



# *Camarillo Planning Commission*

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## **AGENDA REPORT**

Date: August 20, 2024

To: Planning Commission

From: David Sanchez, Director of Community Development

Submitted by: Brett McMahon, Assistant Planner

Subject: CUP-431, Albertsons Companies DBA Vons Alcohol Sales

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## **BACKGROUND**

Albertsons Companies DBA Vons requests approval of a Conditional Use Permit (CUP) for a general off-sale alcohol license at the Vons Supermarket, located at 940 Arneill Road, and a beer and wine off-sale license at the Vons Fuel Mart, located at 860 Arneill Road.

Pursuant to Camarillo Municipal Code (CMC) Sections 19.26.040 and 19.62, the Planning Commission is the decision-maker for the requested CUP.

Applicant: Albertson Companies DBA Vons

Property Owner: Sphear Investments

Assessor's Parcel Number: 166-0-210-135 and 166-0-210-115

General Plan Designation: Commercial

Zoning Designation: Commercial Planned Development (CPD)

## **PUBLIC NOTICE**

A Notice of Public Hearing has been advertised for the Planning Commission meeting of August 20, 2024, with notices mailed to all property owners and residential occupants within a 600-foot radius of the subject site, posted at Camarillo City Hall, as well as on the City's website ([www.cityofcamarillo.org](http://www.cityofcamarillo.org)), and published in a newspaper of general circulation within the area (Camarillo Acorn). Additionally, an on-site sign advertising the meeting has been placed on the project site.

The proposed project was fully noticed and scheduled to have a Public Hearing on July 16, 2024, but this Public Hearing was subsequently canceled and rescheduled for the August 20, 2024 meeting. The July 16, 2024 meeting, notices were mailed to all property owners, residential occupants and homeowner's associations within a 600-foot radius of

the subject site, posted at Camarillo City Hall, as well as on the City's website ([www.cityofcamarillo.org](http://www.cityofcamarillo.org)), and published in a newspaper of general circulation within the area (Camarillo Acorn). Additionally, an on-site sign advertising the meeting was placed on the project site.

## DISCUSSION

### Parcel and Area Characteristics

The project site is located within the Central Plaza Shopping Center and is surrounded by the following land uses:

	GENERAL PLAN LAND USE DESIGNATION	ZONING DESIGNATION	CURRENT LAND USE
PROJECT SITE	Commercial	Commercial Planned Development	Multi-Tenant Shopping Center
NORTH	Low Density Residential 5 Dwelling Units Per Acre Maximum	Single Family Residential	Single Family Residential Dwellings
SOUTH	Commercial	Commercial Planned Development/ Professional Office	Commercial and Office Complex
EAST	Low Medium Density Residential 10 Dwelling Units Per Acre Maximum	Residential Planned Development 10 Dwelling Units Per Acre Maximum	Multi-Family Apartment Complex
WEST	Low Medium Density Residential 10 Dwelling Units Per Acre Maximum/ High Density Residential 30 Dwelling Units Per Acre Maximum	Residential Planned Development 10 Dwelling Units Per Acre Maximum/ 30 Dwelling Units Per Acre Maximum	Single Family Residential Dwellings



Vons Supermarket and Fuel Center looking east from Arneill Road (June 2024).

Central Plaza is currently undergoing a major remodel approved by the Planning Commission under CPD-6M(23) in 2022 and includes a new, purpose built grocery store for Vons. The store is estimated to be complete in late fall or winter this year. Additionally, a new gas station with a convenience store is anticipated to be completed in the spring or summer of next year.

The location of the requested alcohol CUP is not within the immediate proximity of any educational, recreational, or religious facility. The nearest educational institution to the project site is the Pleasant Valley School of Engineering and Arts which is roughly 0.37 miles away and the nearest public park is Laurelwood Park which is roughly 900 feet away in a straight line from the planned Vons Supermarket and Fuel Mart. The nearest religious institution to the site is the Good Shepherd Lutheran Church which is roughly 0.33 miles away from the project site in a straight line.

### General Plan and Zoning

The Camarillo General Plan Land Use Map designates the property as commercial and has a zoning designation of Commercial Planned Development (CPD). The project site is currently developed with a multi-tenant shopping center consistent with the commercial General Plan Land Use and CPD zoning designation. A proposed alcohol beverage establishment, off-sale, and concurrent retail sale of beer and/or wine with a service station are permitted uses in the CPD Zone, subject to the approval of a CUP (Camarillo Municipal Code (CMC) section 19.26.040.M & S).

### Project Description

The relocated Vons Supermarket at 940 Arneill Road is required to transfer, to the new location, its existing Type 21 – Off-Sale General Alcoholic Beverage Control (ABC) license, which authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold. The proposed floor plan shows alcohol sales and storage will utilize 6,000 square feet of interior space out of the 63,000-square-foot total interior space of the new supermarket mainly near the front left corner of the store with multiple rotating promotional display areas in the rear of the store.

The new Vons Fuel Mart at 860 Arneill Road is required to obtain a Type 20 – Off-Sale Beer and Wine Only ABC license, which authorizes the sale of beer, wine, and a limited quantity of other low alcohol content beverages for consumption off the premises where sold. The proposed floor plan shows liquor sales and storage will utilize 238 square feet of interior space out of the 2,996 square feet of the new fuel mart. The alcohol products sold will be located in the back middle section of the store.

The project site is located within Census Tract 54.01, which encompasses the area south of Las Posas Road, east of Arneill Road, and north and west of Ponderosa Drive. Currently, the number of ABC licenses within the census tract exceeds the allocated number of alcohol licenses as recommended by ABC. The ABC guidelines recommend two off-sale (retail) and four on-sale (restaurants and bars) licenses within Census Tract 54.01. There are currently five off-sale (of which Vons at their current location is one), and seven on-sale ABC licenses, which exceeds the allocated number of alcohol licenses as recommended by ABC. In accordance with Business and Professions Code § 23958.4 the City must make a finding of Public Convenience or Necessity (PCN) before ABC can issue licenses in Census Tract 54.01. Staff finds the request to be of PCN as Vons alcohol sales will create a convenience for local citizens and the patrons of the establishment to purchase alcoholic beverages while shopping without the need to travel to other alcoholic beverage establishments. Additionally,

approval of this CUP will create only one additional license in this Census Tract because it transfers the existing Type 21 license to the new address and the additional license will be a Type 20 license for the Vons Fuel Mart accompanying the new location.

Current ABC Licenses within Census Tract 54.01		
Business	License Type	Address
MIKA SUSHI	TYPE 41, ON-SALE BEER & WINE EATING ESTABLISHMENT	2500 E. LAS POSAS ROAD, SUITE E
CVS PHARMACY	TYPE 21, OFF-SALE GENERAL	760 ARNEILL ROAD
SPROUTS FAMERS MARKET	TYPE 20, OFF-SALE BEER & WINE	2400 E. LAS POSAS ROAD
RUBY'S MEXICAN RESTAURANT AND TEQUILA BAR	TYPE 47, ON-SALE GENERAL EATING ESTABLISHMENT TYPE 58, CATERER'S PERMIT	2508 E. LAS POSAS ROAD, SUITE D
RICS RESTAURANT & SPORTS LOUNGE	TYPE 47, ON-SALE GENERAL EATING ESTABLISHMENT	2500 E. LAS POSAS ROAD, SUITE A
LUCERNE ITALIAN RESTAURANT	TYPE 41, ON-SALE BEER & WINE EATING ESTABLISHMENT	868 ARNEILL ROAD
LUV'N EAT RAMEN	TYPE 41, ON-SALE BEER & WINE EATING ESTABLISHMENT	2508 LAS POSAS ROAD, SUITE B
ONYX BISTRO	TYPE 41, ON-SALE BEER & WINE EATING ESTABLISHMENT TYPE 20, OFF-SALE BEER & WINE	2390 LAS POSAS ROAD, SUITE H
VONS (EXISTING LOCATION SET TO RELOCATE)	TYPE 21, OFF-SALE GENERAL	820 ARNEILL ROAD
RITE AID	TYPE 21, OFF-SALE GENERAL	2400B LAS POSAS ROAD
PIZZA MAN DANS	TYPE 41, ON-SALE BEER & WINE EATING ESTABLISHMENT	2390 LAS POSAS ROAD, SUITE J

The existing Vons location at Central Plaza has historically held with good standing a Type 21 ABC license since 1997. At the time, a CUP was not issued as was not required by the CMC. The move to the new location and transfer of the existing license triggers the need for a CUP. The fuel mart, being a new development, requires a CUP for off-sale alcohol use in the CPD zone.

#### Operations

The proposed floor plan for the supermarket allocates 10% of total floor space to alcohol products and the proposed floor plan for the fuel mart allocates 8% of total floor space to alcohol products. The amount of floor space that can be devoted to alcohol sales and storage is capped per the conditions of approval. Additionally, the conditions prohibit any other alcohol license aside from a Type 20 at the fuel mart. The hours of operation of alcohol sales at the supermarket and fuel mart will correspond with the set hours of operation for the establishment and any applicable state and federal regulations.

## **STAFF REVIEW AND RECOMMENDATION**

The proposed request was forwarded to the Police Department for review and staff was notified that the Police Department did not have issues with the relocated Vons Supermarket or the new Vons Fuel Mart pursuing an ABC license. However, the Police Department has made recommendations related to security, lighting, and employee training which are included in the proposed conditions of approval.

The sales area of alcoholic products in the supermarket is over 120 feet from the nearest public doorway and will be in the front left corner of the store with zero visibility from the outside. This section of the store is immediately adjacent to areas of high employee traffic such as the check-out lines and the employee break rooms which should naturally provide high employee surveillance. Additionally, there will be four alcohol promotional sales sections in the back of the store which will be located in front of the Vons Deli and the two access doors for employee only storage areas. This section of the store will also have high employee traffic which will enhance surveillance of the section and there will be no visibility of these promotional sales areas from the store entrance.

The sales area of alcoholic products in the fuel mart is approximately 27 feet in a straight line to the nearest public doorway and will be located in the middle back of the store with obstructed views from the outside caused by aisles and displays. This portion of the store will have a direct line of sight from the cash register and is set back as far as possible from the public door which enhances security.

Evaluated below is the consistency of the proposed project with the applicable policies of the City of Camarillo's General Plan.

**Land Use Element, Commercial Uses, Principles:** *To achieve a balance of commercial areas that will provide for the retail business, professional and service needs of the residents of Camarillo, as well as attracting customers from the surrounding service areas.*

- The proposed project is an existing use that is relocating. The residents and frequent patrons of the shopping center have come to rely on Vons as a convenient location that meets their retail service needs. Approval will continue an existing use. The new fuel mart will potentially expand the customer base for Vons and the alcohol sales at the fuel mart will also serve as a convenient location.

**Land Use Element, Commercial Uses, Principles:** *Provide adequate land and proper location for the various types of commercial activities so that they can provide optimum service to the community and surrounding service area.*

- The minor relocation of an existing use continues providing optimal service, in the proper location to the community and surrounding service area and the new fuel mart will expand on that service to the community.

Staff has reviewed and found the proposed project to be consistent with the applicable goals and policies of the City's General Plan and the development standards set forth in the Zoning Ordinance.

Staff therefore recommends approval of CUP-431, subject to the attached recommended conditions. If the Planning Commission concurs with the staff's recommendation to approve CUP-431, a resolution containing findings for approval of the request is attached.

## **CEQA DETERMINATION**

The project is not subject to CEQA review pursuant to CEQA Guideline Section 15301 (Class 1 – Existing Facilities), which exempts from CEQA review projects that consist of the operation of existing public or private structures involving negligible or no expansion of existing or former use. This agenda item meets the criteria for this exemption because this request is limited to operational use only within existing structures and involves negligible expansion of use.

## **RECOMMENDATION**

1. Find CUP-431 exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 (Class 1 – Existing Facilities).
2. Adopt a resolution approving CUP-431, subject to the recommended conditions of approval.

## **ATTACHMENTS**

1. Resolution
2. Location Map
3. Public Hearing Notice