

RESOLUTION NO. PC 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO, APPROVING A REQUEST FROM ALBERTSONS COMPANIES DBA AS VONS, FOR A CONDITIONAL USE PERMIT (CUP) FOR THE SALE OF ALCOHOL PRODUCTS ALLOWED UNDER A TYPE 21, GENERAL OFF-SALE, ALCOHOLIC BEVERAGE CONTROL LICENSE AT 940 ARNEILL ROAD AND FOR THE SALE OF ALCOHOL PRODUCTS ALLOWED UNDER A TYPE 20, BEER AND WINE ONLY OFF-SALE, ALCOHOLIC BEVERAGE CONTROL LICENSE AT 860 ARNEILL ROAD IN THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONE, FURTHER DESCRIBED AS CUP-431

The Planning Commission of the City of Camarillo resolves as follows:

SECTION 1. General Findings. The Planning Commission finds as follows:

A. A Conditional Use Permit application (CUP-431) was submitted by Albertsons Companies DBA Vons to allow the sale of packaged beer, wine, and distilled spirits for consumption off site as a permitted use within a 63,000-square-foot Vons Supermarket at 940 Arneill Road and to allow the sale of packaged beer and wine for consumption off site as a permitted use within the 2,996-square-foot Vons Fuel Mart at 860 Arneill Road in the Central Plaza shopping center in the Commercial Planned Development (CPD) Zone, in accordance with the procedures established by Camarillo Municipal Code (CMC) Chapters 19.26 and 19.62;

B. The Application was reviewed by the Director for, in part, consistency with the General Plan and conformity with the CMC;

C. The Director completed review and scheduled a public hearing regarding the application before the Planning Commission on July 16, 2024;

D. A Notice of a Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;

E. CMC section 19.26.040 AND 19.62 assigns decision making authority to the Planning Commission for the requested Conditional Use Permit;

F. A Notice of Public Hearing before the Planning Commission was duly noticed and published in the time, form, and manner as required by law for July 16, 2024, but was cancelled and rescheduled for the following meeting on August 20, 2024;

G. On August 20, 2024, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the applications, including without limitation, information provided to the Planning Commission by the Applicants, and;

H. The Planning Commission considered the information provided by City staff, public testimony, and the Applicants. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its August 20, 2024, hearing including, without limitation, the staff report submitted by the Director of the Community Development Department.

SECTION 2. Environmental Review. The project was reviewed in accordance with the California Environmental Quality Act (CEQA) and the State CEQA guidelines, as well as the City's environmental guidelines, and was determined to be categorically exempt from the provisions of CEQA under Class 1, Existing Facilities (CEQA Guidelines Section 15301), because the proposed project consists of the operation of existing public or private structures involving negligible or no expansion of existing or former use. Therefore, no additional review is necessary.

SECTION 3. Project Findings. The Planning Commission, after reviewing the proposed application and receiving evidence and testimony at the public hearing, finds:

A. The use applied for at 940 Arneill Road is properly one for which a CUP is authorized by this title, Camarillo Municipal Code (CMC) Chapter 19.62, as off-sale alcoholic beverage establishments are a permitted use with a CUP under CMC section 19.26.040.S.

B. The use applied for at 860 Arneill Road is properly one for which a CUP is authorized by this title, Camarillo Municipal Code (CMC) Chapter 19.62, as off-sale alcoholic beverage establishments are a permitted use with a CUP under CMC section 19.26.040.M.

C. The use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses, or to uses specifically permitted in the zone in which the proposed use is to be located because sufficient conditions of approval will be applied to ensure compatibility with the surrounding properties and the use is permitted in the CPD Zone with a CUP under CMC section 19.26.040.S and M.

D. The site for the intended use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls or fences, landscaping, and other features required are appropriate to adjust the use to those existing or permitted future uses on land in the shopping center because the use is proposed in an existing commercial retail center that was constructed in compliance with Commercial Planned Development (CPD-6), which was approved to accommodate the commercial spaces while providing appropriate setbacks, walls and fences, landscaping, and other features in accordance with CMC section 19.26.060.

E. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated, or to be generated by the proposed use, because the proposed CUP is for the sale of packaged alcoholic beverages for consumption off-site within two commercial spaces located within an existing CPD-6, the approval of which included access to the site by existing, improved streets adjacent to the site.

F. The conditions set forth as part of the approval of the CUP are deemed necessary to protect the public health, safety, and general welfare because under CMC section 19.26.040, such conditions may be imposed to ensure that the use is compatible with surrounding uses, and specifically, include conditions that all employees obtain proper training for the responsible sale of alcohol, and that appropriate security measures are in place to ensure that the existing commercial retailers remain successful.

G. In accordance with the provisions of Section 23958.4 of the Business and Professions Code, the proposed Type 20 and Type 21 Alcoholic Beverage Control licenses will serve public convenience and necessity because Vons will create a convenience for local citizens and the patrons of the supermarket and fuel mart to purchase alcoholic beverages while shopping without the need to travel to other alcoholic beverage establishments.

SECTION 4. Approval of CUP-431. Based on the above findings, the Planning Commission approves CUP-431, including the plans labeled, Exhibit A, subject to the conditions labeled, Exhibit B, which are attached and made a part of this resolution, as well as all applicable general Municipal Code requirements and development standards.

SECTION 5. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 6. Reliance On Record. Each and every one of the determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7. Limitations. The Planning Commission's analysis and evaluation of this matter is based on the best information currently available. It is inevitable that in evaluating the matter that absolute and perfect knowledge of all possible aspects of the matter will not exist. One of the major limitations of analysis is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8. Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 9. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 10. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 11. Office of Record. The record of proceedings upon which this decision is based is located in the Department of Community Development, which is the office of record for the same.

SECTION 12. This Resolution is the Planning Commission’s final decision and will become effective immediately upon adoption and will remain effective unless the action is appealed within ten days pursuant to CMC § 19.62.110.

SECTION 13. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix their signature to this Resolution signifying its adoption by the Planning Commission of the City of Camarillo, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED AND ADOPTED on August 20, 2024, by members of the Planning Commission voting as follows:

AYES:

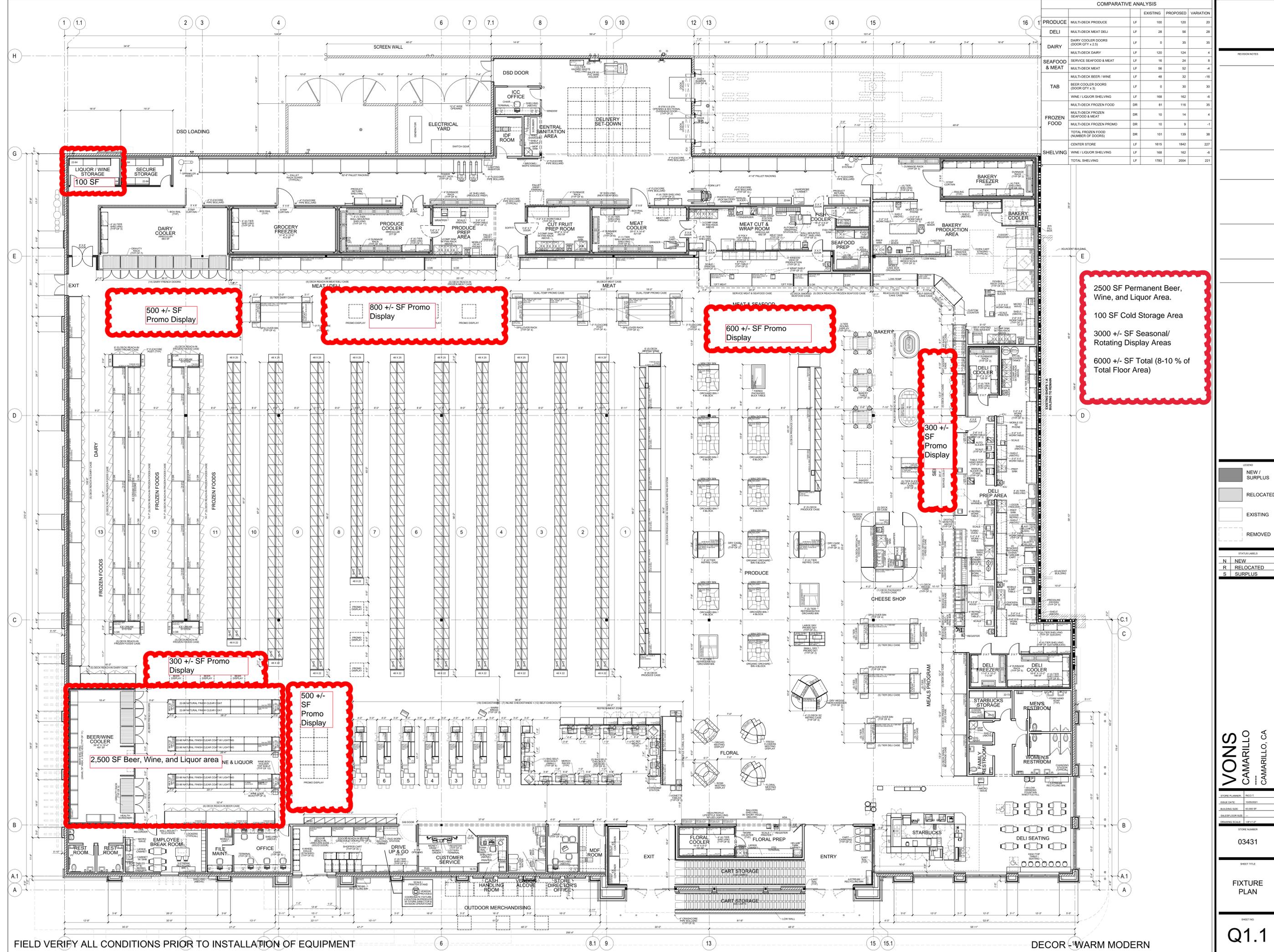
NOES:

ABSENT:

ABSTAIN:

Chairman

Secretary



COMPARATIVE ANALYSIS					
		EXISTING	PROPOSED	VARIATION	
PRODUCE	MULTI-DECK PRODUCE	LF	100	120	20
DELI	MULTI-DECK MEAT DELI	LF	28	56	28
DAIRY	DAIRY COOLER DOORS (DOOR QTY x 2.5)	LF	0	35	35
	MULTI-DECK DAIRY	LF	120	124	4
SEAFOOD & MEAT	SERVICE SEAFOOD & MEAT	LF	15	24	8
	MULTI-DECK SEAFOOD & MEAT	LF	56	52	-4
TAB	MULTI-DECK BEER / WINE	LF	48	32	-16
	BEER COOLER DOORS (DOOR QTY x 3)	LF	0	30	30
FROZEN FOOD	WINE / LIQUOR SHELVING	LF	168	162	-6
	MULTI-DECK FROZEN FOOD	DR	81	116	35
SHELVING	MULTI-DECK FROZEN SEAFOOD & MEAT	DR	10	14	4
	TOTAL FROZEN FOOD (NUMBER OF DOORS)	DR	101	139	38
	CENTER STORE	LF	1615	1842	227
	WINE / LIQUOR SHELVING	LF	168	162	-6
	TOTAL SHELVING	LF	1763	2004	221

2500 SF Permanent Beer, Wine, and Liquor Area.
 100 SF Cold Storage Area
 3000 +/- SF Seasonal/Rotating Display Areas
 6000 +/- SF Total (8-10 % of Total Floor Area)

LIQUOR / WINE STORAGE
 SECURE STORAGE
 100 SF

500 +/- SF
 Promo Display

800 +/- SF Promo
 Display

600 +/- SF Promo
 Display

300 +/-
 SF
 Promo
 Display

300 +/- SF Promo
 Display

2,500 SF Beer, Wine, and Liquor area

500 +/-
 SF
 Promo
 Display

LEGEND
NEW / SURPLUS
RELOCATED
EXISTING
REMOVED

STATUS LABELS
N NEW
R RELOCATED
S SURPLUS

VONS
 CAMARILLO
 CAMARILLO, CA

STORE NUMBER
 03431

ISSUE DATE: 10/05/2021
 BUILDING SIZE: 63,993 SF
 SALES FLOOR SIZE: 50,000 SF
 DRAWING SCALE: 1/8" = 1'-0"

SHEET TITLE
 FIXTURE PLAN
 SHEET NO.
 Q1.1

**DEPARTMENT OF COMMUNITY DEVELOPMENT
CONDITIONS OF APPROVAL
CUP-431, Albertsons Companies, (Vons)**

GENERAL

1. The applicant must obtain all appropriate permits necessary for the utilization of CUP-431 from all applicable City departments and other governmental agencies. Additional information and fees may be required from these departments and agencies. It is the applicant's responsibility to ensure that all City of Camarillo and interested parties' requirements have been met.
2. The permit is granted for the land as described in the application and any attachment thereto and as shown on the plot plan and elevations submitted labeled, Exhibit A.
3. The alcohol sales areas must be substantially as shown on the plan labeled, Exhibit A, and in conformance with the conditions labeled, Exhibit "B".
4. The applicant must sign a statement that he is aware and understands and agrees to abide and adhere to all conditions attached to the conditional use permit, CUP-431, prior to occupancy.
5. The Director of Community Development may approve minor changes, as provided by Section 19.68.020 of the Municipal Code, but any substantial change requires the filing of a modification application to be considered by the Planning Commission.
6. All conditions associated with CPD-6 and approved modifications are applicable to CUP-431.
7. Applicant agrees, as a condition of issuing this permit, to pay all legal and expert fees and expenses of the City in defending any legal action brought against the City, other than one by the applicant, challenging the issuance of the permit, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City must estimate its expenses for the litigation, and the applicant must deposit said amount with the City or enter into an agreement with the City to pay such expenses, as they become due.
8. Developer/Applicant must reimburse the City for all attorneys' fees expended by the City, which are directly related to the processing of this development/project. No *Certificate of Occupancy* or other final occupancy approval must be given until attorneys' fees billed to date have been paid.
9. All persons doing business in the City of Camarillo in connection with the project must have a current Business Tax Certificate prior to inauguration of the use.
10. Any deposit or security required by any ordinance, resolution, policy, or condition must be delivered to the City of Camarillo in a form acceptable to the city.

POLICE

SECURITY

11. The rear doors to the establishment must be closed at all times except in cases of emergency and to permit deliveries.

12. No landscaping or manmade structure must be placed along the outside of the premises which would lead to easy access to the roof.
13. If the premises contains an alarm, the applicant must register with the Camarillo Police Department as required by the City of Camarillo Municipal Code.
14. The applicant must maintain a fully operational video/camera system (with the ability to record and store footage for at least 2 weeks) that continuously records throughout the inside of the business, with specific recording devices capturing any cabinets or refrigerators that contain alcohol for sale. In addition, recording devices must be maintained that capture the door entrance leading into the business and the parking lot area directly behind the business. This provision will be included in the development plans and verified by the Community Development project manager prior to final inspection.

LIGHTING

15. Lighting devices must be high enough to eliminate anyone on the ground from tampering with them.
16. Lighting devices must be protected against the elements and constructed of vandal resistant materials.

ALCOHOL REQUIREMENTS

17. Management and employees must adhere to the conditions outlined in their State of California Department of Alcoholic Beverage Control (ABC) license.
18. It shall be the responsibility of the applicant to provide the employees with the knowledge and skills that will enable them to comply with their responsibilities under state and city laws and ordinances.
19. Alcoholic beverages must not be sold within 10 feet of the front entrance.
20. Submit a request for address/location change to the ABC agency.

SPECIAL

21. Developer, by acceptance of the approval of this conditional use permit (CUP-431), agrees to indemnify, defend, and hold the City harmless from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, and costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements (collectively, "Claims"), which the City may suffer or incur, or to which the City may become subject, by reason of or arising out of the City's approval of this project, or the activities undertaken by the developer under this permit and any related project approvals. If any Claim is brought against the City by legal action or otherwise, developer agrees to defend the City at the City's request and with counsel satisfactory to City. For the purposes of this section, "City" includes the City of Camarillo's officials, officers, employees, and agents.
22. The owner of the property must regularly and promptly remove any and all graffiti from the project; must maintain exteriors in a clean and attractive condition; and must maintain all landscaping required for the project in a healthy, orderly, and aesthetically pleasing condition. All parking areas under use by the facility shall be maintained and kept free of litter and debris at all times. In instances where the Department of Community Development determines that a violation of this condition exists, the owner must act

promptly to correct the condition in accordance with the direction of the Director of Community Development.

23. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act. A copy of the Alcoholic Beverage Control Act License must be provided to the Community Development project manager prior to occupancy.
24. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board.
25. The Department of Community Development and the Police Department must be notified of any change of ownership of the approved use. Said notification must be provided *in writing* within ten (10) days of the completion of the change of ownership.
26. Employees involved in the sale of alcoholic beverages to patrons must enroll in and complete a Responsible Beverage Service (RBS) certified training program approved by the State Department of Alcoholic Beverage Control (ABC) for the responsible sales of alcohol within ninety (90) days of the date of hire. A copy of the employee certification must be provided to the Community Development project manager within ninety 90 days of occupancy.
27. Employees directly involved or supervising the sale of alcoholic beverages shall provide evidence and the business shall maintain records that employees have:
 - Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Santa Barbara District Office-administered Leadership and Education in Alcohol and Drug (LEAD) program in the form of an ABC-issued certificate; or,
 - Completed an accepted equivalent training by the ABC, Santa Barbara District Office, to ensure proper distribution of wine to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then,
 - ◆ The ABC-licensed proprietors must have confirmed with the Community Development Department within thirty (30) days of the final project approval that a date certain has been scheduled within the local ABC office to complete the LEAD course, and,
 - ◆ Within thirty (30) days of taking said course, the responsible employer or business manager must deliver each required certificate showing completion to the Police Department and the Community Development Department project manager.

A letter from the applicant must be provided to the Community Development Department project manager prior to occupancy indicating that the business owner agrees to complete the LEAD course. A copy of the LEAD course certification must be submitted to the Community Development Department project manager within 180 days of approval.

28. No person under the age of eighteen (18) shall sell packaged alcoholic beverages.
29. The applicant, or his/her designee, must be responsible, to police, for the exterior of the business to assure that no alcoholic beverages are consumed within the parking lot. The applicant must not permit any loitering in the parking lot or in areas adjacent to the facility. The applicant must provide a letter to the City agreeing to enforce this condition prior to occupancy.

30. Prior to final inspection, the employee/manager on duty must be trained in how to operate and download the camera system (DVD recordings) in the event a disturbance/crime occurs inside or outside of the establishment, so the Camarillo Police Department (CPD) can review the video. A letter must be provided to the Community Development Case Planner ensuring that this training has occurred and will be ongoing, prior to final inspection. If a disturbance/crime does occur, the Camarillo Police Department dispatch must be contacted at (805) 654-9511, or by calling 911 and reporting the disturbance immediately.
31. No exterior advertising of any kind or type is allowed promoting or indicating the availability of alcoholic beverages. Interior display/advertising of beer, wine, or liquor that are clearly visible to the exterior shall constitute a violation of this condition. Interior advertising or promotion of availability of beer, wine, and liquor may only be located within areas approved for the interior display of beer, wine, and liquor merchandise, subject to the Community Development Director's approved floor plan on file with the Department of Community Development.
32. Areas inside the establishment open to customers must be illuminated sufficiently to allow for the identification of persons to the satisfaction of the Camarillo Police Department prior to occupancy.
33. Under no circumstances will the Vons Supermarket at 940 Arneill Road have greater than 10% of the total store area square footage devoted to alcohol products.
34. Under no circumstances will the Vons Fuel Mart at 860 Arneill Road have greater than 8% of the total store area square footage devoted to alcohol products.
35. The Vons Fuel Mart may only sell beer, wine, or other alcoholic beverages permitted under the Type 20 ABC license.
36. Distilled spirits may only be sold in container sizes of 750 ml or larger unless they are kept in a locked shelving unit accessed for customers by staff. This restriction does not apply to beer and wine.
37. Drinking of alcohol must not occur on-site or outside of the building, and no loitering in the parking lot areas adjacent to the facility is permitted, in accordance with the approved plan and the Department of Alcoholic Beverage Control. A letter signed by the business owner agreeing to enforce this condition must be submitted to the Community Development project manager prior to occupancy.
38. If the use ceases to exist, the conditional use permit may be subject to revocation per Camarillo Municipal Code, Chapter 19.62.
39. The permittee must correct any safety or security problem within thirty (30) days upon written notice of such a problem from the Camarillo Police Department.
40. The development must remain in substantial conformance with the plans, as submitted and approved in conjunction with the application for CUP-431, except any modification as may be required to meet specific code standards or other conditions stipulated herein.