

**RESOLUTION NO. -23 (PC)**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, FINDING THAT THE PROJECT QUALIFIES FOR A CLASS 1 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES (CLASS 1, EXISTING FACILITIES) AND APPROVING A SPECIAL USE PERMIT (APPLICATION NO. 615) TO ALLOW THE ESTABLISHMENT OF AN OFF-SALE GENERAL (TYPE 21) ABC LICENSE UNDER NEW OWNERSHIP FOR AN EXISTING ±2,448 SQUARE FOOT LIQUOR STORE (FREEDOM U-SAVE LIQUORS) LOCATED AT 1823 FREEDOM BOULEVARD, FREEDOM, CALIFORNIA (APN 016-461-01)**

**Project: Freedom U-Save Liquors  
APN: 016-461-01**

**WHEREAS**, on September 18, 2020, an application for a Special Use Permit (Application No. 615) to allow the establishment of a Type 21 ABC License under new ownership for an existing liquor store at 1823 Freedom Boulevard, Watsonville, California, was filed by Samir Alkhalil and Kamal Frej, applicants with Freedom U-Save Liquors, on behalf of Daniel Carrillo, property owner ("Project"); and

**WHEREAS**, the application was subsequently revised on July 23, 2021 and May 15, 2022; and

**WHEREAS**, the project site is designated General Commercial (GC) on the General Plan Land Use Diagram and is within the Thoroughfare Commercial (CT) Zoning District; and

**WHEREAS**, on January 1, 1994, the Department of Alcohol and Beverage Control (ABC) issued Freedom U-Save Liquors, Inc. a Type 21 ABC License for Off-Sale General sales which authorizes the sales of beer, wine, and distilled spirits to establish a liquor store at 1823 Freedom Boulevard; and

**WHEREAS**, on May 20<sup>th</sup>, 1996, ABC transferred the existing Type 21 ABC License to new owner Hardip Singh Grewal to allow the establishment of the existing liquor store under new ownership; and

**WHEREAS**, on September 17<sup>th</sup>, 2001, ABC transferred the existing Type 21 ABC License to Karan-Vikram Corporation to allow for the establishment of the liquor store under new ownership; and

**WHEREAS**, on March 30<sup>th</sup>, 2020, ABC issued a Type 21 ABC License to Kamal Frej and Samir Alkhalil, doing business as Freedom U-Save Liquors; and

**WHEREAS**, on September 10, 2002, the City of Watsonville enacted WMC Chapter 14-25 on Alcohol Related Uses (Ordinance 1135-02-CM). The Ordinance details required documentation for an alcohol related uses application, permits required for various ABC licenses, and conditions of approval for alcohol related uses. For existing alcohol related establishments, the City developed a No-Fee Special Use Permit, a one-page form that was approved without a public hearing for businesses not declared a “public nuisance” or on probationary status with ABC. WMC §14-25.050(b). To comply with this update, the City of Watsonville Zoning Administrator issued a No-Fee Special Use Permit (PP2003-103) to Karan-Vikram Corporation on September 5, 2003; and

**WHEREAS**, the existing liquor store with a Type 21 ABC License is exempt from separation requirements provided that the only change in mode or character is a change in ownership. WMC §14-25.050(a); and

**WHEREAS**, notice of time and place of the hearing to consider Special Use Permit (Application No. 615) was given at the time and in the manner where appropriate public noticing procedures has been followed and a public hearing was held on February 14, 2023, pursuant to Section 14-10.900 of the Watsonville Municipal Code; and

**WHEREAS**, the Planning Commission has considered all evidence both oral and documentary introduced and received, and the matter submitted for decision.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

1) The Project is exempt pursuant to a Class 1 (Existing Facilities) Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines. It has also been determined that the Project will not have an impact on an environmental resource of hazardous or critical concern, will not contribute to a significant cumulative impact, will not have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway, will not be located on a hazardous waste site pursuant to Section 65962.5 of the Government Code, and will not cause a substantial adverse change in the significance of a historical resource.

2) Good cause appearing, and upon the Findings, attached hereto and incorporated herein as Exhibit "A", the Planning Commission of the City of Watsonville does hereby grant approval of Special Use Permit (App. No. 615), attached hereto and marked as Exhibit "C," subject to the Conditions of Approval attached hereto and marked as Exhibit "B," to allow the establishment of an off sale general license under new ownership by Samir Alkhalil and Kamal Frej at an existing liquor store at 1823 Freedom Boulevard (APN 016-461-01).

**I HEREBY CERTIFY** that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the

14th day of February, 2023, by Commissioner\_\_\_\_\_, who moved its adoption, which motion being duly seconded by Commissioner\_\_\_\_\_, was upon roll call, carried and the resolution adopted by the following vote:

Ayes:           Commissioners:

Noes:           Commissioners:

Absent:         Commissioners:

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Suzi Merriam, Secretary  
Planning Commission

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Lucy Rojas, Vice-Chair  
Planning Commission

**Application No:** 615

**APN:** 016-461-01

**Applicant:** Freedom U-Save Liquors

**Hearing Date:** February 14, 2021

**SPECIAL USE PERMIT FINDINGS (WMC § 14-12.513)**

The purpose of the Special Use Permit is to allow the establishment of a liquor store with beer, wine, and distilled spirit sales under new ownership (“Project”), pursuant to Chapter 14-16 of the Watsonville Municipal Code (WMC).

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted General Plan and the general purpose and intent of the applicable district regulations.**

**Supportive Evidence**

Land designated General Commercial in the City’s General Plan is intended to serve a variety of retail and service needs of the community. A liquor store is allowed conditionally in certain commercial zoning districts with the approval of a Special Use Permit. The existing liquor store is located in an existing commercial tenant building within the CT Zoning District. The requested Special Use Permit for the establishment of a liquor store with a Type 21 ABC License (for the off sale beer, wine and distilled spirit sales) under new ownership has been conditioned to conform to all applicable requirements of WMC Chapter 14-25 (Alcohol Related Uses) of Title 14 (Zoning).

- 2. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods.**

**Supportive Evidence**

Pursuant to WMC Section 14-16.1203(b) and WMC Chapter 14-25, establishing an existing Type 21 ABC License under new ownership is allowed with approval of a Special Use Permit. Standard conditions have been placed on the liquor store with off sale beer, wine, and distilled spirit sales to ensure adverse impacts do not occur related to alcohol sales, in accordance with WMC Sections 14-25.021 and 14-25.023. These conditions ensure the liquor store will be compatible with the neighborhood.

3. **The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

**Supportive Evidence**

The proposed project does not represent a change or intensification of use for the existing liquor store. The Special Use Permit to establish off sale beer, wine and distilled spirit sales in an existing liquor store will not generate additional pedestrian or vehicular traffic that will be hazardous or conflicting with the existing and anticipated traffic in the shopping center and surrounding neighborhood.

4. **The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.**

**Supportive Evidence**

No alterations to building layout or location are proposed as part of this Use Permit, and no additional traffic impacts are anticipated to occur as a result of establishing off sale beer, wine, and distilled spirit sales under new ownership at an existing liquor store. As such, no additional onsite or roadway improvements or modifications are required as part of this Use Permit.

5. **The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.**

**Supportive Evidence**

As stated previously, standard conditions have been placed on the liquor store with off sale beer, wine and distilled spirit sales to ensure adverse impacts do not occur related to alcohol sales, in accordance with WMC Sections 14-25.021 and 14-25.023. These conditions ensure the liquor store will continue to be compatible with the surrounding neighborhood.

Establishing an existing liquor store with a Type 21 ABC License under new ownership will not result in additional noise impacts.

6. **The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district.**

**Supportive Evidence**

As stated previously, the proposed use is required to comply with standard operational conditions for a liquor store with off sale beer, wine and distilled spirit sales, which prohibits the individual sale of malt beverage or fortified wine nor allows malt beverages and fortified wine to be sold in containers with a volume exceeding 16 ounces. The liquor store has been conditioned to require that all

managers and employees attend LEAD training within 90 days of approval of this Use Permit and/or employment at the liquor store.

7. **The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.**

**Supportive Evidence**

The change in ownership for an existing Type 21 ABC License does not involve a change in or expansion of use for the existing liquor store. The existing liquor store with off sale beer, wine, and distilled spirit sales would continue to complement adjacent commercial uses. As conditioned, the liquor store will continue to be required to comply with all requirements of an establishment with off sale beer, wine, and distilled spirit sales as outlined in WMC Chapter 14-25.

The applicant will be required to implement a neighborhood compatibility plan to mitigate adverse impacts associated with an alcohol related use and comply with operational standards for an alcohol establishment with off-sale general sales. As conditioned, the existing liquor store will not be detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.

## **ALCOHOL-RELATED USE FINDINGS (WMC § 14-25.013)**

- 1. The proposed use received the minimum score necessary to issue a conditional use permit.**

### **Supportive Evidence**

The application received a passing score of 898, exceeding the minimum score of 820 points.

- 2. The proposed use will not cause adverse noise, litter, crowd control, or parking impacts.**

### **Supportive Evidence**

The subject site is developed with a liquor store in an existing commercial building. A parking lot that has access from Freedom Boulevard and Green Valley Road provides adequate parking for the liquor store and surrounding commercial uses. The applicant has indicated that signage will be posted both inside and outside the existing business, altering patrons to keep noise to a minimum while on the premises. The location of exterior lighting and security cameras provides adequate security for the liquor store. As conditioned, the proposed use will not cause adverse noise, litter, crowd control, or parking impacts for the surrounding development.

- 3. The proposed use will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).**

### **Supportive Evidence**

The proposed use, as conditioned with minimum operation standards for alcohol related uses pursuant to WMC Sections 14-25.021, 14-25.023, and 14-25.030, will not create objectionable conditions that constitute a nuisance, as defined in California Business and Professions Code Section 24200(f)(2).

- 4. The proposed use will maintain all levels of service, including but not limited to the provision of security, maintenance of premises, LEAD training, and professional management as identified in the original application.**

### **Supportive Evidence**

The proposed use, as conditioned with minimum operation standards for alcohol related uses, will maintain all levels of services, including but not limited to provisions of security cameras, maintenance of premises, LEAD training, and professional management as identified in the original application.

**Application No:** 615

**APN:** 016-461-01

**Applicant:** Freedom U-Save Liquors

**Hearing Date:** February 14, 2023

**SPECIAL USE PERMIT  
CONDITIONS OF APPROVAL**

**General Conditions:**

1. **Approval.** This approval applies to the application submitted on September 18, 2020, revised July 23, 2021 and May 15, 2022 by Freedom U-Save Liquors, and identified as "Special Use Permit" for the establishment of an existing liquor store under new ownership, received by the Community Development Department on September 18, 2020, revised on July 23, 2021 and May 15, 2022 (CDD-P)
2. **Conditional Approval Timeframe.** This Special Use Permit (Application No. 615) shall be null and void if not acted upon within **24 months** from the effective date of the approval thereof. Time extensions may be considered upon receipt of written request submitted no less than forty-five (45) days prior to expiration and in accordance with the provisions of Section 14-10.1201 of the Watsonville Municipal Code (WMC). (CDD-P)
3. **Modifications.** Modifications to the project or conditions imposed may be considered in accordance with WMC Section 14-10.1305. (CDD-P)
4. **Compliance.** The proposed use shall be in compliance with Use Permit Conditions of Approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Use Permit, pursuant to Part 13 of WMC Chapter 14-10. (CDD-P)
5. **Grounds for Review.** The project shall be in compliance with the conditions of approval, all local codes and ordinances, appropriate development standards, and current City policies. Any deviation will be grounds for review by the City and may possibly result in revocation of the Special Use Permit, pursuant to Part 13 of WMC Chapter 14-10, or other code enforcement actions, pursuant to WMC Chapter 14-14. (CDD-P)
6. **Appeal Period/Effective Date.** This Special Use Permit shall not be effective until **14 days** after approval by the decision-making body or following final action on any appeal. (CDD-P)

### **Ongoing Conditions:**

7. **ABC Conditions.** Any and all conditions of the Department of Alcohol and Beverage Control (ABC) are incorporated by reference as conditions of approval for this Use Permit. (CDD-P)
8. **Neighborhood Compatibility Plan.** The applicant shall implement their Neighborhood Compatibility Plan to ensure the liquor store with beer, wine, and distilled spirit sales will not create objectionable conditions that constitute a nuisance and will be compatible with existing and potential uses within the general area. Specific measures include:

There is no noise emitted by the store with “no loitering” and “handicap” signs, plus vehicle towed by owner expense for unauthorized parking, and recently added lights for the parking lot and store inside. The store is on a very busy intersection with a big parking lot. The residential neighbors are very far away, with the businesses next to us are a print shop and a restaurant. Each one of us has great experience to make sure we ID everyone trying to buy alcohol or tobacco to prevent selling it to minors, we even keep an eye to homeless people trying to purchase alcohol for minors and report them to PD. We have a little brother, or even us, we have a leaf blower to clean outside then sweep it, plus a water pressure machine to clean around every two weeks or so, but daily every trash is picked and everything is clean.
9. **Drive-through Service.** Drive-through service of alcohol is prohibited. (CDD-P, WPD)
10. **Exterior Pay Phones.** No exterior pay phones may be placed on the premises. (CDD-P, WPD)
11. **Interior Pay Phones.** Interior pay phones shall not allow incoming calls. (CDD-P, WPD)
12. **Hours of Operation.** Permitted hours of operation for Freedom U-Save Liquors are 8:00AM to 11:00PM Sunday through Thursday, and 8:00AM to 12:00AM Friday and Saturday (CDD-P, WPD)
13. **Premise Monitoring.** Business owner shall regularly police the areas under their control, including but not limited to: parking lots, restrooms, alleys, and sidewalks, to prevent the loitering of persons about the premises. (CDD-P, WPD)
14. **Window Obstructions.** Except as may be specifically allowed by the Municipal Code, no portion of the ground floor windows shall be obscured by paint, walls, window tinting, or other masking device. This requirement is intended to facilitate views of the interior from the exterior for public safety and does not prohibit neon signs, minimal window borders, or other signs or decorations that are consistent with the City’s sign regulations and do not obscure views. (CDD-P)

15. **Minors.** The premises shall remain accessible to minors during all hours of operation. (CDD-P)
16. **Malt Beverage Container Sizes.** Malt beverage and fortified wine shall not be sold in containers with a volume exceeding sixteen (16) ounces. (CDD-P)
17. **Malt Beverage Sales.** The sale of individual containers of malt beverage or fortified wine is prohibited. Malt beverage shall mean any malt beverage product, labeled or, marketed as a malt beverage with an alcohol content greater than five (5%) percent by volume is subject to this Code, except those beverages labeled and accepted in the market place as pilsners, lager beer, ales (all styles), porters, stouts and/or micro brewed products. WMC §14-18.532. Fortified wine shall mean any wine to which wine spirits have been added and with an alcohol content in excess of thirteen point five (13.5%) percent and less than twenty-four (24%) percent, except dessert wines commonly referred to and accepted in the marketplace such as vermouth, port, or sherry. WMC §14-18.364.
18. **Trash Receptacles.** Permanent litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis. (CDD-P)
19. **Required Signs.** The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:
  - “California State Law prohibits the sale of alcoholic beverages to persons under twenty-one (21) years of age.”
  - A copy of these performance conditions, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
21. **Employee Age.** Employees shall be at least twenty-one (21) years of age to sell and serve alcohol. (CDD-P, WPD)
22. **Lingering Patrons.** The business shall be required to clear the storefront and the adjacent parking lots in the immediate vicinity of the establishment of any lingering patrons immediately after closing. (CDD-P, WPD)
23. **Conditions of Approval Display.** A copy of the Use Permit Conditions of Approval shall be kept conspicuously on the premises of the business and made available to any member of the public or enforcement officer wishing to review them. (CDD-P)
24. **LEAD Training.** All owners, managers and service staff shall follow responsible beverage service (RBS) practices and procedures. Owner(s), manager(s) and service staff shall attend ABC’s Licensee Education on Alcohol and Drugs (LEAD)

training within ninety (90) days from the date of approval of this Use Permit and/or employment at the liquor store, and each five (5) years thereafter. Upon completion of the training, the applicant shall submit a card verifying full attendance of the three and one-half (3.5) hour training to the Community Development Department. Failure to attend training and/or retain records on file shall be reported to the Planning Commission and may be grounds for imposing additional or different use restrictions or revocation of the alcohol sales establishment use permit. (CDD-P, WPD)

25. **Security Cameras Installation.** Security camera monitoring system shall be maintained in good working order and shall not be recorded over within thirty (30) days after initial recording. The system shall support slow motion and high-speed playback with zoom capability. (WPD)
26. **Permit Term.** The Use Permit shall be valid for **20 years** after the effective date of this Use Permit unless there is a change of ownership or other substantial change in mode or character of operation, at which time a new Use Permit shall be required. Unless renewed, this Use Permit shall expire on **February 14, 2043**. (CDD-P)
27. **Accessibility.** The project shall conform with accessibility requirements to buildings and facilities by individuals with disabilities under the American Disabilities Act. (CDD-B)

#### **Future Sign Permit:**

28. **Sign Permit.** Any new or proposed changes in the exterior signage for the premises shall require Sign and Building Permits through the Community Development Department. (CDD-P-B)

#### **Indemnity Provision:**

29. **Indemnity Provision.** The applicant shall sign a defense and indemnity contract agreeing to defend, indemnify, and hold harmless the City of Watsonville, its elected and appointed officials, officers, employees, and agents arising out Special Use Permit (App No. 615), including but not limited to any approval or condition of approval of the City of Watsonville Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning this permit and the applicant and City shall cooperate fully in the defense of the matter. The City reserves the right to select counsel in the defense of the matter. (CA)

#### **Key to Department Responsibility**

CDD-B – Community Development Department (Building)  
CDD-P – Community Development Department (Planning)  
CDD-E – Community Development Department (Engineering)

PW        –    Public Works Department  
WFD      –    Watsonville Fire Department  
CA      –      City Attorney

**CITY OF WATSONVILLE  
PLANNING COMMISSION**

**EXHIBIT "C"**

**Application No:** 615

**APNs:** 016-461-01

**Applicant:** Freedom U-Save Liquors

**Hearing Date:** February 14, 2023

**Applicant:** Freedom U-Save Liquors  
**Address:** 1823 Freedom Boulevard, Freedom, CA 95019  
**Project:** Special Use Permit  
**Location:** Freedom U-Save Liquor, 1823 Freedom Blvd, Freedom, CA 95019  
**Purpose:** Allow the establishment of a liquor store (Type 21) ABC License under new ownership (Samir Alkhalil and Kamal Frej)  
**Property Owner:** Daniel Carrillo  
**Address:** 77 Loma Avenue, Watsonville, CA 95076

A Special Use Permit (Application No. 615) to allow the establishment of an off sale beer, wine, and distilled spirits license (Type 21 ABC License) under new ownership at a ±2,448 square foot liquor store located at 1823 Freedom Boulevard, Freedom, CA 95019 (APN 016-461-01), was reviewed by the Planning Commission at a public hearing on February 14, 2023, and was conditionally approved by adoption of Planning Commission Resolution No.\_\_\_\_ (PC) together with findings and conditions of approval attached hereto and made a part of this permit.

**CITY OF WATSONVILLE  
Planning Commission**

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Suzi Merriam  
Community Development Director