

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by: Freddy A. Carrillo, Assistant Planner



DATE: December 2, 2010 (CC Meeting of 12/15/2010)

SUBJECT: Consider a Resolution Denying Appeal No. 2010-01 and Approving Conditional Use Permit No. 2010-07 (Hakam Barakat, Applicant) to Allow Sale of Beer and Wine for Off-Site Consumption from an Existing Market at 496 Moorpark Avenue (Moorpark General Store) on the Appeal of Teresa Cortes

BACKGROUND

On August 31, 2010, Hakam Barakat filed an application requesting approval of Conditional Use Permit (CUP) No. 2010-07, to allow sale of beer and wine for off-site consumption from the Moorpark General Store, an existing 3,600 square-foot market at 496 Moorpark Avenue within the Downtown Specific area. The Zoning Ordinance requires Planning Commission approval of a CUP to allow the market to sell beer and wine for off-site consumption in the Neighborhood Commercial (C-1) zone. On October 26, 2010, a public hearing was held before the Planning Commission on this application. The Planning Commission approved CUP No. 2010-07 with conditions. On November 5, 2010, Teresa Cortes filed an appeal of the Planning Commission approval of CUP No. 2010-07. Copies of the appeal letter, Planning Commission Agenda Report, Planning Commission Resolution, and draft Planning Commission Minutes for this agenda item are attached.

Moorpark Municipal Code Section 17.44.090, sets forth the appeal process, generally outlined as follows:

- ❖ All actions of the Planning Commission may be appealed by any person, including a member of the City Council, to the City Council.

- ❖ The appellant needs to file the appeal in writing, along with the applicable fee, and reasons for the appeal and relate the reason to the required finding for approval of the application with the Community Development Director, no later than the close of business ten (10) calendar days after the date of the final action of the decision making authority.
- ❖ The appellate body shall review the project application in the same form as reviewed by the original decision maker and the review shall be conducted de novo.
- ❖ Appeals are subject to the same type of public action process and public noticing as required for the original project application, and will be scheduled for the next available regular meeting of the appellant body following completion of the required legal notice provisions.

DISCUSSION

The appellant submitted a letter prepared by Law Offices of Solomon, Saltsman and Jamieson, dated November 4, 2010, (Attachment 1). Key issues raised in this letter are identified below with analysis by staff:

- Creation of a Neighborhood Nuisance

Staff response: Single family dwelling units are located east of the existing market, generally behind the market's parking lot and across an alley, and north across First Street. The recommended conditions of approval limit the area for beer and wine to 6 reach-in coolers and 48 square feet outside the coolers. This totals less than 110 square feet, approximately 3 percent of the total floor area of the 3,600 square foot market and store. The existing market and store sells meat, dairy, produce, grocery and general merchandise and the beer and wine sales are ancillary to the existing retail store. In addition, the recommended conditions control advertising of alcoholic beverages, hours of operation, lighting, and security. With these conditions, beer and wine sales would be ancillary to grocery and general merchandise sales and would not be anticipated to be a nuisance. Any violation of the conditions of approval in the future could result in a permit revocation hearing.

- Over-Concentration of Establishments Selling Beer, Wine and Liquor

Staff response: The Moorpark General Store is located in Census Tract 76.02. A list of all establishments with ABC licenses in Census Tract 76.02 is provided in the October 26, 2010, Planning Commission staff report, (Attachment 2). It is correct that there are more Type 20 (beer and wine) and Type 21 (beer, wine and liquor) licenses in Census Tract 76.02 than in other census tracts in the city as shown in the table below. It should be noted, however, that Census Tract 76.02, which is generally bound by the railroad tracks on the north and the Arroyo Simi on the south, and includes both sides of Los Angeles Avenue from the Arroyo bridge west as shown in

Attachment 9, contains approximately half of all commercially-developed land in Moorpark. It would therefore be expected to have a higher total number of stores with Type 20 (beer and wine) and Type 21 (beer, wine and liquor) licenses than other Census Tracts. Census Tract 76.02 currently has 0.18 Type 20 and 21 permits per acre of commercial development, slightly higher than the citywide average of 0.16 permits per acre of commercial development. If this Conditional Use Permit is approved, Census Tract 76.02 would have 0.20 Type 20 and 21 permits per acre of commercial development, compared to an increased citywide average of 0.17 permits per acre of commercial development. This is not a significant difference from the citywide average and could not be construed as an undue concentration.

Census Tract	Acres of Commercial Development	Type 20 Licenses (Beer & Wine)	Type 21 Licenses (Beer, Wine, & Liquor)	Type 20 and 21 Licenses per Acre of Commercial Development
76.02	71.48	6	7	0.18
76.04	56.52	3	5	0.14
76.06	0.34	0	0	0
76.07	11.57	0	1	0.09
76.08	2.44	0	1	0.41
TOTAL	142.35	9	14	0.16

- No legal or factual basis for the Planning Commission to issue a CUP, or for the Community Development Department to issue a Letter of Public Convenience or Necessity

Staff response: Ordinance No. 304, adopted on September 15, 2004, revised Chapters 17.12, 17.20, and 17.44, of Title 17 (Zoning) of the Municipal Code. Ordinance No. 304 included revising the Conditional Use Permit entitlement process in Section 17.44.040.D to make the Planning Commission the decision-making authority, and the Commission makes findings and decisions that are final except in cases of appeal. In the current Municipal Code, Section 17.20.060 of the Municipal Code (Table 17.20.060), Permitted Uses in Commercial and Industrial Zones, identifies the entitlements required, including the CUP requirement for alcoholic beverage sales for off-site consumption when in conjunction with another city-approved retail or service use. Section 17.44.040.D, Conditional Use Permit (CUP), includes the required approval findings for a CUP and Section 17.44.040.D.7 contains the required Additional Findings for Establishments Selling Alcoholic Beverages. The Additional Findings include a finding that granting the CUP would be in the interest of public

convenience or necessity. As such, the Municipal Code delegates to the Planning Commission the authority to make the findings for the Public Convenience or Necessity (PCN) as required by the California Department of Alcoholic Beverage Control.

The authority of the Community Development Director is established throughout Title 17 (Zoning) of the Municipal Code. For example, Section 17.04.050.J, Interpretation, includes: "...the director of community development shall have the power to interpret the regulations and standards contained in this title, when such interpretation is necessitated by a lack of specificity in such regulations and standards." This includes the authority of the Community Development Director to provide the notice of decision for the Planning Commission entitlement action.

Consistent with the authority granted to the Planning Commission and to the Community Development Director, the City's consistent practice for Conditional Use Permits approved by the Planning Commission to permit sale of alcoholic beverages has been for the Community Development Director or his/her designee to issue a Letter of Public Convenience and Necessity to the Department of Alcoholic Beverage Control along with a copy of the resolution of approval (which includes the required findings for establishments selling alcoholic beverages).

With respect to facts in this case, these had been presented in the Planning Commission agenda report, including exhibits, as well as in the staff presentation and testimony given at the public hearing before the Planning Commission.

- Inadequate Application

Staff response: The application was reviewed and determined complete on September 15, 2010.

- Inadequate Noticing

Staff response: All public hearing notices contained adequate general information such as: the applicant's request, location of the project, applicant contact information, date, time and location of public hearing, and staff contact information as required by Municipal Code Section 17.44.070(A). Two public hearing signs were posted on the project site on October 14, 2010; a notice was published in the Ventura County Star on October 16, 2010; notices were mailed to property owners within 1,000 feet of the subject property in the latest assessor roles on October 13, 2010. Copies of the notices are shown in Attachment 5. It should be noted that the applicant reported that the signs on the project site had been marked with graffiti and knocked down and had to be re-installed prior to the Planning Commission hearing. Similar noticing of the appeal had been done for the City Council meeting.

- Non-Compliance with Permit Streamlining Act

Staff response: The application was submitted on August 31, 2010 and determined complete on September 15, 2010. The Planning Commission made the decision on October 26, 2010, (well before the Permit Streamlining applicable time limit for action of December 14, 2010).

- Inconsistency with the General Plan, Zoning Ordinance, and Other Regulations

Staff response: The proposed use is consistent with the provisions of the General Plan, Zoning Ordinance, and the Downtown Specific Plan. Information on the General Plan and Zoning designation for the property is included in the Planning Commission agenda report. As demonstrated in the conditions of approval and reiterated above in this report, the limits on the area provided for the sale of beer and wine along with other conditions of approval would ensure that beer and wine sales are ancillary to the grocery and general merchandise sales at this store.

- Incompatible with, Obnoxious and Harmful to, and Impairing the Utility of Surrounding Uses

Staff response: The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an existing retail market use where ancillary sale of beer and wine is not unexpected. It serves the needs of the neighborhood residents, with many of the customers walking to the store from nearby businesses or residences. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that conditions of approval are proposed to ensure proper control of the sale of beer and wine for off-site consumption.

- Incompatibility with the Scale, Visual Character and Design of Surrounding Properties

Staff response: The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the sale of beer and wine for off-site consumption is an ancillary use to the existing retail market use which is already established and does not require any modifications, including expansion, to the approved building. Beer and wine would be sold from existing coolers and merchandise display areas. Conditions of approval are recommended to provide monitoring cameras and lighting adjustments which should not require extensive modification to the interior or exterior of the building. Advertising of alcoholic beverages is restricted by conditions of approval.

- Detriment to the Public Health, Safety, Convenience, and Welfare and Increased Need for Police Services

Staff response: Recommendations from the Moorpark Police Chief have been included in the recommended conditions of approval for this CUP. With these conditions, the use is not projected to result in an increased need for Police services.

- Not a Public Convenience or Necessity

Staff response: The use will serve a public convenience, in that the sale of beer and wine for off-site consumption is an ancillary use to the existing retail market use.

- Adverse Economic Effect

Staff response: There is no evidence to suggest the requested use at the proposed location will adversely affect the economic welfare of the community.

- CUP Inconsistent with Negative Declaration and a full EIR Needed

Staff response: The Community Development Director reviewed this project and found it to qualify for a Categorical Exemption in accordance with Section 15301 (Class 1: Existing Facilities) of California Code of Regulations (CEQA Guidelines). The Planning Commission concurred with this finding of exemption. The proposed resolution recommends that the City Council also concur with the Community Development Director's determination that no further environmental documentation is required.

- Conditions Insufficient to Ameliorate the Detrimental Impact

Staff response: The recommend conditions of approval have been developed by Community Development staff based on experience with other similar uses and in consultation with the Police Department to ensure proper control of the sale of beer and wine for off-site consumption.

- Additional Alcohol Sales Detrimental to Community Based on Demographics, Schools, Skate Park, Residences, Boys and Girls Clubs, Alcoholic Anonymous Meeting Site, and Churches in Close Proximity

Staff response: Flory Academy of Science and Technology is a magnet school, located over 700 feet south-east from the existing market. It is open for enrollment to all children of all residents of Moorpark, as well as other cities in Ventura County (there is no defined boundary for enrollment). While many of the students in the neighborhood near the market attend Flory School, and some may walk past the market on the way to school, elementary school boundaries for the project vicinity include Mountain Meadows School for students residing east of Moorpark Avenue and Arroyo West School for students residing west of Moorpark Avenue. At over a mile from the market, these schools are too far away to walk to for most residents in the vicinity of the market. The nearest school bus stop for Mountain Meadows School is at Flory School. Students taking the

bus to Mountain Meadows School would not typically walk in front of the market, since the market is at the attendance boundary for the school and Mountain Meadows students would be walking in the other direction to catch a bus. The nearest school bus stop for Arroyo West School is at Chaparral Middle School. Arroyo West students also would not typically walk in front of the market, since their attendance boundary is on the other side of Moorpark Avenue. Middle school students in the vicinity of the existing market attend Chaparral Middle School, 800 feet from the market. Many Chaparral students walk by the existing market to and from school, as First Street has a signalized crossing with Moorpark Avenue. Moorpark High School, the nearest high school to the market, is also over a mile from the market. The School District recently discontinued bus service to the High School. The nearest City bus stop that would take students to the High School is on Moorpark Avenue just south of Poindexter Avenue and the nearest City bus stop that would take students home from the High School is on Second Street just east of Moorpark Avenue.

The nearest church as well as meeting location for Alcoholics Anonymous is at 216 Moorpark Avenue, over 900 feet from the market site. The skate park is approximately 1,600 feet from the market, and the Boys and Girls Club is approximately 1,700 feet from the market. The nearest homes are less than 100 feet from the parking lot for the market. Conditions of approval related to the amount and location of display space for beer and wine as well as other conditions of approval ensure that the sale of beer and wine from this market would not be a detriment to the community.

It should be noted that Special Condition No. 14 recommended for this permit include restrictions on the placement of alcoholic beverages so that they are not near the entrance doors to the market, to the satisfaction of the Police Chief.

Staff continues to support the decision of the Planning Commission to approve Conditional Use Permit No. 2010-07, with the findings as stated in the Planning Commission agenda report. The request to sell beer and wine at the existing market, to be displayed within 6 self serve reach-in cooler doors and retail display of 48 square-foot of retail floor area space for pre-packaged beer and wine is in fact ancillary to the overall sales of products within the market, representing approximately 3 percent of the total floor area of the store to be devoted to beer and wine sales.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2010-____ denying Appeal No. 2010-01 and approving Conditional Use Permit No. 2010-07.

ATTACHMENTS:

1. November 4, 2010, Appeal Letter on Teresa Cortes' behalf by Solomon, Saltsman and Jamieson
2. October 26, 2010, Planning Commission Agenda Report
3. Planning Commission Resolution No. 2010-557
4. October 26, 2010, Draft Planning Commission Minutes (for this item)
5. Planning Commission Hearing Notices
6. Location Map
7. Aerial Photograph
8. Floor Plan
9. Map Showing Type 20 and 21 Permits by Census Tract
10. Resolution No. 2010-_____

LAW OFFICES OF
SOLOMON, SALTSMAN & JAMIESON
A Partnership Including Professional Corporations

426 CULVER BOULEVARD
PLAYA DEL REY, CA 90293
(310) 822-9848
FAX (310) 822-3512

November 4, 2010

U.S. Hand Delivery

Community Development Director
City Clerk
City Attorney
Honorable City Council Members and Mayor
City of Moorpark
City Hall
799 Moorpark Avenue
Moorpark, CA 93021

RECEIVED

NOV 05 2010

City of Moorpark
Community Development

1:00 P.M. APPELLANT INFORMED
TO RETURN WITH \$2600.00
BY CLOSE OF BUSINESS ON
MONDAY, NOVEMBER 8, 2010
BY 6:00 P.M.

**RE: NOTICE OF APPEAL TO CITY COUNCIL OF PLANNING DECISION OF
OCTOBER 26, 2010**

Appellant: Teresa Cortes,

Applicant: Hakam A. Barakat

Site Address: 496 Moorpark Avenue, City of Moorpark, CA

Project appealed: CUP No. 2010-07

Decision appealed: Planning Commission approval of CUP on October 26, 2010

APPELLANT RETURNED AT
1:45 WITH DEPOSIT
ON 11/5/10

To The Community Development Director, City Clerk, City Attorney, Mayor and Honorable Members of the City Council:

Please be advised that the undersigned is legal counsel to Appellant Teresa Cortes and hereby submits this Appeal to the Planning Commission Approval of the above mentioned project of October 26, 2010. Ms. Cortes's Appeal is as follows:

LEGAL BASES

The Planning Commission has proceeded without and in excess of their jurisdiction by not conducting fair hearings, not considering all relevant evidence, and by committing prejudicial abuse of discretion. Said abuse of discretion includes but is not limited to the City and Planning Commission not proceeding in a manner required by law and issuing findings which are not supported by the evidence.

The Applicant appeals the Approval by the Planning Commission in its decision of October 26, 2010 as being: unnecessary, not reasonably calculated to address the concerns of Staff, the Community and Commission, not supported by the evidence, overly burdensome, and oppressive.

Additionally, under the California Supreme Court decision Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506, 113 Cal.Rptr. 836 (1974), there must be an analytical bridge between raw evidence and conclusions, when as here, the City acts in a quasi-judicial role. It is also well established that judicial findings must be supported by substantial evidence. Here, there is no analytical bridge between the raw evidence and the conclusions to Approve. Boilerplate or conclusory findings such as these issued by the City are impermissible under California case law.

Further, the Findings of Fact stated in the Resolution violate state law and where based on City Ordinance, such ordinances are pre-empted by state law and therefore violative of the United States and California Constitution. (See Alcoholic Beverage Control ACT, Business and Professions Code §23000 et seq.)

Accordingly, for all the forgoing and following reasons, and others that may be presented to the City Council before or at hearing, Approval of the sale of beer and wine at the subject site is illegal, invalid, null, void, voidable, and/or otherwise without effect.

FURTHER LEGAL/FACTUAL BASES

The site is in a Neighborhood Commercial Zone thus requiring a Conditional Use Permit in order to sell beer and wine. Abutting properties to the East of the site is all Single Family Residential, zoning designation (R-1). The addition of another alcohol license in this immediate area will in fact create a nuisance for the site itself and the surrounding residential areas.

Census Tract 76.02, in which this site exists, already includes 13 off sale ABC Licenses, making this Census Tract heavily over concentrated and adding another alcohol License to this already over concentrated area would be a violation of California State Law, Business and Professions Code Section 23957. 23957 states in pertinent part as follows:

“The department [ABC] further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.”
(Bracketed material added)

The 13 existing Type 20 and Type 21 ABC Licenses are located close to this site and available to residents and travelers, in various incarnations of markets (small such as the 2 Moorpark Central Markets, medium size such as Fresh and Easy, and large such as Albertsons and Ralphs), liquor store, convenience store, gas stations with convenience stores, liquor store, pharmacy, and others. A map of the 13 other locations, and their proximity and hours of operation, will be provided to the City Council prior to or at hearing. Each of these retail establishments offers something different to the community, but all of them provide food items and alcoholic

beverages, albeit in convenience stores, small or medium or large food markets, gas stations, et al. The existing purveyors of food and alcoholic beverages already meet the needs of the community therefore there is no necessity or convenience served by the addition of yet another alcohol License to this already overburdened Census Tract.

There was no legal nor factual basis for the Planning Commission to issue a Conditional Use Permit, nor for the Community Development Department to issue a Letter of Public Convenience or Necessity.

The application for CUP was neither adequately filed with the Community Development Director, nor did it conform to the requirements of the Moorpark Municipal Code, nor did it contain all required materials and information prescribed by the forms supplied by the Community Development Director, nor accompanied by the appropriate processing fees. Moreover there were existing violations of the zoning ordinance or municipal code at the site.

The Notice of the hearing on the CUP before the Planning Commission did not contain an adequate general explanation for the matter to be considered and a general description, in text or by diagram, of the location for the real property, that is the subject of the hearing.

The Community Development Director did not give notice of the public hearing, consistent with the requirements of Section 17.44.070 of the Moorpark Municipal Code, by publication at least ten days prior to the hearing in a newspaper for general circulation within the city, nor did the Director mail the notice of the public hearing pursuant to Government Code Section 65091 to all owners of real property as identified on the latest adjusted Ventura County Tax Assessor Roles, within 1000 or 300 feet of the exterior boundaries of the assessor's parcels subject to the hearing and this site is within the Downtown Specific Plan area

The applicant did not install at least one non illuminated sign on the subject property to notice the hearing before the Planning Commission. The sign was not 32 square feet in area, and /or exceeded 8 feet in height and was not placed in an area of the property most visible to the public, not more than 1 foot from the front property line in commercial area. The sign did not include the type of project as commercial, the square footage, nor the date, time and location of hearing, nor the telephone numbers and email addresses of the developer and of the case planner assigned to the application, and further did state additional information which is explicitly prohibited under the Municipal Code.

Decisions made on the application in question were not made in compliance with applicable time limits set forth by state law under the Permit Streamlining Act as recently amended. In violation of Moorpark Municipal Code, Section 17.44.040, as well as all applicable State laws, no legally or factually sufficient findings have been made, nor could be made, by the Planning Commission to justify issuance of the Conditional Use Permit.

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The proposed use is not consistent with the provisions of the General Plan, Zoning Ordinance, or any other applicable regulations, in that the sale of beer and wine for off site consumption is not in truth and fact an ancillary use to the existing retail market use, and is not consistent with the General Plan or Zoning.

The proposed use is not compatible with either existing or permitted land uses in the surrounding area.

The proposed use is not compatible with the scale, visual character and design of surrounding properties, since among other things, the sale of alcohol is not an ancillary use to the approved retail market use and will require modifications to the approved building.

The proposed use will be obnoxious and harmful, and impair the utility of the neighboring property or uses, with or without Conditions.

The proposed use will be detrimental to the public health, safety, convenience, and welfare.

The use will increase existing over concentration in the area of establishments selling alcoholic beverages and the proposal will not enhance any existing retail establishment where such uses are traditionally anticipated.

The use will not serve public convenience or necessity in that the sale of alcohol at this location will not be a mere ancillary use of the restaurant, and there are many similar uses in the immediate area.

The use will create the need for increased police services, and will increase the frequency and severity of crimes and calls for service at the premises as well as in the surrounding community.

The use at this site will adversely affect the economic welfare of the community

The approval of a CUP or LPCN is inconsistent with a Negative Declaration and a full Environmental Impact Report must be prepared and analyzed by the City before the approval of the CUP, otherwise any Approval will violate State and local laws.

The Planning Commission abused and exceeded its jurisdiction and abused its discretion and acted contrary to law in approving this use.

The Conditions imposed are insufficient and inapposite to ameliorate the detrimental impact to the community.

The findings of the Planning Commission are not based upon substantial evidence in view of the whole recorded to justify the decision.

There already exists in the 1 mile radius of this site many other off sale alcohol retail establishments that more than adequately serve the necessity and convenience of the community.

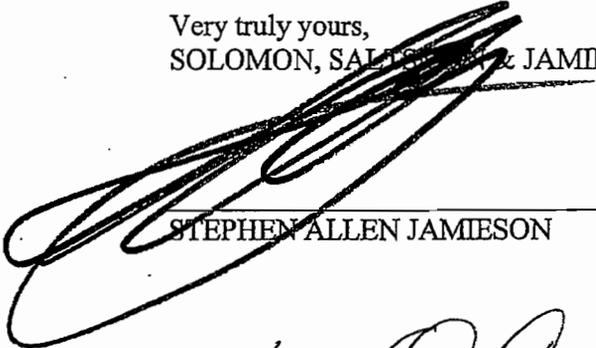
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Additional alcohol sold at this location, considering the demographics, schools, Skate Park, residential areas, boys and girls clubs, Alcoholic Anonymous meeting site, and churches in close proximity to the site in question, will be detrimental to the children as well as of the community in general.

The hearing on Appeal, per MMC 17.44.090, shall be conducted De Novo, that is to say it is not the decision of the Planning Commission that is defended but rather the Applicant must prove his case before the City Council. Per MMC 17.44.080, neither the applicant nor any enforcement agency may rely on the Planning Commission decision until the Appeal has been resolved.

Thank you,

Very truly yours,
SOLOMON, SALERNO & JAMIESON



STEPHEN ALLEN JAMIESON

 11/4/2010.
TERESA A. CORTES, Appellant
12425 Villa Campesina Ave
Moorpark, CA 93021
(805) 529-6176

Cc: Partners (via intra office email)
Clients (via email only)

**MOORPARK PLANNING COMMISSION
AGENDA REPORT**

TO: Honorable Planning Commission

FROM: David A. Bobardt, Community Development Director
Prepared by Freddy A. Carrillo, Assistant Planner I 

DATE: September 20, 2010 (PC Meeting of 10/26/10)

SUBJECT: Consider Conditional Use Permit (CUP) No. 2010-07, to Allow Sale of Beer and Wine from an Existing Market at 496 Moorpark Avenue (Moorpark General Store) for Off-Site Consumption, on the Application of Hakam A. Barakat

BACKGROUND

A Conditional Use Permit application was filed by Hakam A. Barakat on August 31, 2010, to sell beer and wine for off-site consumption, (California Department of Alcohol Beverage Control Type 20 License) from the existing 3,600 square-foot Moorpark General Store market at 496 Moorpark Avenue (within the Downtown Specific Plan area).

DISCUSSION

Project Setting

Existing Site Conditions:

The 3,600 square-foot building on the southeast corner of Moorpark Avenue and First Street was recently remodeled and expanded, with work completed in 2007. The property has five parking spaces located in the rear, including a handicap space.

Previous Applications:

Planned Development Permit No. 945 was approved on May 8, 1981, to permit a 2,016 square-foot restaurant at this site. Prior to that time, the subject building was occupied by a used furniture store. On September 7, 2004, Permit Adjustment No. 2004-14 to Planned Development Permit No. 945 was approved for a 1,584 square-foot addition to the commercial building, improvements to the site, and a total façade renovation. The building is currently used as a neighborhood market, which currently sells meat, dairy, produce and general grocery and retail merchandise.

GENERAL PLAN/ZONING			
Direction	General Plan	Zoning	Land Use
Site	General Commercial (C-2)	Neighborhood Commercial (C-1)	Retail/Market
North	Old Town Commercial (C-OT)	Old Town Commercial (C-OT)	Office/Commercial
South	General Commercial (C-2)	Neighborhood Commercial (C-1)	Vacant Building
East	Medium Density Residential (4DU/AC)	Single Family Residential (R-1)	Single Family Dwellings
West	Neighborhood Commercial (C-1)	Neighborhood Commercial (C-1)	Retail/Market

General Plan and Zoning Consistency:

The project site is within the Downtown Specific Plan area. The General Commercial land use designation and Neighborhood Commercial zoning of the property encourages commercial uses such as this neighborhood market in this portion of the downtown area. The Zoning Ordinance requires Planning Commission approval of a Conditional Use Permit to allow the market to sell beer and wine for off-site consumption in the Neighborhood Commercial (C-1) Zone.

ANALYSIS

Issues

Ensuring that the sale of beer and wine from this location does not create a neighborhood nuisance either individually or collectively with other markets that sell alcoholic beverages is the primary issue for Planning Commission consideration in their review of the Conditional Use Permit application. Conditions are recommended by staff to address security concerns associated with the sale of beer and wine. These conditions are consistent with those applied to other food markets in Moorpark which are permitted to sell beer, wine and other alcoholic beverages.

The applicant is concurrently processing an application with the California Department of Alcoholic Beverage Control (ABC) for the sale of beer and wine for off-site consumption. The ABC measures the number of businesses selling alcoholic beverages by census tract, and compares this number to other census tracts in the area. Based on thirteen establishments selling beer and wine or beer, wine and liquor, ABC has determined that there is an over-concentration of alcohol permits in Census Tract 76.02, where the project

is located. This census tract is a large census tract that includes all areas south of the railroad tracks, north and west of the Arroyo Simi and east of Gabbert Road. Therefore, existing commercial areas within this Census Tract include: the Moorpark Town Center, Mission Bell Plaza, Park Lane Center, Village Retail Auto Center, The Grove, Tuscany Square, Gateway Plaza, LA Spring, and Moorpark Plaza shopping centers. This census tract includes most of Moorpark's commercial land, and therefore would be expected to have more establishments selling alcoholic beverages than other census tracts in Moorpark. Census Tract 76.02 currently has a healthy mix of many types of commercial land uses, including a variety of retail stores, restaurants, auto repair shops and personal service establishments. A permit for the sale of beer and wine from this location will not, in the opinion of Community Development staff, result in a detrimental over-concentration of such permits. In order for ABC to issue an alcohol license, the applicant must obtain a Conditional Use Permit, and subsequently the Community Development Department must issue a letter of "Public Convenience and Necessity." Given that the primary use is a food market and the beer and wine sales would be ancillary to the existing use, and the market contributes to the economic development of the city, this finding can be made for this license.

Similar Uses – ABC has issued permits for six establishments to sell beer and wine (Type 20 License) and for seven establishments to sell beer, wine and liquor (Type 21 License) for off-site consumption within Census Tract 76.02, as follows:

Type 20 Licenses (Beer and Wine Only)

- ❖ 7-Eleven, located at 530 Los Angeles Avenue, Unit 1A, within the Moorpark Plaza shopping center
- ❖ Shell Station, located at 301 Los Angeles Avenue, within the Mission Bell Plaza shopping center
- ❖ 76 Gas Station, located at 550 Los Angeles Avenue
- ❖ Alliance Food Market and Gas Station, located at 50 Los Angeles Avenue
- ❖ Fresh & Easy Market, located at 144 Los Angeles Avenue, Unit G, within the Tuscany Square shopping center
- ❖ Tellos Mexican Food, located at 415 Moorpark Avenue

Type 21 Licenses (Beer, Wine, and Other Alcoholic Beverages)

- ❖ Ralph's, located at 101 Los Angeles Avenue, within the Moorpark Town Center shopping center
- ❖ The Wine Castle Two, located at 525 Los Angeles Avenue, Unit E, within the LA Spring shopping center
- ❖ Moorpark Central Market, located at 50 Poindexter Avenue
- ❖ Moorpark Central Market #2, located at 375 Moorpark Avenue

- ❖ Albertsons, located at 475 Los Angeles Avenue, within the Mission Bell Plaza
- ❖ Moorpark Liquor Store, located at 312 Los Angeles Avenue, within the Park Lane Center
- ❖ CVS Pharmacy, located at 155 Los Angeles Avenue, within the Moorpark Town Center shopping center

The applicant has indicated that the standard hours of operation will be:

- 7:00 a.m. to 10:00 p.m. Sunday to Thursday, and;
- 7:00 a.m. to 11:00 p.m. Friday and Saturday.

Any extension of these hours in the future may increase late night activity and noise in the neighborhood with the beer and wine sales. Given the Neighborhood Commercial zoning of the site and nearby residential uses, a Condition of Approval is recommended to limit the hours of operation of the store to those noted above.

Currently, the market has a 23-foot long walk-in display cooler with 11 self serve reach-in doors, where current display items consist of water, soda, sports-energy drinks, juice and dairy products such as milk, eggs, cheese and yogurt. The applicant is proposing to dedicate 6 of the 11 self serve reach-in doors for the display and retail of beer and wine. In addition, he is also proposing to have a 4-foot by 3-foot area of retail space for pre packaged beer and wine containers, for display and retail in a non-refrigerated manner. Since this is a neighborhood market, staff has added condition #14, as follows "Sales area dedicated for display of refrigerated beer and wine must not exceed 6 self serve reach-in doors and 12 square feet of non-refrigerated display of beer and wine, as the total floor area for display of retail and saleable beer and wine for the total floor area of the neighborhood market.". This would ensure that beer and wine would be provided as a convenience to market customers and it would not become a dominant part of the products offered for sale.

The Moorpark Police Chief has provided recommended conditions, as follows:

- All cold storage of wine and beer must be limited to the west-facing cold storage four glass door fronts furthest from the customer entrance door, and the two south facing doors.
- All room temperature bulk storage of beer and wine must be limited to areas away from the entrance/exit doors.
- A security color-video camera must be positioned to monitor areas that are used to store beer and wine.

Staff has incorporated the recommended conditions above as conditions of approval in the proposed resolution, associated with this request.

Findings

- A. The proposed use is consistent with the provisions of the General Plan, zoning ordinance, and any other applicable regulations, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use, a use consistent with the General Plan and Zoning.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an approved retail market use where sale of beer and wine is not unexpected.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use and does not require any modifications to the approved building.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.

Additional Conditional Use Permit Findings for establishments selling alcohol beverages:

- A. The use will not result in an over concentration in the area of establishments selling alcoholic beverages, in that the proposal is enhancing an existing retail establishment where such uses are traditionally anticipated, consistent with the land use development pattern of the City of Moorpark;
- B. The use will serve a public convenience, in that the sale of beer and wine for off-site consumption is an ancillary use to the existing retail market use;
- C. The use will not create the need for increased police services, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption;
- D. The requested use at the proposed location will not adversely affect the economic welfare of the community; and
- E. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood.

PROCESSING TIME LIMITS

Time limits have been established for the processing of development projects under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3). Under the applicable provisions of these regulations, the following timelines have been established for action on this project:

Date Application Determined Complete: September 15, 2010

Planning Commission Action Deadline: December 14, 2010

City Council Action Deadline: N/A

Upon agreement by the City and Applicant, one 90-day extension can be granted to the date action must be taken on the application.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

Based upon the results of an Initial Study, the Director may determine that a project will not have a significant effect upon the environment. In such a case, a Notice of Intent to Adopt a Negative Declaration or a Mitigated Negative Declaration is prepared. For many projects, a Negative Declaration or Mitigated Negative Declaration will prove to be sufficient environmental documentation. If the Director determines that a project has the potential for significant adverse impacts and adequate mitigation can not be readily identified, an Environmental Impact Report (EIR) is prepared.

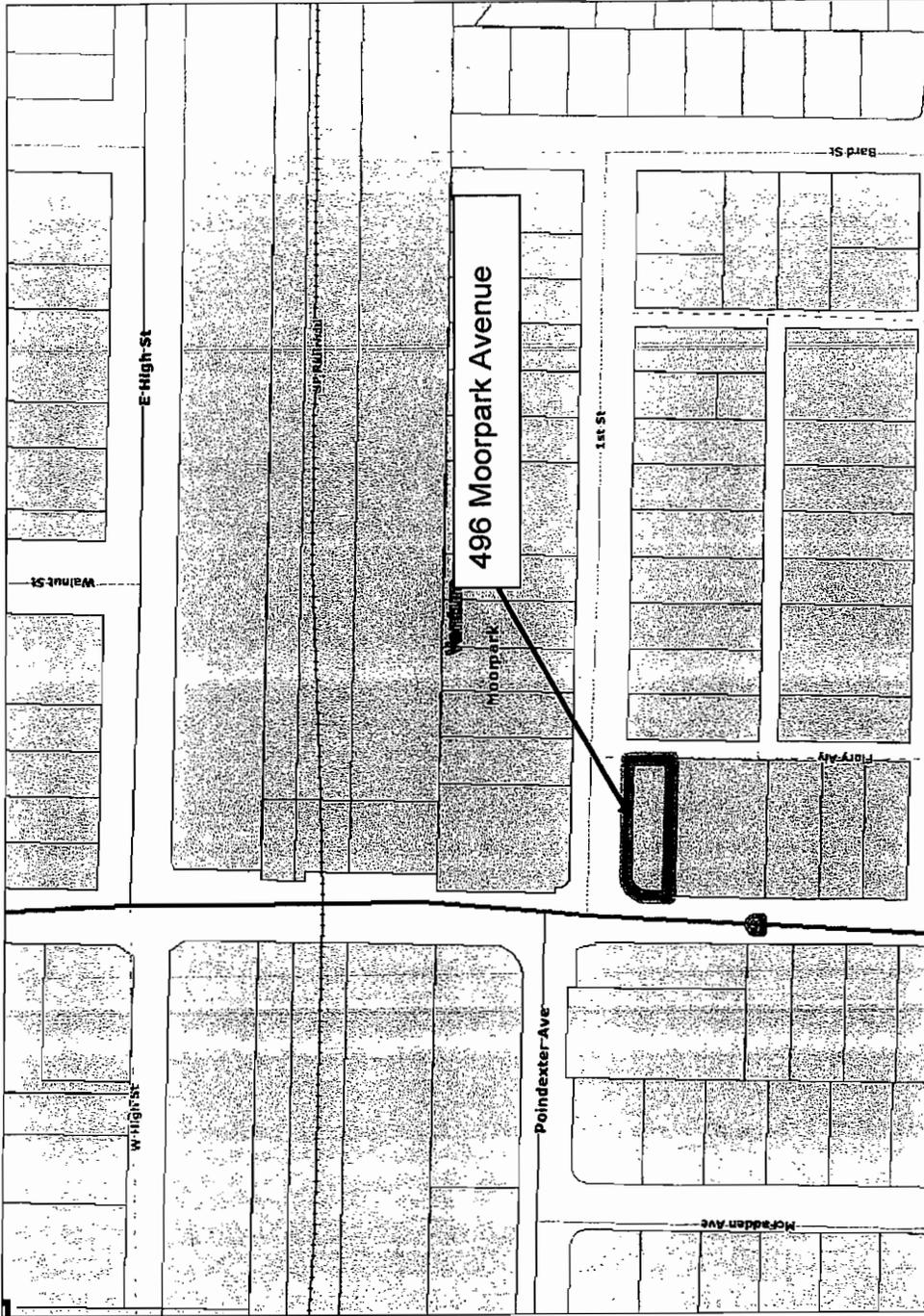
The Community Development Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15301 (Class 1: Existing Facilities) of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. PC-2010-____ conditional approving Conditional Use Permit No. 2010-07.

ATTACHMENTS:

1. Location Map
2. Aerial Photograph
3. Existing Floor Plan
4. Draft PC Resolution with Conditions of Approval



Location Map
Conditional Use Permit No. 2010-07
496 Moorpark Avenue (Moorpark General Store)

PROJECT EXHIBITS

A. Existing Floor Plan

(UNDER SEPARATE COVER)

**COPIES OF THE EXHIBITS ARE AVAILABLE
UPON REQUEST OF THE PROJECT PLANNER**

RESOLUTION NO. PC-2010-557

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2010-07, A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE AT AN EXISTING MARKET (MOORPARK GENERAL STORE) FOR OFF-SITE CONSUMPTION, AT 496 MOORPARK AVENUE, ON THE APPLICATION OF HAKAM A. BARAKAT

WHEREAS, at duly noticed public hearing on October 26, 2010 the Planning Commission considered Conditional Use Permit (CUP) No. 2010-07 on the application of Hakam A. Barakat to allow the sale of beer and wine at an existing 3,600 square-foot market for off-site consumption, at 496 Moorpark Avenue; and

WHEREAS, at its meeting of October 26, 2010 the Planning Commission considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing and on October 26, 2010 reached a decision on this matter; and

WHEREAS, the Planning Commission concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 as a Class 1 exemption for existing facilities.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MOORPARK, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. **CONDITIONAL USE PERMIT FINDINGS:** Based upon the information set forth in the staff report(s), accompanying studies, and oral and written public testimony, the Planning Commission makes the following findings in accordance with City of Moorpark, Municipal Code Section 17.44.040:

- A. The proposed use is consistent with the provisions of the General Plan, zoning ordinance, and any other applicable regulations, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use, a use consistent with the General Plan and Zoning.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an approved retail market use where sale of beer and wine is not unexpected.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use and does not require any modifications to the approved building.

- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.

SECTION 2. ADDITIONAL CONDITIONAL USE PERMIT FINDINGS FOR ESTABLISHMENTS SELLING ALCOHOL BEVERAGES:

- A. The use will not result in an over concentration in the area of establishments selling alcoholic beverages, in that the proposal is enhancing an existing retail establishment where such uses are traditionally anticipated, consistent with the land use development pattern of the City of Moorpark;
- B. The use will serve a public convenience, in that the sale of beer and wine for off-site consumption is an ancillary use to the existing retail market use;
- C. The use will not create the need for increased police services, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption;
- D. The requested use at the proposed location will not adversely affect the economic welfare of the community; and
- E. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood.

SECTION 3. PLANNING COMMISSION APPROVAL: the Planning Commission hereby approves Conditional Use Permit No. 2010-07 subject to the Standard and Special Conditions of Approval found in Exhibit A attached.

SECTION 4. FILING OF RESOLUTION: The Community Development Director shall cause a certified resolution to be filed in the book of original resolutions.

The action of the foregoing direction was approved by the following vote:

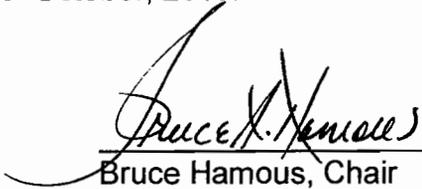
AYES: Commissioners Groff, Taillon, Vice Chair Landis, and Chair Hamous

NOES: Commissioner Di Cecco

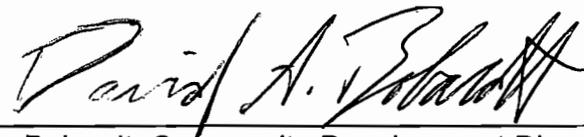
ABSTAIN: None

ABSENT: None

PASSED, AND ADOPTED this 26th day of October, 2010.



Bruce Hamous, Chair



David A. Bobardt, Community Development Director

Exhibit A – Standard and Special Conditions of Approval

EXHIBIT A

STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) No. 2010-07

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit B), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

SPECIAL CONDITIONS

1. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
2. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
3. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.
 - a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur:
 - i. The City bears its own attorney fees and costs;
 - ii. The City defends the claim, action or proceeding in good faith.
 - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.

4. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
5. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit No. 2010-07 except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
6. The applicant shall reimburse the City of Moorpark for any additional police or other costs incurred by the City as a result of operations approved by this Conditional Use Permit, including fifteen (15%) percent overhead on any such services.
7. No person under the age of eighteen (18) shall sell packaged alcoholic beverages.
8. All exterior areas of the site, including parking areas under use by the facility, shall be maintained free of litter and debris at all times.
9. Conditional Use Permit No. 2010-07 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.
10. The City of Moorpark reserves the right to modify, suspend or revoke for cause this conditional use permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.
11. Areas inside the establishment open to customers must be illuminated sufficiently to allow the identification of persons.
12. The applicant or his/her designee shall be responsible to police 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.
13. Hours of operation for the store are limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.
14. Sales area dedicated for display of refrigerated beer and wine must not exceed 6 self serve reach-in doors and no more than 48 square feet of non-refrigerated display of beer and wine, as the allowable display of retail and saleable beer and wine for the total floor area of the neighborhood market. All cold storage of wine and beer must be limited to the west-facing cold storage four glass door fronts furthest from the customer entrance door, and the two south facing doors. All room temperature bulk storage of beer and wine must be limited to areas away from the entrance/exit doors to the satisfaction of the Community Development Director and Police Chief.

15. No exterior advertising of any kind or type is allowed promoting or indicating the availability of alcoholic beverages. Interior display/advertising of beer or wine that are clearly visible to the exterior shall constitute a violation of this condition. Interior advertising or promotion of availability of beer and wine may only be located within areas approved for the interior display of beer and wine merchandise subject to the Community Development Director approved floor plan on file with the Community Development Department.
16. The permittee must correct any safety or security problem within thirty (30) days upon written notice of such a problem from the Moorpark Police Department.
17. A closed-circuit security color-video camera must be positioned to monitor areas that are used to store beer and wine. The closed-circuit television cameras must provide monitoring and recording of the sales counter to show employee/customer transactions, as well as, the reach-in refrigerators and surrounding floor area. Also, a closed-circuit security camera must provide monitoring and recording of the rear parking lot. This system must have the capability to record 24 hours, and this system must be protected from access by employees and customers. The applicant shall provide a closed-circuit security camera plan subject to the review and approval of the Community Development Director.
18. Any and all employees directly involved or supervising the sale of alcoholic beverages shall provide evidence and the business shall maintain records that employees have:
 - a. Received training from the State of California Department of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" LEAD program in the form of an ABC issued certificate.
 - b. The Owner/Manager shall confirm with the California Department of Alcoholic Beverage Control within fifteen (15) days of hire any new employee has been scheduled with the local (Santa Barbara ABC office) to attend the LEAD program course. Alternatively, this course attendance requirement may be met through a LEAD certified agency or company approved by the State of California.
19. The applicant shall submit an exterior lighting plan, along with required deposit, to the satisfaction of the Community Development Director. The lighting plan, prepared by an electrical engineer registered in the State of California, must demonstrate conformance of the exterior lighting with the Moorpark Municipal Code.

END

MINUTES OF THE PLANNING COMMISSION

Moorpark, California

October 26, 2010

A Regular Meeting of the Planning Commission of the City of Moorpark was held on October 26, 2010, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Chair Hamous called the meeting to order at 7:06 p.m.

2. PLEDGE OF ALLEGIANCE:

Joseph Vacca, Principal Planner, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Commissioner Di Cecco, Commissioner Groff, Commissioner Taillon, Vice Chair Landis, and Chair Hamous.

Staff Present: David Bobardt, Community Development Director; Joseph Vacca, Principal Planner; and Joyce Figueroa, Administrative Assistant.

4. PROCLAMATIONS, COMMENDATIONS AND SPECIAL PRESENTATIONS:

None.

5. PUBLIC COMMENT:

None.

6. REORDERING OF, AND ADDITIONS TO, THE AGENDA:

None.

7. ANNOUNCEMENTS, FUTURE AGENDA ITEMS AND REPORTS ON MEETINGS/CONFERENCES ATTENDED BY THE COMMISSION:

(Future agenda items are tentative and are subject to rescheduling.)

A. Future Agenda Items

- i. CUP 2003-05 National Ready Mixed (Continued from August 25, 2009 to a date uncertain)
- ii. CUP 2010-03 Wireless Facility
- iii. CUP 2010-04 Lighthouse Church

- iv. Housing Element Update
- v. Rescinding Toll Mazur DA, GPA, ZC
- vi. ZOA 2010-02 Massage Establishment Regulations
- vii. ZOA 2010-03 Emergency Shelters etc.

Mr. Bobardt briefly discussed announcements and future agenda items.

Chair Hamous announced that Moorpark Rotary Club will present the annual Civil War Battles Reenactment on November 13 – 14, at Tierra Rejada Ranch.

8. PUBLIC HEARINGS: (next Resolution No. PC-2010-557)

- A. Consider Conditional Use Permit (CUP) No. 2010-07, to Allow Sale of Beer and Wine from an Existing Market at 596 Moorpark Avenue (Moorpark General Store) for Off-Site Consumption, on the Application of Hakam A. Barakat. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; 2) Adopt Resolution No. PC-2010-557 conditional approving Conditional Use Permit No. 2010-07. (Staff: Freddy Carrillo)

Mr. Vacca gave the staff report.

Questions from Commissioners followed regarding if the applicant has had any problems at his Simi Valley market, Census Tract 76.02 areas, how often does ABC revisit the establishment, and if moving forward on this project is there a potential that would limit someone else from applying for a license in the future within the census tract.

The Commission also discussed the floor plan; comment regarding conditions of approval and comments from the police department specific about which doors in the storage area are available for beer and wine, the drawing needs to be updated to reflect this condition, did the police department specify a location for the non-refrigerated beer display, will bulk storage be in the same retail area space, and discussion regarding Type 20 and Type 21 licenses.

Chair Hamous opened the public hearing.

Hakam A. Barakat, Owner, Moorpark General Store, discussed the project and stated he was available to answer any questions.

Patrick Ellis, President, Moorpark Chamber of Commerce, spoke in favor of the project and stated that the payment center at Moorpark Central Market is a big asset to the community, functioning as a payment center, and the business is catering to the community's needs.

Margarita Betancourt, resident, spoke in opposition of the project and expressed her concerns about the lighting, there are already numerous establishments selling alcohol, the business being near a school, and asked about City of Santa Barbara demographics and neighborhoods liquor stores are located in.

Rick Willson, resident, spoke in favor of the project and commented positively on the integrity of the people that operate the business.

Teresa A. Cortes, resident, spoke in opposition of the project and stated her concerns, indicating that there are currently 18 establishments in Moorpark within less than two miles that are currently selling alcohol, and provided staff with a 58-page petition she sent to the state protesting the ABC license.

Munther Dorgalli, Part Owner, Moorpark Central Market I & II, spoke in opposition of the project.

A discussion followed among Commissioners and Mr. Dorgalli regarding if his two stores currently sell beer and wine, how much of an area is dedicated for liquor, beer and wine sales, and the type of merchandise his store sells.

Abdul Barakat, resident, spoke in favor of the project and stated he was available to answer any questions.

Miriah Ramos, resident, spoke in opposition of the project and her concerns for the children that reside in this residential area, teen-agers accessing the alley-ways for making beer-runs.

Abel Aguilera, Manager, Moorpark General Store spoke in favor of the project and stated that he has worked at Barakat's Market on High Street approximately 20 years. He currently works for Mr. Hakam Barakat and has knowledge how to run the business, when to sell beer, knows how to walk customers out of the store that have been drinking, and knows how to take care of customers and has never had any problems with Moorpark Police Department.

A discussion followed among Commissioners and Mr. Aguilera regarding if he has had the ABC class on alcohol beverage sales, and if he has had any problems with teen-agers.

In response to Chair Hamous, Mr. Bobardt stated there were no other Speaker Cards or Written Statement Cards

At the request of Chair Hamous, Mr. Hakam Barakat returned to the lectern and responded to comments about the lighting, consumption of alcohol on the property and in the alley way. Mr. Barakat will address the lighting as the City allows him to add more lighting, he does not allow patrons to consume alcohol on his property, the market has cameras located in the store modernized according to the Police Department requirement and is going to install outside cameras. Mr. Barakat also addressed the typical client purchase which is primarily from the nearby residents.

A discussion followed among Commissioners and the applicant regarding how much alcohol is going to be purchased by the existing customer base and how much of it is going to be pulling customers from somewhere else. Mr. Barakat replied that because he will be offering beer and wine, he is anticipating a 30% - 40% increase in overall sales from the store, which will come from existing customers.

In response to the Commissioners, Mr. Barakat stated that there will be no exterior advertising or signage in the store promoting beer or wine and that the look of the store will not change.

Mr. Barakat also discussed changing the application to modify the display area to 4 end-caps (12 square feet each) which would total 48 square feet, instead of a 4 x 3 area as originally proposed. If this occurs with 48 square feet of non-refrigerated beer for sale, and the six cooler doors, it would still be less than 2% of floor area devoted to retail sales.

A discussion followed among the Commissioners regarding the Protest of the Alcoholic Beverage License applications, copies of which Ms. Cortes provided to the Planning Commission. Ms. Cortes submitted fifty-eight protest forms to Department of Alcoholic Beverage Control.

In response to Chair Hamous, Mr. Bobardt stated that the Department of Alcoholic Beverage Control will have to consider a license for the establishment to allow them to sell beer and wine.

Chair Hamous closed the public hearing.

A discussion followed among the Commissioners and staff regarding the permitting process, whether or not ABC considers the distance of the schools from the establishment, Condition No. 10; the City's right to modify, suspend or revoke the Conditional Use Permit if the applicant violates any conditions, and the difference between liquor stores and markets that sell alcoholic beverages.

The Commission agreed that there is merit to having all conveniences in one location, that this is a reasonable request based on the census tract area; for residents in the location of walking distance of the establishment, this satisfies a public convenience, and do not see a bigger demand of beer and wine sales in this particular area.

The Commission discussed amending the following Conditions:

Add to Condition No. 14; that the condition reads "no more than 48 square feet of non-refrigerated beer and wine";

Amend Condition No. 15; regulating interior advertising, stating that it may be regulated by the Director of Community Development and limiting the area of interior advertising to be located only within the areas approved for beer and wine sales;

Adjust Condition No. 17; requiring the addition of a security camera to monitor the parking lot area.

Add Condition No. 19; requiring submittal of a lighting plan to ensure adequate lighting levels.

MOTION: Commissioner Taillon moved and Commissioner Groff seconded a motion to approve staff recommendation, with changes as proposed by the Commission, including adoption of Resolution No. PC 2010-557. (Voice Vote: 4:1, Commissioner Di Cecco dissenting.)

The Planning Commission has final approval authority for this project unless appealed.

- B. Consider the Approval of Zoning Ordinance Amendment 2007-01 to Amend Chapter 17.20 (Uses by Zone) and Chapter 17.42 (Wireless Communications Facilities) of the Moorpark Municipal Code to Update the Wireless Communication Facilities Review Process and Ensure Consistency With Changes in State Law Regarding the Regulation of Wireless Communications Facilities. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; 2) Adopt Resolution No. PC-2010-558 recommending that the City Council approve Zoning Ordinance Amendment 2007-01. (Staff: Joseph Vacca)

Mr. Vacca gave the staff report.

A discussion followed among the Commissioners and staff regarding the location of support equipment for a minor facility which typically has to be in an underground vault, and if a minor facility can also be located on the

roof of a building. It was recommended that staff review the ordinance to determine if it needs to be adjusted to read that the support equipment for a facility has to be within the building or in a vault and if mounted on a building then the support equipment also be completely enclosed in the building.

Chair Hamous opened the public hearing.

Ken Simons, resident, commented on the project, stating that collocation is the wave of the future in most technologies and that we do not want to hinder the possibility of collocations..

A discussion followed among the Commission and staff regarding residential height requirements.

Chair Hamous closed the public hearing.

A discussion followed among the Commission that adjustments made encourage collocations and that this is a smart move. The Commission commended Mr. Vacca for his work on this project.

MOTION: Vice Chair Landis moved and Commissioner Di Cecco seconded a motion to approve staff recommendation, including adoption of Resolution No. PC 2010-558. (Voice Vote: Unanimous)

The City Council has final approval authority for this project.

9. DISCUSSION ITEMS:

- A. Consider Canceling Regular Planning Commission Meetings in November and December 2010, and Scheduling a Special Planning Commission Meeting on November 30, 2010. Staff Recommendation: 1) Direct staff to post notices of meeting cancellation for the November 23, 2010 and December 28, 2010 regular Planning Commission meetings and schedule a special Planning Commission meeting for November 30, 2010. (Staff: David Bobardt)

Mr. Bobardt gave the staff report.

Approved staff recommendation by consensus.

By consensus, the Commission approved staff's recommendation.

10. CONSENT CALENDAR

Approved the Consent Calendar. (Voice Vote: Unanimous)

- A. Consider Approval of the Regular Meeting Minutes of September 28, 2010. Staff Recommendation: Approve the minutes.

Approved Staff Recommendation

11. ADJOURNMENT:

MOTION: Vice Chair Landis moved and Commissioner Taillon seconded a motion to adjourn. The motion carried by unanimous voice vote. The time was 9:03 p.m.

Bruce A. Hamous, Chair

David A. Bobardt, Community Development Director

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Planning Commission of the City of Moorpark, California, on **Tuesday, October 26, 2010, at 7:00 p.m.**, at the Moorpark City Hall, located at 799 Moorpark Avenue, Moorpark, California, 93021, to consider the application described below

NOTICE IS FURTHER GIVEN that pursuant to the California Environmental Quality Act (CEQA), the Community Development Director has determined this project to be Categorical Exempt in accordance with Section 15301 (Class 1: Existing Facilities) of the California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

Entitlement: Conditional Use Permit No. 2010-07

Applicant/Owner: Hakam A. Barakat

Proposal: To allow sale of beer and wine (Type 20 license) at the existing 3,600 square-foot Moorpark General Store market for off-site consumption.

Location: 496 Moorpark Avenue (Within the Downtown Specific Plan area)

Case Planner: Freddy A. Carrillo, Assistant Planner I
(805) 517-6224 fcarrillo@ci.moorpark.ca.us

The proposed project application(s) and environmental documents may be reviewed at the Community Development Department, City Hall, 799 Moorpark Avenue, Moorpark, CA 93021 during normal business hours.

Any person affected by the application(s) may appear and be heard in support or opposition to the proposals at the time of the hearing.

The Planning Commission in their deliberation could approve the project, deny, or approve the project in an alternative form. If you challenge the proposal 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 Community Development Department at, or prior to, the Public Hearing.

Si usted tiene preguntas relacionadas con esta propuesta, comuníquese por favor con Sr. Freddy A. Carrillo dentro del Departamento del Desarrollo de la Comunidad, al telefono (805) 517-6224.

Publish Date: October 16, 2010 Standard Ad
Sent Date: October 7, 2010
Control Code 6784 2733

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Certificate of Publication

Ad #255420

In Matter of Publication of:

Notice of Public Hearing

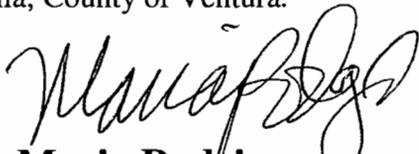
State of California)
))§
County of Ventura)

I, **Maria Rodriguez**, hereby certify that the **Ventura Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, Camarillo Star** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed and published in the City of Camarillo, County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Oct. 16, 2010

I, Maria Rodriguez certify under penalty of perjury, that the foregoing is true and correct.

Dated this Oct. 18, 2010, in Camarillo, California, County of Ventura.


Maria Rodriguez
(Signature)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Planning Commission of the City of Moorpark, California, on **Tuesday, October 26, 2010, at 7:00 p.m.**, at the Moorpark City Hall, located at 799 Moorpark Avenue, Moorpark, California, 93021, to consider the application described below.

NOTICE IS FURTHER GIVEN that pursuant to the California Environmental Quality Act (CEQA), the Community Development Director has determined this project to be Categorical Exempt in accordance with Section 15301 (Class 1: Existing Facilities) of the California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

Entitlement: Conditional Use Permit No. 2010-07

Applicant/Owner: Hakam A. Barakat

Proposal: To allow sale of beer and wine (Type 20 license) at the existing 3,600 square-foot Moorpark General Store market for off-site consumption.

Location: 496 Moorpark Avenue (Within the Downtown Specific Plan area)

Case Planner: Freddy A. Carrillo, Assistant Planner
(805) 517-6224 fcarrillo@ci.moorpark.ca.us

The proposed project application(s) and environmental documents may be reviewed at the Community Development Department, City Hall, 799 Moorpark Avenue, Moorpark, CA 93021 during normal business hours.

Any person affected by the application(s) may appear and be heard in support or opposition to the proposals at the time of the hearing.

The Planning Commission in their deliberation could approve the project, deny, or approve the project in an alternative form. If you challenge the proposal 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 Community Development Department at or prior to, the Public Hearing.

Si usted tiene preguntas relacionadas con esta propuesta, comuníquese por favor con Sr. Freddy A. Carrillo dentro del Departamento del Desarrollo de la Comunidad, al teléfono (805) 517-6224.

Publish: Oct. 16, 2010 Ad No. 255420

Control Book: 6784 2733

Notice Continued...

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The proposed project application may be reviewed at:

Community Development Department
City Hall
799 Moorpark Avenue
Moorpark, CA 93021

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Date mailed: October 13, 2010
By: Joyce R. Figueroa, Administrative Assistant

- c. Honorable City Council
- Honorable Planning Commission
- City Manager
- Administrative Services Director & City Clerk
- Community Development Department
- Public Hearing Binder
- City Website



City of Moorpark
799 Moorpark Avenue
Moorpark CA 93021



Community Development Department
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
(805) 517-6224 Fax (805) 532-2540
www.ci.moorpark.ca.us

NOTICE OF PUBLIC HEARING

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CASE #: Conditional Use Permit No. 2010-07

APPLICANT/OWNER: Hakam A. Barakat

LOCATION: 496 Moorpark Avenue (Within the Downtown Specific Plan area)

PROPOSAL: To allow sale of beer and wine (Type 20 license) at the existing 3,600 square-foot Moorpark General Store market for off-site consumption.

CASE PLANNER: Freddy A. Carrillo
Assistant Planner I

PHONE: (805) 517-6224

EMAIL: fcarrillo@ci.moorpark.ca.us

«APN»
«OWNER_NAME»
«OWNER_ADDRESS»
«OWNER_CITY» «OWNER_STATE» «OWNER_ZIP»

Notice of Public Hearing





Location Map
Conditional Use Permit 2010-07
496 Moorpark Avenue within the Downtown Specific Plan area

**NOTICE OF PUBLIC HEARING
ON PROPOSED DEVELOPMENT
CASE NUMBER CUP No. 2010-07**

**A Request to Allow Sale of Beer and Wine (Type 20 License) at the
Existing 3,600 Square Foot Moorpark General Store Market for
Off-Site Consumption located at 496 Moorpark Avenue
(Within the Downtown Specific Plan Area)**

**PUBLIC HEARING
Planning Commission
Date: October 16, 2010
Time: 7:00 P.M.
799 Moorpark Avenue
Moorpark, CA 93021**

FOR INFORMATION CALL:

**Developer/Applicant
Hakam A. Barakat
(805) 529 0109**

**City Hall
Freddy A. Carrillo
Carrillo@cityofmoorpark.com
(805) 517-4224**

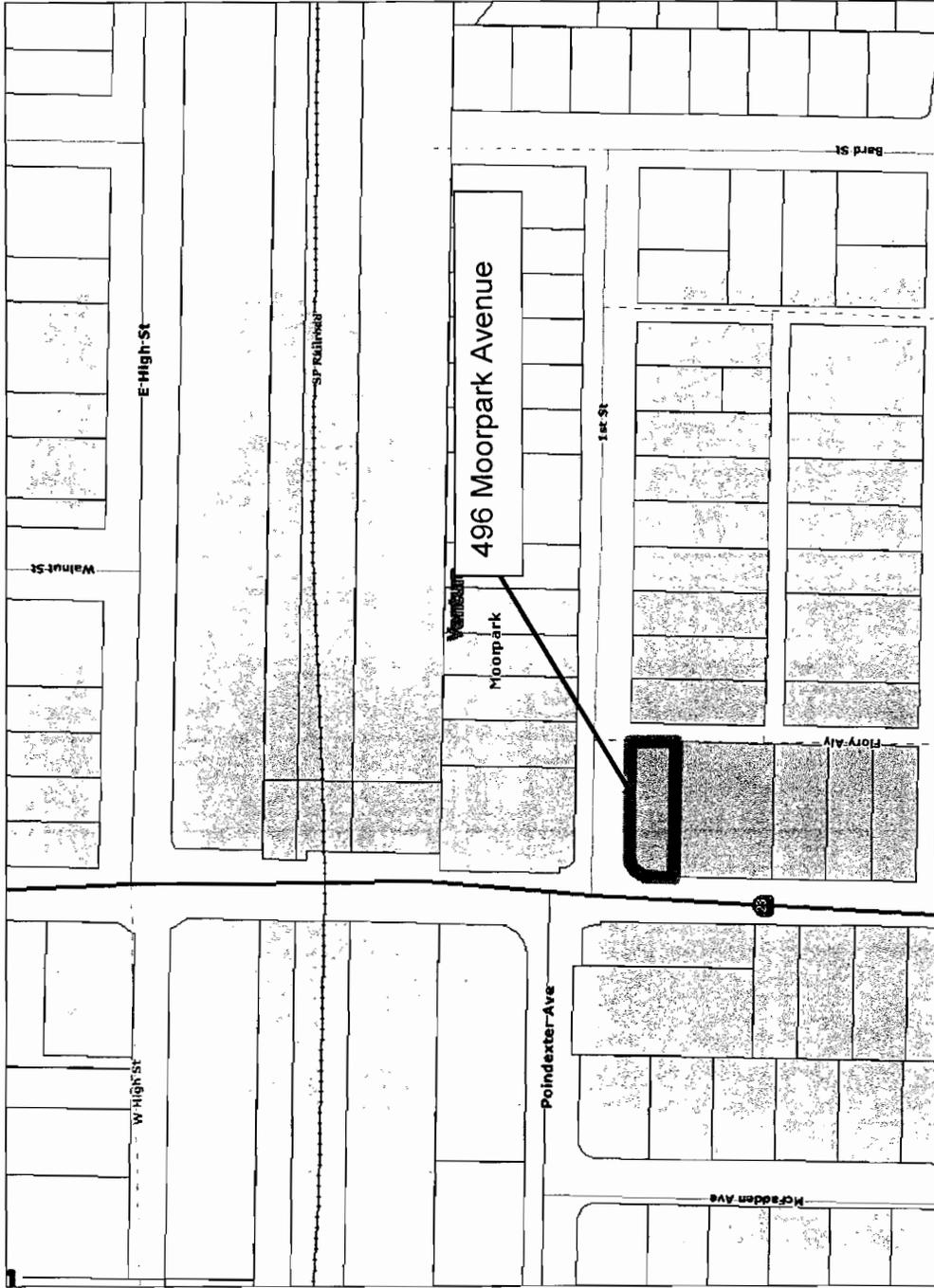
**NOTICE OF PUBLIC HEARING
ON PROPOSED DEVELOPMENT
CASE NUMBER CUP No. 2010-07**

**A Request to Allow Sale of Beer and Wine (Type 20 License) at the
Existing 3,600 Square Foot Moorpark General Store Market for
Off-Site Consumption Located at 496 Moorpark Avenue
(Within the Downtown Specific Plan Area)**

**PUBLIC HEARING
Planning Commission
Date: October 26, 2010
Time: 7:00 p.m.
799 Moorpark Avenue
Moorpark, CA 93021**

FOR INFORMATION CALL:

**Developer Applicant: Hukam A. Barakat
(805) 529 0109
City Hall: Freddy A. Carrillo
fcarrillo@climoorpark.ca.us
(805) 517-6224**

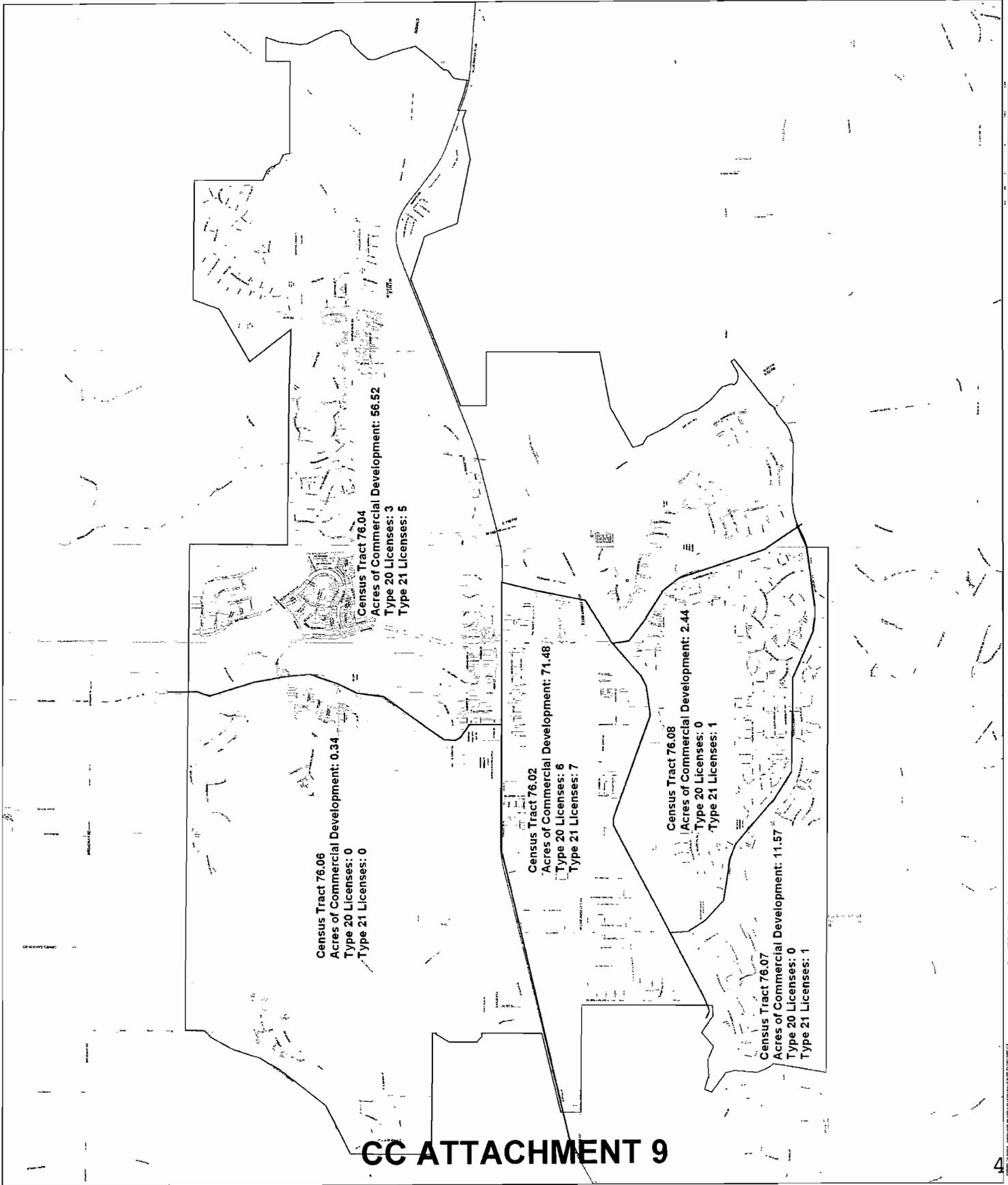
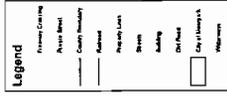


Location Map

Appeal No. 2010-01 of Conditional Use Permit No. 2010-07
496 Moorpark Avenue (Moorpark General Store)



Aerial Photograph
Appeal No. 2010-01 of Conditional Use Permit No. 2010-07
496 Moorpark Avenue (Moorpark General Store)



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DENYING APPEAL NO. 2010-01 AND APPROVING CONDITIONAL USE PERMIT NO. 2010-07 (HAKAM BARAKAT, APPLICANT) TO ALLOW SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION FROM AN EXISTING MARKET AT 496 MOORPARK AVENUE (MOORPARK GENERAL STORE), ON THE APPEAL OF TERESA CORTES

WHEREAS, on October 26, 2010, the Planning Commission adopted Resolution No. PC-2010-557, granting conditional approval of Conditional Use Permit No. 2010-07 on the application of Hakam A. Barakat (Moorpark General Store) to allow the sale of beer and wine for off-site consumption from an existing 3,600 square-foot market at 496 Moorpark Avenue; and

WHEREAS, on November 5, 2010, Teresa Cortes, Appellant, filed Appeal No. 2010-01, appealing the Planning Commission approval of Conditional Use Permit No. 2010-07; and

WHEREAS, Section 17.44.090 of the Municipal Code provides that the all decisions of the Planning Commission may be appealed to the City Council, and that the City Council shall conduct a review of the application de novo, by the same public action process and public noticing as required for the original application; and

WHEREAS, at a duly noticed public hearing on December 15, 2010, the City Council took public testimony, closed the hearing, and reached its decision; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is Categorically Exempt from the provisions of CEQA pursuant to Section 15301 as a Class 1 exemption for existing facilities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. DENIAL OF APPEAL: Based on the information set forth in the staff reports, accompanying studies, and oral and written public testimony, the City Council has determined that Appeal No. 2010-01 of the Planning Commission approval of Conditional Use Permit No. 2010-07 is not supported by evidence demonstrating that the findings for approval of the Condition Use Permit have not been met, and Appeal No. 2010-01 is denied.

SECTION 2. APPROVAL OF CONDITIONAL USE PERMIT NO. 2010-07: Based upon the information set forth in the staff reports, accompanying studies, and oral and written public testimony, the City Council makes the following findings in accordance with City of Moorpark, Municipal Code section 17.44.040.

- A. The proposed use is consistent with the provisions of the General Plan, zoning ordinance, and any other applicable regulations, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use, a use consistent with the General Plan and Zoning.
- B. The proposed use is compatible with both existing and permitted land uses in the surrounding area, in that this is an approved retail market use where sale of beer and wine is not unexpected.
- C. The proposed use is compatible with the scale, visual character and design of surrounding properties, in that the sale of beer and wine for off-site consumption is an ancillary use to the approved retail market use and does not require any modifications to the approved building.
- D. The proposed use would not be obnoxious or harmful, or impair the utility of neighboring property or uses, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.
- E. The proposed use would not be detrimental to the public health, safety, convenience, or welfare, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption.

SECTION 3. ADDITIONAL CONDITIONAL USE PERMIT FINDINGS FOR ESTABLISHMENTS SELLING ALCOHOL BEVERAGES:

- A. The use will not result in an over concentration in the area of establishments selling alcoholic beverages, in that the proposal is enhancing an existing retail establishment where such uses are traditionally anticipated, consistent with the land use development pattern of the City of Moorpark;
- B. The use will serve a public convenience, in that the sale of beer and wine for off-site consumption is an ancillary use to the existing retail market use;
- C. The use will not create the need for increased police services, in that conditions are required to ensure proper control of the sale of beer and wine for off-site consumption;

- D. The requested use at the proposed location will not adversely affect the economic welfare of the community; and
- E. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction on surrounding properties, or within the immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood.

SECTION 4. CITY COUNCIL APPROVAL: the City Council hereby approves Conditional Use Permit No. 2010-07 subject to the Standard and Special Conditions of Approval found in Exhibit A attached.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 15th day of December, 2010.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Standard and Special Conditions of Approval

EXHIBIT A

**STANDARD AND SPECIAL CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT (CUP) No. 2010-07**

STANDARD CONDITIONS OF APPROVAL

The applicant shall comply with Standard Conditions of Approval for Conditional Use Permits as adopted by City Council Resolution No. 2009-2799 (Exhibit B), except as modified by the following Special Conditions of Approval. In the event of conflict between a Standard and Special Condition of Approval, the Special Condition shall apply.

SPECIAL CONDITIONS

1. The Conditions of Approval of this permit, City of Moorpark Municipal Code and adopted city policies at the time of the permit approval supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on plans.
2. Conditions of this entitlement may not be interpreted as permitting or requiring any violation of law or any unlawful rules or regulations or orders of an authorized governmental agency.
3. The applicant shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, or employees concerning the permit, which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37. The City will promptly notify the applicant of any such claim, action or proceeding, and if the City should fail to do so or should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify and hold harmless the City or its agents, officers and employees pursuant to this condition.
 - a. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding, if both of the following occur:
 - i. The City bears its own attorney fees and costs;
 - ii. The City defends the claim, action or proceeding in good faith.
 - b. The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the applicant. The applicant's obligations under this condition shall

apply regardless of whether a building permit is ultimately obtained, or final occupancy is ultimately granted with respect to the permit.

4. If any of the conditions or limitations of this approval are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.
5. The development must be in substantial conformance with the plans presented in conjunction with the application for Conditional Use Permit No. 2010-07 except any modifications as may be required to meet specific Code standards or other conditions stipulated herein.
6. The applicant shall reimburse the City of Moorpark for any additional police or other costs incurred by the City as a result of operations approved by this Conditional Use Permit, including fifteen (15%) percent overhead on any such services.
7. No person under the age of eighteen (18) shall sell packaged alcoholic beverages.
8. All exterior areas of the site, including parking areas under use by the facility, shall be maintained free of litter and debris at all times.
9. Conditional Use Permit No. 2010-07 may be revoked or its use suspended by the City, if any of the causes listed in Section 17.44.080.B of the Zoning Code are found to apply, including if the use for which the permit was granted has not been exercised for at least twelve (12) consecutive months, has ceased to exist, or has been abandoned. The discontinuance for a period of one hundred eighty (180) or more days of a nonconforming use or a change of nonconforming use to a conforming use constitutes abandonment and termination of the nonconforming status of the use.
10. The City of Moorpark reserves the right to modify, suspend or revoke for cause this conditional use permit consistent with Chapter 17.44 of the Moorpark Municipal Code or as may be amended in the future.
11. Areas inside the establishment open to customers must be illuminated sufficiently to allow the identification of persons.
12. The applicant or his/her designee shall be responsible to police 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.
13. Hours of operation for the store are limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.
14. Sales area dedicated for display of refrigerated beer and wine must not exceed 6 self serve reach-in doors and no more than 48 square feet of non-refrigerated display of beer and wine, as the allowable display of retail and saleable beer and wine for the total floor area of the neighborhood market. All cold storage of wine and beer must be limited to the west-facing cold

storage four glass door fronts furthest from the customer entrance door, and the two south facing doors. All room temperature bulk storage of beer and wine must be limited to areas away from the entrance/exit doors to the satisfaction of the Community Development Director and Police Chief.

15. No exterior advertising of any kind or type is allowed promoting or indicating the availability of alcoholic beverages. Interior display/advertising of beer or wine that are clearly visible to the exterior shall constitute a violation of this condition. Interior advertising or promotion of availability of beer and wine may only be located within areas approved for the interior display of beer and wine merchandise subject to the Community Development Director approved floor plan on file with the Community Development Department.
16. The permittee must correct any safety or security problem within thirty (30) days upon written notice of such a problem from the Moorpark Police Department.
17. A closed-circuit security color-video camera must be positioned to monitor areas that are used to store beer and wine. The closed-circuit television cameras must provide monitoring and recording of the sales counter to show employee/customer transactions, as well as, the reach-in refrigerators and surrounding floor area. Also, a closed-circuit security camera must provide monitoring and recording of the rear parking lot. This system must have the capability to record 24 hours, and this system must be protected from access by employees and customers. The applicant shall provide a closed-circuit security camera plan subject to the review and approval of the Community Development Director.
18. Any and all employees directly involved or supervising the sale of alcoholic beverages shall provide evidence and the business shall maintain records that employees have:
 - a. Received training from the State of California Department of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" LEAD program in the form of an ABC issued certificate.
 - b. The Owner/Manager shall confirm with the California Department of Alcoholic Beverage Control within fifteen (15) days of hire any new employee has been scheduled with the local (Santa Barbara ABC office) to attend the LEAD program course. Alternatively, this course attendance requirement may be met through a LEAD certified agency or company approved by the State of California.
19. The applicant shall submit an exterior lighting plan, along with required deposit, to the satisfaction of the Community Development Director. The lighting plan, prepared by an electrical engineer registered in the State of California, must demonstrate conformance of the exterior lighting with the Moorpark Municipal Code.

END