

## RESOLUTION NO. PC 2016-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO APPROVING A CONDITIONAL USE PERMIT (CUP) REQUEST BY SIMON MAIDA, OWNER OF VILLAGE GREENS MARKET, FOR A TYPE 21 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES, WITHIN AN EXISTING 1,250 COMMERCIAL SUITE LOCATED AT 795 CAMARILLO SPRINGS ROAD, SUITE F, IN THE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONE, FURTHER DESCRIBED AS CUP-371

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

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

A. An application for a Conditional Use Permit (CUP) for a Type 21 Alcoholic Beverage Control (ABC) license for the sale of alcoholic beverages for consumption off the premises, within an existing 1,250-square-foot commercial suite located at 795 Camarillo Springs Road, Suite F, in the Commercial Planned Development (CPD) Zone has been submitted to the Planning Commission, in accordance with the applicable procedures of the Municipal Code.

B. Municipal Code section 19.62 specifies the procedure for processing this application and assigns certain authority to the Planning Commission to review the application.

C. The Planning Commission conducted a duly-noticed public hearing on the application on March 15, 2016, and has considered all testimony and information presented at the hearing.

**SECTION 2. Environmental Review.** The proposed use has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been found to be categorically exempt from further environmental review under Class 1, Existing Facilities (State Guidelines section 15301), of the CEQA Guidelines.

**SECTION 3. Project Findings.** The Planning Commission, after reviewing the application and receiving evidence and testimony at a public hearing, finds that the request may be approved based on the following findings:

- A. The use applied for at the location set forth in the application is properly one for which a CUP is authorized by this title, Camarillo Municipal Code (CMC) Chapter 19.62, because off-sale alcoholic beverage establishments are permitted in the Commercial Planned Development (CPD) Zone under CMC section 19.26.040.S. with an approved CUP.
- B. 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 would be applied to ensure compatibility with the surrounding properties, the use is permitted in the CPD Zone

with a CUP under CMC section 19.26.040.S, and the sale of alcohol is an ancillary use to an existing convenience store. The CUP to upgrade an existing Type 20 ABC License to a Type 21 ABC License will not result in an increase of ABC Licenses within Census Tract 56.00.

- C. 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 in order to adjust the use to those existing or permitted future uses on land in the neighborhood, because the use is proposed to be located in an existing commercial building that was constructed in compliance with CPD-161, and it is adequate in size and shape to accommodate the market and also provides appropriate setbacks, walls and fences, landscaping, and other features in accordance with CMC section 19.26.060.
- D. 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 alcoholic beverages at an existing convenience store located within an existing commercial development, which is provided access to the site by existing, improved streets adjacent to the site.
- E. 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 market remains successful with the addition of hard liquor sales.
- F. A finding of public convenience or necessity is not required under Section 23958.4 of the Business and Professions Code, because the granting of the CUP will not result in an increase of ABC licenses, as the existing Type 20 (off-sale beer and wine) ABC license will be surrendered upon issuance of the Type 21 (off-sale general) ABC license.

**SECTION 4. Approval of CUP-371.** Based on the above findings, the Planning Commission hereby approves CUP-371, including the plans labeled, Exhibit A, and 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. 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.

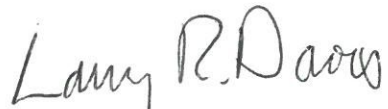
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APPROVED AND ADOPTED on March 15, 2016, by members of the Planning Commission voting as follows:

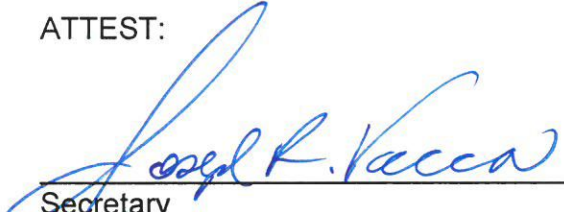
AYES: Commissioners Edsall, Lusk, Valenzano, and Chairman Davis

NOES: None

ABSENT: Commissioner Hemmens

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

c: Community Development Department  
General Services Department (information Systems Division)  
Simon Maida, Village Greens Market  
Patrick E. Panzarello, Greymar Associates

<p><b>VICINITY MAP</b> NO SCALE</p>	<p><b>INDEX OF DRAWINGS</b></p> <p>AG-1 _____ INDEX OF DRAWINGS PROJECT INFORMATION VICINITY MAP</p> <p>C-1 _____ EXISTING SITE CONDITIONS</p> <p>A-1 _____ EXISTING &amp; NEW FUTURE PLAN ELEVATIONS</p> <p>A-2 _____</p> <p><b>CONTACT PERSON:</b></p> <p>PATRICK E. PANZARELLO CONSULTING SERVICES 9111 MORNING GLOW WAY SUN VALLEY, CA. 91352 (818) 310-5589 ppanz@inbox.com</p>	<p><b>PROJECT DIRECTORY</b></p> <p><b>PROJECT ADDRESS:</b> 795 CAMARILLO SPRINGS RD., SUITE "F" CAMARILLO, CA 93012</p> <p><b>BUILDING OWNER:</b> JAMES MROSE 1575 SPRINGER DRIVE, SUITE 301 CAMARILLO, CA 93019</p> <p><b>APPLICANT:</b> VILLAGE GREEN MARKET 795 CAMARILLO SPRINGS RD., SUITE "F" CAMARILLO, CA 93012</p> <p><b>C.U.P. APPLICATION CONTACT:</b> GREYMAR ASSOCIATES 1575 SPRINGER DRIVE, SUITE 105-B VENTURA, CA 93001 TEL: (805) 864-8676 email: go@hellworld@hotmail.com</p>	<p><b>CONDITIONAL USE PERMIT</b> <b>SCOPE OF WORK:</b></p> <p>THIS PLAN IS SUBMITTED FOR THE PURPOSE OF OBTAINING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF ALLOWING EXISTING CONDITIONS AS VILLAGE GREEN MARKET FOR THE PURPOSE OF A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORE, WITH A LIMITED SELECTION OF FOODS, BEVERAGES AND OTHER GOODS, ALLOW SELF-SERVICE.</p> <p>IT SHOULD BE NOTED THAT ONLY THE ADDITION OF HARDWARE, WHICH IS TO CUSTOMERS SHALL BE THE ONLY ADDITION WITHIN THIS CONDITIONAL USE PERMIT. THE INTERIOR OF THE SITE AS A RESULT OF THIS CONDITIONAL USE PERMIT AND THESE PLANS ARE ONLY PROVIDED FOR INFORMATIONAL PURPOSES AND ARE NOT TO BE CONSIDERED AS A RESULT OF THIS PERMIT. IN WHICH HARDWARE SHALL BE DISPLAYED.</p> <p>IT SHOULD ALSO BE NOTED THAT THERE SHALL BE NO ADDITIONS TO THE BUILDING, THE INTERIOR, THE SITE AS A RESULT OF THIS CONDITIONAL USE PERMIT AND THESE PLANS ARE ONLY PROVIDED FOR INFORMATIONAL PURPOSES AND ARE NOT TO BE CONSIDERED AS A RESULT OF THIS PERMIT. IN WHICH HARDWARE SHALL BE DISPLAYED.</p> <p>NO NEW LIGHTING, MECHANICAL OR PLUMBING IS INCORPORATED IN THE SCOPE OF WORK OF THIS PERMIT AND THEREFORE, NO TITLE 24 DOCUMENTATION IS INCLUDED HEREIN.</p> <p>THERE IS NO DEMOLITION OF STRUCTURAL ITEMS OR NO NEW STRUCTURAL CONSTRUCTION WITHIN THE SCOPE OF WORK OF THIS BUILDING PERMIT.</p> <p>NO NEW EQUIPMENT (A. REFRIGERATORS, COOLING UNITS, COLD STORAGE, MECHANICAL ETC.) THAT WOULD REQUIRE SPECIFIC COUNTY OF VENTURA PERMITS OR ANY OTHER AGENCIES PERMITS ARE REQUIRED FOR THE SCOPE OF THIS PERMIT. THE ONLY TITLES WITHIN THE SCOPE OF WORK OF THIS PERMIT SHALL BE DISPLAY STORAGE RACKS AS INDICATED.</p> <p>BEER AND WINE STORAGE AND DISPLAY AS INDICATED ON THIS PLAN IS CURRENTLY IN COMPLIANCE WITH ALL APPROPRIATE LICENSES AND PERMITS. THE ONLY TITLES WITHIN THE SCOPE OF WORK OF THIS PERMIT SHALL BE DISPLAY STORAGE RACKS AS INDICATED.</p>	<p><b>INDEX OF DRAWINGS</b></p> <p>AG-1 _____ INDEX OF DRAWINGS PROJECT INFORMATION VICINITY MAP</p> <p>C-1 _____ EXISTING SITE CONDITIONS</p> <p>A-1 _____ EXISTING &amp; NEW FUTURE PLAN ELEVATIONS</p> <p>A-2 _____</p> <p><b>CONTACT PERSON:</b></p> <p>PATRICK E. PANZARELLO CONSULTING SERVICES 9111 MORNING GLOW WAY SUN VALLEY, CA. 91352 (818) 310-5589 ppanz@inbox.com</p>	<p><b>SYMBOL LEGEND</b></p> <p>MS _____ GRADE ELEVATION REFERENCE</p> <p>NORTH _____ NORTH ARROW</p> <p>DOOR _____ DOOR REFERENCE SYMBOL - SEE SCHEDULE</p> <p>WINDOW _____ WINDOW REFERENCE SYMBOL - SEE SCHEDULE</p> <p>KEY NOTE _____ KEY NOTE</p> <p>ELEVATION REFERENCE FLAG _____ ELEVATION REFERENCE FLAG</p> <p>GRID REFERENCE LINE _____ GRID REFERENCE LINE</p> <p>DETAIL FLAG _____ DETAIL FLAG</p> <p>SECTION REFERENCE _____ SECTION REFERENCE</p> <p>SECTION CUT _____ SECTION CUT</p> <p>SHEET SECTION LINE _____ SHEET SECTION LINE</p>	<p><b>AG-1</b></p> <p><b>C.U.P. SUBMITTAL</b></p> <p>DATE _____</p> <p>REVISION _____</p> <p>DATE _____</p> <p>DATE _____</p> <p>DATE _____</p>	<p><b>TITLE BLOCK</b></p> <p>VILLAGE GREEN MARKET SUITE "F" 795 CAMARILLO SPRINGS ROAD CAMARILLO, CA 93012</p> <p>GREYMAR ASSOCIATES 1575 SPRINGER DRIVE, SUITE 105-B VENTURA, CA 93001 TEL: (805) 864-8676</p>
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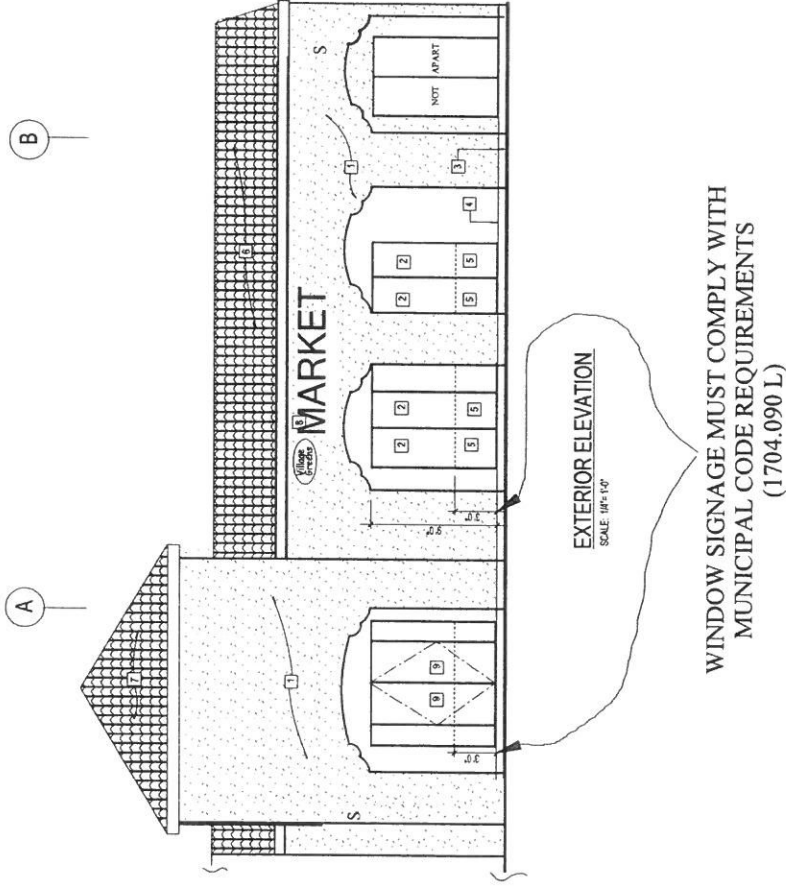




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 PATRICK E. PANZARELLO  
 CONSULTING SERVICES  
 9111 MORNING GLOW WAY  
 SUN VALLEY, CA. 91352  
 (818) 310-8589  
 patpanz@inbox.com

EXTERIOR ELEVATION KEY NOTES

- 1 TAN STUCCO PER ORIGINAL PROJECT APPROVAL
- 2 FIXED GLAZING - NO TINT - UNRESTRICTED VIEW TO INTERIOR
- 3 PAINTING @ PARKING GRADE
- 4 CONCRETE WALK @ COVERED WALKWAY
- 5 LOWER 3/4 OF GLAZING BLOCKED BY COUNTER IN INTERIOR - SEE PLAN
- 6 SPANISH TILE PARAPET ROOF
- 7 SPANISH TILE @ ROOF TOWER
- 8 APPROVED EXISTING SIGNAGE
- 9 CLEAR GLASS ENTRY DOORS - NO TINT - UNRESTRICTED VIEW TO INTERIOR



VILLAGE GREEN MARKET  
 SUITE "F"  
 795 CAMARILLO SPRINGS ROAD  
 CAMARILLO, CA 93012

ELEVATIONS

GREYMAR ASSOCIATES  
 1575 Serrano Drive Suite 105-B  
 Van Nuys, CA 91401  
 Tel: (805) 546-8718

CUP  
 SUBMITTAL

DATE	REVISION

A-2

DEPARTMENT OF COMMUNITY DEVELOPMENT  
CONDITIONS OF APPROVAL

CUP-371, Village Greens Market

GENERAL

1. That the applicant must obtain appropriate permits and a zone clearance must be obtained from the City Departments of Community Development, Public Works/Land Development Division, and Building and Safety. Additional information and fees may be required from these departments, such as: school fees, traffic fees, police facility fees, soils reports, geologic studies, grading plans, utility fees, encroachment permit fees, and building code requirements. The building plans will also be coordinated with other governmental agencies (i.e., fire, water, environmental health, etc.). It is the applicant's responsibility to ensure that all City of Camarillo and interested parties' requirements have been met.
2. That 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. That the location of all buildings, fences, roadways, security measures, alcohol sales areas, parking areas, landscape, and other facilities or features 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 acknowledging and agreeing to abide and adhere to all conditions attached to CUP-371 prior to zone clearance.
5. That unless the use is inaugurated and diligently pursued not later than twelve (12) months from the date this permit is granted, this permit will automatically expire on that date. However, if there have been no changes in the proposed plot plan or adjacent area, the Director of Community Development may grant additional time extensions for the use inauguration.
6. All exterior light fixtures and location be approved by the Director of Community Development. On-site lighting must be shielded and directed from adjoining properties, so as to produce no annoyance or nuisance or traffic hazard.
7. 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.
8. Additions, changes, exterior modifications, rooftop equipment, and storage or equipment enclosures may be built **only** after receiving Department of Community Development approval and appropriate permits.
9. 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.



10. 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 all attorneys' fees billed to date have been paid.
11. There must be no outdoor storage, sales, or displays in accordance with the Commercial Planned Development (CPD) Zone.
12. The project must comply with the requirements of the CPD Zone.

#### **SECURITY REQUIREMENTS**

13. 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.
14. 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.

#### **SPECIAL**

15. Applicant, by acceptance of the approval of this CUP-371, 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 applicant under this permit and any related project approvals. If any Claim is brought against the City by legal action or otherwise, applicant 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.
16. 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.
17. The applicant must obtain and maintain all licenses required by the State Department of Alcoholic Beverage Control (ABC) Act. A copy of the Type 21 Alcoholic Beverage Control Act License must be provided to the Community Development project manager immediately upon issuance by ABC.
18. The applicant must comply with all regulations of the ABC Act and the regulations promulgated by the ABC Board.
19. 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.

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20. All employees involved in the sale of alcoholic beverages to patrons must enroll in and complete a Leadership and Education in Alcohol and Drug (LEAD) training class or Responsible Beverage Service (RBS) training class within ninety (90) days of the date of hire. Within thirty (30) days of taking said course, the applicant must deliver each required certificate showing completion to the Director of Community Development Department or designee. Acceptable RBS training providers must be on the list of providers furnished by the State Department of Alcoholic Beverage Control, who have agreed to incorporate some or all of the recommended best practices into their training.
21. No person under the age of eighteen (18) shall sell packaged alcoholic beverages.
22. The applicant, or his/her designee, shall be responsible to police for the exterior of the business to assure that no alcoholic beverages are consumed within the parking lot. The applicant shall not permit any loitering in the parking lot or in areas adjacent to the facility. The applicant must provide a letter agreeing to enforce this condition to the Director of Community Development or designee prior to issuance of a zone clearance.
23. All windows shall be cleared of all window signage and advertisements and remain clear—with the exception of the bottom three feet of the front windows, which may be tinted black with spandrel glass, or suitable material on the interior, as approved by the Director of Community Development or designee.
24. The applicant must maintain a fully operational video/camera system 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 on the development plans and verified by the Director of Community Development or designee prior to final inspection. In addition, 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 can review the video. A letter must be provided to the Director of Community Development or designee 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.
25. 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 hard 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 hard liquor may only be located within areas approved for the interior display of beer, wine, and hard liquor merchandise, subject to the Community Development Director's approved floor plan on file with the Department of Community Development.
26. 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 zone clearance.
27. Overall sales shelving and display area dedicated to saleable products of alcohol shall be restricted to 38 percent of all saleable products in the store, and shall be restricted to 10 percent of the gross floor area. This shall be demonstrated in a plan to be reviewed and approved by the Director of Community Development prior to zone clearance for inauguration of the use.

28. The sale of hard liquor shall be restricted to the eight-square-foot liquor cabinet located behind the cashier register counter, as shown on the plans submitted and approved by the Planning Commission, and shall be locked at all times and may only be accessed by employees who have completed training with the State Department of Alcoholic Beverage Control.
29. No drinking of alcohol may occur on site or outside of the building, and no loitering in the parking lot areas adjacent to the facility shall be permitted, in accordance with the approved plan and the State Department of Alcoholic Beverage Control. A letter signed by the business owner agreeing to enforce this condition must be submitted to the Director of Community Development or designee prior to occupancy.
30. If the use ceases to exist, the CUP may be subject to revocation per Camarillo Municipal Code, Chapter 19.62.
31. 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.
32. The hours of operation for the sale of alcoholic beverages approved by CUP-371 shall be limited to Monday thru Saturday, between the hours of 7 a.m. and 10 p.m., and on Sundays, between the hours of 7 a.m. to 9 p.m.
33. The development must remain in substantial conformance with the plans, as submitted and approved in conjunction with the application for CUP-371, except any modification, as may be required to meet specific code standards or other conditions stipulated herein.
34. Trash enclosures and/or recycling area(s) shall include a structure to cover the enclosure with a solid roof design to direct stormwater away from entering the enclosure. All litter/waste material shall be kept in leak-proof containers. Area(s) shall be paved with impermeable material. No other area shall drain onto these areas. The trash enclosure and/or recycling area(s) shall not drain to the storm drain system or the sanitary sewer, and all cleanups shall be performed using dry cleanup methods. There shall be no slope on the interior floor of the enclosure, and the waste handling area shall be bermed to prevent run-on of stormwater. Post sign on trash enclosure informing users that hazardous materials are not to be disposed of therein. Enclosures for air compressors shall include a roof installation similar to trash enclosures, if feasible, to direct water from entering the enclosure.

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