

Thursday, September 17
Planning Commission
Packet

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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, September 17, 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 – August 20, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. CONTINUED PUBLIC HEARING

1. **Project Name: Verizon Danube - PLANNING AND ZONING PERMIT NO. 18-530-01** (Special Use Permit) Request to construct a 47-foot tall wireless communications facility designed as a faux eucalyptus tree with an associated equipment enclosure within a 596 square-foot lease area adjacent to an existing three-story self-storage facility on a 1.02 acre lot in the General Commercial, Planned Development Overlay (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

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.

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). Filed by Scott Dunaway (“Applicant”), 1114 State Street, Suite 234, Santa Barbara, California, 93101

Project Planner: Jay Dobrowalski, Senior Planner

Recommendation:

That the Planning Commission continue the Project to a date certain meeting of October 1, 2020.

G. PUBLIC HEARING

1. **Project Name: Mullin Automotive Museum Alcohol Sales - PLANNING AND ZONING PERMIT NO. 20-510-04 (Special Use Permit - Alcohol)** Request for approval of a Special Use Permit (SUP) to allow the sales of beer and wine for off-site consumption [Alcohol Beverage Control (ABC) License Type 20] within the gift shop area (210 square-feet) within the existing automobile museum (45,052 square-feet) on a 1.74-acre property located at 1421 Emerson Avenue (APN: 220-0-293-085) within the Limited Manufacturing, Planned Development Overlay (M-L-PD) zone. Alcohol sales is recommended between the hours of 8:00 a.m. to 10:00 p.m. daily. Filed by Designated Agent Laura M. Lawrence, on behalf of Property Owner Peter Mullin Family Trust, 2242 Purdue Avenue, Los Angeles, California 90064.

Project Planner: Jay Dobrowalski, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2020-XX for Planning and Zoning Permit No. 20-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.

H. STUDY SESSION/REPORTS

I. PLANNING COMMISSION BUSINESS

J. COMMUNITY DEVELOPMENT STAFF UPDATES

K. ADJOURNMENT

FUTURE MEETINGS

Thursday, October 1, 2020, 6:00 p.m., City Council Chambers

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

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Draft Minutes



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
August 20, 2020
DRAFT

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Vice Chair Sanchez (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), Fuhring (via videoconference) and Meyer (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Paul McClaren, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Michelle Travis, Recording Secretary.
4. Chair Frank presided and called the meeting to order. Chair Frank recused herself from the meeting at 6:05 p.m. Vice Chair Sanchez presided over the duration of the meeting.

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

1. Vice Chair Sanchez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. Iris Peretz Muck (Oxnard) completed a public comment request on-line. There was no answer at his telephone number when called upon.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - July 2, 2020

MOTION: Commissioner Chavez moved and Chair Frank seconded a motion to approve the minutes of July 2, 2020, as submitted.

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

2. APPROVAL OF MINUTES - August 6, 2020

MOTION: Commissioner Chavez moved and Commissioner Fuhring seconded a motion to approve the minutes of August 6, 2020, as submitted.

¹ In Favor: Against: Absent: Abstain: Recused

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

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.

F. PUBLIC HEARING

1. **Project Name: Zoning Text Amendment to Create Regulations for Short Term Rentals - Acceptance of Three California Coastal Commission Modifications -** Planning and Zoning (PZ) Permit No. PZ 19-580-04. A Zone Text Amendment of the City Council of the City of Oxnard amending Oxnard City Code Section 17-53 by adding Subsection (B) (10) to Section 17-10; R-B-1, Single-Family Beach, Sub-Zone; Subsection (B) (10) to Section 17-11. R-W-1, Single-Family Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-12. R-W-2, Townhouse Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-13; R-2-C, Coastal Multiple-Family, Sub-Zone; Subsection (B) (10) to Section 17-14; R-3-C, Coastal Medium Density Multiple-Family, Subsection (B) (3) to Section 17-15; CPC, Coastal Planned Community Sub-Zone; and Subsection (B) (9) to Section 17-25; R-BF, Beachfront Residential, Sub-Zone regarding allowing short-term rental units subject to Section 17.53. Filed by the Community Development Department, 214 South C Street, Oxnard. **Project Planner:** Paul McClaren, Associate Planner.

Recommendation:

That the Planning Commission (1) acknowledge receipt of the California Coastal Commission's Resolution of Certification, including terms or modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces; (2) find the proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15061 and 15305 of the CEQA Guidelines; (3) adopt a Resolution recommending City Council approval of Planning and Zoning Permit No. 19-580-04 (Zoning Text Amendment) to modify Oxnard City Code Section 17-53 to incorporate the changes recommended by the California Coastal Commission into the City's Short Term Rental regulations for the Coastal Zone; (4) accept and agree to such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (5) agree to issue Coastal Development Permits for the total area included in the certified Local Coastal Program.

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

Associate Planner Paul McClaren, provided a presentation outlining the request.

² In Favor: Against: Absent: Abstain: Recused

Vice Chair Sanchez opened the public comments portion of the public hearing.

A public verbal comment was received in favor of Item F-1 from Walter Hagedohm, Chairman of Oxnard Shores Neighborhood Council. No public verbal comments were received against Item F-1.

Public written comments were received in favor of Item F-1 from Neal Berger, dated 8/20/20; Diane Delaney, dated 8/20/20; and Robert Murphy, dated 8/20/20.

Public written comments were received against Item F-1 from an anonymous person, dated 8/19/20 and from Rita Weiss and Jeff Weiss, dated 8/20/20.

Vice Chair Sanchez closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Commissioner Chavez moved and Commissioner Dozier seconded a motion to adopt a resolution approving the **Zoning Text Amendment to Create Regulations for Short Term Rentals - Acceptance of Three California Coastal Commission Modifications**, PZ 19-580-04, as submitted.

VOTE: Vice Chair Sanchez, Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. The motion carried 5:0:0:0:1³.

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Chavez addressed safety concerns for the Community during these days of high temperatures and humidity. He wanted to remind everyone to drink plenty of water, limit outdoor activities and check on elderly neighbors.
2. Commission Meyer shared information for the upcoming Central Coast Alliance United for a Sustainable Economy (CAUSE) fundraiser to be held on Thursday, September 10, 2020 from 12:00 p.m. to 1:00 p.m. This year's event will be held online and is open to all.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. The Planning Commission meeting on September 3, 2020 is cancelled.
 - ii. The next Planning Commission meeting will be September 17, 2020 in City Council Chambers.

³ In Favor: Against: Absent: Abstain: Recused

J. ADJOURNMENT

1. At 7:09 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, September 17, 2020, 6:00 p.m., City Council Chambers

Robert Sanchez,
Vice Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

**Thursday, September 17
Planning Commission
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PLAN

Memo

**CONTINUED PUBLIC HEARING
PLANNING AND ZONING PERMIT NO. 18-530-01**



MEMO



DATE: September 17, 2020

TO: Planning Commission

FROM: Jay Dobrowalski, Senior Planner

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

Recommendation:

That the Planning Commission continue the Project to a date certain meeting of October 1, 2020.

Background:

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

In order to allow the applicant time to provide further details regarding the Planning Commission's concerns, the Planning Commission continued the item to March 5, 2020. The applicant team requested to continue their project from the March 5, 2020 hearing to the April 16, 2020 hearing, and then from the April 16, 2020 hearing to the July 2, 2020 hearing, and then from the July 2, 2020 hearing to the September 17, 2020 hearing to allow the applicant more time to provide the requested information. The Planning Commission has continued the item four times to September 17, 2020.

The applicant submitted materials prior to August 10, 2020; however, the submitted information did not include all of the necessary, adequate and digestible information to address the Planning Commission's requests. Staff has had continuous discussions with the applicant team, but staff was unable to reach resolution with the applicant team to provide final action documents in order to be ready for the September 17, 2020 hearing. The Planning Commission's motion of July 2, 2020, directed that if the requested information was not submitted by August 10, 2020, which would allow staff time to prepare for the September 17, 2020 hearing, then the item was to be removed from the Planning Commission calendar. As the applicant submitted additional materials, staff is recommending one final request to continue the hearing to the October 1, 2020 Planning Commission in order to prepare a resolution for final action on the wireless telecommunications facility request.

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Staff Report

PZ 20-510-04

Mullin Automotive Museum Alcohol Sales



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jay Dobrowalski, Senior Planner

DATE: September 17, 2020

SUBJECT: **Project Name: Mullin Automotive Museum Alcohol Sales;** Planning and Zoning Permit No. 20-510-04 (Special Use Permit – Alcohol); Located at 1421 Emerson Avenue (APN: 220-0-293-085).

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. 20-510-04 (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 sales of beer and wine for off-site consumption (Alcohol Beverage Control (ABC) License Type 20¹) within the gift shop area (210 square-feet) within the existing automobile museum (45,055 square-feet) on a 1.74-acre property located at 1421 Emerson Avenue (APN: 220-0-293-085) within the Limited Manufacturing, Planned Development Overlay (M-L-PD) zone (Attachments A). Alcohol sales are requested between the hours of 8:00 a.m. and 5:00 p.m. daily, but alcohol sales are recommended between the hours of 8:00 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 Laura M. Lawrence, 215 West Franklin Street, 5th Floor, Monterey, California 93940, (the “**Applicant**”) on behalf of Peter Mullin Family Trust, 2242 Purdue Avenue, Los Angeles, California 90064, property owner.

3) Existing & Surrounding Land Uses:

The 1.74-acre project site is developed with a 45,055 square-foot building within a larger 14.677-acre industrial area, known as the Channel Islands Business Center, that is developed with a five-building limited industrial complex. The building is bordered by parking and landscape areas on the north, west, and south. Another industrial building abuts the building

¹ ABC License Type 20 (Off-Sale Beer and Wine) Commonly known as a package store. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premise.

to the east, and the project site is surrounded by industrial buildings to the west, north, further to the east and southeast. A church with childcare facilities is located southwest of the site, across Emerson Avenue, at 1777 Statham Boulevard. The nearest residential area is the Lemonwood Neighborhood, which is located approximately 1,000 feet to the southeast. The nearest school is Lemonwood Elementary School, located approximately 0.43 miles southeast of the project site. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Industrial Limited (ILM)	Limited Manufacturing, Planned Development (M-L-PD)	Multi-tenant industrial building
North	Industrial Limited (ILM)	Limited Manufacturing, Planned Development (M-L-PD)	Manufacturing (air compressors)
South	Industrial Limited (ILM) and Business Research Park (BRP)	Limited Manufacturing, Planned Development (M-L-PD) and Business Research Park (BRP)	Manufacturing (auto parts) and church with childcare
East	Industrial Limited (ILM)	Limited Manufacturing, Planned Development (M-L-PD)	Manufacturing (taxidermy)
West	Industrial Limited (ILM)	Limited Manufacturing, Planned Development (M-L-PD)	Manufacturing (auto parts)

4) Background Information:

The project site is developed with the existing 45,055 square-foot building (Attachment B). Discretionary development on the project site includes the following:

- On June 18, 1987, the Planning Commission approved SUP No. 1251 for the construction of the 34,296 square-foot building (Attachment C).
- On February 7, 1989, the Planning Manager approved a Minor Modification for the addition of a 10,887 square-foot mezzanine (for a total permitted building size of 45,055 square-feet). The mezzanine was constructed as 9,600 square feet (for a total constructed building size of 43,896 square-feet).
- On May 3, 1999, the Planning Manager approved a Minor Modification for the addition of 2,000 square-feet of mezzanine space to the existing building (for a total permitted building size of 45,896 square-feet). The mezzanine was constructed as 1,159 square-feet (for a total constructed building size of 45,055 square-feet).

- d) On January 22, 2009, the Planning Manager approved a Minor Modification (No. 08-140-58) for the addition of solar equipment, a roof viewing area, elevator, facade improvements, screening elements, and landscaping.

In 2010, Planning staff issued a Zone Clearance for the operation of the Mullin Automotive Museum. To date, the museum has been in operation without further changes to the building.

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 (beer and wine) for off-site consumption within an existing gift shop area of an existing museum, and will not result in an expansion of the museum area. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (Attachment D).

6) Analysis:

a) General Discussion:

Since 2010, the Mullin Automotive Museum has been in operation in its current location. The museum is 45,055 square-feet and includes a 210 square-foot gift shop area. The gift shop area includes various merchandise for sale such as books, models, wall art, and clothing. The Applicant requests approval of an SUP to allow the sale of beer and wine for off-site consumption within the gift shop area. The museum’s normal hours of operation are from 8:00 a.m. to 5:00 p.m. Thursday through Sunday with occasional special events outside the normal hours of operation. The Applicant requests the SUP to authorize alcohol sales from 8:00 a.m. to 5:00 p.m., which is consistent with the hours of operation. To allow future flexibility for the permittee / to accommodate market demands, staff recommends that the SUP authorize alcohol sales from 8:00 a.m. to 10:00 p.m. daily.

b) General Plan and Zoning Consistency:

The project site has a 2030 General Plan designation of Industrial Limited (ILM) and a zoning designation of Limited Manufacturing, Planned Development (M-L-PD). General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and the Police Department’s recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.

The Project site is located within the Limited Manufacturing, Planned Development

(M-L-PD) zone district. Pursuant to Oxnard City Code (OCC) Section 16-160 (Industrial Zones Purpose and Intent), the purpose of the M-L Zone is to provide areas suitable for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include administrative, wholesaling, warehousing, and manufacturing activities, and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. Similarly, alcohol sales for off-site consumption is allowed within the M-L-PD zone with approval of a Special Use Permit. Therefore, with approval of this permit, the proposed alcohol sales is consistent with the M-L-PD zoning designation of the property.

c) Police Department Review:

Pursuant to City Council Resolution No. 11,896 (Attachment E), the Oxnard Police Department reviewed the proposed alcohol sales request and provided a comprehensive report and analysis (Attachment F). The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet of the Project site to determine whether a presumption of undue concentration exists, and whether approval of the requested 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?
1600 Ives Avenue (Phillipine Center of Ventura County)	No	No	No, as conditioned	No

Concentration of Alcohol Outlets:

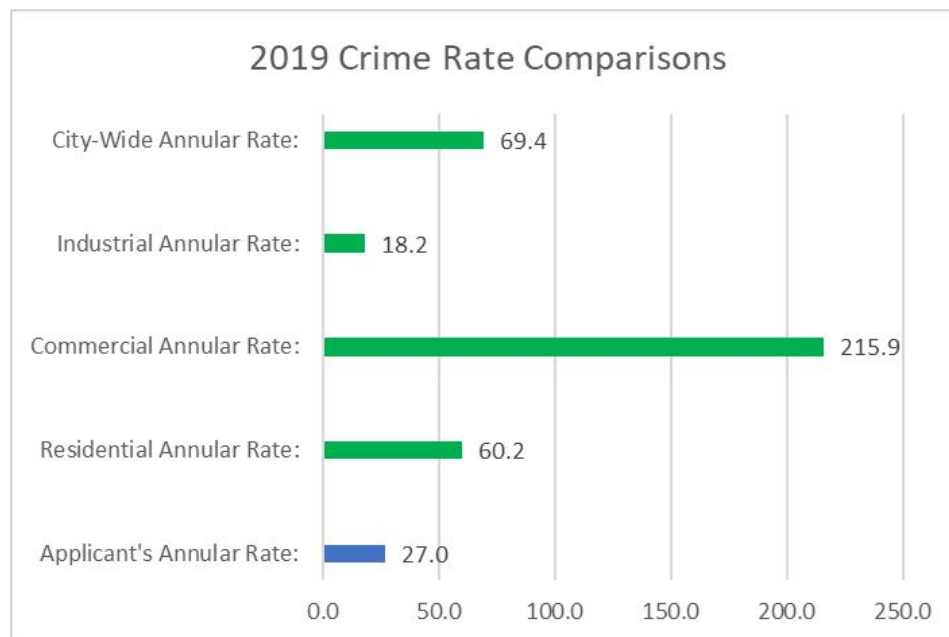
According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. There is one establishment located within 1,000 feet of the subject property (Philippine Center of Ventura County) that currently operates with a ABC License Type 47² (On-sale General - Eating Place).

² ABC License Type 47 (On-Sale General - Eating Place) Commonly known as a 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.

The Police Department has determined that as there is only one alcohol establishment within 1,000 feet of the project site, there is not an undue concentration by City standards. However, according to ABC, this is an undue concentration by State standards. The presumption of the State standards regarding undue concentration can be rebutted in the interest of public convenience or necessity.

Crime Statistics:

For comparison purposes, the Police Report analyzes the average number of Part 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 current citywide annular average of Part I and Part II crimes per grid is 69.4. The average number of Part I and II crimes occurring within the project site's 1,000 feet annular area was 27 during the same twelve month time period. This is 12.5% of the average for commercial properties citywide; therefore, the local crime rate is extremely low compared to other parts of the City. This is best illustrated in the graph below:



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.

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 location is generally not considered to be a policing problem and has not required any specific attention.

This facility has proven to be a well-managed community asset and tourist destination. Although the application listed 8:00 a.m. and 5:00 p.m. as the museum's hours of operations, it is believed to be prudent to expand the hours under this permit. This is to provide future flexibility for the operators. It is recommended that the hours of permitted retail off-sale of alcohol to be 8:00 a.m. to 10:00 p.m.

Several business operators within the area were contacted and interviewed regarding this SUP application. The only concerns conveyed were related to the consumption of alcoholic beverages in the parking lot after a purchase, and the consumption of alcohol inside the site during special events authorized separately with one-day permits.

Conclusion:

The Mullin Automotive Museum has operated since 2010 at this industrial complex as a well-managed community asset and tourist destination with approximately 3,700 visitors a year. The applicant has arranged through ABC to have the alcohol sales area located exclusively within the gift shop area. Other parts of the museum are not part of the licensed / permitted footprint, and as such, the operator would have to obtain one-day on-sale permits for special events in other parts inside or outside of the museum.

The crime rate in the area is significantly lower than the Citywide average. Since there is only one alcohol outlet within 1,000-feet of the project site, there is not an undue concentration by City standards. However, according to ABC, there is an undue concentration by State standards (the project site is reviewed in the context of the census tract, which is much larger and includes 17 alcohol outlets)⁵. If the City of Oxnard determines there is a public convenience or necessity to approve this permit (approval of this permit is an assumption there is such a determination), then ABC can override the saturation guidelines and also approve the request. Based upon its review, the Police Department recognizes the public convenience afforded by the issuance of this permit and does not believe that concentration is an issue that will impact public safety.

Based on the nature of the facility and the factors included within the Police report (crime statistics, the assessment from the Beat Coordinator, and the input from the neighboring business operators), there is no significant reason for the Police Department to oppose this application. Under the recommended operating conditions, it is believed that the sale of alcoholic beverages at this business will have little, if any adverse impact on area

⁵ State Concentration Standards are based on the number of outlets in the census tract, county population, licenses county-wide, the area's crime rate and other factors.

crime or demand for policing services. Several conditions of approval have been incorporated into the draft resolution of approval (Attachment G) to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future. The Applicant requests the SUP to authorize alcohol sales from 8:00 a.m. to 5:00 p.m., which is consistent with the hours of operation. To allow future flexibility for the permittee / to accommodate market demands, staff recommends that the SUP authorize alcohol sales from 8:00 a.m. to 10:00 p.m. daily (Attachment G, Condition No. 17). The Applicant has accepted all proposed conditions of approval.

7) Community Workshop and Public Input:

This Project is not located within an established neighborhood. Therefore, the Project was not presented during a 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 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. Special Use Permit No. 1251
- D. Notice of Exemption
- E. City Council Resolution No. 11,896
- F. Police Department Report dated August 6, 2020
- G. Draft Resolution of Approval

ATTACHMENT

A

MAPS

(VICINITY, GENERAL PLAN, ZONING, AERIAL)

Vicinity Map

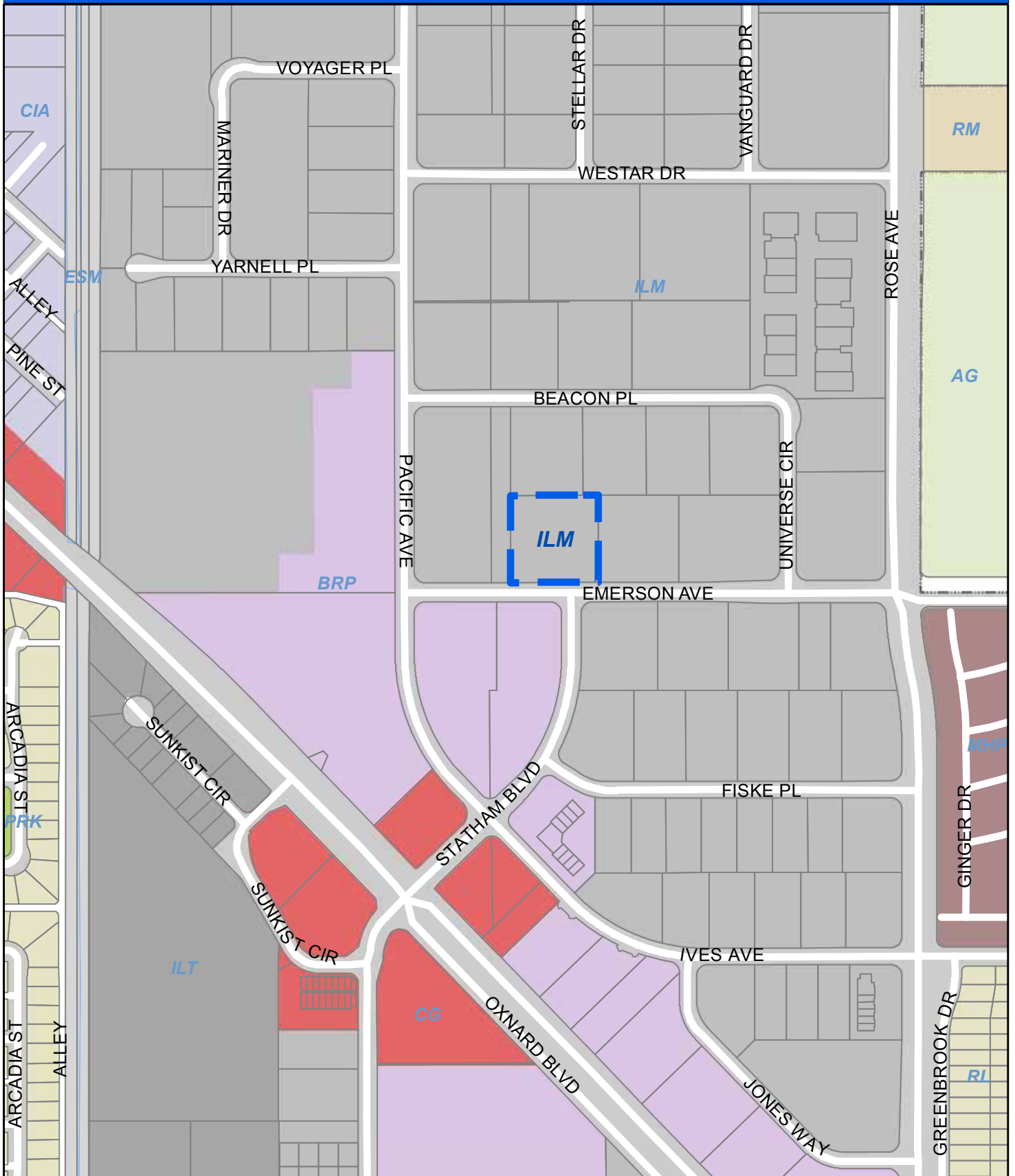


PZ 20-510-04

North
Pacific Ocean



2030 General Plan Land Use Map



Oxnard Planning
August 28, 2020

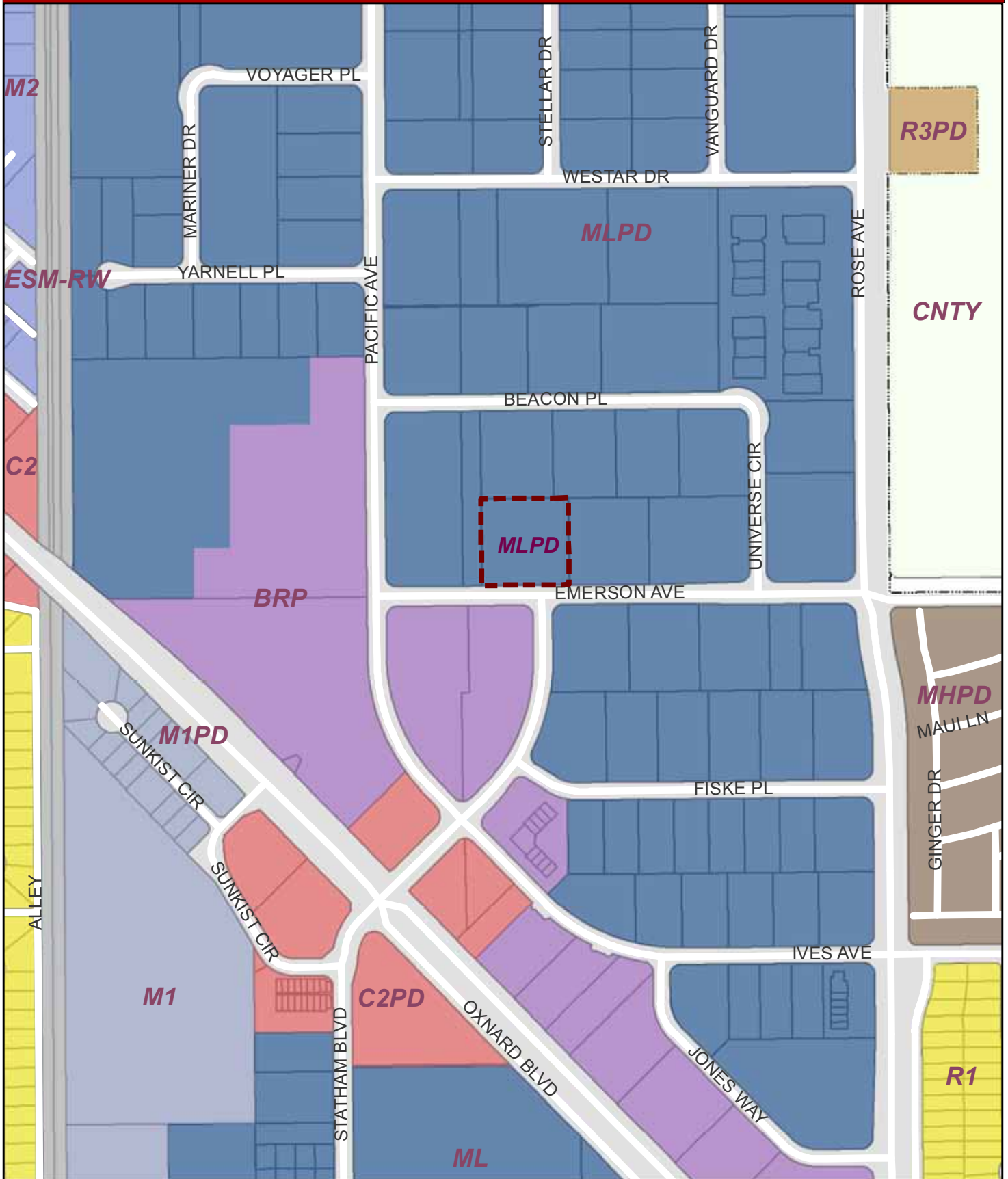
PZ 20-510-04
Location: 1421 Emerson Ave
APN: 2200293085
Mullin Alcohol SUP
0 125 250 500 Feet

2030 General Plan Land Use Map



1:5,000

Zoning/Specific Plan Map



Oxnard Planning

August 28, 2020

PZ 20-510-04
Location: 1421 Emerson Ave
APN: 2200293085
Mullin Alcohol SUP

0 75 150 300 450 600 Feet

Zoning/Specific Plan Map



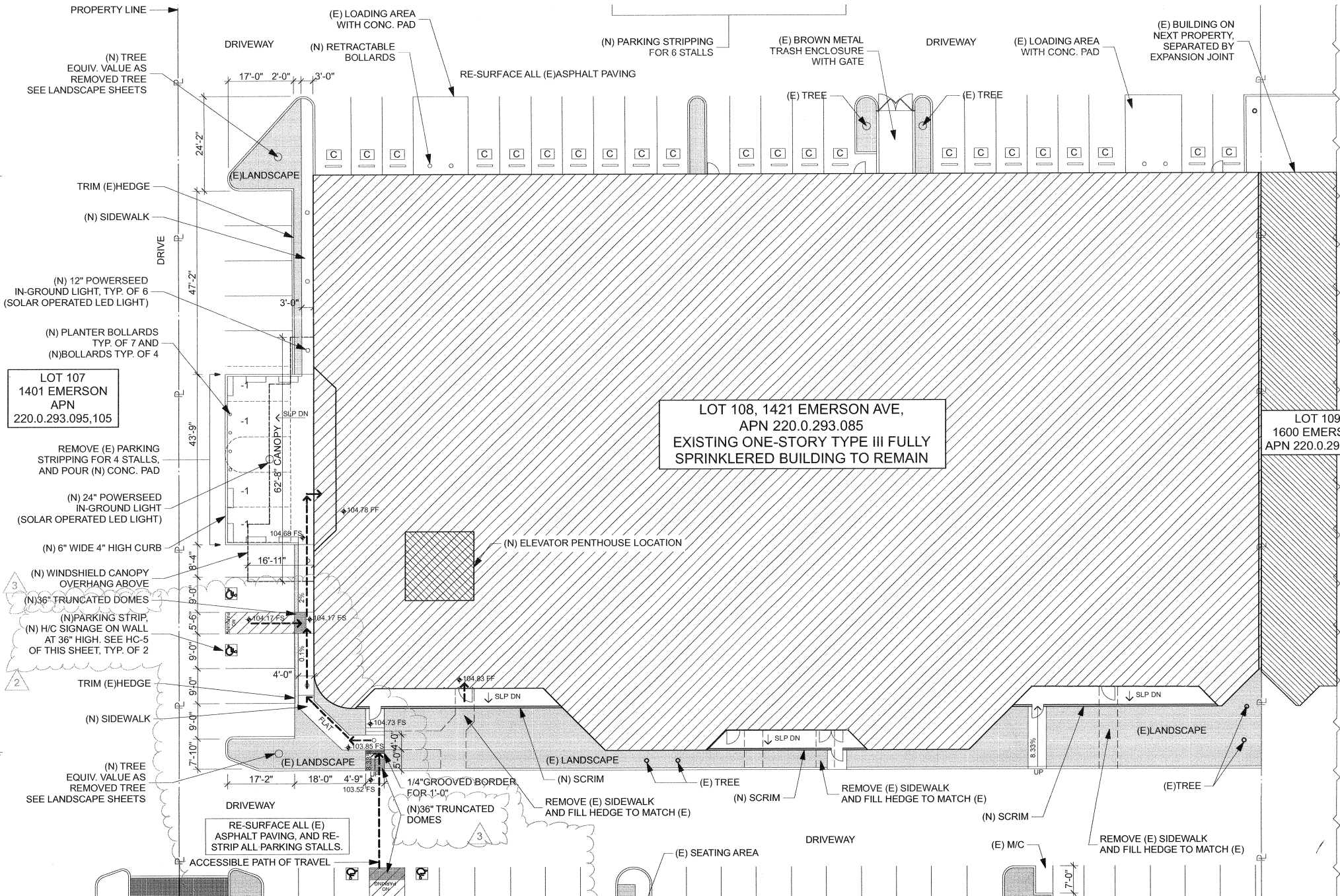
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ATTACHMENT B

REDUCED PROJECT PLANS

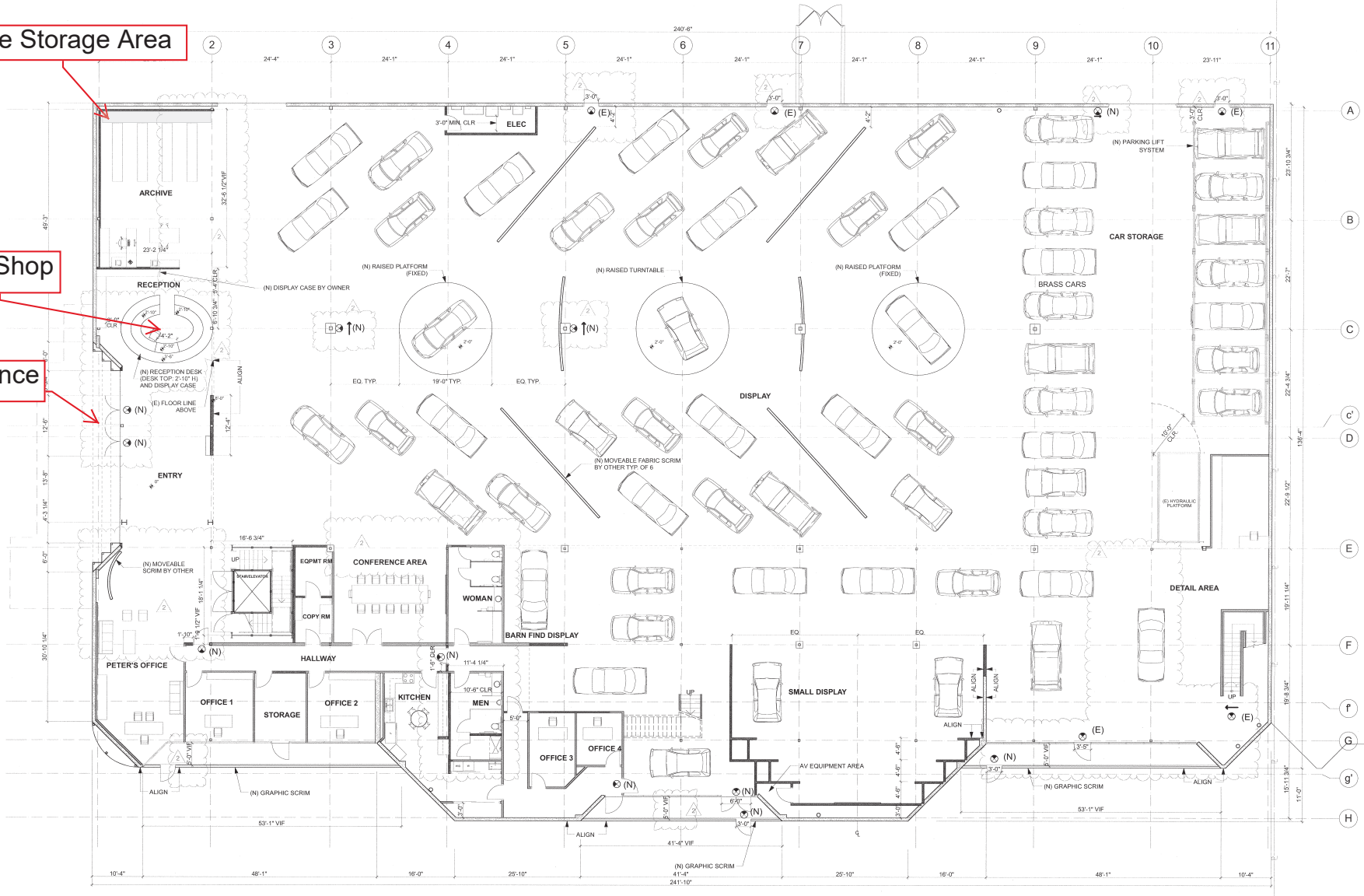
60'-0"
148'-0" BLDG
67'-0"



Wine Storage Area

Gift Shop

Entrance



PROPOSED GROUND FLOOR DIMENSION PLAN
SCALE: 1/8" = 1'-0"

APPROVED

PERMIT CENTER

CITY OF CHICAGO

DATE: 01/11/2008

BY: [Signature]

FOR: [Signature]

PROJECT: 0717D

DATE: 01/11/2008

BY: [Signature]

FOR: [Signature]

PROJECT: 0717D

DATE: 01/11/2008

BY: [Signature]

FOR: [Signature]

PROJECT: 0717D

DATE: 01/11/2008

BY: [Signature]

FOR: [Signature]

PROJECT: 0717D

ROOM	ROOM NAME AND SQUARE FEET
1	104.8 = 0

WALL LEGEND
WALL TO BE DEMOLISHED
EXISTING WALL TO REMAIN
NEW WALL PROPOSED

NOTE:
1. ELEVATOR TO BE ADA AND GURNEY COMPLIANT. CENTER OPENING ELEVATOR.
2. ELEVATOR PIT TO BE PROVIDED SUMP PUMP & PIPING.
3. HANDRAIL TO COMPLY WITH SECTION 1012 OF CBC.
4. GUARDRAIL TO COMPLY WITH SECTION 1013 OF CBC.
5. THRESHOLD TO COMPLY WITH FIGURE 11B-32 OF CBC.



DAVID HERTZ ARCHITECTS
1421 Emerson Ave
Oxnard, CA 93033
Tel: 805-461-1111
Fax: 805-461-1112
www.dharchitects.com

Mullin Collection
1421 Emerson Ave
Oxnard, CA 93033

NOTE:
CONTRACTOR MUST
VERIFY ALL DIMENSIONS
IN THE FIELD BEFORE
CONSTRUCTION AND
MUST NOTIFY ARCHITECT
FOR ANY DISCREPANCY

PLAN CHECK SET
NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	11/21/08	City Submittal (Planning)
2	12/08/08	City Submittal (Planning)
3	01/09/09	Revision (Bld)
4	02/13/09	Plan check correction

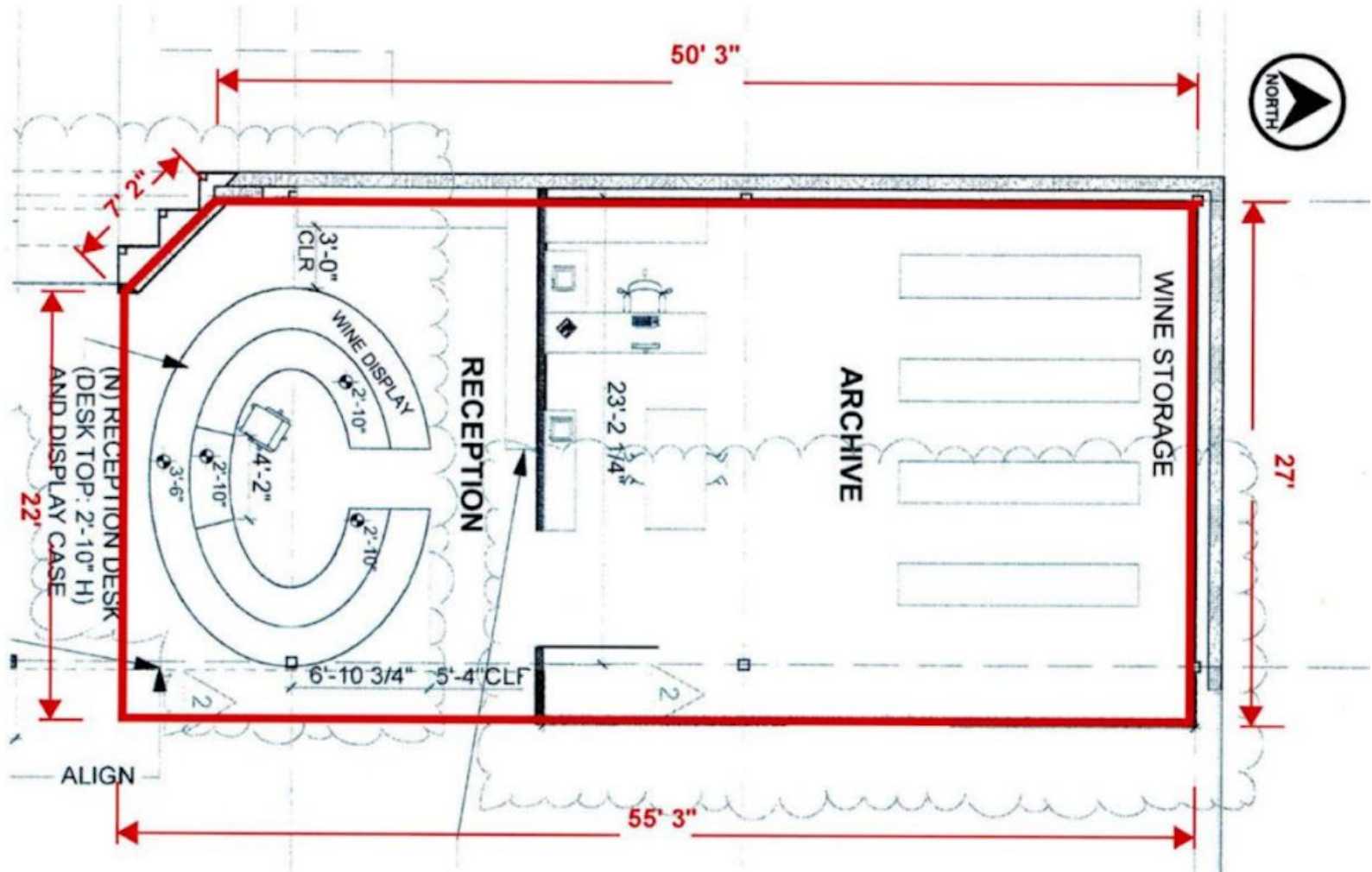
SHEET TITLE:
PROPOSED GROUND
FLOOR DIMENSION
PLAN

PROJECT NO:
0717D

PRINT DATE:
2/13/2009

SHEET NO:
A2.1.a

NOTES:
1. THIS SET OF PLANS IS TO BE USED FOR PERMITTING AND CONSTRUCTION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. ANY CHANGES TO THE PLANS MUST BE APPROVED BY THE ARCHITECT BEFORE CONSTRUCTION.



ATTACHMENT C

SPECIAL USE PERMIT No. 1251

RESOLUTION NO. 7037

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT NO. 1251 APPLIED FOR BY TOLD CORPORATION, 2587 TELLER ROAD, NEWBURY PARK, CA. 91320 TO PERMIT CONSTRUCTION OF A 34,296 SQUARE FOOT SPECULATIVE INDUSTRIAL BUILDING LOCATED AT 1421 EMERSON, LOT NO. 108 OF TRACT NO. 4065-2, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit filed by TOLD Corporation in accordance with Section 34-146 through 34-157.1 of the Oxnard City Code.

WHEREAS, the Community Development Director has provided public notice that the project covered by this application will produce no significant impact on the environment and of the intent of the City to adopt a declaration to this effect, and whereas the Planning Commission has reviewed this notice along with the initial study and staff report and hereby finds that there will be no significant environmental impact with the imposition of mitigation measures as conditions of approval and recommends to the City Council adoption of said negative declaration in accordance with the California Environmental Quality act; and

WHEREAS, the Commission finds that, after due study, deliberation and public hearing, the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted standards of the City of Oxnard.
2. That 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.
3. That the site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other items as required.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves said special use permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 34-155 of the Oxnard City Code.

1. The special use permit is granted for the land as described in the application, shown as Exhibit "A", and shall not be transferable from one property to another. (PL)
2. The location of buildings and structures shall substantially conform to Exhibit "A", unless amended specifically by a condition of this resolution, by a major modification or a minor modification. (PL/B)
3. The special use permit shall become null and void within twenty-four (24) months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building permit for structural construction shall be minimum requirement for evidence of diligent pursuit. (PL)
4. All conditions of this special use permit shall be complied with prior to the approval of occupancy, unless occupancy is approved by the Community Development Director. (PL/B)
5. The development or use by the developer of any activity or structure authorized by this special use permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The developer by said acceptance waives any challenge as to the validity of these conditions. (CA)
6. The developer agrees as a condition of approval of this permit to defend, at the sole expense of developer, any action brought against the City based upon approval or use of this permit or, in the alternative, to relinquish this permit. The developer shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such action. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve permittee of the obligations under this condition. Commencement of construction or operations under this permit shall be deemed to be acceptance by developer of all conditions of this permit. (CA)
7. Approval of this special use permit does not guarantee that building permits will be issued due to population limitations placed upon the City by the Air Quality Management Program (AQMP). There may be a delay in the timing of building permit issuance as a result of an air quality plan. (PL)
8. The elevations of all buildings and structures shall substantially conform to Exhibit "A", unless amended specifically by a condition of this resolution, by a major modification, or a minor modification. (PL)

The final building plans submitted with the building permit application shall clearly indicate all building materials and colors to be used in construction. (PL/B)

9. Minor changes or minor increase in the extent of use of size of structure may be approved by the Community Director, but any substantial change or increase will require the filing and approval of an major modification by an amended special use permit by the Planning Commission. (PL)
10. Minor changes in the final design or materials and colors for building and masonry walls may be approved by the Community Development Director with the filing of a minor modification permit to this project. Any request for a minor modification shall be made to the Community Development Director in writing and shall be accompanied by three copies of any plans reflecting the requested modification. (PL)
11. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by a resolution of the Planning Commission and City Council shall be part of, and incorporated into, all sets of the construction documents and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents.
12. The developer shall record with the County Recorder all conditions of this permit approval as adopted by the City as they relate to this property. A copy of the recorded document is to be submitted to the Community Development Director prior to the issuance of building permits or initiation of use.

UTILITIES

13. Trash and refuse enclosures shall be constructed in accordance with the approved plate and standards on file in the public works department. Enclosures shall be located as shown in the approved plans. Final location of enclosures shall be subject to the approval of the Public Works Department. Enclosures shall be constructed and finished in a manner to match the major design element of the main structure. Such finish shall be indicated on the building plans and is subject to approval of the Planning Division. (PW, PL/PW, B)
14. Onsite and offsite utility service shall be installed underground in accordance with Ordinance 2133. Utilities shall be undergrounded to the nearest suitable riser pole as determined by the appropriate utility company. (PW/PW)

PARKING AND ACCESS

15. Off-street parking including number of spaces, stall size, paving, striping, location and access shall comply with the Oxnard City Code. (PL/B)
16. Curb width and design shall conform to the City Code. (PW, PL/PW)

LANDSCAPING

17. Four copies of landscape and irrigation plans prepared in accordance with Commercial Landscape Standards, shall be submitted to Parks Division for approval prior to issuance of building permit or initiation of the proposed use. (PK, PL/PK)
18. Landscaping and irrigation shall be installed per plans as approved by the Parks Division. (PK, PL/PK)
19. Landscaping and irrigation installation shall be inspected and approved by Parks Division prior to issuance of Certificate of Occupancy. (PK/PK, B)
20. Continuous maintenance of all landscaped areas, as required by City Code and as specified by Parks Division shall be provided. (PK)
21. All required trees shall be 24 inch box size (minimum), all shrubs and vines shall be 5 gallon size (minimum) except as specified by the Parks Division. (PK/PK)
22. All parking areas shall be screened from public streets by a minimum 36 inch high landscape berm or a combination of a 36 inch high wall and landscaping. (PK, PL/PK)
23. Landscape planters at minimum 5 feet wide shall be provided on each side of the trash and refuse enclosures where parking is adjacent. Landscape planters shall be located throughout the rear parking areas for the purpose of providing a treescape. Cumulative square footage of such landscape planters throughout the parking areas shall be at least equivalent to the total square footage of a five foot wide landscape planter along the entire length of the rear wall of the building minus loading and entry areas and trash enclosures. Design, location and square footage of the rear parking area treescape planters and the landscape planters beside trash and refuse enclosures shall be included in the landscape and irrigation plans and subject to the approval of the Planning Division. (PK, PL/PK)

SIGNS AND APPURTENANT STRUCTURES

In addition to the provisions of City Code, the following shall apply:

24. Building and monument signs shall be as shown in Exhibit "A." All signs shall utilize raised, recessed or applied letters. Other types of building or monument signs may be allowed, subject to approval of the community Development Director. No "Can" type signs are allowed. (PL)
25. Each parcel shall have not more than one monument sign on each street frontage. No monument sign shall be located closer than 10 feet to any property line and shall not exceed a height of 6 feet above adjacent curb nor 5 feet above top of adjacent berms. Maximum monument sign area shall be 50 square feet per side or a total of 100 square feet. (PL)
26. No freestanding signs shall be allowed. (PL)

27. In addition to the permitted monument sign, each parcel shall be permitted directional signs to promote smooth traffic flow. No directional sign shall exceed four square feet in area nor six feet in height. Directional signs may display text or logos other than that normally associated with circulation, but not advertising of any kind. The number, type and standard treatment of directional signs shall be subject to review by the Planning Division.
28. Compact stall signs shall be required to designate compact parking where compact parking spaces are grouped in clusters of five or more.
29. A lot, building or complex occupied by two or more businesses shall be permitted tenant identification signs in addition to the permitted monument sign. Such tenant identification signs shall not exceed eight square feet in area and shall be attached to the building. Building addresses shall be placed on the rear as well as front of the buildings.
30. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected. Under canopy lighting elements shall be recessed or concealed in such a manner as not to be directly visible from a public street. A lighting plan shall be submitted for review and approval of the Community Development Department. Lights within a site shall not be placed to cause glare or excessive light spillage on neighboring sites. Light colors shall be uniform within a single lot or development. Light poles shall not exceed twenty feet in height and in no case shall they exceed the height of buildings on-site. The design of light fixtures and their structural supports shall be subject to approval of the Community Development Director. (PL/B)
31. All roof mounted equipment, plumbing vents, ducts, and other appurtenances protruding from the roof shall be integrated in such a manner that they will not be viewed from any public street, the front of property or otherwise highly visible vantage points. A note shall be included on construction plumbing drawings of elevations to indicate to contractors that roof features shall be grouped and located in the described manner. All roof mounted equipment and vents shall be shown on construction drawings. (B/B)
32. Outdoor storage and display shall not be permitted. (PL/B)
33. Walls shall be utilized to visually screen and/or physically enclose the following outdoor storage areas, loading docks and ramps, transformers, storage tanks, refuse containers, ground mounts and mechanical equipment and other appurtenant items of poor visual quality. Determination of those other appurtenant items requiring screening shall be made by the Director of Community Development. Where walls cannot be attached to a structure, full-height and density landscape screening shall be provided as an alternative screening device subject to approval of the Parks Division and Director of Community Development.

FIRE SAFETY CONDITIONS

34. On-site and/or boundary water mains, fire hydrants, and services shall be installed subject to the specifications of the Water Service Division and the Fire Department. (PW, FD/PW, FD)
35. The proposed facility shall confirm to the minimum standards prescribed in Title 19 of the California Administrative Code. (FD/FD)
36. Adequate fire protection, as determined by the Fire Chief shall be available prior to issuance of any building permit(s). The developer prior to the start of construction, shall present to the Fire Chief a plan designed to insure the integrity of providing both fire equipment access and water for combat operations to all areas of the property. The plan shall be approved by the Fire Chief prior to issuance of any building permits.
37. All vehicle access driveways shall be 25 feet wide, and striped and signs posted to Fire Lane standards. Curbs adjacent to designated fire lanes in parking lots shall be painted red to indicate that parking and stopping in the fire lane is prohibited. (FD/FD, B)
38. Roadways shall be maintained at all times for access by Fire Department fire fighting apparatus to all parts of the site. (FD/FD, B)
39. No burning of combustible refuse or other materials is permitted on the property. (FD/FD)
40. A permit shall be obtained from the Oxnard Fire Department for the handling, storage and use of all materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health. (FD/FD)
41. All roof covering materials shall be of non-combustible or approved fire retardant materials. (FD/FD)
42. In order to provide an adequate turning radius for Oxnard fire fighting apparatus, the turning radius of all drives, courts, cul-de-sacs, and turnaround areas shall be a minimum of 48 feet. (FD/FD, B)
43. Developer shall provide automatic fire sprinklers as required by Section 13-6 of the City Code and Ordinance No. 1903. (FD/FD)

SPECIAL CONDITIONS

44. The developer shall comply with all applicable conditions of Planning Commission Resolution Number 6829 approving the development plan for Tract 4065-2.

45. Lots with shared driveways shall have a reciprocal access agreement recorded before building permits are issued.
46. Ficus trees shown on the landscape plan shall be relocated to be away from building and paved areas or replaced with an alternate tree type subject to approval of the Parks Division.
47. Developer shall submit a grading plan prepared by a registered civil engineer and approved by the Department of Public Works prior to issuance of the building permit.
48. Developer shall have the parking lot paved in accordance with the City's pave-out policy (2"/4" minimum) in parking area and three inch on four inch (3"/4") in driveway areas.
49. Developer shall remove and replace any existing broken or damaged asphalt paving (patch, repair or overlay) adjacent to property as directed by the Public Works Inspector.
50. Developer shall pay all current development fees.
51. Developer shall protect the building pads of all structures from a 100-year storm.
52. Landscape irrigation plan shall be prepared by a licensed professional and approved by the Public Works Department for proper water meter size and backflow prevention device prior to issuance of the building permit. Any mounding required per the landscape plans shall be shown on Grading Plan. (PW)
53. A reciprocal parking agreement for parking shall be recorded to provide building 104 with two additional spaces if needed. The need for such additional parking is to be determined by the Director of Community Development.(PL,PL/PW)
54. All irrigation backflow prevention systems shall be screened by full height and density landscaping. (PK, PL/PK)
55. Corner lots require handicapped ramps and sidewalks from same to parking lot.
56. A minimum of two 36 inch box trees shall be incorporated into the landscape area of each parking lot entry. (PL, PK)

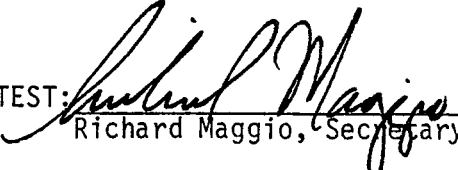
57. Revised lot descriptions shall be recorded as lot line adjustments or Parcel Map(s) prior to issuance of building permits. (PW)
58. Outdoor lounging areas in the form of seating walls shall be provided in the locations indicated on exhibit A , in the front landscape planter area of building 108,105,103. Final design of such areas shall be subject to approval of the Director of Community Development. (PL,PL/PK)
59. With the exception of Buildings 104 and 105, where buildings abut each other, a distinct division shall be created by means of recessing one building and utilizing a recessed sheet metal panel painted a darker color. (PL,PL/PK)

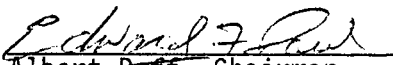
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of July, 1987, by the following vote:

AYES: Commissioners: Grey, Racine, Flores, Paul

NOES: Commissioners:

ABSENT: Commissioners: Elias, Perez, Duff

ATTEST: 
Richard Maggio, Secretary


Albert Duff, Chairman
VICE

oxcond4

ATTACHMENT D

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description: **Mullin Automotive Museum Alcohol Sales;** Planning and Zoning No. 20-510-04 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to permit the sale of beer and wine for off-site consumption (Alcohol Beverage Control License Type-20) within the gift shop area (210 square feet) within the existing automobile museum (Mullin Automotive Museum) (45,055 square-feet) on a 1.74-acre property located at 1421 Emerson Avenue (APN: 220-0-293-085) within the Limited Manufacturing, Planned Development Overlay (M-L-PD) zone. Alcohol sales are requested between the hours of 8:00 a.m. and 5:00 p.m. daily, but alcohol sales are recommended between the hours of 8:00 a.m. to 10:00 p.m. daily. Filed by Laura M. Lawrence, on behalf of Property Owner Peter Mullin Family Trust, 2242 Purdue Avenue, Los Angeles, California 90064.

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 State of 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 exempt from the requirements of CEQA. The proposed project involves a request to sell alcohol (beer and wine) for off-site consumption within an existing museum gift shop area of an existing museum, and will not result in an expansion of the museum area. The project does not require physical development, as the requested permit is for sales of alcohol. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and they hereby authorize and direct the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

**ATTACHMENT
E**

CITY COUNCIL RESOLUTION No. 11,896

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11.896

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

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

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

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

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

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

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

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

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

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

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

1. City Council Resolution No. 8597 is repealed.

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

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

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

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

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

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

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

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

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

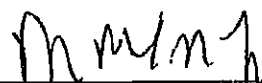
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

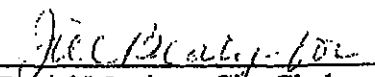
ABSENT: None.



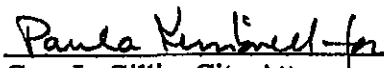
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

**ATTACHMENT
F**

**POLICE DEPARTMENT REPORT
(AUGUST 6, 2020)**



Police Department

Scott Whitney, Chief of Police

Date: August 6, 2020

To: Scott Kolwitz, Planning Division Manager
Jay Dobrowalski, Senior Planner

From: Alex Arnett, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist

Subject: Mullin Automotive Museum, 1421 Emerson Avenue
PZ 20-510-04, Alcohol SUP Review (ABC Type 20)

Site Information:

The applicant business, Mullin Automotive Museum, has been in operation under the current ownership since 2010 at 1421 Emerson Avenue. The applicant seeks a Type 20¹ Alcohol Beverage Control License and Alcohol Special Use Permit to sell beer and wine from the business' gift shop for off-site consumption. The museum operates from 8 A.M. to 5 P.M. Thursday through Sunday with occasional special events outside the normal hours of operation.

The facility is in a "tilt-up" structure in a multi-tenant commercial/industrial complex which is served by Emerson Avenue. South, across Emerson Avenue is a church and childcare facility. West, North and East of the business are light industrial/manufacturing firms. The nearest residential area, the Lemonwood Neighborhood, is almost 1000-feet away from the business.

¹ *Type 20 - Beer and Wine, Off-Sale: (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.*

Concentration, Crime and Policing Services²

Concentration of retail alcohol outlets and crime can have a significant impact on public safety and the delivery of police services. The State of California³ and the City of Oxnard⁴ have established standards to weigh concentration factors, and, when appropriate, mitigations to address those factors. The below chart identifies nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

None

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	ABC Type	ASUP	On/Off-Site	Premise	Alcohol	Alcohol Hours
1	Phillipine Center of Ventura County	1600 Ives Avenue	47	Yes	On	Restaurant	Beer Wine Spirits	7a-11p

Based on the proximity of the businesses listed, there is not an undue concentration under the established City Standards. However, according to the Department of Alcoholic Beverage Control there is undue concentration under State established standards⁵.

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I⁶ and II⁷ 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.

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.

³ Concentration Standards for the State of California: §23958.4 Business and Professions Code

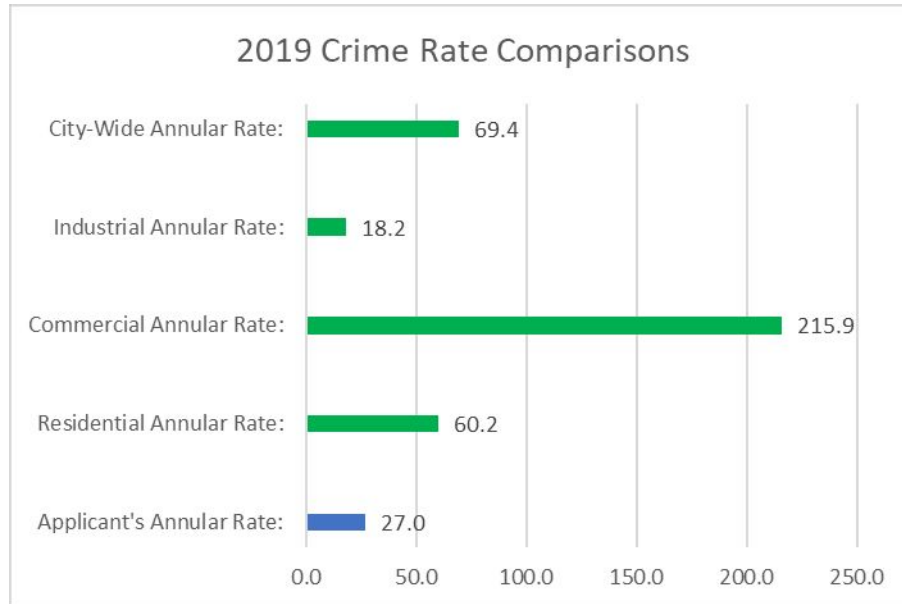
⁴ Concentration Standards for the City of Oxnard: Council Resolution 11,896

⁵ State Concentration Standards are based on the number of outlets in the census tract, county population, licenses county-wide, the area's crime rate and other factors.

⁶ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

⁷ 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.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 27. This is 12.5 % of the average for commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

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

This facility has proven to be a well-managed community asset and tourist destination. Although the application listed 8 A.M. to 5 P.M. as the museum's hours of operations it is believed to be prudent to expand the hours under this permit. This is to provide future flexibility for the operators, it is recommended that the hours of permitted retail off-sale of alcohol to be 8 A.M. to 10 P.M.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this application to sell alcohol. The only concerns conveyed related to the consumption of alcoholic beverages in the parking lot after a purchase inside, and the consumption of alcohol inside the site during special events authorized under one-day permits. Otherwise, there were no objections from those nearby business operators that were interviewed.

Conclusion

Concentration, Public Convenience and Necessity

As previously discussed, there is no undue concentration of alcohol establishments under the standards established by the City of Oxnard. According to the Department of Alcoholic Beverage Control, there is an issue of undue concentration under established State standards. If the City of Oxnard determines there is a public convenience or necessity to approve this proposal (approval of the permit is an assumption there is such a determination), ABC can override the saturation guidelines and also approve the request. Based on the totality of the circumstances of this application and its review, the Police Department recognizes the public convenience afforded by the issuance of this permit and does not believe concentration is an issue that will impact public safety. This site has long served as a tourist destination for visitors to Oxnard. Originally, the home to the Chandler Auto Museum, the Mullin Auto Museum has about 3,700 visitors a year. The applicant has arranged through ABC to have the off-site sales exclusively located within the gift shop. Other parts of the museum are not part of the licensed/permitted footprint. Since this is the case, the operator may obtain one-day on-sale permits for special events in other parts of the museum.

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 and the permittee's adherence to them, it is believed that the sales of alcoholic beverages at this business will have little, if any adverse impact on the community or policing services.

Police Operating Conditions

RBS Training

1. Permittee and all servers and their immediate supervisors shall complete a course in Responsible Beverage Service (RBS) approved by the Chief of Police within sixty days of license granting and/or date of employment. Applicant and/or servers can contact the Alcohol Compliance Team at the Oxnard Police Department via email at specialprojects@oxnardpd.org to obtain information on RBS classes. (PL/PD)
2. The permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon request.

Beverage Service & Site Maintenance

3. Sales of alcohol may only occur between the hours of 8:00 A.M. and 10P.M. (PL/PD)
4. 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)

5. 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)
6. The property owner and the tenant shall be responsible for maintaining their areas of responsibility (the area adjacent to the premises over which Permittee has reasonable control) free of litter. (PD/PL)
7. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
8. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
9. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
10. The police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit conditions and/or a permit/license issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing for the revocation of the permit by the Community Development Director to be held no more than 30-days after the suspension begins. (PD)

Security Features

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 to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:
 - a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.

- e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door or entrance to the business. Cameras dedicated to this purpose shall be mounted at a minimum of 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
12. During normal business hours, the licensee shall provide access to the digital recordings for any and all law enforcement purposes as determined by the City of Oxnard. (PD)
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)

Signage

14. 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)
15. 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)
16. Prominent signs shall be posted near the point of sale, in effect, "No persons under 21 will be sold alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)

Permit Restrictions

17. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or designee and the Community Development Director. (PD)
18. 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 or SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

Police Special Operating Conditions

19. All alcoholic beverages shall be secured any time a staff member is not present in permitted sales area.

ATTACHMENT G

**DRAFT RESOLUTION OF APPROVAL
(SPECIAL USE PERMIT - ALCOHOL)**

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-510-04 (SPECIAL USE PERMIT - ALCOHOL) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE-20) WITHIN THE GIFT SHOP AREA (210 SQUARE FEET) WITHIN AN EXISTING MUSEUM (MULLIN AUTOMOTIVE MUSEUM) (45,052 SQUARE FEET) ON A 1.74-ACRE PROPERTY, LOCATED AT 1421 EMERSON AVENUE (APN: 220-0293-085) WITHIN THE LIMITED MANUFACTURING, PLANNED DEVELOPMENT OVERLAY (M-L-PD) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT LAURA M. LAWRENCE ON BEHALF OF PROPERTY OWNER, PETER MULLIN FAMILY TRUST, 2242 PURDUE AVENUE, LOS ANGELES, CALIFORNIA 90064.

WHEREAS, on June 10, 2020, Laura M. Lawrence, (the “**Applicant**”) on behalf of property owners Peter Mullin Family Trust, submitted a request to allow the sale of beer and wine for off-site consumption (ABC License Type-20), within the gift shop area (210 square feet) within an existing museum (Mullin Automotive Museum) (45,052 square feet) on a 1.74-acre preoperty, located at 1421 Emerson Avenue (the “**Project**”); and

WHEREAS, on September 17, 2020, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request for approval of Planning and Zoning Permit No. 20-510-04 (Special Use Permit - Alcohol), in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

The project site is located within the 2030 General Plan land use designation of Industrial Limited (ILM) and the zoning designation is for Limited Manufacturing, Planned Development Overlay (M-L-PD). The Project is surrounded by industrial and institutional 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 sales is consistent with the 2030 General Plan and the Oxnard City Code and is compatible with the physical scale and character of other commercial development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the Municipal Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

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

The proposed Special Use Permit request for alcohol will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the industrial and institutional character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by industrial and institutional 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 45,052 square-foot industrial building was initially constructed circa 1987 as a 34,296 square foot building, and the building has been enlarged to its current size between 2000-2010. 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 subject site is zoned Limited Manufacturing, Planned Development Overlay (M-L-PD), with a 2030 General Plan designation of Industrial Limited (ILM). The existing museum use is consistent with the General Plan and zoning designation. The proposed ancillary sales of beer and wine is consistent with industrial zoning, subject to approval of a Special Use Permit pursuant to Oxnard City Code Section 16-163. 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 proposed project allows the sale of beer and wine within an existing gift shop area of the museum for off-site consumption. 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 1,000 feet of the subject property (Philippine Center of Ventura County) that currently operates with a ABC License Type 47 (On-sale General - Eating Place).

The Police Department has determined that as there is only one alcohol establishment within 1,000 feet of the project site, there is not an undue concentration by City standards. However, according to ABC, this is an undue concentration by State standards. The presumption of the State standards regarding undue concentration can be rebutted in the interest of public convenience or necessity.

The project will be subject to conditions of approval as recommended by the Police Department to prevent aggravation of policing issues. Therefore, as conditioned, the proposed sale of alcohol will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare. The Project will 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 site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required by the conditions of approval.**

As described in the Staff Report, the proposed alcohol (beer and wine) sales will occur entirely within an existing gift shop area that is adequate for the proposed sales. The proposed project does not require exterior changes to the site. The recommended conditions of approval do not require changes to the site. Therefore, the site for the proposed alcohol sales is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes Rose Avenue and Oxnard Boulevard, which both connect to Highway 101. The existing infrastructure is adequate in capacity for the current on-site alcohol sales. The proposed sale of alcohol is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed alcohol sales will be served by highways adequate in width and improved as necessary to carry project-generated traffic. As such, this Project meets this finding.

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

The project site is currently served by adequate sewerage, water, fire protection and storm drainage facilities. The proposed alcohol sales will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed alcohol sales will be provided with adequate sewerage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

- (6) **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 proposed project has been reviewed by Police Department Staff for impacts to police problems. Pursuant to that review, the industrial business park has a significantly below-average crime rate when compared to other parts of the City. The Police Department Staff has recommended conditions of approval for the proposed project. Upon the implementation of the recommended conditions of approval, the project will not create or aggravate police problems. Therefore, the proposed alcohol sales is not likely to create or significantly aggravate police problems within 1,000 feet of the project site. 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.

- (7) **The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 1,000 feet of the subject location.**

As described in the Staff Report, and Oxnard Police Department Alcohol SUP Report, there are no alcohol establishments of the same type located within 1,000 feet of the subject property. There is one establishment located within 1,000 feet of the subject property (Philippine Center of Ventura County) that currently operates with a ABC License Type 47 (On-sale General - Eating Place).

The Police Department has determined that as there is only one alcohol establishment within 1,000 feet of the project site, there is not an undue concentration by City standards. However, according to ABC, this is an undue concentration by State standards. The presumption of the State standards regarding undue concentration can be rebutted in the interest of public convenience or necessity.

This finding is rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained industrial business park

center where the crime rate is significantly below the average for other parts of the City. Therefore, this Project meets this finding.

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 (beer and wine) for off-site consumption within an existing gift shop area of an existing museum, and will not result in an expansion of the museum area. 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 20-510-04 (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 September 17, 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 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 Type-20 license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property. (PL)
12. Applicant shall comply with City Code Article XI, Sound Regulation, at all times.
13. Alcohol sales area shall be limited to the gift shop area consistent with the approved site plan. Any expansion of the alcohol sales area (except for special events), shall require a Minor Modification to this Special Use Permit.
14. Alcohol sales outside of the gift shop area for special events shall be subject to a Temporary Use Permit.

POLICE DEPARTMENT STANDARD CONDITIONS

RBS Training:

15. 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).
16. The permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon request.

Beverage Service and Site Maintenance:

17. Sales of alcohol may only occur between the hours of 8:00 A.M. and 10:00 P.M. (PL/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 Property owner and the tenant shall be responsible for maintaining their areas of responsibility (the area adjacent to the premises over which Permittee has reasonable control) free of litter. (PD/PL)
21. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
22. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
23. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
24. 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)

Security Features:

25. 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 to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:
- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door or entrance to the business. Cameras dedicated to this purpose shall be mounted at a minimum of 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
26. During normal business hours, the licensee shall provide access to the digital recordings for any and all law enforcement purposes as determined by the City of Oxnard. (PD)
27. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)

Signage:

28. 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)
29. 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)

30. Prominent signs shall be posted near the point of sale, in effect, "No persons under 21 will be sold alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)

Permit Restrictions:

31. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or designee and the Community Development Director. (PD)
32. 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 or SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

Police Special Conditions:

33. All alcoholic beverages shall be secured any time a staff member is not present in permitted sales area.

[signatures on following page]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of September, 2020.

Diedre 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 17th day of September, 2020, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary