



City of Camarillo

Planning Commission AGENDA REPORT COVER

DATE: October 19, 2021

TO: Planning Commission

FROM: Joseph R. Vacca, AICP, Director of Community Development

SUBMITTED BY: John Novi, AICP, Senior Planner

SUBJECT: Recommendation of a Zoning Ordinance Amendment to Create a Director Level Conditional Use Permit (CUP) Process and Allow Certain Uses Subject to a Director Level Approval

PROJECT INFORMATION SUMMARY

The City is considering proposed amendments to the Zoning Ordinance of the Camarillo Municipal Code (CMC) that would create a procedure for an administrative Community Development Director (Director) level approval for Conditional Use Permits (CUP); allow the sale of alcoholic beverages for off-site consumption with an approved restaurant subject to a Director level approval of a CUP in the Camarillo Commons Mixed Use (CCM), Village Commercial Mixed-Use (CMU), Commercial Neighborhood (C-N), Camarillo Old Town (COT), Commercial Planned Development (CPD), Service Commercial (SC), Limited Manufacturing (L-M), and Light Manufacturing (M-1) Zones; allow the establishment of breweries, wineries, and distilleries in the SC, L-M, M-1, and General Manufacturing (M-2) Zones subject to a Director level approval of a CUP; and allow Day Care Nurseries, short-term, in the CCM, Professional Office (P-O), CMU, C-N, COT, and CPD Zones subject to a Director level approval of a CUP.

SUGGESTED ACTION

Adopt a resolution recommending approval to the City Council of a proposed ordinance amending Camarillo Municipal Code Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, and 19.32, and amending and restating Chapter 19.62, to create a Director level CUP process for certain uses.

ATTACHMENTS

1. Agenda Report
2. Resolution
3. Redline CMC Sections 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, 19.32, and Chapter 19.62
4. Public Hearing Notice



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SUMMARY

The City is considering proposed amendments to the Zoning Ordinance of the Camarillo Municipal Code (CMC) that would create a procedure for an administrative Community Development Director (Director) level approval for Conditional Use Permits (CUP); allow the sale of alcoholic beverages for off-site consumption with an approved restaurant subject to a Director level CUP approval of a in the Camarillo Commons Mixed Use (CCM), Village Commercial Mixed-Use (CMU), Commercial Neighborhood (C-N), Camarillo Old Town (COT), Commercial Planned Development (CPD), Service Commercial (SC), Limited Manufacturing (L-M), and Light Manufacturing (M-1) Zones; allow the establishment of breweries, wineries, and distilleries in the SC, L-M, M-1, and General Manufacturing (M-2) Zones subject to a Director level approval of a CUP; and allow Day Care Nurseries, short-term, in the CCM, Professional Office (P-O), CMU, C-N, COT, and CPD Zones subject to a Director level approval of a CUP.

PUBLIC HEARING NOTICE

A Notice of Public Hearing for the Planning Commission meeting of October 19, 2021, was posted at Camarillo City Hall, as well as on the City's website (www.cityofcamarillo.org), and published in a newspaper of general circulation for the area (Camarillo Acorn).

DISCUSSION

Environmental Review

The recommendation on the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the item will not result in a direct or reasonably foreseeable indirect physical change in the environment; Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the

environment, directly or indirectly; Section 15061(b)(3), because the item is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and Section 15378(b)(5), because this item involves an administrative activity that will not result in a direct or indirect physical change to the environment. Therefore, this item is exempt from CEQA.

Background

On November 4, 2020, staff made a presentation to the City Council for consideration of a concept to create a Director level CUP approval process and allow certain uses as described in the proposed ordinance, subject to the Director level approval of a CUP. The City Council unanimously provided concurrence for City staff to prepare a Zoning Ordinance Amendment (ZOA) for consideration.

On May 4, 2021, staff made a presentation to the Planning Commission Ordinance Committee (PCOC) for consideration of the proposed ZOA. The PCOC directed that the ZOA be brought for consideration for a recommendation of approval by the Planning Commission to the City Council.

STAFF REVIEW AND RECOMMENDATION

Current Director Level Approvals

In 2015, the City Council approved a ZOA pertaining to Wireless Communication Facilities.

- This approved ZOA included an update to allow administrative (Director) approval of certain wireless facilities that are proposed in the right-of-way. This type of facility previously required a CUP to be reviewed and approved by the Planning Commission with a public hearing.

Since adoption in March of 2015, staff has not had any issues with allowing this Director level approval for wireless facilities in the right-of way. Additionally, the Director of Community Development currently has the administrative discretionary authority to issue approvals for certain forms of modifications to already permitted uses and development projects. As an administrative determination, the approval of a CUP at the Director level can help ease and streamline certain minor land use entitlement decisions.

Proposed Director Level Conditional Use Permit

The proposed ZOA to create a Director level CUP process would include new procedures under amended CMC Chapter 19.62. The Director level CUP approval process would be an administrative review, will be subject to the public noticing requirements of CMC Chapter 19.84, and provide an administrative 10-day comment period prior to the Director making a decision on the requested CUP. The Director will record the decision in writing and will have the authority to impose conditions of approval. A Director approved CUP can be considered for revocation by the Planning Commission if the use is in violation of the conditions of approval or causes a public nuisance in accordance with the procedures described in CMC Chapter 19.62. Additionally, any Director level CUP decision is appealable to the Planning Commission if an appeal is filed within ten days of the directors decision in accordance with the procedures described in CMC Chapter 19.62.

To address compatibility with surrounding land uses, the Director may impose conditions of approval when considering approval of a CUP, including but not limited to:

- Provision of parking facilities
- Regulation of nuisance factors, including glare, light spill-over, noise, vibration, and dust
- Regulation of buildings and structures, including placement, height, size, and design
- Provision of sanitary facilities
- Provision of solid waste collection and disposal
- Provision of security and safety measures
- Regulation of operating hours and days
- Compliance with State requirements for day cares and State ABC requirements
- Other conditions to ensure the operation of the use is orderly

CMC Section 19.04.273 identifies the definition of the Director as the “director of community development or the director's designated representative.” This code section is not proposed to be altered under this ZOA and will allow a designated representative of the director to approve certain CUPs and other entitlements at the discretion of the Community Development Director.

With the creation of the procedure for a Director level approval of a CUP, various sections of Chapter 19.62, Conditional Use Permits, also require amendments to clarify responsibility and approving body since the existing Chapter 19.62 assumes all CUPs are reviewed by the Planning Commission and does not have language to address review of any CUP approved at the Director level.

There are no changes to Chapter 19.62 as it relates to the Planning Commission CUP procedures, or Planning Commission CUP appeal procedures.

Off-Sale of Alcoholic Beverages with a Restaurant

Currently, the sale of alcoholic beverages for off-site consumption with an approved restaurant requires the issuance of a CUP by the Planning Commission. In response to the COVID-19 pandemic, relaxed regulations by the California Department of Alcoholic Beverage Control (ABC) has allowed for restaurants with an active on-sale alcohol license to sell alcoholic beverages for off-site consumption that pre-empted the City's requirement of the issuance of a CUP. However, the relief is temporary and will remain in place through December 31, 2021, unless extended by ABC. Once the regulatory relief authorized by ABC is rescinded, the sale of alcoholic beverages for off-site consumption will require approval from the City through a CUP.

The proposed ZOA would allow an approved restaurant to obtain approval for the off-sale of alcoholic beverages through a Director-approved CUP in an expeditious and cost-effective manner for the businesses. This is not intended to allow for “to go” cocktails to be offered for sale along with takeout food products, but instead is to allow for ancillary off-sales of craft beer and wine in sealed containers to be consumed off the premises.

The proposed ordinance would:

- Amend CMC Chapters 19.21 (Camarillo Commons Mixed-Use), 19.23 (Village Commercial Mixed-Use), 19.24 (Commercial Neighborhood), 19.25 (Camarillo Old Town), 19.26 (Commercial Planned Development), 19.27 (Service Commercial), 19.28 (Limited Manufacturing), and 19.30 (Light Manufacturing) to add a new section for uses requiring conditional use permits that may be approved at the director level, and list “Alcoholic beverages, off-sale in conjunction with an approved restaurant” as one of such uses.

Breweries, Wineries, and Distilleries

In recent years, craft breweries, winery tasting rooms, and craft distilleries have increased in popularity and have become more commonplace throughout the region. Currently, breweries, wineries, and distilleries, and tasting rooms therein, are subject to the issuance of a CUP by the Planning Commission in the Service Commercial (SC), Limited Manufacturing (LM), Light Manufacturing (M-1), and General Manufacturing (M-2) Zones.

The craft brewery, winery, and distillery experience differs from a traditional drinking establishment in that the breweries, wineries, and distilleries typically only serve alcohol manufactured on site or under a single label, tend to hold hours of operation that close earlier than traditional drinking establishments, and are located in industrial areas where distance to sensitive uses is typically greater.

For these reasons, the potential impacts associated with breweries, wineries, and distilleries are expected to be lower and therefore are proposed to be allowed in the SC, LM, M-1, and M-2 Zones subject to a Director level approval of a CUP.

The proposed ordinance would:

- Amend CMC Chapters 19.27 (Service Commercial), 19.28 (Limited Manufacturing), 19.30 (Light Manufacturing), and 19.32 (General Manufacturing), to add a new section for uses requiring conditional use permits that may be approved at the director level, move the use described below from permitted under a CUP to this new section.

“Breweries, wineries, and distilleries, with or without tasting areas, including retail sales of alcoholic beverages manufactured on-site that will be consumed off the premises.”

Day Care Nurseries, Short-Term

On March 11, 2020, the City Council approved a ZOA for Family Day Care facilities to be permitted by right in residential zones in response to California Senate Bill 234. Day Care Nurseries, short-term, are currently permitted in the P-O and C-N Zones, subject to a CUP approved by the Planning Commission and in the CCM, CMU, COT, and CPD Zones, subject to a Commercial Planned Development Permit also approved by the Planning Commission.

In order to streamline the permitting process, the proposed ZOA would allow Day Care Nurseries, short-term to be permitted under a Director level CUP.

The proposed ordinance would:

- Amend Chapters 19.21 (Camarillo Commons Mixed-Use), 19.22 (Professional Office), 19.23 (Village Commercial Mixed-Use), 19.24 (Commercial Neighborhood), 19.25 (Camarillo Old Town), and 19.26 (Commercial Planned Development) to add a new section for uses requiring conditional use permits that may be approved at the director

level and list Day Care Nurseries, short-term, providing care for more than six children subject to the standards of Section 19.62.165” as one of its uses.

Director Level CUPs in Other Jurisdictions

Staff surveyed the permitting procedures of the other nine cities within the county, and the County of Ventura, and discovered that five jurisdictions currently have ordinances allowing director level approval of CUPs. The Director of Community Development or Planning Director has the ability to review and approve CUPs in the following jurisdictions:

- Moorpark
- Port Hueneme
- City of Ventura
- Thousand Oaks
- County of Ventura

CUP Costs

Currently, the CUP fee is \$6,629, which is increasing to \$7,003 effective October 24, 2021. The fee for the Director level approval, while not established yet and will need further analysis, will likely require approximately half of the time spent on a CUP that requires Planning Commission review at a public hearing and therefore, staff predicts that the fee will likely be approximately half the cost of the current CUP fee.

Economic Development Strategic Plan

The City’s Economic Development Strategic Plan identifies Existing Business Retention and Expansion, and Real Estate and Community Development as priorities for the City to enhance economic development.

- Existing Business Retention and Expansion includes the City’s “Get to Yes” program to expedite the permit process through permit streamlining and finding ways to approve projects that are good for the City’s economic health and residents.
 - The Director level CUP approval process provides for a streamlined review process, shorter review period, and lower permitting fees for uses that are good for the community.
- Real Estate and Community Development includes goals for development streamlining within the City.
 - The Director level CUP approval process is expected to take substantially less time to process than a traditional CUP issued by the Planning Commission, allowing staff to expedite permit review and authorize additional uses that will progress the City’s goal of economic development.

Recommendation

The Director level CUP approval process bridges the gap between a use permitted by right, which does not require a public hearing, and a conditionally permitted use, which requires a public hearing before the Planning Commission. This process would allow the Director to administratively review and approve a use identified for a Director level CUP for a use, subject to conditions of approval if necessary. As an administrative determination, the issuance of a Director level CUP would help streamline certain types of land use entitlement decisions, by improving efficiency in permitting and shortening the time needed for review with an expected reduction in fees charged to an applicant.

For the reasons set forth in this agenda report and the findings set forth in the proposed resolution, staff recommends that the Planning Commission adopt the proposed resolution recommending that the City Council approve the proposed ordinance.

SUGGESTED ACTION

Adopt a resolution recommending approval to the City Council of a proposed ordinance amending Camarillo Municipal Code Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, and 19.32, and amending and restating Chapter 19.62, to create a Director level CUP approval process for certain uses.