exhibit B) to operate an existing tobacco store at 4471 Clayton Road, within the Dianda Plaza shopping center. The tobacco store has reportedly operated at 4471 Clayton Road since 2012. The project application was reviewed by staff and deemed incomplete on December 10, 2015.

Planning division staff held a pre-application meeting with the applicant on November 12, 2015 in order to discuss intake requirements and possible concerns with the proposed project. At that meeting, staff informed the applicant of the requirements to obtain a Minor Use Permit. Staff also raised the issue of potential concerns with the proposed project's proximity to abutting residential areas and any nearby schools.

The Planning Division forwarded a neighborhood meeting notice on December 11, 2015 regarding the proposed Minor Use Permit to the surrounding residents and property owners within 300 feet of the property to document any community concerns. The neighborhood meeting was held at the City of Concord Permit Center conference room at 6:00 p.m. on January 7, 2016. The neighborhood meeting was attended by the project applicant and shopping center owner; however no residents or neighborhood property owners attended to discuss any concerns. Nevertheless the City determined a public hearing would be held based on the potentially controversial proposed use.

On January 15th, 2016, the Planning Division forwarded a hearing notice regarding the proposed Minor Use Permit to the surrounding residents and property owners within 300 feet of the property as required by Section §18.500.020. The property was posted with the hearing notice on January 15th, 2016 as well.

III. General Information**A. General Plan**

The General Plan land use designation is Neighborhood Commercial (NC). The designation is intended for neighborhood commercial centers that provide convenience and comparison goods and services to the local community. The maximum FAR is 0.35. Examples include neighborhood shopping centers, supermarkets, dry cleaners, video stores, and small restaurants. The Neighborhood Commercial designation is distributed throughout the City in order to locate commercial services within close proximity to residents.

B. Zoning

The site is located within a neighborhood-oriented commercial shopping center known as Dianda Plaza shopping center, zoned Neighborhood Commercial (NC). Section 18.40.020 of the Development Code requires that a Minor Use Permit be obtained in order to operate a “Retail Sales, Restricted” designated land use in the Neighborhood Commercial (NC) zoning district. Section 18.20.020 designates tobacco stores as a “Retail Sales, Restricted” land use, which are defined as “a retail store that could have a negative economic effect on surrounding retail uses and should be dispersed and properly located to minimize adverse impacts.”

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorical Exempt pursuant to Section 15301 Class 1 “Existing Facilities,” and therefore no further environmental review is required.

D. Site Description

| | | |
|--------------------------------|--|------------------------------|
| Lot Size and Dimensions | 0.18 ± acre property | 1,300 ± sq. ft. tenant space |
| Existing Improvements | Multi-tenant retail commercial center with approximately 570 parking spaces to serve the existing businesses | |
| Topography | The parcel is relatively flat and improved | |
| Existing Vegetation | The property is currently landscaped with typical commercial retail landscaping and irrigation | |

E. Surrounding Land Use

The proposed project is located at 4471 Clayton Road, within the Dianda Plaza shopping center. The project is located within a 1,300 ± square foot tenant space situated in the center of one of the retail buildings toward the northern side of the shopping center site. The entryway of the project tenant space is located to the west of a shared breezeway between the subject property building and a grocery store to the east. There is a shared internal wall abutting several other retail units, so the proposed tobacco store will not have a rear or side exit with direct access to the outside. An ice cream shop and karate center currently operate in the tenant spaces on each side of the proposed tobacco store and share the interior service hallway.

The site is surrounded by the following uses:

| | Land Use | General Plan Designation | Zoning |
|------------------|--|--|---------------|
| Northeast | Single Family Residential | Low Density Residential | RS7 |
| East | Single Family Residential, Neighborhood Commercial | Low Density Residential, Neighborhood Commercial | RS7, NC |

| | | | |
|------------------|---|---|------------|
| South | Residential Medium Density, Neighborhood Commercial, Community Office | Neighborhood Commercial, Medium Density Residential, Community Office | RM, NC, CO |
| West | Neighborhood Commercial | Neighborhood Commercial | NC |
| Northwest | Residential Medium Density | Medium Density Residential | RM |

IV. Project Description

The proposed project consists of a 1,300 ± square foot tobacco store located within the Dianda Plaza shopping center offering sales of primarily tobacco products such as cigarettes, cigars and electronic cigarettes. The business also sells tobacco paraphernalia such as; cigarettes papers, wrappers, pipes, cigarette holders, cigarette rolling machines, and liquid juice for electronic cigarettes. The applicant’s requested hours of operation are from 9:00 a.m. to 7:30 p.m., Monday through Saturday and 9:30 a.m. to 6:30 p.m. on Sundays. The written summary (Exhibit C) states teenagers under the age of 18 would not be sold any tobacco products. The applicant has also stated that no alcohol products would be sold at the store and smoking within the store is not allowed.

Analysis/Discussion

Dianda Plaza is a Neighborhood Commercial shopping center surrounded by established residential land uses, primarily single family homes and duplexes. The ten acre shopping center contains various retail, restaurant, and service-oriented tenants, including a FoodMax, El Pollo Loco with a drive-through, Texaco gas station and drive through car wash. The parking lot has approximately 570 parking spaces to serve the existing businesses. The nearest school to the shopping center is Kings Valley Christian School, located approximately 1,500 linear feet to the northwest, separated by some multi-family residential homes, apartments and gasoline stations. The proposed cigarette store has been reportedly operating at the current tenant space since approximately 2012.

In order to ensure that adverse impacts are minimized, as per Section 18.435.060 of the Development Code, the Zoning Administrator may only approve a proposed Minor Use Permit if all of the required findings can be made. An analysis of the proposal relative to the required minor use permit findings is provided below.

The Review Authority may approve a Minor Use Permit or a Use Permit application only after first making the following findings:

- (1) The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of the Development Code and CMC.**

Discussion

The proposed tobacco store is allowed within the Neighborhood Commercial (NC) zoning district with an approved Minor Use Permit and complies with all other applicable provisions of the Development Code, including those discussed above, and the Concord Municipal Code.

(2) The proposed use is consistent with the General Plan and any applicable Specific Plan.

Discussion

As noted above, the General Plan designation for the project area is Neighborhood Commercial. The designation is intended for neighborhood commercial centers that provide convenience and comparison goods and services to the local community. Since the store is located within a shopping center providing a source of goods, the store would assist in promoting the viability of an existing neighborhood center by occupying a tenant space while providing goods to the area's residents. Therefore, the proposed use is consistent with the site's Neighborhood Commercial General Plan land use designation and other applicable policies regarding land use compatibility. There is no Specific Plan applicable to the project site.

(3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

Discussion

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, adequate off-street parking is provided to avoid potential traffic, circulation, and pedestrian safety impacts. Operational measures have been implemented by the applicant and are being imposed by the Conditions of Approval to minimize potential safety concerns and possible adverse blight impacts to the surrounding neighborhood.

(4) The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.

Discussion

The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints because, as discussed above, sufficient on-site area is available for parking. Further, the site is already served by an adequate access driveway to the shopping center and the store has operated since 2012.

(5) Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and Zoning District where the property is located.

Discussion

Granting the Minor Use Permit for the proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the subject neighborhood or materially injurious to property or improvements in the vicinity and the Zoning District where the property is located because the project has been designed in a manner to maintain land use compatibility with the surrounding residential and commercial land uses. Moreover, the Police

Department has conducted a thorough review of the subject application and has recommended the conditions of approval within Exhibit A (Zoning Order No. 16-01) to address a variety of concerns including; tobacco product display, signage, customer age identification and sales of prohibited products. Additionally due to the location of the entryway of the store within the breezeway, it is not visible from the main road and thus is the optimal place for such a store to minimize any potential blight issues as seen in the site photos (Exhibit D).

- (6) If the Review Authority determines that it is not possible to make all of the required findings for approval of the project as submitted or as modified with conditions, the application shall be denied. The specific basis for denial shall be established for the record.**

Discussion

In approving a Minor Use Permit, the Review Authority may impose conditions including those that are deemed reasonable and necessary to ensure that the approval will comply with the findings required by Development Section 18.435.060 (Findings and Decisions), and as such imposes the Conditions of Approval (Exhibit A).

V. Public Notice and Comments

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. The hearing notice was also posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

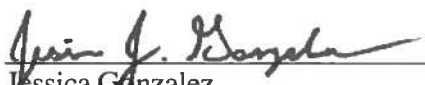
The Planning division has not received any letters from the public in opposition to the proposed project as of the filing of this report. Any public correspondence received following the filing of this report will be provided to the Zoning Administrator at the public hearing.

VI. Summary and Recommendations

In conclusion, the project will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such project as conditioned.

Staff recommends the Zoning Administrator open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff recommends the Zoning Administrator adopt ZA Order Number 16-01 approving a Minor Use Permit for Concord Cigarettes.

Prepared by:


Jessica Gonzalez
Planning Technician
Jessica.gonzalez@cityofconcord.org

Reviewed by:


Laura Simpson, AICP
Planning Manager
laura.simpson@cityofconcord.org

Exhibits:

- A - Zoning Order No. 16-01
- B - Application dated November 23, 2015
- C- Applicants written statement
- D- Applicants site plan and photos

16srza.002

ZA ORDER NO. 16-01 ZA

**OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD**

APPROVING MINOR USE PERMIT (PL 15000486-MP)

**Applicant: Waleed Fayzi, Owner: Dianda Enterprises, LLC (Dianda Plaza)
Project Name: Concord Cigarettes at 4471 Clayton Road**

WHEREAS, on November 23, 2015, Waleed Fayzi submitted an application for a Minor Use Permit to operate a tobacco store at 4471 Clayton Road, APN 115-420-033; and

WHEREAS, on December 10, 2015 the application was deemed incomplete for processing; and

WHEREAS, on December 14, 2015 the applicant submitted additional materials responding to staff's letter of incompleteness; and

WHEREAS, the application was reviewed on December 16, 2015 and deemed complete; and

WHEREAS, the proposed use has been identified in the application as a business establishment with tobacco related products where customers purchase tobacco related products; and

WHEREAS, Section 5.100.010 of the Concord Municipal Code defines "tobacco" as (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence; and

WHEREAS, Section 5.100.010 of the Concord Municipal Code defines "tobacco retailer" as any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low cost samples of tobacco products or tobacco paraphernalia; and

WHEREAS, Section 18.20.020 of the Concord Development Code identifies tobacco or

1 smoke shops as a Retail Restricted use and defines the category as “A retail store could have a
2 negative economic effect on surrounding retail uses and should be dispersed and properly located to
3 minimize adverse impacts.,” and

4 **WHEREAS**, the site is located within a neighborhood-oriented commercial shopping center
5 known as Dianda Plaza shopping center, zoned Neighborhood Commercial (NC). Section 18.40.020
6 of the Development Code requires that a Minor Use Permit be obtained in order to operate a “Retail
7 Sales, Restricted” designated land use in the Neighborhood Commercial (NC) zoning district; and

8 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act (CEQA)
9 of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15301
10 Class 1 “Existing Facilities,” and therefore no further environmental review is required; and

11 **WHEREAS**, the Zoning Administrator, after giving all public notices required by State law
12 and the Concord Municipal Code Section 18 (referred to herein as the Development Code), held a
13 duly noticed public hearing on January 27, 2016 on the project proposal; and

14 **WHEREAS**, the Zoning Administrator considered testimony and information received at the
15 public hearing and oral and written reports from City staff dated January 27, 2016, as well as other
16 documents contained in the record of proceedings relating to the project, which are maintained at the
17 offices of the City of Concord Community and Economic Development Department, Planning
18 Division, located at 1950 Parkside Drive, Concord, CA 94519; and

19 **NOW, THEREFORE, BE IT RESOLVED** that the Zoning Administrator does hereby
20 Approve the Minor Use Permit PL 15000486-MP for Concord Cigarettes at 4471 Clayton Road based
21 on the following findings:

22 CEQA

23 1. The project is not subject to additional environmental review pursuant to the provisions
24 of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section
25 15301 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption.

26
27 Minor Use Permit

1 the Minor Use Permit for the proposed use will not be detrimental to the health, safety and general
2 welfare of persons residing or working in the subject neighborhood or materially injurious to property
3 or improvements in the vicinity and the Zoning District where the property is located because the
4 project has been designed in a manner to maintain land use compatibility with the surrounding
5 residential and commercial land uses. Moreover, the Police Department has conducted a thorough
6 review of the subject application and has recommended the conditions of approval within Zoning
7 Order No. 16-01 (Attachment A) to address a variety of security concerns including tobacco product
8 display, customer identification, sales of prohibited products and signage issues. Additionally due to
9 the location of the entryway of the store within the breezeway, it is not visible from the main road and
10 thus is the optimal place for such a store to minimize any potential blight issues.

11 Based on the above findings, on January 27, 2016, the Zoning Administrator approved said
12 application subject to the attached Conditions of Approval, referenced as Attachment A.

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14
15
16 Frank Abejo
17 Zoning Administrator

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19 Attachment: A – Draft Conditions of Approval
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1
2
3 **ATTACHMENT A**

4
5 **DRAFT**

6
7 **CONDITIONS OF APPROVAL**

8
9 **CONCORD CIGARETTES MINOR USE PERMIT**

10 **(PL150486-MP)**

11 **THIS SITE IS LOCATED AT 4471 Clayton Road**

12 **APN 115-420-033**

13
14 **PERMIT DESCRIPTION**

- 15 1. These Conditions apply to and constitute Concord Cigarettes Minor Use Permit (PL150486-
16 MP) approval to operate the tobacco store within an approximately 1,300 square foot space at
17 4471 Clayton Road. Authorized hours of operation are opening no sooner than 9:00 A.M. and
18 closing no later than 7:30 P.M., Monday through Saturday, and opening no sooner than 9:30
19 A.M. and closing no later than 6:30 A.M. on Sundays. **(PLNG)**
- 20 2. The application form and plans, date stamp received by the City of Concord on November 23
21 and December 14, 2015, are approved and shall be incorporated as Conditions of Approval.
22 **(PLNG)**

23
24 **GENERAL CONDITIONS**

- 25 3. The conditions are the responsibility of the applicant and all contractors. Compliance shall
26 occur as specified in the Conditions. If timing for compliance is not specified, it shall be
27 determined by the Divisions listed after the Condition. **(PLNG, BLDG, ENGR, TRANS, PD)**
- 28 4. Where a plan or further information is required, it is subject to review and approval by the
applicable City Department/Division, as noted at the end of each Condition. The Division
listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG,
ENGR, TRANS, PD)**

- 1 5. The project shall comply with all applicable Federal and State laws and Concord Municipal
2 Code (CMC) requirements, **including Section 5.100 of the Concord Municipal Code,
3 Tobacco Retailers License Program (PLNG, BLDG, ENGR)**
- 4 6. Minor modifications that are found to be in substantial conformance with the approved
5 project/plans may be approved administratively. Major modifications shall be approved by the
6 applicable decision making body. **(PLNG)**
- 7 7. Two annotated copies of the Conditions of Approval specifying how each applicable condition
8 has been satisfied shall be submitted prior to the issuance of a building permit. **(PLNG)**

7 **TOBACCO STORE**

- 8 8. **Submit a Security Plan with any Business License application that includes measures and
9 procedures addressing potential issues. The Security Plan shall be reviewed and
10 approved by the Police Department and the Planning Division prior to issuance of the
11 Business License, and shall include the following:**
- 12 a) **A contact for the store manager who can respond to the City and neighbors
13 regarding complaints; and**
 - 14 b) **Measures to control patron accessibility to tobacco products as required in
15 accordance with Section 5.100.030; and**
 - 16 c) **Smoking (including the use of a hookah pipe, medical marijuana or electronic
17 smoking device such as an e-cigarette or nicotine vaporizer) shall be prohibited
18 within all outdoor common areas of the shopping center, within 20 feet of doors,
19 operable windows, air ducts and ventilation systems. The business owner shall be
20 responsible for notifying customers of this smoking prohibition; and**
 - 21 d) **Methods to confirm and record the identity and age of each customer by use of
22 government issued identification. This record must be made available to Police
23 upon request. (PD, PLNG)**
- 24 9. The sale of alcoholic beverages, at the site is prohibited. **(PLNG)**
- 25 10. No sales of drug paraphernalia prohibited by the State of California. **(PD, PLNG)**
- 26 11. It shall be unlawful for any person within the city to engage in tobacco retailing by means of a
27 self-service display in accordance with Section 5.100.020. **(PD, PLNG)**
- 28 12. The presence and odor of smoke inside or outside of the business shall be restricted. The City
of Concord will require additional filter devices be installed in the event of significant impacts
or complaints from the surrounding community regarding smoke and odors. **(PD, PLNG)**
13. Outdoor activities related to this use are prohibited. **(PD, PLNG)**
14. All customers shall be at least 18 years of age. **(PD, PLNG)**
15. The sale of tobacco products requires a tobacco retailers license approved by the Police
Department, and shall comply with all applicable State, Federal and Municipal Code

1 requirements for the sale and display of tobacco and tobacco-related products, including drug
2 paraphernalia. *(PD, PLNG)*

- 3 16. Each tobacco retailer license shall be prominently displayed in a publically visible location at
4 the licensed location. *(PD, PLNG)*

5 **PARKING**

- 6 17. A minimum of 6 parking spaces shall be provided at all times. *(PLNG)*

7 **SOLID WASTE/RECYCLING**

- 8 18. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
9 closed at all times, except when the bins are being emptied. **Donation bins shall not be
located at the site.** *(NS)*

- 10 19. The applicant shall maintain the property and shall at all times keep the property in a neat,
11 litter-free condition. *(NS)*

12 **NOISE**

- 13 20. Exterior noise levels generated by the business shall not exceed 70 dB throughout operation of
14 the business under this Minor Use Permit. *(PLNG)*

15 **SIGNAGE**

- 16 21. All signs require a permit from the Building Division, subject to review and approval by the
17 Planning Division. Signs shall comply with the City of Concord Sign Ordinance and any
18 applicable master sign program for the subject building/site. No off-site signs are permitted.
(PLNG, BLDG)

- 19 22. The use of temporary signage on or off the property is prohibited. *(PD)*

- 20 23. Window signage may not exceed 10% of total window surface area. *(PD)*

21 **AGREEMENTS, FEES, BONDS**

- 22 24. Provide a **\$146** cash deposit to the Planning Division to cover Condition Compliance costs, at
23 the time of submittal of plans and documents to Engineering Services or the Building Division
24 for plan check. Planning staff's time will be charged to this deposit for work performed to
25 implement the Conditions of Approval, from the time of project approval to occupancy
26 approval. The deposit will be placed in a refundable account and any unused funds will be
returned upon completion. If the initial deposit is insufficient to cover actual costs, an
additional deposit will be required. *(PLNG)*

1 25. Pay a Document Imaging fee to reimburse the City for implementation of the Document
2 Imaging and File Retention programs, prior to issuance of Grading or Building Permits.
(PLNG)

3 **OTHER/MISCELLANEOUS**

4 26. Applicant shall defend, indemnify, and hold harmless the City, its agents, officials, and
5 employees from any claim, action, or proceeding brought by a third party to set aside, annul,
6 attack or otherwise void the permit. (PLNG)

7 27. The permit and approval shall expire in **one** year from the date on which they became effective
8 unless construction permits are obtained and work has begun. The effective date of the permit
and approval is **January 27, 2016**. (PLNG)

9 28. A request for a time extension from the expiration date of **January 27, 2017** can be considered
10 if an application with required fee is filed at least 10 days before the original expiration date
11 (otherwise a new application is required) A public hearing will be required for all extension
12 applications, except those involving only Design Review. Extensions are not automatically
approved. Changes in conditions, City policies, surrounding neighborhood, and other factors
permitted to be considered under the law, may require, or permit denial. (PLNG)

13 29. Comply with the requirements of the Contra Costa County Fire Protection District. Submit
14 three complete sets of plans and specifications to the Fire District for review and approval at:

15 Contra Costa County Fire Protection District
16 2010 Geary Road
Pleasant Hill, CA 94523

17 Plan review fees are assessed at that time. The City is not responsible for the collection of fees
18 or enforcement of requirements imposed by the Fire District. (CCCFPD)

CITY OF CONCORD
 PLANNING DIVISION
 PHONE: (925) 671-3152
 FAX: (925) 671-3381



Community & Economic
 Development Department
 1950 Parkside Drive, M/S 53
 Concord, CA 94519-2578
 www.cityofconcord.org

RECEIVED
 NOV 23 2015

APPLICATION FORM

PLANNING
 Date Received by Planning
 11/23/15

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Preliminary Application | <input type="checkbox"/> Development Code Amendment | <input type="checkbox"/> Major Subdivision/Vesting Tentative Map | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Finding of Public Convenience | <input type="checkbox"/> Minor Exception | <input type="checkbox"/> Secondary Living Unit |
| <input type="checkbox"/> Animal Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Sidewalk Café |
| <input type="checkbox"/> Building Move | <input type="checkbox"/> Heritage Tree Nomination | <input checked="" type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Hillside Development Use Permit | <input type="checkbox"/> Planned Development Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Condominium Conversion Use Permit | <input type="checkbox"/> Landscape Project Application | <input type="checkbox"/> Protected Tree Removal | <input type="checkbox"/> Vacation/Abandonment of Property Rights |
| <input type="checkbox"/> Design & Site Development Review | | <input type="checkbox"/> Pumpkin & Christmas Tree Sales | <input type="checkbox"/> Vendor Permit |
| | | <input type="checkbox"/> Reasonable Accommodation | <input type="checkbox"/> Wireless Communication Facility |

PROJECT INFORMATION:

PROJECT NAME: Concord Cigarettes

PROJECT SITE ADDRESS/LOCATION: 4471 Clayton Rd Concord CA ASSESSOR'S PARCEL NUMBER: 94521 115-420-033

PROJECT DESCRIPTION (Provide brief description and submit a more detailed description as an attachment.)

NOTE: All applicants are encouraged to hold a neighborhood meeting with nearby property owners and tenants early in the development review process. Planning Division staff will work with applicants to schedule the neighborhood meeting.

APPLICANT'S CONTACT INFORMATION

PROPERTY OWNER'S CONTACT INFORMATION

| | |
|---|---|
| NAME/COMPANY: <u>W&F Fayzi Corp</u> | NAME/COMPANY: <u>Dianda Enterprises LLC</u> |
| ADDRESS: <u>4471 Clayton Rd</u> | ADDRESS: <u>1615 Farm Bureau Rd</u> |
| CITY, STATE: <u>CA Concord</u> ZIP: <u>94521</u> | CITY, STATE: <u>Concord CA</u> ZIP: <u>94519</u> |
| BUSINESS PHONE: _____ CELL: <u>(209) 640-6592</u> | BUSINESS PHONE: _____ CELL: <u>(925) 685-7705</u> |
| FAX: _____ EMAIL: <u>Waleed.Fayzi@hotmail.com</u> | FAX: _____ EMAIL: _____ |

Agent Authorization Note. If the Applicant is not the Property Owner, then the Property Owner must sign below to authorize the Applicant as his/her official representative.

I, George Baldochi, Owner, authorize Waleed Fayzi to act as the official representative on my behalf for this project and in all matters relating to this application. I have read and agree with all of the above (application must be signed by property owner).

George Baldochi Property Owner's Signature Date: 11-11-15

FOR PLANNING DIVISION USE ONLY:

| FILE NAME: | FEES | FIN. REV. CODE |
|------------------------------------|--|------------------------------|
| <u>Concord Cigarettes</u> | | |
| FILE NUMBERS: <u>PL15000486</u> | APPLICATION RECEIVED BY: <u>JG/JR</u> | GP DESIGNATION: <u>NC</u> |
| ASSOCIATED FILES: | ENGINEER: | ZONING: <u>NC</u> |



RECEIVED
NOV 23 2015
PLANNING

PROJECT NAME: _____ FILE NUMBER: _____

PLEASE INCLUDE ALL RELEVANT CONTACT INFORMATION

PROJECT MANAGER

CIVIL ENGINEER

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

ARCHITECT

LANDSCAPE ARCHITECT

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

OTHER

OTHER

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

NAME/COMPANY: _____
ADDRESS: _____
CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____

I hereby authorize employees of the City of Concord to enter upon the subject property, as necessary, to inspect the premises and process this application.

CERTIFICATION:

I hereby certify that the statements furnished above, and in the attached exhibits, present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

11, 23, 15
Date:

Wabeefas
Signature: Owner Authorized Agent

For: _____



ZONING COMPLIANCE FACT SHEET

| | | |
|--|--|--------------------------------|
| APPLICANT NAME AND MAILING ADDRESS <i>W&F Farzi Corp 4471 Clayton Rd concord CA 94521</i> | | PHONE <i>(209) 640-6592</i> |
| BUSINESS NAME <i>Concord Cigarettes</i> | PROPOSED BUSINESS ADDRESS <i>4471 Clayton Rd concord CA 94521</i> | |
| BUILDING OWNER NAME AND ADDRESS <i>Diand Enterprises LLC 1615 Farm Bureau Rd concord CA 94594</i> | | PHONE <i>925-685-7705</i> |
| SIGNATURE (BUILDING OWNER) <i>Shawn Kelly</i> | | |

The information requested will be used to determine if a proposed use complies with the zoning or use permit. Planning Division approval does not waive building code requirements, which must be satisfied prior to occupancy. This application will be forwarded to the Contra Costa Water District to determine if a water connection upgrade is required. For additional information please contact Shawn Kelly of the Contra Costa Water District at (925) 688-8017.

Describe your business operation in detail (attach additional sheets if necessary):

Concord cigarettes mainly sells tobacco products, such as cigarettes, cigars and etc.

Information pertaining to occupancy load and parking requirements:

- Total number of people employed at site, including managers and owners: 2
- Days and Hours of operation: Tuesday - Sunday Monday to Saturday from 9AM to 7:30 PM
- Maximum number of people in any working shift: 4
- For uses open to the public, such as restaurants, bars or classrooms, state the maximum seating capacity: N/A
- Total square footage of building: 13 Total square footage occupied by your business: 10
- How much square footage is dedicated to?
 Retail 10 Office 3 Manufacturing _____
 Public assembly areas _____ Storage _____ Other _____
- Total number of parking spaces: 50 Total number of parking spaces allocated for your business: 20
- How many company-owned vehicles will be parked on the site (not including employees' personal cars)? _____

Building and site utilization: (Explain "YES" answers on a separate sheet and attach to this form.)

- Will any equipment be operating 24 hours a day, such as a compressor? YES NO
- Will business involve retail sales to:..... General public Other companies
- Will business provide service or repair for: General public Other companies
- Will business involve retail sales of alcoholic beverages?..... YES NO
- Will the new use change the building's Occupancy Group? If yes, contact the Building Division..... YES NO
- Will business sell or distribute medical marijuana?..... YES NO
- Will there be any outside storage of goods or materials? YES NO
- Will there be any additional outdoor trash collection areas? YES NO
- Will radio or electronic transmissions of any kind emanate from the site? YES NO
- Will new outdoor lights be installed? YES NO
- Will the business require a sign? If yes, a permit is required YES NO
- Do your business operations involve any kind of painting? YES NO
- Will explosives, flammable material or volatile liquid be stored? YES NO
- Will building be used for motor vehicle storage or repair? YES NO

WRITTEN STATEMENT

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Concord Cigarettes, a W&F Fayzi Corp company, which is a tobacco store that sells mostly tobacco products such as cigarettes, cigars and all other tobacco products. It is open Monday through Sunday. Monday through Saturday from 9AM to 7:30PM and on Sundays from 9:30AM to 6:30PM. This store will have one employee at any giving point.

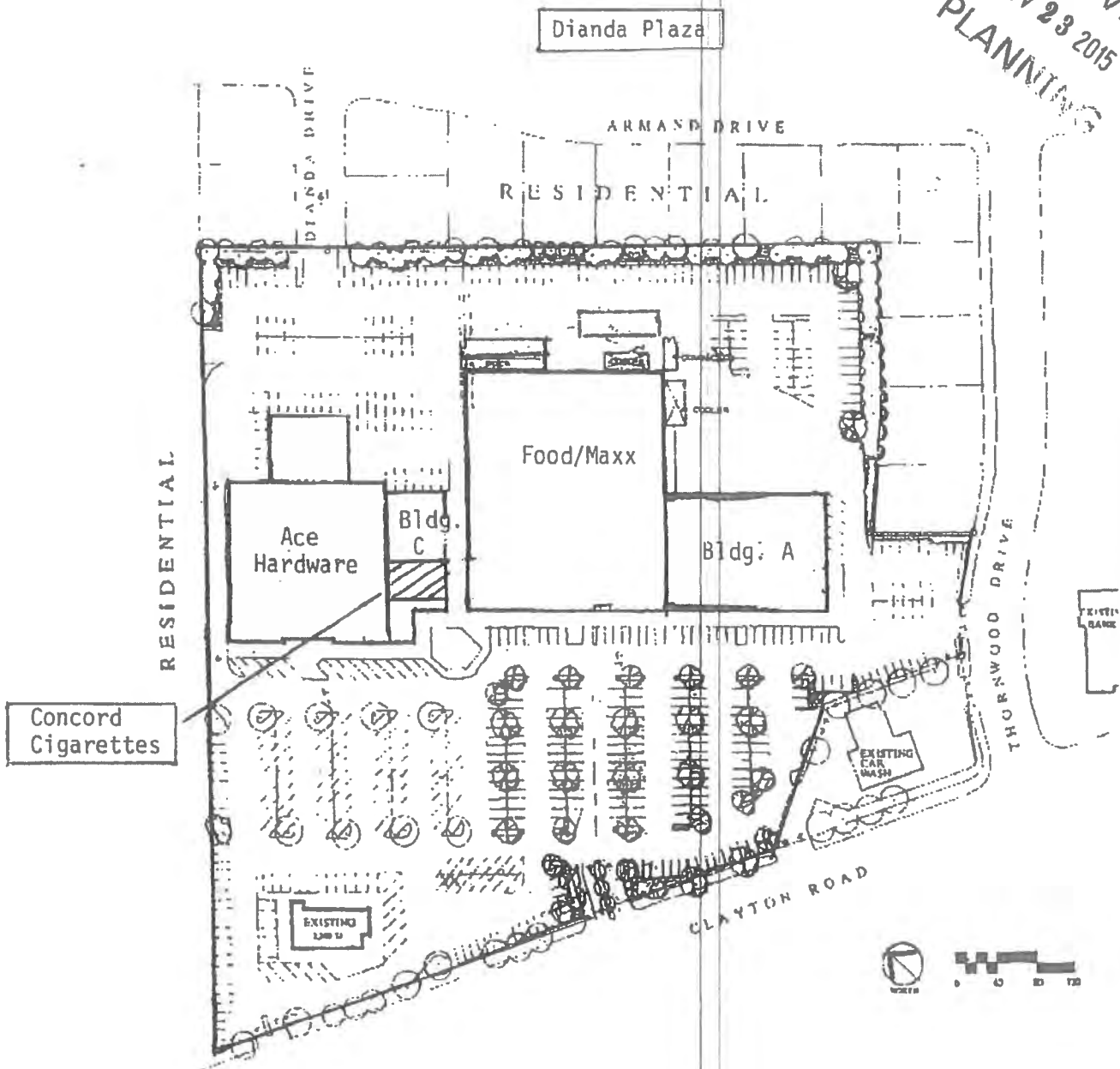
Since this store is in located in a shopping complex, there are a lot of parking spaces available.

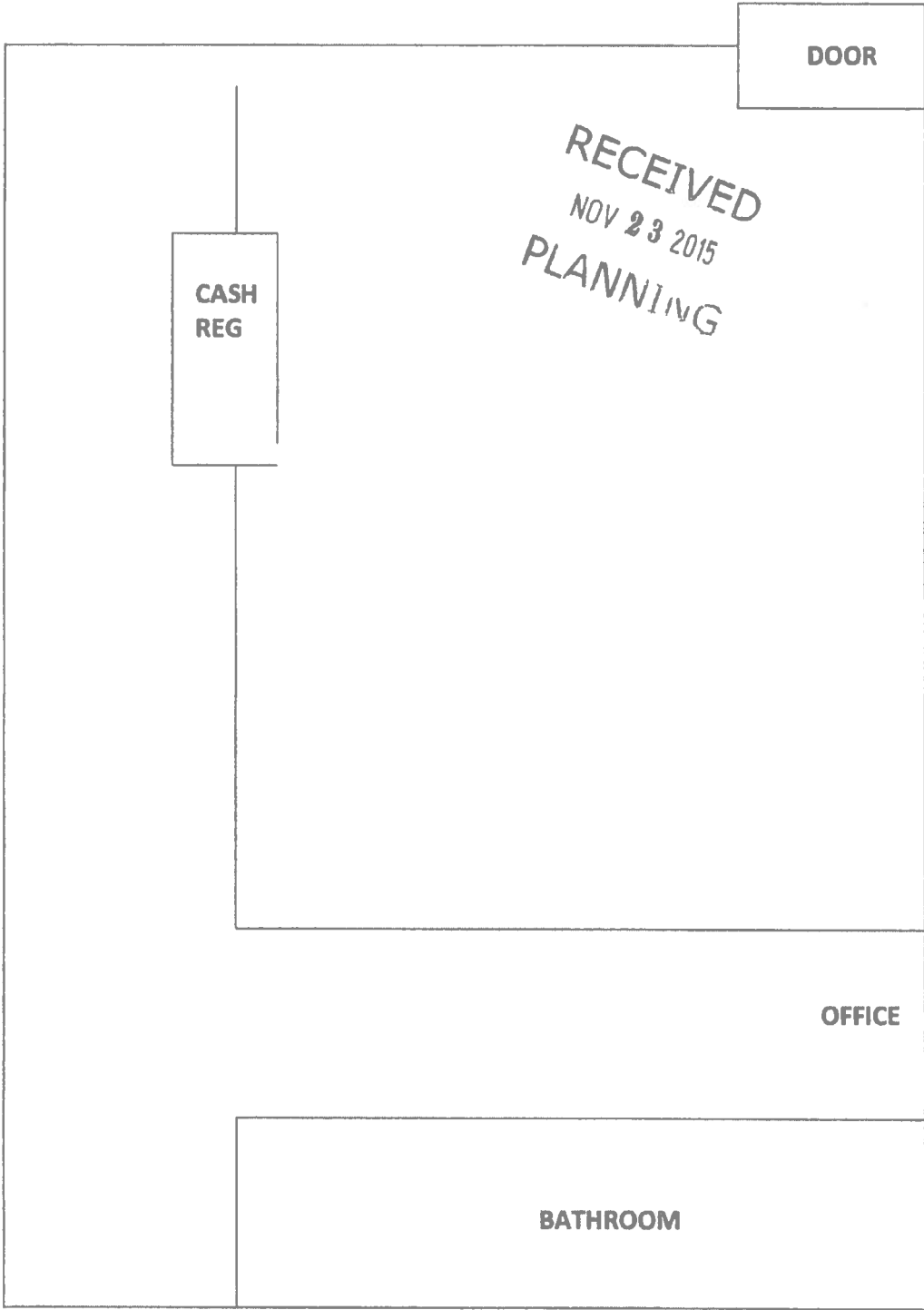
Concord Cigarettes does not sell any alcoholic beverages.

Signature

SITE / BOUNDARY DRAWING

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CONCORD CIGARETTES FLOOR PLAN

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