

Thursday, August 6, 2020
Planning Commission
Packet

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.

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, August 6, 2020, 6:00 p.m.

A. ROLL CALL

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

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – July 2, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Mr. Shrimp Restaurant Alcohol Special Use Permit - PLANNING AND ZONING PERMIT NO. 20-510-01 (Special Use Permit - Alcohol)** A request of a Special Use Permit (SUP) to allow an existing 3,553 square-foot sit-down restaurant (Mr. Shrimp) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41) within an existing 14,023 square-foot multi-tenant commercial building on a 1.7-acre property located at 250 South Ventura Road (APN: 202-0-010-795) within the General Commercial - Planned Development (C-2-PD) zone. Alcohol service would be provided between the hours of 7:00 a.m. to 10:00 p.m. daily. Filed by Juvencio Rodriguez,

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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

Designated Agent, 1300 East Pleasant Valley Road #35, Oxnard CA 93033 on behalf of Abdulhai Mutih-Huda, 200 South Ventura Road, 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. 20-510-01 (Special Use Permit-Alcohol), subject to certain findings and conditions.

2. **Project Name: Performing Arts & Convention Center (P.A.C.C.) Alcohol Special Use Permit - PLANNING AND ZONING PERMIT NO. 20-510-03 (Special Use Permit - Alcohol)** A request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and, distilled spirits for on-site consumption (Alcohol and Beverage Control License Type 47 - On-Sale General - Eating Place) at an existing 65,834 square-foot multi-building Performing Arts & Convention Center (P.A.C.C.) on an 11-acre property located at 800 Hobson Way (APN: 202-0-250-065) within the Community Reserve (C-R) zone. Alcohol sales would be provided between the hours of 7:00 a.m. to 12:00 AM and alcohol consumption from 7:00 AM to 1:30 AM. Filed by Kevin Hufford, 100 Wilshire Blvd., Suite 700, Santa Monica, CA 90401.

Project Planner: Jose Coyotl, Associate 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. 20-510-03 (Special Use Permit-Alcohol), subject to certain findings and conditions.

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, August 20, 2020, 6:00 p.m., City Council Chambers

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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Thursday, August 6, 2020
Planning Commission
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PLAN

DRAFT MINUTES



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
July 2, 2020
DRAFT

A. ROLL CALL

1. At 6:01 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) and Meyer (via videoconference) were present. Commissioners Dozier and Fuhring were absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Randy Baez, Assistant Planner; Alex Arnett, Police Commander; Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist; 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 Chavez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - June 18, 2020

MOTION: Chair Frank moved and Commissioner Meyer seconded a motion to approve the minutes of June 18, 2020, as submitted:

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer, voted in favor. The motion carried 4:0:2:0:0¹.

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 or Item G-1.

¹ In Favor: Against: Absent: Abstain: Recused

F. CONTINUED PUBLIC HEARING

- 1. Project Name: Verizon Danube** - Planning and Zoning (PZ) Permit No. PZ 18-530-01 (Special Use Permit) Request to construct a 47-foot tall wireless communications facility designed as a faux eucalyptus tree with an associated equipment enclosure within a 596 square-foot lease area adjacent to an existing three-story self-storage facility on a 1.02 acre lot in the C-2-PD zone. Pursuant to Oxnard City Code (OCC) Section 16-497, the request includes an increase in height from 35 feet to 47 feet and a reduction to the rear yard setback from 15 feet to 10 feet in the C-2-PD zone. The project is located adjacent to the southeastern corner of the Public Storage facility at 161 Ventura Boulevard (APN: 145-0-232-135). The project is exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines. Filed by the 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.

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

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 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.

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer voted in favor. The motion carried 4:0:2:0:0².

² In Favor: Against: Absent: Abstain: Recused

G. PUBLIC HEARING

- 1. Project Name: Casa Agria Specialty Ales** - Planning and Zoning (PZ) Permit No. PZ 20-510-02 (Special Use Permit - Alcohol) 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 pm to 10:00 pm 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 2020-12 for Planning and Zoning Permit No. 20-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions.

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

Assistant Planner Randy Baez 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 G-1.

No public written comments were received against Item F-1. Transmittal Memo No. 1 was distributed to the Commissioners which included an email from Donald Nielsen in support of Item G-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 adopt a resolution approving the **Casa Agria Specialty Ales** PZ No. 20-510-02 (Special Use Permit - Alcohol) as submitted.

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez and Meyer voted in favor. The motion carried 4:0:2:0:0³.

H. STUDY SESSION/REPORTS

1. None

I. PLANNING COMMISSION BUSINESS

1. None

J. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. The Planning Commission meeting on July 16, 2020 is cancelled.
 - ii. The next Planning Commission meeting will be August 6, 2020 in the City Council Chambers.
 - iii. On June 30, 2020, the City Council approved the second reading of the Sakioka Farms Development Agreement. It goes into effect in 30 days.
 - iv. On July 10, 2020, the California Coastal Commission will review the Short Term Rentals (STR) Regulations. Coastal Commission staff has informed staff that a Staff Report Addendum will be released on Monday, July 6, 2020, and it will be available to view on their website. This will be Hearing Item 13A on their agenda.
 - v. On July 29, 2020, the City Council is to hold a public hearing on the Appealed 7-Eleven project located at 2900 Saviers Road. The Planning Commission denied the request on October 17, 2019.

K. ADJOURNMENT

1. At 6:46 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

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

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

³ In Favor: Against: Absent: Abstain: Recused

PLAN

STAFF REPORT
PZ 20-510-01



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Randy Baez, Assistant Planner

DATE: August 6, 2020

SUBJECT: **Project Name: Mr. Shrimp Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 20-510-01 (Special Use Permit – Alcohol); Located at 250 South Ventura Road (APN: 202-0-010-795).

- 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. 20-510-01 (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 an existing 3,553 square-foot sit-down restaurant (Mr. Shrimp) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41¹) within an existing 14,023 square-foot multi-tenant commercial building on a 1.7-acre property located at 250 South Ventura Road (APN: 202-0-010-795) within the General Commercial - Planned Development (C-2-PD) zone (Attachments A & B). Alcohol service would be provided between the hours of 7:00 a.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 Juvencio Rodriguez, 1300 East Pleasant Valley Road #35, Oxnard, CA 93033, (the “**Applicant**”) on behalf of Abdulhai Mutih-Huda, 200 South Ventura Road, Oxnard, CA 93030, property owner.
- 3) Existing & Surrounding Land Uses:** The 1.7-acre property is developed with a 14,023 square-foot, multi-tenant building with a parking lot of 70 parking spaces, and associated landscaping. The project site is located within the Fremont South Neighborhood. The nearest school is the Oxnard Adult School, located approximately 1,000 feet east of the

¹ ABC License Type 41 (On-Sale Beer & Wine - Eating Place) (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

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	Airport Compatible (AC)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
North	Residential Low (RL)	Single-Family Residential (R-1)	Single-Family Residences
South	Airport Compatible (AC)	General Commercial (C-2-PD)	Vacant/ Undeveloped
East	Residential Low (RL)	Single-Family Residential (R-1)	Single-Family Residences
West	Airport Compatible (AC)	General Commercial (C-2-PD)	Undeveloped/ Single-Family Residences

4) Background Information:

- a) On November 1, 2001, the Planning Commission approved Planning Commission Resolution No. 2001-74, Planned Development Permit No. 01-500-22, for the construction of the 14,000 square-foot commercial building at the Project Site.

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 consumption within an existing multi-tenant commercial 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 C).

6) Analysis:

a) General Discussion:

Mr. Shrimp Seafood is a small family owned restaurant focusing on fresh seafood, and currently operates at the project site. The business originally started as a seafood market providing seafood to-go, but has recently expanded into a nearby tenant space to allow for a 1,165 square-foot dining area. The Applicant is requesting the approval to allow the sale of beer and wine for on-site consumption within the existing dining area (ABC License Type 41). The restaurant currently operates the dining area along with a 2,388 square-foot market and kitchen area. The restaurant will be staffed by 10 employees and the restaurant currently operates from 9:00am to 8:00pm daily, but the permit request

extends beyond these hours in case market conditions result in changes to the current operating hours.

b) General Plan and Zoning Consistency:

The 2030 General Plan designation for the site is Airport Compatible (AC) and the zoning designation is for General Commercial - Planned Development (C-2-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 General Commercial - Planned Development (C-2-PD) zone district. In accordance with Oxnard City Code (OCC) Section 16-135 (Permitted Uses within the C-2 zone), general or fast food restaurants are permitted uses. Similarly, the sale of beer for consumption on-site is an accessory use permitted within the C-2 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 D) in accordance with City Council Resolution No. 11,896 (Attachment E). 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?
250 South Ventura Rd.	No	No	No, as conditioned	No

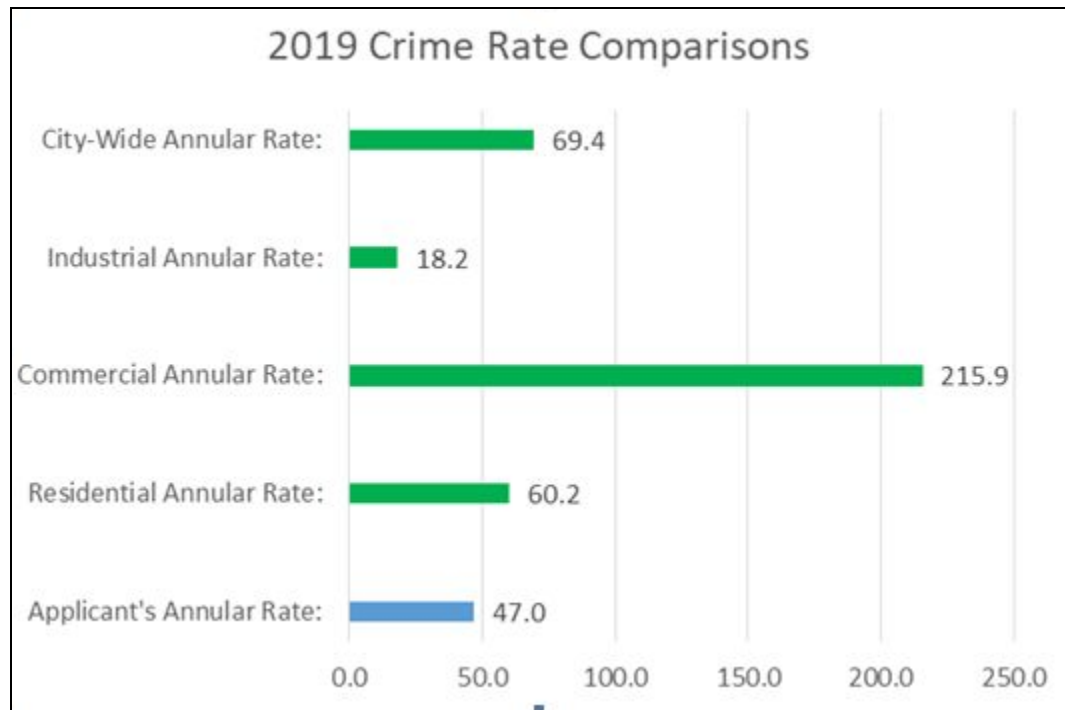
Concentration of Alcohol Outlets:

According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. Since there are no other similar alcohol establishments within 350 feet of the applicant's site, there is no undue concentration by

City standards.

Crime Statistics:

For comparison purposes, the Police Report analyzes the average number of Part I² crimes and Part II³ 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 47 during the same twelve month time period. This is 22% of the average for commercial properties citywide; therefore, the local crime rate is very low compared to other parts of the City. This is 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.

Community Input:

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

² Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

³ Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

those interviewed, some businesses had concerns that selling alcoholic beverages in the shopping center would exacerbate existing homeless issues. However, there were some who were interviewed that believed there would be no issues with the restaurant serving alcoholic beverages.

The Neighborhood Chairperson was also contacted and they indicated that a Fremont South Neighborhood Chair survey was conducted amongst a number of area residents (Attachment F). He found that there was about an equal mix between those who supported and those who did not support the proposed application.

Conclusion:

Mr. Shrimp has operated since 2017 at this commercial center and, if this request is approved, will be serving beer and wine as an accessory use to their restaurant, which should have little adverse impact on the community. The crime rate in the area is very low compared to other parts of the City. Since there are no other alcohol outlets within 1,000-feet, it can be considered that there is no undue concentration by City standards. Furthermore, based on all the factors examined in this review, there is no presumption of undue concentration.

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), the Police Department finds there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the on-site consumption 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 located within the Fremont South Neighborhood. On June 1, 2020, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Fremont South Neighborhood. The Applicant also provided notice on the Project site with a brief description of the project and contact information. The Community Workshop was held on June 15, 2020. During the Community Workshop, the Neighborhood Chair spoke on behalf of the neighborhood. He had surveyed a number of residents, who had mixed feelings about the application in question. Of those surveyed, the biggest concern most had was in regards to patrons of the restaurant being over served alcoholic beverages and driving away intoxicated. This concern can be rebutted due to the conditions of approval by the Police Department, which requires employees to complete a course in Responsible Beverage Services (RBS) to avoid over serving alcoholic beverages to customers. Other concerns of the neighborhood were summarized in the attached Fremont South

Neighborhood Chair summary (Attachment F).

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:

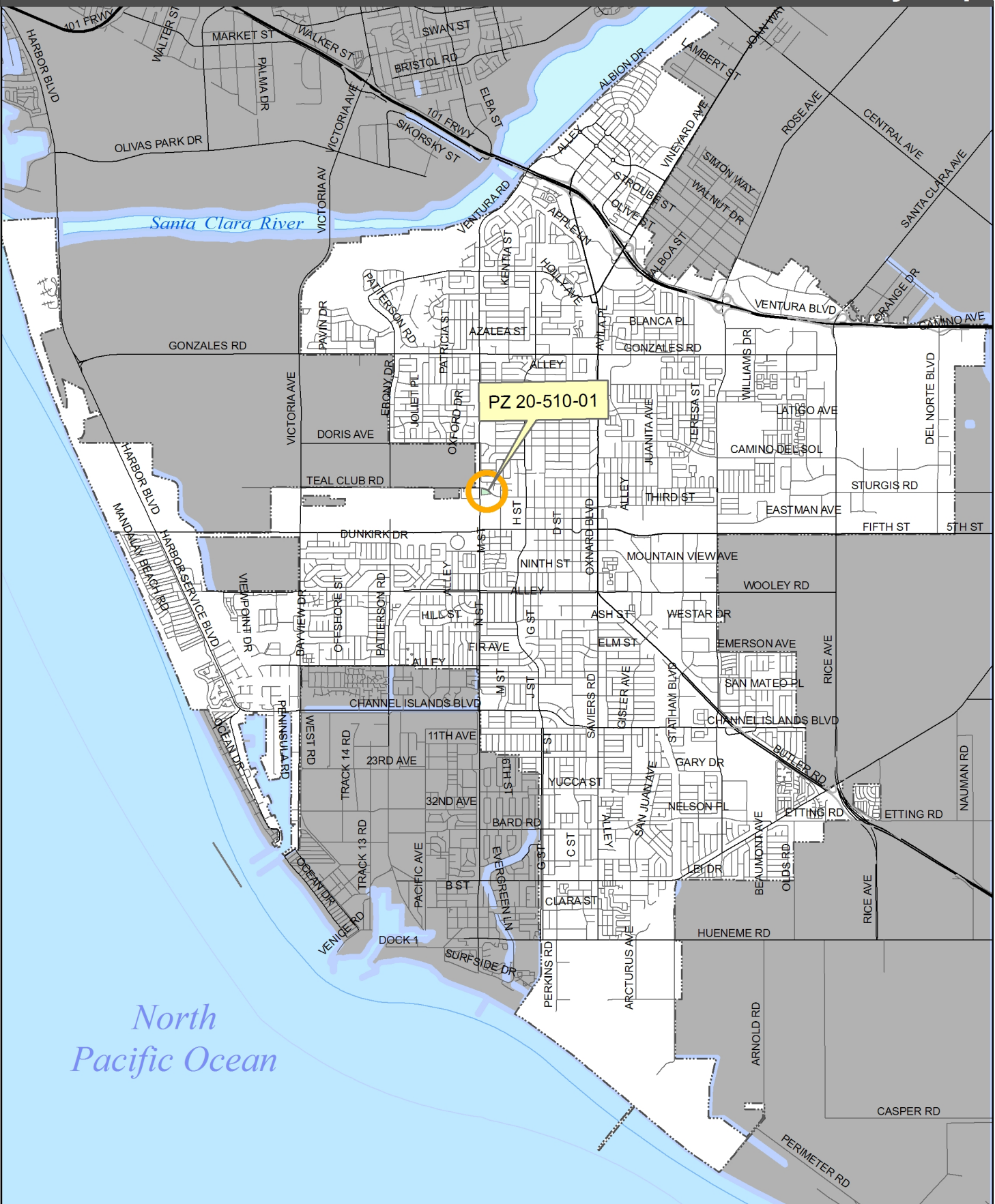
- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Fremont South Neighborhood Input
- G. Draft Resolution of Approval

PLAN

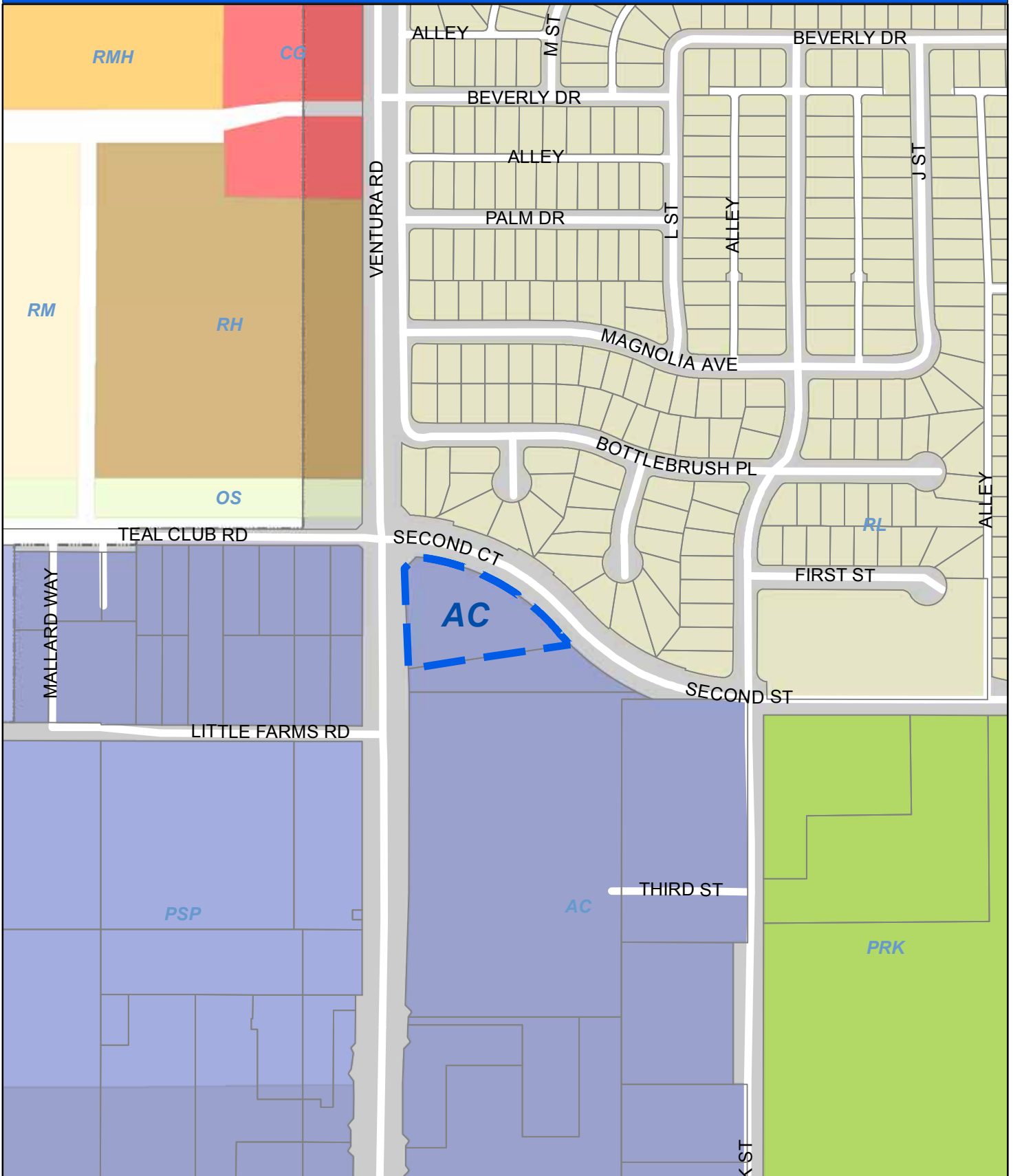
STAFF REPORT
PZ 20-510-01

A. Maps
(Vicinity, General Plan, Zoning, Aerial)



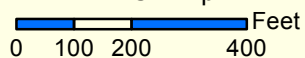


2030 General Plan Land Use Map



Oxnard Planning
June 15, 2020

PZ 20-510-01
Location: 250S Ventura Rd
APN: 202001079
Mr Shrimp

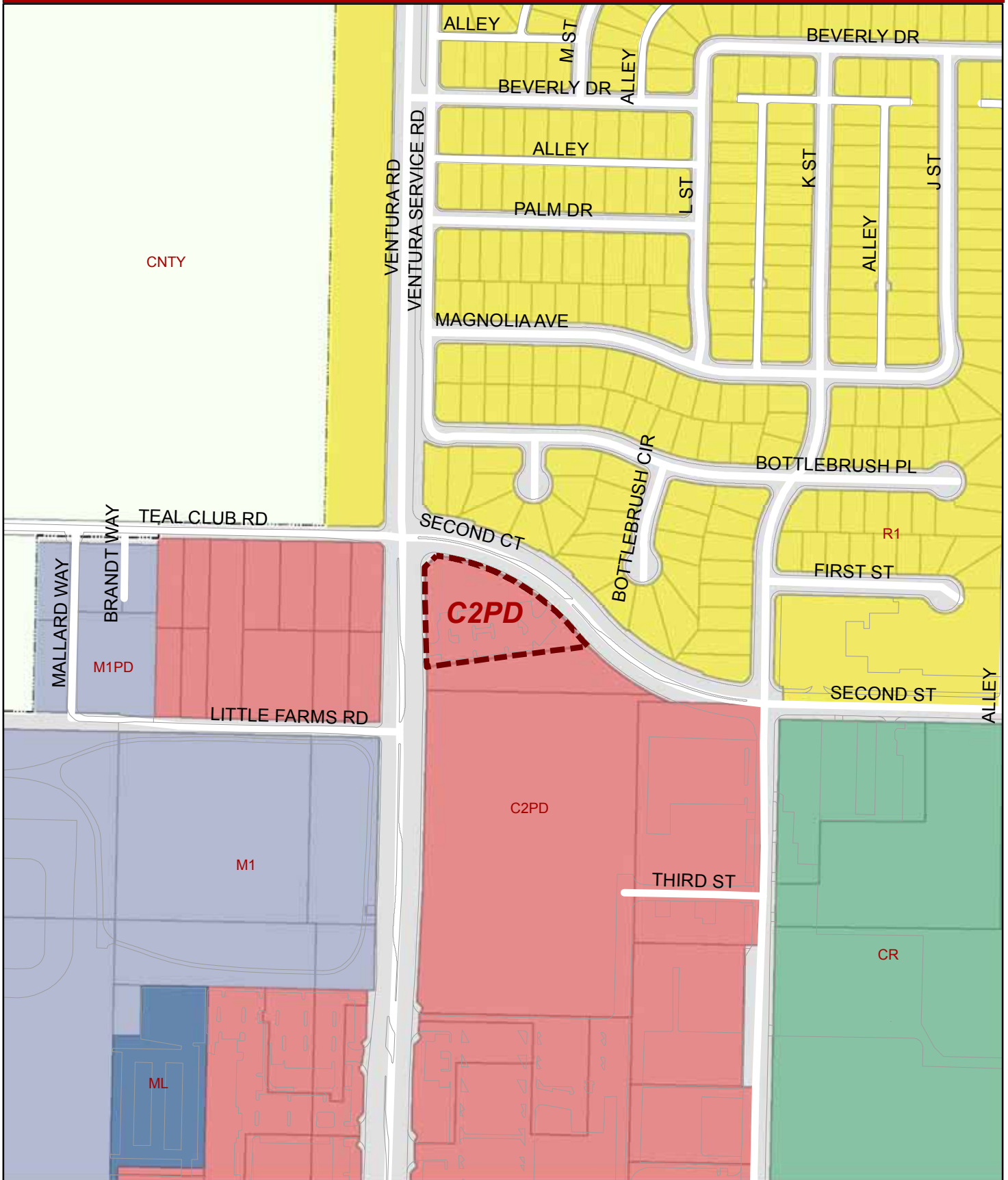


2030 General Plan Land Use Map



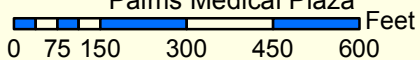
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Zoning/Specific Plan Map



Oxnard Planning
June 15, 2020

PZ 19-300-02, 19-520-02
Location: 1901 Outlet Center Dr
APN: 2130090125
Palms Medical Plaza

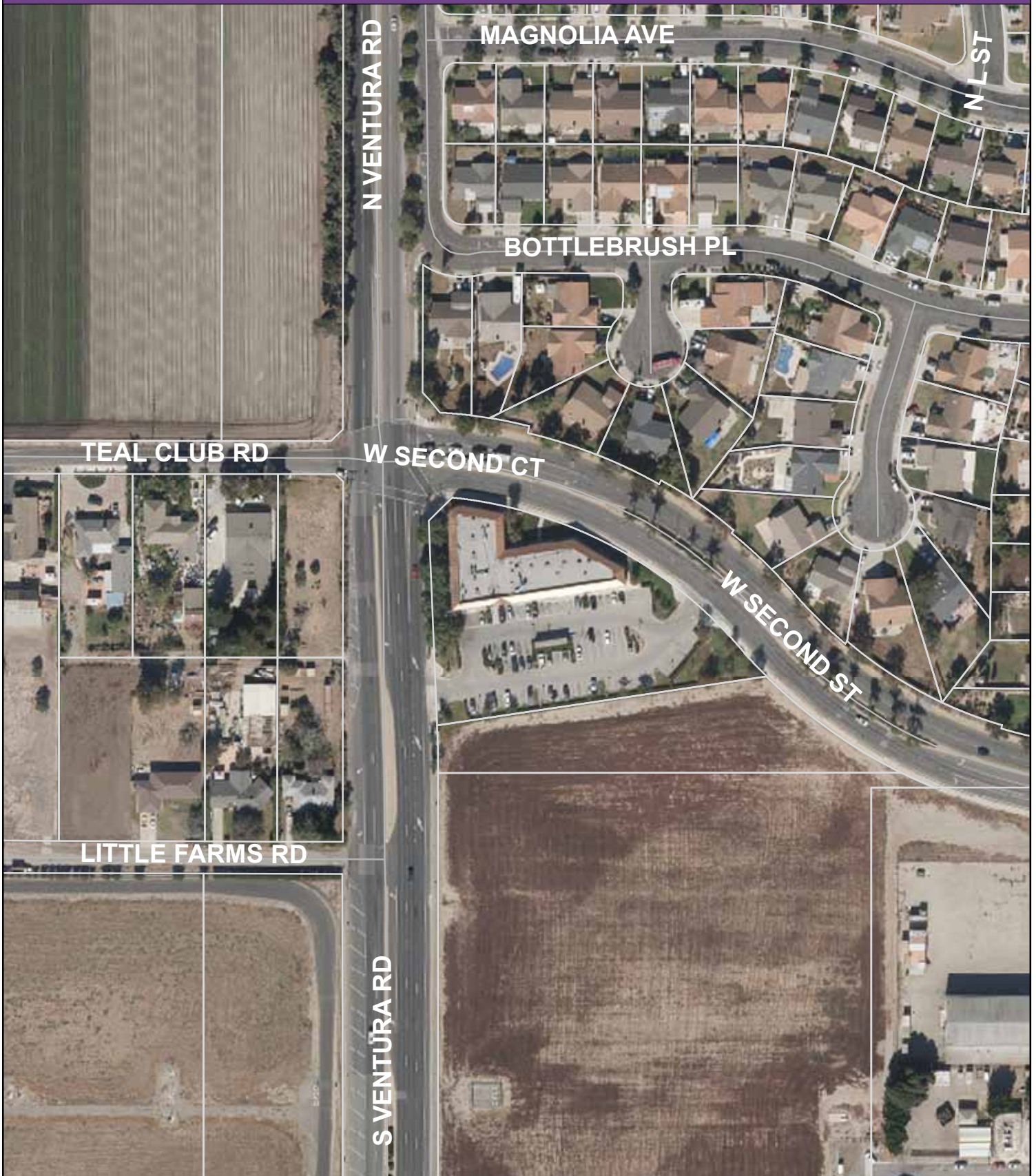


Zoning/Specific Plan Map



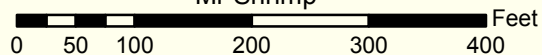
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Aerial Map



Oxnard Planning
June 15, 2020

PZ 20-510-01
Location: 250S Ventura Rd
APN: 202001079
Mr Shrimp



Aerial Map



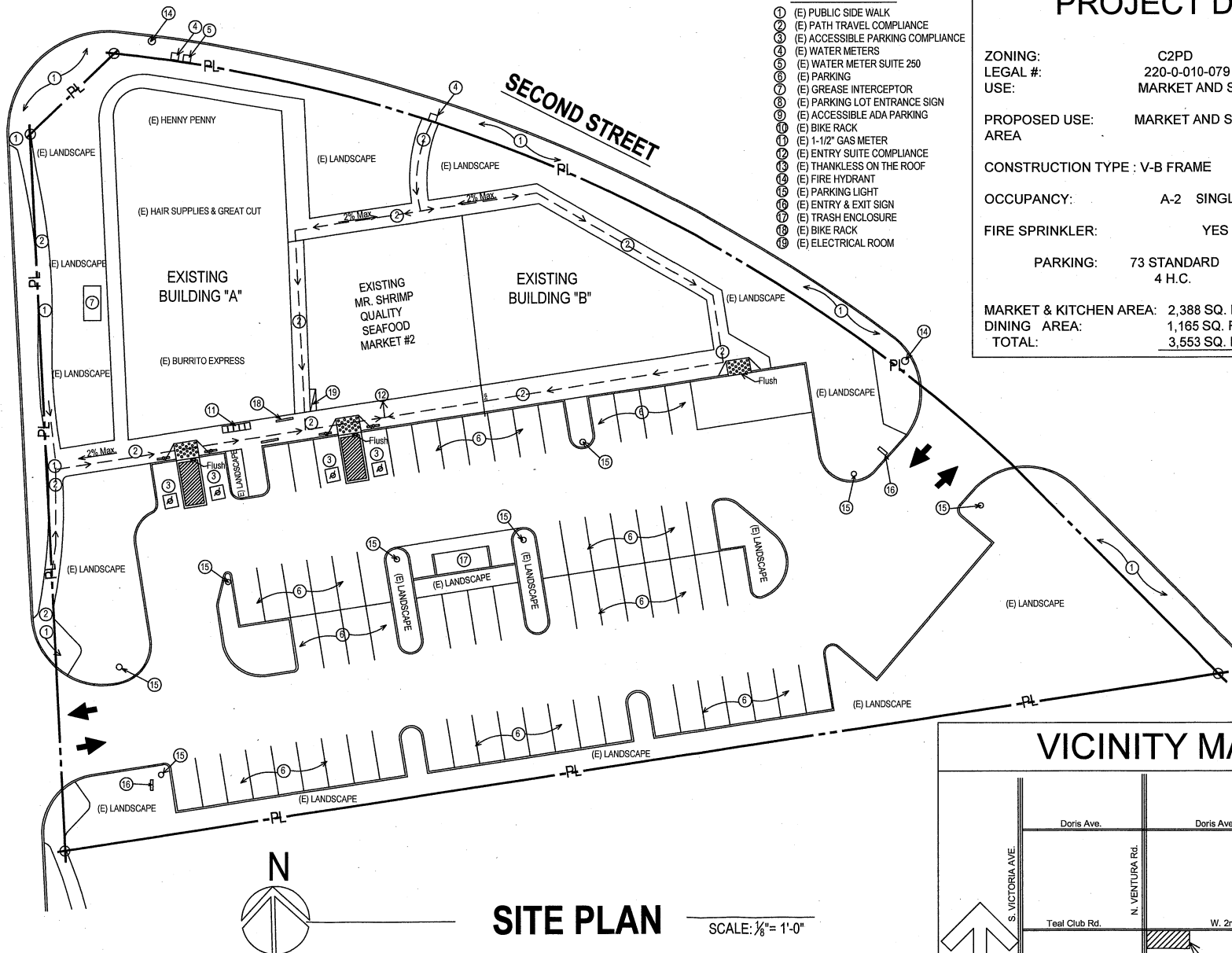
PLAN

STAFF REPORT
PZ 20-510-01

B. Reduced Project Plans



VENTURA ROAD



SITE PLANS KEY

- 1 (E) PUBLIC SIDE WALK
- 2 (E) PATH TRAVEL COMPLIANCE
- 3 (E) ACCESSIBLE PARKING COMPLIANCE
- 4 (E) WATER METERS
- 5 (E) WATER METER SUITE 250
- 6 (E) PARKING
- 7 (E) GREASE INTERCEPTOR
- 8 (E) PARKING LOT ENTRANCE SIGN
- 9 (E) ACCESSIBLE ADA PARKING
- 10 (E) BIKE RACK
- 11 (E) 1-1/2" GAS METER
- 12 (E) ENTRY SUITE COMPLIANCE
- 13 (E) THANKLESS ON THE ROOF
- 14 (E) FIRE HYDRANT
- 15 (E) PARKING LIGHT
- 16 (E) ENTRY & EXIT SIGN
- 17 (E) TRASH ENCLOSURE
- 18 (E) BIKE RACK
- 19 (E) ELECTRICAL ROOM

PROJECT DATA

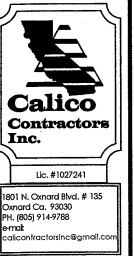
ZONING: C2PD
LEGAL #: 220-0-010-079
USE: MARKET AND SEAFOOD TO GO

PROPOSED USE: MARKET AND SEAFOOD W/DINING AREA
CONSTRUCTION TYPE : V-B FRAME

OCCUPANCY: A-2 SINGLE STORY
FIRE SPRINKLER: YES

PARKING: 73 STANDARD
4 H.C.

MARKET & KITCHEN AREA: 2,388 SQ. FT.
DINING AREA: 1,165 SQ. FT.
TOTAL: 3,553 SQ. FT.



SIGNATURE

REVISIONS	DATE

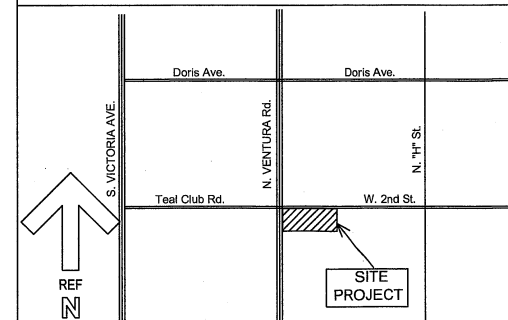
PROPOSAL
DINING
SHEET TITLE
SITE PLAN

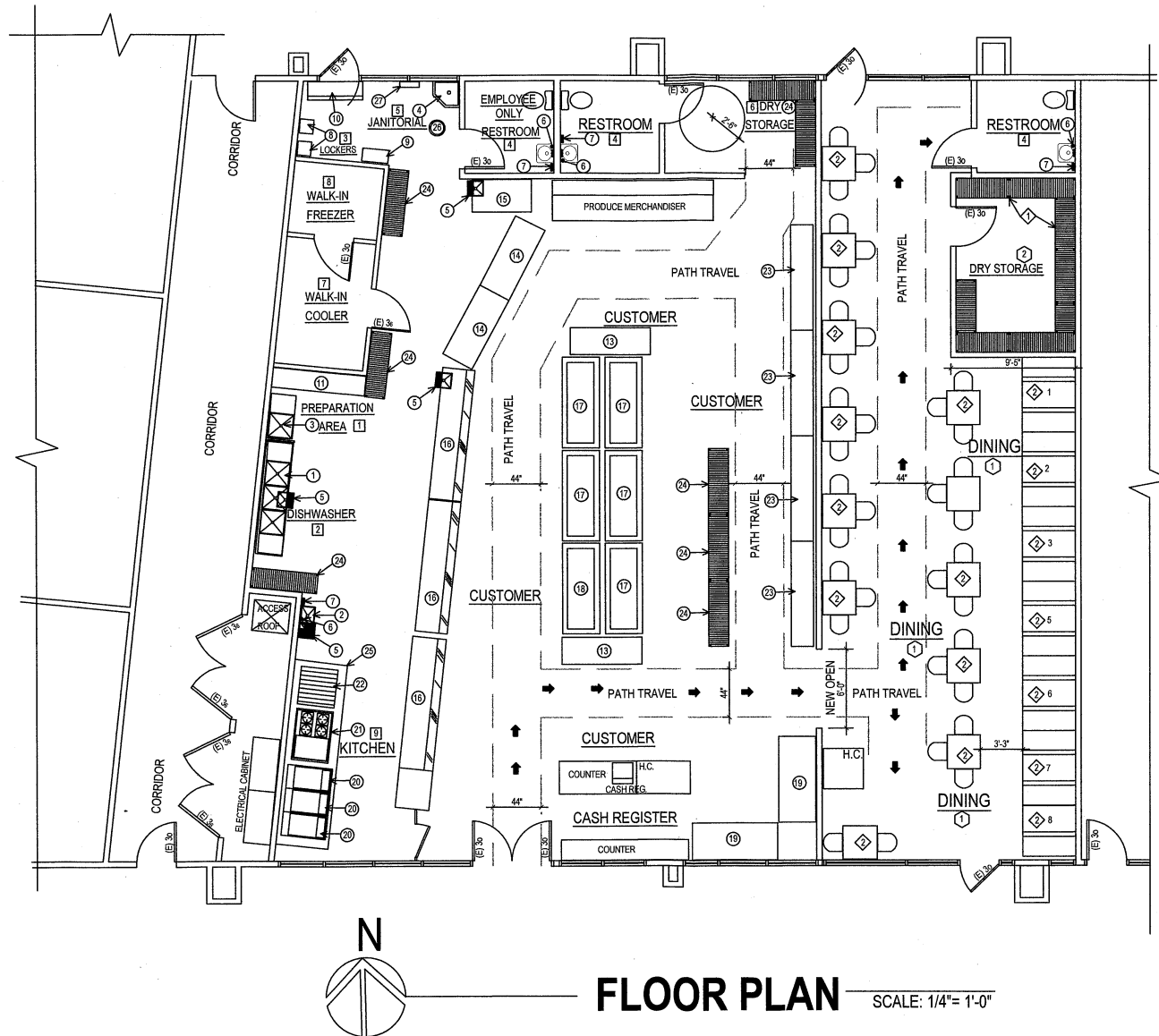
"MR. SEAFOOD QUALITY"
SEAFOOD MARKET #2
OWNER: JUVENCIO RODRIGUEZ
200 VENTURA RD. SUITE 250
OXNARD CA 93030
TEL (805) 216-0945

SHEET NO.

A-1

VICINITY MAP





FLOOR PLAN SCALE: 1/4" = 1'-0"



Lic. # 1027241

1801 N. Oxnard Blvd. # 135
Oxnard Co. 93030
PH. (805) 914-9788
email: calicontractorsinc@gmail.com

SIGNATURE

REVISIONS DATE

PROPOSAL
DINING

SHEET TITLE
FLOOR PLAN

"MR. SEAFOOD QUALITY"
SEAFOOD MARKET #2
OWNER: JUVENCIO RODRIGUEZ
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OXNARD CA 93030
TEL (805) 276-0845

SHEET NO.

A-2

PLAN

STAFF REPORT
PZ 20-510-01

C. Notice of Exemption



NOTICE OF EXEMPTION

Project Description: **Mr. Shrimp Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 20-510-01 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to allow an existing 3,553 square-foot sit-down restaurant (Mr. Shrimp) to sell beer for on-site consumption (Alcohol Beverage Control (ABC) License Type 41 - On-Sale Beer & Wine - Eating Place) within an existing 14,023 square-foot multi-tenant building on a 1.7-acre property located at 250 South Ventura Road (APN: 202-0-010-795) within the General Commercial (C-2-PD) zone. Alcohol service would be provided between the hours of 7:00 a.m. to 10:00 p.m. daily. Filed by Designated Agent Juvencio Rodriguez, 1300 East Pleasant Valley Road #35, Oxnard CA 93033, on behalf of Abdulhai Mutih-Huda, 200 South Ventura Road, 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 consumption within an existing multi-tenant commercial 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

PLAN

STAFF REPORT
PZ 20-510-01

D. Police Department Report





Police Department

Scott Whitney, Chief of Police

Date: April 17, 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: Mr. Shrimp Quality Seafood Market, 200 South Ventura Road
PZ 20-510-01, Alcohol SUP Review (ABC Type 41)

Site Information:

Mr. Shrimp Quality Seafood Market is a restaurant and fish market that was opened in 2010. The business is in a retail complex at the southeast corner of Second Street and Ventura Road. It is within the Fremont South Neighborhood. North of the business is Second Street. Although the northside of Second Street is a residential neighborhood, none of the residences face the business. West of the commercial complex is Ventura Road. The westside of Ventura Road consists of several residences and commercial buildings. To the south and east of the retail complex there is a farm field.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 41¹ License to sell beer and wine as a restaurant from 9 A.M. to 10 P.M.

Concentration, Crime and Policing Services²

¹ *Type 41 On Sale Beer and Wine – Eating Place: (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.*

² *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.*

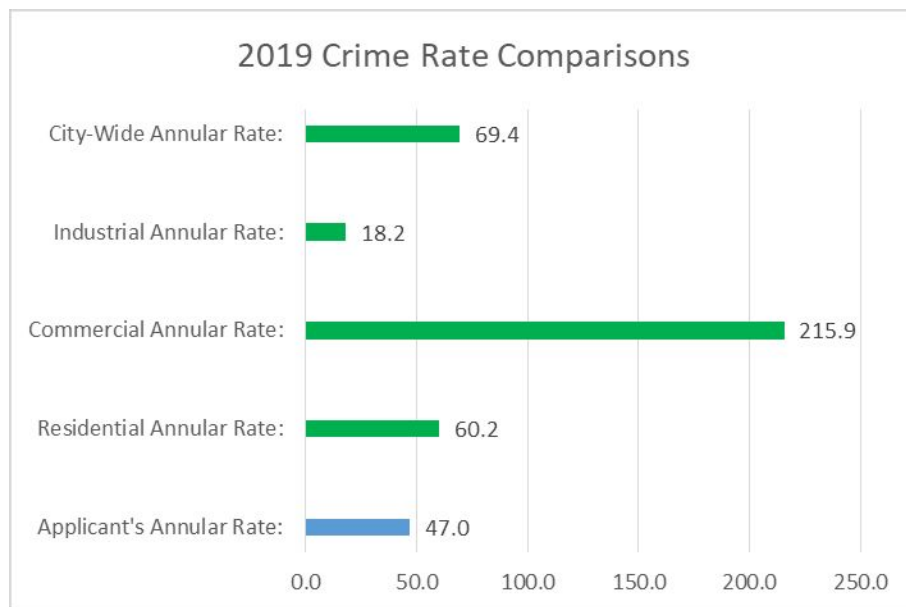
Alcohol outlets located within 1000 Feet – None

Alcohol outlets located within 350 Feet - None

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I³ and II⁴ 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 average number of Part I and II crimes in the applicant's 1000 feet annular area is 47. This is 21 % 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.

Community Input

³ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

⁴ 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.

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. The results were mixed. Some of those interviewed had concerns that selling alcoholic beverages in the shopping center would exacerbate existing homeless issues. However, there were some who were interviewed believed there would be no issues with the restaurant serving alcoholic beverages.

Area Residents:

The Neighborhood Chairperson was contacted. He indicated that he surveyed a number of area residents. He found that there was about an equal mix between those who supported and those who did not support the proposed application. He indicated that residents would be interested in attending the community forum for this proposed use.

Conclusion

Mr. Shrimp Quality Seafood Market is a well-established restaurant and fish market which has operated for almost a decade without a significant need for policing services. The crime rate for the 1000-foot area around the site is significantly lower than similar commercial properties. Closer examination of the 2019 crime statistics reveal that only five events occurred at or in close proximity to this retail complex. This is very uncommon for any retail site.

It is clear that some neighboring business operators have concerns that a restaurant serving alcoholic beverages would attract the homeless and related issues. This can be rebutted as restaurants serving alcoholic beverages rarely attract the homeless population. Generally, it is the off-sale alcohol retailers that attract the homeless population. Through the recommended conditions, Mr. Shrimp will be prohibited from off-sale privileges.

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

Police Operating Conditions On-Sale Restaurant

- 1) All sellers, servers and their supervisors/managers shall complete a course in Responsible Beverage Service (RBS) approved by Oxnard PD within sixty days of license granting and/or date of employment. This condition is directed at those persons taking and/or delivering alcoholic beverages to the customers within the restaurant area. Applicant/store management can contact the Oxnard Police Department Special Projects Unit via email at: specialprojects@oxnardpd.org to inquire about RBS course schedules. (PL/PD)
- 2) Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. A menu of food items that includes appetizers, entrees and desserts, shall always be made available when alcohol is sold. The proposed menu shall not be reduced in number or substance at any time alcohol is being served other than reasonable unforeseen reasons (lack of product). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 3) When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
- 4) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or a permit issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Development Services Director to be held no more than 30 days after the suspension begins. (PD)

- 5) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
- 6) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
- 7) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section. (PL/PD)
- 8) The permittee shall submit any documents related to the operation of the business in a timely manner when requested by the Oxnard Police Department.
- 9) The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open in order to support the service of its menu. (PD)
- 11) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
- 12) Alcohol beverages shall be served in containers or mugs that are distinct from the typical cups or containers used for coffee or other non-alcoholic beverages. The sale of sale of alcohol in their original container (can or bottle) is prohibited.
- 13) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total. (PD)
- 14) The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
- 15) Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the

business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.

- 16) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 17) Sales of alcohol may only occur between the hours of 7:00 am and 10:00 pm.
- 18) 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)
- 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 beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)
- 20) 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)
- 21) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
- 22) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
- 23) 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)

- 24) 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)
- 25) 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. (PL/PD)
- 26) 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)
- 27) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 28) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
- 29) 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)
- 30) Other than for emergency purposes, there shall be only one means of customer access and egress. (PD)
- 31) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 32) 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 minimum standards listed below:
1. Cameras and supporting equipment shall supply high definition digital color images under normal lighting conditions. Grayscale images are required for infra-red lighting.
 2. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.

3. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 4. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 5. 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.
 6. Recorded images shall bear a date and time stamp that cannot be altered.
 7. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any public door to the business. The camera covering the east public door shall be mounted near the northeast corner of the lobby/public entry area and mounted between 7 and 8-feet above the floor. The camera dedicated to capturing images of persons entering the east public door shall be mounted about 7-feet above the floor near the northwest corner of the lobby/public dining area.
 8. At a minimum, one camera shall be dedicated to capturing general activity in rear kitchen/food preparation area. (PD)
 9. During normal business hours, the licensee shall provide access to the digital recordings for any and all enforcement purposes as determined by the City of Oxnard.
- 32) Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit.
- 33) Upon request by the Police Department, the permittee shall provide video images for any investigation in a timely manner. Such requests may be made verbally, in writing or by email.
- 34) Permittee shall install a dual technology electronic intrusion detection system capable of determining human presence (burglary alarm). (PD)
- 35) 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)
- 36) A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

- 37)The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs. (PD)
- 38)The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
- 39)Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when in involves:
- a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.

PLAN

STAFF REPORT
PZ 20-510-01

E. 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.

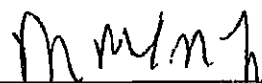
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

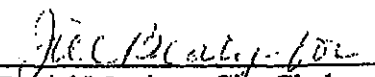
ABSENT: None.



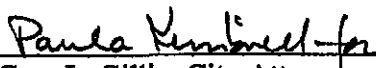
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

PLAN

STAFF REPORT
PZ 20-510-01

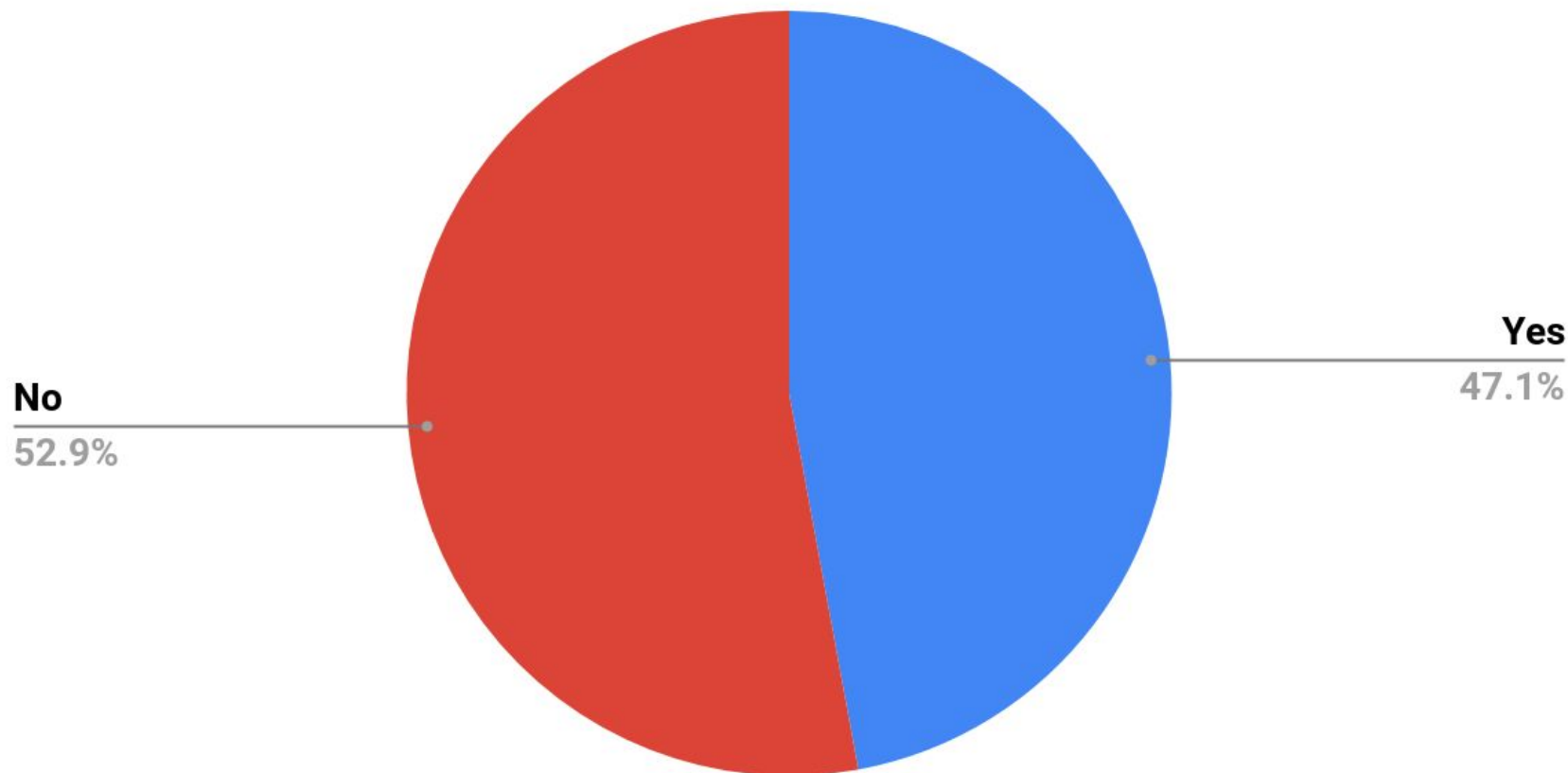
F. Fremont South Neighborhood Input



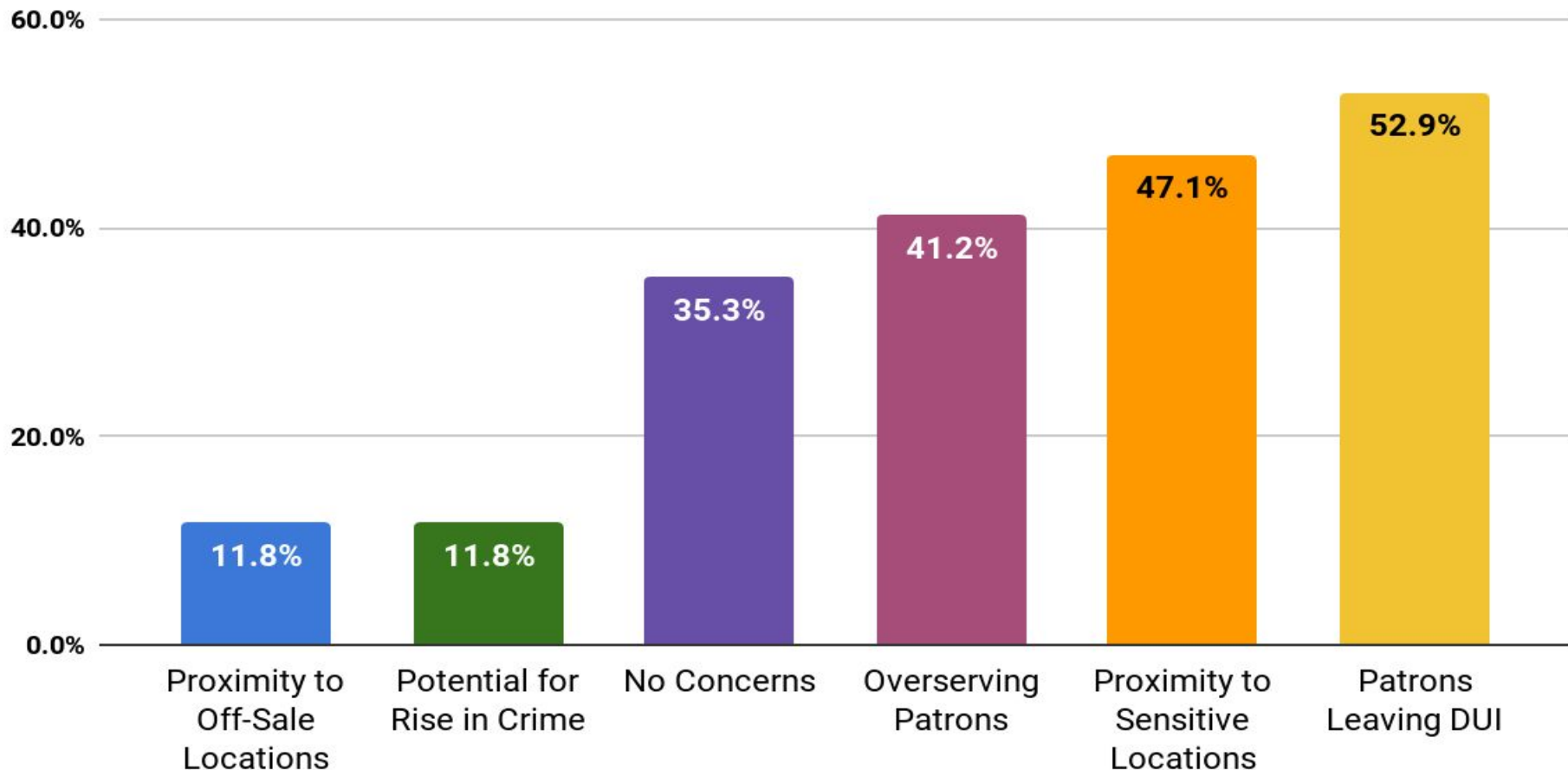
Mr. Shrimp Alcohol Permit Application

Fremont South Neighborhood Council Input

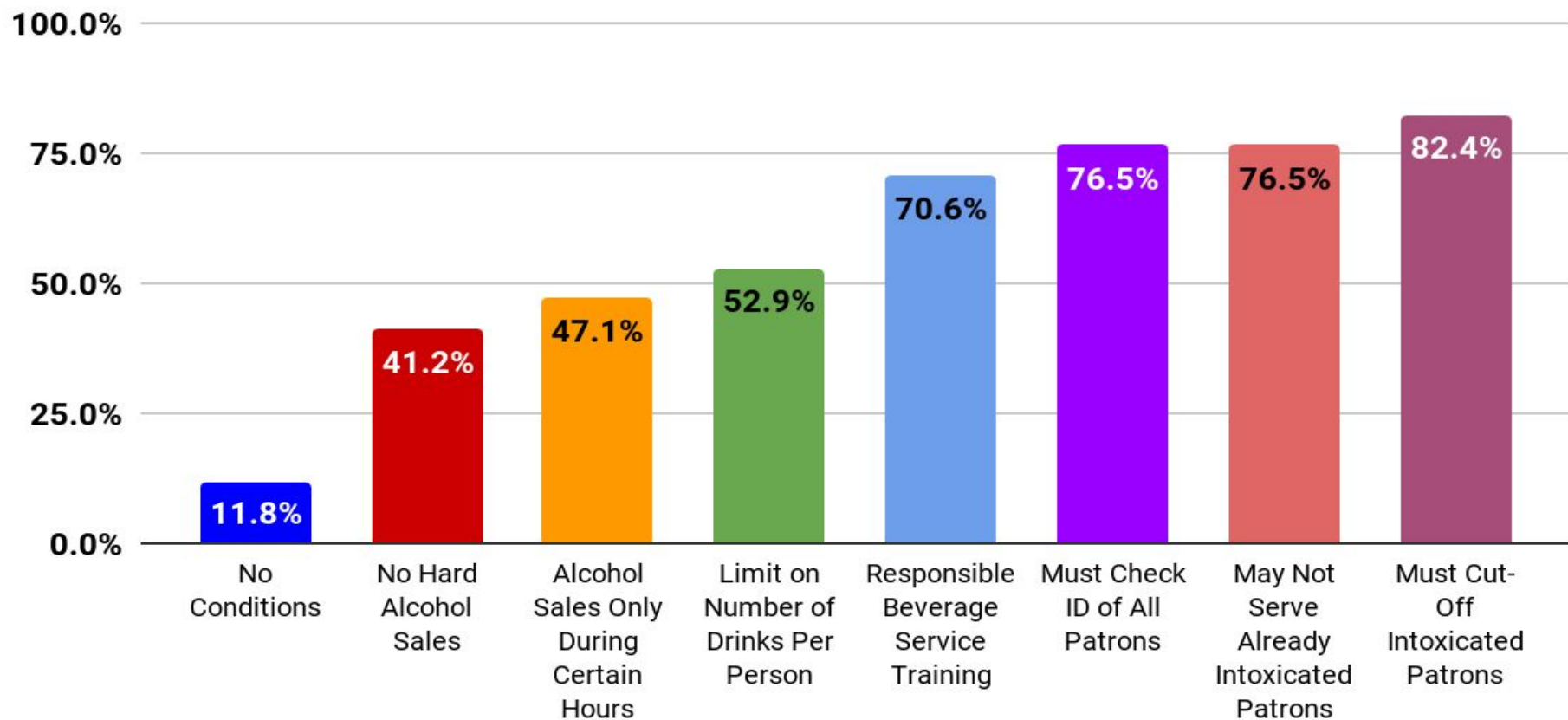
Do you support the establishment receiving an alcohol license to allow on-site sales of alcohol?



What are some concerns you have, if any?



If a license were to be approved, what conditions do you think should be considered for the business (if any)?



Anything else you'd like to share or any questions you may have?

- This location has applied for a license this will be the third time but different owners. Why must we continue to fight this? Can't this be made permanent for this center?
- I think it is important for us to support local businesses. Being able to get a beer or a glass of wine with a meal might enhance the business, which would be a good thing as long as the business was run properly. There are no restaurants in the vicinity that allow alcohol sales so there is not an over saturation. One concern is that the restaurant would have to be staffed with employees over the age of 21 to be able to serve alcohol. Many restaurants are staffed in large part by teens. So there might be a condition of approval to ensure that someone qualified to serve liquor is always present on the premises during the hours when liquor is served. Please note that I have never eaten at this restaurant and I seldom order a glass of wine or a beer at a restaurant. So the decision would not impact me one way or the other. I just believe that we need to help our businesses succeed. The conditions of approval should be sufficient to keep the businesses in line.

PLAN

STAFF REPORT
PZ 20-510-01

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. 20-510-01 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW AN EXISTING SIT-DOWN RESTAURANT (MR. SHRIMP) TO SELL BEER FOR ON-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 41) WITHIN AN EXISTING 3,553 SQUARE-FOOT TENANT SPACE WITHIN A LARGER 14,023 SQUARE-FOOT, MULTI-TENANT BUILDING ON A 1.7-ACRE PROPERTY, LOCATED AT 250 SOUTH VENTURA ROAD (APN: 202-0-010-795) WITHIN THE GENERAL COMMERCIAL (C-2-PD) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JUVENCIO RODRIGUEZ, 1300 EAST PLEASANT VALLEY ROAD #35, OXNARD CA 93030.

WHEREAS, on January 13, 2020, Juvencio Rodriguez, (the “**Applicant**”) on behalf of property owner Abdulhai Mutih-Huda, submitted a request to allow the sale of beer and wine for on-site consumption within an existing 3,553 square-foot tenant space at 250 South Ventura Road; and

WHEREAS, on August 6, 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. 20-510-01 (Special Use Permit - Alcohol), filed by Juvencio Rodriguez 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 Airport Compatible (AC) and the zoning designation is for General Commercial (C-2-PD). The Project is surrounded by residential and commercial 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 residential and commercial character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by residential and commercial 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 14,023 square-foot commercial building was constructed from 2003-2004. 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 a restaurant is consistent with the General Commercial 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 and wine for on-site consumption within an existing tenant space at an existing commercial building. There are no other alcohol establishments within 1,000 feet of the project site; therefore there is no 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 are no other alcohol establishments within 1,000 feet of the Project site; therefore, there is no presumption of undue concentration by local standards. This finding is supported by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial building where the crime rate is 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 commercial building has a 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 consumption within an existing multi-tenant commercial 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. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 20-510-01 (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 6, 2020, (“the plans”) on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).
3. 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 41 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

RBS Training

13. 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. This condition is directed at those persons taking and/or delivering alcoholic beverages to the customers within the restaurant area. Applicant and/or servers can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to inquire about RBS course schedules. (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).

Food & Beverage Service

15. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10:00 P.M.
16. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. A menu of food items that includes appetizers, entrees and desserts, shall always be made available when alcohol is sold. The proposed menu shall not be reduced in number or substance at any time alcohol is being served other than reasonable unforeseen reasons (lack of product). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
17. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

19. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section. (PL/PD)
20. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigerators or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
21. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open in order to support the service of its menu. (PD)
22. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
23. Alcoholic beverages shall be served in containers or mugs that are distinct from the typical cups or containers used for coffee or other non-alcoholic beverages. The sale of alcohol in their original container (can or bottle) is prohibited.
24. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 36oz total. (PD)
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)

Security Features & Personnel

26. 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 public door to the business. The camera covering the east public door shall be mounted near the northeast corner of the lobby/public entry area and mounted between 7 and 8-feet above the floor. The cameras dedicated to capturing images of persons entering the east public door shall be mounted at 7-feet above the floor near the northwest corner of the lobby/public dining area.
 - h. At a minimum, one camera shall be dedicated to capturing general activity in rear kitchen/food preparation area.
 - i. During normal business hours, the licensee shall provide access to digital recordings for any and all enforcement purposes as determined by the City of Oxnard.
27. Upon request by the Police Department, the permittee shall provide video images for any investigation in a timely manner. Such requests may be made verbally, in writing or by email.
28. Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit.
29. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion (burglary alarm). (PD)
30. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

31. 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)
32. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Operations

33. 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 Planning Commission to be held no more than 30-days after the suspension begins. (PD)
34. 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)
35. 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)
36. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter in the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
37. 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)

38. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
39. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
40. The permittee shall submit any documents related to the operation of the business in a timely manner when requested by the Oxnard Police Department.
41. The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs. (PD)
42. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
43. Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
 - a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.
44. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.

Signage

45. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
46. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of

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

47. 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)

Site Design

48. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
49. 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)
50. Other than for emergency purposes, there shall be only one means of customer access and egress. (PD)

Permit Restrictions

51. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
52. 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)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of August, 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 6th day of August, 2020, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

PLAN

PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

STAFF REPORT



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

DATE: August 6, 2020

SUBJECT: **Project Name: Performing Arts & Convention Center (P.A.C.C.) Alcohol Special Use Permit;** Planning and Zoning Permit No. 20-510-03 (Special Use Permit – Alcohol); Located at 800 Hobson Way (APN: 202-0-250-065).

- 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. 20-510-03 (Special Use Permit- Alcohol), subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (Alcohol and Beverage Control (ABC) License Type-47 - On-Sale General - Eating Place¹) at an existing 65,834 square-foot multi-building Performing Arts & Convention Center (P.A.C.C.) on an 11-acre property located at 800 Hobson Way within the Community Reserve (C-R) zone with a General Plan Park (PRK) land use designation (Attachment A & B). Alcohol sales would be provided between the hours of 7:00 a.m. to 12:00 AM and alcohol consumption from 7:00 AM to 1:30 AM. For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project**”. Filed by Kevin Hufford (“**Applicant**”), 100 Wilshire Blvd., Suite 700, Santa Monica, CA 90401, on behalf of the property owner.
- 3) Existing & Surrounding Land Uses:** The 11-acre property is developed with a 47,741 square-foot auditorium, 18,092 square-feet of community meeting room spaces, and associated parking. The nearest residences are within the Hobson Park East Neighborhood approximately 165 feet to the south of the project site. The nearest school is Drifill

¹ ABC License Type 47 (On-Sale General - Eating Place) Definition: (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Elementary School, located approximately 1,229 feet east 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	Park (PRK)	Community Reserve (C-R)	Performing Arts & Convention Center and Community Center Park East
North	Commercial Office (COF); Residential Medium High (RMH)	Commercial Office (C-O-PD); Garden Apartment (R-4)	Three floor multi-tenant office building; Garden apartments
South	Residential Medium High (RMH) and Residential Low (RL)	High-Rise Residential (R-4) and Single Family Residential (R-1)	Garden apartments and single-family homes
East	Residential Medium High (RMH)	High-Rise Residential (R-4)	Garden apartment
West	Park (PRK)	Community Reserve (C-R)	Community Center Park West

4) Background Information:

The P.A.C.C. is a permitted use as outlined in Section 16-256 of the Community Reserve Zone (C-R), as such the complex was built using the following building permits:

- On February 19, 1960, a building permit was issued for the construction of a recreational community center building.
- On January 9, 1967, a building permit was issued for the construction of a performing arts center auditorium.
- On February 18, 2020, the City Council approved a facility management agreement between the City and Sterling Venue Ventures, LLC. for five (5) years.

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 consumption within an existing performing art center complex 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 C).

6) Analysis:

a) General Discussion:

The Oxnard Performing Arts & Convention Center (P.A.C.C.) is an existing cultural art complex located between Community Park East and West. The P.A.C.C. was built in two phases commencing in 1960 and completed in 1967, at the time of construction the complex was built with only a building permit. The Applicant is requesting the approval to allow the sale of beer, wine, and distilled spirits for on-site consumption within the existing P.A.C.C. complex (ABC License Type 47). The site would sell alcohol in coordination with scheduled entertainment events at the P.A.C.C. The P.A.C.C. will be staffed by 10 employees, per event, the sale of alcohol will occur between the hours of 7:00 AM and 12:00 AM, with consumption being allowed from 7:00 AM to 1:30 AM. While an ABC License Type 47 may authorize the sale of beer and wine for consumption off the license premises, the project has been conditioned to only allow off-sale privileges for wine. The site under the purview of this permit will include the auditorium, and the adjacent contiguous meeting rooms within the gated area of the facility. The permitted area does not include the Youth Center or the adjacent patio.

b) General Plan and Zoning Consistency:

The 2030 General Plan designation for the site is Park (PRK) and the zoning designation is for Community Reserve (C-R). 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 Community Reserve (C-R) zone district. In accordance with Oxnard City Code (OCC) Section 16-256 ((E), and (F)), permitted uses within the C-R zone include recreation facilities of a primary open nature such as parks, playgrounds, aquatic parks and golf courses; and, accessory buildings, including other uses customarily incidental to a permitted use. The P.A.C.C. is used as an accessory building promoting recreational space for a variety of classes and performances within the Oxnard Community Park East and West land use designation, as such it is a permitted use outright. Similarly, P.A.C.C. will host scheduled entertainment events with the sale of beer, wine, and distilled spirits for on-site consumption; on-site use is permitted within the C-R 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 D) in accordance with City Council Resolution No. 11,896 (Attachment E). 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?
800 Hobson Way	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 (One Stop Liquor) that currently operates with a ABC License Type 21² (Off-Sale General).

The Police Department has determined that as there is only one other alcohol establishment within 350 feet of the applicant's site, there are no undue concentration by local standards.

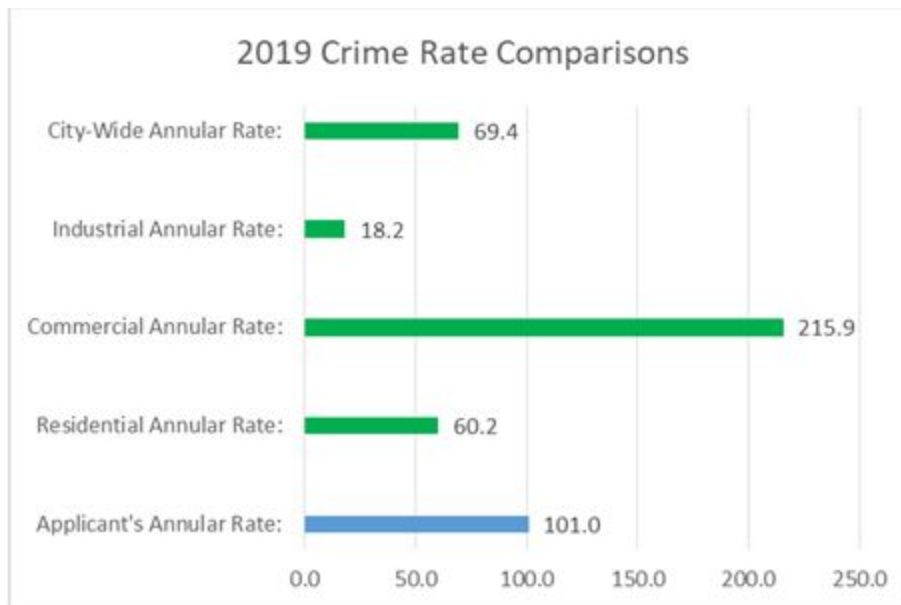
Crime Statistics:

For comparison purposes, the Police Report analyzes the average number of Part I³ crimes and Part II⁴ 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 the P.A.C.C. was 101 during the same twelve month time period. This is 47% of the average for commercial properties citywide; therefore, the local crime rate is lower compared to other parts of the City. This is best illustrated in the graph below:

² ABC License Type 12 (Off-Sale General) (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

³ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

⁴ Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.



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 facility is not generally considered to be a policing problem and has not required any specific attention. The park area in the past has been a site where homeless gather, however, this population has not had any relationship to events at the P.A.C.C. He has no concerns regarding the proposed alcohol use.

The neighborhood chairperson was briefed concerning the permit application and he had no objection to the proposed alcohol use.

Conclusion:

Since its opening in March 1968, the P.A.C.C. has hosted thousands of performances reaching more than 3 million people. As one of the larger theater's in western Ventura County, the P.A.C.C. provides outstanding educational and entertainment opportunities to Ventura County residents and visitors including Broadway musicals, prominent guest speakers, and musical acts and plays. The P.A.C.C. also hosts business meetings, trade shows, seminars and many other events within its theater, eight additional meeting rooms, and the network of enclosed patios. If this request is approved, the P.A.C.C. will be serving beer, wine and distilled spirits as an accessory use to their entertainment function, which should have little adverse impact on the community. The crime rate in the area is low compared to other parts of the City. As there is only one other alcohol establishment within 350 feet of the applicant's site, there is no undue concentration by City standards. Furthermore, based on all the factors examined in this review, there is no presumption of undue concentration.

Based on the nature of the facility and the factors included within the Police report (crime statistics, review of the concentration of outlets, the input from the community and the Beat Coordinator) the Police Department finds there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the sale of beer, wine, and distilled spirits at the P.A.C.C. 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 F) 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:

The project is located within the Hobson Park East Neighborhood. On June 1, 2020, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Hobson Park East Neighborhood. The Applicant also provided notice on the Project site with a brief description of the project and contact information. The Community Workshop was conducted on June 15, 2020. No members of the public attended the virtual Community Workshop.

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. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval

Thursday, August 6, 2020
Planning Commission
Packet

PLAN

PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

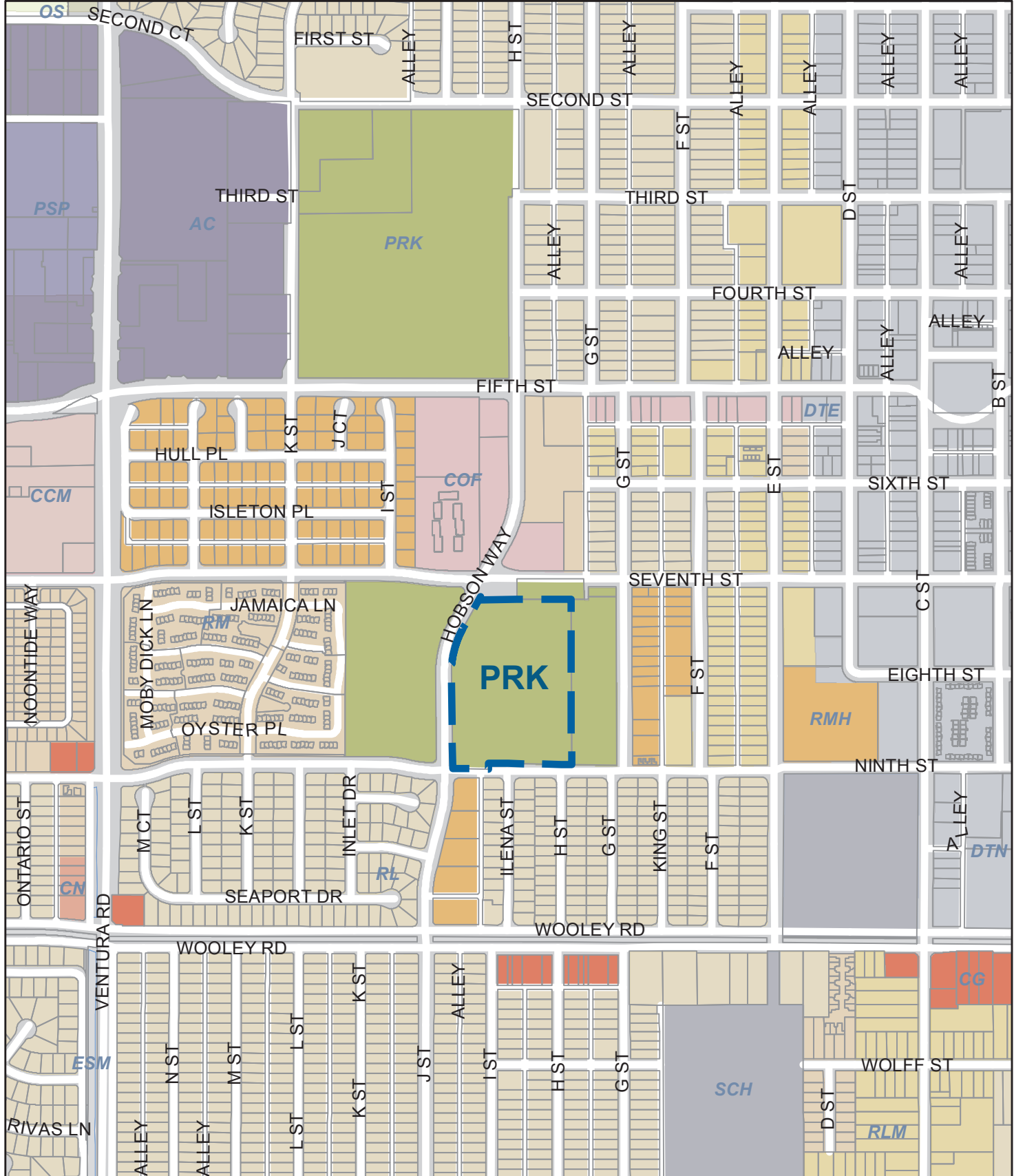
A. Maps
(Vicinity, General Plan, Zoning, Aerial)



Vicinity Map



2030 General Plan Land Use Map



Zoning/Specific Plan Map



Oxnard Planning

March 8, 2020

PZ 20-510-03
Location: 800 Hobson Way
APN: 202025006

PACC Alcohol

0 100 200 400 600 800 Feet

Zoning/Specific Plan Map



1:6,000



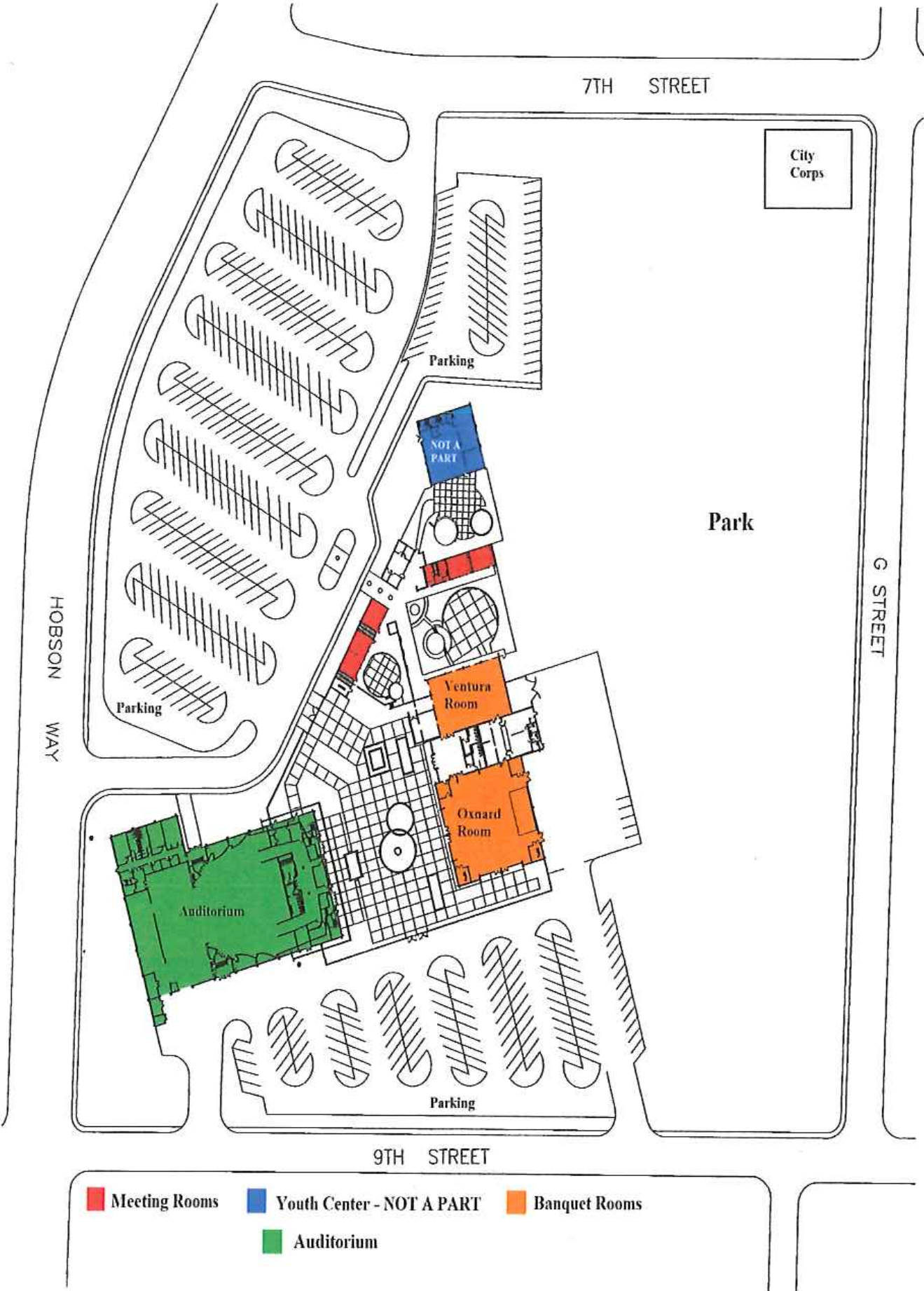
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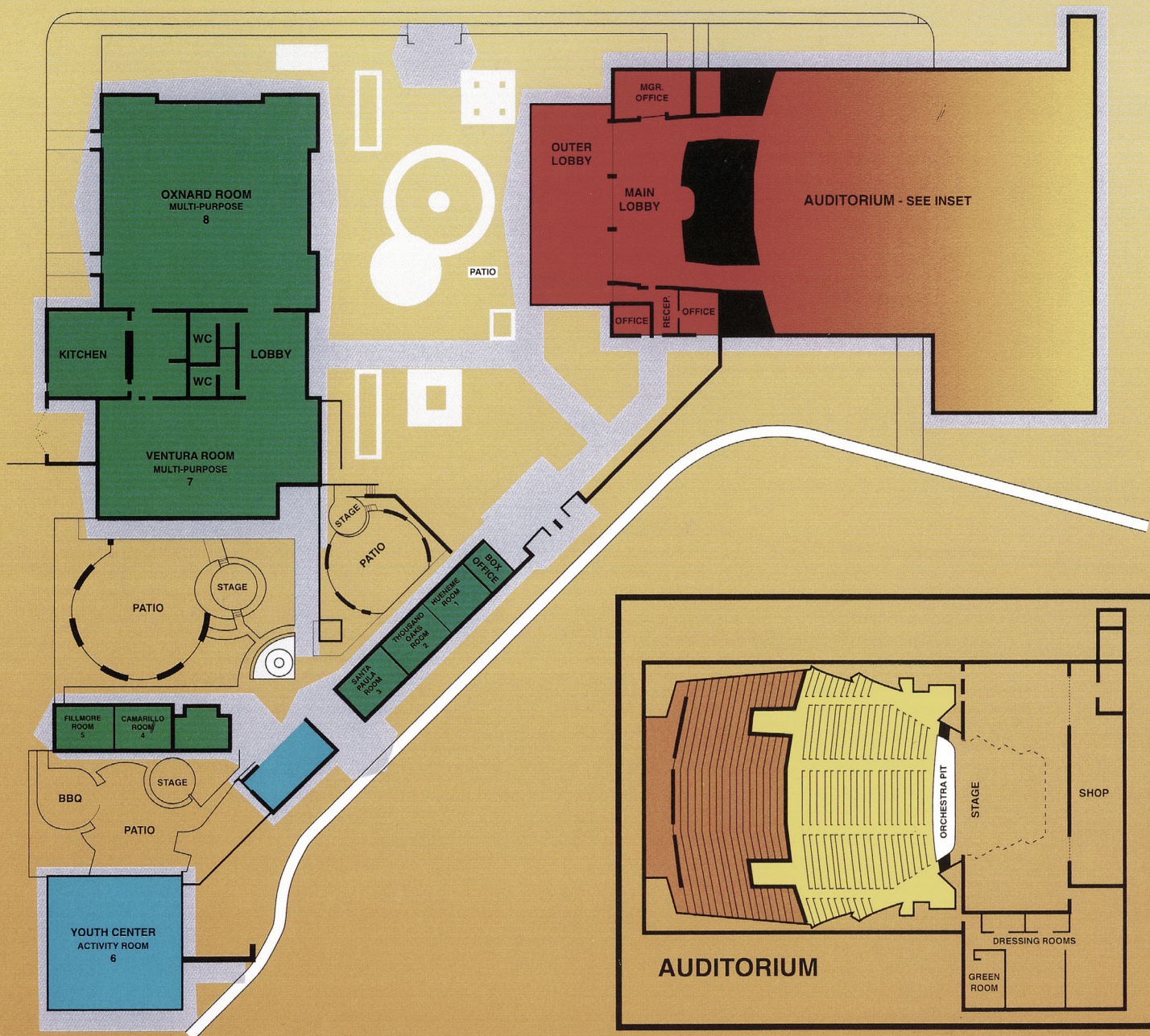
PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

B. Reduced Project Plans



EXHIBIT A





	Dimensions	Square Feet	Theatre Seating	Conference	Assembly Seating	Banquet Seating
Auditorium	--	40,736	1,604	--	--	--
Lobby	23' x 70'	1,610	200	100	400	--
Stage	50' x 100'	5,000	400	250	500	--
Green Room	18' x 22'	396	40	25	50	--
1. Hueneme Room	19' x 22'	418	45	30	50	--
2. T.O. Room	19' x 22'	418	45	30	50	80
3. Santa Paula Room	19' x 25'	475	45	25	50	25
4. Camarillo Room	19' x 22'	418	45	25	50	25
5. Fillmore Room	19' x 22'	418	45	25	50	25
6. Youth Center	59' x 59'	3,481	125	100	125	100
7. Ventura Room	50' x 80'	4,000	300	250	400	250
8. Oxnard Room	92' x 92'	8,464	700	500	1,000	500+



800 HOBSON WAY, OXNARD, CA 93030
805. 385-8147 • 805. 483-7303 FAX

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PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

C. Notice of Exemption



NOTICE OF EXEMPTION

Project Description: Performing Arts & Convention Center (P.A.C.C.) Alcohol Special Use Permit; PLANNING AND ZONING PERMIT NO. 20-510-03 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (Alcohol and Beverage Control (ABC) License Type-47 - On-Sale General - Eating Place) at an existing 65,834 square-foot multi-building P.A.C.C. on an 11-acre property located at 800 Hobson Way within the Community Reserve (C-R) zone with a General Plan Park (PRK) land use designation. Alcohol sales would be provided between the hours of 7:00 a.m. to 12:00 AM and alcohol consumption from 7:00 AM to 1:30 AM. Filed by Kevin Hufford, 100 Wilshire Blvd., Suite 700, Santa Monica, CA 90401, on behalf of the 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 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Project involves a request to sell alcohol for on-site consumption within an existing performing art and convention center 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

Thursday, August 6, 2020
Planning Commission
Packet

PLAN

PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

D. Police Department Report





Police Department

Scott Whitney, Chief of Police

Date: July 28, 2020

To: Scott Kolwitz, Planning Division Manager
Jose Coyotl, Associate Planner

From: Alex Arnett, Patrol Support Division Commander
Scott Swenson, Neighborhood Safety & Alcohol Compliance Specialist

Subject: 800 Hobson Way, Oxnard Performing Arts & Convention Center
PZ 20-510-03

Site Information:

The applicant site is owned by the City of Oxnard which has not had a permanent ABC License. Historically, one-day ABC permits have been obtained for events when alcohol service was desired.

The site under the purview of this permit will include the auditorium, and the adjacent contiguous meeting rooms within the gated area of the facility. The permitted area does not include: The Youth Center and the adjacent patio. There is a full commercial kitchen as well as a snack bar at the site. The applicant, Sterling Venue Ventures, LLC, is under contract with the City of Oxnard to manage and operate the facility. The ABC license will be issued to the tenant/vendor Sterling Venue Ventures, LLC. The applicant seeks to operate under an ABC Type-47 License as a restaurant offering beer, wine and spirits. Food will be available all times alcoholic beverages are available.

The site is within the boundaries of the Hobson Park East Neighborhood. The facility is located within Hobson Community Park and is bordered by Hobson Way on the west, Ninth Street on the south, G Street on the east, and Seventh Street on the north. The facility has residential units on the north, east and south sides. Across Hobson Way is a park.

There are no alcohol outlets located less than 350 feet

Alcohol outlets located more than 350 feet and less than 1000 feet

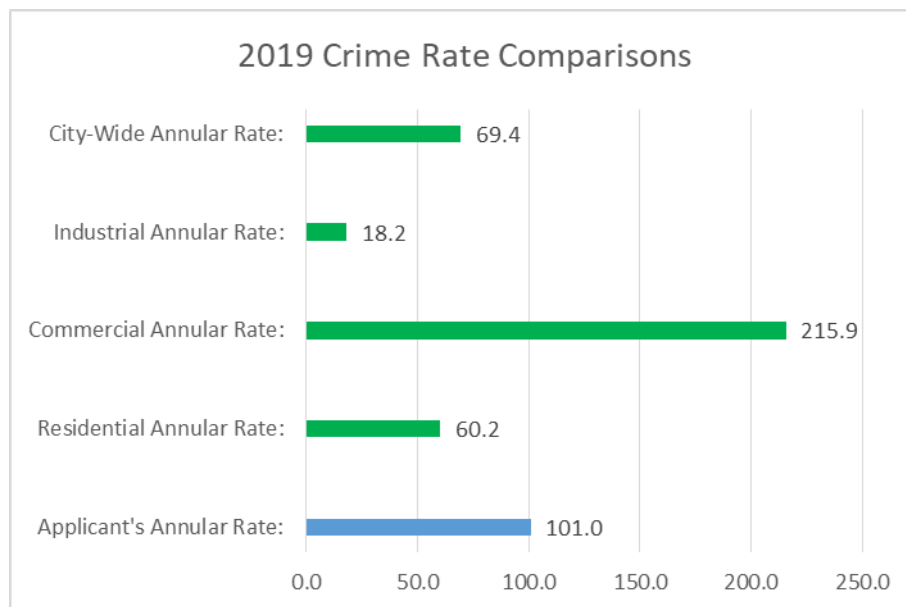
#	Business Name	Address	ABC Type	ASUP	On/Off-Sale	Premise	Alcohol	Alcohol Hours
1	One Stop Liquor	1061 W. Wooley Rd.	21	N	Off	Liquor Store	Beer Wine Spirits	6a-2a ¹

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I² and II³ 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 average number of Part I and II crimes in the applicant's 1000 feet annular area is 101. This is 47% 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 facility is not generally considered to be a policing problem and has not required any specific attention. The park area in the past has been a site where homeless gather, however, this population has not had any relationship to events at the PACC. He has no concerns regarding the proposed alcohol use.

Community Input:

The neighborhood chairperson was briefed concerning the permit application and he had no objection to the proposed alcohol use.

Conclusion:

Based on the crime statistics, review of the concentration of outlets, the input from the community and the Beat Coordinator the Police Department finds no grounds to oppose this application.

On-Sale Restaurant Standard 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.

Food & Beverage Service

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 A.M (Midnight). Patron consumption may occur after Midnight up to the end of the event or 1:30A.M. whichever occurs first. (*see provision for extension of service hours in "Special Conditions"*) (PL/PD)
4. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (*see provision for outside vendors in "Special Conditions"*) (PL/PD)
5. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans, or containers which can be used for cooking or heating foods on the type heating device employed. The dining area shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public (PL/PD)
6. Permittee shall have a Certified Food Handler on-duty at all times alcoholic beverages are being served for consumption on-site. (PL/PD)
7. Permittee shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
8. Employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
9. 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)

10. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 25 oz. total. The sale or service of alcohol in their original container (bottle or can) is prohibited. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)

Security Features & Personnel

11. 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 monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the facility. The 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 facility. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. A camera shall be installed to monitor activity in each kitchen.
 - i. The camera system shall operate 24-hours a day, 7-days a week.
12. 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.
13. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
14. 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)
15. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)

16. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Operations

17. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit 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)
18. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
19. 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)
20. The permittee 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)
21. 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)
22. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
23. Permittee shall regularly police the area under permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
24. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)

Signage

25. 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)
26. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverage is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
27. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)

Site Design

28. Any pay phones installed shall be blocked from incoming calls. (PD/PL)
29. 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

30. 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)
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 DDR shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

Special Police Conditions

32. The permittee shall have off-sale privileges of wine.
33. The permittee may apply for a one-day Special Use Permit up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to date of the planned one-day event or any other circumstance where it is believed the event would disturb neighboring uses or require additional police resources to monitor the event.

34. Prior to the issuance of this permit, the permittee shall submit and have approved a Security Plan which identifies details the camera and alarms systems, guard post orders, security uniforms and other security related matters and policies.
35. The permittee shall submit every January a Security Plan which addresses the deployment of security personnel, security related features on the premises, and alcohol service. The Security Plan shall be approved by the Chief of Police or his or her designee. The Security Plan shall be submitted via email to: specialprojects@oxnardpd.org and place on the subject line: PACC - Security Plans.
- a) The Security Plan shall include “post orders” to provide guidelines for security personnel.
 - b) The Security Plan shall outline security staffing levels when there is alcohol service in any portion of the facility licensed by the Department of Alcohol Beverage Control and this permit.
 - c) The Security Plan shall include the signage other physical security features required when there is alcohol service.
 - d) The Security Plan shall establish Rules of Conduct for those parties who rent facilities and their guests.
 - e) The Security Plan may be modified by the Chief of Police or his or her designee at any time. Any modification of the Security Plan shall be in writing and sufficient time must be provided for the permittee to implement any changes.
36. The area(s) of alcohol service and consumption shall be limited and monitored by security personnel. Whether the area of service and consumption is within a building, within the portion of a building, or an area that includes all or part of a building and an outdoor area security personnel shall be deployed to monitor the activity of patrons, their behavior and the exits. Security personnel shall be deployed as follows:
- a) One security officer shall be near each point of sale and service and shall monitor patrons and support servers in their responsibilities of checking identification and sobriety of patrons.
 - b) One security officer shall monitor each exit of the alcohol service and consumption area.
 - c) Additional security officers shall be added to the service and consumption area relative to the count of patrons in the area.
 - d) Alcohol shall only be served to patrons of an event that is providing alcohol service. Access to an alcohol service and consumption area shall be limited by security personnel to patrons who are “ticketed” or otherwise tied to an event/venue designated for alcohol service.
37. Permittee shall submit and have approved annually, a menu of minimum items available from each kitchen on the premises. The menus shall be submitted every January to specialprojects@oxnardpd.org . On the subject line of the email place: “PACC – Menus”.
38. Security personnel will be required at all times alcoholic beverages are available and these provisions shall be followed:
- a) Generally, at a minimum, there shall be one security officer shall be present when 50 to 100 patrons are present, and one additional security person shall be present for each additional increment of 1 to 100 patrons. Specific security staffing requirements will be guided by the Security Plan.
 - b) Security personnel shall be present one-half hour before and one-half hour after the event where entertainment is presented.
39. The quarterly calculation of gross sales of food and gross sales of alcohol as required in condition #4 may include vendors who prepare and serve food while located at the PACC during

and event's alcohol service times. The permittee shall obtain documentation from each vendor providing food service which includes:

- a) Vendor's name and contact information, date and period of time when food service was provided.
- b) The amount of gross food sales from the starting time of alcohol service is initiated at the PACC to a time one hour after alcohol service is stopped.
- c) Catering from an off-site kitchen is not appropriate support of condition #4.
- d) More detailed requirements may be established in the Security Plan.

- 40. Portable bars shall be permitted provided that they are always attended by an employee who is 21-years or older anytime the bar is in an unsecured area.
- 41. Portable signage shall be deployed adjacent to any exit of an established service and consumption area.
- 42. A barrier system shall be utilized to separate an alcohol service and consumption area from other portions of the facility where alcohol consumption is not allowed or supervised.
- 43. A cell phone shall be dedicated the on-duty facility manager or other person in authority to act on the behalf of the permittee in the operation of the facility. This person shall be the designated contact for the Police Department in the event of an incident or call for police service. The cell phone number shall be part of the Security Plan.

¹ *Alcohol Hours – Reflect hours set by State Law and not the business' operational hours.*

² *Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.*

³ *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.*

Thursday, August 6, 2020
Planning Commission
Packet

PLAN

PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

E. 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.

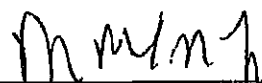
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

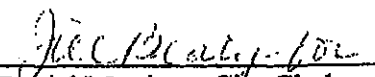
ABSENT: None.



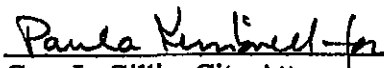
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

PLAN

PZ No. 20-510-03
(P.A.C.C. Alcohol Use Permit)

F. 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. 20-510-03 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW THE SALE OF BEER, WINE, AND, DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 47 - ON-SALE GENERAL - EATING PLACE) AT AN EXISTING 65,834 SQUARE-FOOT MULTI-BUILDING PERFORMING ARTS & CONVENTION CENTER (P.A.C.C.), LOCATED AT 800 HOBSON WAY (APN: 202-0-250-065) WITHIN THE COMMUNITY RESERVE (C-R) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FINDINGS AND CONDITIONS. FILED BY KEVIN HUFFORD, 100 WILSHIRE BLVD., SUITE 700, SANTA MONICA, CA 90401.

WHEREAS, on March 16, 2020, Kevin Hufford, (the “**Applicant**”) on behalf of the property management company Sterling Venue Ventures, LLC., and allowed by the current contract with the property owner, the City of Oxnard, submitted a request to allow the sale of beer, wine, and distilled spirits for on-site consumption within an existing 65,834 square-foot multi-building performing arts and convention center (P.A.C.C.) located at 800 Hobson Way; and

WHEREAS, on August 6, 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. 20-510-03 (Special Use Permit - Alcohol), filed by Kevin Hufford 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 Park (PRK) and the zoning designation is for Community Reserve (C-R). The Project is surrounded by recreational and residential 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 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 recreational and residential character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by recreation and residential 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 65,834 square-foot industrial building was constructed from 1960-1967; however, this Project will not result in modifications of the existing building. 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 within the Community Reserve (C-R) 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, wine, and distilled spirits for on-site consumption within an existing Performing Art & Convention Center (P.A.C.C.). As there is one other alcohol establishment within 1,000 feet of the project site, there is no undue concentration by City 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 alcohol establishment within 1,000 feet of the Project site; therefore, there is no 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 Performing Arts & Convention 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 Performing Arts & Convention Center 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 consumption within an existing multi-building performing arts & convention center (P.A.C.C.) 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. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 20-510-03 (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 6, 2020, (“the plans”) on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).
- 3) 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 47 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

RBS Training

- 13) 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)
- 14) 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.

Food & Beverage Service

- 15) Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 A.M (Midnight). Patron consumption may occur after Midnight up to the end of the event or 1:30A.M. whichever occurs first. (see provision for extension of service hours in “Special Conditions”) (PL/PD)
- 16) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (*see provision for outside vendors in “Special Conditions”*) (PL/PD)
- 17) The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans, or containers which can be used for cooking or heating foods on the type heating device employed. The dining area shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public (PL/PD)
- 18) Permittee shall have a Certified Food Handler on-duty at all times alcoholic beverages are being served for consumption on-site. (PL/PD)
- 19) Permittee shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)

- 20) Employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
- 21) 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)
- 22) Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 25 oz. total. The sale or service of alcohol in their original container (bottle or can) is prohibited. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)

Security Features & Personnel

- 23) Prior to commencing the sale of alcohol permitted by this permit, the permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the facility. The 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. Grayscale images are required for infra-red lighting.
 - b) Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c) Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d) The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e) The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f) Recorded images shall bear a date and time stamp that cannot be altered.

- g) At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door or entrance to the facility. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h) A camera shall be installed to monitor activity in each kitchen.
 - i) The camera system shall operate 24-hours a day, 7-days a week.
- 24) 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.
- 25) Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (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) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
- 29) When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Operations

- 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 o 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 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 permittee shall be responsible for maintaining their areas of responsibility free of litter in the area adjacent to the premises over which the 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) The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 36) Permittee shall regularly police the area under permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
- 37) The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)

Signage

- 38) 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)
- 39) In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

- 40) 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

- 41) Any pay phones installed shall be blocked from incoming calls. (PD/PL)
- 42) 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)
- 43) 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)
- 44) 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)

POLICE DEPARTMENT SPECIAL CONDITIONS

- 45) The permittee shall have off-sale privileges of wine.
- 46) The permittee may apply for a one-day Special Use Permit up to six times in a calendar year to accommodate special activities (ie: New Year’s Eve, Mother’s Day) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to the date of the planned one-day event or any other circumstance where it is believed the event would disturb neighboring uses or require additional police resources to monitor the event.
- 47) Prior to the issuance of this permit, the permittee shall submit and have approved a Security Plan which identifies the camera and alarms systems, guard post orders, security uniforms and other security related matters and policies.
- 48) The permittee shall submit every January a Security Plan which addresses the deployment of security personnel, security related features on the premises, and alcohol service. The Security Plan shall be approved by the Chief of Police or his or her designee.

The Security Plan shall be submitted via email to: specialprojects@oxnardpd.org and placed on the subject line: P.A.C.C. - Security Plans.

- a) The Security Plan shall include “post orders” to provide guidelines for security personnel.
 - b) The Security Plan shall outline security staffing levels when there is alcohol service in any portion of the facility licensed by the Department of Alcohol Beverage Control and this permit.
 - c) The Security Plan shall include the signage and other physical security features required when there is alcohol service.
 - d) The Security Plan shall establish Rules of Conduct for those parties who rent facilities and their guests.
 - e) The Security Plan may be modified by the Chief of Police or his or her designee at any time. Any modification of the Security Plan shall be in writing and sufficient time must be provided for the permittee to implement any changes.
- 49) The area(s) of alcohol service and consumption shall be limited and monitored by security personnel. Whether the area of service and consumption is within a building, within the portion of a building, or an area that includes all or part of a building and an outdoor area security personnel shall be deployed to monitor the activity of patrons, their behavior and the exits. Security personnel shall be deployed as follows:
- a) One security officer shall be near each point of sale and service and shall monitor patrons and support servers in their responsibilities of checking identification and sobriety of patrons.
 - b) One security officer shall monitor each exit of the alcohol service and consumption area.
 - c) Additional security officers shall be added to the service and consumption area relative to the count of patrons in the area.
 - d) Alcohol shall only be served to patrons of an event that is providing alcohol service. Access to an alcohol service and consumption area shall be limited by security personnel to patrons who are “ticketed” or otherwise tied to an event/venue designated for alcohol service.
- 50) Permittee shall submit and have approved annually, a menu of minimum items available from each kitchen on the premises. The menus shall be submitted every January to specialprojects@oxnardpd.org . On the subject line of the email place: “P.A.C.C. – Menus”.
- 51) Security personnel will be required at all times alcoholic beverages are available and these provisions shall be followed:
- a) Generally, at a minimum, there shall be one security officer shall be present when 50 to 100 patrons are present, and one additional security person shall be present for each additional increment of 1 to 100 patrons. Specific security staffing requirements will be guided by the Security Plan.

- b) Security personnel shall be present one-half hour before and one-half hour after the event where entertainment is presented.
- 52) The quarterly calculation of gross sales of food and gross sales of alcohol as required in condition #4 may include vendors who prepare and serve food while located at the P.A.C.C. during and event's alcohol service times. The permittee shall obtain documentation from each vendor providing food service which includes:
- a) Vendor's name and contact information, date and period of time when food service was provided.
 - b) The amount of gross food sales from the starting time of alcohol service is initiated at the P.A.C.C. to a time one hour after alcohol service is stopped.
 - c) Catering from an off-site kitchen is not appropriate support of condition #4.
 - d) More detailed requirements may be established in the Security Plan.
- 53) Portable bars shall be permitted provided that they are always attended by an employee who is 21-years or older anytime the bar is in an unsecured area.
- 54) Portable signage shall be deployed adjacent to any exit of an established service and consumption area.
- 55) A barrier system shall be utilized to separate an alcohol service and consumption area from other portions of the facility where alcohol consumption is not allowed or supervised.
- 56) A cell phone shall be dedicated to the on-duty facility manager or other person in authority to act on the behalf of the permittee in the operation of the facility. This person shall be the designated contact for the Police Department in the event of an incident or call for police service. The cell phone number shall be part of the Security Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6nd day of August, 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