



City of Camarillo

Planning Commission

AGENDA REPORT

DATE: January 19, 2021

TO: Planning Commission

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

SUBMITTED BY: Paul McClaren, Associate Planner

SUBJECT: CUP-407, The Mark Camarillo, LLC

PROJECT INFORMATION SUMMARY

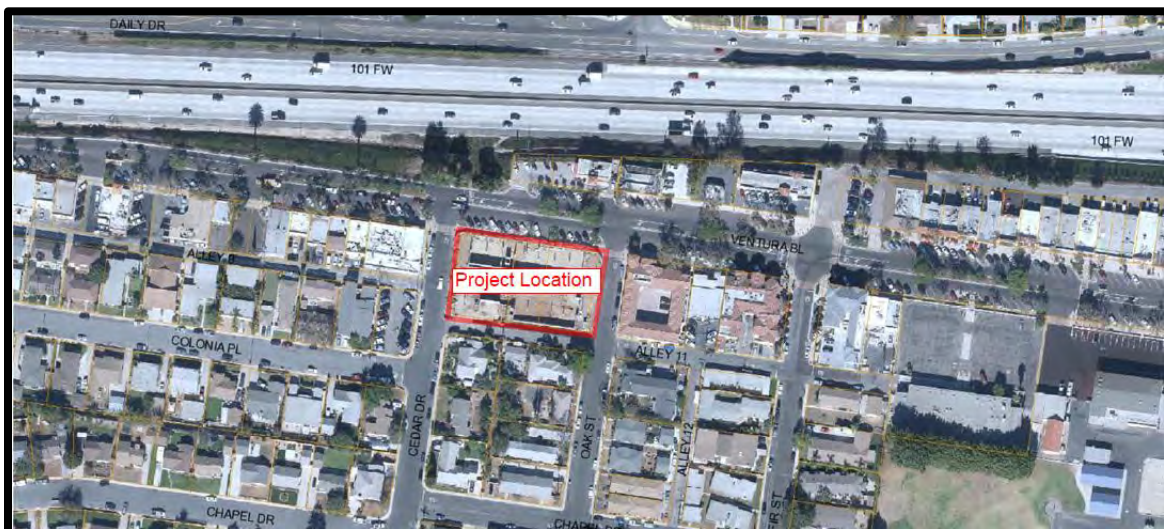
Request: The applicant requests approval of a Conditional Use Permit (CUP-407) to allow ground floor tenants operating within the 6,000-square-foot commercial area of The Mark mixed-use development to sell alcoholic beverages for consumption on-site, including tasting rooms and the sale of alcoholic beverages for consumption off the premises where alcoholic beverages are also offered for consumption on-site.

Applicant: Jordan Marshall, The Mark Camarillo, LLC

Property Owner: The Mark Camarillo, LLC, 300 E. Esplanade Dr. Suite 1550 Oxnard, CA 93036

Project Site Size, Location, and Parcel Number: The 0.59-acre project site is located at 2024 Ventura Boulevard in Camarillo Old Town within the City of Camarillo. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 162-0-104-010, 162-0-104-050, and 162-0-104-060.

Location Map



Decision-Making Authority: Pursuant to Camarillo Municipal Code (CMC) Sections 19.25.040(J) and 19.25.040(N) and CMC Chapter 19.62 the Planning Commission is the decision-maker for the requested CUP.

General Plan Land Use Designation: Commercial

Specific Plan: Old Town Camarillo Ventura Boulevard Design Guidelines

Zoning Designation: Camarillo Old Town (COT)

PUBLIC NOTICE

A Notice of Public Hearing has been advertised for the Planning Commission meeting of January 19, 2021, with notices mailed to all property owners 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), 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.

DISCUSSION

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 Class 1, Existing Facilities (CEQA Guidelines section 15301); because the commercial spaces already exist and the project is for a use that will involve only interior tenant improvements, therefore, no additional review is necessary.

Parcel and Area Characteristics

The project site is located within the Camarillo Old Town neighborhood on the south side of Ventura Boulevard between Cedar Drive and Oak Street, south of the U.S. Highway 101/Ventura Freeway.

The Camarillo Community Development Commission acquired the subject property in 2010 and initiated the application for a conditional use permit, CUP-330, for the approval of a mixed-use development.

CUP-330 was approved on November 5, 2013 for a mixed-use development with four ground floor commercial spaces and 22 residential units on the second and third floors. On September 8, 2016, an administrative minor modification [CUP-330M(1)] was approved, which included changes to the floor plan resulting in a total of 23 residential units. The City entered into an Agreement for the Sale and Development of Real Property with Aldersgate Investment, LLC, on August 24, 2016.

Currently, there are four food tenants anticipated to occupy the 6,000-square-foot ground floor commercial space, which are: Freda's Kitchen, Topa Topa Brewing Company, Café Ficelle and Rori's Ice Cream. Café Ficelle is currently open, while the remaining tenants will occupy a shared "food hall" with common seating. Tenant improvements to the food hall are currently under construction. The project is surrounded by the following land uses:

	GENERAL PLAN LAND USE DESIGNATION	ZONING DESIGNATION	CURRENT LAND USE
PROJECT SITE	Commercial	Camarillo Old Town	Mixed-use development
NORTH	Commercial	Camarillo Old Town	Sushi Planet
SOUTH	Low Density Residential	Single-Family Residential & Residential Planned Development	Single-Family Homes
EAST	Commercial	Camarillo Old Town	Bella Capri Inn
WEST	Commercial	Camarillo Old Town	Bandits Bar & Grill



View of project site from the north side of Ventura Blvd at Cedar Drive looking southeast.

General Plan

The Camarillo General Plan Land Use Map designates the property for commercial uses. The sale of alcoholic beverages for off-site consumption is a permitted use in the COT Zone, subject to the approval of a conditional use permit (CUP) per CMC section 19.25.040(N). Additionally, drinking establishments, including bars and tasting rooms are permitted in the COT Zone, subject to approval of a CUP under CMC section 19.25.040(J). The General Plan Circulation Element identifies Ventura Boulevard as a secondary arterial street.

Zoning

A CUP is required in the COT Zone for drinking establishments, bars, tasting rooms, cocktail lounges, brew pubs, taverns; and for off-sales of alcoholic beverages. Under CMC 19.25.040, a CUP may be granted by the Planning Commission, if the applicant produces sufficient proof that the use will not be injurious or detrimental to the public health, safety or welfare, or to the property in the vicinity or zone in which the use will be situated; that such effects can be prevented with the imposition of conditions, and that the permit is necessary for the owner of the property to make reasonable use of the property. Alcoholic beverage sales for consumption on-site that is ancillary to a bona fide eating establishment is allowed in the COT Zone without a CUP.

Proposed Use

The property owner of the mixed-use development, known as The Mark, is requesting a CUP to allow the use of tasting rooms within the ground floor commercial area, and to allow the sale of packaged alcoholic beverages in conjunction with a restaurant or tasting room under the appropriate State Department of Alcoholic Beverage Control (ABC) license.

The COT Zone currently allows bona fide restaurants to serve alcoholic beverages without a CUP, however, this is limited to on-site consumption only. The COT zone also allows tasting rooms as a permitted use with a CUP and allows the off-sales of packaged alcoholic beverages with a CUP.

Currently, under ABC's COVID-19 regulatory relief, licensees with on-sale privileges, such as restaurants and tasting rooms may sell those alcoholic beverages for off-sale consumption. The proposed CUP would allow restaurants within The Mark to continue selling alcoholic beverages for off-sale consumption after the regulatory relief is withdrawn by ABC.

The approval of new tenants with alcohol licenses would be approved administratively by the Director of Community Development and would require a tenant improvement plan that details areas for alcohol storage, display and point of sale. The CUP does not allow for liquor stores.

The proposed CUP would cover the entire 6,000-square-foot ground floor commercial space within The Mark, allowing one or more tenants to sell alcoholic beverages under the same CUP, again as an ancillary component. This provides a streamlined process to permit the various tenants that may occupy the space under one CUP as new food uses open and tenants change, rather than requiring separate CUPs for each tenant. The Annex food hall at the Collection in Oxnard has a similar approval process that has effectively performed for the last two years.

Examples of Appropriate ABC license types allowed would include but are not limited to:

- Type 23 (Small Beer Manufacturer) This license allows the manufacture of less than 60,000 barrels per year, tasting on premises, sales at a restaurant on premises or adjacent to premises and up to 6 satellite facilities. The license also allows for the sale of packaged products for consumption off premises.
- Type 41 (On-Sale Beer and Wine) This license allows for the sale of beer and wine at bona fide eating establishments for consumption on-site and for the sale of packaged beer and wine for consumption off-site.
- Type 47 (On-Sale General) This license allows for the sale of beer, wine and distilled spirits at bona fide eating establishments for consumption on-site and for the sale of packaged beer and wine for consumption off-site.
- Type 58 (Caterer's Permit) This license allows certain licensees to cater alcoholic beverages off-site (must also have a Type 41 or Type 47 license).

One of the existing commercial spaces, Café Ficelle is currently operating under a Type 41 ABC License for on-sale beer and wine. This license allows for the sale of beer and wine on-site for consumption on premises when ancillary to a bona fide eating establishment. The requested CUP would allow Café Ficelle to sell packaged beer and wine to its customers to-go for consumption off the premises.

Topa Topa, a licensed (Type 23) Small Beer Manufacturer, proposes to establish a satellite tasting room within the commercial space of The Mark. The submitted plans indicate there would be no exterior or structural changes. The interior improvements consist of the

installation of a serving area for Topa Topa tasting. Other portions of the commercial space will be occupied by Freda's Kitchen and Rori's Ice Cream. The majority of the space is common dining area. Customers of Topa Topa would be able to purchase beer for consumption on or off site, with or without the purchase of food from the other food uses within The Mark. Topa Topa does not propose to include any food sales of their own, but other food vendors are on-site.

The proposed floor plan shows alcoholic beverages for Topa Topa would only be displayed behind the serving area. The beer served on-site would be stored in a walk-in cooler. Topa Topa's gross floor area dedicated to the sale of alcoholic beverages would be 8.4 percent of the gross commercial square footage. Café Ficelle has a cooler for storage and display of alcoholic beverages that is 16 square feet or 0.3percent of the gross floor area. The combined total is 8.7 percent of the gross floor area. Anticipating that Freda's Kitchen or another future tenant might also obtain an ABC license, the approval would be limited by a condition of approval that no more than 10 percent of the gross commercial square footage could be dedicated to the sale of alcoholic beverages. The proposed hours of operation for Topa Topa are 7 a.m. to 10 p.m., Monday thru Saturday, and 7 a.m. to 9 p.m. on Sundays.

Parking and Loading

The proposed project complies with the Camarillo Old Town parking requirements under Camarillo Municipal Code (CMC) Section 19.44.120. Access to 26 tuck-under parking spaces are provided for the 23 residential units from the alley. Additional parking is provided adjacent to the building along the alley, as well as along Cedar Drive and Oak Street and Ventura Boulevard. A total of 40 parking spaces surrounding the building and public parking lots in the Old Town District will serve the commercial uses within The Mark.

STAFF REVIEW AND RECOMMENDATION

The Mark is a new mixed-use development that is currently occupied by Café Ficelle, which holds a Type 41 ABC license, allowing for the sale of beer and wine for consumption on the premises. The proposed CUP would allow for a tasting room to be a permitted use with this CUP and would allow Café Ficelle and future commercial tenants to sell alcoholic beverages for consumption off the premises. The other businesses going into the food hall commercial space are food uses with dine-in and take out options and Topa Topa, which would serve beer for consumption on and off the premises, with no food service.

There are no active code compliance violations on the property.

The proposed site plan shows Topa Topa's alcoholic beverage sales component would comprise 8.4 percent of the gross floor area. Café Ficelle adds 0.3 percent additional area for a combined area of 8.7 percent. A condition of approval has been added to ensure that the overall percentage of the entire ground floor commercial space cannot exceed 10 percent dedicated to alcohol sales. Staff has reviewed the proposed floor plan and has determined that this will be an acceptable ratio of the space to provide the convenience of serving alcoholic beverages including picking up beer and wine.

The project includes a recommended condition of approval that requires the business owner to provide surveillance recording devices that capture the front entrance, the cash registers and the overall area where retail beverages are being sold. Additionally, the recommended conditions of approval require that the business provide employee training on how to operate the security system should the police need to review any video recordings.

The Mark is in Census Tract 56.00 and Café Ficelle currently holds a Type 41 ABC license (on-sale beer and wine, eating establishment). Census Tract 56.00 encompasses the entire area between the easterly and westerly City boundaries, on the south side of U.S.101 Highway/Ventura Freeway. ABC guidelines recommend 11 on-sale and 6 off-sale licenses in Census Tract 56.00. The census tract has 46 licenses, 32 on-sale and 14 off-sale, which exceed the allocated number of alcohol license as recommended by ABC. In accordance with Business and Professions Code § 23958.4 the City must make a finding of Public Convenience or Necessity before ABC can issue additional licenses in Census Tract 56.00.

ABC Licenses within 300 feet of The Mark		
Business	License Type	Address
Bandits	Type 47 (On-sale beer, wine & liquor – eating establishment)	1980 Ventura Blvd
Twenty88	Type 47	2088 Ventura Blvd
Café Ficelle	Type 41 (On-sale beer & wine – eating establishment)	2024 Ventura Blvd, Unit 110
Old Town Café	Type 41	2050 Ventura Blvd
Sushi Planet	Type 41	2001 Ventura Blvd
The Lamplighter	Type 48 (On-sale General)	1936 Ventura Blvd
Lucky's Quick and Easy (No longer in business)	Type 20 (Off-sale Beer & Wine)	2071 Ventura Blvd

There are no schools, churches, or parks located within 600 feet of The Mark.

The proposed CUP will ensure that tasting rooms, restaurants and other food and beverage uses that occupy the commercial space within this property are competitive with other restaurants in the area that already serve alcoholic beverages. Providing a diverse range of dining options in the Camarillo Old Town Zone helps to create the vibrant community destination that can attract visitors to the area as envisioned in the Old Town Camarillo Ventura Boulevard Design Guidelines that were adopted in 1997.

Approval of the proposed CUP would allow tasting rooms as a permitted use with this CUP and allow Café Ficelle and future tenants, including Topa Topa, to sell beer and wine for off-site consumption, thereby providing a convenience to customers. As commercial tenants may change over the years, the proposed CUP allows The Mark to attract new tenants that sell alcoholic beverages to lease the ground floor commercial space without requiring each tenant to apply for a new CUP. Each tenant operating under this CUP will be required to comply with the conditions of approval in this CUP.

In order to ensure compliance with the COT Zone and ensure that the use is compatible with the surrounding uses, standard conditions of approval, including the following special conditions of approval, are recommended as follows:

- 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 Community Development Department or designee. Acceptable RBS training providers must be on the list of providers furnished by the ABC, who have agreed to incorporate some or all the recommended best practices into their training.

- Overall sales shelving, storage and display area dedicated to saleable products of alcoholic beverages must be restricted to 10 percent of the gross floor area. This must 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.
- Loitering in the parking lot areas adjacent to the development is prohibited. 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 issuance of a zone clearance.

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

General Plan GOAL CA-1 CREATE AND MAINTAIN ATTRACTIVE AND VIBRANT COMMERCIAL DEVELOPMENTS.

Objective CA-1.1 *Commercial centers should emphasize strong street definition by creating active front facades with outdoor seating, parking that is located on the side and behind buildings, maximization of entrances and transparent building facades.*

- The property owner has created a high-quality development in Old Town Camarillo along Highway 101 that preserves the historic character of the area, is pedestrian friendly with commercial spaces and outdoor seating areas facing Ventura Boulevard, and contributes to the creation of an attractive and vibrant Old Town. The approval of this CUP makes the property more attractive to potential tenants and will enable the property management to maintain their tenants and/or attract new tenants when necessary.

Objective CA-1.3 *Encourage the redevelopment of outdated and underutilized commercial properties.*

Policy CA-1.3.1 Develop incentives that encourage commercial property owners to improve tenant spaces, facades, parking areas and common outdoor spaces.

- The approval of this CUP creates an incentive that will help ensure that the property does not become an underutilized commercial property by making the spaces more attractive to potential tenants. Topa Topa Brewing Company is a well-recognized and popular, local business. This location will be their fourth location on the Central Coast and will draw business to Old Town Camarillo.

Staff has reviewed the proposed project and has found it to be consistent with the applicable goals and policies of the City's General Plan, and the standards set forth in CMC Chapter 19.25.

Staff therefore recommends approval of CUP-407, subject to the recommended conditions of approval attached to the resolution. At the conclusion of the public hearing, should the Planning Commission concur with staff's recommendation, a resolution containing findings for approval of the request, is attached to this report.

SUGGESTED ACTION

Adopt a resolution approving CUP-407, subject to the recommended conditions of approval. The action of the Planning Commission is final, unless an appeal is filed within ten (10) days of the date of their action.

ATTACHMENTS

Resolution
Location Map
Public Hearing Notice

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RESOLUTION 2021-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO, CALIFORNIA, APPROVING A REQUEST BY JORDAN MARSHALL, THE MARK, LLC, FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW TASTING ROOMS AS A PERMITTED USE WITH THIS CUP AND ALLOW GROUND FLOOR TENANTS OPERATING WITHIN THE 6,000-SQUARE FOOT COMMERCIAL AREA OF THE MARK MIXED-USE DEVELOPMENT TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES WHERE ALCOHOLIC BEVERAGES ARE ALSO OFFERED FOR CONSUMPTION ON-SITE AT 2024 VENTURA BOULEVARD IN THE CAMARILLO OLD TOWN (COT) ZONE, FURTHER DESCRIBED AS CUP-407

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

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

A. Jordan Marshall, applicant for The Mark Camarillo, LLC has submitted an application for a CUP to allow tasting rooms as a permitted use with this CUP and ground floor tenants operating within the 6,000-square foot commercial area of The Mark mixed-use development to sell alcoholic beverages for consumption off the premises where alcoholic beverages are also offered for consumption on-site. The project is located at 2024 Ventura Boulevard in the COT Zone, in accordance with the applicable procedures of the Municipal Code.

B. The Municipal Code Section 19.25.040 specifies the procedure and assigns certain authority to the Planning Commission to review the application.

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 Class 1, Existing Facilities (CEQA Guidelines section 15301); because the commercial spaces already exist and the project is for a use that will involve only interior tenant improvements, therefore, no additional review is necessary.

SECTION 3. Project Findings. The Planning Commission, after reviewing the application and receiving 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 tasting rooms are a permitted use with a CUP under CMC section 19.25.040(J) and tasting rooms and restaurants are permitted to sell alcoholic beverages for off-site consumption are permitted in the COT Zone under CMC section and 19.25.040(N) 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 and the use is permitted in the COT Zone with a CUP under CMC sections 19.25.040(J) and 19.25.040(N).
- 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 mixed-use building that was constructed in compliance with CUP-330 and CUP-330M(1), is adequate in size and shape to accommodate the commercial spaces and also provides appropriate setbacks, walls and fences, landscaping, and other features in accordance with CMC section 19.25.060.
- 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 existing commercial spaces located within an existing mixed use 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 19.25.040, 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 restaurants remain successful with the expansion of the license to all suites.
- F. A finding of public convenience or necessity is required under Section 23958.4 of the Business and Professions Code because Census Tract 56.00 already has more than the recommended number of on and off sales alcohol licenses by the State Department of Alcoholic beverage Control. Public convenience is served because the approval of the CUP will allow for a diverse range of dining options in the Camarillo Old Town Zone to create a vibrant community destination envisioned in the Old Town Camarillo Ventura Boulevard Design Guidelines and the convenience to customers by allowing the option to purchase alcoholic beverages while purchasing food or after beer and wine tasting.

SECTION 4. Approval of CUP-407, The Mark Camarillo. Based on the above findings, the Planning Commission approves CUP-407, The Mark Camarillo, including the plans labeled Exhibit A, 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 matter.

APPROVED AND ADOPTED on January 19, 2021 by members of the Planning Commission voting as follows:

AYES:

NOES:

ABSENT:

Chairman

ATTEST:

Secretary

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c: Community Development Department
General Services Department (Information Systems Division)
The Mark Camarillo, LLC

OLD TOWN CAMARILLO- VENTURA BLVD. AT OAK ST. AND CEDAR DR.

Mixed Use Development- Commercial & Residential

Municipal Code Summary

per City of Camarillo Municipal Code- Chapter 19

General

Zoning: Commercial Old Town (COT)

Setbacks

Front yard: 0 feet at property line
Side yard: 0 feet required
Rear yard: 10 feet minimum

Height

Building Height: 35 feet maximum allowed

Lot Coverage

Coverage: 65% maximum (buildings and structures)

Parking

Multifamily Residential: One covered space per unit- 2 or fewer bedrooms
Two covered spaces per unit- 3 or more bedrooms
Commercial: Commercial- One space per 400 S.F.
Restaurant- One space per 4 fixed seats or
One space per 100 S.F.

Building Summary

Residential: **23 Total Units**
One Bedroom (650 sf)- 13 flats
Two Bedroom (875 sf)- 10 flats

Commercial: **6,100 SF Net**
Space A- 1,600 sf
Space B- 1,500 sf
Space C- 1,000 sf (potential restaurant)
Space D- 2,000 sf

Parking:
Residential- 25 Spaces
Commercial New- 21 Spaces
Commercial Existing- 21 Spaces



MAINSTREET ARCHITECTS + PLANNERS, INC.
422 E. MAIN STREET VENTURA CALIFORNIA, 93001
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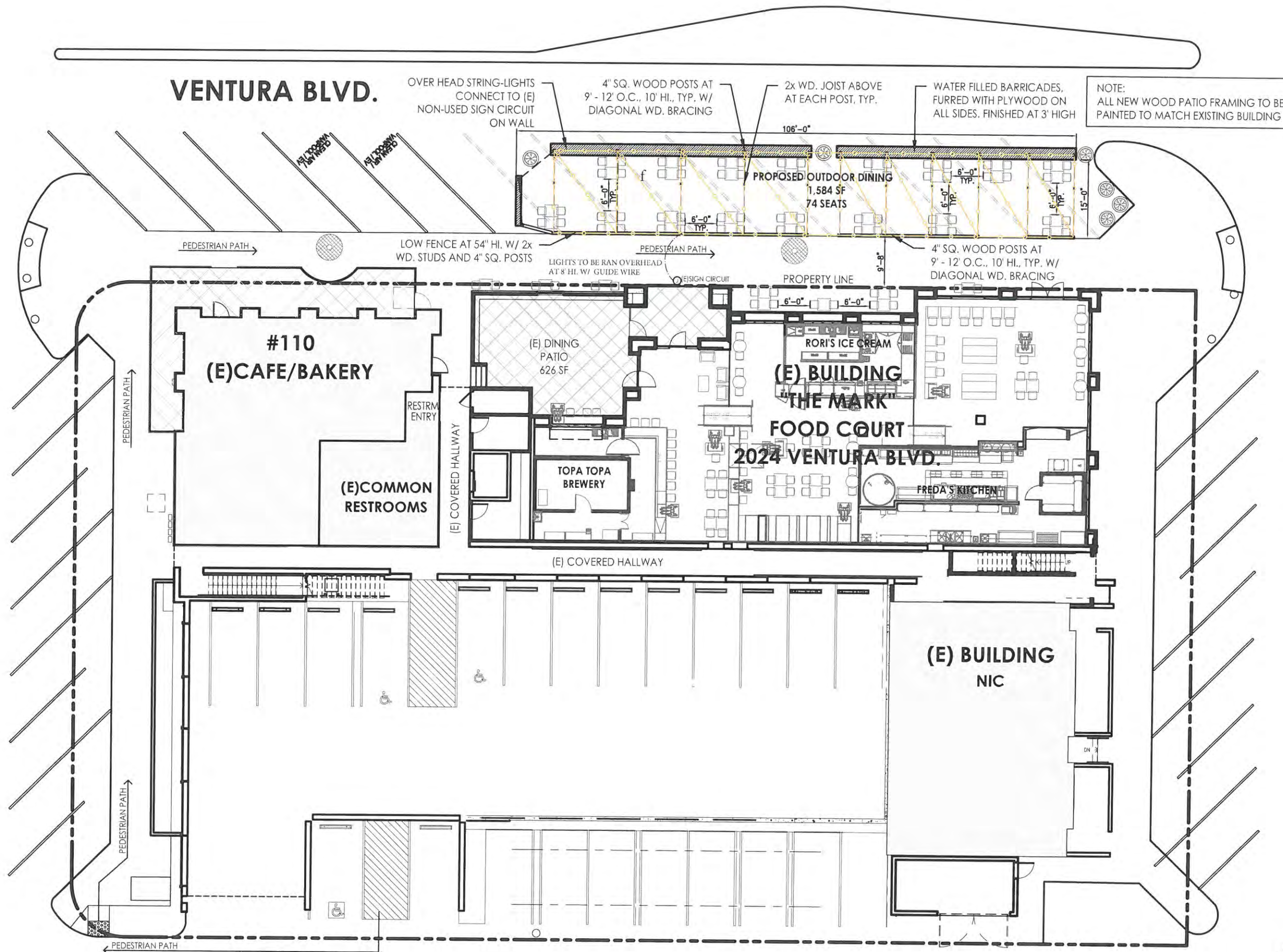
City of Camarillo
601 Carmen Dr.
Camarillo, CA 93010
805.689.5307
www.camarillo.ca.us

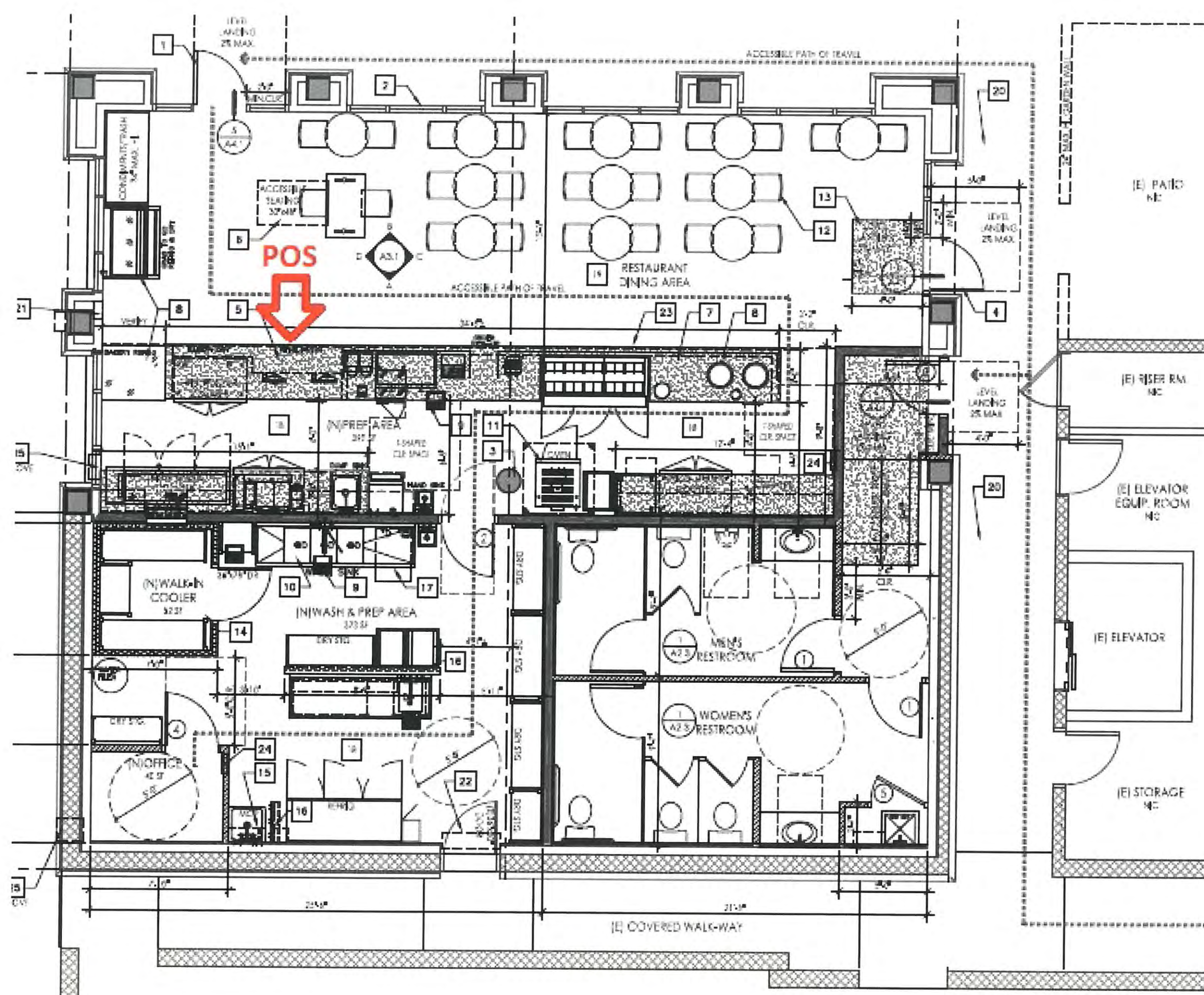
Old Town Camarillo Mixed Use

CEDAR DR.

VENTURA BLVD.

OAK STREET



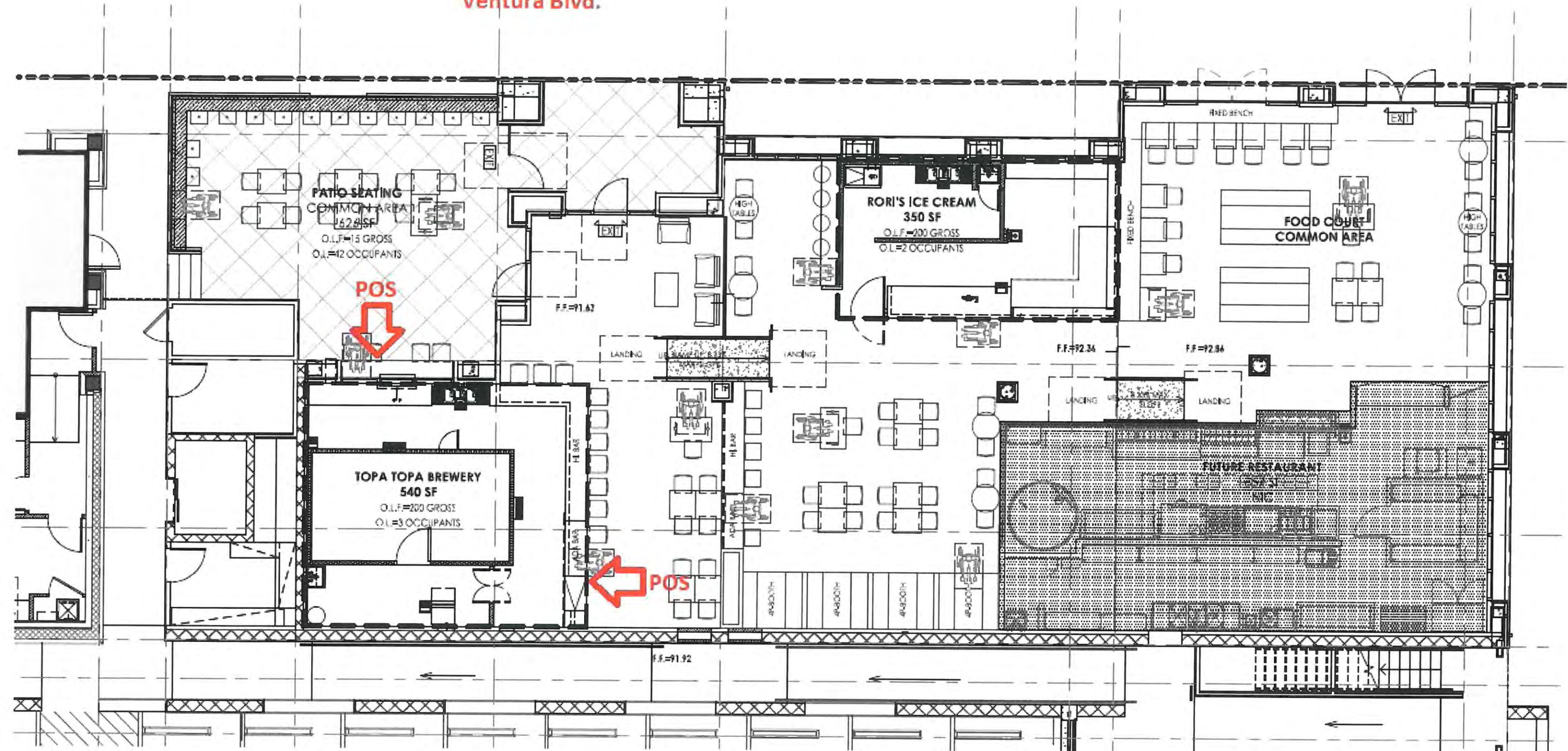


FLOOR PLAN

EXHIBIT A



Ventura Blvd.



DEPARTMENT OF COMMUNITY DEVELOPMENT

CONDITIONS OF APPROVAL

CUP-407, The Mark Camarillo, LLC.

POLICE

1. The rear doors to the establishment must be closed at all times except in cases of emergency and to permit deliveries.
2. No landscaping or man-made structure must be placed along the outside of the premises which would lead to easy access to the roof.
3. If the premises contains an alarm, the applicant must register with the Camarillo Police Department as required by the City of Camarillo Municipal Code.
4. Security cameras (with the ability to record and store footage for at least two weeks) must be installed that monitor (at minimum) the following:
 - a. Cash registers
 - b. Front entrance
 - c. Aisle(s) where alcoholic beverages are being sold.
5. Lighting devices will be high enough to eliminate anyone on the ground from tampering with them.
6. Lighting devices will be protected against the elements and constructed of vandal resistant materials.
7. No live entertainment is permitted without obtaining such permit from the City of Camarillo.
8. It must be the responsibility of the applicant to provide the employees with the knowledge and skills that will enable them to comply with their responsibilities under state and city laws and ordinances.
9. The sale of beer or malt beverage products in containers greater than 65 oz. in volume is prohibited. An exception to this clause would be the sale of kegs.
10. All energy/sports drinks containing alcohol must be located in the same area of the store as the beer/wine/liquor. The energy/sports drinks not containing alcohol must not be located in the same area of the store as drinks containing alcohol.
11. Management must adhere to the conditions outlined in the State of California Department of Alcoholic Beverage Control (ABC) permits.
12. Any and all employees who serve alcoholic beverages must comply with all rules and regulations and training requirements of the State of California Department of Alcoholic Beverage Control.

RECYCLING/REFUSE

13. That the user submits a recycling plan illustrating the programs that will be employed by the individual use.
14. During construction, the developer must divert 65 percent of all non-hazardous construction materials from landfill (CalGreen Building Code Part II of Title 24 California Code of Regulations. Recycling bins must be made available during construction and labeled "Recycling Only," or bins containing mixed material must be sent to a State-approved recycling center or transfer station where the material is to be sorted for proper recycling.

Prior to issuance of a building permit, the developer must submit a Construction and Demolition Materials Management Plan Estimate to the Building and Safety Division for recycling of waste materials consistent with the aforementioned requirement. The Construction and Demolition Materials Management Plan Estimate must include estimated quantities for each type of material to be diverted or landfilled.

Prior to final inspection, the developer must submit a Final Report Construction and Demolition Waste Letter of Documentation to the Building and Safety Division, demonstrating compliance with the Construction and Demolition Materials Management Plan Estimate and indicate the total amount of construction and demolition waste diverted.
15. Development must include post-consumer recycled materials in the construction of the project with a minimum of five percent (5%) of the total estimated project cost--excluding land costs and grading costs and government fees to be used as the guide. *Prior* to zone clearance, the Developer must submit a list of material to be used and an indication of the total percentage of the construction cost. Prior to final inspection, the Developer must submit written certification describing compliance with this condition.

NOISE

16. Site preparation and construction activities must be limited to between the hours of 7 a.m. and 7 p.m., and *not* on Sundays or holidays, in accordance with the City's Noise Ordinance.

GENERAL

17. 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, including such fees as: school, traffic, police, soils reports, geologic studies, grading plans, utilities, encroachment permit, 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.
18. The applicant must sign a statement that he is aware and understands and agrees to abide and adhere to all conditions attached to the conditional use permit prior to zone clearance.

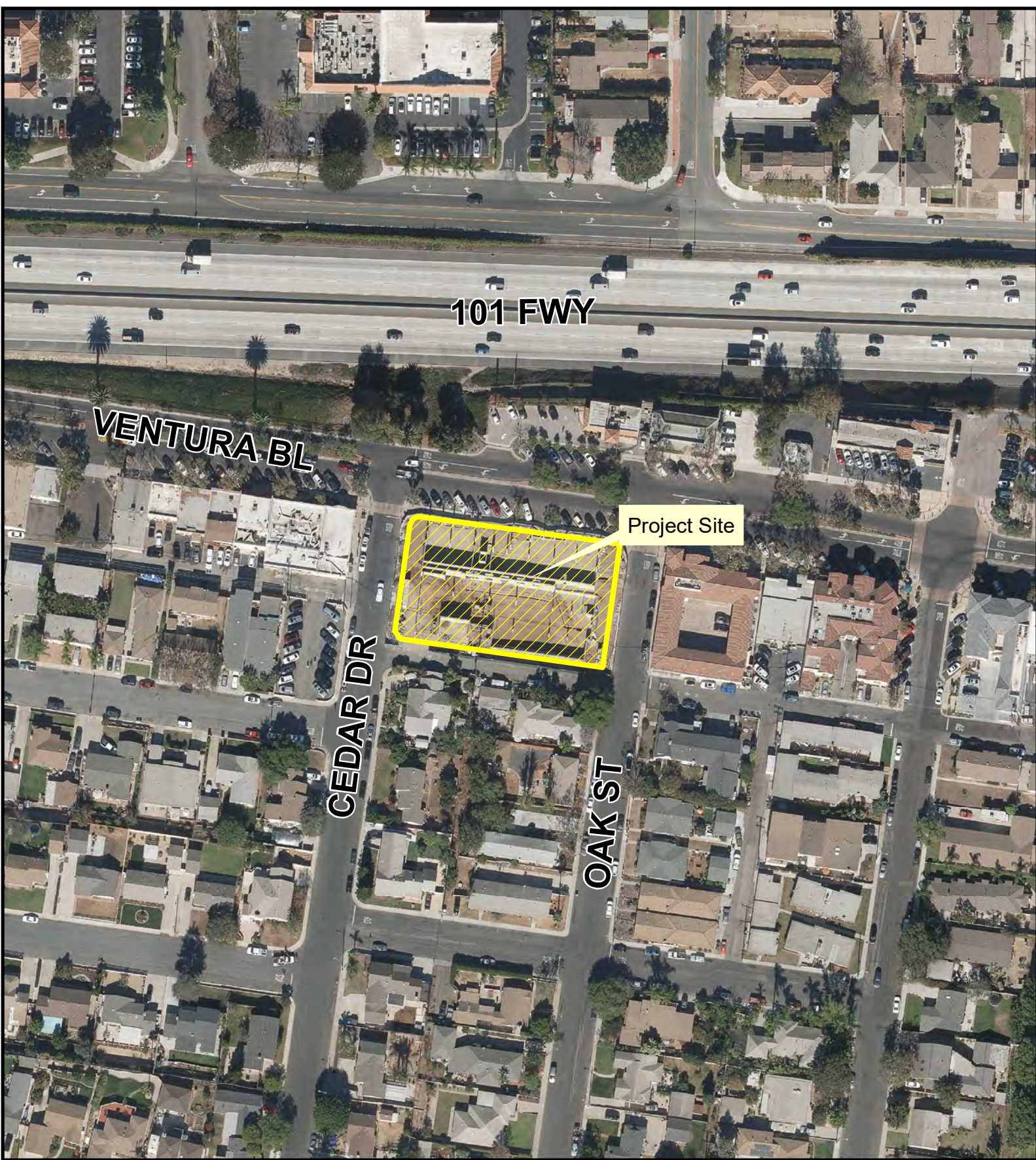
19. All businesses under this CUP must sign a statement that he is aware and understands and agrees to abide and adhere to all conditions attached to the conditional use permit prior to business occupancy approval for the use.
20. That unless the use is inaugurated not later than twelve (12) months from 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 use inauguration.
21. The Director of Community Development may approve minor changes, but any substantial change must require the filing of a modification application to be considered by the Planning Commission.
22. The Department of Community Development must be notified of any transfer of the use to another similar user.
23. Additions, changes, exterior modifications, rooftop equipment, storage, or equipment enclosures may be built only after receiving Department of Community Development approval and appropriate permits.
24. All temporary and permanent signage must be submitted under a sign permit for review and approval by the Department of Community Development prior to issuance of a building permit. All signage must comply with the requirements of the Camarillo Municipal Code.
25. 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, City must estimate its expenses for the litigation, and applicant must deposit said amount with the City, or enter into an agreement with the City, to pay such expenses, as they become due.
26. Developer/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 the attorneys' fees billed to date have been paid.
27. There must be no outdoor storage, sales, or displays in accordance with the Camarillo Old Town Zone.
28. The project must comply with the requirements of the Camarillo Old Town Zone.
29. 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. 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.
30. That handicapped ramps and parking spaces be provided to serve all buildings with required signage and blue markings.

SECURITY REQUIREMENTS

31. All persons doing business in the City of Camarillo in connection with the project must have a current Business Tax Certificate prior to commencing construction.
32. 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

33. Prior to occupancy, all uses must be submitted for review with approval by the Director of Community Development to ensure conformance with the provisions of the Camarillo Old Town Zone and the performance standards contained within the Zoning Ordinance, as per Chapter 19.54.
34. Developer, by acceptance of the approval of this conditional use permit, 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, costs, and expenses of whatever nature, including reasonable attorney 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 Developer under this permit and any related project approvals. If any Claim is brought against the City by legal action or otherwise, Developer agrees to defend the City at the City's request and with counsel satisfactory to the City. For the purposes of this section, "City" includes the City of Camarillo's officials, officers, employees, and agents.
35. 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 Community Development Department or designee. Acceptable RBS training providers must be on the list of providers furnished by the ABC, who have agreed to incorporate some or all the recommended best practices into their training.
36. Overall sales shelving, storage and display area dedicated to saleable products of alcoholic beverages must be restricted to 10 percent of the gross floor area. This must 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.
37. Loitering in the parking lot areas adjacent to the development is prohibited. 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 issuance of a zone clearance.
38. The off-sales of alcoholic beverages is only permitted where the business also serves alcoholic beverages for consumption on the premises, such as a restaurant or tasting room. This CUP excludes liquor stores.



CUP-407, The Mark 2024 Ventura Blvd

City of Camarillo
Department of Community Development
1/12/2021

0 37.5 75 150 225 300 Feet

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City of Camarillo

Department of Community Development

805.388.5360 | | 805.388.5388 fax

NOTICE OF PUBLIC HEARING

The City of Camarillo Planning Commission will conduct a public hearing on **Tuesday, January 19, 2021** at 7:30 p.m., virtually via Zoom, on the following agenda item:

CUP-407, The Mark

An application has been received from Jordan Marshall on behalf of The Mark Camarillo, LLC seeking approval of a Conditional Use Permit (CUP-407) to allow ground floor tenants operating within the 6,000-square foot commercial area of The Mark mixed-use development to sell alcoholic beverages for consumption on-site, including bars and the sale of alcoholic beverages for consumption off the premises where alcoholic beverages are also offered for consumption on-site located at 2024 Ventura Boulevard within the Camarillo Old Town (COT) Zone.

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 Class 1, Existing Facilities (CEQA Guidelines section 15301); because the commercial spaces already exist and the project is for a use that will involve only interior tenant improvements, therefore, no additional review is necessary.

The Planning Commission may make recommendations or other adjustments deemed to be appropriate or propose conditions to the application. Any person interested in this matter is invited to attend and present testimony either for or against the proposed application. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

If the public hearing is held while the Ventura County Public Health Officer's Stay Well at Home Order is still in place, the chambers will be closed to the public. Please check the Agenda on the City's website for instructions on how you can participate in the hearing held via Zoom or contact the Department of Community Development at 805.388.5360, or by email at planning@cityofcamarillo.org.

For further information regarding this application, you may contact the City of Camarillo, Department of Community Development and speak with Paul McClaren, Associate Planner at 805.388.5365 or via email at pmccclaren@cityofcamarillo.org. You may also review copies of the application materials on the City's website at www.cityofcamarillo.org/planningcommission or at the Community Development Department, City Hall, 601 Carmen Drive, Camarillo, California, prior to the Planning Commission meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 805.388.5316. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure participation in this meeting. (28 CFR 35.102-35.104 ADA Title II.)

Para asistencia en español, por favor de contactar el Departamento de Desarrollo Comunitario y comunicarse con Monique Martinez al 805.388.5360.

Joseph R. Vacca,
Planning Commission Secretary