

RESOLUTION NO. PC 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO APPROVING A REQUEST BY VILLAGE GREENS MARKET FOR A MODIFICATION TO CONDITIONAL USE PERMIT 371 RELATED TO THE OFF-SALE OF ALCOHOLIC BEVERAGES

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

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

A. An application has been submitted by Village Greens Market, for a modification to Conditional Use Permit 371 (CUP-371), to increase the allowable area for storage and display of alcoholic beverages at 795 Camarillo Springs Drive, Suite F (the "Property");

B. On March 15, 2016, the Planning Commission approved CUP 371 by adopting Resolution No. PC 2016-04 which authorized the off-sale of beer, wine, and distilled spirits under a Type 21 Alcoholic Beverage Control (ABC) license;

C. Business and Professions Code Section 23958.4 requires a finding of public convenience or necessity whenever the concentration of alcohol permits within a specific geographic area exceeds the number of alcohol permits recommended by ABC. The Planning Commission determined that public convenience and necessity would be served by the requested license when it adopted Resolution No. PC 2016-04 approving CUP-371. The proposed modification (CUP-371M(1)) will not result in an increase in the number of ABC licenses within census tract 56.02, and, therefore, approval of the requested modification does not require a finding of public convenience or necessity. Moreover, approval of CUP-371M(1)) does not alter the finding of public convenience and necessity made under Resolution No. PC 2016-04;

D. Camarillo Municipal Code (CMC) section 19.62.190 specifies the procedure for processing this application and assigns certain authority to the Planning Commission to review the application for modification;

E. The property is approximately 0.91 acres and is located within the Commercial Planned Development (CPD) Zone with a General Plan Designation of "Commercial";

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

G. The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"), and the City's Environmental Guidelines ("Camarillo Guidelines"; CEQA, CEQA Guidelines and Camarillo Guidelines collectively referred to as "CEQA Regulations");

H. The Director completed a review and scheduled a public hearing regarding the application before the Planning Commission on June 6, 2023;

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

J. On June 6, 2023, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application, including without limitation, information provided to the Planning Commission by the Applicants; and;

K. 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 June 6, 2023, hearing including, without limitation, the staff report submitted by 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 a Class 1 exemption, Existing Facilities (CEQA Guidelines Section 15301) because the proposed modification is a minor interior alteration and negligible expansion of use. Therefore, no additional environmental review is necessary.

SECTION 3. Notice of Exemption. The Community Development Director, or designee, is directed to file a Notice of Exemption in accordance with CEQA Guidelines § 15062, and any other applicable law.

SECTION 4. Conditional Use Permit Findings (CUP-371M(1)). Pursuant to CMC § 19.62.030 (Conditional Use Permit Findings and Conclusions), the Planning Commission, after reviewing the application and receiving evidence and testimony at a public hearing on this Conditional Use Permit, finds that the request may be approved based on the following findings:

A. That the use applied for at the location set forth in the application is properly one for which a CUP is authorized by Title 19 because the Property is located in the CPD zone which is governed by CMC Chapter 19.26. CMC Section 19.26.040(S) allows for "Alcoholic Beverage Establishments, Off-Sale" subject to the Planning Commission approving a conditional use permit. Pursuant to CMC Section 19.26.040(S), the Planning Commission adopted Resolution No. PC 2016-04 approving CUP-371 which imposed conditions of approval, including, that any modification of CUP-371 must be approved by the Planning Commission.

B. That the use is necessary or desirable for the development of the community, is in harmony with various elements or objectives of the General Plan, and is not detrimental to the existing uses, or to uses specifically permitted in the zone in which the proposed use is to be located because the convenience store and its sale of alcohol as an ancillary use is desirable as the only such service in the community that allows the neighborhood to have quick access to sundry items and the modification is consistent with the General Plan, including, without limitation, the following Commercial Principle:

"To achieve a balance of commercial areas that will provide for the retail businesses, professional and service needs of the residents of Camarillo, as well as attracting customers from surrounding service areas."

C. That 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 in order to adjust the use to those existing or permitted future uses on land

in the neighborhood because Village Greens Market is an existing established business occupying a 1,250-square-foot commercial suite that meets the development standards of the CPD Zone. The proposed modification will occur entirely within the existing building and no exterior building modifications are proposed.

D. The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quality of traffic generated or to be generated by the proposed use because the adjoining streets, Camarillo Springs Road and Ridgeview Street are existing public streets that are adequately designed for the local traffic and provide access to the site.

E. The conditions set forth as part of this approval of CUP-371M(1) address the most common issues experienced by the City related to off-site sale of alcoholic beverages, including, without limitation, public interest, compliance with the conditions of approval, crime, trash and debris, and safety, which are necessary to protect public health, safety, and general welfare.

SECTION 5. Approval of CUP-371M(1). Based on the above findings, the Planning Commission approves CUP-371M(1), including the plans labeled, Exhibit A, subject to the attached conditions labeled, Exhibit B, which are attached and made a part of this resolution, as well as all applicable CMC requirements and development standards.

SECTION 6. 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 matter.

SECTION 7. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. The Planning Commission intends 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 8. 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 9. 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 the analysis of the matter 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 10. 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 11. 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 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 § 19.62.090.

SECTION 13. 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 14. The Planning Commission Chair, 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.

APPROVED AND ADOPTED on June 6, 2023, by members of the Planning Commission voting as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

ATTEST:

Secretary

c: Community Development Department
General Services Department (Information Systems Division)
Village Greens Market, Attn: George Askar (Applicant)

CUP-371M(1), VILLAGE GREENS MARKET CONDITIONS OF APPROVAL

In addition to all applicable provisions of the Camarillo Municipal Code (“CMC”), Village Greens Market (“Business”), agrees to comply with the following provisions as conditions for the City of Camarillo’s approval of CUP-371M(1) (“Project Conditions”).

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in this Conditions of Approval use the definitions set forth in the CMC.

[*NOTE: These conditions supersede Conditions of Approval for CUP-371***]**

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL

1. The business 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 business’s responsibility to ensure that all City of Camarillo and interested parties’ requirements have been met.
2. That the location of all 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”.
3. The business must sign a statement acknowledging and agreeing to abide by and adhere to all conditions of CUP-371M(1) before zone clearance.
4. 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.
5. All exterior light fixtures and locations must be approved by the Director of Community Development. On-site lighting must be shielded and directed from adjoining properties, to prevent any annoyance, nuisance, or traffic hazard.
6. Lighting devices must be installed high enough to prevent anyone on the ground from tampering with them.
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. The business 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 business, 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 business must deposit said amount with the City or enter into an agreement with the City to pay such expenses, as they become due.

10. The business 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 people doing business in the City of Camarillo in connection with the project must have a current Business Tax Certificate before the 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. The business, by acceptance of the approval of this modification to 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 business under this permit and any related project approvals. If any Claim is brought against the City by legal action or otherwise, the business 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 business must regularly and promptly remove graffiti from their business tenancy; must maintain exteriors in a clean and attractive condition; and must maintain all landscaping in a healthy, orderly, and aesthetically pleasing condition. All parking areas under use by the business will be maintained and kept free of litter and debris. In instances where the Department of Community Development determines that a violation of this condition exists, the business must act promptly to correct the condition, in accordance with the direction of the Director of Community Development.
17. The business 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 rear doors to the establishment must remain closed except in cases of an emergency and to permit deliveries.
19. The business must install security cameras with the ability to record and store footage for at least 2 weeks.

20. The security system must be registered with the Camarillo Police Department as required by the City of Camarillo.
21. Cameras must be installed that monitor at minimum the following locations:
 - a. Cash registers
 - b. Front entrance
 - c. Aisles where alcoholic beverages are being sold
22. The business must comply with all regulations of the ABC Act and the regulations promulgated by the ABC Board.
23. 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 10 days of the completion of the change of ownership.
24. 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 business 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.
25. The business must always display its business license and ABC license in a readily visible area accessible to the public.
26. No alcoholic beverages may be sold within five feet of the front entrance.
27. The overall sales shelving and display area dedicated to saleable products of alcohol is restricted to 48 percent of all saleable products in the store and 18 percent of the gross floor area as provided in Exhibit A.
28. The sale of hard liquor must be restricted to a 25.5-square-foot area of shelving located behind the cashier register counter and accessible to staff only, as shown on the plans submitted and approved by the Planning Commission.
29. No person under the age of eighteen (18) may sell packaged alcoholic beverages.
30. The business is responsible to police the exterior to ensure that no alcoholic beverages are consumed within the parking lot. The business must not allow any loitering in the parking lot or areas adjacent to the facility.
31. All windows must be cleared of all window signage and advertisements and remain clear except for 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.
32. The business 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 in the development plans and verified by the Director of

Community Development or designee before final inspection. In addition, before the 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 before 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.

33. No exterior advertising of any kind or type is allowed that promotes or indicates the availability of alcoholic beverages. Interior display/advertising of beer, wine, or hard liquor that is clearly visible to the exterior constitutes a violation of this condition. Interior advertising or promotion of the 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.
34. 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 before zone clearance.
35. 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 is permitted, in accordance with the approved plan and the State Department of Alcoholic Beverage Control.
36. If the use ceases to exist by reason of voluntary abandonment the CUP may be subject to revocation per Camarillo Municipal Code, section 19.62.170.A.2.
37. The permittee must correct any safety or security problem within 30 days upon written notice of such a problem from the Camarillo Police Department.
38. The hours of operation for the sale of alcoholic beverages approved by CUP-371M(1) are limited to Monday through 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.
39. The development must substantially conform to the plans, as submitted and approved in conjunction with the application for a modification to CUP-371, except any modification, as may be required to meet specific code standards or other conditions stipulated herein.
40. Trash enclosures and/or recycling area(s) must include a structure to cover the enclosure with a solid roof designed to direct stormwater away from entering the enclosure. All litter/waste material must be kept in leak-proof containers. Area(s) must be paved with impermeable material. No other area will drain onto these areas. The trash enclosure and/or recycling area(s) will not drain to the storm drain system or the sanitary sewer, and all cleanups must be performed using dry cleanup methods. No slope is allowed on the interior floor of the enclosure, and the waste handling area must be bermed to prevent run-on of stormwater. Post a sign on the trash enclosure informing users that hazardous materials are not to be disposed of therein. Enclosures for air compressors must include a roof installation, similar to trash enclosures, to direct water from entering the enclosure.