



Camarillo City Council

AGENDA REPORT

Date: August 24, 2022

To: Honorable Mayor and City Councilmembers

From: Greg Ramirez, City Manager

Submitted by: Joe Vacca, Community Development Director

Subject: Zoning Ordinance Amendment – Director Level Conditional Use Permit

BACKGROUND

On November 4, 2020, staff made a presentation to the City Council for consideration of a concept to create a Community Development Director (Director) level CUP process and allow for certain uses under a Director level 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.

On October 19, 2021, the proposed ZOA was reviewed by the Planning Commission at a noticed public hearing. The Planning Commission unanimously adopted a resolution recommending adoption of the ZOA to the City Council.

DISCUSSION

The City is considering amendments to the Zoning Ordinance of the Camarillo Municipal Code (CMC), as follows:

- Establish a procedure for a Director level CUP;
- Allow the establishment of breweries, wineries, and distilleries, with or without tasting areas, subject to approval of a Director level CUP, in the following Zones:
 - Service Commercial (SC)
 - Limited Manufacturing (L-M)

- Light Manufacturing (M-1)
- General Manufacturing (M-2)
- Allow Day Care Nurseries, short-term, providing care for more than six children, subject to approval of a Director level CUP in the following Zones:
 - Camarillo Commons Mixed Use (CCM)
 - Professional Office (P-O)
 - Village Commercial Mixed-Use (CMU)
 - Commercial Neighborhood (C-N)
 - Camarillo Old Town (COT)
 - Commercial Planned Development (CPD)

Public Hearing Notice

A Notice of Public Hearing for the City Council meeting of August 24, 2022, 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).

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.

Director Level CUP

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, subject to the public noticing requirements of CMC Chapter 19.84. This includes notification of the time and place of the administrative review, a summary of the proposed action and use, and the location of the subject property at least ten days in advance in a publication in a newspaper of general circulation; posting of an on-site sign; posting on the City's website, and mailing to property owners within at least

600 feet of the exterior boundaries of the subject property, interested parties and owners associations.

As part of the noticing procedures on an application, staff will also send the notice to the City Manager and City Councilmembers at least ten days in advance the administrative review date.

A Director level CUP decision is appealable to the Planning Commission if an appeal is filed within ten days of the date of the Director's decision.

The Director level CUP is proposed in order to create a streamlined permitting process for certain uses that require a lower level of discretionary review than a traditional CUP and typically have minimal impact on the surrounding area and community, while promoting economic development and furthering the City's Economic Development Strategic Plan.

Currently, the CUP fee is \$7,003 which is increasing to \$7,734 effective September 11, 2022. The fee for the Director level CUP, while not established yet and will need further analysis, will likely require approximately half of the time spent on a traditional CUP and therefore, staff anticipates that the Director level CUP fee will likely be approximately half the cost of the CUP fee.

Breweries, Wineries, and Distilleries

Breweries, wineries, and distilleries have increasingly gained in popularity and become more commonplace throughout the region. Currently, breweries, wineries, and distilleries, with or without a tasting room, are subject to approval of a CUP by the Planning Commission in the SC, LM, M-1, and M-2 Zones.

By nature of the use, breweries, wineries, and distilleries differ from a traditional drinking establishment in that they 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 are expected to be lower. To streamline the approval process, the ordinance proposes to change the required permit from a CUP to a Director level CUP. It would also allow breweries, wineries, and distilleries to be able to sell alcoholic beverages for consumption off the premises.

Day Care Nurseries

Day Care Nurseries, short-term, providing care for more than six children are currently permitted in the P-O and C-N Zones, subject to a CUP and in the CCM, CMU, COT, and CPD Zones, subject to a Commercial Planned Development Permit. For consistency and to streamline the permitting process, the proposed ZOA would allow Day Care Nurseries,

short-term in the CCM, P-O, CMU, C-N, COT, and CPD Zones, under a Director level CUP.

Additional Considerations

The ZOA evaluated by the Planning Commission on October 19, 2021 included a proposal to allow the sale of alcoholic beverages for off-site consumption with a restaurant, subject to a Director level CUP. Prior to the COVID-19 pandemic, the sale of alcoholic beverages for off-site consumption required approval of a CUP by the Planning Commission.

However, in response to the COVID-19 pandemic, relaxed regulations by the California Department of Alcoholic Beverage Control (ABC) allowed restaurants with an active on-sale alcohol license to sell alcoholic beverages for off-site consumption, pre-empting the City's requirement of a CUP. These privileges in response to COVID-19 were intended to be temporary.

On January 1, 2022, Senate Bill (SB) 389 (attached) became effective, continuing these off-sales privileges to restaurants, pre-empting the City from requiring a discretionary permit. Therefore, staff has removed from the proposed ordinance the requirement of a Director level CUP for the sale of alcoholic beverages for off-site consumption with a restaurant.

SB 389 is scheduled to end on December 31, 2026. If not extended, the City may revisit initiating a ZOA to allow the sale of alcoholic beverages for off-site consumption with an approved restaurant under a Director level CUP, or other mechanism. Staff notes that since the relief granted by ABC in 2020, there have been no issues the City is aware of, related to restaurants in Camarillo that currently possess an on-sales ABC license that have exercised their off-sales privileges.

This ordinance also implements some nonsubstantive clean-up amendments that restate existing code provisions so it more clearly addresses historical interpretation and application of such provisions, such as changing "shall" to "must."

Detailed analysis of the proposed ZOA is contained within the Planning Commission Agenda Report dated October 19, 2021 and is attached for reference.

Planning Commission Review

At the October 19, 2021, Planning Commission meeting, staff presented an overview of the proposed ZOA. There were no members of the public that provided comments on the agenda item. The Planning Commission asked questions that staff answered to their satisfaction and requested the following edits be incorporated into the proposed ZOA.

- Revise CMC Section 19.62.061 to allow the Community Development Director to elevate a Director level CUP to the Planning Commission for review and approval.
- Revise CMC Section 19.62.165 to delete, “Day care nurseries, short-term, do not need to provide outdoor play area.” This was inadvertently in the text and has been removed, since the state and CMC require 75 square feet of outdoor play area per child.

The Planning Commission unanimously adopted a resolution recommending adoption of the proposed ZOA to the City Council with the updates identified above.

FISCAL IMPACT

There is no budget impact as a result of this action.

RECOMMENDATION

1. Request a reading of the title of the Ordinance; and
2. Waive further reading and introduce an Ordinance amending CMC Chapters 19.21, 19.22, 19.23, 19.24, 19.25, 19.26, 19.27, 19.28, 19.30, 19.32, and 19.62, to create a Director level CUP process and allow certain uses, subject to a Director level approval of a CUP.

ATTACHMENTS

1. Ordinance
2. October 19, 2021, Planning Commission Agenda Report and Minutes
3. PC Resolution 2021-19
4. Senate Bill 389
5. Redline CMC Changes
6. Public Hearing Notice

REFERENCE MATERIALS – AVAILABLE FOR REVIEW AT CITY HALL

None