

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

**Council Chambers, 305 West Third Street, Oxnard, CA 93030
Thursday, May 2, 2019, 7:00 P.M.**

- B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**
- C. PUBLIC COMMENTS - On Items Not On The Agenda** At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.
- D. READING OF AGENDA**
- A. ROLL CALL**
- E. CONSENT AGENDA**
 - 1. APPROVAL OF MINUTES - March 21, 2019**
 - 2. APPROVAL OF MINUTES - April 4, 2019**
- F. PUBLIC HEARINGS**
 - 1. PLANNING AND ZONING PERMIT NO. 18-510-05 (Special Use Permit).** A request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (ABC License Type-47 On-Sale General – Eating Place) at an existing 5,400 square-foot restaurant (Café Amri), located in The Palms Marketplace at 2000 Outlet Center Dr. # 295. Filed by Designated Agent Edward Castillo, 811 Raft Lane, Oxnard CA 93035, on behalf of the property owner. Project Planner: Randy Baez
PZ 18-510-05 Staff Report
 - 2. PLANNING AND ZONING PERMIT NO. 19-580-02 (Zone Text Amendment).** The proposed Zone Text Amendment (ZTA) modifies Oxnard City Code (OCC) Chapters 11 (Permits) and 16 (Zoning Code) to establish permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms), OCC Section 16-10 (Definitions), OCC Chapter 16, Article V (Specific Use Requirements), and modifications to the conditionally permitted uses within the General Commercial (C-2), Limited Manufacturing (M-L), and Community Reserve (C-R) zoning districts. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030. Project Planner: Doug Spondello
PZ 19-580-02 Staff Report
- G. STUDY SESSION/REPORTS**

H. PLANNING COMMISSION BUSINESS

I. PLANNING MANAGER COMMENTS

J. ADJOURNMENT FUTURE MEETINGS Thursday, May 16, 2019, 7:00 p.m., City Council Chambers CITY OF OXNARD PLANNING COMMISSION AGENDA Page 2

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803.

Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Randy Baez, Assistant Planner

DATE: May 2, 2019

SUBJECT: Planning and Zoning Permit No. 18-510-05 (Special Use Permit – Alcohol), Property Located at 2000 Outlet Center #295

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 18-510-05 (Special Use Permit- Alcohol), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (ABC License Type-47 On-Sale General - Eating Place) at an existing 5,400 square-foot restaurant (Café Amri), located in The Palms Marketplace at 2000 Outlet Center Dr #295. The proposed hours of operation are from 6:00 a.m. to 2:00 p.m., Wednesday through Friday and 7:00 a.m. to 2:00 p.m., Saturday through Tuesday, with occasional special events proposed until 11:00 p.m. For the purposes of this Staff Report, the foregoing shall be referred to as the “**Project**”. Filed by Designated Agent Edward Castillo (“**Applicant**”), 811 Raft Lane, Oxnard CA 93035, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The project site is located within The Palms Shopping Center, near the intersection of Outlet Center Drive and Lockwood Street (see Attachment A - Maps). The nearest residences are within a mobile home park approximately 1,000 feet to the northeast of the project site. The nearest school is Rio Rosales Elementary School, located approximately 0.75 miles south of the project site. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Business Research Park (BRP)	Business Research Park (BRP)	Restaurant/Shopping Center
North	N/A	N/A	101-Freeway
South	BRP	BRP	Gym/Medical Offices
East	BRP	BRP	Multi-Tenant Offices

West	BRP	BRP	Vacant
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4) Background Information:

On February 2, 2006, the Planning Commission approved SUP No. 05-510-08 (Resolution No. 2006-07) to allow the sale of beer and wine (ABC License Type-41 On-Sale Beer and Wine for Eating Place) for on-site consumption at a restaurant for “Asian Fuzion Grill.” This restaurant operated from 2006 until 2009, after which Café Amri acquired the location. Since this time Cafe Amri has been operating under this Type-41 license.

5) Environmental Determination:

In accordance with Section 15301, Class 1 of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site consumption within an existing restaurant. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see Attachment C - Notice of Exemption).

6) Analysis:

a) General Discussion:

Café Amri is requesting the approval to allow the sale of beer, wine, and distilled spirits for on-site consumption within an existing 5,400 square-foot restaurant (Type-47 license). The restaurant currently provides seating for approximately 149 patrons and is located within a multi-tenant commercial shopping center in The Palms shopping center (see Attachment B - Project Plans). The restaurant is staffed by 16 employees, working across two shifts of eight. The restaurant specializes in breakfast and lunch. The Applicant is also requesting to operate as a banquet facility in order to occasionally host private events until 11:00 p.m. According to the Applicant, there is no set schedule for the frequency of the special events, but he anticipates hosting approximately one event per month.

b) General Plan and Zoning Consistency:

The 2030 General Plan and zoning district for the subject property is Business Research Park. In accordance with City Code Section 16-177(B), the proposed sale of beer, wine, and distilled spirits for on-site consumption at an existing restaurant may be permitted with approval of an SUP.

c) Police Department Review:

The Police Department’s analysis of the proposed alcohol request (Attachment D) provides information regarding the number of incidents for businesses which are selling

alcoholic beverages, and whether approval of the SUP is likely to significantly aggravate policing problems. The Police Department's Report is broken down into an analysis of the concentration of alcohol outlets, crime statistics, police and community input, and conclusion.

The table below summarizes the findings of the Police Department's Report:

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to cause Police problems?	Undue Concentration as defined in Resolution 11,896?
2000 Outlet Center Dr., #295	Yes (Outback Steakhouse)	Yes (Hilton Garden Inn and Homewood Suites)	No	Yes

Concentration of Alcohol Outlets:

There is one establishment of the same type located within 350 feet of the subject property, Outback Steakhouse, located at 2341 Lockwood St. There are also two similar establishments located within 1,000 feet of the subject property (Hilton Garden Inn and Homewood Suites by Hilton). Hilton Garden Inn currently operates with a Type-47 ABC license (On-Sale General - Eating Place), while Homewood Suites by Hilton is operating with both a Type-20 (Off-Sale Beer and Wine) and Type-70 ABC license (On-Sale General Restrictive Service). Although a presumption of undue concentration has been identified as described within the Police Report, this presumption can be rebutted by a preponderance of the evidence, which shows that the business will be in a well-established, well-maintained commercial center where similar uses have not adversely impacted the community or police services.

Crime Statistics:

This section of the Police Report analyzes the average number of Part I crimes and Part II crimes that occur per reporting district (grid) during a selected twelve month period. In the case of this report, all calculations are based on statistics from 2017. The citywide annular average of Part I and Part II crimes per grid is currently 58.3. For reference, Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

The average number of Part I and II crimes occurring within 1,000 feet annular area of

this restaurant was 73 during the same twelve month time period. This is 25% higher than the average crime rate citywide but is not considered to be significant. Furthermore, the local crime rate is significantly lower than other commercial areas within the City.

Police and Community Input:

The District Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention. Several business operators within the area were contacted and briefed concerning this application and the proposed operations related to operating hours and alcohol sales. Of those interviewed, no one had concerns about the business having a license/permit to sell alcoholic beverages.

Conclusion:

The statistical analysis within the Police Report identified that the area has a rather low crime rate as compared to citywide averages and generally not considered to be a policing problem. Several conditions of approval have been incorporated into the draft resolution of approval in order to mitigate Police Department concerns and in order to reduce the risk for potential policing problems in the future. One such condition is that the Applicant may host private parties for wedding receptions, birthdays and similar events. The Police Department has also conditioned the project in hosting these private parties no later than 11:00 p.m. If entertainment is provided as part of the event, it shall not disturb neighboring uses and shall be permitted only after 7 p.m. If any of these events are to expand the hours of operation and alcohol service, the Applicant may apply for a one-day permit up to six times in a calendar year (see Attachment D - Resolution of Approval). The Applicant has accepted all proposed conditions of approval.

7) Community Workshop and Public Input:

This Project is not located within an established neighborhood. Therefore, a community workshop was not held for this proposal. To date, Staff has not received any public comments regarding the Project.

8) Appeal Procedure:

In accordance with Section 16-545 of the Oxnard City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption

PZ 18-510-05, Café Amari

Planning Commission Date: May 2, 2019

Page 5

D. Police Department Report

E. Resolution of Approval

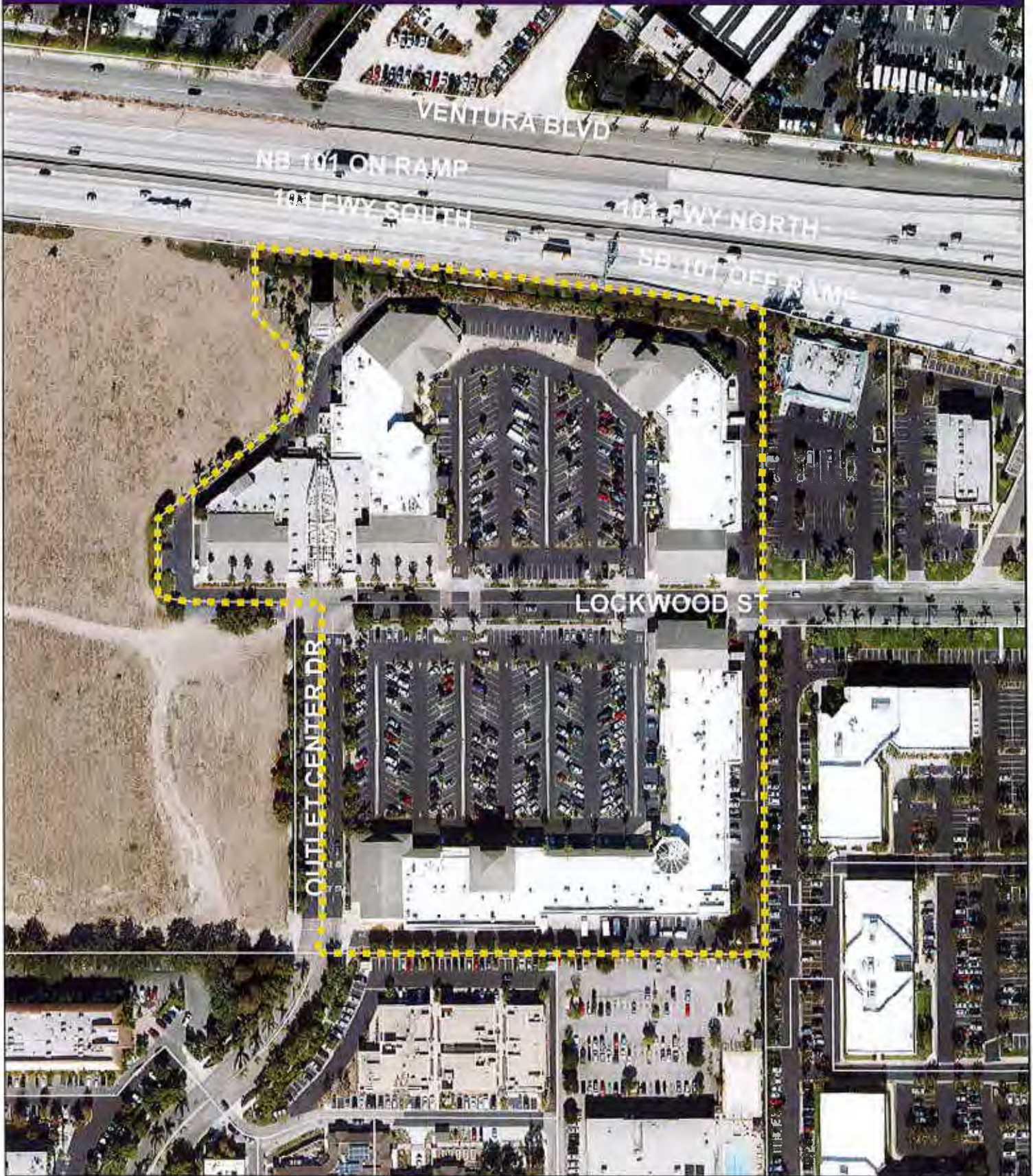
Prepared by: _____
RB

Approved by: _____
KM

ATTACHMENT “A”

Maps (Vicinity, General Plan, Zoning)

Aerial Map



OXNARD
CALIFORNIA

Oxnard Planning
March 12, 2019

PZ 18-510-05
Location: 2000 Outlet Center Dr
APN: 213009026
Cafe Amri

0 62.5 125 250 375 500 Feet

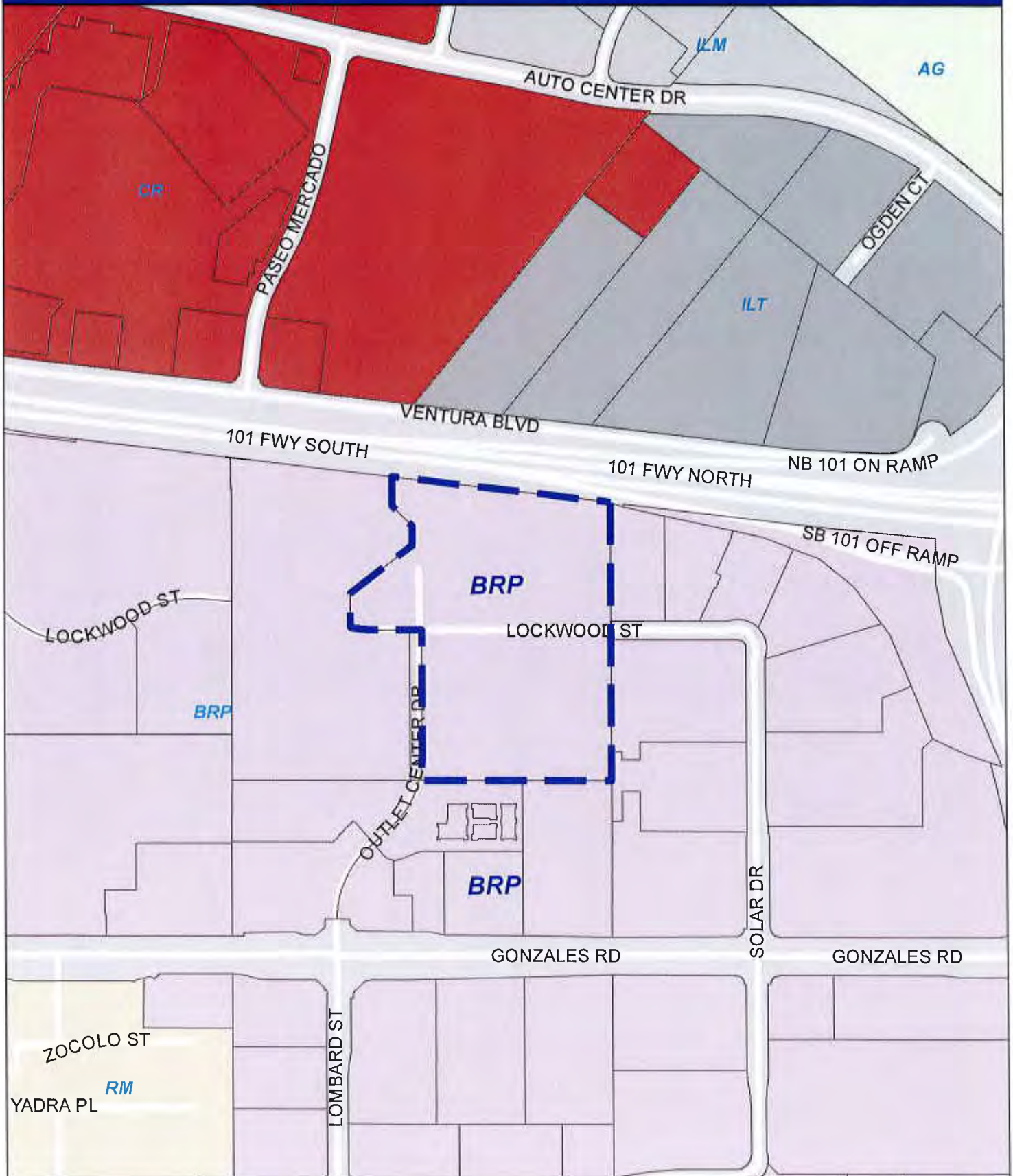
Aerial Map



Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning
March 12, 2019

PZ 18-510-05
Location: 2000 Outlet Center Dr
APN: 213009026
Cafe Amri

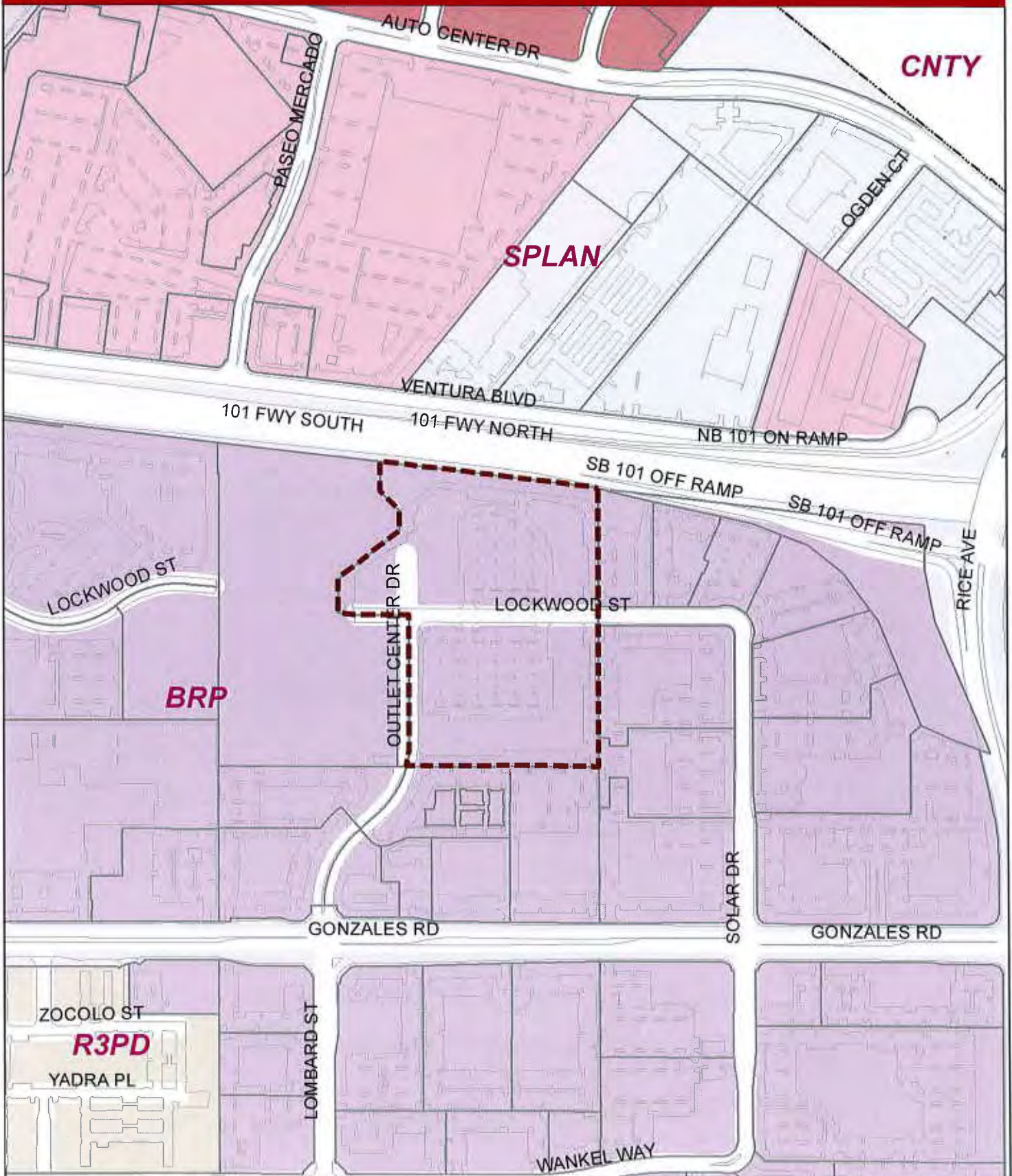


2030 General Plan Land Use Map



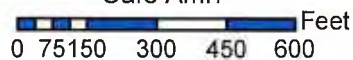
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Zoning/Specific Plan Map



Oxnard Planning
March 12, 2019

PZ 18-510-05
Location: 2000 Outlet Center Dr
APN: 213009026
Cafe Amri



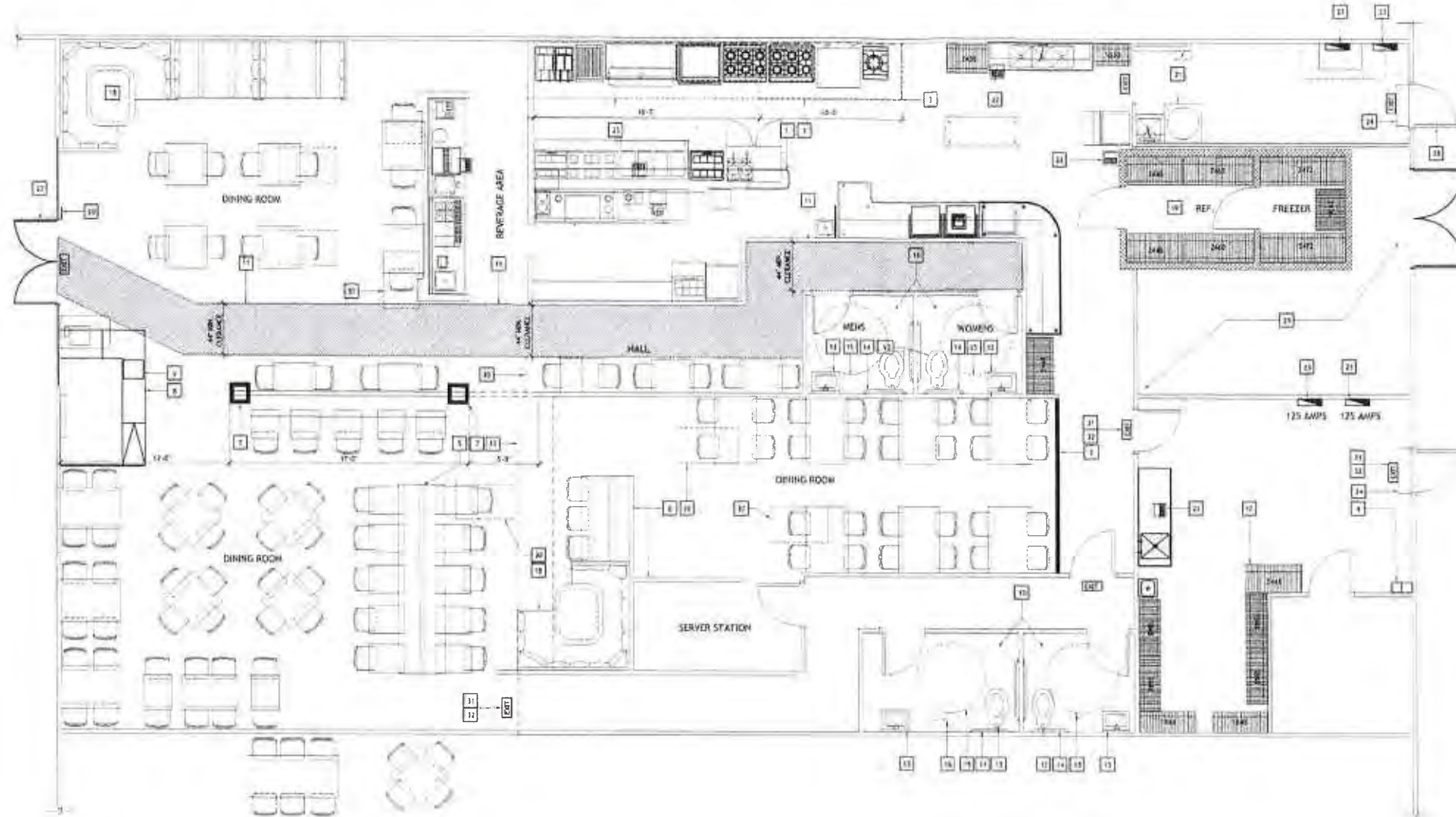
Zoning/Specific Plan Map



1:5,000

ATTACHMENT “B”

Reduced Project Plans



PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"



GENERAL NOTES

1. ALTERNATE DOOR CLOSURES ON ALL ENTRY, DELIVERY, REPT. ROOMS AND CHANGING ROOMS DOORS. THESE DOORS SHALL BE SELF-CLOSING AND SELF-LATCHING.
2. REFER TO FOOD SERVICE PLANS / SPECIFICATIONS FOR INFORMATION REGARDING KITCHEN EQUIPMENT.
3. PROVIDE A DURABLE EGG WITH CONTRASTING BACKGROUND STATING THE ROOM OCCUPANCY.
4. FRONT DOORS MUST HAVE PANIC-HARDWARE OR A SIGN THAT STATES "PUSH DOOR MUST BE OPENED TO ENTER WHEN THE BUILDING IS OCCUPIED."
5. PROVIDE A TYPE "M" FIRE EXTINGUISHER WITH INSE OF COOKING AREA.

FLOOR PLAN NOTE LEGEND

1. EXPANSION OF SHELF.
2. NEW 2x METAL STUD WALL. NEW 3x8" METAL STUD @ 16" O.C. WALLS TO EXTEND 12" ABOVE CEILING GRID. WITH 5/8" GYPHUM WALL BOARD EACH SIDE IN KITCHEN AND SERVING AREAS. INSTALL FRP BOARD OR HEALTH DEPARTMENT APPROVED EQUAL STUDS AT 16" O.C. NEW WALL AND FINISH TO ALIGN WITH EXISTING.
3. NEW 10'x4' HOOD.
4. NEW LOCATION OF EMPLOYEE LOCKERS.
5. EXISTING POINT WALLS TO REMAIN.
6. EXISTING WALL TO REMAIN.
7. NEW/EXISTING COLUMNS TO BE RETAINED BY OWNER.
8. NEW COUNTER.
9. NEW WALL.
10. EXISTING ADA BATHROOM TO REMAIN.
11. EXISTING PATH OF TRAVEL.
12. (E) FLOOR MOUNTED TOILET TO REMAIN.
13. (E) LAVATORY SINK TO REMAIN.
14. (E) ADA GRAB BAR TO REMAIN.
15. 5'-4" ADA KNEE CLEARANCE.
16. EXISTING URINAL TO REMAIN.
17. DRY STORAGE AREA. SEE KITCHEN DRAWINGS FOR ADDITIONAL INFORMATION.
18. BOOTH AND TABLE PROVIDED BY OWNER AND INSTALLED BY CONTRACTOR.
19. COLD STORAGE. SEE KITCHEN PLANS FOR ADDITIONAL INFORMATION.
20. PROVIDE SIGN THAT READS "MAXIMUM OCCUPANTS FOR DINING AREA IS 148 PEOPLE".
21. (E) WATER FOUNTAIN TO REMAIN.
22. EXISTING FLOOR GRATE TO REMAIN.
23. EXISTING ELECTRICAL SUB-PANELS. CONTRACTOR TO VERIFY EXISTING ELECTRICAL PANELS ARE IN GOOD WORKING CONDITION. CONTRACTOR TO REPAIR OR REPLACE AND MODIFY AS NECESSARY.
24. EXISTING AIR CURTAIN TO REMAIN. SEE KITCHEN PLANS.
25. EXISTING HOOD TO REMAIN.
26. PROVIDE KNEE SPACE AT ADA TABLES AND P.O.S. COUNTER OF AT LEAST 27" HIGH 30" WIDE AND 1' DEEP. TABLE HEIGHT 28" MIN. SEE MARK.
27. DOOR MUST HAVE A SIGN THAT READS "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" LETTERS TO BE 1" MIN. IN HEIGHT ON CONTRASTING COLOR.
28. DOOR MUST BE EQUIPPED WITH PANIC-HARDWARE.
29. MECHANICAL ROOM NOT PART OF TENANT'S AREA.
30. 5% OF EACH TYPE OF SEATING TO BE ACCESSIBLE. PARTIAL NUMBERS TO BE ROUNDED UP.
31. INTERNALLY ILLUMINATED CEILING MOUNTED EXIT LIGHT WITH BIVERGENCY POWER LOSS BACK UP SEE NOTE #22.
32. EMERGENCY LIGHTING. IN CASE OF POWER FAILURE AN EMERGENCY ELECTRICAL SYSTEM SHALL AUTOMATICALLY ILLUMINATE THE INTERIOR ENDS ACCESS INTERIOR EXIT PASSAGES AND EXIT CORRIDORS WITH AN AVERAGE ILLUMINATION OF 1 FOOT CANDLE OR A MIN OF 50 FC.
33. (E) SOFFIT TO REMAIN.

FLOOR PLAN LEGEND

- (H) 2x STUD WALL.
- (E) 2x STUD WALL TO REMAIN
- (E) WALL TO BE DEMOLISHED.
- INSULATED WALL (WALK-IN COOLER) PER KITCHEN DESIGNER SPECIFICATIONS.



TENANT IMPROVEMENT
AMRI CAFE
 2000 OUTLET CENTER DRIVE
 OXNARD CALIFORNIA

PROJECT INFORMATION	
PROJECT NAME	FLOOR PLAN
START DATE	1/19/17
PROJECT DATE	03/19/17
DESIGNER	JAMES K. KENNEDY JR.
CLIENT	AMRI CAFE
PROJECT NO.	17-001

A2.1

ATTACHMENT “C”

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 18-510-05 (Special Use Permit - Alcohol) a request to allow the sale of beer, wine, and distilled spirits for on-site consumption (License Type-47 On-Sale General - Eating Place) at an existing 5,400 square-foot restaurant (Café Amri), located in The Palms Marketplace at 2000 Outlet Center Dr., #295. Filed by Designated Agent Edward Castillo, 811 Raft Lane, Oxnard CA 93035, on behalf of the property owner.

Finding:

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with Section 15301, Class 1 of the State CEQA Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from CEQA. This proposal consists of a request to sell alcohol for on-site consumption at an existing restaurant. No development is proposed with this request. Therefore, Staff has determined that there is no substantial evidence that the project will have a significant effect on the environment.

(Date)

Kathleen Mallory, AICP
Planning and Environmental Services
Manager

ATTACHMENT "D"

Police Department Report



Police Department

Scott Whitney, Chief of Police

Date: February 7, 2019

To: Kathleen Mallory, Planning Division Manager
Randy Baez, Assistant Planner

From: Denise Shadinger, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist

Subject: Café Amri, 2000 Outlet Center Drive #295
PZ 18-510-05

Site Information:

The site is an existing restaurant which operated under a Type 41 ABC License up until 2009 under the name of Asian Fuzion Grill. The site has not had a permanent ABC License since 2009. It is located in the east side of The Palms Shopping Center and is outside the boundaries of a residential neighborhood. The site's nearest residential neighborhood is East Village. The business is 5,400 square feet with a permitted occupancy of 149.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Outback Steakhouse	2341 Lockwood St.	Type 47	On-Sale Beer, Wine & Spirits	Restaurant	Beer, Wine & Spirits

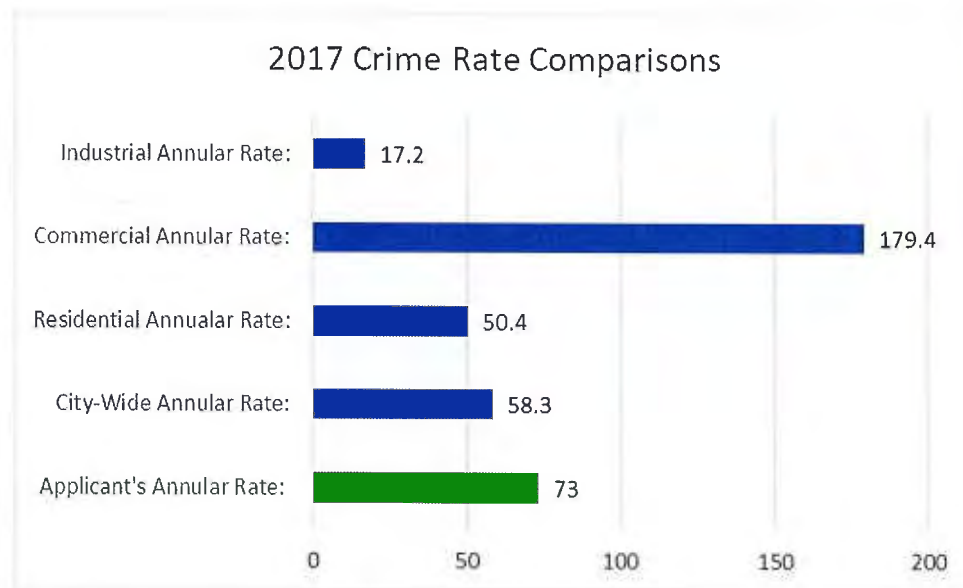
Alcohol outlets located between 350 and 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
2. Hilton Garden Inn	2000 Solar Dr.	Type 47	On-Sale General Eating Place	Hotel & Restaurant	Beer, Wine & Spirits
3. Homewood Suites by Hilton	1950 Solar Dr.	Type 20 Type 70	Off-Sale Beer & Wine AND On-Sale General Restrictive Services	Hotel	Beer & Wine

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I and II crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2017. The average city-wide, annular average of Part I and II crimes is 58.3.

The number of Part I and II crimes in the applicant's 1000 feet annular area is 73. This is well under the commercial annular rate of 179. The crime statistics for this site can be best illustrated in the graph below:



For reference, the category of Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:

The District Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention.

Community Input:

Several area business operators were contacted and briefed concerning this application and the proposed operations related to hours and alcohol sales. Of those interviewed, no one had concerns about the business having a license/permit to sell alcoholic beverages.

Conclusion:

There is one similar alcohol establishment about 350-feet from the site so there is a presumption of undue concentration. This presumption can be rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial center where the crime rate is significantly below the average for commercial properties. Based on the crime statistics, the input from the community and the District Coordinator there is no reason to oppose this application. The below conditions have been drafted to establish best practices for this business.

Police Operating Conditions On-Sale Restaurant

1. All sellers or servers working within the restaurant area shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. This condition is directed at those persons taking and/or delivering alcoholic beverages to the customers within the restaurant area. Cashiers and others who do not serve alcoholic beverages for on-site consumption are exempt. Applicant/store management can contact the Oxnard Police Department Special Projects Unit via email at: specialprojects@oxnardpd.org to inquire about RBS course schedules. (PL/PD)
2. All general managers and supervisors shall complete a course in the Responsible Beverage Service within 60 days of license granting and/or date of employment. (PD)
3. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is sold, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service.
4. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand.
 - a) If security personnel are employed by a security firm, the permittee shall have records identifying each guard by name and date of birth.
 - b) If security personnel are employed by the permittee, the permittee shall maintain records for each guard including: name, date of birth, and copies of permits and any required credentials including those for weapons or other tools the guard may be authorized to carry.
5. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the

Chief finds that there have been significant violations of the use permit conditions and/or a permit issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Development Services Director to be held no more than 30 days after the suspension begins. (PD)

6. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
7. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
8. There shall be no advertising of alcoholic beverages visible from the outside, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
9. Sales of alcohol may only occur between the hours of 7:00 A.M. and 11:00 P.M. (Specific exceptions to this condition are listed in "Special Conditions".)
10. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open in order to support the service of its menu.
11. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
12. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total. (PD)
13. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

14. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)
15. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
16. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Development Services Director. (PD)
17. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing DDR shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
18. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
19. The permittee shall be responsible for maintaining the property free of litter. (PL/PD)
20. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
21. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors. Any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
22. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
23. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
24. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

25. The permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
26. The permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any common areas and approaches to rest rooms. (PD)

Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:

- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability and able to identifying persons conducting transactions or entering the business.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. One camera shall be dedicated to capture the head and shoulders of any person entering each door from outside the building.
 - h. One camera shall be dedicated to capture the cashier's station.
 - i. One camera shall be dedicated to the capture images inside the office.
27. In addition to the other conditions of approval in this permit, the permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section. (PL/PD)
 28. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
 29. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
 30. There shall not be any portable bar where alcoholic beverages are stored or served. (PD)

31. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. The proposed menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
32. Alcohol shall be served in containers or mugs that are distinct from the typical cups or containers used for coffee or other non-alcoholic beverages. The sale or service of alcohol in their original container (bottle or can) is prohibited. (PD)
33. Activities and events shall not disrupt or disturb neighboring uses by excessive noise, overcrowding, illegal or unauthorized parking, or any other nuisance behavior. (PD)
34. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
35. Permittee shall abide by City Ordinances regarding entertainment where alcoholic beverages are served, specifically 11-185 through 11-188 which can be found online. These sections should be reviewed by the permittee and any manager of the premises prior to providing entertainment. Questions relative to these sections, and uniform requirements of security personnel may be directed to the alcohol compliance specialist/officer or emailed to: specialprojects@oxnardpd.org. (PD)
36. The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs.
37. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit.
38. In the event of a suspected criminal event where some part of the event occurs within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
 - a) The service or sales of alcohol beverages under the scope of this permit.
 - b) Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.

- c) Any theft occurring within the business
- 39. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.
- 40. Any questions concerning this Special Use Permit for sales of alcoholic beverages or schedule for Responsible Beverage Service Classes should be sent to: specialprojects@oxnardpd.org.
- 41. This permit may be modified by submitting for a minor modification, paying appropriate fees, and receiving joint administrative approval from the Director of Development Services and the Chief of Police. Such administrative approval can be denied for the below listed reasons:
 - a) Increase in police incidents at the site or tied to the site
 - b) Plans to intensify the sales or consumption of alcohol
 - c) Any violations of the conditions of this permit or of the Alcohol Beverage Control Act in the prior 24-months.

POLICE DEPARTMENT SPECIAL CONDITIONS

- 42. The permittee may host private parties for wedding receptions, birthdays and similar events and sell alcoholic beverages until 11:00 P.M. If entertainment is provided as part of the event, security personnel required by City Ordinance shall remain on premises until all guests have left the facility and parking lot.
- 43. Entertainment, when provided, shall not disturb neighboring uses and shall be permitted only after 7 p.m.
- 44. The permittee may apply for a one-day permit up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.
- 45. A peep hole shall be installed in the office door and the rear door of the business.
- 46. Cash drawer preparation and other money counting functions shall occur in the office behind a locked door.
- 47. There shall be no off-site delivery or sale of alcoholic beverages.

48. A sign shall be posted near each customer exit stating: "No alcoholic beverages beyond this point".

ATTACHMENT “E”

Resolution

RESOLUTION NO. 2019 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 18-510-05 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (ABC LICENSE TYPE-47 ON-SALE GENERAL - EATING PLACE) AT AN EXISTING 5,400 SQUARE-FOOT RESTAURANT (CAFÉ AMRI), LOCATED IN THE PALM MARKETPLACE AT 2000 OUTLET CENTER DR #295 (APN #213009026), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT EDWARD CASTILLO, 811 RAFT LANE, OXNARD CA 93035, ON BEHALF OF THE PROPERTY OWNER.

WHEREAS, on December 21, 2018, Edward Castillo, (the “Applicant”) on behalf of property owners MSWP The Palms LLC, submitted a request to allow the sale of beer, wine, and distilled spirits for on-site consumption within an existing 5,400 square-foot restaurant at 2000 Outlet Center Dr. #295; and

WHEREAS, on May 2, 2019, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 18-510-05, filed by Edward Castillo in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- 1) The proposed use is in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.**

As described in the Staff Report, the proposed sale of alcoholic beverages is consistent with the 2030 General Plan designation and zoning of the subject property, subject to approval of a special use permit.

- 2) The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

As proposed and conditioned, the proposal to sell beer, wine, and distilled spirits for on-site consumption will not adversely affect or be materially detrimental to the adjacent uses, public health, safety or general welfare. .

- 3) The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 350 feet of the subject location.**

As described in the Staff Report, there is one similar outlet within 350 feet of the Project site; therefore there is a presumption of undue concentration by local standards. This finding is rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial center where the crime rate is significantly below the average for commercial properties.

- 4) The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.**

As described in the Staff Report, the crime rate within the shopping center is significantly below the average crime rate when compared to other commercial properties. Based on the crime statistics, the input from the community and the District Coordinator, the proposed use is not likely to create or significantly aggravate police problems in the vicinity. .

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines. This section pertains to projects not involving any expansion of existing uses. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 18-510-05 (Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note:

The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans one file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items (PL, *G-2*).
3. All required off-site and on-site improvements for the Project, including structures, paving, and landscaping shall be completed prior to occupancy unless the Development Services Manager allows Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements (DS, *G-4*).
4. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).

5. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).
7. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).
8. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, *G-10*).
9. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the Project property (FD, *G-12*).
10. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the Project property, except as provided in a permit issued by the Fire Chief (FD, *G-13*).
11. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the Oxnard City Code (CA, *G-14*).

PLANNING DIVISION STANDARD CONDITIONS

12. Applicant may not modify any use approved by this permit unless the Planning Manager determines that Applicant has provided the parking required by the Oxnard City Code for the modified use (PL, *PL-7*).

PLANNING DIVISION SPECIAL CONDITIONS

13. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).

POLICE DEPARTMENT STANDARD CONDITIONS

14. All sellers or servers working within the restaurant area shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. This condition is directed at those persons taking and/or delivering alcoholic beverages to the customers within the restaurant area. Cashiers and others who do not serve alcoholic beverages for on-site consumption are exempt. Applicant/store management can contact the Oxnard Police Department Special Projects Unit via email at specialprojects@oxnardpd.org to inquire about RBS course schedules (PL/PD).
15. All general managers and supervisors shall complete a course in the Responsible Beverage Service within 60 days of license granting and/or date of employment (PD).
16. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is sold, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service.
17. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand.
 - a). If security personnel are employed by a security firm, the permittee shall have records identifying each guard by name and date of birth.
 - b). If security personnel are employed by the permittee, the permittee shall maintain records for each guard including: name, date of birth, and copies of permits and any required credentials including those for weapons or other tools the guard may be authorized to carry.
18. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or a permit issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Community Development Director to be held no more than 30 days after the suspension begins (PD).
19. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area (PD).

20. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses (PD).
21. There shall be no advertising of alcoholic beverages visible from the outside, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages (PL/PD).
22. Sales of alcohol may only occur between the hours of 7:00 a.m. and 11:00 p.m. (Specific exceptions to this condition are listed in "Special Conditions").
23. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open in order to support the service of its menu.
24. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encourage (PD).
25. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total (PD).
26. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control (PD).
27. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages" (PD).
28. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances (PD).

29. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or designee and the Community Development Director (PD).
30. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing special use permit shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems (PD).
31. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied (PL/PD).
32. The permittee shall be responsible for maintaining the property free of litter (PL/PD).
33. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area (PL/PD).
34. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors. Any pay phones installed inside shall be blocked from incoming calls (PL/PD).
35. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises (PL/PD).
36. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation (PD).
37. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts (PD).
38. The permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery (PD).
39. The permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any common areas and approaches to rest rooms (PD).

Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:

- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability and able to identifying persons conducting transactions or entering the business.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. One camera shall be dedicated to capture the head and shoulders of any person entering each door from outside the building.
 - h. One camera shall be dedicated to capture the cashier's station.
 - i. One camera shall be dedicated to capture images inside the office.
40. In addition to the other conditions of approval in this permit, the permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section (PL/PD).
41. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type of heating device employed (PL/PD).
42. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public (PL/PD).
43. There shall not be any portable bar where alcoholic beverages are stored or served (PD).
44. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. The proposed menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited (PD).

45. Alcohol shall be served in containers or mugs that are distinct from the typical cups or containers used for coffee or other non-alcoholic beverages. The sale or service of alcohol in their original container (bottle or can) is prohibited (PD).
46. Activities and events shall not disrupt or disturb neighboring uses by excessive noise, overcrowding, illegal or unauthorized parking, or any other nuisance behavior (PD).
47. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand (PL/PD).
48. Permittee shall abide by City Ordinances regarding entertainment where alcoholic beverages are served, specifically 11-185 through 11-188 which can be found online. These sections should be reviewed by the permittee and any manager of the premises prior to providing entertainment. Questions relative to these sections, and uniform requirements of security personnel may be directed to the alcohol compliance specialist/officer or emailed to: specialprojects@oxnardpd.org (PD).
49. The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs.
50. The permittee's internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit.
51. In the event of a suspected criminal event where some part of the event occurs within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
 - a. The service or sales of alcohol beverages under the scope of this permit.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.
52. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon demand by any representative of the Oxnard Police Department.

53. This permit may be modified by submitting for a minor modification, paying appropriate fees, and receiving joint administrative approval from the Director of Development Services and the Chief of Police. Such administrative approval can be denied for the below listed reasons:
- a. Increase in police incidents at the site or tied to the site
 - b. Plans to intensify the sales or consumption of alcohol
 - c. Any violations of the conditions of this permit or of the Alcohol Beverage Control Act in the prior 24-months.

POLICE DEPARTMENT SPECIAL CONDITIONS

54. The permittee may host private parties for wedding receptions, birthdays and similar events and sell alcoholic beverages until 11:00 p.m. If entertainment is provided as part of the event, security personnel required by City Ordinance shall remain on premises until all guests have left the facility and parking lot.
55. Entertainment, when provided, shall not disturb neighboring uses and shall be permitted only after 7:00 p.m.
56. The permittee may apply for a one-day permit up to six times in a calendar year to accommodate special activities (i.e.: New Year's Eve, Mother's Day) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to the date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.
57. A peep hole shall be installed in the office door and the rear door of the business.
58. Cash drawer preparation and other money counting functions shall occur in the office behind a locked door.
59. There shall be no off-site delivery or sale of alcoholic beverages.
60. A sign shall be posted near each customer exit stating: "No alcoholic beverages beyond this point".

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of May, 2019, by the following vote:

Vince Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of May, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Kathleen Mallory, Secretary

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Principal Planner 

DATE May 2, 2019

SUBJECT: Planning & Zoning (PZ) Permit No. 19-580-02 (Zone Text Amendment) – An Amendment to the Oxnard City Code, Chapters 11 (Permits) and 16 (Zoning Code) Pertaining to the Permitting and Development of Firearm Ranges and Businesses Engaged in the Sale of Firearms and Ammunition. The proposed regulations would apply Citywide and pertain to the General Commercial (C-2) and Limited Manufacturing (M-L) zoning districts.

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning & Zoning Permit No. 19-580-02 (Zone Text Amendment) establishing regulations to address firearm ranges and the sales of firearms and ammunition.
- 2) Project Description and Applicant:** The proposed Zone Text Amendment (ZTA) modifies Oxnard City Code (OCC) Chapters 11 (Permits) and 16 (Zoning Code) to establish permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms), OCC Section 16-10 (Definitions), OCC Chapter 16, Article V (Specific Use Requirements), and modifications to the conditionally permitted uses within the General Commercial (C-2), Limited Manufacturing (M-L), and Community Reserve (C-R) zoning districts. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.
- 3) Background:** In 2018, Oxnard residents expressed concerns to both the Police Department and City Council about a business proposing the retail sales of firearms that was planning to open in the 800 block of West Wooley Road. This location is within the General Commercial – Planned Development (C-2-PD) zoning district. The subject property is also located less than 100 feet from a residential neighborhood and less than 500 feet from Haydock Academy of Arts & Sciences, a public middle school (grades 6 through 8). While the proposed use was ultimately not pursued by the operator, the inquiry drew attention to the fact that neither the OCC, nor state or federal law currently includes health and safety standards or location restrictions (e.g., proximity to churches, parks, and schools - i.e., sensitive uses) for gun stores and other firearm related businesses. In contrast, the City has well-established siting, permitting, and operational requirements for businesses engaged in the sale of alcohol, cannabis (proposed), and adult businesses.

- a) Existing City Regulations:** Currently, the retail sale of firearms and ammunition is considered a “general retail” use and permitted within the following zoning districts: General Commercial (C-2), Central Business District (CBD), Commercial Manufacturing (C-M), Coastal Neighborhood Commercial (CNC), and Coastal Visitor-Serving Commercial (CVC) zoning districts and as an ancillary use within the Limited Manufacturing (M-L), Light Manufacturing (M-1), Heavy Manufacturing (M-2), and Coastal Dependent Industrial (CDI) zoning districts. Additionally, City regulations regarding home occupations prohibit the sale of firearms and ammunition which involve the storage of such items within a structure (OCC Section 16-404). With the adoption of the proposed ZTA, gun and ammunition sales will no longer be defined as general retail uses.

Firearm Ranges are also not defined and regulated in the OCC. Generally, this use would be characterized as “recreation commercial”, which can be permitted subject to issuance of a Special Use Permit (SUP) in the C-2, M-L, and M-1 zoning districts. Similarly, “rod and gun clubs” are permitted within the Commercial Recreation (C-R) zoning district with a SUP. While an SUP would be required to operate a firearm range within the C-R zoning district, the zoning ordinance does not establish any operating parameters, siting criteria, or other considerations for evaluating such a request.

Staff receives requests from the public to initiate firearm related uses very infrequently and no such requests are currently pending with the City. The City of Oxnard currently has six establishments that sell firearms, ammunition, or both, and one firearm range. These businesses are outlined below:

- **Dick’s Sporting Goods**, 231 W Esplanade Drive (Firearms and Ammunition Sales)
- **Big 5 Sporting Goods**, 2361 N Oxnard Boulevard (Firearms and Ammunition Sales)
- **Turner’s Outdoorsman**, 2051 N Rose Avenue, Suite 280 (Firearm and Ammunition Sales)
- **B&G Guns / Shooter’s Paradise**, 1910 Sunkist Circle (Firearm Range, including Firearms and Ammunition Sales)
- **Zev Technologies**, 1051 Yarnell Place (Firearm Sales)
- **Walmart Supercenter**, 2001 N Rose Avenue (Ammunition Sales)

If the proposed ZTA is adopted, the existing, legally established businesses engaged in the sale of firearms and ammunition or firearm ranges may continue to operate as non-conforming uses, in accordance with OCC Chapter 16, Article VI (Non-conforming Uses).

The OCC requires individuals seeking to sell concealable firearms to obtain a concealable weapons permit from the Police Chief during the business licensing process, pursuant to OCC Chapter 11, Article VIII. These existing regulations do not establish criteria regarding the business operation, permitted locations, or specific provisions for

suspension or revocation of the license.

- b) Urgency Ordinance – Moratorium on Firearm Retailers:** On November 27, 2018, the City Council voted 5-0 to adopt an Ordinance (No. 2950), pursuant to Government Code Section 65858, to impose a 45 day moratorium on the establishment of new retail uses selling firearms and ammunition; this action allowed the City sufficient time to study the issues and land use implications and to make recommendations to the Planning Commission and City Council. The moratorium would have expired on January 11, 2019.

On January 8, 2019, the City Council voted 7-0 to adopt an Ordinance (No. 2953) to extend the temporary moratorium for a period of eight months, from the date Ordinance No. 2950 would otherwise expire. The moratorium will expire on September 11, 2019 unless repealed with the approval of the proposed ZTA.

Following research into best practices, Community Development Department staff drafted a preliminary outline for the siting criteria and permit structure with representatives from the Police Department and City Attorney's Office. The proposed ZTA has been tailored to reflect the input resulting from these interdepartmental coordination meetings.

During both hearings to consider the moratorium and extension, a total of 20 individuals provided public comments. Generally, comments included several expressions of support for the proposed moratorium, concerns regarding the preservation of constitutional rights, concerns regarding the timing to develop and enact the resulting ZTA, and concerns that the proposed ZTA would effectively result in a "ban" on firearm retailers.

- c) Federal and State Regulations:** Firearm dealers are regulated by a number of existing federal and state laws. These laws establish requirements for the licensing of individuals operating the businesses, in addition to certain site-specific security features. California generally has adopted stricter regulations than the federal government. For example, California requires all gun sellers to be licensed (the federal government allows unlicensed gun sales at gun shows and online). California has also established criteria for "assault rifles" and regulated the sales and transfer of these firearms. California had also banned the sale of high-capacity magazines (i.e. capacity in excess of 10-rounds) however this issues and other regulations are currently being litigated. There is currently no limit to the amount of ammunition a purchaser may buy.

The State of California Department of Justice regulates the sales, ownership and transfer of firearms and safety training. There is a 10-day waiting period before the firearms dealer releases the weapon to the purchaser, and a purchaser must provide an application to purchase a firearm. The application also includes certification that the purchaser has passed a written test and submittal of the purchaser's thumbprint. The purchaser must also fulfill a safe handling demonstration requirement. During the 10-day waiting period,

the Department of Justice conducts a firearms eligibility background check to ensure that the purchaser is not prohibited from lawfully possessing firearms. Factors which may prohibit possession include felony convictions, persons with mental disorders, probation restrictions, drug addiction, and persons subject to protective orders. California also prohibits the public, open carry of loaded firearms by the general public.

As the proposed ZTA is discussed, it is as important to distinguish that the California Legislature has expressly preempted the ability of local governments to regulate certain areas of firearm law that are administered at the state level. Generally, the Legislature preempts local government in matters related to: 1) the licensing or registration of commercially manufactured firearms (Cal. Gov't Code Section 53071); 2) the licensing or permitting with respect to the purchase, ownership, possession or carrying of a concealable firearm in the home or place of business [Cal Penal Code Section 25605(b)]; and 3) regulation of the manufacture, sale or possession of imitation firearms (Cal Gov't Code Section 53071.5). A local government is granted with the ability to "...make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general [State] laws" (California State Constitution, Article XI, Section 7). The proposed ZTA is consistent with the legislation defining the scope of authority of local governments to regulate zoning and land use. The proposed ZTA also does not infringe on the protections granted by the Second Amendment of the United States Constitution. Recent case law, including the 2017 Ninth Circuit Court of Appeals decision of *Teixeira v. County of Alameda* has also affirmed that zoning requirements related to the commercial sales firearms do not constitute a violation of the Second Amendment.

- 4) Analysis – Proposed Amendments to the City Code:** Several jurisdictions within California have established land use regulations related to the sale of firearms and ammunition. These include the cities of Ventura and San Carlos, County of Alameda, and others.

The proposed ZTA is comprised of four components: a) modifications to OCC Chapter 11 (Permits), Article VIII (Permits to Sell Concealable Firearms); b) modifications to OCC Section 16-10 (Definitions) to establish definitions for ammunition, firearm range, firearm, and firearm & ammunition sales; c) amendments to establish and/or modify land uses related to these activities within the General Commercial (C-2), Limited Manufacturing (M-L) and Community Reserve (C-R) zoning districts; and d) regulations establishing siting criteria, operational considerations, and the content and process for review of SUP applications related to these uses. The full text of the ZTA is included with Attachment A.

- a) OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms):** Currently, a business proposing to sell concealable firearms must obtain a permit from the Police Chief, prior to operation. The Police Department has incorporated additional requirements and best practices with the proposed ZTA. The ZTA expands and clarifies elements of the existing permit for the sale of all firearms, not just those which are

concealable. The proposed ZTA adds provisions to OCC Section 11-222 (Investigation of Applicant) to clarify details related to a background investigation of potential retailers by the Police Chief. Additional modifications to this Section allow the Police Chief to impose conditions on these licenses related to operation of the business and safety practices. Finally, OCC Section 11-223 (Suspension, Revocation or Modification of Permit) is supplemented with new language granting the Police Chief the ability to suspend a license upon receiving credible information that the permittee has committed any crime of violence, suffered a mental health crisis, or has been diagnosed with a condition that identifies the permittee as a potential danger to themselves or others. These regulations mirror existing provisions within the state penal code that authorize the Police Department to seize firearms when specific, potentially hazardous conditions exist. Specifically, Section 18250 of the Penal Code, Section 8102 of the Welfare and Institution Code, and other State and Federal Statute, or court order which authorizes the confiscation of deadly weapons

b) Modifications to OCC 16-10 (Definitions section of the Zoning Ordinance):

The following definitions will be established within the zoning ordinance:

- **Ammunition** - Any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge and a primer that is used in the operation of a firearm.
- **Firearm** - Any device designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or some other form of combustion, including any projectile which carries or contains its own fuel and is propelled by reaction. This definition does not include model rockets, airsoft guns, Nerf-type guns or paintball guns.
- **Firearm and Ammunition Sales** - A retail business that engages in the sale of firearms and/or ammunition.
- **Firearm Range** - Any public or private establishment that operates an area designated for the discharge or other use of firearms within a controlled shooting environment. Also referred to as firing or shooting range.

c) Regulation of Land Uses within Specific Zoning Districts: With the proposed ZTA, firearm and ammunition sales will be added as related uses requiring a SUP within the C-2 and M-L zoning districts. Firearm ranges will be added as related uses requiring an SUP within the M-L zoning district. An existing reference listing "rod and gun clubs" as a related use within the C-R zoning district will be removed.

d) Regulations Establishing Siting Criteria, Operational Considerations, and the Content and Process for the Review of Special Use Permit Applications:

The proposed ZTA will amend OCC Chapter 16, Article V (Specific Use Requirements) to add Division 19 (Firearm and Ammunition Sales) and Division 20 (Firearm Ranges). Each Division establishes separation requirements from specific sensitive uses,

application material required with submittal of an SUP, as well as specialized findings that the Planning Commission must determine for approval of a SUP and factors that may be addressed as conditions of approval.

Separation from Sensitive Uses

Proposed changes to Chapter 16, Article V (Specific Use Requirements) establish two new Divisions, 19 (Firearm and Ammunition Sales) and 20 (Firearm Ranges). These Divisions define specific separations required between firearm/ammunition sales and firearm range uses and nearby sensitive uses. These buffers are recommended for the safety and security of the public. Police Department response to incidents at facilities that handle firearms and ammunition are inherently high-risk and demand a number of additional resources versus conventional calls for service. In these cases, potential suspects would likely have access to weapons and ammunition. Police responses to these facilities are likely to evolve into evacuations of properties within several hundred feet.

Required separations between proposed firearm and ammunition sales businesses, as well as firearm ranges, are outlined in the table below. The identification of sensitive uses and requirement for separations are strategies currently proposed for cannabis related businesses:

Sensitive Use	Required Separation
Non-Residential Day Care (Child or Adult)	500 feet
Park	500 feet
Church	500 feet
School (private or public)	500 feet
Any Residentially Zoned Property	500 feet
Another legally-authorized firearm and ammunition sales business or firearm range	200 feet

*The required separation is the distance between the closest exterior wall of the firearm range/firearms and ammunition retail business and the nearest property line of the identified sensitive use.

Staff prepared a detailed survey of all properties within the C-2 and M-L zoning districts in order to identify the number of sites within the City where firearms/ammunition sales, and firearm ranges could be located pursuant to the proposed ZTA. This information is included as Attachment B. Based on this analysis, it was determined that a total of 368 acres or 2.12% of the City would comply with the locational criteria for firearm and ammunition sales set forth in the proposed ordinance. Similarly, 221 acres or 1.27% of the City would comply with the locational criteria for firearm ranges. The number of parcels where these uses could potentially be accommodated is legally sufficient; no additional zones would be required.

Special Use Permit (SUP) Requirement – Application Materials, Findings, and Condition of Approval

Proposed changes to Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) and Division 20 (Firearm Ranges) outline specific application materials that are required to be submitted with a SUP request. SUP requests for firearm and ammunition sales must include details regarding the construction of exterior walls of the building, the placement and of exterior windows and doors, location of exterior hearing ventilation, air conditioning equipment, and skylights. The intent is to identify and address any vulnerabilities of the building to reduce the potential for burglary, vandalism, and other crimes. This information will assist staff in evaluating the request relative to Crime Prevention Through Environmental Design (CPTED) best practices. CPTED strategies are internationally recognized measures for crime prevention and advocate for clear sightlines, quality of lighting, access control systems, and other elements that reduce the potential for problem activities.

SUP requests for firearm ranges must also provide building construction details. Additional information required to evaluate firearm ranges includes an acoustical survey, detailed business plan, summary of hazardous materials (gunpowder, solvents, etc.), and parking study.

Divisions 19 and 20 also establish special findings that must be determined by the Planning Commission in order to approve a SUP request for firearm and ammunition sales or firearm ranges. In addition to the standard findings for approval of a SUP defined in OCC 16-531, the Commission must determine that: 1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and 2) the proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

Finally, Divisions 19 and 20 also establish additional factors for which conditions of approval may be imposed on an SUP. These factors establish the broad categories under which Staff may condition the approval of individual projects. In addition to the standard factors for conditions imposed on an SUP defined in OCC 16-532, conditions of approval may be imposed to address the following:

Firearm and Ammunition Sales - Factors for Conditions of Approval:

- Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
- Site and building target hardening;
- Inspections to ensure compliance with conditions of approval and applicable laws;
- Weapons and ammunition storage;
- The maintenance of all required state, federal and local licenses; and
- Copies of a live-scan for all applicants for employment submitted to the Chief of Police or his/her designee; and
- Liability and risk management.

Firearm Range - Factors for Conditions of Approval:

- Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
- Site and building target hardening;
- Inspections to ensure compliance with conditions of approval and applicable laws;
- Weapons and ammunition storage;
- The maintenance of all required state, federal and local licenses;
- Copies of a live-scan for all applicants for employment submitted to the Chief of Police or his/her designee;
- Liability and risk management;
- Mitigations of potential environmental issues (noise, ventilation, cleaning, etc.); and
- Health, safety, and trauma procedures and equipment for employees.

Police Department staff have assembled a draft list of proposed conditions of approval for special use permit requests for individual establishments (see Attachment C - Draft Conditions of Approval for Individual Establishments). While all of these conditions may not apply to each firearm SUP request, these individual approvals would be adapted and modified on a project-by-project basis. These draft conditions are provided to the Commission for added context and in order to detail how the overarching factors may be addressed on individual projects.

5) General Plan Consistency: The proposed ZTA is consistent with a number of goals and policies included in the 2030 General Plan. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-5.2	I	Compatible Land Use	The proposed ZTA is designed to ensure adequate separation between sensitive land uses to minimize land use incompatibility.
SH-7.4	I	Limiting High Risk Land Uses	The proposed ZTA is designed to mitigate the high risk to health, safety, and welfare of residents, visitors, and workers presented by businesses involving firearms and ammunition.
ICS-19.2	I	Police Review of Development Projects	The proposed ZTA will incorporate Police Department review of proposed SUP applications and conditions.

ICS-19.4	II	Crime Prevention Device Requirements	The proposed ZTA will assist the City in requiring crime prevention devices through the SUP process.
ICS-19.5	II	Incorporating Security Design Principles	The proposed ZTA will assist the City in creating regulations designed to encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design Program (CPTED), and other methods to enhance public safety.
SH-6.5	II	Land Use Compatibility with Noise	The proposed ZTA will allow for the City to evaluate and mitigate noise associated with firearm ranges through the SUP process.
SH-7.11	II	Hazardous CUPA Materials Inventory	The proposed ZTA will enable project-level evaluation of hazards and hazardous material through the SUP process.
ALL OTHERS	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

- 6) Environmental Determination:** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed ZTA is a regulatory action. Furthermore, any resulting foreseeable development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to firearm sales, ammunition sales, and firearm range uses within the City. In light of the analysis above, Staff has determined that there is no possibility that the project will have a significant effect on the environment and a Notice of Exemption (Attachment D) will be filed upon approval of the ZTA by the City Council.
- 7) Community Outreach:** A Community Workshop meeting was held on April 15, 2019. A notice of this meeting was distributed Citywide to neighborhood chairs. Staff also mailed notice of this meeting directly to all six existing firearms and ammunition retailers within the City. No one attended the Community Workshop meeting and no communications regarding the ZTA were received by Staff.
- 8) Next Steps:** The Planning Commission's action on this matter is advisory to the City Council. The Planning Commission's recommendation will be forwarded to the City Council for consideration. Planning staff has tentatively scheduled this item for consideration at the June 4, 2019 City Council meeting.

Attachments:

- A. Planning Commission Resolution, Draft Council Ordinance and Zone Text Amendment
- B. Firearm Related Use Map
- C. Draft Conditions of Approval for Individual Establishments
- D. Notice of Exemption

ATTACHMENT "A"

Planning Commission Resolution, Draft City Council Ordinance, and
Zone Text Amendment

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE TEXT AMENDMENT NO. PZ 19-580-02 TO AMEND OXNARD CITY CODE (OCC) CHAPTERS 11 (PERMITS) AND 16 (ZONING CODE) TO ESTABLISH PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FIREARM RANGES AND BUSINESS ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION. SUCH AMENDMENTS INCLUDE OCC CHAPTER 11, ARTICLE VIII (PERMITS TO SELL CONCEALABLE FIREARMS), OCC SECTION 16-10 (DEFINITIONS), OCC CHAPTER 16, ARTICLE V (SPECIFIC USE REQUIREMENTS), AND REVISIONS TO THE CONDITIONALLY PERMITTED USES WITHIN THE C-2, M-L, AND C-R ZONING DISTRICTS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered zone text amendment PZ No. 19-580-02, filed by the City of Oxnard Community Development Department, to amend Chapters 11 and 16 of the Oxnard City Code concerning the permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition; and

WHEREAS, on May 2, 2019, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-02 (Zone Text Amendment) (the "Project") in accordance with the Oxnard City Code; and

WHEREAS, the Planning Commission finds that the proposed Zoning Text Amendment is in the public interest and reflect the input from residents, decisionmakers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of firearm and ammunition sales businesses and firearm ranges within the City of Oxnard; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Sections 15060(c)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of May, 2019.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of May, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

ATTEST:

Kathleen Mallory, AICP, Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 11 (PERMITS) AND 16 (ZONING CODE) OF THE OXNARD CITY CODE (OCC) TO ESTABLISH PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FIREARM RANGES AND BUSINESSES ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION. SUCH AMENDMENTS INCLUDE OCC CHAPTER 11, ARTICLE VIII (PERMITS TO SELL CONCEALABLE FIREARMS), OCC SECTION 16-10 (DEFINITIONS), OCC CHAPTER 16, ARTICLE V (SPECIFIC USE REQUIREMENTS) AND REVISIONS TO THE CONDITIONALLY PERMITTED USES WITHIN THE C-2, M-L, AND C-R ZONING DISTRICTS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, on April 15, 2019, a public community workshop meeting was held for the community and the general public to receive community input on the proposed zone text amendment; and

WHEREAS, on May 2, 2019, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-02 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code and recommended approval to the City Council; and

WHEREAS, on _____, 2019, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit No. 18-580-02 (Zone Text Amendment) in accordance with the Oxnard City Code, and

WHEREAS, the proposed Zoning Text Amendment is in the public interest and reflect the input from residents, decision-makers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City’s police powers to **ensure** the continued health, safety, and welfare of the public by

establishing regulations related to the siting, permitting and operation of firearm and ammunition sales businesses and firearm ranges within the City of Oxnard; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Sections 15060(c)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Amend Oxnard City Code Chapter 11, Article VIII "Permit to Sell Concealable Firearms". Existing Article VIII, Chapter 11 of the City Code shall be amended as shown below wherein strikeout indicates removed text and underline indicates added text:.

ARTICLE VIII. PERMITS TO SELL FIREARMS ~~CONCEALABLE FIREARMS~~

SEC. 11-220. ~~CONCEALABLE~~ FIREARM SALES PERMIT REQUIRED; BUSINESS TAX CERTIFICATE REQUIRED.

- (A) No person shall offer for sale, sell, transfer, or advertise any firearm ~~capable of being concealed upon the person~~ without first obtaining a ~~concealable~~ firearm sales permit ("permit") from the police chief.
- (B) A business tax certificate shall be obtained pursuant to Article I of Chapter 11 of this code before a permit is issued unless the person, organization, or entity applying for the permit is exempt from paying business tax fees pursuant to section 11-9 of this code.

SEC. 11-221. APPLICATION.

- (A) The application for a permit shall be on a form approved by the police chief. An applicant for a permit shall file the application with the chief of police with payment of the appropriate fee as established by resolution of the city council.
- (B) The fee shall not be returned whether the application is approved, conditioned or denied.

SEC. 11-222. INVESTIGATION OF APPLICANT.

- (A) By filing an application, the applicant consents to the police chief undertaking an investigation of the applicant and a review of the information contained in the application. Thereafter, the police chief shall approve, conditionally approve or deny the permit.
- (B) The application shall include sufficient information to facilitate the investigation by the police chief, including but not limited to: the applicant's name and identifying information.

- personal references, prior business and residential addresses, prior law enforcement contacts, arrests or citations.
- ~~(C)~~ An application which is incomplete or contains false or misleading statements will be grounds to deny the permit.
- ~~(D)~~ The police chief's investigation shall include the review of the application, police sources, private sources, as well as the applicant's references to determine if the applicant has any history of poor or ineffective business practices, violence questionable temperament, or mental health issues which would support a denial of the permit.
- ~~(E)~~ If the application is approved or conditionally approved, the police chief shall issue the permit.
- ~~(F)~~ If the application is denied, the police chief shall promptly notify the applicant, in writing, of the denial by certified or registered mail. The applicant may request a hearing as provided for herein, to review the conditions or denial of a permit.
- ~~(G)~~ The police chief shall include conditions upon issuance of the permit. The permit conditions shall include but not be limited to: the times, locations, and conditions under which the permit may be used; specific

SEC. 11-223. SUSPENSION, REVOCATION OR MODIFICATION OF PERMIT.

- ~~(A)~~ The police chief may revoke or modify a permit for failure of the permittee to comply with laws, regulations, or permit conditions.
- ~~(B)~~ The police chief shall mail to the permittee a notice that the permit is proposed for suspension, revocation or modification. The notice shall state the reasons for the proposal.
- ~~(C)~~ The police chief may suspend the permit upon receiving credible information that the permittee has committed any crime of violence or has suffered a mental health crisis or has been diagnosed by a mental health professional with a condition which identifies the permittee as a potential danger to self or other persons. Credible information shall include circumstances which would justify the confiscation of deadly weapons as outlined in Section 18250 of the Penal Code, Section 8102 of the Welfare and Institution Code, or any other state or federal statute, or court order which authorizes the confiscation of deadly weapons.
- ~~(D)~~ The permittee may request a hearing, as provided herein, to review the proposed revocation or modification. If such a request for hearing is not timely received, the police chief shall mail to the permittee a notice that the proposed revocation or modification is in effect. Such notice shall constitute an exhaustion of the administrative remedies available to the permittee.

Section 2. Amend Oxnard City Code Section 16-10 "Definitions". Existing City Code Section 16-10 shall be amended as shown below to add the following definitions and reorganize the existing definitions accordingly:

- ~~(X)~~ AMMUNITION – Any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge and a primer that is used in the operation of a firearm.
- ~~(X)~~ FIREARM – Any device designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or some other form of combustion.

including any projectile which carries or contains its own fuel and is propelled by reaction. This definition does not include model rockets, airsoft guns, Nerf-type guns or paintball guns.

(X) FIREARM AND AMMUNITION SALES – A retail business that engages in the sale of firearms and/or ammunition.

(X) FIREARM RANGE – Any public or private establishment that operates an area designated for the discharge or other use of firearms within a controlled shooting environment. Also referred to as firing or shooting range.

Section 3. Amend Oxnard City Code Section 16-136 “Related Uses”, C-2 General Commercial Zone. Existing City Code Section 16-136 shall be amended as shown below to add the following and reorganize the existing uses accordingly:

(#) Firearm and ammunition sales;

Section 4. Amend Oxnard City Code Section 16-164 “Industrial Land Use Matrix”. Existing City Code Section 16-164 shall be amended as shown below to add the following and reorganize the existing uses accordingly:

Land Use	Zone District					NOTES
	CM	BRP	M-L	M-1	M-2	
<u>Firearm and ammunition sales</u>			<u>SUP</u>			Refer to OCC Chapter 16, Division 19
<u>Firearm range</u>			<u>SUP</u>			Refer to OCC Chapter 16, Division 20

Section 5. Amend Oxnard City Code Section 16-257 “Related Uses”, C-R Community Reserve Zone. Existing City Code Section 16-257 shall be amended as shown below to remove the following and reorganize the existing uses accordingly:

(K) Rod and gun club;

Section 6. Amend Oxnard City Code Chapter 16, Article V “Specific Use Requirements”. Existing City Code Chapter 16, Article V shall be amended as shown below:

Division 19. FIREARM AND AMMUNITION SALES

SEC. 16-504.1. PURPOSE AND INTENT.

- (A) Firearm and ammunition sales may be established, subject to all other provisions of this Chapter and Division, only in the General Commercial (C-2) and Limited Manufacturing (M-L) zoning districts. For the purposes of this Division, the establishment of any business engaged in firearm and ammunition sales shall include the locating and opening of such a business as a new business, the relocation of such business, the conversion of an existing business location to any firearm and ammunition sales use, or the expansion of an existing firearm an ammunition sales use.
- (B) Locational Criteria: In the C-2 and M-L zoning districts, no firearm and ammunition sales use may be established within the following proximity to the sensitive uses identified below:
- (1) Within 500 feet of any residentially zoned property;
 - (2) Within 500 feet of any day care center. For the purposes of this Division, 'day care center' includes any child or adult day care facility other than a family day care home and includes infant center, preschools, extended day care facilities for adults and/or children which involve the supervision of more than 14 persons for a period of less than 24 hours per day;
 - (3) Within 500 feet of any park. For the purposes of this Division, 'park' includes any land or easements owned or leased by the City of Oxnard which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of public recreation, be it active or passive. This term does not apply to trails, bikeways, or similar facilities;
 - (4) Within 500 feet of any church, as defined by Section 16-10 – A building primarily operated for worship or for promotion of religious activities excluding other buildings or activities maintained by religious organizations such as educational institutions, hospitals, homeless shelters, and day care centers or operations that are commercial in nature;
 - (5) Within 500 feet of any school. For the purposes of this Division, 'school' includes any child day care facility or educational institution for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the state Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education for grades K through 12. This definition does not include tutoring centers, a professional or commercial school, or an institution of higher education, including a community or junior college, college, or university; and
 - (6) Within 200 feet of another legally authorized firearm and ammunition sales business or firearm range.
- (C) Measurement: All locational criteria outlined in this Division shall be calculated using the distance between the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the identified sensitive use in a straight line extended between two points, without regard for intervening structures.
- (D) Permit Requirements and Conditions: The establishment of a firearm and ammunition sales

use is permitted only on approval of a special use permit, as provided in Sections 16-530 through 16-553.

(1) In addition to the application materials described in Section 16-553, the following information shall be provided within an application for a special use permit:

(a) Plans shall indicate the nature of construction of exterior walls, placement, and size of exterior windows and doors, and location of exterior heating, ventilation, air conditioning equipment, and skylights.

(b) A business proposal detailing the proposed operation, what types of firearms and ammunition will be sold and stored on-site, an account of the quantities, types, storage, and handling of any hazardous materials, and any ancillary services performed, including firearm repair and maintenance.

(c) Staff positions and responsibilities.

(2) In addition to the factors described in Section 16-532, conditions of approval involving the following factors may be imposed by the Planning Commission on a special use permit for firearm and ammunition sales:

(a) Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;

(b) Site and building target hardening;

(c) Inspections to ensure compliance with conditions of approval and applicable laws;

(d) Weapons and ammunition storage;

(e) The maintenance of all required state, federal and local licenses;

(f) Copies of a live-scan for all applicants for employment, submitted to the Chief of Police or his/her designee; and

(g) Liability and risk management.

(E) Requirements for Granting: In addition to those findings listed in Section 16-531, the applicant must demonstrate and the Planning Commission must find that the proposed use is in conformance with the following, prior to granting a special use permit for the sale of firearms and ammunition:

(1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and

(2) The proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

Division 20. FIREARM RANGES

SEC. 16-504.1. PURPOSE AND INTENT.

(A) Firearm ranges may be established, subject to all other provisions of this Chapter and Division, only in the Limited Manufacturing (M-L) zoning district. For the purposes of this Division, the establishment of any firearm range shall include the locating and opening of such a business as a new business, the relocation of such business, the conversion of an existing business location to a firearm range, or the expansion of an existing firearm range.

(B) Locational Criteria: In the M-L zoning district, no firearm range may be established within the following proximity to the sensitive uses identified below:

- (1) Within 500 feet of any residentially zoned property;
- (2) Within 500 feet of any day care center. For the purposes of this Division, 'day care center' includes any child or adult day care facility other than a family day care home and includes infant center, preschools, extended day care facilities for adults and/or children which involve the supervision of more than 14 persons for a period of less than 24 hours per day;
- (3) Within 500 feet of any park. For the purposes of this Division, 'park' includes any land or easements owned or leased by the City of Oxnard which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of public recreation, be it active or passive. This term does not apply to trails, bikeways, or similar facilities;
- (4) Within 500 feet of any church, as defined by Section 16-10 – A building primarily operated for worship or for promotion of religious activities excluding other buildings or activities maintained by religious organizations such as educational institutions, hospitals, homeless shelters, and day care centers or operations that are commercial in nature;
- (5) Within 500 feet of any school. For the purposes of this Division, 'school' includes any child day care facility or educational institution for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the state Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education for grades K through 12. This definition does not include tutoring centers, a professional or commercial school, or an institution of higher education, including a community or junior college, college, or university; and
- (6) Within 200 feet of another legally authorized firearm and ammunition sales business or firearm range.
- (C) Measurement: All locational criteria outlined in this Division shall be calculated using the distance between the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the identified sensitive use in a straight line extended between two points, without regard for intervening structures.
- (D) Permit Requirements and Conditions: The establishment of a firearm range is permitted only on approval of a special use permit, as provided in Sections 16-530 through 16-553.
 - (1) In addition to the application materials described in Section 16-553, the following information shall be provided within an application for a special use permit:
 - (a) Plans shall indicate the nature of construction of exterior walls, placement, and size of exterior windows and doors, and location of exterior heating, ventilation, air conditioning equipment, and skylights.
 - (b) A business proposal detailing the proposed operation including the number of shooters to be accommodated, whether the range will emphasize training or competitive activities, what types of firearms and ammunition will be used, any special uses proposed (e.g., advanced training, special weapons, or explosives), individual customer storage facilities, an account of the quantities, types, storage, and handling of any hazardous materials, and any ancillary services performed, including firearm repair and maintenance.

- (c) Details regarding proposed ventilation systems for the building, including any filtration systems.
 - (d) Staff positions and responsibilities.
 - (e) A parking study, prepared pursuant to Section 16-651.
 - (2) In addition to the factors described in Section 16-532, conditions of approval involving the following factors may be imposed by the Planning Commission on a special use permit for firearm ranges:
 - (a) Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
 - (b) Site and building target hardening;
 - (c) Inspections to ensure compliance with conditions of approval and applicable laws;
 - (d) Weapons and ammunition storage;
 - (e) The maintenance of all required state, federal and local licenses;
 - (f) Copies of a live-scan for all applicants for employment, submitted to the Chief of Police or his/her designee; and
 - (g) Liability and risk management.
 - (h) Mitigations of potential environmental issues (noise, ventilation, cleaning, etc.).
 - (i) Health, safety and trauma procedures and equipment for employees.
- (E) Requirements for Granting: In addition to those findings listed in Section 16-531, the applicant must demonstrate and the Planning Commission must find that the proposed use is in conformance with the following, prior to granting a special use permit for the sale of firearms and ammunition:
 - (1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and
 - (2) The proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

Section 7. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 8. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 9. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that

CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 10. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 11. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____ 2019, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this __th day of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ATTACHMENT “B”

Firearm-Related Land Use Map

CITY OF OXNARD FIREARM-RELATED USE AREAS



ATTACHMENT “C”

Draft Conditions for Individual Establishments



Police Department

Scott Whitney, Chief of Police

Firearm and Ammunition Sales / Firearm Range - Draft Conditions (Updated: 4/8/19)

#	Type	Draft Condition	Comments
	Target Hardening	Permittee shall install bollards or similar barriers in all areas where there is a potential for vehicles to ram vulnerable areas. Bollards shall be separated by no more than 48". Bollard placement shall allow for ADA access. Alternatives to bollards may be used as long as the system clearly protects vulnerable areas as well or better than bollards.	Car ramming is a common means to breach entrances to businesses possessing high value assets.
	Target Hardening	Roll down barriers shall be placed as a defensive screen to protect interior contents if large windows or similar areas which are vulnerable. Roll down barriers which allow for natural surveillance are preferred.	To provide natural surveillance
	Target Hardening	A substantial barrier between the gun business and any neighbor is required. Drywall divisions between neighboring businesses are considered an insufficient barrier. The design and nature of the supplemental barrier shall be approved by the Chief of Police or his/her designee.	Drywall dividing walls are easily breached. A neighboring business may provide an easy access point for a point of entry.
	Target Hardening	All access points (windows and vents) wider than 12-inches shall have enhanced security features. This shall include but not be limited to: walls, doors, windows, vents, HVAC Systems	Any opening in a wall, floor or roof measuring more than 12-inches across could act as a point of entry.
	Alarms	Alarms shall be periodically tested by the designee of the Chief of Police.	To ensure compliance
	Alarms	An alarm system is required. It shall consist of a dual technology burglary alarm and a silent robbery alarm. The burglary alarm sensors shall be capable of differentiating between human and non-human motion inside the business. The robbery alarm shall have activation buttons placed in various locations throughout the business as approved by the Chief of Police or his/her designee.	Dual technology alarms greatly reduce the occurrence of false alarms.
	Weapons Storage	All firearms shall be secured during the hours the business is closed. The manner in which firearms are secured will ensure that bolt cutters or similar easily obtained tools cannot free a weapon. Padlocks may be used to secure firearms as long as the padlock shackle is protected by a cover.	To deter easy access
	Ammunition Storage	All ammunition shall be secured during the hours the business is closed.	To deter easy access

Lighting	Interior lighting shall operate during the hours the business is closed to enhance natural surveillance into the business.	Natural surveillance during hours of darkness
Security Camera System	The permittee shall cooperate with the Oxnard Police Department during any investigation. In the event a criminal event occurs at or near the business, the business shall provide access to video recordings in a timely manner.	To capture images criminal behavior and to deter criminal behavior
Security Camera System	A security camera system is required and shall meet current minimum standards. The camera system shall be linked to the Internet so that the owners/managers may monitor the business at any time.	To ensure quality equipment
Security Camera System	The security cameras shall, at a minimum, monitor the following: a) Each exterior doorway capturing the head and shoulder images b) Any exterior area that serves an approach to any exterior door of the business. c) Each room, except bathrooms, shall have a minimum of one camera that shall capture the general activity in the room.	To capture images criminal behavior and to deter criminal behavior
Security Camera System	The Internet address and passcode for the security camera system shall be provided to the Oxnard Police Department pursuant to a Memorandum of Understanding between the Police Department and the Business Owner.	The intent is to provide the PD a live video feed in the event of a critical incident in the business.
Inspections	The business is subject to inspection to ensure compliance with the requirements of this permit. Such inspections shall occur during regular business hours.	To ensure compliance
Other	The business' address shall be clearly marked on the surface of the roof in 3-foot numbers.	For location identification from the air
Other	The business' address shall be clearly visible from any adjacent public right of way.	For location identification from the street/alley
Other	The electrical power meter shall be secured. Any padlock shall have a protective cover over the shackle.	To protect lighting and alarm systems.
Other	A "Height Strip" shall be installed on the interior door frame of every exterior door.	To estimate the height of anyone passing through the doorway.
	"As used in this division, and in any other provision listed in Section 16580, "dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive" means a person who satisfies all of the following requirements: (a) Has a valid federal firearms license. (b) Has any regulatory or business license, or licenses, required by local government. (c) Has a valid seller's permit issued by the State Board of Equalization.	Pursuant to §26700 PC

	(d) Has a certificate of eligibility issued by the Department of Justice pursuant to Section 26710. (e) Has a license issued in the format prescribed by subdivision (c) of Section 26705. (f) Is among those recorded in the centralized list specified in Section 26715.”	
State Requirement	“(a) Except as provided in subdivisions (b) and (c) of Section 26805, any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All firearms shall be secured using one of the following methods as to each particular firearm: (1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee’s business premises. (2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt-cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. (3) Store the firearm in a locked fireproof safe or vault in the licensee’s business premises. (b) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in subdivision (a). (c) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of subdivision (a) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee. (d) Subdivisions (a) and (b) shall not apply to a licensee organized as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, or as a mutual benefit corporation pursuant to Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code, if both of the following conditions are satisfied: (1) The nonprofit public benefit or mutual benefit corporation obtained the dealer’s license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation. (2) The firearms are not handguns.”	Pursuant to §26890 PC (applies to firearms business required to have a local business license)

State Requirement	“(a) A licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearm transaction record, as defined in Section 16550. (b) A licensee shall be in compliance with the provisions of subdivision (a) if the licensee maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 478.124 of Title 27 of the Code of Federal Regulations.	Pursuant to §26900 PC (local law enforcement inspection during regular business hours)
State Requirement	“All perimeter doorways are designed in one of the following ways: 1) A windowless steel security door equipped with both a deadbolt and a doorknob lock. 2) A windowed metal door equipped with both a dead-bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window is covered with steel bars of at least one-half inch diameter or metal grating of at least nine-gauge affixed to the exterior or interior of the door. 3) A metal grate that is padlocked and affixed to the licensee’s premises independent of the door and doorframe. 4) Hinges and hasps attached to doors by welding, riveting, or bolting with nuts on the inside of the door. 5) Hinges and hasps installed so that they cannot be removed when the doors are closed and locked. d) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system. e) No perimeter metal grates are capable of being entered by any person. f) Steel bars used to satisfy the requirements of this section are not capable of being entered by any person. g) Perimeter walls of rooms in which firearms are stored are constructed of concrete or at least 10-gauge expanded steel wire mesh utilized along with typical wood frame and drywall construction. If firearms are not stored in a vault, the facility	Pursuant to §29141 PC (sites for manufacture of firearms)

	shall use an exterior security-type door along with a high security, single-key deadbolt, or other door that is more secure. All firearms shall be stored in a separate room away from any general living area or work area. Any door to the storage facility shall be locked while unattended. h) Perimeter doorways, including the loading dock area, are locked at all times when not attended by paid employees or contracted employees, including security guards. Except when a firearm is currently being tested, any ammunition on the premises is removed from all manufactured guns and stored in a separate and locked room, cabinet, or box away from the storage area for the firearms. Ammunition may be stored with a weapon only in a locked safe.	
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ATTACHMENT “D”

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 19-580-02 (Zone Text Amendment) a request to modify Chapters 11 (Permits) and 16 (Zoning Code) of the City Code (OCC) to establish permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms), OCC Section 16-10 (Definitions), OCC Chapter 16, Article V (Specific Use Requirements), and revisions to the conditionally permitted uses within the C-2, M-L and C-R zoning districts. The proposed project is categorically exempt from environmental review pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act Guidelines. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

Finding:

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15060 (c)(2) and (3), and 15061(b)(3)]

Supporting Reasons: Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act, regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed zone text amendment is a regulatory action. Furthermore, any resulting foreseeable development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to the firearm sales, ammunition sales, and firearm range uses within the City. In light of the analysis above, Staff has determined that there is no possibility that the project will have a significant effect on the environment.

(Date)

Douglas Spondello, Principal Planner