

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, September 5, 2019, 6:00 p.m.

A. ROLL CALL

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. CONSENT AGENDA

1. APPROVAL OF MINUTES – August 1, 2019
2. APPROVAL OF MINUTES – August 15, 2019

E. PUBLIC HEARINGS

1. **PLANNING AND ZONING PERMIT PZ NO. 19-580-05** (Zoning Text Amendment). That the Planning Commission adopt the attached resolution recommending City Council approval of a retail cannabis ordinance with specific recommended modifications and amendments to Ordinance. No. 2960.

Project Planner: Kathleen Mallory

2. **PLANNING AND ZONING PERMIT NO. 19-510-02** (Special Use Permit - Alcohol) a request to allow the sale of beer and wine for on-site consumption (License Type-41) at an existing 2,426 square-foot restaurant (Vineyard Cafe), located in The Courtyard shopping center at 2340 East Vineyard Unit A3. The proposed sale of alcohol will occur during the hours of 7:00 a.m. to 10:00 p.m. daily. The project is exempt from environmental review pursuant to Section 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Bobby Kazem, on behalf of Vineyard Cafe, 2340 E Vineyard Avenue Suite A3, Oxnard, CA 93036.

Project Planner: Jose Coyotl

F. STUDY SESSION/REPORTS

G. PLANNING COMMISSION BUSINESS

H. COMMUNITY DEVELOPMENT STAFF UPDATES

I. ADJOURNMENT

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.

FUTURE MEETINGS

Thursday, September 19, 2019, 6:00 p.m., City Council Chambers

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: Kathleen Mallory, AICP, Planning & Sustainability Manager

DATE: September 5, 2019

SUBJECT: Adoption of Resolution - Planning and Zoning Permit No. 19-580-05 (Zoning Text Amendment) – Zoning Text Amendment to Create Regulations for Cannabis Retail Dispensaries and Minor Modifications to Ord. 2960 Pertaining to Permitting of Manufacturing, Testing, and Distribution of Cannabis.

- 1) Recommendation:** That the Planning Commission adopt the attached resolution recommending City Council approval of a retail cannabis ordinance with specific recommended modifications and amendments to Ordinance No. 2960. In accordance with the California Public Resources Code Sections 21000 et seq. and State California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), Planning Commission has determined that the proposed zoning text amendment is exempt from CEQA pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations.
- 2) Background and Project Description:** On August 15, 2019, the Planning Commission conducted a public hearing pertaining to adoption of a retail cannabis ordinance and amendments to Ordinance No. 2960 to regulate manufacturing, testing, and distribution of cannabis. The attached resolution is provided reflecting Planning Commission input.
- 3.) Discussion:** At the Commission's August 15th meeting pursuant to a 4 to 3 vote, the Planning Commission expressed support for changes to the draft retail cannabis ordinance to include a 600 foot retail buffer separation from residential uses, allowance of retail dispensaries in the newly created "downtown and downtown core areas", and packaging limitations, as allowed by law to minimize the appearance of candy like products and flavored cannabis vaping products. The Commission also supported the amendments to Ordinance No. 2960 pertaining to manufacturing, testing, and distribution of cannabis. The attached resolution reflects the Commission's vote. Staff is still researching the legality of packaging and sales restrictions, as may be different than existing state law.

Attachments:

Planning Commission Resolution Recommending Approval

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD PROVIDING RECOMMENDATIONS TO THE CITY COUNCIL PERTAINING TO PERMITTING OF RETAIL CANNABIS AND AMENDMENTS TO ORDINANCE NO. 2960 REGARDING MANUFACTURING, TESTING, AND DISTRIBUTION OF CANNABIS. FILED BY ASHLEY GOLDEN, ASSISTANT CITY MANAGER, CITY OF OXNARD

WHEREAS, on August 15, 2019, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider a retail cannabis ordinance and amendments to Ordinance No. 2960 pertaining to manufacturing, testing, and distribution of cannabis;

WHEREAS, the Planning Commission wishes to provide its specific recommendations to the City Council regarding the retail cannabis ordinance and amendments to Ordinance No. 2960 pertaining to manufacturing, testing, and distribution of cannabis.

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 recommends to the City Council that the draft retail cannabis ordinance as presented on August 15, 2019 be modified to reflect the following Planning Commission input:

1. Residential land uses should be considered a sensitive use and retail cannabis operations should be no closer than six hundred (600) feet from any residentially zoned property or any residentially used parcel as of the date of the cannabis business permit is issued.
2. Retail cannabis uses should be permitting in the newly created downtown and downtown core as identified in the City’s Downtown Development Code which will be effective on September 1, 2019.
3. To the extent feasible by law, candy like products packaged to market to children shall be prohibited; flavored vaping products shall also be provided from being sold within retail cannabis uses within the City of Oxnard.

SECTION 2. 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 recommends to the City Council that the City Council adopted the proposed amendments to Ordinance 2960 pertaining to manufacturing, testing, and distribution of cannabis as presented to the Planning Commission on August 15, 2019.

SECTION 3. Based upon an environmental assessment and in accordance with California Public Resources Code Sections 21000 et seq. and State California Environmental Quality Act (CEQA)

Guidelines (Sections 15000 et seq.), the Planning Commission determines that the proposed zoning text amendment is exempt from CEQA pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of September, 2019

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 5th day of September 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

, Chair

, Secretary

|

Resolution No.

Page No. 3

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jose E. Coyotl, Assistant Planner

DATE: September 5, 2019

SUBJECT: Planning and Zoning Permit No. 19-510-02 (Special Use Permit – Alcohol),
Located at 2340 East Vineyard Avenue Unit A3.

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 19-510-02 (Special Use Permit – Alcohol), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow the sale of beer and wine for on-site consumption (License Type-41) at an existing 2,426 square-foot restaurant (Vineyard Cafe), located in The Courtyard shopping center at 2340 East Vineyard Unit A3. The proposed sale of alcohol will occur during the hours of 7:00 a.m. to 10:00 p.m. daily. For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project.**” Filed by Bobby Kazem (“**Applicant**”), 2340 E Vineyard Avenue Suite A3, Oxnard, California 93036, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The project site is located at 2340 East Vineyard Avenue, Suite A3. The 7.04-acre site is developed with a 2,426 square-foot multi-tenant commercial building (The Courtyard) with associated parking. The nearest residences are approximately 350 feet to the east of the project site. The nearest school is Rio Lindo Elementary School, located approximately 0.90 miles southeast of the project site. The following table identifies the existing and surrounding General Plan and zoning designations as well as existing land uses:

Location	Zoning	General Plan	Existing Land Use
Project Site	General Commercial – Planned Development (C-2-PD)	Commercial Office (COF)	The Courtyard Commercial Center

North	C-2-PD	COF	Commercial Offices
South	C-2-PD	Commercial General (CG)	Automotive Repair
East	C-2-PD	COF	Offices
West	C-2-PD	Commercial Regional (CR)	Multi-Tenant Commercial Center

- 4) **Background Information:** On July 16, 1998 the Planning Commission approved Special Use Permit PZ 97-500-98 for the construction of The Courtyard shopping center. On January 27, 2004 the Planning Manager approved a Minor Modification (PZ 03-140-71) for the installation of a projection sign.
- 5) **Environmental Determination:** 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 the requirements of the California Environmental Quality Act (CEQA). This proposal involves a request to sell beer and wine for on-site consumption and will not increase the square footage of the existing building. 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. (Attachment C).
- 6) **Analysis:**
- a) **General Discussion:** Vineyard Cafe is requesting the approval of a SUP to allow the sale of beer and wine for on-site consumption within an existing 2,426 square-foot restaurant. The restaurant currently provides seating for approximately 59 patrons. The restaurant is located within a multi-tenant commercial shopping center in The Courtyard shopping center. The restaurant operates two shifts with eight employees per shift: the first shift operates between the hours of 6:00 a.m. and 2:00 p.m. and the second shift operates between the hours of 2:00 p.m. to 10:00 p.m. daily.
- b) **General Plan and Zoning Consistency:** The subject property is located in the General Commercial (C-2) zoning district. In accordance with City Code Section

16-136, the proposed sale of beer and wine for on-site consumption at a restaurant may be permitted with an approved Special Use Permit.

- 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 affect 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 Ft.?	Same Type Within 1,000 Ft.?	Likely to Cause Police Problems?	Undue Concentration as Defined in Resolution 11,896?
2340 E. Vineyard Avenue Unit A3	No	Yes	No	No

Concentration of Alcohol Outlets: There is one establishment of the same type located within 1,000 feet of the subject property, El Portal Mexican Restaurant, located at 2311 N. Oxnard Boulevard. There are also three similar establishments located within 1,000 feet of the subject property (The Tower Club, Q-Club and Walgreens). The Tower Club currently operates with a Type 47 ABC license (beer, wine, and spirits), the Q-Club operates with a Type 48 nightclub on-sale premises ABC license (beer, wine, and spirits) and Walgreens which operates with a Type 21 off-sale general ABC license. Although a presumption of undue concentration has been identified as described within the Police Report, 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.

Crime Statistic Review: For comparison purposes, the Police Department calculates 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 2018. The citywide annular average of Part I and Part II crimes per grid is currently 80. 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 the proposed restaurant was 138 during the same twelve month time period. This is 73% 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 & Community Input: The District Coordinator is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area, and identified 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 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. Furthermore, the business will be in a well-established, well-maintained commercial center where the crime rate is significantly below the city-wide average for commercial properties and there is a 24-hour on-site security. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. Several conditions of approval have been incorporated into the draft resolution of approval (Attachment E) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future.

- 7) **Community Workshop and Public Input:** On July 1, 2019, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Rio Lindo Neighborhood. The Applicant also provided notice on the Project site with a brief description of the project and contact information, the Community Workshop was conducted on July 8, 2019. There was one telephone based public comment from a Rio Lindo resident concerned the alcohol hours of operation commence too early for a site near a school, the resident recommended the hours of operation commence after 10:30 a.m instead of 7:00 a.m. as proposed.

- 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 fee before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. Resolution of Approval

Prepared by: _____
JC

Approved by: _____
IF

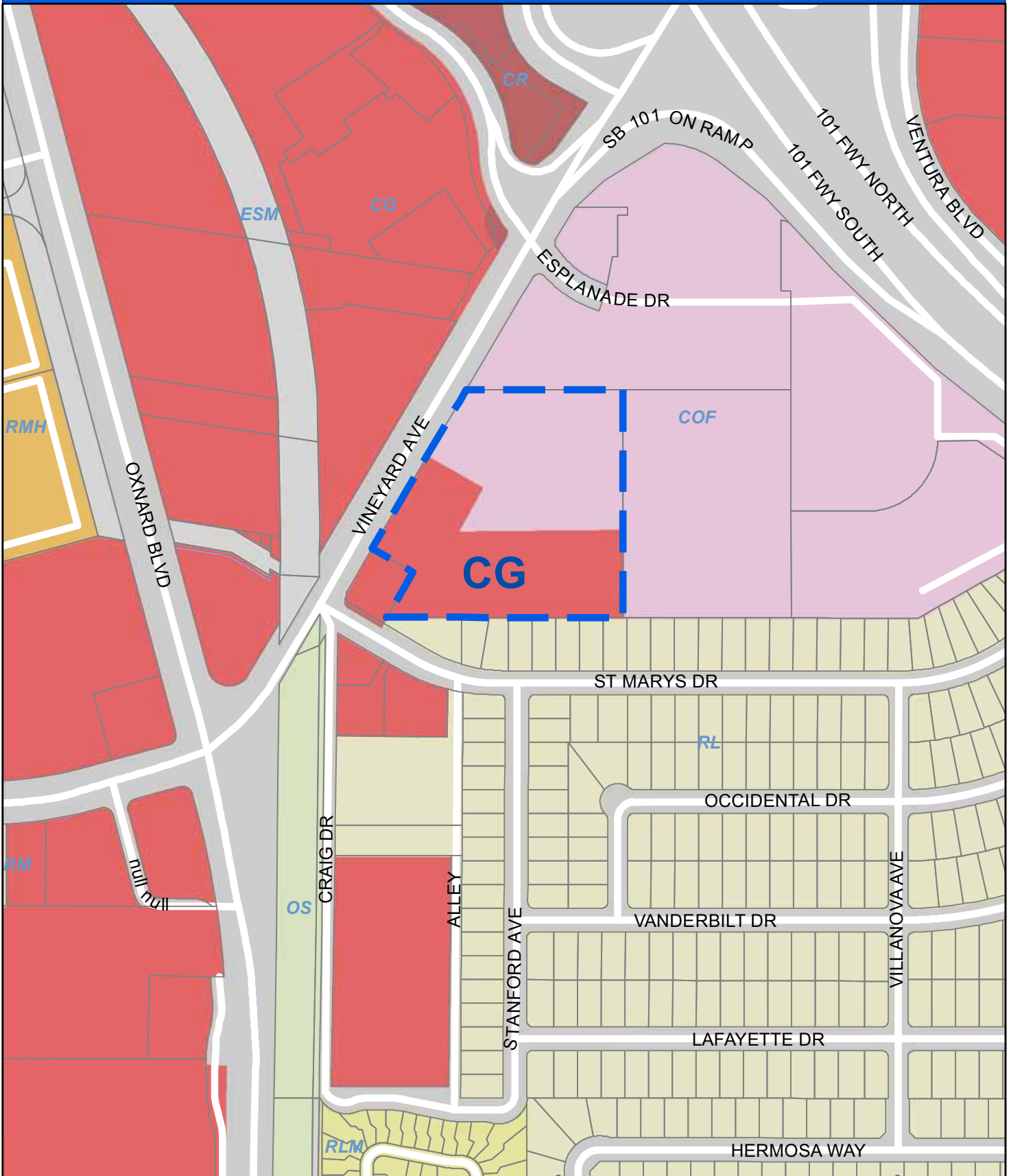
ATTACHMENT “A”

Maps (Vicinity, General Plan, Zoning, Aerial)

Vicinity Map

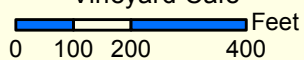


2030 General Plan Land Use Map



Oxnard Planning
June 20, 2019

PZ 19-510-02
Location: 2340 Vineyard Ave
APN: 1420022605
Vineyard Cafe



2030 General Plan Land Use Map



1:4,000

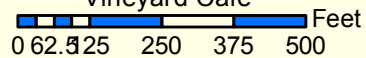
Zoning/Specific Plan Map



Oxnard Planning

June 20, 2019

PZ 19-510-02
Location: 2340 Vineyard Ave
APN: 1420022605
Vineyard Cafe



Zoning/Specific Plan Map



1:4,000



ATTACHMENT “B”

Reduced Project Plans



Floor Plan

ATTACHMENT “C”

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 19-510-02 (Special Use Permit - Alcohol) a request to allow the sale of beer and wine for on-site consumption (License Type-41) at an existing 2,426 square-foot restaurant (Vineyard Cafe), located in The Courtyard shopping center at 2340 East Vineyard Unit A3. The proposed sale of alcohol will occur during the hours of 7:00 a.m. to 10:00 p.m. daily. The project is exempt from environmental review pursuant to Section 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Bobby Kazem, on behalf of Vineyard Cafe.

Finding:

The Planning Division of the Development Services 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 the requirements of the California Environmental Quality Act (CEQA). This proposal involves a request for an alcohol Special Use Permit and will not increase square footage of the existing building. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment.

(Date)

Jose Coyotl
Assistant Planner

ATTACHMENT “D”

Police Department Report



Police Department

Scott Whitney, Chief of Police

Date: May 23, 2019

To: Doug Spondello, Interim Planning Manager
Jose Coyotl, Assistant Planner

From: Denise Shadinger, Patrol Support Division Commander
Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist

Subject: Alcohol SUP Review – 2340 E. Vineyard Ave. Suite A3 – Vineyard Cafe
PZ 19-510-02

Site Information:

The applicant's site is a tenant space in the one-story business courtyard in the Topa Topa Financial Plaza near Vineyard Avenue and Esplanade Drive. The previous business occupying this tenant space was Baja Fresh. The site is located in the Rio Lindo Neighborhood. The applicant has filed for an ABC Type 41 Restaurant License for the service of beer and wine. Although the site has a patio for dining, this area is not included in the area identified for alcohol service by the ABC License or this Special Use Permit.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. The Tower Club	300 Esplanade Dr.	Type 47	On-Sale Beer, Wine & Spirits	Restaurant	Beer, Wine & Spirits

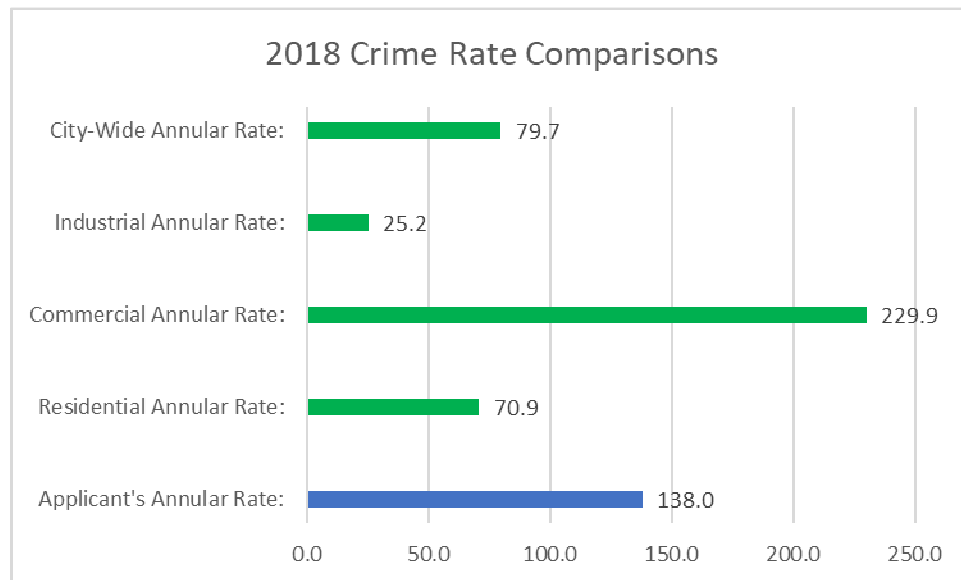
Alcohol outlets located between 350 and 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
2. Q-Club	2362 N. Oxnard Blvd.	Type 48	On-Sale Public Premises	Nightclub	Beer, Wine & Spirits
3. Walgreens	2303 E. Vineyard Ave.	Type 21	Off-Sale General	Drug Store	Beer, Wine & Spirits
4. El Portal Mexican Restaurant	2311 N. Oxnard Blvd.	Type 41	On-Sale Beer & Wine Eating Place	Restaurant	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 2018. The average city-wide, annular average of Part I and II crimes is 80.

The number of Part I and II crimes in the applicant's 1000 feet annular area is 138. This is well under the commercial annular rate of 230. 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 Beat 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:

The neighborhood chairperson and several nearby business operators were contacted and informed of the applicant's request for an on-sale beer and wine Special Use Permit. There were no objections to the proposed permit by those persons interviewed.

Conclusion:

There is one similar alcohol establishment, The Tower Club, within 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 city-wide average for commercial properties and there is 24-hour on-site security. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services.

Police Operating Conditions On-Sale Restaurant

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant and/or servers can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to obtain information on RBS classes. (PL/PD)
- 2) Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 3) 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. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
- 4) 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 determines, after due process that shall include discussions with the

Permittee, that there have been significant violations of the use permit conditions and/or ABC permit, 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)

- 5) 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)
- 6) 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)
- 7) 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)
- 8) The premises shall be equipped and maintained in good faith as a bona fide 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)
- 9) 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. (PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
- 11) The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
- 12) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

- 13) Sales of alcohol may only occur between the hours of 7:00 am and 10:00 pm.
- 14) 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)
- 15) 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)
- 16) In the areas surrounding 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)
- 17) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
- 18) Prominent signs shall be posted on the inside of the business near or on each door used by the public stating: "No alcoholic beverages beyond this point".
- 19) 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)
- 20) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. (PD)
- 21) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
- 22) 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 SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

- 23) 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)
- 24) The permittee shall maintain areas for which the business has reasonable control around the premises free of litter. (PL/PD)
- 25) 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)
- 26) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 27) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
- 28) 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)
- 29) Other than for emergency purposes, there shall be only one means of customer access and egress. (PD)
- 30) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 31) 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 centralized point of sale and areas immediately surrounding the exterior of the business. 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 required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.

- 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. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any public door to the business. The camera covering the east public door shall be mounted near the northeast corner of the lobby/public entry area and mounted between 7 and 8-feet above the floor. The camera dedicated to capturing images of persons entering the east public door shall be mounted about 7-feet above the floor on near the northwest corner of the lobby/public dining area.
 - h. At a minimum, one camera shall be dedicated to capturing general activity in both the front and rear kitchens. (PD)
- 32) Upon request by the Police Department, the permittee shall provide video images for any investigation in a timely manner. Such requests may be made verbally, in writing or by email.
- 33) Permittee shall install a dual technology electronic intrusion detection system capable of determining human presence (burglary alarm). (PD)
- 34) 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)
- 35) A copy of these conditions must be maintained on the premises and made available upon the demand of any representative of the Oxnard Police Department at all times. (PL/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. (PD)
- 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. (PD)
- 38) Permittee shall not offer or provide alcoholic beverages for delivery. Alcoholic beverages served or purchased in the business may only be consumed in the business.

- 39) Permittee shall maintain a log of employees who have completed Responsible Beverage Service Training listing the employee's name, date of hire, date of RBS Training and agency providing the training.
- 40) Any modification of the premises that may increase the sale or intensification of alcohol service shall require, at a minimum, administrative approval by the Chief of Police and the Director of Community Services. Intensification can include expansion of alcohol beverage storage or sales area, increasing bar type seating, request for expansion of hours, the inclusion of entertainment, or any other aspect of the business that may adversely impact public safety.

Police Special Conditions

- 41) No Entertainment shall be permitted as described in City Ordinance 11-185 through 11-188 except by one-day permit. Such permits will be limited to six days per calendar year. Said permits, if issued, may, at the discretion of the Oxnard Police Department, extend the hours of alcohol sales beyond the hours listed in this permit. The Oxnard Police Department reserves the right to decline a one-day temporary use permit for any reason. A one-day permit may be obtained to extend alcohol service hours.
- 42) The office shall have a deadbolt locking mechanism and shall be secured anytime money is being counted. The door shall also be equipped with a peephole.
- 43) The office shall be equipped with a safe which is secured to the wall or floor.

ATTACHMENT “E”

Resolution of Approval

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-510-02 (SPECIAL USE PERMIT - ALCOHOL) TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (LICENSE TYPE- 41) AT AN EXSITING 2,426 SQUARE-FOOT RESTAURANT (VINEYARD CAFE), LOCATED IN THE COURTYARD AT 2340 E. VINEYARD AVENUE UNIT A3. FILED BY BOBBY KAZEM, ON BEHALF OF VINEYARD CAFE, 2340 VINEYARD AVENUE UNIT A3, OXNARD, CA 93036

WHEREAS, on February 25, 2019, Bobby Kazem (the “**Applicant**”), on behalf of Vineyard Cafe, submitted a request to allow the sale of beer and wine for on-site consumption within an existing 2,426 square-foot restaurant (Vineyard Cafe), located in the Courtyard at 2340 E. Vineyard Avenue Unit A3; and

WHEREAS, on September 5, 2019, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 19-510-02, filed by Bobby Kazem 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 Land Use Plan and the elements thereof and other adopted standards.**

The subject site is zoned General Commercial Planned Development, with a 2030 General Plan designation of Commercial General. The existing commercial use is consistent with the General Plan and zoning designation. The proposed ancillary sales of alcoholic beverages is consistent with commercial zoning, subject to approval of a special use permit pursuant to Oxnard City Code Section 16-136(A)(19). Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

- (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.**

The Project will allow the sale of beer and wine for on-site consumption within an existing restaurant. As conditioned, the Project will not aggravate policing issues

when properly regulated through the imposition of and compliance with the conditions of approval. Additionally, the Oxnard Police Department Alcohol SUP Report indicated the Project would be in a well-established, well-maintained commercial center where the crime rate is significantly below the city-wide average for commercial properties and there is 24-hour on-site security. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

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

As described in the Staff Report and Oxnard Police Department Alcohol SUP Report, there are no similar outlets within 350 feet of the Project site; therefore, there is not a presumption of undue concentration by local standards. Additionally, the business will be in a well-established, well-maintained commercial center where the crime rate is below the average for commercial properties. Therefore, this Project meets this finding.

(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.

The Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. As such this Project meets this finding.

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 19-510-02 (Special Use Permit - Alcohol), 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 dated February 27, 2019, (“the plans”) on 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, G10).
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 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 modification 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 Type-41 license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).

POLICE DEPARTMENT STANDARD CONDITIONS

14. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant and/or servers can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to obtain information on RBS classes. (PL/PD)
15. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
16. 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. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
17. 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 determines, after due process that shall include discussions with the Permittee, that there have been significant violations of the use permit conditions and/or ABC permit, 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)
18. 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)
19. 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)
20. 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)

21. The premises shall be equipped and maintained in good faith as a bona fide 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)
22. 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. (PD)
23. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
24. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
25. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
26. Sales of alcohol may only occur between the hours of 7:00 am and 10:00 pm
27. 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)
28. 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)
29. In the areas surrounding 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)
30. Prominent signs shall be posted stating, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)

31. Prominent signs shall be posted on the inside of the business near or on each door used by the public stating: "No alcoholic beverages beyond this point". (PD)
32. 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)
33. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. (PD)
34. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
35. 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 SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
36. 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)
37. The permittee shall maintain areas for which the business has reasonable control around the premises free of litter. (PL/PD)
38. 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 describing the appearance and conduct of all persons in or about the area. (PL/PD)
39. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
40. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
41. 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)
42. Other than for emergency purposes, there shall be only one means of customer access and egress. (PD)
43. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
44. 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 centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the following minimum standards:
- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - 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. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any public door to the business. The camera covering the east public door shall be mounted near the northeast corner of the lobby/public entry area and mounted between 7 and 8-feet above the floor. The camera dedicated to capturing images of persons entering the east public door shall be mounted about 7-feet above the floor near the northwest corner of the lobby/public dining area.
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56. The office shall be equipped with a safe which is secured to the wall or floor.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard
on this 5th day of September, 2019

Deirdre Frank, 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 5th day of September, 2019, and carried by the following vote:

AYES: Commissioner(s): Frank, Chua, Dozier, Meyer, Huber, and Sanchez

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Jeffrey Lambert, Secretary