

CITY OF OXNARD PLANNING COMMISSION AGENDA

SPECIAL MEETING

Council Chambers, 305 West Third Street
Thursday, February 6, 2020, 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 – January 9, 2020
2. APPROVAL OF MINUTES - January 16, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Wagon Wheel Alcohol Special Use Permit – PLANNING AND ZONING PERMIT NO. 19-510-05 (Special Use Permit).** A request for preliminary approval of the sale and service of alcoholic beverages for on-site consumption in up to seven (7) future commercial businesses, and alcohol sales for one (1) off-site consumption future business within commercial spaces in the Village Specific Plan (also known as the Wagon Wheel Project Area). The proposed sales of alcohol would be allowed to occur during the hours of 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday. Business tenants seeking to open an alcohol outlet in any one of these eight (8) commercial spaces would be required to obtain a Minor Modification to this Special Use Permit (SUP). Filed by Corey Harpole, 64 Maxwell, Irvine, CA 92618, on behalf of Oxnard CRFL Partners, LLC, the property owner.
Project Planner: Veronica Ortiz, Contract Planner

Recommendation:

That the Planning Commission approve the Project, as conditioned, finding the Project does not necessitate any substantial changes to the certified Supplemental EIR and that no additional review is required for the proposed use pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of the CEQA Guidelines, and Approve

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.

Resolution 2020-XX for Planning and Zoning Permit No. 19-510-05 (Special Use Permit – Alcohol), subject to certain findings and conditions.

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. **Reconsideration, Nomination and Election of the Planning Commission Vice Chair to Serve for Calendar Year 2020.**

Recommendation:

Reconsider nominations and selection of the Vice Chair.

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, February 20, 2020, 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.

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MINUTES
OXNARD PLANNING COMMISSION
SPECIAL MEETING
January 9, 2020
DRAFT

A. ROLL CALL

At 6:00 p.m., the special meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Fuhring (arrived at 6:01 p.m), and Meyer were present. Commissioner Sanchez was absent. Staff members present were Jeffrey Lambert, Community Development Department Director, Scott Kolwitz, Planning & Environmental Services Manager; Jay Dobrowalski, Senior Planner; Ken Rozell, Chief Assistant City Attorney; Dee Lai and Michelle Travis Recording Secretaries. Chair Frank presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Commissioner Meyer led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

None

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – December 5, 2019

MOTION: Commissioner Meyer moved and Commissioner Chavez seconded a motion to approve the minutes of December 5, 2020 as submitted.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. Commissioner Sanchez was absent. Commissioner Fuhring abstained. The motion carried 5:0:1:1:0¹.

E. CONTINUED PUBLIC HEARING

1. **Project Name: Verizon Danube** – PLANNING AND ZONING PERMIT NO. 18-530-01 (Special Use Permit) Request to construct a 47-foot tall wireless communications facility designed as a faux eucalyptus tree with an associated equipment enclosure within a 596 square-foot lease area adjacent to an existing three-story self-storage facility on a 1.02 acre lot in the C-2-PD zone. Pursuant to Oxnard City Code (OCC) Section 16-497, the request includes an increase in height from 35 feet to 47 feet and a reduction to the rear yard setback from 15 feet to 10 feet in the C-2-PD zone. The project is located adjacent to the southeastern corner of the Public Storage facility at 161 Ventura Boulevard (APN: 145-0-232-135). The project is

¹ In Favor: Against: Absent: Abstain: Recused

exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Scott Dunaway (“Applicant”), 1114 State Street, Suite 234, Santa Barbara, California, 93101.

Project Planner: Jay Dobrowalski, Senior Planner

Recommendation:

That the Planning Commission continue item E-1 to date certain of March 5, 2020, as requested by the applicant.

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion continue item E-1 to date certain of March 5, 2020, as requested by the applicant.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. Commissioner Sanchez was absent. The motion carried 6:0:1:0:0².

F. PUBLIC HEARING

- 1. Project Name: Verizon Rio Lindo – PLANNING AND ZONING PERMIT NO. 18-530-02 (Special Use Permit)** Request to construct a 40-foot tall wireless communications facility designed as a faux eucalyptus tree with an associated equipment enclosure within a 540 square-foot lease area adjacent to an existing single-story warehouse building on a 1.0 acre lot in the Auto Sales and Service Area of the *Rose-Santa Clara Corridor Specific Plan* Area. Pursuant to Oxnard City Code (OCC) Section 16-497, the request includes an increase in height from 35 feet to 40 feet in the Auto Sales and Service Area. The project is located adjacent to the northeastern corner of the warehouse building at 1630 Ventura Boulevard (APN: 144-0-134-065). Filed by Scott Dunaway (“Applicant”), 1114 State Street, Suite 234, Santa Barbara, California, 93101.

Project Planner: Jay Dobrowalski, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as conditioned, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures), and Approve Resolution 2019-XX for Planning and Zoning Permit No. 18-530-02 (Special Use Permit), subject to certain findings and conditions.

The Planning Commissioners did not have any ex parte communications to report for Item E-1.

Senior Planner, Jay Dobrowalski, provided a PowerPoint presentation outlining the request.

The applicant’s representative, Scott Dunaway (President at D4 Communications, LLC), provided a PowerPoint presentation.

Chair Frank opened the public comments portion of the public hearing.

² In Favor: Against: Absent: Abstain: Recused

No public verbal or written comments were received for Item E-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Vice Chair Chua moved and Commissioner Chavez seconded a motion to adopt a resolution approving the **Verizon Rio Lindo project** PZ No. 18-530-02 (Special Use Permit) with the following edits and conditions added to Resolution number 2020-01:

1. Planning Division Special Condition number 24 shall read as:
 - a. “In order to be less prominently distinguishable from the existing treescape in the vicinity, the proposed facility shall include the installation of two 24-inch box size large-canopy trees, similar in stature to eucalyptus trees, near the proposed faux eucalyptus tree. A California native large-canopy tree species is preferred. The exact species and location of the two 24-inch box size large-canopy eucalyptus trees shall be determined by the Planning Manager in consultation with the City’s Landscape Architect. Prior to issuance of a building permit for the wireless communications facility, the Applicant shall obtain approval of a landscape and irrigation plan for the two 24-inch box size large-canopy eucalyptus trees.”
2. The following three conditions shall be added as Condition numbers 50-52:
 - a. “The proposed wireless communications facility shall be designed with a microwave dish not to exceed 24 inches in diameter.”
 - b. “The applicant shall install the faux eucalyptus design that was presented to the Planning Commission as Special Use Permit No. 14-530-02.”
 - c. “Removal of the microwave antenna and the installation of underground fiber optics infrastructure to service the proposed wireless communications facility shall not require a discretionary permit or a Minor Modification Permit to modify this Special Use Permit.”

VOTE: Chair Frank, Vice Chair Chua, and Commissioners Chavez, Dozier, Meyer, and Fuhring voted in favor. Commissioner Sanchez was absent. The motion carried 6:0:1:0:0³.

³ In Favor: Against: Absent: Abstain: Recused

G. STUDY SESSION/REPORTS

1. **Project Name:** Overview of Development Projects in Oxnard
Project Planner: Jeff Lambert, Community Development Director
Scott Kolwitz, Planning and Environmental Services Manager

Recommendation: That the Planning Commission receive and file this report.

Jeffrey Lambert, Community Development Department Director provided a PowerPoint presentation.

Discussion ensued among the Commissioners and staff.

2. **Project Name:** Planning Commission Working Session
Project Planner: Jeff Lambert, Community Development Director
Scott Kolwitz, Planning and Environmental Services Manager

Recommendation: That the Planning Commission receive and file this report.

Discussion ensued among the Commissioners and staff. The Planning Commission provided the following comments to staff:

1. Include a detailed explanation of any deviation requests. Identify the constraints that lead to the deviation. Include options considered to avoid a deviation. The Planning Commission thought the deviation request presented in the Verizon Rio Lindo project today was a good example.
2. For residential projects, provide information identifying how the project will help the City meet our housing production goals.
3. The Planning Commission requested they be provided a link to the City's Housing Element Annual Progress Report provided to California Department of Housing and Community Development.
4. Staff should conduct a "more critical review of plans" from a user's perspective. For example, the Planning Commission described Raising Cane's circulation issues should have been vetted before the item was presented to the Planning Commission.
5. A maximum of 3 items per meeting is preferred.
6. Ensure the Planning Division is getting input from all other Departments.
7. Can staff include any relevant "previous rulings" for similar projects to the Planning Commission?
8. Can staff include a "sustainability lens" (energy and water) in our reviews of projects?
9. Can staff break long paragraphs into shorter paragraphs to make it easier to read documents?
10. The Planning Commission is pleased with the quality of the reports lately.
11. The Planning Commission stated the Resolution quality has improved recently.
12. Powerpoint presentations are good and on point. Staff should continue to highlight the most important factors/issues to consider.

H. PLANNING COMMISSION BUSINESS

1. **Nomination and Election of the Planning Commission Chair and Vice Chair to Serve for Calendar Year 2020.**

Recommendation: Nominate and Select Chair and Vice Chair.

CHAIR NOMINATIONS:

Chair Frank opened the nomination for the new Chair.

1. Chair Frank nominated herself for the new Chair.
2. Commissioner Chavez nominated himself for the new Chair.

Chair Frank closed the nominations for the new Chair. The Chair then called a vote of each nominated Commissioner for Chair in the same sequence the nominations were received until a Commissioner received a simple majority vote of all members present.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Dozier, Fuhring, and Meyer voted in favor for Chair Frank to be the 2020 Chair. Commissioner Chavez voted no. Commissioner Sanchez was absent. The motion carried 5:1:1:0:0⁴.

As a simple majority vote was obtained, no vote was taken for Commissioner Chavez to be the 2020 Chair.

VICE CHAIR NOMINATIONS:

Chair Frank opened the nomination for the new Vice Chair.

1. Chair Frank nominated Vice Chair Chua for the new Vice Chair.
2. Commissioner Chavez nominated Commissioner Fuhring for the new Vice Chair. This nomination was then withdrawn.
3. Commissioner Dozier nominated Commissioner Sanchez for the new Vice Chair.
4. Vice Chair Chua nominated himself for the new Vice Chair.
5. Commissioner Chavez nominated himself for the new Vice Chair.

Chair Frank closed the nominations for the new Vice Chair. The Chair then called a vote of each nominated Commissioner for Vice Chair in the same sequence the nominations were received until a Commissioner received a simple majority vote of all members present.

VOTES: Vice Chair Chua for the new Vice Chair. Chair Frank and Vice Chair Chua, voted in favor for Vice Chair Chua to be the 2020 Vice Chair. Commissioners Chavez, Dozier, Fuhring and Meyer voted no. Commissioner Sanchez was absent. The motion failed 2:4:1:0:0⁵.

Commissioner Sanchez for the new Vice Chair. Chair Frank, Vice Chair Chua, and Commissioner Dozier voted in favor for Commissioner Sanchez to be the

⁴ In Favor: Against: Absent: Abstain: Recused

⁵ In Favor: Against: Absent: Abstain: Recused

2020 Vice Chair. Commissioners Chavez, Fuhring and Meyer voted no. Commissioner Sanchez was absent. The motion failed 3:3:1:0:0⁶.

Vice Chair Chua for the new Vice Chair. Chair Frank, Vice Chair Chua, Commissioners Dozier, and Meyer voted in favor for Vice Chair Chua to be the 2020 Vice Chair. Commissioners Chavez and Fuhring voted no. Commissioner Sanchez was absent. The motion carried 4:2:1:0:0⁷.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Jeffrey Lambert, Community Development Department Director stated that Commissioners Chavez and Meyer will be attending the League of California Cities Planning Commission Academy from March 4 to 6, 2020, in Sacramento.

J. ADJOURNMENT

At 7:54 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, January 16, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank, Chair

ATTEST:

Scott Kolwitz, Planning & Environmental Services Manager

⁶ In Favor: Against: Absent: Abstain: Recused

⁷ In Favor: Against: Absent: Abstain: Recused

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
January 16, 2020
DRAFT

A. ROLL CALL

At 6:03 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank, Vice Chair Chua, Commissioners Chavez, Meyer and Sanchez were present. Commissioners Dozier and Fuhring were absent. Staff members present were Jeffrey Lambert, Community Development Department Director; Scott Kolwitz, Planning & Environmental Services Manager; Kathleen Mallory, Planning & Sustainability Manager; Juan Martinez, Associate Planner; Paul McClaren, Associate Planner; Chris Williamson, Consulting Planner; Scott Swenson, Alcohol Compliance Specialist; Sergeant Dale McAlpine, Oxnard Police; Ken Rozell, Chief Assistant City Attorney; Dee Lai and Michelle Travis, Recording Secretaries. Chair Frank presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Commissioner Sanchez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

None

D. CONSENT AGENDA

None

E. CONTINUED PUBLIC HEARING

1. **Project Name: Roussey Tentative Parcel Map** – PLANNING AND ZONING PERMIT NO. 17-300-09, Tentative Parcel Map for a Parcel Map Waiver: A request to subdivide a 4.19-acre site located at 3501 South Saviers Road (APN 205-0-443-085), and commonly known as the Swap Meet, into two parcels. Parcel A would be a 3.14-acre lot and Parcel B would be a 1.05-acre lot. No development is proposed at this time. The proposed project is exempt from environmental review pursuant to Section 15315, Minor Land Divisions, Class 15 of the CEQA Guidelines. Filed by David Kesterson of Lauterbach & Associates, 300 Montgomery Avenue, Oxnard, CA 93036..
Project Planner: Paul McClaren, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from the environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315 (Minor Land Divisions), and Approve Resolution 2020-02 for Planning and Zoning Permit Number 17-300-09

(Tentative Parcel Map for a Parcel Map Waiver), subject to certain findings and conditions.

The Planning Commissioners did not have any ex parte communications to report for Item E-1.

Associate Planner, Paul McClaren, provided a PowerPoint presentation outlining the request, and Paul McClaren summarized suggested edits to Conditions of Approval No. 7, 11, 14, 17, 27, 31 and 32 contained within the draft Resolution for Agenda Item E-1.

The applicant, Mr. Roussey (property owner), answered questions from the Planning Commission, but he did not provide a PowerPoint presentation.

Chair Frank opened the public comments portion of the public hearing.

No public verbal or written comments were received for Item E-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Sanchez moved and Vice Chair Chua seconded a motion to approve the Project with the following edits to Resolution number 2020-02:

1. Planning Division The Special Condition number 7, 11, 14, 17, 27, 31 and 32 shall read as:
 - a. “7. Prior to ~~recording of a Final Map~~ issuance of a Certificate of Approval, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed for Parcel A with the understanding that Parcel B will be addressed when developed. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges, per City Code, will be provided for Parcel A without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting.”
 - b. “11. The developer shall submit plans to resurface and restripe the parking areas of parcel A. At a minimum, the restriping plan will include 67 parking spaces. Three of the spaces must be ADA compliant to include one of the spaces being van accessible. One of the spaces must be a motorcycle parking space. The motorcycle parking space shall include a concrete pad and be labeled or include signage designating it as a motorcycle space. The restriping shall also include the designation of two 12’ x 40’ dedicated loading zones. The plans will also indicate striping or improvements that create an ADA compliant pedestrian path of travel from A Street and from Saviers Road to the front of the existing commercial building. Additionally, the plans shall include the installation of one or more

ADA compliant ramps to the sidewalk along the existing store frontage. Finally, the plans shall include the installation of 2 long-term bicycle parking lockers and bike racks to accommodate 8 short-term bicycles. The short-term bike parking shall be evenly distributed into four groups along the frontage of the commercial building. Prior to ~~approval of a parcel map~~ issuance of a Certificate of Approval the developer shall obtain all necessary permits and complete all required on-site improvements and have a Planner conduct a final inspection of said improvements.”

- c. “14. Prior to City’s issuance of a Certificate of Approval Subdivider shall establish a property owner’s association and the association shall be responsible for the maintenance of parking, landscaping, lighting and other common areas and facilities held in common by the association and for the enforcement of CC&Rs related to property maintenance.”
 - d. “17. Prior to City’s issuance of a Certificate of Approval tThe developer will install on Parcel A a trash enclosure to serve the existing commercial building per City standards for trash enclosures. The location of the enclosure should be included on the restriping plans required in condition 11. The size and location of the trash enclosure shall be reviewed and approved by the Environmental Resources Division.”
 - e. “27. Prior to ~~approval of the final map or parcel map~~ City’s issuance of a Certificate of Approval, the Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493.”
 - f. “31. Prior to ~~release of the final map or parcel map~~ City’s issuance of a Certificate of Approval for recordation, the Developer shall provide the City Engineer with a 100 scale base map for addressing purposes. The map shall be drawn on 18 inch by 24 inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses.”
 - g. “32. Prior to ~~release of the final map or parcel map~~ City’s issuance of a Certificate of Approval for recordation, the Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code.”
2. Additionally, the Planning Commission requested the following statement to be included within the Planning Commission’s Minutes: “Future development on both parcels is to be compliant with all zoning standards, and the Planning Commission would not support deviations to zoning standards.”

VOTE: Chair Frank, Vice Chair Chua, Commissioners Meyer and Sanchez voted in favor. Commissioner Chavez voted against and requested the following

statement to be included within the Planning Commission's Minutes: "I do not support the way the lot is being subdivided, and I do not think the Planning Commission's additional statement is strong enough." Commissioners Dozier and Fuhring were absent. The motion carried 4:1:2:0:0¹.

F. PUBLIC HEARING

- 1. Project Name: Karina's Royal Banquet Hall / Karina's Restaurant & Grill – PLANNING AND ZONING PERMIT NO. 19-510-03 (Special Use Permit - Alcohol)** A request to allow the sale of general alcohol including spirits for on-site consumption (Alcohol Beverage Control License Type 47 - On Sale General - Eating Place) within an existing 2,500 square foot establishment (with an 1,800 square foot interior customer service area and no outdoor customer service area) located at 529 South A Street (APN 202-0-105-325) within the Downtown Core (DT-C) zone. The proposed project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. Filed by Sylvia Ochoa, Business Owner.

Project Planner: Juan Martinez, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-03 for Planning and Zoning Permit No. 19-510-03 (Special Use Permit - Alcohol), subject to certain findings and conditions.

The Planning Commissioners did not have any ex parte communications to report for Item F-1.

Associate Planner, Juan Martinez, provided a PowerPoint presentation outlining the request.

The applicant, Sylvia Ochoa (business owner), spoke on behalf of the project, translated by Juan Martinez, Associate Planner, but she did not provide a PowerPoint presentation.

Chair Frank opened the public comments portion of the public hearing.

Darlene Miller Gonzalez, 1216 Jamaica Lane, Oxnard spoke in support of the project.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

¹ In Favor: Against: Absent: Abstain: Recused

MOTION: Commissioner Sanchez moved and Chair Frank seconded a motion to adopt a resolution approving the **Karina’s Royal Banquet Hall / Karina’s Restaurant & Grill** PZ No. 19-510-03 (Special Use Permit - Alcohol) with the following edits to Resolution number 2020-03:

1. The Resolution title shall read as:
 - a. “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-510-03 (SPECIAL USE PERMIT - ALCOHOL) TO ALLOW THE SALE OF GENERAL ALCOHOL INCLUDING SPIRITS FOR ON-SITE CONSUMPTION (ABC LICENSE TYPE 47-ON SALE GENERAL EATING PLACE) 7:00 A.M. TO 12:00 A.M. FRIDAY AND SATURDAY AND 7:00 A.M. TO 10:00 P.M. SUNDAY TO THURSDAY AT AN EXISTING 2,500 SQUARE-FOOT RESTAURANT/BANQUET FACILITY LOCATED AT 529 SOUTH A STREET WITHIN THE DOWNTOWN CORE (DT-C) ZONE. FILED BY SILVIA OCHOA, RESTAURANT OWNER, 267 GLENWOOD DRIVE, OXNARD, CALIFORNIA 93030. (THE “APPLICANT”), ON BEHALF OF THE PROPERTY OWNER.”
2. Police Condition number 22 shall read as:
 - a. “22. Sales of alcohol may only occur between the hours of 7:00 a.m. and 12:00 a.m. Friday and Saturday and 7:00 a.m. to 10:00 p.m. Sunday through Thursday. *(see provision for extension of service hours in “Special Conditions”)*”

VOTE: Chair Frank, Vice Chair Chua, and Commissioners Chavez, Meyer, and Sanchez voted in favor. Commissioners Dozier and Fuhring were absent. The motion carried 5:0:2:0:0².

G. STUDY SESSION/REPORTS

1. **Project Name:** Overview of 2019 New Housing Laws and the Regional Housing Needs Assessment.

Project Planner: Kathleen Mallory, Planning and Sustainability Manager
Chris Williamson, Consulting Planner

Recommendation: That the Planning Commission receive and file this report.

Kathleen Mallory, Planning & Sustainability Manager provided a PowerPoint presentation.

Discussion ensued among the Commissioners and staff.

² In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. **Vice Chair Chua requested to add a reconsideration of the vote for the Planning Commission Vice Chair to Serve for Calendar Year 2020 to the next available agenda.**

MOTION: Vice Chair Chua moved and Chair Frank seconded a motion to add a reconsideration, nomination and election of the Planning Commission Vice Chair to serve for calendar year 2020 vote to the next available agenda.

VOTE: Chair Frank, Vice Chair Chua, Commissioners Sanchez and Meyer voted in favor. Commissioner Chavez voted no. Commissioners Fuhling and Dozier were absent. The motion carried 4:1:2:0:0³.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

None

J. ADJOURNMENT

At 8:40 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, February 6, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank, Chair

ATTEST:

Scott Kolwitz, Planning & Environmental Services Manager

³ In Favor: Against: Absent: Abstain: Recused

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Veronica Ortiz-De Anda, Contract Planner

DATE: February 6, 2020

SUBJECT: **Project Name: Wagon Wheel Alcohol Special Use Permit;** Planning and Zoning Permit No. 19-510-05 (Special Use Permit – Alcohol), Located at the Village Specific Plan also known as the Wagon Wheel Project Area in the City of Oxnard bounded by highway 101 to the North, Oxnard Boulevard to the East, Ventura Road to the West, and Southern Pacific Railroad to the South.

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 19-510-05 (Special Use Permit – Alcohol), subject to certain findings and conditions.

- 2) **Project Description and Applicant:** A request for preliminary approval of the sale and service of alcoholic beverages for on-site consumption for up to seven (7) future commercial businesses, and alcohol sales for one (1) off-site consumption future business within commercial spaces in Planning Areas 17 (Town Square) and 18 (The Junction) of the Village Specific Plan (also known as the Wagon Wheel Project Area). The proposed sales of alcohol would be allowed to occur during the hours of 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday for the on-sale establishments; and 7:00 a.m. to 12:00 a.m. (midnight) daily for the off-sale establishment. Business tenants seeking to open an alcohol outlet in any one of these eight (8) commercial spaces would be required to apply for a Minor Modification to this Special Use Permit (SUP). For purposes of this Staff Report, the foregoing project description shall be referred to as the **“Project.”** Filed by Corey Harpole (**“Applicant”**), 64 Maxwell, Irvine, CA 92618, on behalf of Oxnard CRFL Partners, LLC.

- 3) **Existing & Surrounding Land Uses:** The project site is located within the Village Specific Plan (VSP) area, which is located in the western region of Ventura County in the northwest portion of the City of Oxnard. Specifically, the VSP area is bounded by Highway 101 to the North, Oxnard Boulevard to the East, Ventura Road to the West, and the Southern Pacific Railroad to the South (see Attachment A). Surrounding land uses, zoning, and General Plan land use designation are described in the table below:

Location	Zoning	General Plan	Existing Land Use
Project Site	Village Specific Plan	Village Specific Plan	Residential & Commercial
North	RiverPark Specific Plan - Commercial Convention/Hotel	RiverPark Specific Plan - Commercial Regional	Under Construction: Residential Apartments and Hotels
South	R 1-7 PD & MH PD (Single Family Residential & Manufactured Home)	RL and MH PD (Residential Low & Mobilehome Park)	Single Family Residential and Manufactured Home Residential
East	C-2-PD (Commercial General)	CR (Commercial Regional)	Esplanade Shopping Center and Commercial Retail
West	County Jurisdiction	County Jurisdiction	Santa Clara River

- 4) Background Information:** The 63-acre Village Specific Plan (VSP) project was approved in January 2009, and the VSP project is divided into 21 Planning Areas (see Attachment B).

The total commercial area approved for the VSP is approximately 49,900 square feet, which is all focused in Planning Areas 17 (Town Square) and 18 (The Junction). The VSP allows various types of businesses, including but not limited to, retail shops, personal service facilities, restaurants and eateries with or without outdoor dining, small grocery store, convenience store, financial institutions, and professional offices. Planning Area 19 is the outdoor pedestrian area next to Planning Area 18.

Currently, the VSP project is under construction and is only partially occupied as described in the following chart.

VSP Planning Area	Common Name of Development	Use	Status
4	Mayfair	Residential (townhomes apartments)	Under Construction/ Partially Occupied
9 & 10	Oxford Flats	Residential (condominiums)	Under Construction/ Partially Occupied
5 & 11	Park Place	Residential (townhomes-ownership)	Under Construction/ Partially Occupied
12 & 13	The Village Family Apartments	Residential (apartments)	Occupied
16 & 17	Town Square	Residential (apartments) & Commercial	Under Construction
18/19	The Junction	Residential (apartments) & Commercial	Occupied/ Commercial not occupied

Table 2.4 of the VSP lists various types of commercial uses for these spaces (under the “Mixed Use” category) and states the requirement for a Special Use Permit for businesses proposing the sale of alcoholic products.

- 5) Environmental Determination:** In accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to analyze potential impacts associated with the approval, implementation and anticipated build-out of the 63-acre VSP project. The City Council certified the Final Environmental Impact Report (FEIR) No. 2006-03 on September 18, 2008 (State Clearinghouse No. 2006101099). Due to new information concerning flood risk, water supply, air quality modeling software during on-site grading, and traffic concerns a Supplemental EIR No. 2014-01 was completed and certified by the City Council on July 28, 2015. The City Council adopted findings of fact, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program (MMRP). The mitigation measures identified in the original and Supplemental EIR remain in effect.

Since certification of the Supplemental EIR, there have been no substantial changes proposed for the VSP, no substantial changes have occurred under which the VSP project is being implemented, and no new information of substantial importance to the VSP project has become available. Commercial uses were analyzed as part of the VSP in the Final EIR and the proposed request is consistent with commercial use of the project area. Since this request is consistent with the commercial use of the site, and as the Project does not necessitate any substantial changes to the certified Supplemental EIR, staff has determined that no additional review is required for the proposed use pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of CEQA Guidelines.

6) Analysis:

- a) Proposed Project and Subsequent Approval of Alcohol Sales:** The Applicant is requesting preliminary approval for the sale of alcoholic beverages in a total of eight (8) commercial spaces within the VSP area. Two (2) of these spaces are in Planning Area 17 (Town Square) and the remaining six (6) are in Planning Area 18 (The Junction) (see Attachment C).

Planning Area 17

The two (2) spaces in Planning Area 17 would be restricted to on-site consumption establishments, of which, only one (1) may have outdoor dining.

Planning Area 18

Of the six (6) spaces in Planning Area 18, one (1) establishment would be allowed to sell alcoholic products for off-site consumption, and the remaining five (5) would be restricted to sales for on-site consumption. Of these, only one (1) would be permitted to have outdoor dining. The outdoor dining area may be located on Planning Area 19, which is next to Planning Area 18 and was formerly identified as the transit center site in the VSP.

Future commercial tenants with alcohol sales wishing to occupy one of these eight (8) spaces would be required to obtain approval of a Minor Modification to this SUP as was similarly implemented at the Collection in the RiverPark Specific Plan. Upon receiving a Minor Modification application City staff, including the Police Department, would review the application for compliance with the conditions of this SUP, verify compliance with requirements from the state office of Alcoholic Beverage Control (ABC), analyze the type of business proposed including their operational plan, and, within the staff approval, incorporate the conditions in the Planning Commission approved Wagon Wheel Alcohol SUP and impose additional specific conditions, as needed, to prevent outlets from adversely affecting adjacent uses, buildings or structures and to also ensure the public health, safety and general welfare of patrons visiting the business, neighboring businesses, and the residents of the VSP project area. Businesses with alcohol sales for on-site consumption would

be restricted to the hours of 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. and 1:00 a.m. on Friday and Saturday. The one establishment allowing off-site consumption sales would be restricted to alcohol sales from 7:00 a.m. to 12:00 a.m. (midnight) daily.

b) General Plan and Zoning Consistency: The subject site is located in the VSP zoning district and shares the same 2030 General Plan land use designation. In accordance with Table 2.4 of Chapter 2.0 of the VSP, businesses located in the Planning Areas 17 and 18 under the “Mixed Use” category proposing to sell and/or serve alcoholic products may be permitted with approval of a SUP.

c) Police Department Review: In accordance with City Council Resolution 11,896 (Attachment D), the City Police Department reviewed the proposed request and prepared a comprehensive report (Attachment E) identifying crime statistics in the project area and giving their recommendation. The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet of the Project site to determine whether a presumption of undue concentration exists, and whether approval of the application request is likely to significantly aggravate police 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	Alcohol Outlet Within 350 Ft.?	Alcohol Outlet Within 1,000 Ft.?	Likely to Cause Police Problems?	Proposed Undue Concentration as Defined in Resolution 11,896?
The Village Specific Plan project area	No	Yes, 2 similar uses	No, with imposition of SUP conditions	Yes, but possible effects can be mitigated.

Concentration of Alcohol Outlets: According to the Police report, there are two alcohol outlets located within 1,000 feet of the subject property, BJ’s Restaurant at The Collection and the Walmart Marketplace in the Esplanade Shopping Center. BJ’s holds a Type 47 license for on-site consumption of alcoholic beverages at a sit down restaurant. The Walmart Marketplace holds a Type 21 license allowing general sales for off-site consumption. The Police Report states that as proposed in the VSP, an undue concentration of outlets would be created as defined by the City of Oxnard standards and ABC parameters. 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 effects of an undue concentration can be mitigated to a lesser impact with appropriate SUP conditions, including the provision of an inter-connected security camera program, a robust plan for consistent human patrol in the VSP project area, and careful selection of alcohol outlets.

Crime Statistic Review: For comparison purposes, the Police Department calculates the average number of Part I¹ crimes and Part II² 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 79.7.

The average number of Part I and II crimes occurring within the 1,000 feet annular area of the subject site was 83, which is slightly higher than the City-wide annular rate, but significantly lower than the City-wide commercial annular rate of 229.9.

Police & Community Input: The District Coordinator responsible for day-to-day monitoring of activity and deployment of police resources to the surrounding area does not consider the area to be a policing problem and states that the area has not required any specific policing attention in part because it is under construction. However, there are concerns about the proximity of the homeless encampment near the Santa Clara River to the subject site. To mitigate the possible effects that the proposed alcohol outlets could have in the VSP community and adjacent neighborhoods, the Police Report stresses on the need for tight control of single-can alcohol sales along with consistent human patrol in the area, and the implementation of a global security camera program in the entire VSP project area. An additional concern is that these alcohol outlets may have an entertainment element with amplified sound that could disturb the residents above these commercial spaces.

The Police Department conducted interviews with community members residing in the vicinity of the VSP area. While a majority of the public input received was in support of the proposed use there were concerns expressed related to the proximity of the homeless encampment along the Santa Clara River and concerns the homeless population could be drawn to frequent the alcohol outlets in particular the outlet with sales for off-site consumption. The other concern expressed was the possible noise disturbance that businesses with amplified sound entertainment could cause.

The Police Department recommends the following Conditions of Approval and subsequent permit process to be incorporated into this permit.

¹ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

² Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Recommended Conditions of Approval:

The Conditions of Approval included in the resolution (Attachment F) address the above referenced types of concerns, and if implemented appropriately can prevent problems with the homeless and disturbances to the residents. Specific conditions addressing these concerns are:

- Condition No. 12: Requires a Minor Modification for each business tenant proposing to sell alcoholic products. City staff will carefully review the type of business, their operational plan, and impose conditions to prevent nuisances to neighboring uses and ensure compliance with the conditions of this SUP.
- Condition No. 14: To prevent noise disturbances to neighboring residents and other businesses in the VSP, depending on the type of business operation being proposed, staff may require the business establishment to submit a noise study with their Minor Modification for review and approval by staff. The noise study would be required for indoor and/or outdoor amplified sound, live music or other type of noise.
- Condition No. 18: Requires that alcohol sales be ancillary to the purchase of food and/or goods, so as to prohibit a business with sales of alcoholic products only such as a “liquor store”.
- Condition No. 19: Provides the Police Chief and the Community Development Director with flexibility to modify the Minor Modification conditions of approval of a business when it becomes a recurring problem or suspend that operation of the business and also lists the types of violations that could lead to permit suspension, including noise disturbances by entertainment activities.
- Condition No. 20: Prohibits advertising material of alcoholic beverages visible from the outside of the business, so as to not solicit alcohol only customers who don’t reside in the VSP area.
- Conditions No. 37 and 66: Restricts the sale of alcoholic beverages between the hours of 7:00 a.m. and 12:00 a.m (midnight) Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday for on-site consumption establishments; and restricts the off-site consumption establishment to sales from 7:00 a.m. to 12:00 a.m. (midnight) daily.
- Condition No. 22: Requires each alcohol outlet to coordinate with the Police Department to install, maintain, and use a 24-hour video surveillance system to monitor entrance and exit ways. Failure to maintain the camera system could be grounds for suspension of the permit.

- Condition No. 33 and 80: Requires the business Permittee to regularly patrol the area in their control and not permit loitering of persons on the premises. It also requires the Applicant of this SUP to have onsite human security that regularly patrols the VSP project area and lists patrol thresholds.
- Condition No. 71: Prohibits the sale of mass produced, low priced single-can containers with alcohol sales for off-site consumption. This condition also restricts the type and volume size of alcohol products to be sold for off-site consumption. The Police Department may lift these restrictions in the Minor Modification process depending on the type of business model being proposed and the specific applicant. For example, if the Minor Modification applicant has a history of issues involving the sale of low priced single-can containers to persons who display disorderly conduct and/or loiter then the Police Department would keep the restrictions in place.

Recommended Permit Process:

It is the Police Department's desire for the City to facilitate alcohol permits in the VSP project area similarly to how it is being implemented at The Collection in RiverPark, where a "master" permit was issued by the decision-maker and subsequent tenant alcohol permit requests are processed via a Minor Modification approved by Community Development Director or their designee. City staff and the business community have reported the process works well at The Collection. As there are many more alcohol outlets at The Collection than being planned for in the VSP area, and as The Collection has not become a policing problem to City resources, the Planning Division supports the proposed process for future business establishments with alcohol sales in the VSP project area to be processed via a Minor Modification.

Typically, individual businesses seeking an alcohol permit are required to file their own SUP application and each one is reviewed on its own merit, where staff analyzes the proposed business along with their operation plan and imposes appropriate conditions to mitigate any possible negative impacts to nearby residents, neighboring businesses, patrons, and to the community. However, by approving a SUP with a comprehensive set of conditions for the VSP area and requiring future business tenants to apply for a Minor Modification, the City provides a streamlined process for future applicants while still reviewing each proposed business individually and imposing specific conditions to prevent public nuisances and other negative impacts. Furthermore, the future applicants learn in advance of the SUP conditions that their business will be required to abide by independent of the Minor Modification conditions that will also be required for compliance. Should there be a problem with one particular business, City staff has the ability to revise the Minor Modification conditions to address the issue in a timely manner without having to schedule a public hearing before the Planning Commission or revoke the Minor Modification approval if needed. In the event that

more than eight outlets are proposed in the VSP area, the Applicant of this SUP would be required to obtain a Major Modification to the SUP which would be presented to the Planning Commission for consideration.

Conclusion: The statistical analysis within the Police Report identified the subject site has a rather low crime rate as compared to citywide commercial averages and is generally not considered to be a policing problem. With the imposed conditions, including implementation of the Minor Modification review process to carefully evaluate future tenants seeking to locate to this area, the Police Department does not object to the Applicant's request.

- 7) Community Workshop and Public Input:** At this time the VSP project area does not have their own Neighborhood Council, but it will once the VSP project is built out and fully implemented with a master HOA and neighborhood specific HOAs. The Applicant provided notices of the Community Workshop meeting to all residents within the VSP project area and mailed notices to the Southbank Neighborhood as well. A notice of the Community Workshop was posted on the Project site along with a brief description and contact information at least 10 days before the meeting. The Community Workshop was held on October 21, 2019. There were two (2) attendees for this item who reside in the Southbank community.

One person asked for an explanation of the intent of the SUP so as to have a better understanding of the request. The Applicant explained the plan for the proposed future alcohol outlets in the commercial spaces of the VSP area.

The other person expressed concerns about possible noise disturbances at night by businesses with entertainment and also concerns about current vandalism incidents in her neighborhood and how alcohol outlets could compound the problem. Another concern by the same person is related to the homeless who live near Southbank and who may be attracted to frequent the alcohol outlets and/or bother residents from Southbank who walk to visit these businesses. Police and Planning staff noted all of these concerns and considered them when drafting the conditions of approval contained in the resolution. With implementation of these conditions, particularly the ones requiring patrol of the commercial corridor and VSP project area, staff believes these possible problems can be prevented and or mitigated to a lesser impact.

- 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:

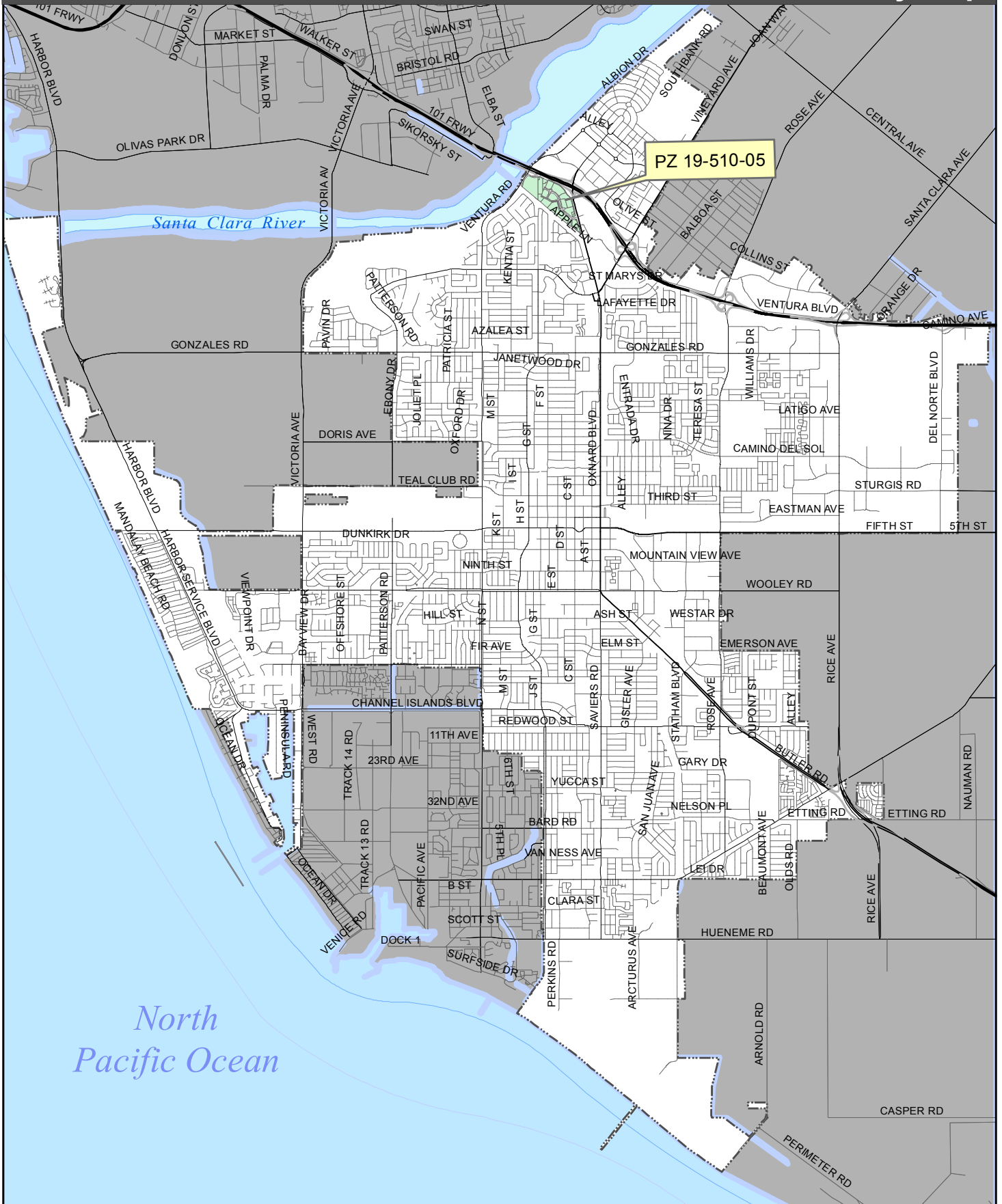
- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. The Village Specific Plan Planning Areas
- C. Wagon Wheel Site Plan for Alcohol Serving Locations
- D. City Council Resolution 11,896
- E. Police Department Report
- F. Resolution With Conditions of Approval

ATTACHMENT “A”

Maps

(Vicinity, General Plan, Zoning, Aerial)

Vicinity Map



PZ 19-510-05

North
Pacific Ocean

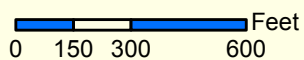


2030 General Plan Land Use Map



Oxnard Planning
January 22, 2020

PZ 19-510-05
Wagon Wheel Village
Alcohol SUP



2030 General Plan Land Use Map



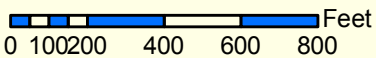
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Zoning/Specific Plan Map



Oxnard Planning
January 8, 2020

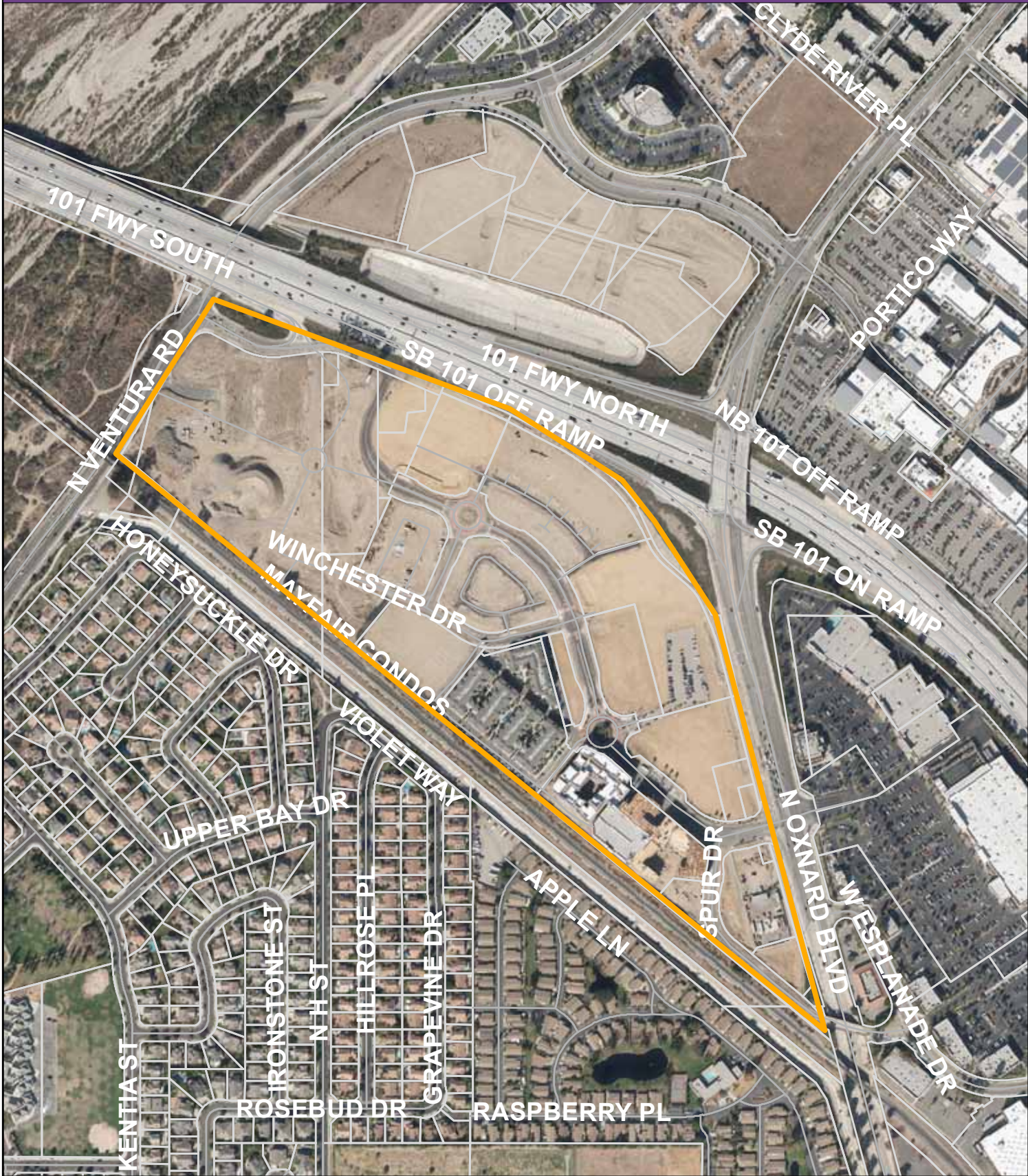
PZ 19-510-05
Wagon Wheel Village
Alcohol SUP



Zoning/Specific Plan Map



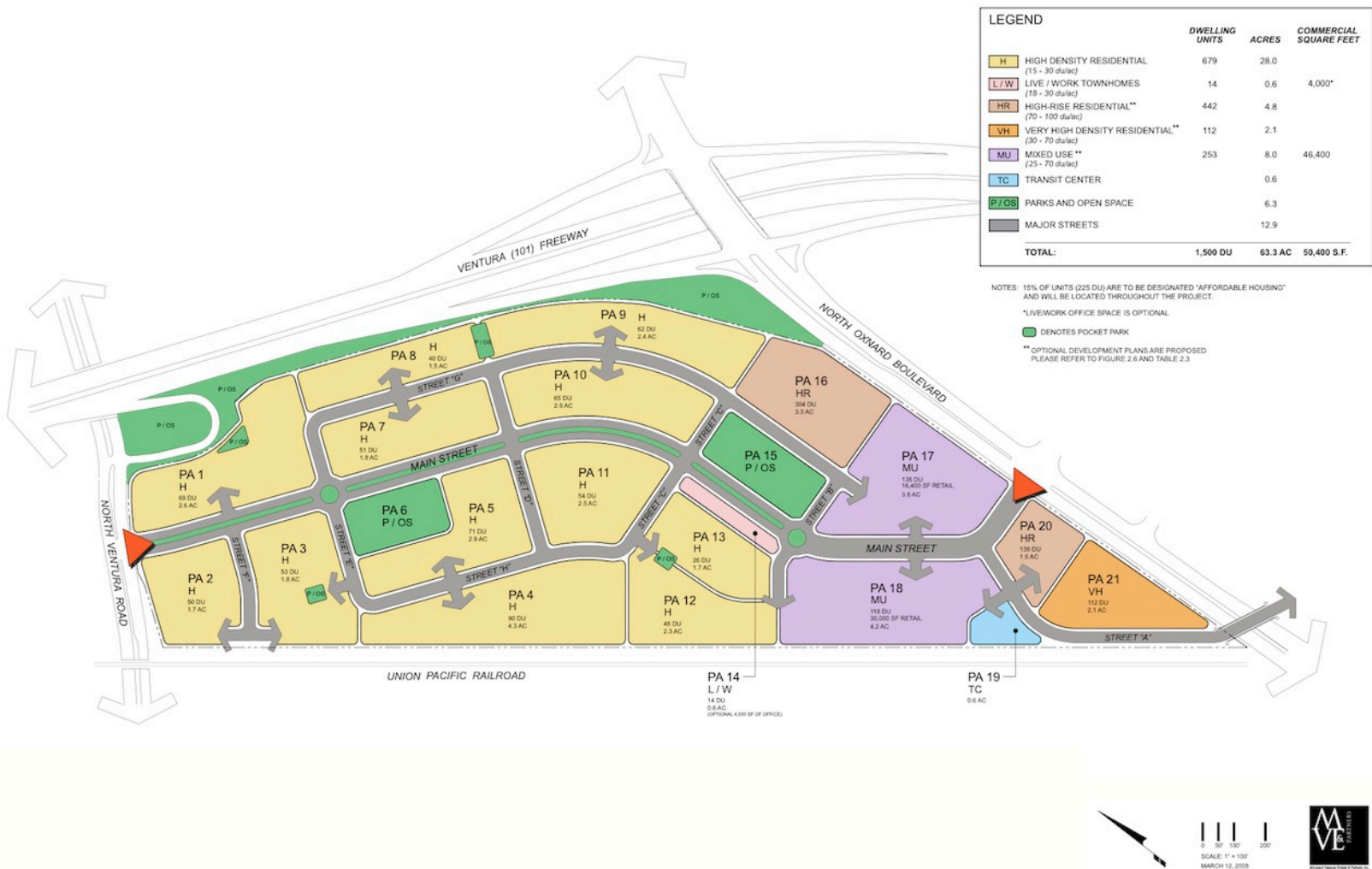
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ATTACHMENT “B”

The Village Planning Areas

Figure 2.1

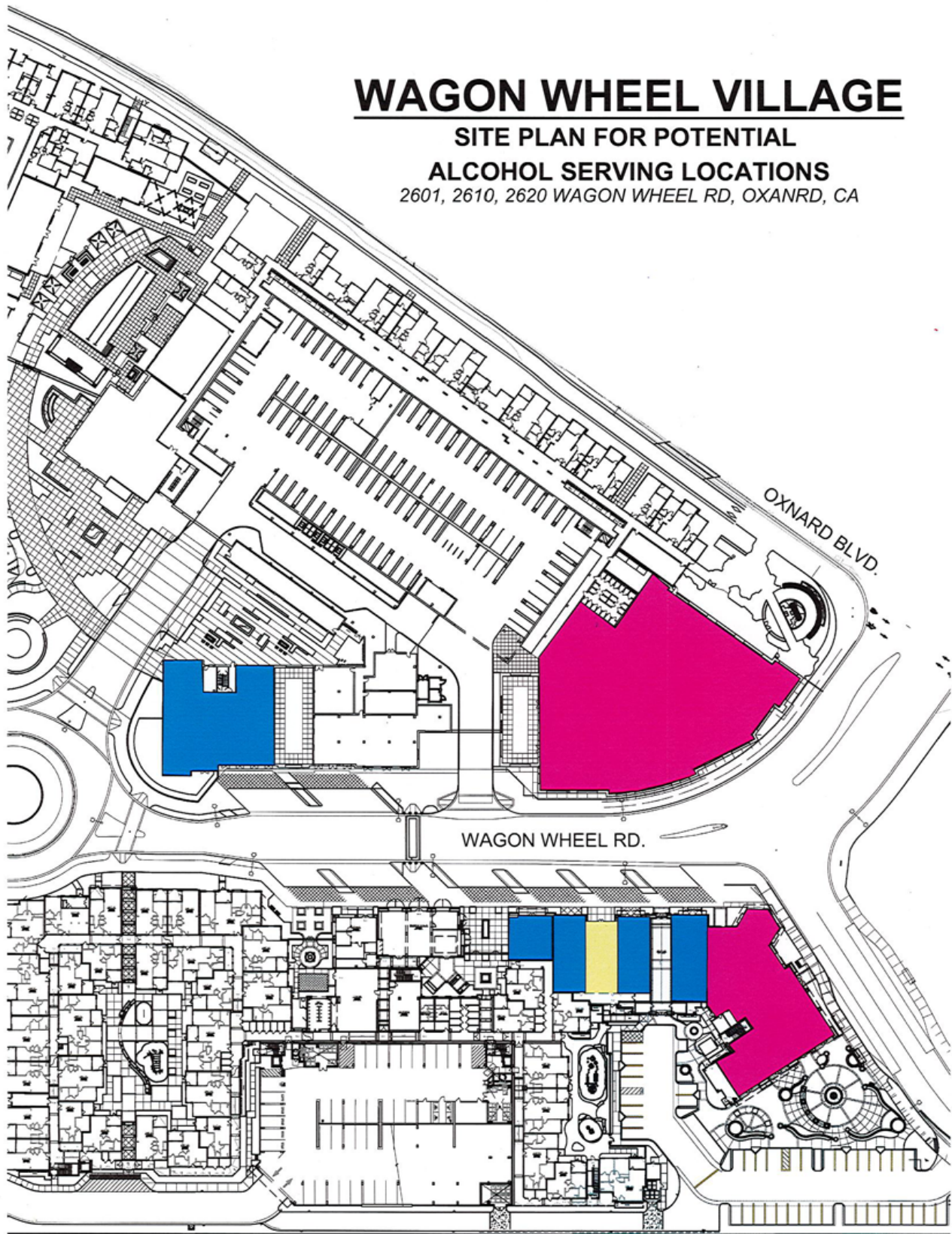


ATTACHMENT “C”

Proposed Alcohol Locations Map

WAGON WHEEL VILLAGE

SITE PLAN FOR POTENTIAL
ALCOHOL SERVING LOCATIONS
2601, 2610, 2620 WAGON WHEEL RD, OXANRD, CA



LEGEND

- FUTURE ON PREMISES ALCOHOL
WITH A PATIO
- FUTURE ON PREMISES ALCOHOL
WITHOUT A PATIO
- MARKET FOR OFF PREMISE
ALCOHOL

APPLICANT:
OXNARD CRFL PARTNERS, LLC
64 MAXWELL, IRVINE CA 92618

9-10-19

ATTACHMENT “D”

City Council Resolution 11,896

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11.896

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OXNARD ADOPTING STANDARDS FOR
DETERMINING APPLICATIONS FOR SPECIAL USE
PERMITS TO SELL ALCOHOLIC BEVERAGES

WHEREAS, any person wishing to sell alcoholic beverages in the State of California must obtain a license to do so from the Department of Alcoholic Beverage Control; and

WHEREAS, Business and Professions Code Section 23790 provides that the Department of Alcoholic Beverage Control shall not issue a retail license "for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city"; and

WHEREAS, the City of Oxnard has enacted zoning ordinances restricting the sale of alcoholic beverages to certain zones and requiring that a person wishing to sell alcoholic beverages in such zones first obtain a special use permit; and

WHEREAS, section 34-147 of the Oxnard City Code provides in part:

"Before a special use permit may be granted, the applicant must show and the planning commission must find that the proposed use is in conformance with the general plan and other adopted standards and that the following conditions are met:

"(a) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted where the commission finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare."

WHEREAS, based on the experience of the Police Department that there is a relationship between crime and the consumption of alcohol and that establishments selling alcohol are incompatible with certain adjacent uses, the City Council wishes to adopt standards for determining when granting applications for special use permits to sell alcoholic beverages would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety and general welfare; and

WHEREAS, this resolution applies only to the determination required by subsection (a) of section 34-147 of the City Code, and does not dispense with the requirement that in order to grant a special use permit to sell alcoholic beverages the application must satisfy the remainder of section 34-147; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a negative declaration for the adoption of this resolution ("the project"), and the City Council has considered the proposed negative declaration, together with any comments received during the public review process, finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and approves the negative declaration.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. City Council Resolution No. 8597 is repealed.

2. The Planning and Environmental Services Division of the Development Services Department shall refer to the Police Department applications for special use permits to sell alcoholic beverages at retail. The Police Department shall prepare and submit to the secretary of the Planning Commission, at least ten calendar days before the date set for hearing on the special use permit, a written report on the following matters:

(a) The name and address and a description of the type of all establishments selling alcoholic beverages within 1,000 feet of the location for which the special use permit is applied. As used in this resolution, "the type" refers to the nature of the business (e.g., grocery store, liquor store, bar or restaurant), not to the type of State Alcoholic Beverage Control license issued to or sought for the business.

(b) The annual number of incidents involving police responses within 1,000 feet of the location for which the special use permit is applied and how this number compares to the City average of police responses.

(c) The likelihood that granting the application will create or significantly aggravate police problems at or near the subject location.

(d) A list of conditions recommended for inclusion in the special use permit to minimize police problems if the application is granted. One such condition shall be that the applicant provide Responsible Beverage Sales and Service (RBSS) training to all operators and employees of the establishment within 30 days of their employment. The applicant may apply to the Police Department for a waiver of RBSS training for temporary or short-term employees.

3. The Planning Commission shall consider the report, as well as any other relevant evidence, in determining whether, under subsection (a) of section 34-147 of the City Code, granting an application for a special use permit to sell alcoholic beverages at retail would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the

public health, safety or general welfare. Before making such determination, the Planning Commission shall make the following findings, as well as any other relevant findings:

(a) The proposed use is not likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied; and

(b) The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied. For purposes of making this determination, there is a presumption that an undue concentration will result or be added to if the establishment for which the special use permit is applied will be located less than 350 feet from another establishment of the same type, and there is a presumption that an undue concentration will not result or be added to if the establishment for which the special use permit is applied will be located 350 feet or more from another establishment of the same type. However, either presumption may be rebutted by a preponderance of the evidence, based on the facts of the particular case.

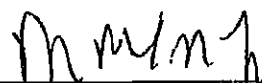
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

PASSED AND ADOPTED this 6th day of February, 2001, by the following vote:

AYES: Councilmembers Maulhardt, Pinkard, Zaragoza, Holden and Lopez.

NOES: None.

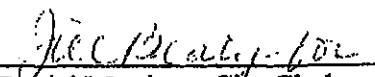
ABSENT: None.



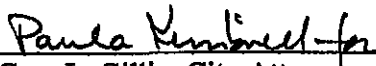
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

ATTACHMENT “E”

Wagon Wheel Alcohol SUP
Police Report



Police Department

Scott Whitney, Chief of Police

Date: December 11, 2019

To: Scott Kolwitz, Planning Division Manager
Kathleen Mallory, Planning & Sustainability Manager
Veronica Ortiz De Anda, Contract Planner

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

Subject: The Village Specific Plan Blanket Alcohol Special Use Permit Review
PZ 19-510-05

Site Information:

The proposed site is in the Wagon Wheel Project area which is within The Village Specific Plan. The project is composed of multi-storied residential, commercial and mixed-use properties. The site is currently under development with several buildings complete and some residential units are currently occupied. The commercial and mixed-use properties are in eastern portion of the project area. The site is bounded by US 101 to the North, Ventura Road to the West, Oxnard Blvd. to the East, and the Union Pacific Railroad to the South. The applicant plans to have one off-sale convenience store and up to seven on-sale tenants to include restaurants, a brewery and a bowling alley.

The applicant has requested a Blanket Alcohol Special Use Permit to include one off-sale convenience store and seven on-sale alcohol establishments.

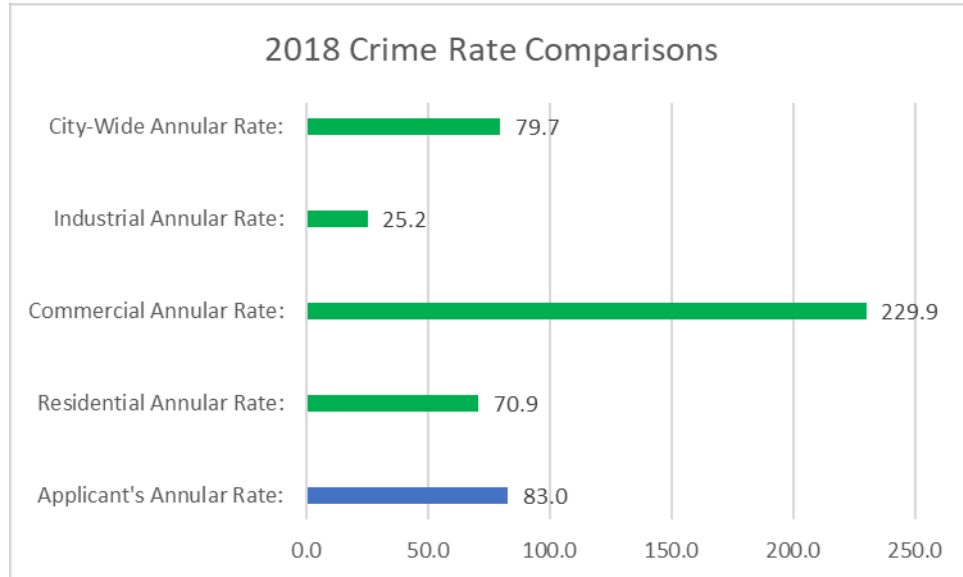
There are no alcohol outlets currently located within 350-feet of the proposed site.

Alcohol outlets located greater than 350 feet and within 1000 feet of proposed site:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. BJ's Restaurant	461 W. Esplanade Drive	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
2. Walmart Market	421 W. Esplanade Drive	Type 21	Off-Sale General	Market	Beer, Wine and Spirits

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 79.7. The number of Part I and II crimes in the applicant's 1000 feet annular area is 83. This is 35% of the existing commercial annular rate of 229.9 citywide. 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. The area has not required any specific attention as it has been under development for the last several years.

Of general concern, is the proximity of the proposed alcohol sites to the Santa Clara River. The river bottom has had a long history of homeless encampments. A portion of this population have issues with alcohol abuse. It is important that specific controls are applied to alcohol product lines that are regularly abused by those persons with chronic alcohol problems. Such controls are within the proposed conditions. Tight control of single container sales of inexpensive alcoholic beverages coupled with an on-site human security component should mitigate this potential problem. The project area is well equipped with security cameras which will aid in managing potential problems generated by individuals with alcohol abuse problems. It is expected that through the

use of the security camera system, the on-site security personnel, the police, and the alcohol establishments will be able to identify and exclude sales to persons who have demonstrated prior problem behavior tied to alcohol abuse.

Any off-sale sites, and in particular convenience stores, are often gathering points of persons with substance abuse issues. It is believed that limiting the number of off-sale sites in the project area, applying appropriate conditions, and including a human security component will mitigate this potential problem. One off-sale convenience store is believed to be sufficient to address supply demand of the neighborhood. Multiple off-sale sites would provide undue concentration and would likely have an adverse impact on public safety.

An additional concern is the proximity alcohol establishments that may employ an entertainment component that may disturb nearby residents. It is important that steps are taken that should entertainment disturb neighbors, that the police have tools in place that can quickly address and resolve complaints.

Community Input:

The Wagon Wheel Neighborhood has not yet established a neighborhood council. A Community Forum was held on October 22, 2019. Additionally, interviews were conducted with other community members in the region of the project. Through these contacts a variety of comments were developed. Although the majority of comments were supportive of the proposed alcohol establishments at the site, there were concerns tied to the proximity of homeless and that this population would be drawn to the area by alcohol sites, and in particular, a convenience store. Concerns were also shared related to restaurants with entertainment having close proximity to residential units.

Conclusion:

The Wagon Wheel Project Site will have up to 1500 residential units and an estimated 50,000 square footage of commercial space once it is built out. The applicant's request to have a blanket approval of seven on-sale and one off-sale alcohol establishments will create an undue concentration of alcohol outlets as defined by the City of Oxnard Standards as well as those established by the Department of Alcohol Beverage Control. This undue concentration can be mitigated with appropriate special use permit conditions, a robust plan for human security, and a thoughtful alcohol tenant selection process. The high-density housing at the site coupled with concerns tied to nearby homeless encampments will require careful weighing of competing interests. As specific tenant applications are submitted for Alcohol Special Use Permits for administrative review, careful evaluation of each applicant's business plan will be measured against the needs of the neighborhood and prevailing conditions to ensure that demands of public convenience and necessity are met.

In the event that additional alcohol establishments (beyond the eight outlined within this blanket SUP) are to be considered, a thorough evaluation of crime, human security effectiveness, and resident input will be important and will require a full review and consideration by the Planning Commission.

Based on the information developed in this review, the Police Department has no objection to the granting of a Blanket Alcohol Special Use Permit to include one off-sale and seven on-sale alcohol establishments. Should this permit be approved, each individual tenant application for an Alcohol Special Use Permit will be handled administratively within the framework of this permit and its conditions. Each individual permit will have specific conditions framed to address the applicant's site, business model and operational plan.

Police Operating Conditions

All Alcohol Establishments

- 1) This Blanket Alcohol Special Use Permit is inclusive of The Village Specific Plan Area (also known as the Wagon Wheel Project Area) and limits the area to one off-sale alcohol establishment and seven on-sale alcohol establishments. The off-sale establishment will take the form of a convenience store. The proposed on-sale establishments allowed will consist of a bowling alley, several restaurants, as well as a winery and/or a brewery. This permit, once approved, allows for the administrative approval of the aforementioned establishments. Any additional alcohol establishments will require specific approval by the Oxnard Planning Commission.
- 2) Permittee and all sellers or servers and their immediate supervisors shall complete a course in Responsible Beverage Service (RBS) approved by the Chief of Police 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)
- 3) Each permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon demand.
- 4) 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)
- 5) The Police Chief or designee may immediately suspend operation of the uses

approved by this permit pending a hearing on the suspension or revocation of this permit if the Chief determines that there have been significant violations of the use permit conditions and/or ABC license, 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.

Additionally, violations of this permit which can lead to permit suspension can include, but not limited to:

- a) Failure to provide required operational documentation within 30-days when requested by mail or email. This would include, but not limited to quarterly food/alcohol sales, copies of security guard credentials, and proof of servers completion of RBS Training.
 - b) Repeated violations of a specific condition within this document or successor documents or permits.
 - c) Evidence of repeated over-service of alcoholic beverages or service of alcoholic beverages to minors.
 - d) Repeated failure to maintain a staff of servers trained in approved Responsible Beverage Service. (PD)
 - e) Sales to habitual drunkards per section 25602(a)BP.
- 6) The activity at the site and/or the use of any amplifying system or device shall not be disruptive to neighboring uses. When there is evidence of repetitive disturbance to nearby residents, the Chief of Police may restrict the hours of entertainment or other activities at an alcohol establishment through an administrative letter. The letter shall identify the activity and hours that activity is restricted. A copy of the Chief's letter to the permittee shall be a companion piece to the established conditions for the site, and, shall be provided by the permittee to any police employee upon request. (PD)
 - 7) 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)
 - 8) Sales of alcohol may only occur between the hours of 7:00 am and 12:00 pm. Hours may be extended by a one-day permit as described under Special Conditions.
 - 9) Each alcohol establishment 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 door to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. For restaurant sites, at a minimum, one camera shall be dedicated to capturing general activity in the kitchen/food preparation area for restaurant sites. (PD)
- 10) Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit. The permittee shall provide video records to the Chief of Police or his/her designee in a timely manner upon request.
- 11) Permittee shall install a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
- 12) 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)
- 13) Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. Permittee shall submit an email address to: specialprojects@oxnardpd.org . In the submission, identify the business name, the contact person's name and their role in the business.
- 14) 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)
- 15) 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)

- 16) 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)
- 17) The permittee shall maintain areas for which the business has reasonable control around the premises free of litter and graffiti.
- 18) 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)
- 19) 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)
- 20) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
- 21) 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)
- 22) Other than for emergency purposes, there shall be only one means of customer access and egress. (PD)
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

Restaurants (And other On-Sale Alcohol Establishments)

- 24) Sales of alcohol may only occur between the hours of 7:00 am and 12:00 pm. Hours may be extended by a one-day permit as described under Special Conditions.
- 25) Any change in the customer seating that would create or expand a bar or other alcohol centric customer area will prompt the need for a new Alcohol Special Use Permit and Review.
- 26) Each permittee shall, upon request, provide quarterly financial documentation to the Oxnard Police Department. Records shall include but not limited to:

1. Gross sales & losses, including separate calculations for shrinkage for alcohol, food, and general merchandise.
 2. For restaurants, permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages.
 3. Copies of any documentation submitted to any Federal, State, or County agency as required by law.
- 27) Each permittee operating as a restaurant during all times alcoholic beverages are offered for sale the below conditions shall exist:
- a) A menu offering a variety of food items prepared in the on-site kitchen.
 - b) A certified food handler is present
 - c) Hot and cold food prepared in the on-site kitchen
 - d) Non-alcoholic beverages
- 28) Each permittee operating as a restaurant 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)
- 29) 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)
- 30) Each permittee operating as a restaurant 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)
- 31) Each permittee operating as a restaurant 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)
- 32) Each permittee operating as a restaurant shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
- 33) Each permittee operating as a restaurant shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
- 34) Each permittee operating as a restaurant 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)

- 35)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)
- 36)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)
- 37)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)
- 38)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)
- 39)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)
- 40)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)
- 41)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. 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)

- 42) Any exits on the patio shall not be used as a means of access or egress by patrons to and from the licensed premises and, other than during emergencies or for disabled access per ADA guidelines, shall be kept closed at all times. The exit doors shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit or handicapped access only and that an alarm will sound if opened. Additional signage shall indicate that “no alcohol is permitted beyond this point.” (PD)
- 43) There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored. (PD)
- 44) The patio shall be surrounded by a barrier which consists of one of these design features:
- a) A 42-inch tall fence accompanied by a landscape feature which measures 18-inches deep as measured from the fence. This landscape feature shall have plantings that are between 12 and 42 inches in height.
 - b) A 60-inch tall fence where, at a minimum, the top 18-inches consists primarily of a clear glass, plexiglass, or other similar material. The clear panels shall meet or exceed industry safety standards for similar applications.
 - c) Design of barriers for patios are intended to provide separation between customer and the general public and features may vary based on the site and shall be approved by the Chief of Police or his or her designee.
- 45) The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons of alcohol establishments on dangers of driving under the influence of alcohol or drugs. (PD)
- 46) 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)
- 47) Permittee shall regularly police the area under Permittee’s reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

- 48) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 49) 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)
- 50) At off-sale sites, in addition to a security camera system listed here-in, a monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customers images of their entry into the business.
- 51) At off-sale sites, sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier's station.
- 52) At off-sale sites, the cashier's station shall be elevated 6-inches above the sales floor to improve the sightlines of employees.
- 53) At off-sale sites, coolers and other sales displays shall not be located near exits and shall be clearly visible to employees from the cashier's station.
- 54) At off-sale sites, alcohol sales shall be limited to 7 a.m. to 11 p.m. If the business operates during hours beyond 7 a.m. to 11 p.m. all displays and refrigerators containing alcoholic beverages shall be secured with an approved locking system during the hours when alcohol sales is prohibited.
- 55) At off-sale sites, 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)
- 56) At off-sale sites, there shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 57) At off-sale sites, the permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

58)At off-sale sites, there shall be no amusement machines or video devices maintained on the premises at any time. (PD)

59)Single sales of alcoholic beverages shall be restricted as listed below:

a) Other than specialty beers and micro brews, beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)

b) No wine shall be sold with an alcoholic content of greater than 15% by volume except for “Dinner Wines” which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)

c) The prohibited alcoholic beverages in subsections a & b of this condition can be permitted under future subordinate Alcohol Special Use Permits subject to this blanket permit when, during the permit review process, the applicant provides sufficient justification through their business model and proposed product line that the sales of certain “single sales” beverages will not have an adverse impact on youth, persons with alcohol abuse issues, or the community as a whole.

60)At off-sale sites, 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”. These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)

61)At off-sale sites, no open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)

62)At off-sale sites, no temporary or permanent open displays of alcoholic beverages are permitted near customer entry/exits. This includes stacked boxes or cases containing alcoholic beverages, portable coolers, promotional displays or any other alcohol displays where there is a clear, easy or unobstructed path to any entry or exits. (PD)

63)At off-sale sites, there shall be no self-service displays of any type of tobacco or vaping product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)

- 64)At off-sale sites, permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50-200). (PD)
- 65)At off-sale sites, permittee shall install height gauges at all exit doors. (PD)
- 66)At off-sale sites, permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)

Police Special Conditions

- 67)A restaurant or other on-sale site 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 the event would disturb neighboring uses or require additional police resources to monitor the event.
- 68)The permittee and successor landlord(s), HOA or other entity or entities with oversight of the area included in the Wagon Wheel Village Specific Plan shall maintain a human security component as follows:
- a) Once there are two or more licensed and permitted alcohol establishments, a minimum of one uniformed security officer is required to patrol the property.
 - b) Once there are four licensed and permitted alcohol establishments operating within the area of the Wagon Wheel Village Specific Plan, a minimum of two uniformed security officers are required to patrol the property.
 - c) The uniformed security officers required above shall operate, at a minimum, eight-hour shifts. The shift hours shall, at a minimum, end 30-minutes after the closure of the latest operating alcohol establishment within the Wagon Wheel Village Specific Plan area.
 - d) The requirement of uniformed security officers listed above is in addition to any security requirements for individual tenant alcohol establishments.

ATTACHMENT “F”

PZ 19-510-05 Resolution

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-510-05, A REQUEST FOR A SPECIAL USE PERMIT TO GIVE PRELIMINARY APPROVAL OF THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN SEVEN (7) COMMERCIAL LOCATIONS AND ALLOW ONE (1) COMMERCIAL ESTABLISHMENT TO SELL FOR OFF-SITE CONSUMPTION WITHIN THE VILLAGE SPECIFIC PLAN ALSO KNOWN AS THE WAGON WHEEL PROJECT AREA. THE SALE OF ALCOHOL WOULD OCCUR BETWEEN THE HOURS OF 7:00 A.M. AND 12:00 A.M. (MIDNIGHT) SUNDAY THROUGH THURSDAY AND 7:00 A.M. AND 1:00 A.M. ON FRIDAY AND SATURDAY FOR ON-SITE CONSUMPTION ESTABLISHMENTS AND 7:00 A.M. TO 12:00 A.M. DAILY FOR THE OFF-SITE CONSUMPTION ESTABLISHMENT. THE PROJECT SITE IS BOUNDED BY HIGHWAY 101 TO THE NORTH, OXNARD BOULEVARD TO THE EAST, VENTURA ROAD TO THE WEST, AND THE SOUTHERN PACIFIC RAILROAD TO THE SOUTH WITHIN THE VILLAGE SPECIFIC PLAN ZONE AND LAND USE DESIGNATION. FILED BY COREY HARPOLE, DESIGNATED AGENT FOR OXNARD CRFL PARTNERS, LLC, 64 MAXWELL, IRVINE, CA 92618

WHEREAS, on February 6, 2020, Corey Harpole on behalf of CRFL Partners, LLC (the “**Applicant**”), submitted a request to allow the preliminary approval of the sale and service of alcoholic beverages for on-site consumption in seven (7) commercial locations and allow one (1) commercial establishment to sell alcoholic beverages for off-site consumption within the Village Specific Plan, also known as the Wagon Wheel Project Area; and

WHEREAS, on February 6, 2020, the Planning Commission of the City of Oxnard (the “**Planning Commission**”) conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit No. 19-510-05 to give preliminary approval of the sale and service of alcoholic beverages for on-site consumption within seven (7) commercial locations and allow one (1) commercial establishment to sell for off-site consumption within the Village Specific Plan also known as the “Wagon Wheel Project Area” (the “**Project**”) as filed by Corey Harpole on behalf of CRFL Oxnard Partners, LLC and in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) No. 2006-03 was prepared to analyze potential impacts associated with the approval, implementation and anticipated build-out of the 63-acre VSP project. The City Council certified the Final Environmental Impact Report

(FEIR) No. 2006-03 on September 18, 2008 (State Clearinghouse No. 2006101099) for the Village Specific Plan (VSP), and on July 28, 2015, the City Council subsequently certified a Supplemental Environmental Impact Report No. 2014-01 in association with VSP Tract Map 5745. The City Council adopted findings of fact, a Statement of Overriding Considerations (SOC), and a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, since certification of the Supplemental EIR, there have been no substantial changes proposed for the VSP, no substantial changes have occurred under which the VSP project is being implemented, and no new information of substantial importance to the VSP project has become available. Commercial uses were analyzed as part of the VSP in the Final EIR and the proposed request is consistent with commercial uses of the project area; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the proposed Project in accordance with CEQA and determined that since this request is consistent with the commercial use of the site, and as the project does not necessitate any substantial changes to the certified Supplemental EIR, the Planning Commission has determined that no additional review is required for the proposed use pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of the CEQA Guidelines.

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 the Village Specific Plan.**

The Project area is located in Planning Areas 17 and 18/19 within the Village Specific Plan (VSP) which are zoned “mixed use”. The 2030 General Plan land use designation and zoning of the Project area is “Village Specific Plan”. The proposed ancillary sale of alcoholic beverages is consistent with planned commercial uses of Planning Areas 17 and 18, subject to approval of Special Use Permit as required in Table 2.4 of the VSP. Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and Elements thereof, the provisions of the VSP zoning and other adopted standards such as City Council Resolution 11,896. 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 would give preliminary approval for the sale of alcoholic beverages within eight identified commercial spaces in the VSP area commercial corridor zoned as “mixed use” areas in Planning Areas 17 and 18/19. Future business tenants for these spaces would be required to file a Minor Modification to this SUP for review and approval. While the Police Report states that the 2018 crime rate for the vicinity of the Project area is slightly higher than the citywide rate, the Report concludes that the subject area does not have a policing problem. With the imposition of the conditions of approval and careful review of future tenants via a Minor Modification, potential negative impacts to neighboring uses, the public health, safety and general welfare can be prevented or be mitigated. Additionally, conditions of approval provide for operational restrictions to encourage business responsibility to avoid any adverse impacts on area crime or demand for police services. Therefore, as proposed the Project would not have detrimental impacts.

3. **The proposed use is not likely to create or significantly aggravate police problems within 1000 feet of the location for which the Special Use Permit is applied.**

As described in the Staff Report, there are two (2) alcohol outlets located within 1,000 feet of the subject property. As stated in finding No. 2 the Police Report does not find the subject area to have a policing problem and the crime rate for the area is significantly less than that for commercial properties citywide. The Police Report states that as proposed in the VSP, an undue concentration of outlets would be created as defined by the City of Oxnard standards and ABC parameters. 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 effects of an undue concentration can mitigate the impact of the concentration of alcohol outlets with appropriate SUP conditions. With the conditions of approval, particularly the requirement for an inter-connected security camera program, a robust plan for consistent human patrol in the VSP project area, careful selection of alcohol outlets, hours restricting alcohol sales, and Minor Modification to review prospective business tenants and their operational characteristics, the proposed Project is not expected to aggravate police problems within 1,000 feet of the subject area.

4. **The proposed use will not result in or add an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the subject site.**

Presently, there are two (2) alcohol outlets within 1,000 feet of the Project area. One (1) is a restaurant with sales for on-site consumption and one (1) is retail sales for off-site consumption. There are no alcohol outlets within 350 feet of the subject area. If the Project is approved there could be up to eight (8) alcohol outlets in the Project area. One (1) of these eight (8) establishments would be retail sales for off-site consumption. Therefore, while there could be an undue concentration within 1,000 feet of alcohol outlets in general, there would not be an undue concentration of retail sales for off-site consumption. Furthermore, the presumption of undue concentration has been rebutted by a preponderance of evidence contained in the Police Report, which shows that the Project area is a commercial area, designed to accommodate multiple alcohol outlets.

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 exempt from further review pursuant to Public Resources Code Section 21166 and Sections 15162 through 15164 of CEQA guidelines.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 19-510-05 (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.

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, The Village Specific Plan as 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 6, 2020 (“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. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this permit shall automatically expire pursuant to Oxnard City Code Section 16-533 and become null and void 12 months from the date of its issuance, unless the Applicant obtains a zone clearance and business license for the proposed use. (PL, *G-3*)
4. By commencing any activity related to the project or using any structure authorized by this permit, Developer 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 attach, 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, Developer 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, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
9. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
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 Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING SPECIAL CONDITIONS

12. Proposed establishments with alcohol sales within Planning Areas 17 and 18/19 of The Village Specific Plan must be individually reviewed and approved through the Minor Modification process prior to any sale or service of alcoholic products. The Police Department conditions listed below are applicable to the Permittee of this Special Use Permit (SUP) and future tenants within these planning areas, unless specifically amended or removed by the Minor Modification Permit at the recommendation and approval of the Police Department based on the specific application and tenant. (PD/PL)
13. Applicant may not modify any use approved by this permit, including parking, without approval of the the Planning Manager or Planning Commission as required by the Specific Plan. Proposed changes to parking shall be reviewed against the parking management plan for the VSP for compliance.

14. Business establishments proposing indoor or outdoor live music, or any type of amplified sound may be required to submit a noise study with their application for a Minor Modification for staff review and approval.

POLICE OPERATION CONDITIONS

15. This Alcohol Special Use Permit is exclusively for The Village Specific Plan Area (also known as the Wagon Wheel Project Area) and is limited to one (1) off-site consumption alcohol establishment and seven (7) on-site consumption alcohol establishments. The off-sale establishment could take the form of a convenience store, grocery store, or similar, but not a store which predominately sells only alcoholic products (i.e. liquor store, wine store). The proposed on-sale establishments allowed could consist of recreational commercial uses (i.e. bowling alley), restaurants, and may include a winery and/or brewery. This permit, once approved, allows for the administrative approval of the aforementioned establishments. Any additional alcohol establishments in excess of the approved eight (8) will require an amendment to this Permit for review and approval by the Oxnard Planning Commission.
16. Each permittee and all sellers or servers and their immediate supervisors shall complete a course in Responsible Beverage Service (RBS), or equivalent approved by the Chief of Police, 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)
17. Each permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon request.
18. Sales of alcoholic beverages at on-sale sites shall be incidental to the sale of food and/or goods as the case may be. 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)
19. The Police Chief or designee may immediately suspend operation of the uses permitted through this SUP pending a hearing for the suspension or revocation of this permit if the Chief determines that there have been significant violations of SUP conditions of approval and/or Alcoholic Beverage Control license violations, or there has been a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions responded to in association 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 with the Community Development

Director to be held within 30 days after the first day of suspension.

Additionally, violations of this permit which can lead to permit suspension can include, but not limited to:

- a) Failure to provide required operational documentation within 30-days when requested by the City by mail or email. This would include, but not limited to quarterly food/alcohol sales, copies of security guard credentials, and proof of servers' completion of Responsible Beverage Service Training.
 - b) Repeated violations of a specific condition of approval or successor requirements or permit requirements.
 - c) Evidence of repeated over-service of alcoholic beverages or service of alcoholic beverages to minors.
 - d) Repeated failure to maintain a staff of servers trained in approved Responsible Beverage Service. (PD)
 - e) Sales to habitual drunkards per section 25602(a) Business and Professions Code.
 - f) The activity at the site and/or the use of any amplifying system or device shall not be disruptive to neighboring uses. Should there be evidence of repetitive disturbance to nearby residents, the Chief of Police may restrict the hours of operation, impose additional permit condition requirements, or limit other other business activities as deemed appropriate. An administrative letter shall be issued to the Permittee to reflect the modified conditions and shall identify the activity and/or hours that the activity is restricted to. A copy of the Chief's letter to the Permittee shall be a companion piece to the required conditions of approval and shall be provided by the permittee to any police employee upon request. (PD).
20. 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)
21. Sales of alcohol may only occur between the hours of 7:00 am and 12:00 am (midnight) or as otherwise specified below. Hours may be extended by a one-day permit as described under Special Conditions.
22. Prior to commencing the sale of alcohol permitted by this SUP, each alcohol establishment shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. The specifics of the camera system, and any upgrades to the system, shall be developed by the applicant in consultation with and approved by the Oxnard Police Department. Any video system installed to meet the requirement of these conditions shall meet the minimum standards listed below:
- a) Cameras and supporting equipment shall supply high definition 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. The digital recording system shall perform all recording, viewing (local and remote), playback (local and remote) queries, and backup functions simultaneously, with no interruption of any other function.
 - 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 door to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h) For restaurant sites, at a minimum, one camera shall be dedicated to capturing general activity in the kitchen/food preparation area for restaurant sites.
 - i) During normal business hours, the licensee shall provide access to the digital recordings for any and all enforcement purposes as determined by the City of Oxnard. (PD)
23. Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit. The Permittee shall provide video records to the Chief of Police or his/her designee in a timely manner upon request.
24. Permittee shall install a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion (burglary alarm). (PD)
25. A copy of these conditions must be maintained on the premises at all times and made available upon request by any representative of the Oxnard Police Department. (PL/PD)
26. Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. The Permittee shall submit an email address to: specialprojects@oxnardpd.org . In the submission, identify the business name, the contact person's name and their role in the business.
27. 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)
28. 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)

29. 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)
30. The Permittee shall maintain areas for which the business has reasonable control around the premises free of litter, trash, and graffiti.
31. The 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)
32. 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)
33. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
34. 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 ingress by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
35. Other than for emergency purposes, there shall be only one means of customer ingress and egress. (PD)
36. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

Onsite Consumption (Onsale) Alcohol Establishments

37. Sales of alcohol may only occur between the hours of 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday. Hours may be extended by a one-day permit as described under Special Conditions.
38. Any change in customer seating that would create or expand a bar or other alcohol centric customer area will require review and approval by Oxnard Police Department.
39. Each Permittee shall, upon request, provide quarterly financial documentation to the Oxnard Police Department. Records shall include but not limited to:
 - a) Gross sales & losses, including separate calculations for shrinkage for alcohol, food, and general merchandise.
 - b) For restaurants, Permittee shall at all times maintain records which separately reflect the gross sales of food and the gross sales of alcoholic beverages.
 - c) Copies of any documentation submitted to any Federal, State, or County agency as required by law.

40. During the time alcoholic beverages are offered for sale, each Permittee operating as a restaurant shall maintain the following conditions at all times:
 - a) Provide patrons a menu offering a variety of food items prepared in the on-site kitchen.
 - b) Have a certified food handler present
 - c) Preparation of Hot and cold food in the on-site kitchen
 - d) Have non-alcoholic beverages as an option to patrons
41. Each permittee operating as a restaurant 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)
42. 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)
43. Each Permittee operating as a restaurant shall be equipped and maintain 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)
44. Each Permittee operating as a restaurant 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)
45. Each Permittee operating as a restaurant shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
46. Each Permittee operating as a restaurant shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
47. Each Permittee operating as a restaurant 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)
48. 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 which offers reduced prices on food items shall not be considered a violation of this condition. (PD)

49. 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)
50. 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)
51. Prominent signs shall be posted stating: “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)
52. 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)
53. 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)
54. 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 request. 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. 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)
55. Any exits on the patio shall not be used as a means of ingress or egress by patrons to and from the licensed premises and shall be kept closed at all times except for use during an emergency or for disabled access per ADA guidelines. The exit doors shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit

or handicapped access only and that an alarm will sound if opened. Additional signage shall indicate that “no alcohol is permitted beyond this point.” (PD)

56. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored. (PD)

57. The patio shall be surrounded by a barrier which consists of one of the following minimum design features:

- a) A 42-inch tall fence accompanied by a landscape feature which measures 18-inches deep as measured from the fence. This landscape feature shall have plantings that are between 12 and 42 inches in height.
- b) A 60-inch tall fence where, at a minimum, the top 18-inches consists primarily of a clear glass, plexiglass, or other similar material. The clear panels shall meet or exceed industry safety standards for similar applications.
- c) Design of barriers for patios are intended to provide separation between customer area and the general public and features may vary based on the site and shall be approved by the Chief of Police or his or her designee.

58. The Permittee shall participate, when requested and when reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons of alcohol establishments on dangers of driving under the influence of alcohol or drugs. (PD)

59. 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)

60. Permittee shall regularly police the area under Permittee’s reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

61. 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)

Off-Site (Off-Sale) Consumption Alcohol Establishments

62. At off-sale sites, in addition to a security camera system listed here-in, a monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customers images of their entry into the business.

63. At off-sale sites, sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier’s station.

64. At off-sale sites, the cashier's station shall be elevated 6-inches above the sales floor to improve the sightlines of employees.
65. At off-sale sites, coolers and other sales displays shall not be located near exits and shall be clearly visible to employees from the cashier's station.
66. At off-sale sites, alcohol sales shall be limited to 7 a.m. to 12 a.m. (midnight). If the business operates during hours beyond 7 a.m. to 12 a.m. (midnight) all displays and refrigerators containing alcoholic beverages shall be secured with an approved locking system during the hours when alcohol sales is prohibited.
67. At off-sale sites, 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)
68. At off-sale sites, there shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
69. At off-sale sites, the permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
70. At off-sale sites, there shall be no amusement machines or video devices maintained on the premises at any time. (PD)
71. Single sales of alcoholic beverages shall be restricted as listed below:
 - a) Other than specialty beers and microbrews, beer, malt beverages and wine coolers in containers of 64oz in volume or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)
 - b) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)
 - c) The prohibited alcoholic beverages in subsections a & b of this condition may be permitted under the Minor Modification permit review subject to the provisions of this SUP when, during the review process, the applicant and/or business owner provides sufficient justification through their business model and proposed product line that the sales of certain "single sales" beverages will not have an adverse impact on youth, persons with alcohol abuse issues, or the community as a whole.

72. At off-sale sites, prominent signs shall be posted stating “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)
73. At off-sale sites, no open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)
74. At off-sale sites, no temporary or permanent open displays of alcoholic beverages are permitted near customer entry/exits. This includes stacked boxes or cases containing alcoholic beverages, portable coolers, promotional displays or any other alcohol displays where there is a clear, easy or unobstructed path to any entry or exits. (PD)
75. At off-sale sites, there shall be no self-service displays of any type of tobacco or vaping product including but not limited to cigarettes, e-cigarettes, cigars and smokeless tobacco. (PD)
76. At off-sale sites, Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50-200). (PD)
77. At off-sale sites, Permittee shall install height gauges at all exit doors. (PD)
78. At off-sale sites, Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)

Police Special Conditions

79. A restaurant or other on-sale site 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. New Year’s Eve would be attributed to the calendar year before midnight strikes. 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 the event would disturb neighboring uses or require additional police resources to monitor the event.
80. The Permittee, successor landlord(s), property owner(s), and/or other entity, as applicable, with oversight of the area included in the Wagon Wheel Village Specific Plan shall maintain a human security component (also known as security guard in State and City Codes) as follows:
 - a) The term “human security component” refers to a person of reputable character who performs the general duties of checking identification of persons entering the

premises for verification of age, monitoring behavior of patrons, monitoring parking lots, and removing or causing to be removed those patron who violate rules of the premises or law of the Federal Government, State of California or Oxnard City Codes.

- b) The human security component shall be readily identifiable.
- c) Once there are two or more licensed and permitted alcohol establishments operating within the area of the Wagon Wheel Village Specific Plan, a minimum of one human security component is required to patrol the Plan area.
- d) Once there are four or more licensed and permitted alcohol establishments operating within the area of the Wagon Wheel Village Specific Plan, a minimum of two uniformed security officers are required to patrol the Plan area. property.
- e) The uniformed security officers required above shall operate, at a minimum, eight-hour shifts. The shift hours shall, at a minimum, end 30-minutes after the closure of the latest operating alcohol establishment within the Wagon Wheel Village Specific Plan area and the shift shall not begin before 6:00 p.m..
- f) The requirement of uniformed security officers listed above is in addition to any security requirements for individual tenant alcohol establishments.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of February, 2020

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 6th day of February 2020, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN:Commissioner(s):

RECUSED:Commissioner(s):

ATTEST:

Scott Kolwitz, Secretary

MEMO



DATE: February 6, 2020

TO: Planning Commission

FROM: Scott Kolwitz, Planning Manager
Jeffrey Lambert, AICP, Community Development Director

SUBJECT: Reconsideration, Nomination and Election of the Planning Commission Vice Chair to Serve for Calendar Year 2020 Agenda Item No: I-1

The Planning Commission nominated and elected a Chair and Vice Chair to serve for calendar year 2020 at its January 9, 2020 meeting. On January 16, 2020, the Planning Commission requested to reconsider the election of the Vice Chair on February 6, 2020. This memorandum is provided to outline the procedure for the nomination and election procedures.

1. Nominations

The Chair opens nominations for the position of Vice Chair and will call upon Commissioners to make a nomination. Any Commissioner may nominate any other Commissioner including themselves. A second is not necessary for a nomination. Nominations stay open until there are no more nominations. The Chair will entertain a motion to close the nominations.

2. Vote

The Chair calls a vote of each nominated Commissioner for Vice Chair in the same sequence the nominations were received, and all Commissioners will be asked to vote for each nomination until a Commissioner receives a simple majority vote of all members present. For example, if Commissioner "A" nominates Commissioner "C" and then Commissioner "D" nominates Commissioner "B," the vote will first be called for the election of Commissioner "C." If Commissioner "C" does not receive a simple majority vote, then a vote will be called for the election of Commissioner "B."