

PLAN

AGENDA



This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29- 20 to allow members of the City Council or staff to participate via teleconference.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the Planning Commission via email at planning@oxnard.org no later than 3:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the Planning Division Office at (805) 385-7878, or email your request to planning@oxnard.org.

AMENDED AGENDA (Item G-1 New Transmittal Memo added 7/1/20)

**CITY OF OXNARD
PLANNING COMMISSION
AGENDA**

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, July 2, 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 – June 18, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. 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

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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.

southeastern corner of the Public Storage facility at 161 Ventura Boulevard (APN: 145-0-232-135). The project is 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 the Project to date certain, September 17, 2020 as requested by the applicant; however, if the requested information is not submitted by August 10, 2020, then the item will be removed from the Planning Commission calendar, and any future Planning Commission hearing for the application will require a new public notice.

G. PUBLIC HEARING

1. **Project Name: Casa Agria Specialty Ales** - Planning and Zoning Permit No. 20-510-02 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to allow a small beer manufacturer (Casa Agria Specialty Ales) with a 381 square-foot on-site tasting room, to sell beer for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 23) within a 8,127 square-foot tenant space within a larger 125,514 square-foot, multi-tenant building on a 8.8-acre property located at 701 North Del Norte Boulevard Suite #360 (APN: 216-0-211-015) within the Light Manufacturing - Planned Development (M-1-PD) zone (Attachments A & B). The request allows the relocation of an existing small beer manufacturer on the same property from Suite #310 to #360. Alcohol service would be provided between the hours of 12:00 p.m. to 10:00 p.m. daily. Filed by Designated Agent Michael Weyandt, 701 North Del Norte Boulevard, Suite 310, Oxnard CA 93030, (the “Applicant”) on behalf of RIF V-Del Norte, LLC, 2451 Eastman Avenue #12, Oxnard, CA 93030, property owner.

Project Planner: Randy Baez, Assistant 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-XX for Planning and Zoning Permit No. 20-510-02 (Special Use Permit-Alcohol), subject to certain findings and conditions.

H. STUDY SESSION/REPORTS

I. PLANNING COMMISSION BUSINESS

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J. COMMUNITY DEVELOPMENT STAFF UPDATES

K. ADJOURNMENT

FUTURE MEETINGS

Thursday, July 16, 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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DRAFT MINUTES



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
June 18, 2020
DRAFT

A. ROLL CALL

1. At 6:06 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Vice Chair Sanchez (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), and Meyer (via videoconference) were present. Commissioner Fuhring was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Kathleen Mallory, Planning and Sustainability Manager; Isidro Figueroa, Principal Planner; Chris Williamson, Contract Planner; Ken Rozell, Chief Assistant City Attorney; Michelle Travis, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

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

1. Commissioner Meyer led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - May 21, 2020

MOTION: Commissioner Chavez moved and Commissioner Meyer seconded a motion to approve the minutes of May 21, 2020, as submitted:

VOTE: Chair Frank, Commissioners Chavez, Dozier and Meyer, voted in favor. Vice Chair Sanchez abstained. The motion carried 4:0:1:1:0¹.

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

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

¹ In Favor: Against: Absent: Abstain: Recused

F. PUBLIC HEARING

- 1. Project Name: Updates to Oxnard City Code Chapters 11 and 16** - Planning and Zoning (PZ) Permit Nos. PZ 20-580-03 and 20-580-04 (Zone Text Amendment) - Amendments to: Chapter 16 to create consistency with Accessory Dwelling Units State Law; Chapter 16 (Division 10, Downtown Zones and Division 11, Industrial Zones) to incorporate certain Cannabis activities into the zone use tables and correct typographical errors; and Chapter 11 related to Cannabis uses. Filed by the Community Development Department, 214 South “C” Street, Oxnard.

Project Planners: Scott Kolwitz, Planning and Environmental Services Manager; Kathleen Mallory, Planning & Sustainability Manager; Isidro Figueroa, Principal Planner; and Chris Williamson, Contract Planner.

Recommendation: That the Planning Commission:

- A. Find the Project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15601(b)(3) or exempt under Public Resource Code Section 21080.17.
- B. Adopt Resolution 2020-11 recommending that the City Council approve PZ Permit Nos. 20-580-01 (Industrial Code), 20-580-03 (Accessory Dwelling Units), and 20-580-04 (Cannabis) amending Oxnard City Code (OCC) Chapter 16 to create consistency with Accessory Dwelling Units State Law; OCC Chapter 16 (Division 10 Downtown Zones and Division 11 Industrial Zones) to correct typographical errors, and to incorporate Commercial Cannabis activities into the zone use tables; and OCC Chapter 11 related to Cannabis uses.

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

Planning and Environmental Services Manager, Scott Kolwitz; Planning & Sustainability Manager, Kathleen Mallory; and Principal Planner, Isidro Figueroa provided a presentation outlining the request.

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

No public verbal comments were received in support of or against Item F-1.

No public written comments were received in support of or against Item F-1.

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

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to find the Project is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15601(b)(3) or exempt under Public Resource Code Section 21080.17, and to adopt a Resolution 2020-11 recommending that the City Council approve the proposed **Updates to Oxnard City Code Chapters 11 and 16**, PZ Permit Nos. 20-580-01

(Industrial Code), 20-580-03 (Accessory Dwelling Units), and 20-580-04 (Cannabis) amending Oxnard City Code (OCC) Chapter 16 to create consistency with Accessory Dwelling Units State Law; OCC Chapter 16 (Division 10 Downtown Zones and Division 11 Industrial Zones) to correct typographical errors, and to incorporate Commercial Cannabis activities into the zone use tables; and OCC Chapter 11 related to Cannabis uses.

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez, Dozier, and Meyer voted in favor. The motion carried 5:0:1:0:0².

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Chavez expressed his pleasure about the addition of section dividers in the Agenda packets. The Planning Commissioners all agreed that they appreciated the addition.
2. Chair Frank shared with the Planning Commission that over the prior weekend, there was a large gathering of approximately 500 people at the Oxnard Shores Dunes. She said the party had bonfires, alcohol and fireworks and was advertised prior to on social media. Chair Frank expressed concern about the event and the impact on the neighborhood. She said that it took approximately 20 Oxnard Police Department Officers to disperse the crowd.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. On June 16, 2020 the City Council approved the Sakioka Farms Business Park Tract Map and Road Naming Proposal. They heard the first reading of the Development Agreement and will have a second reading at the June 30, 2020 meeting
 - ii. The California Coastal Commission will be meeting on July 8-10, 2020. The Short Term Rental Regulations are scheduled to be heard during the course of that meeting. The Planning Commission will be updated with the scheduled time once it is available.
 - iii. The next Planning Commission meeting will be July 2, 2020 in City Council Chambers.
2. Kathleen Mallory, Planning & Sustainability Manager announced:
 - i. We have kicked off the Climate Action Plan (CAP) and Adaptation Plan. It is approximately an 18-20 month process. We are actively looking for ways to get community input.
 - ii. The Housing Element was also started. We are meeting with various Housing Advocacy groups to discuss program and inventory sites. We plan to bring

² In Favor: Against: Absent: Abstain: Recused

housing policy questions for a Committee hearing in early September. The last Housing Element update was completed in 2016 and a mid-cycle update was also done.

- iii. We have received a \$625,000 SB2 Grant for three specific programs:
 - 1. SB2 Site Inventory
 - 2. Infrastructure Capacity Study
 - 3. Oxnard City Code and Zoning Ordinance update to facilitate housing.
- iv. We have also applied for a \$500,000 Local Early Action Plan (LEAP) grant. This grant would provide for two specific programs:
 - 1. Corridor Study and Master Plan, Focusing on Oxnard Boulevard / Saviers Road with regards to the housing and transit elements.
Housing Element CEQA update

J. ADJOURNMENT

- 1. At 7:15 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, July 2, 2020, 6:00 p.m., City Council Chambers

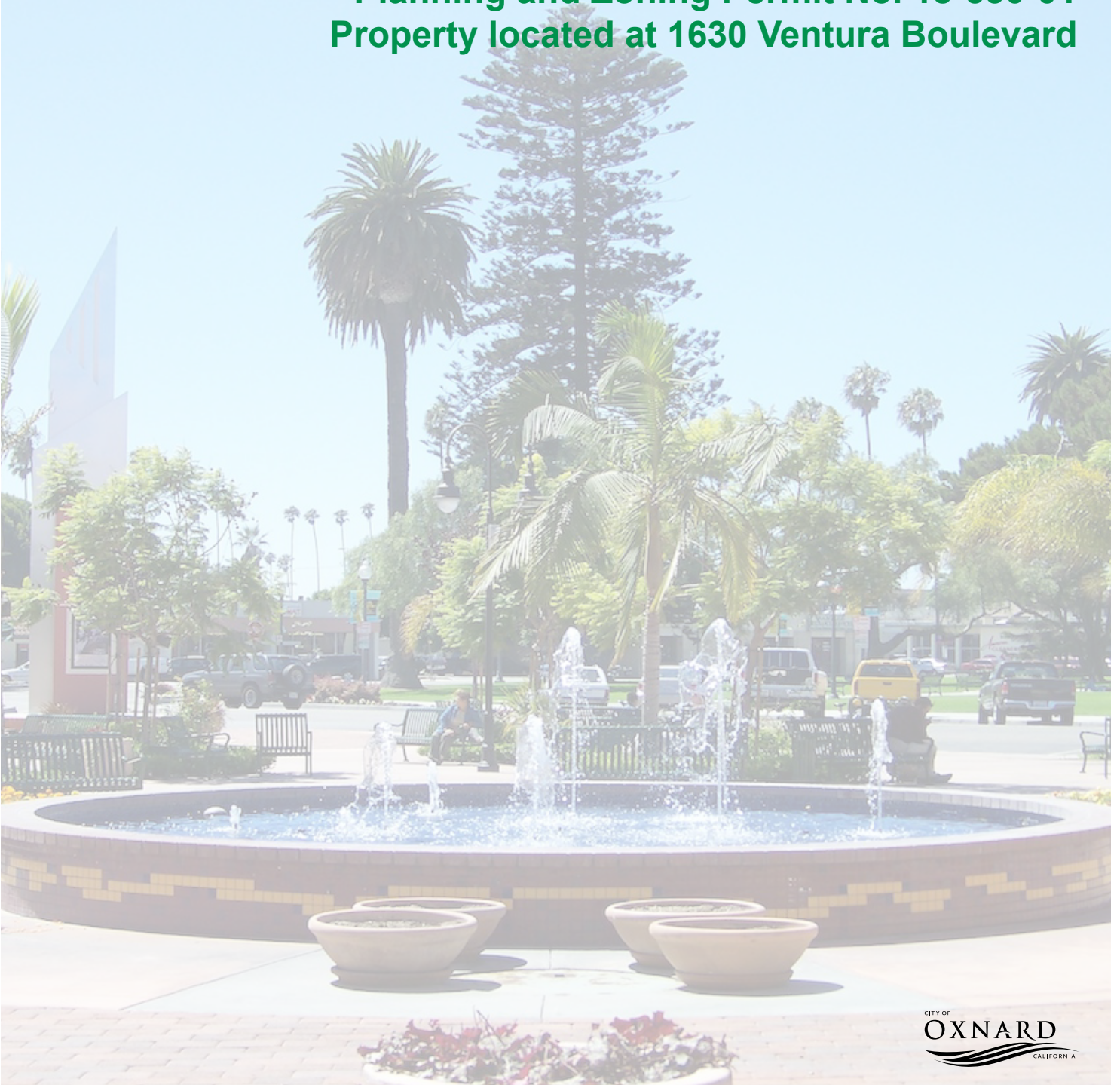
Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

PLAN

**STAFF REPORT
MEMO**

**Verizon Danube
Planning and Zoning Permit No. 18-530-01
Property located at 1630 Ventura Boulevard**



MEMO



DATE: July 2, 2020

TO: Planning Commission

FROM: Jay Dobrowalski, Senior Planner

SUBJECT: **Project Name: Verizon Danube;** Planning and Zoning Permit No. 18-530-01
(Special Use Permit-Wireless); Property located at 1630 Ventura Boulevard

Request:

The applicant requests that this item be continued to September 17, 2020 to allow the applicant more time to provide the requested information.

Recommendation:

That the Planning Commission continue the Project to date certain, September 17, 2020 as requested by the applicant; however, if the requested information is not submitted by August 10, 2020 which would allow staff time to prepare for the September 17, 2020 hearing, then the item will be removed from the Planning Commission calendar, and any future Planning Commission hearing for the application will require a new public notice.

Background:

During the January 9, 2020 hearing, the applicant requested additional time to provide further details regarding the Planning Commission's concerns regarding potential project-related impacts to the following: removal of existing landscaping, visual impacts including alternative stealth designs, security fencing, radio frequency impacts to street light workers, and impacts to commercial trucks and other vehicles.

In order to allow the applicant time to provide further details regarding the Planning Commission's concerns, the Planning Commission continued the item to March 5, 2020.

The applicant team requested to continue their project from the March 5, 2020 hearing to the April 16, 2020 hearing, and then from the April 16, 2020 hearing to the July 2, 2020 hearing to allow the applicant more time to provide the requested information. The Planning Commission continued the item both times to July 2, 2020. The applicant did not submit the requested information to staff in order to be ready for the July 2, 2020 hearing. Thus, the item must be continued to a future hearing date.

PLAN

STAFF REPORT
PZ 20-510-02 Casa Agria



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Randy Baez, Assistant Planner

DATE: July 2, 2020

SUBJECT: **Project Name: Casa Agria Specialty Ales;** Planning and Zoning Permit No. 20-510-02 (Special Use Permit – Alcohol); Located at 701 North Del Norte Boulevard Suite #360 (APN: 216-0-211-015).

- 1) 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-XX for Planning and Zoning Permit No. 20-510-02 (Special Use Permit- Alcohol), subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request for approval of a Special Use Permit (SUP) to allow a small beer manufacturer (Casa Agria Specialty Ales) with a 381 square-foot on-site tasting room, to sell beer for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 23¹) within a 8,127 square-foot tenant space within a larger

¹ ABC License Type 23 (Small Beer Manufacturer) (Less than 60,000 barrels per year) The privileges and limitations for this type of license are the same as for other beer manufacturers . The only difference is the license fees. (See also Type 1 – Beer Manufacturer.) This license formerly related only to Steam beer. “Steam” beer is made by fermentation at cellar temperature rather than near freezing as is the case with other beers. It is made using only one type of malt–malted barley. It contains no corn, rice or other cereal grains as regular beers normally do. The method of carbonation is entirely natural and involves a process known as Krausening. This process requires taking beer which has been completely fermented and adding to it beer which is still fermenting. This causes a second fermentation to occur. The Krausening process in beer corresponds closely to the “bulk process” in making some types of sparkling wines. The most common users of this license are operators of micro-breweries and brewpubs. These designations are not to be construed as legal definitions. Their use below is only for descriptive purposes.

“**Micro-brewery**”: A small-scale brewery operation that generally produces approximately 15,000 barrels a year. Its beer products are primarily intended for local and/or regional consumption. Typically, these operations are solely dedicated to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.

“**Brewpub**”: Typically, a very small brewery with a restaurant where the beer it produces is sold in draft form exclusively at its own premises. This operation often sells other supplier’s bottled beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises. See “Special Note” below.

125,514 square-foot, multi-tenant building on a 8.8-acre property located at 701 North Del Norte Boulevard Suite #360 (APN: 216-0-211-015) within the Light Manufacturing - Planned Development (M-1-PD) zone (Attachments A & B). The request allows the relocation of an existing small beer manufacturer on the same property from Suite #310 to #360. Alcohol service would be provided between the hours of 12:00 p.m. to 10:00 p.m. daily. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Designated Agent Michael Weyandt, 701 North Del Norte Boulevard, Suite 310, Oxnard CA 93030, (the “**Applicant**”) on behalf of RIF V-Del Norte, LLC, 2451 Eastman Avenue #12, Oxnard, CA 93030, property owner.

- 3) Existing & Surrounding Land Uses:** The 8.8-acre property is developed with a 125,514 square-foot, multi-tenant building with a parking lot of 275 parking spaces, and associated landscaping. The nearest residences are within the East Village neighborhood approximately 1 mile to the west of the project site. The nearest school is Rio Rosales Elementary School, located approximately 1.1 miles west of the project site. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Industrial Light (ILT)	Light-Manufacturing (M-1-PD)	Multi-Tenant Industrial Building
North	Industrial Light (ILT)	Light-Manufacturing (M-1-PD)	Equipment Rental
South	Industrial Light (ILT)	Light-Manufacturing (M-1-PD)	Various Processing/ Manufacturing uses
East	Industrial Light (ILT)	Light-Manufacturing (M-1-PD)	Various Processing/ Manufacturing uses including Wine Production and Tasting
West	Industrial Light (ILT)	Light-Manufacturing (M-1-PD)	Agricultural Field operated by Procter & Gamble

4) Background Information:

- On January 15, 1998, the Planning Commission approved Planning Commission Resolution No. 98-4, Special Use Permit No. 97-500-89, for the construction of the 125,000 square-foot industrial building at the Project Site.
- On October 1, 2015, the Planning Commission approved Planning Commission Resolution No. 2015-29, Special Use Permit No. 15-510-02, to allow on and off-site

Special Note: A brewpub-restaurant (Type 75) license, authorized under Section 23396.3, has a limited brewing privilege and may sometimes be referred to as “brewpub.” However, the Type 75 is an on-sale retail license with significant differences/limitations in license privileges from those of a true “beer manufacturer” (either Type 01 or Type 23).

retail sale of beer (ABC License Type 23) on the Project Site, within Suite #310 for Casa Agria Specialty Ales (Attachment C). This brewery has operated since 2015.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site and off-site consumption within an existing multi-tenant industrial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (Attachment D).

6) Analysis:

a) General Discussion:

Casa Agria Specialty Ales is a small brewery focusing on mixed fermentation farmhouse-style ales and barrel-aged wild ales, and currently operates within Suite #310 of the same building. The Applicant is requesting the approval to allow the sale of beer for on-site and off-site consumption within an existing 8,127 square-foot suite (ABC License Type 23). The brewery currently operates a 280 square-foot tasting room, while the new location (Suite #360) will allow for a 381 square-foot tasting room. The brewery will be staffed by 4 employees, working across two shifts per week, and will operate the tasting room from 12:00pm to 10:00pm daily.

b) General Plan and Zoning Consistency:

The 2030 General Plan designation for the site is Industrial Light (ILT) and the zoning designation is for Light Manufacturing - Planned Development (M-1-PD). General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.

The Project is proposed in the Light Manufacturing - Planned Development (M-1-PD) zone district. In accordance with Oxnard City Code (OCC) Section 16-163 (Industrial Land Use Matrix), permitted uses within the M-1 zone include manufacturing, processing, fabrication, and some services uses. Similarly, the tasting of beer and sale of beer for consumption on-site and off-site is an accessory use permitted within the M-1-PD zone, with approval of a Special Use Permit. Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

c) Police Department Review:

The Oxnard Police Department provided a comprehensive report and analysis of the proposed alcohol request (Attachment E) in accordance with City Council Resolution No. 11,896 (Attachment F). 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 SUP is likely to significantly aggravate policing problems. The Police Department's Report is broken down into an analysis of the concentration of alcohol outlets, crime statistics, police and community input, and conclusion. The table below summarizes the findings of the Police Department's Report:

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to cause Police problems?	Undue Concentration as defined in Resolution 11,896?
701 N. Del Norte Blvd. #145	No	No	No, as conditioned	No

Concentration of Alcohol Outlets:

According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. There is one establishment located within 350 feet of the subject property (Trancas Vineyards) that currently operates with a ABC License Type 17² (Beer and Wine Wholesaler) and ABC License Type 20³ (Off-Sale Beer & Wine).

The Police Department has determined that as there is only one other alcohol establishment within 350 feet of the applicant's site, there is an undue concentration by City standards. However, the presumption of the undue concentration can be rebutted in the interest of public convenience or necessity.

Crime Statistics:

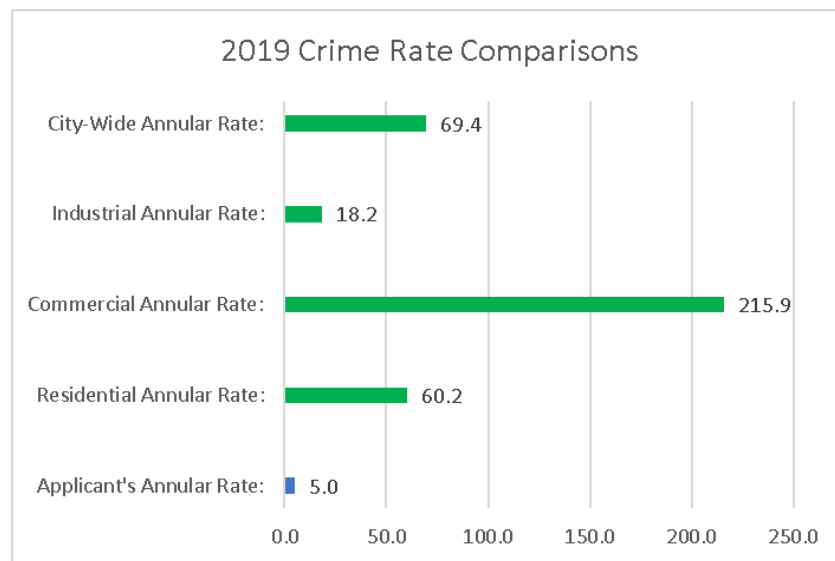
For comparison purposes, the Police Report analyzes the average number of Part I⁴

² ABC License Type 17 (Beer and Wine Wholesaler) The following pertains to beer and wine wholesalers generally. This permits incidental sales to other supplier-type licensees. However, to qualify as a bona fide wholesaler, a licensee must sell to retailers generally (Section 23779).

³ ABC License Type 20 (Off-Sale Beer & Wine) (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

⁴ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

crimes and Part II⁵ 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 2019. The citywide annular average of Part I and Part II crimes per grid is currently 69.4. The average number of Part I and II crimes occurring within 1,000 feet annular area of this small beer manufacturer was 5 during the same twelve month time period. This is 2.3% of the average for commercial properties citywide; therefore, the local crime rate is extremely low compared to other parts of the City. This is best illustrated in the graph below:



Police and Community Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention. On June 25, 2018 the business was served with a notice of Violation of the Conditions of its Alcohol Special Use Permit, but the violation was promptly corrected. This instance involved allowing minors on the premises, which was in violation of the SUP conditions at the time, but was not in violation of the ABC License conditions. City Staff has since removed the condition prohibiting minors from entering breweries, consistent with ABC License Type 23 conditions.

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

⁵ Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

tasting events which tends to impact available parking spaces.

Conclusion:

Casa Agria Specialty Ales has operated since 2015 at this commercial complex with little adverse impact on the community. The crime rate in the area is extremely low compared to other parts of the City. Since there is only one alcohol outlet within 1,000-feet, it can be considered that there is an undue concentration by City standards; however, based on all the factors examined in this review, the presumption of the undue concentration can be rebutted in the interest of public convenience or necessity. Specifically, Casa Agria Specialty Ales provides a public convenience as no other brewery exists within this vicinity; furthermore, Casa Agria Specialty Ales provides a unique product served in a small brewery atmosphere that can be sampled in a tasting room.

Based on the nature of the facility and the factors included within the Police report (crime statistics, the assessment from the Beat Coordinator, and the input from the neighboring business operators), there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the manufacture and sales of alcoholic beverages at this business will have little, if any adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft resolution of approval (Attachment G) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.

7) Community Workshop and Public Input:

This Project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal. Consistent with public noticing requirements, the Planning Commission hearing was advertised in the newspaper, with an on-site posting, and by mail to property owners within 300 feet of the subject property. To date, Staff has not received any concerns or public comments regarding the proposed Project.

8) Appeal Procedure:

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

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Planning Commission Resolution No. 2015-29, Special Use Permit No. 15-510-02
- D. Notice of Exemption
- E. Police Department Report

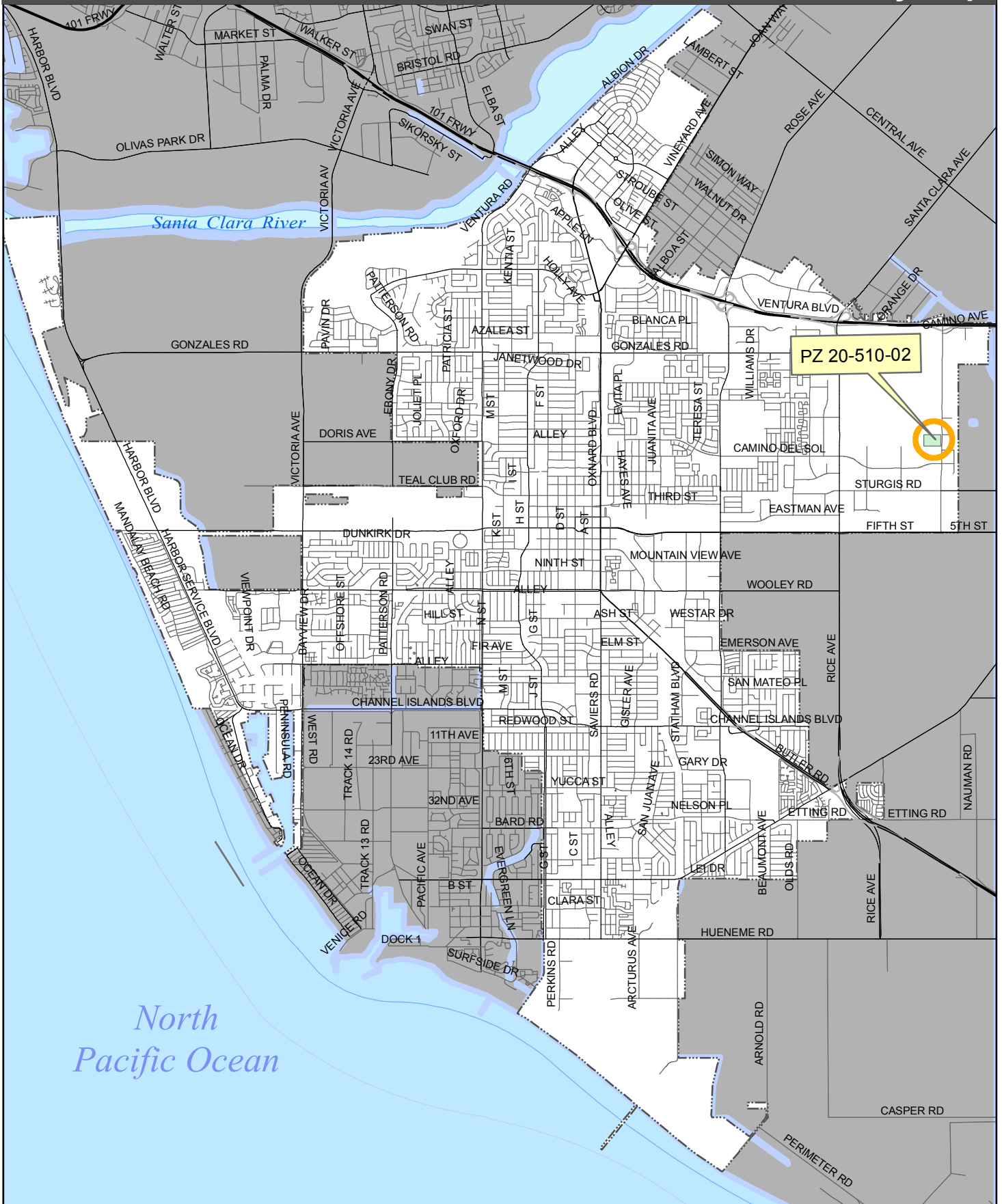
PZ No. 20-510-02 (Casa Agria Specialty Ales)
Planning Commission Date: July 2, 2020
Page 7 of 7

- F. City Council Resolution No. 11,896
- G. Draft Resolution of Approval

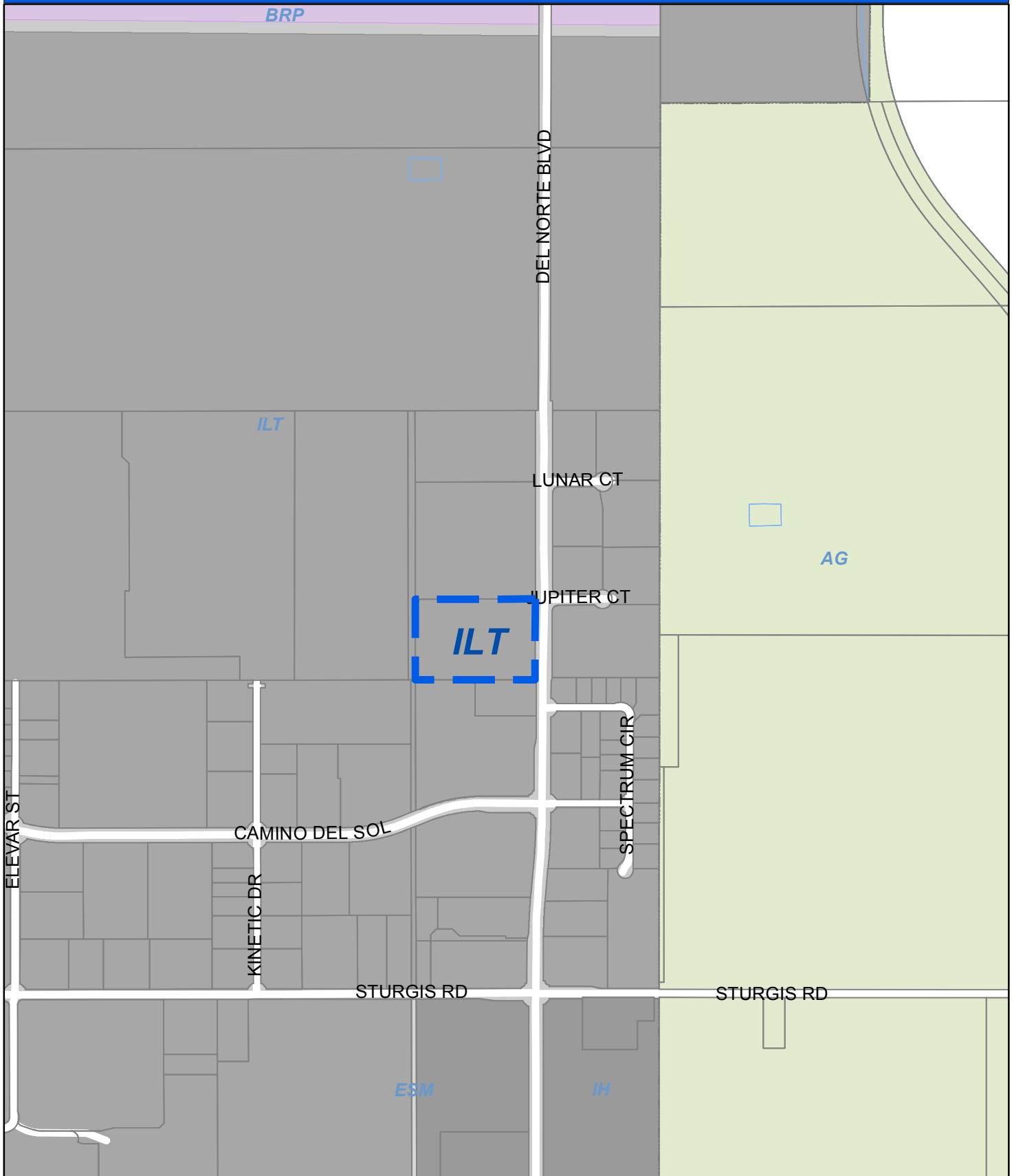
Attachment A

Maps (Vicinity, General Plan, Zoning, Aerial)

Vicinity Map

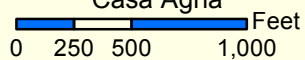


2030 General Plan Land Use Map



Oxnard Planning
June 9, 2020

PZ 20-510-02
Location: 701 N Del Norte Bl
APN: 216021101
Casa Agria

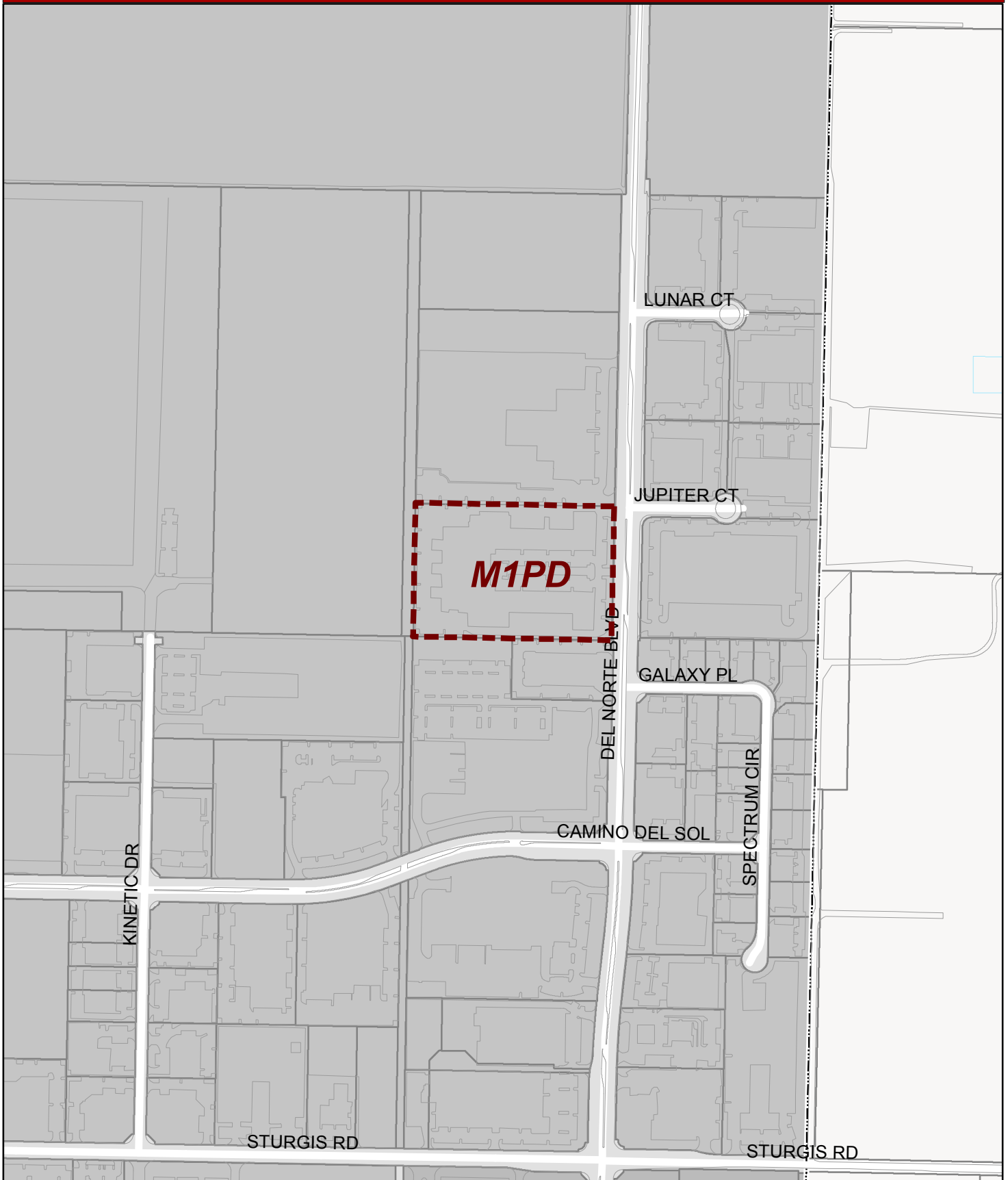


2030 General Plan Land Use Map



1:10,000

Zoning/Specific Plan Map



Oxnard Planning

June 9, 2020

PZ 20-510-02
Location: 701 N Del Norte Bl
APN: 216021101
Casa Agria

0 100 200 400 600 800 Feet

Zoning/Specific Plan Map



1:6,000



Attachment B

Reduced Project Plans

CASA AGRIA, LLC.

701 N. DEL NORTE BLVD. STE 360
OXNARD CA, 93030

SYMBOL LEGEND

	CONSTRUCTION TYPE		WINDOW TAG
	REVISION NUMBER		KEYNOTE
	GRID BUBBLE		ELEVATION DATUM TAG
	FINISH TAG		DETAIL TAG
	EQUIPMENT TAG		INTERIOR ELEVATION TAG
	ROOM TAG		EXTERIOR ELEVATION TAG
	DOOR TAG		MATCH LINE
	PLAN DETAIL TAG		WALL SECTION TAG
	BUILDING SECTION TAG		

ABBREVIATIONS

A	ANHEALED	HVAC	HEATING, VENTILATION, AIR
AC	AIR CONDITIONING	INSUL	INSULATION
ACT	ACOUSTIC CEILING TILE	MAX	MAXIMUM
AFF	ABOVE FINISH FLOOR	MECH	MECHANICAL
AHU	AIR HANDLING UNIT	MFR	MANUFACTURER
AL	ALUMINUM	MIN	MINIMUM
ASPH	ASPHALT	MO	MASONRY OPENING
CJ	CONTROL JOINT	MR	MOISTURE RESISTANT
CLING	CEILING	MTL	METAL
CMU	CONCRETE MASONRY UNIT	NA	NOT APPLICABLE
COL	COLUMN	NIC	NOT IN CONTRACT
CONC	CONCRETE	NOM	NOMINAL
CONT	CONTINUOUS	NTS	NOT TO SCALE
CPT	CARPET	OC	ON CENTER
CT	CERAMIC TILE	OPP	OPPOSITE
CL	CENTERLINE	PF	PRE-FABRICATED
DBL	DOUBLE	PSF	POUNDS PER SQUARE FOOT
DF	DRINKING FOUNTAIN	PT	PRESSURE TREATED
DIA	DIAMETER	PTD	PAINTED
DIM	DIMENSION	QT	QUARRY TILE
DN	DOWN	R	RADIUS
DS	DOWNSPOUT	REBAR	REINFORCING BAR
EA	EACH	REF	REFERENCE
EJ	EXPANSION JOINT	REQ'D	REQUIRED
ELEC	ELECTRICAL	RO	ROUGH OPENING
ELEV	ELEVATION	SB	SPLASHBLOCK
EXIST	EXISTING	SIM	SIMILAR
FD	FLOOR DRAIN	SPEC	SPECIFICATION
FE	FIRE EXTINGUISHER	SS	STAINLESS STEEL
FEC	FIRE EXTINGUISHER CABINET	STL	STEEL
FF	FINISH FLOOR	STOR	STORAGE
FR	FIRE RATED	SUSP	SUSPENDED
FRP	FIBERGLASS REINFORCED PLASTIC	T	TYPICAL
GALV	GALVANIZED	UNO	UNLESS NOTED OTHERWISE
GYP BD	GYP SUM BOARD	VCT	VINYL COMPOSITION TILE
HC	HANDICAP	VERT	VERTICAL
HDW	HARDWARE	WD	WOOD
HM	HOLLOW METAL	WP	WATERPROOF
HT	HEIGHT	WWF	WELDED WIRE FABRIC

PROJECT INFORMATION

APN: 216-0-211-015
TOTAL SQUARE FOOTAGE: 385,562
ACRES: 8.8 ACRES

GROSS S.F. OF SUITE 310: 8127 S.F.
MAX. S.F. OF TASTING ROOM: 8127 x .15 = 1219 SF
PROPOSED TASTING ROOMS: 381 (4.6%)

ZONE: M1
SPRINKLERED: YES [EXISTING]
OCCUPANCY: S2

SCOPE: SPECIAL USE PERMIT FOR ON-SITE SALES AND TASTING ROOM.

TASTING ROOM HOURS: MONDAY - THURSDAY: 3 PM TO 10 PM
FRIDAY - SATURDAY: 12 PM TO 10 PM
SUNDAY: 12 PM TO 7 PM

PROJECT TEAM

OWNER: CASA AGRIA, LLC.
701 DEL NORTE BLVD. #360
OXNARD, CA 93030
CONTACT: MICHAEL WEYANDT
PHONE: 805-432-5476
EMAIL: MIKE@CASAAGRIA.COM

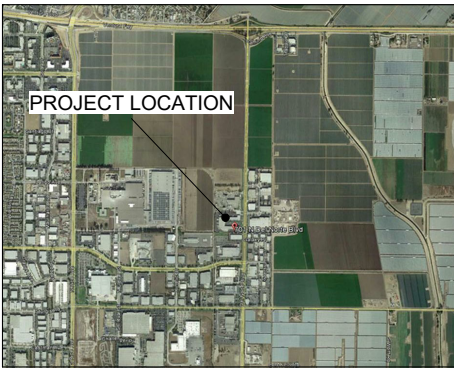
SHEET LIST

Sheet Number	Sheet Name
00 - GENERAL SHEETS	
00.0	COVER SHEET
02 - ARCHITECTURAL	
01.0	SITE PLAN
03.0	SITE CONTEXT
02.0	FLOOR PLAN

PARKING TABULATIONS

DESCRIPTION	COUNT
ADA SPACE	8
COMPACT	71
STANDARD SPACE	196
TOTAL: 275	

VICINITY MAP



PROJECT:

CASA AGRIA, LLC.
701 N. DEL NORTE BLVD. STE 360
OXNARD CA, 93030

NO. DATE DESCRIPTION

PROJECT BLOCK INFO:
JOB NUMBER: Project
DRAWN BY: MOW
CHECKED BY:
SCALE:
ISSUE DATE: 12/9/15

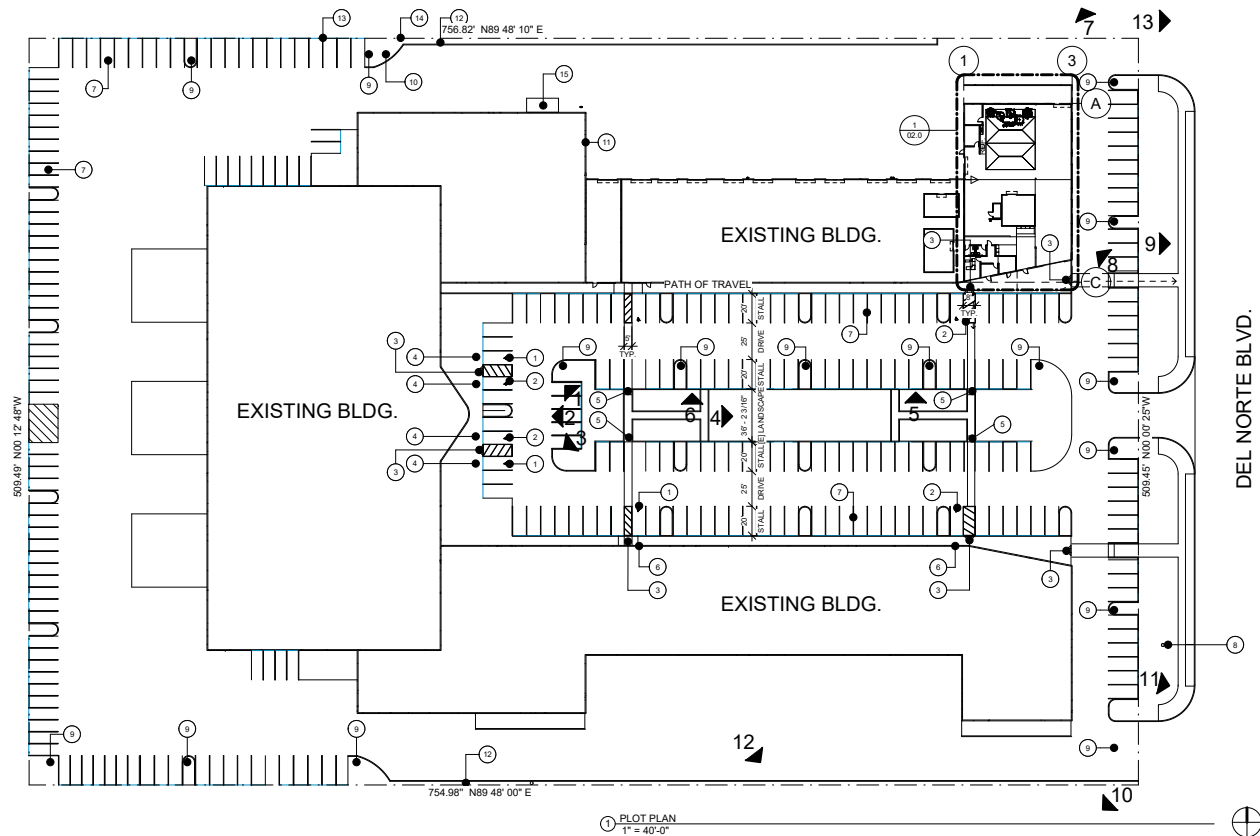
REF. NORTH:

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

00.0



PARKING TABULATIONS	
DESCRIPTION	COUNT
ADA SPACE	8
COMPACT	71
STANDARD SPACE	196
TOTAL: 275	

SEE SHEET 03.0 FOR SITE CONTEXT

KEY NOTES	
1	[E] 9' X 20' ACCESSIBLE PARKING SPACE WITH 5' ACCESS AISLE
2	[E] 9' X 20' VAN ACCESSIBLE SPACE WITH 8' ACCESS AISLE
3	[E] ADA CURB RAMP
4	[E] POLL MOUNTED ADA SIGN
5	[E] CUT THROUGH ISLAND CROSSING
6	[E] WALL MOUNTED ADA SIGN
7	[E] 9' X 20' STANDARD PARKING SPACE
8	
9	[E] LIGHT POLE
10	[E] TRANSFORMER
11	[E] GAS METERS
12	[E] PLANTER
13	[E] PROPERTY LINE
14	[E] 8" CONCRETE WALL
15	[E] TRASH ENCLOSURE/RECYCLE BINS

PROJECT:
CASA AGRIA, LLC.
701 N. DEL NORTE BLVD. STE 360
OXNARD CA, 93030

NO.	DATE	DESCRIPTION

PROJECT BLOCK INFO.
JOB NUMBER: Project Number
DRAWN BY: MDW
CHECKED BY: MDW
SCALE: 1" = 40'-0"
ISSUE DATE: 12/9/15

REF. NORTH:

SHEET TITLE:

SITE PLAN

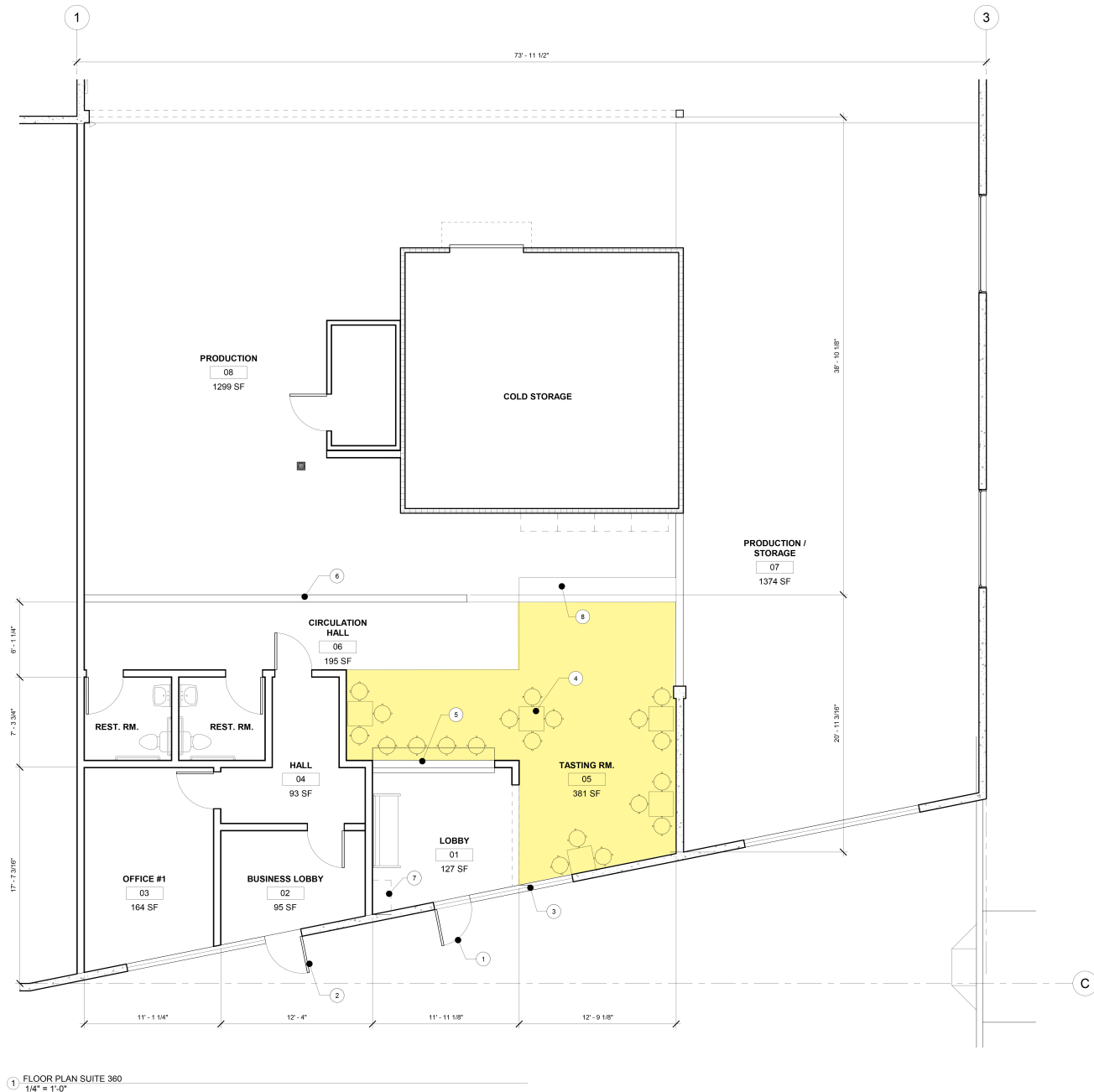
SHEET NUMBER:

01.0

KEY NOTES	
1	36" x 80" MAIN ENTRY DOOR
2	36" x 80" EMPLOYEE ENTRY DOOR
3	STOREFRONT WINDOW
4	TABLES AND SEATING
5	SEATING COUNTER TOP
6	LOW WALL DIVIDER
7	INFORMATION BOARD
8	SERVING BAR TOP

GROSS SQUARE FOOTAGE: 8127 SF
TASTING ROOM MAXIMUM SQUARE
FOOTAGE (8127 SF X .15 = 1219 SF)

TASTING ROOM = 381 SF (4.6%)



PROJECT:
CASA AGRIA, LLC.
701 N. DEL NORTE BLVD. STE 360
OXNARD CA, 93030

NO.	DATE	DESCRIPTION

PROJECT BLOCK INFO.
JOB NUMBER: Project Number
DRAWN BY: Author
CHECKED BY: Checker
SCALE: 1/4" = 1'-0"
ISSUE DATE: 12/9/15

REF. NORTH:

SHEET TITLE:

FLOOR PLAN

SHEET NUMBER:

02.0



PROJECT:
CASA AGRIA, LLC.
701 N. DEL NORTE BLVD. STE 360
OXNARD CA, 93030

NO.	DATE	DESCRIPTION

PROJECT BLOCK INFO:
 JOB NUMBER: Project Number
 DRAWN BY: Author
 CHECKED BY: Checker
 SCALE:
 ISSUE DATE: 12/9/15

REF. NORTH:

SHEET TITLE:

SITE CONTEXT

SHEET NUMBER:

03.0

Attachment C

Planning Commission Resolution No. 2015-29, Special Use Permit No. 15-510-02

RESOLUTION NO. 2015 – 29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-510-02 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW AN EXISTING ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE TYPE 23 (SMALL BEER MANUFACTURER) TO ADD THE RETAIL SALE OF BEER ON AND OFFSITE. AT AN EXISTING 1,880 SQUARE FOOT BREWERY, LOCATED AT 701 NORTH DEL NORTE BOULEVARD SUITE 310. (APN 216-0-211-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT RYAN EXLINE, 1716 HATTERAS STREET, ENCINO, CA 91316.

WHEREAS, on April 8, 2015, Ryan Exline (the “**Applicant**” and/or “**Permittee**” and/or “**Developer**”) submitted a request to allow an existing alcoholic beverage control (abc) license type 23 (small beer manufacturer) to add retail sales of beer for onsite and offsite consumption at an existing 1,880 square foot brewery, located at 701 North Del Norte Boulevard Suite 310; and

WHEREAS, on October 1, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve an existing alcoholic beverage control (ABC) License Type 23 (Small Beer Manufacturer) to add retail sales of beer for onsite and offsite consumption at an existing 1,880 square foot brewery (the “**Project**”) in accordance with Sections 16-530 through 16-553 of Oxnard City Code and City Council Resolution No. 11,896; and

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

WHEREAS, the applicant includes an application for administrative relief pursuant to Section No. 16-651(B)(1) of the City Code, to allow shared on-site parking within a 245 space parking lot;

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

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

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

The proposed use is consistent with the 2030 General Plan, and the elements thereof and other adopted standards, as discussed in Section 6(b) of the Planning Commission Staff Report.

- (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 280 square-foot tasting room will generally not operate during the hours of surrounding uses and is not expected to negatively affect the public health or general welfare.

- (3) **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

The new tasting room will be located within an existing brewery at an existing industrial center. No exterior modifications are proposed under this project.

- (4) **The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.**

The Project will be adequately served by all existing infrastructure for the existing tenant space within the existing industrial center.

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The Project will be served by existing water and sewer connections to the existing tenant space within the existing industrial center.

- (6) **The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 1000 feet of the subject location.**

The ABC license for the Project is the only license allowing retail sales of alcohol within 1,000 feet and therefore will not result in or add to an undue concentration.

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

The Project will not create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied, as discussed in Section 6(c) of the Staff Report.

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

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 15-510-02 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated August 11, 2015, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
4. By commencing any activity related to the project or using any structure authorized by this permit, 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. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer 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. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
9. 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)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)

11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. Developer 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)
13. If Developer, 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)
14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

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

PLANNING DIVISION SPECIAL CONDITIONS

16. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received a Type-23 license (Small Beer Manufacturer) from the State Department of Alcoholic Beverage Control on the project property. (PL)
17. Prior to issuance of a certificate of occupancy for the tasting room, Permittee shall provide a written parking agreement in the form on file with the City Clerk that is executed by all landowners and tenants affected by the shared parking agreement. The agreement shall specify that the city is a third-party beneficiary to the agreement and shall state that the user agrees to vacate the use within 12 months if a landowner or tenant should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the City. The parking agreement shall include and provide for a minimum of 7 parking stalls as required by the parking study to assure the continued availability for off-site parking for the life of the use (PL/DS)
18. Tasting room hours of operation shall be limited to Monday through Friday, between 3:00 P.M. and 10:00 P.M., and 8:00 am to 10:00 pm Saturday and Sunday. Any changes to these times will be subject to the filing of a minor modification permit and the Planning Manager's approval. (PL)
19. Permittee shall post and regularly inform tasting room attendees of restricted and/or designated parking stall designations. (PL)

POLICE DEPARTMENT STANDARD CONDITIONS

20. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements at 805-385-7490. (PL/PD)
21. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds, after due process that shall include discussions with the owner/operator of the business, that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Development Services Director to be held no more than 30 days after the suspension begins. (PD)
22. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
23. 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. Alcohol advertisements displayed as an integral part of the official business name is not considered a violation. (PL/PD)
24. Retail sales of alcohol may only occur between the hours of 8:00 am and 10:00 pm. (PL/PD)
25. 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)
26. Alcoholic beverages for on-site consumption 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)
27. 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)

28. 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)
29. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift (tasting for the purposes of quality control during an authorized tasting event is permitted as long as the server does not become impaired). Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
30. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or designee and/or the Planning Department. (PD)
31. 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 may be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
32. 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)
33. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
34. 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)
35. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
36. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
37. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
38. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion. (PD)

39. 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)
40. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE DEPARTMENT SPECIAL CONDITIONS

41. There shall be no self-service of alcohol permitted.
42. Displays or storage of alcoholic beverages shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy or unobstructed path to any entry or exit. (PD)
43. No alcohol shall be offered to the general public completely free of charge. An appropriate fee that is consistent with the industry standard shall be charged for all tasting or sampling. At the discretion of the Permittee, the fees may be refunded or credited to the customer as long as the customer purchases products for off-site consumption at the time of the tasting. Customers that are members of the brewery's "clubs" or who are participating in other promotional programs that require the customers to purchase a predetermined amount of product throughout the year may, at Permittee's discretion, have the fee for tastings waived (Fees may not be waived for the purchases of alcohol by the glass). Permittee shall keep accurate records of those persons participating in such promotional programs and make them available to the Police Department upon demand. (PD)
44. 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 or operational necessities does not constitute a violation. (PD)
45. Persons under 21 years of age are not permitted on the premises. (PD)
46. The premises shall be maintained and operated as originally proposed which is as a small-scale specialty brewery. The business shall maintain a specialty, boutique-like environment that is distinctive from typical Public Premises type licenses generally referred to as a "bar". (PD)
47. During all hours of retail sales, the showroom containing alcoholic beverages shall be adequately monitored by employees and the sales area shall not be left unattended. Buzzers, bells or other sounding or warning devices that alert employees when a customer has entered the business shall not be considered a replacement for adequate monitoring and visual observation of the retail area. (PD)
48. It shall not be a violation of any condition above that prohibits the consumption of alcohol by on-duty employees as long as the consumption is for the purposes of quality control only and

the sample size is consistent with industry standards (typically one to three ounces). At no time shall any employee become impaired or intoxicated while working. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of October, 2015, by the following vote:

AYES: Commissioners: Frank, Stewart, Huber, Nash, Mullin, Dozier

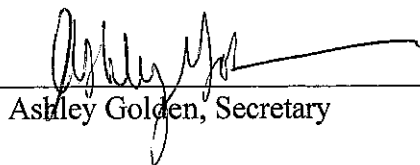
NOES: Commissioners:

ABSENT: Commissioners: Okada



Deirdre Frank, Chairwoman

ATTEST:



Ashley Golden, Secretary

Attachment D

Notice of Exemption

NOTICE OF EXEMPTION

Project Description: **Casa Agria Specialty Ales;** Planning and Zoning Permit No. 20-510-02 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to allow a small beer manufacturer (Casa Agria Specialty Ales) with a 381 square-foot on-site tasting room, to sell beer for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 23) within a 8,127 square-foot tenant space within a larger 125,514 square-foot, multi-tenant building on a 8.8-acre property located at 701 North Del Norte Boulevard Suite #360 (APN: 216-0-211-015) within the Light Manufacturing - Planned Development (M-1-PD) zone. The request allows the relocation of an existing small beer manufacturer on the same property from Suite #310 to #360. Alcohol service would be provided between the hours of 12:00 p.m. to 10:00 p.m. daily. Filed by Designated Agent Michael Weyandt, 701 North Del Norte Boulevard, Suite 310, Oxnard CA 93030, on behalf of RIF V-Del Norte, LLC, 2451 Eastman Avenue #12, Oxnard, CA 93030, property owner.

Finding:

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

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

Supporting Reasons: In accordance with Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site and off-site consumption with an existing multi-tenant industrial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and they hereby authorize and direct the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

Attachment E

Police Department Report



Police Department

Scott Whitney, Chief of Police

Date: May 27, 2020

To: Scott Kolwitz, Planning Division Manager
Randy Baez, Assistant Planner

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

Subject: Casa Agria Specialty Ales, 701 N. Del Norte Blvd., Suite 360
PZ 20-510-02, Alcohol SUP Review (ABC Type 23)

Site Information:

The applicant's business, Casa Agria Specialty Ales, has operated at 701 N. Del Norte Blvd in Suites 310 and 360 since 2015. Suite 310 has been licensed and permitted under a Type 23ⁱ Alcohol Beverage Control License and an Alcohol Special Use Permit issued by the City as small beer manufacturer and tasting room. The applicant has applied to move the manufacturing and tasting room to Suite 360.

The applicant's site is located in a multi-tenant commercial/industrial complex which is served on the east side by Del Norte Blvd. Buildings are on the north, west and south sides of the complex around the perimeter of a shared tenant parking lot.

The applicant has requested that the tasting room be allowed to be open from Noon to 10 P.M daily.

Concentration, Crime and Policing Servicesⁱⁱ

Alcohol outlets located within 350 Feet

#	Business Name	Address	ABC Type	ASUP	On/Off-Sale	Premise	Alcohol	Alcohol Hours *
1	Trancas Vineyards	701 N. Del Norte Blvd #145	20,17	Y	Y	Off-Sale	Beer & Wine	7a-1a

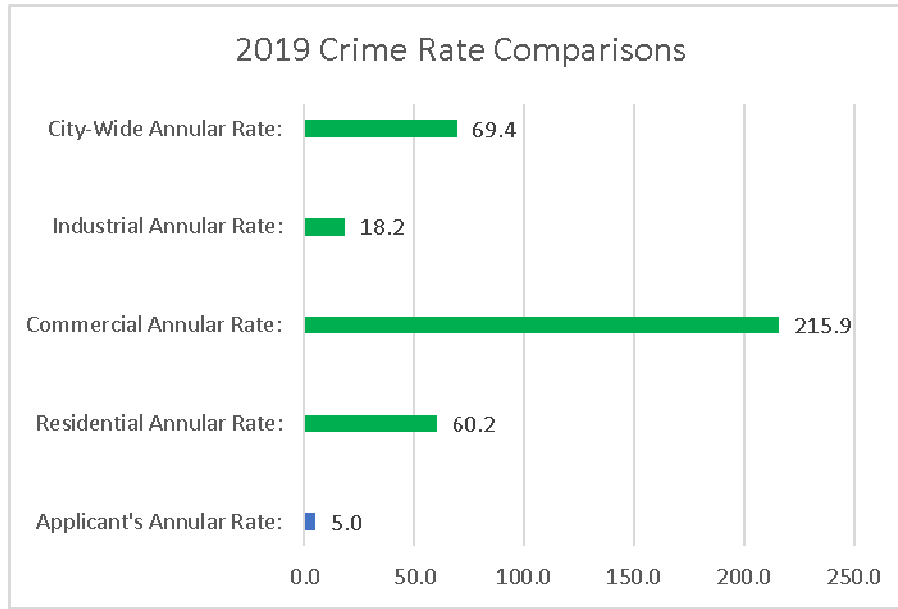
Alcohol outlets located between 350 Feet and 1000 Feet: None

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part Iⁱⁱⁱ and II^v crimes that occurred during a selected 12-month period. In the case of this

report, all calculations are based on statistics from 2019. The average city-wide, annular average of Part I and II crimes is 69.4.

The number of Part I and II crimes in the applicant's 1000 feet annular area is 5. This is 2.3% of the average for commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

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

On June 25, 2018 the business was served with a Notice of Violation of the Conditions of its Alcohol Special Use Permit. The violation was promptly corrected.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to manufacture and sell alcohol. None of the persons interviewed were in opposition to the proposed operation. One nearby business operator had some concerns about special tasting events which tends to impact available parking spaces. Otherwise, there were no other concerns

Conclusion

Casa Agria Specialty Ales has operated since 2015 at this commercial complex with little adverse impact on the community. The crime rate in the area is extremely low compared to other parts of the City. Since there is a similar alcohol outlet within 350-feet, it can be considered that there is an undue concentration by City standards. However, based on all the factors examined in this review, the presumption of the undue concentration can be rebutted in the interest of public convenience and necessity.

Based on the crime statistics, the assessment from the Beat Coordinator, and the input from the neighboring business operators, there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the manufacture and sales of alcoholic beverages at this business will have little, if any adverse impact on the community or policing services.

Police Operating Conditions

RBS Training

1. Permittee and all 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)
2. 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.

Beverage Service

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10P.M.

Security Features

4. Prior to commencing the sale of alcohol permitted by this permit, permittee 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. 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 or entrance to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
5. 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.
6. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
7. 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)
8. 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)
9. 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)

Operations

10. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit conditions and/or a permit/license issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations 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 for the revocation of the permit by the Community Development Director to be held no more than 30-days after the suspension begins. (PD)

11. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages, except for the expressed purpose of testing product quality, 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)
12. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within 24-hours of being applied. (PD/PL)
13. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
14. The area surrounding premises under the reasonable control of the 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. (PD/PL)
15. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
16. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)

Signage

17. There shall be no advertising of alcoholic beverages visible from the outside, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
18. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverage is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
19. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)

Site Design

20. 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)

Permit Restrictions

21. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Community Development Director. (PD)
22. Upon any individual transfer (person to person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing DDR shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
23. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which identifies details the camera system, alarms, guard post orders and other security related matters and policies.

ⁱ Type 23 Small Beer Manufacturer – Authorizes the manufacture of no more than 60,000 barrels per year.

ⁱⁱ *Section 23958.4 of the Business and Professions Code and Oxnard City Council Resolution 11,896 establish standards for evaluating the feasibility of alcohol businesses based on the concentration of alcohol outlets, the area crime statistics, and the number of police department responses in the area. These provisions also allow for a concentration of outlets provided it serves public convenience or necessity and that it is unlikely that there will be an adverse impact on the community.*

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

^{iv} *Part II crime include: other assaults, forgery & counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution & commercialized vice, sex offenses, drug abuse violations, gambling, offenses against family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses not specifically identified as Part I or Part II, except traffic violations.*

Attachment F

City Council Resolution No. 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.

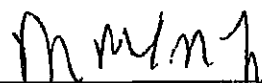
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

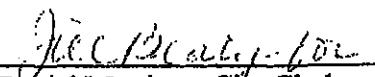
ABSENT: None.



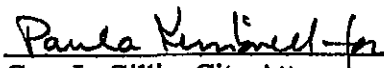
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

Attachment G

Draft Resolution of Approval

RESOLUTION NO. 2020 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-510-02 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW A SMALL BEER MANUFACTURER (CASA AGRIA SPECIALTY ALES) WITH A 381 SQUARE-FOOT ON-SITE TASTING ROOM, TO SELL BEER FOR ON-SITE AND OFF-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 23) WITHIN AN EXISTING 8,127 SQUARE-FOOT TENANT SPACE WITHIN A LARGER 125,514 SQUARE-FOOT, MULTI-TENANT BUILDING ON A 8.8-ACRE PROPERTY, LOCATED AT 701 NORTH DEL NORTE BOULEVARD #360 (APN: 216-0-211-015) WITHIN THE LIGHT MANUFACTURING - PLANNED DEVELOPMENT (M-1-PD) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MICHAEL WEYANDT, 701 NORTH DEL NORTE BOULEVARD, OXNARD CA 93030.

WHEREAS, on October 1, 2015, the Planning Commission approved Planning Commission Resolution No. 2015-29, Special Use Permit No. 15-510-02, to allow on and off-site retail sale of beer (ABC License Type 23) on the Project Site, within Suite #310 for Casa Agria Specialty Ales; and

WHEREAS, on April 28, 2020, Michael Weyandt, (the “**Applicant**”) on behalf of property owners RIF V-Del Norte LLC, submitted a request to allow the sale of beer for on-site and off-site consumption within an existing 8,127 square-foot tenant space at 701 North Del Norte Blvd. #360, relocating the existing small beer manufacturer on the same property from Suite #310 to #360; and

WHEREAS, on July 2, 2020, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly notice public hearing to consider an application for Planning and Zoning Permit No. 20-510-20 (Special Use Permit - Alcohol),, filed by Michael Weyandt in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern

where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan land use designation of Industrial Light (ILT) and the zoning designation is for Light Manufacturing - Planned Development (M-1-PD). The Project is surrounded by industrial and agricultural development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed Special Use Permit request for alcohol is consistent with the 2030 General Plan and the Oxnard City Code and is compatible with the physical scale and character of other commercial development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the Municipal Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed Special Use Permit request for alcohol will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the industrial and agricultural character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by industrial and agricultural development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. The 125,000 square-foot industrial building was constructed from 1998-2000. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the proposed sale of alcoholic beverages as an accessory use with manufacturing is consistent with the Light Manufacturing - Planned Development zoning district, subject to approval of a special use permit. Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer for on-site and off-site consumption within an existing tenant space at an existing industrial business park. There is one other similar alcohol establishment within 1,000 feet of the project site; therefore there is a presumption of undue concentration by local standards. As conditioned, the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these

factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

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

As described in the Staff Report, and Oxnard Police Department Alcohol SUP Report, there is only one other similar alcohol establishment within 1,000 feet of the Project site; therefore there is a presumption of undue concentration by local standards. This finding is rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained industrial business park center where the crime rate is significantly below the average for other parts of the City. Therefore, this Project meets this finding.

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

As described in the Staff Report, the industrial business park has a significantly below-average crime rate when compared to other parts of the City. The Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the Special Use Permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. Based on the crime statistics, the input from the community and the Beat Coordinator, there is no reason to oppose this application. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site and off-site consumption within an existing multi-tenant industrial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Upon approval of Planning and Zoning Permit No. 20-510-02, and upon the applicant’s receipt of ABC License Type 23 the Planning Commission of the City of Oxnard

after conducting the public hearing hereby repeals Planning Commission Resolution No. 2015-29, Special Use Permit No. 15-510-02, allowing on and off-site retail sale of beer (ABC License Type 23) at 701 North Del Norte Boulevard Suite #310, and said Special Use Permit shall be of no further force and effect.

SECTION 4. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 20-510-02 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

SECTION 5. 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 6. The Secretary shall certify the adoption of this Resolution.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated July 2, 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. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, G-5).
4. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, G-6).
5. 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).
6. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, G-8).
7. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, G-10).
8. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the Project property (FD, G-12).
9. 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).
10. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the Oxnard City Code (CA, G-14).

PLANNING DIVISION SPECIAL CONDITIONS

11. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a License Type 23 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).
12. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.

POLICE DEPARTMENT STANDARD CONDITION

13. Permittee and all 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).
14. A copy of these conditions and a log of employees who have successfully completed an Oxnard Police Department approved Responsible Beverage Service Training shall be maintained on the premises. The employee log shall be made available upon the demand of the Oxnard Police Department at all times (PL/PD).
15. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without SUP review and approval by the Police Chief or designee and the Community Development Director. (PD)
16. 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)
17. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which identifies details of the camera system, alarms, guard post orders and other security related matters and policies.
18. There shall be no advertising of alcoholic beverages visible from the outside, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
19. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of

alcoholic beverage is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

20. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)
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. Prior to commencing the sale of alcohol permitted by this permit, permittee 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 below minimum standards:
 - 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 or entrance to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
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 and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
25. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
26. 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)
27. 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)
28. A copy of these conditions and a log of employees who have completed Responsible Beverage Service, or equivalent, training 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).

POLICE DEPARTMENT SPECIAL CONDITIONS

29. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10:00 P.M.
30. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit conditions and/or a permit/license issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Community Development Director to be held no more than 30-days after the suspension begins. (PD)
31. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages, except for the expressed purpose of testing product quality, 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)

32. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within 24-hours of being applied. (PD/PL)
33. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
34. The area surrounding premises under the reasonable control of the 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. (PD/PL)
35. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
36. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of July, 2020, by the following vote:

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 2nd day of July, 2020, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

MEMORANDUM

Agenda Item No.: 1

Date: July 2, 2020

To: Planning Commission

From: Randy Baez, Assistant Planner (805) 385-3923
Jeffrey Lambert, AICP, Community Development Director

Subject: Transmittal Memo No. 1 – Casa Agria Specialty Ales – Planning and Zoning Permit No. 20-510-02 (Special Use Permit - Alcohol): A request of a Special Use Permit (SUP) to allow a 381 square-foot brewery tasting room, along with the sale of beer for on and off-site sale (Alcohol Beverage Control License Type 23) within a 8,127 square-foot tenant space within a larger 125,514 square-foot, multi-tenant building on a 8.8-acre property located at 701 North Del Norte Boulevard Suite #360 (APN: 216-0-211-015) within the Light Manufacturing - Planned Development (M-1-PD) zone. The request allows the relocation of an existing brewery beer manufacturer (Casa Agria Specialty Ales) on the same property from Suite #310 to #360. Alcohol service would be provided between the hours of 12:00 p.m. to 10:00 p.m. daily. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Michael Weyandt, Designated Agent, 701 North Del Norte Boulevard, Suite 310, Oxnard CA 93030 on behalf of RIF V-Del Norte, LLC, 2451 Eastman Avenue #12, Oxnard, CA 93030, property owner.

Subsequent to the release of the Staff Report, staff has received 1 communication from the public concerning the proposed project (attached).

Staff has reviewed the letter and will provide a response as necessary.

Attachment

A. Letter from Donald Nielsen received June 29, 2020



Baez, Randy <randy.baez@oxnard.org>

PZN 20-510-02: Casa Agria Specialty Ales

1 message

Donald Nielsen <dseanoan@gmail.com>

Mon, Jun 29, 2020 at 10:22 AM

To: randy.baez@oxnard.org

Cc: scott.kolwitz@oxnard.org

Hello Randy,

I am writing a letter in support of the above mentioned case. I would also urge the following be taken into consideration and, if possible, approved by the Planning Commission:

- Expand the alcohol service hours earlier in the day, i.e. 10:00am or 8:00 am
 - Reasoning: Even though their business hours may be from 12:00pm to 10:00 pm, having the earlier hours would allow the business to potentially expand business hours, even temporarily, without having to request an amendment to the SUP. This would require the modification of Condition No. 18 to read "Tasting room hours of operation shall be limited to Sunday through Saturday between 8:00 A.M. and 10:00 P.M. Any changes to these times will be subject to the filing of a minor modification permit and the Planning Manager's approval. (PL)"
- Designate a parking space for a Food Truck
 - Reasoning: Having the food truck at the location could help offset any potential alcohol issues. The closest restaurants to the project location (according to Google Maps) is a gas station Subway located at [200 North Del Norte Blvd.](#) and Tacos el Vladis at [2958 Sturgis Rd.](#) Food trucks also help bring in patrons to an establishment as can be seen in multiple breweries within the Ventura and Oxnard area.
- Permanent Outdoor Seating
 - Reasoning: Having permanent outdoor seating helps to raise the profile of a business by increasing its curb appeal, provides additional capacity during and after the pandemic, and it allows patrons to enjoy the outdoors and climate we have. Given the location is at the corner of the building adjacent to Del Norte Blvd. this is a great opportunity to allow expanded outdoor seating and services. The project suite also has an angled wall which pulls the building back from the interior sidewalk providing a natural outdoor seating area that does not encroach into the ADA paths of travel. Further outdoor seating could be accomplished through the conversion, even if temporary (i.e. after business hours of surrounding business) of some parking spaces directly in front of the suite.
- Elimination or Modification of Condition No. 17
 - Reasoning: There is no issue with the requirement of a reciprocal parking agreement, however the issue lies in the second sentence that states *"the user agrees to vacate the use within 12 months if a landowner or tenant should amend or terminate the agreement so that the user no longer has sufficient parking to satisfy the parking requirements in effect at the time the agreement was accepted by the City."* This portion of the Condition can be seen as potentially voiding the Use Permit without going through the public hearing process to rescind the permit. The reason why this is an issue is because according to *Cohn v. County Board of Supervisors (1955)* Use Permits run with the land not the applicant, and the approval of the Use Permit by the City is based on current conditions - not future conditions. Example - another tenant signs a lease within the industrial building, but does not agree with the brewery occupying a space, the new tenant may simply terminate the parking agreement forcing Casa Agria to relocate even though they have an approved Use Permit for operation at that location. By including this language the City can be seen as making the applicant carry a disproportionate load in furthering the public purpose through ensuring enough parking for the entire multi-tenant building for the life of the Use Permit.
 - Furthermore, the Findings of the Use Permit support the approval of the project and do not base any of the justifications for approval on the Parking Agreement. Specifically, Finding No. 2 states that the Use is not expected to negatively affect the public health or general welfare (and should have been extended to indicate that it is not expected to be materially detrimental to the adjacent uses, buildings or structures). If there was and is any concern for the onsite parking situation, it should have been addressed under this particular finding.

Please let me know if you have any questions on the above, or if clarification is needed.

Donald Nielsen
Oxnard Resident