

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP25-02045,  
BRUCE LYON, DIAMOND ENGINEERING SERVICES (APPLICANT), AHMED ALI KAID  
ABDULLAH (OWNER)**

**FINDINGS**

A. Land Use Permit Findings

1. *The proposed project shall not be detrimental to the health, safety and general welfare of the county.*

Project Finding: The establishment of a new restaurant with eight seats and a drive-thru at an existing commercial building will be consistent with existing restaurants and take-out establishments along the Willow Pass Road commercial corridor. The restaurant is subject to applicable Contra Costa Health Services Environmental Health Division regulations and standards. These regulations and standards will ensure the project will not present health and safety risks. Additionally, the permit includes Conditions of Approval pursuant to the County's Take-Out Ordinance to protect public health, safety and general welfare of the county.

2. *The proposed project shall not adversely affect the orderly development of property within the County.*

Project Finding: The establishment of a new restaurant with eight seats and a drive-thru at the existing commercial building located at 3215 Willow Pass Road will help sustain the viability of commercial activities along the Willow Pass Road commercial corridor. This area features a diverse selection of restaurants and businesses situated near residential neighborhoods, providing an array of food options and other services to residents. The establishment of the restaurant will not disrupt the orderly development or ongoing maintenance of the community, as it complements the existing mix of businesses and supports continued commercial vitality within the corridor.

3. *The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The establishment of a new restaurant with a drive-thru at an existing commercial building will enhance existing and future developments in the vicinity of the Willow Pass Road corridor through the renovation of the existing building. Enhancements of this existing commercial building will increase the

availability of amenities to the surrounding residential neighborhood and will not cause property values to decrease in the vicinity.

4. *The proposed project as conditioned shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The project site is located within a MUC, Mixed-Use Community-Specific General Plan land use designation, which allows various housing types, including tiny homes, townhouses, condominium, apartments, studios, live-work units, and micro-units, along with a wide range of neighborhood and community-serving retail, personal service, office, hospitality, entertainment, and public uses. The density and floor area ratio (FAR) standards for this designation are specific communities in which it applies. For commercial uses within the MUC designation, the permitted FAR is 1.75, while residential densities may range from 22 to 40 dwelling units per net acre. Since the project is commercial, the applicable density is 1.75 FAR. The proposal involves establishing a new restaurant with a drive-thru operation within an existing one-story commercial building that is approximately 1,175 square feet in size. Additionally, the project includes construction of a new trash enclosure measuring 132 square feet, resulting in a total floor area coverage of 1,307 square feet. Given that the total lot size is 0.25 acres, the calculated floor area ratio for the site is 0.12, or 12 percent of the lot area. This means that the combined area of the restaurant building and trash enclosure is below the maximum permitted FAR of 1.75 for commercial uses under the MUC designation. Therefore, the project complies with the General Plan's requirements for density and land use, as the proposed restaurant and trash enclosure do not exceed the allowable floor area ratio for the site.

Furthermore, according to the Stronger Communities Element Goal SC-5, "convenient access to fresh, healthy, and affordable food in Impacted Communities." Bay Point is identified as an Impacted Community in the General Plan. Policy SC-P8.3 states, "welcome business, especially family-sustaining, locally hiring, sustainable businesses, that provide essential goods and services in Impacted Communities, including food store with fresh produce, healthcare, childcare, pharmacies, and other retailers, while discouraging predatory lenders, liquor stores, tobacco and cannabis retail stores, dollar stores and fast-food restaurants." While the restaurant will provide take-out service, it is locally owned and will serve a variety of traditional Mexican dishes featuring foods rich in fiber and healthy fats.

The project will support the economic and neighborhood revitalization efforts of the Bay Point Willow Pass Road commercial corridor by renovating the current vacant commercial building. Additionally, the project will include the installation of approximately 1,261 square feet of new landscaping around the perimeter of the property, which fronts Willow Pass Road and Alves Lane. The beautification of the area will create inviting, pedestrian-oriented streetscapes in accordance with Land Use Element policy LU-P4.6 which states to “require commercial and mixed-use projects to create inviting, pedestrian-oriented streetscapes wherever possible.” Allowing the restaurant to operate within this designation will align with the purpose and intent of the MUC General Plan, as it is consistent with the established guidelines and supports the community-oriented objectives of the area.

5. *The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

Project Finding: Given that the restaurant will utilize an existing tenant space previously used as a mini market with a drive-up window, there is no expected increase of noise levels or traffic. The business hours are from Tuesday through Friday, from 12:00 P.M. to 10:00 P.M and weekends from 8:00 A.M. to 10:00 P.M. The restaurant will not sell alcoholic beverages, which will minimize any nuisance and/or enforcement problems within the neighborhood. Therefore, the restaurant with the drive-thru window is not anticipated to create a crime or nuisance problem within the Willow Pass Road community.

6. *The proposed project as conditioned shall not encourage marginal development within the neighborhood.*

Project Finding: The establishment of a new restaurant with a drive-thru at an existing commercial building surrounded by existing residential neighborhoods will not encourage marginal development within the neighborhood. Operation of the restaurant will not cause any change to the established use of the property, which was originally established as a drive-up milk depot, and more recently as a convenience market with a drive-up window.

7. *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: The Willow Pass Road commercial corridor is host of a variety of businesses that serve the neighboring residential neighborhoods. The site is currently occupied by a commercial building that has been historically used for retail commercial operations. The use will be consistent with uses in the established area.

B. California Environmental Quality Act (CEQA) Findings

The establishment of a restaurant with a drive-thru operation in an existing commercial space is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301, Existing Facilities, which provides a Class 1 exemption consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The new restaurant with a drive-thru window will be within an existing building that was previously established as commercial and retail business. The interior and exterior alterations will be to bring the vacant building up to current building code and upgrade the restaurant to accommodate eight seats for customers. Pursuant to CEQA Guidelines section 15301 (a) the interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are exempt. There is no substantial evidence that the new restaurant in the existing tenant space involves unusual circumstances, resulting in, or which might reasonably result in, a significant impact to the environment. None of the exceptions in CEQA Guidelines Section 15300.2 apply to the operation of this existing facility.

**CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02045**

Project Approval

1. A Land Use Permit for the operation of a restaurant with a drive-thru window at an existing commercial building is generally APPROVED, subject to the conditions below.
2. A deviation to the Bay Point Planned Unit District, P-1 to allow a 5 ft. 4 in. side setback, where 10 feet is required, for the construction of a new approximately 132-square-foot trash enclosure is APPROVED.
3. The Land Use Permit approval described above is based on:
  - The Land Use Permit application accepted by the Department of Conservation and Development, Community Development Division (CDD), on December 15,

2025.

- “Yummy on the Corner” business description and menu received by the CDD on February 9, 2026.
  - Revised project plans received by the CDD on June 24, 2026.
4. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Land Use Permit or an application for a Development Plan.
  5. No construction is approved with this permit. Any construction at this tenant space shall require the filing of an application for Compliance Review or a Development Plan, prior to application for a building permit.

#### Signage

6. Any signage for the business shall be subject to review and approval of a sign review application by the CDD, pursuant to the Bay Point Planned Unit District Standards and/or the County’s Sign Ordinance.

#### Off-Street Parking

7. Pursuant to Chapter 82-16 Off-Street Parking section 82-16.404 -Design and layout, the access drive must measure at least 12 feet wide if it will be used for one-way traffic, and at least 25 feet wide if it will be used for two-way traffic. Each entrance to and exit from an off-street parking area must be located and designed to provide efficient and safe traffic flow between the parking area and the street. If a driveway aisle intersects directly with the adjacent or abutting street, that intersection must be at least 18 feet away from the parking space nearest to it.

#### Landscape

8. Prior to CDD-stamp of approval for the issuance of a building permit, the applicant shall submit a final landscape plan to determine compliance with Bay Point Development Standards and the County’s Water Efficient Landscapes Ordinance and for the review and approval of CDD.
9. Landscaping shall be maintained along the property frontages of Willow Pass Road and Alves Lane. California native, drought-tolerant plants shall be used as much as

possible.

#### Exterior Lighting

10. Prior to CDD-stamp of approval for the issuance of a building permit, the applicant shall submit lighting plans for the review and approval of CDD.
11. All exterior lighting should be directed down and screened away from adjacent properties and streets. Low profile poles and lights in parking lots shall have a maximum height of 15 feet.

#### Application Costs

12. The land use permit application was subject to an initial deposit of \$5,500.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid within 60 days of the effective date of this permit.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

#### Property Use Verification

13. The applicant shall apply for and obtain a Property Use Verification from CDD, prior to applying for any business license associated with this approval.

#### Take-out Food Requirement

14. At least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishments, deposited on public property within four hundred feet of any boundary of the premises on which such take-out food establishment is located.
15. Upon the request of any owner of private property located within four hundred feet of any boundary of the premises on which the take-out food establishment is located,

at least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on such private property visible from a public street.

16. Prior to obtaining a building permit or issuance of a property use verification, whichever occurs first, the proprietor shall post a deposit in the amount sufficient to cover possible costs of trash, litter or garbage removal should the proprietor of the take-out food establishment fail to properly police the area. If the amount falls below the deposit, then the proprietor of the take-out food establishment shall deposit the difference forthwith. If inflation makes an increase necessary in the security amount, the Zoning Administrator may make the necessary changes at a public hearing.

### Construction Restrictions

All construction activity shall comply with the following requirements, which shall be included on all sets of construction documents:

17. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to other uses on the site. This shall be communicated to project-related contractors.
18. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from existing residences as possible.
19. The site shall be maintained in an orderly fashion. Following the cessation of construction activity; all construction debris shall be removed from the site.
20. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
21. Transportation of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
22. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays

on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)  
Birthday of Martin Luther King, Jr. (State and Federal)  
Washington's Birthday (Federal)  
President's Day (State)  
Farmworkers Day (State)  
Memorial Day (State and Federal)  
Juneteenth National Independence Holiday (Federal)  
Independence Day (State and Federal)  
Labor Day (State and Federal)  
Columbus Day (Federal)  
Veterans Day (State and Federal)  
Thanksgiving Day (State and Federal)  
Day after Thanksgiving (State)  
Christmas Day (State and Federal)

For specific details on the actual days and dates that these holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)  
California Holidays: [State Holidays \(sos.ca.gov\)](https://sos.ca.gov)

**PUBLIC WORKS**  
**CONDITIONS OF APPROVAL FOR LAND USE PLAN CDLP25-02045**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS.**

General Requirements:

23. This development plan shall conform to all applicable provisions of the Subdivision Ordinance (Title 9) and Public Works and Flood Control Ordinance (Title 10). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below require the review and approval of the Public Works Department and are based on the project plans

submitted on March 26, 2026 and prepared by Diamond Engineering Services dated March 8, 2026.

24. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

#### Frontage/Access

25. The applicant shall obtain an encroachment permit from the Public Works Department for the construction of the sewer and water line connections within Willow Pass Road and the reconstruction of the driveway access off Alves Lane. This driveway shall be the vehicular ingress to the subject parcel. The reconstructed driveway shall be a minimum of twenty-four feet wide and designed to all current ADA design standards and County Standard Plans to maintain a minimum four-foot-wide path of travel for the existing sidewalk along Alves Lane.

#### Circulation

26. The applicant shall install pavement striping within the subject parcel to direct circulation of vehicular traffic with an ingress off Alves Lane then in the northwest direction to the drive-thru window and egress onto Willow Pass Road which shall include a "No Left Turn" (R3-2) sign and pavement arrow striping to direct all exiting vehicles to right turn only onto eastbound Willow Pass Road. The site plan includes the installation of new bollards along the Willow Pass Road frontage to restrict the egress width to only one vehicular lane. In addition, install a "DO NOT ENTER" (R5-1) sign facing Willow Pass Road at the egress driveway.

#### Drainage

27. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

**ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

**A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq, the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

- B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Bay Point Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- D. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- E. The applicant shall submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.

- F. The applicant is required to submit plans to the Golden Gate Water District for approval. Plans submitted for a building permit must receive prior approval and be stamped by the Sanitary District.
  
- G. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.