

Planning Commission Packet

Thursday, January 21, 2021

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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, January 21, 2021, 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 – December 17, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Pizza Chief Restaurant Alcohol Special Use Permit - Planning and Zoning Permit No. 20-510-07 (Special Use Permit – Alcohol):** A request for approval of a Special Use Permit (SUP) to allow an existing 940 square-foot pizza restaurant (Pizza Chief) to sell beer and wine for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 41) within one of two existing multi-tenant commercial buildings cumulative totaling 17,480 square feet on a 1.01-acre property located at 2550 North Vineyard Avenue #160 (APN: 145-0-232-165) within the General Commercial -

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.

Planned Development (C-2-PD) zone. Alcohol sales are requested between the hours of 11:00 a.m. and 11:00 p.m. daily, but alcohol sales are recommended between the hours of 7:00 a.m. to 11:00 p.m. daily. Filed by Designated Agent Cecilia Serrano on behalf of Yong Lee, Property owner.

Project Planner: Joe Pearson II, 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 2021-XX for Planning and Zoning Permit No. 20-510-07 (Special Use Permit-Alcohol), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/1gISeSxYT5w>

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, February 4, 2021, 6:00 p.m., City Council Chambers

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

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

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
December 17, 2020
DRAFT

A. ROLL CALL

1. At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Vice Chair Sanchez (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), Fuhring (via videoconference) and Meyer (via videoconference) were present.
3. Staff members present were: Jeff Pengilley, Interim Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson, Senior Planner; Ken Rozell, Chief Assistant City Attorney; Alex Arnett, Patrol Support Division Commander (via videoconference); Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist (via videoconference); Emilio Ramirez, Housing Director (via videoconference); Elsa Brown, Affordable Housing Assistance/Housing Rehabilitation Program Manager (via videoconference); and Dee Lai, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

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

1. Commissioner Fuhring led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - December 3, 2020

MOTION: Vice Chair Sanchez moved and Chair Frank seconded a motion to approve the minutes of December 3, 2020, as submitted.

VOTE: Chair Frank, Vice Chair Sanchez, and Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. The motion carried 6:0:0:0¹.

¹ In Favor: Against: Absent: Abstain: Recused

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Commissioner Chavez commented that he had ex parte communications for item F-1. He visited the Navigation Center site and had conversations with the Chair of the Commission of Homelessness. He stated he feels that he can participate in review of this project in an impartial manner without bias or conflict.
2. None of the remaining Planning Commissioners had any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: Navigation Center Project** - Planning and Zoning Permit Nos. 20-500-03 (Special Use Permit (SUP)) and 20-535-04 (Density Bonus): The project request is for a SUP to allow for the operation of Homeless Shelter and Resource Center pursuant to section 16-148 of the Oxnard City Code and a Parking Standard Modification pursuant to Government Code Section 65915. The Shelter will occupy approximately 13,078-square feet of the ground floor space within an approved 60,194-square foot 5-story mixed use apartment building with 56 residential units, 2,094 square feet of leasing and community services office space, approximately 15,000 square-feet of non-residential space on the ground floor, 10 parking spaces, private outdoor courtyard, and 1,944 square-feet of public plaza on a 0.48-acre project site. The ministerial approval of a Density Bonus limits the City from imposing any minimum vehicular parking requirement on a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. The proposed request would reduce the parking requirement for the site to a single space for the Shelter; however, the applicant will be providing ten parking spaces onsite. The project site is located within the Downtown land use designation and Downtown General (DT-G) zoning district. Filed by Brittany Seniff, of Community Development Partners, Applicant, on behalf of the City of Oxnard, Property Owner.

Project Planner: Joe Pearson II, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15332 (In-fill Development Projects) of the CEQA Guidelines, and Approve Resolutions 2020-24 and 2020-25 for Planning and Zoning Permit Nos. 20-500-03 (SUP) and 20-535-04 (Density Bonus), subject to certain findings and conditions.

Commissioner Chavez commented that he had ex parte communications for item F-1. He visited the Navigation Center site and had conversations with the Chair of the Commission of Homelessness. He stated he feels that he can participate in review of this project in an impartial manner without bias or conflict. None of the remaining Planning Commissioners had any ex parte communications to report for Item F-1.

Senior Planner, Joe Pearson, provided a presentation outlining the request.

The applicant, Brittany Seniff (Development Manager, Community Development Partners) provided a presentation outlining the request. Additional speakers from the applicant team included Kyle Paine (President, Community Development Partners), Larry Haynes (Chief Executive Officer, Mercy House), and Timothy Huynh (Chief Program Officer, Mercy House).

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

Public verbal comment was received from Pat Brown (Oxnard) in support of the project but was concerned with the parking.

Public verbal comments were received from Peggy Rivera (Oxnard) and Veronica Munoz (Owner, BG Cafe) in support of the project but was concerned with the location.

Public verbal comments were received from Jose Garcia (Labor Relations Representative, Laborers Local 585 Ventura) and Barbara Macri-Ortiz (Law Office of Barbara Macri-Ortiz) in support of the project.

Public verbal comments were received from Lucy C Cartagena (Oxnard) who spoke about the City's regulations regarding community output.

A public written comment was received from Yukio Okano (Vice Chair, Oxnard Commission on Homelessness) in support of the project.

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

Discussion ensued among the Commissioners and staff. The Commissioners inquired about several topics, including: how is this project integrated into the larger "end homelessness" vision; amenities available; visitor rules; site entrance; intake / registration process; services provided; length of stay limitations and extensions; section-8 vouchers; bike racks; staffing shifts; wifi accessibility; sleeping sections; pet rules; neighborhood crime control and security; leasing terms and ownership relationship with the City; role of the Police; and the Navigation Center's community outreach team to the neighborhood residents.

MOTION: Chair Frank moved and Commissioner Dozier seconded a motion to approve the Navigation Center Project, as submitted, finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15332 (In-fill Development Projects) of the CEQA Guidelines, and Approve Resolution 2020-24 for Planning and Zoning Permit No. 20-500-03 (Special Use Permit) and Resolution and 2020-25 for Planning and Zoning Permit No. 20-535-04 (Density Bonus), subject to certain findings and conditions.

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

² In Favor: Against: Absent: Abstain: Recused

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Meyer commented that it was good that the Commissioners had an opportunity to participate in a discussion about the motion before they voted. Chair Frank agreed.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. On December 15, 2020, the City Council approved the final maps for the 700 block of Doris Avenue (PZ 18-300-09) for 7 lots and the Wagon Wheel condominium map (PZ 20-300-05) for 113 condominium units.
 - ii. Staff has cancelled the Planning Commission's meeting for January 7, 2020.
 - iii. The next Planning Commission meeting will be on January 21, 2020 at 6:00 p.m.
 - iv. Three Commissioner's terms are expiring (Vice Chair Sanchez and Commissioners Dozier and Fuhring), and the City Clerk's office has sent information to those Commissioners regarding re-applying.

J. ADJOURNMENT

1. At 8:50 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, January 21, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, AICP

DATE: January 21, 2021

SUBJECT: **Project Name: Pizza Chief Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 20-510-07 (Special Use Permit – Alcohol); Located at 2550 North Vineyard Avenue #160 (APN: 145-0-232-165).

- 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 2021-XX for Planning and Zoning Permit No. 20-510-07 (Special Use Permit- Alcohol), subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request for approval of a Special Use Permit (SUP) to allow an existing 940 square-foot pizza restaurant (Pizza Chief) to sell beer and wine for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 41¹) within an existing 11,885 square-foot multi-tenant commercial building on a 1.01-acre property located at 2550 North Vineyard Avenue #160 (APN: 145-0-232-165) within the General Commercial - Planned Development (C-2-PD) zone (Attachments A & B). Alcohol sales are requested between the hours of 11:00 a.m. and 11:00 p.m. daily, but alcohol sales are recommended between the hours of 7:00 a.m. to 11:00 p.m. daily. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Designated Agent Cecilia Serrano (the “**Applicant**”) on behalf of Yong Lee, Property owner.
- 3) Existing & Surrounding Land Uses:** The 1.01-acre property is developed with two multi-tenant commercial buildings totalling 17,480 square-foot, with a parking lot of 47 parking spaces, and associated landscaping. The project site is located within the El Rio Neighborhood. The nearest open school is the Rio Vista, located approximately 0.6 miles north of the project site. North of the shopping center is a closed elementary school site (and

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

PZ No. 20-510-07 (Pizza Chief)

Planning Commission Date: January 21, 2021

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the site of the approved Rio Urbana mixed use project). 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	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
North	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
South	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
East	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
West	Commercial General (CG)	General Commercial (C-2-PD)	Fast Food Restaurant

4) Background Information:

In 1990, permits were issued for the construction of the two existing commercial buildings on the property, totalling approximately 17,480 square-foot. Building 1, which contains the Pizza Chief restaurant, is approximately 11,885 square feet. Building 2, is approximately 5,595 square feet. Pizza Chief initially received a Zoning Clearance to operate at that location in 2005, and has been in operation since. The current ownership took over the operation in 2010.

5) Environmental Determination:

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

6) Analysis:

a) General Discussion:

Pizza Chief is a small pizza shop that currently operates at the project site, and has been located there since 2005. Pizza Chief currently offers sit down, take-out, and delivery

PZ No. 20-510-07 (Pizza Chief)

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services. The Applicant is requesting the approval to allow the sale of beer and wine for on-site consumption within the small existing dining area and off-site consumption through take-out and delivery (ABC License Type 41). The restaurant currently operates from 11:00am to 10:00pm daily, but the permit request extends beyond these hours in case market conditions result in changes to the current operating hours. Additionally, as conditioned all alcohol deliveries must be complete within one hour of closing time. With the extended hours this would mean all deliveries must be completed by 12:00 A.M.

b) General Plan and Zoning Consistency:

The 2030 General Plan designation for the site is Commercial General (CG) and the zoning designation is for General Commercial - Planned Development (C-2-PD). General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.

The Project is proposed in the General Commercial - Planned Development (C-2-PD) zone district. In accordance with Oxnard City Code (OCC) Section 16-135 (Permitted Uses within the C-2 zone), general or fast food restaurants are permitted uses. Similarly, the sale of alcohol for consumption on-site and off-site is an accessory use permitted within the C-2 zone, with approval of a Special Use Permit. Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

c) Police Department Review:

The Oxnard Police Department provided a comprehensive report and analysis of the proposed alcohol request (Attachment D) in accordance with City Council Resolution No. 11,896 (Attachment E). The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet of the Project site to determine whether a presumption of undue concentration exists, and whether approval of the SUP is likely to significantly aggravate policing problems. The Police Department's Report is broken down into an analysis of the concentration of alcohol outlets, crime statistics, police and community input, and conclusion. The table below summarizes the findings of the Police Department's Report:

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to cause Police problems?	Undue Concentration as defined in Resolution 11,896?
2550 North Vineyard Avenue #160	No	No	No, as conditioned	No

PZ No. 20-510-07 (Pizza Chief)

Planning Commission Date: January 21, 2021

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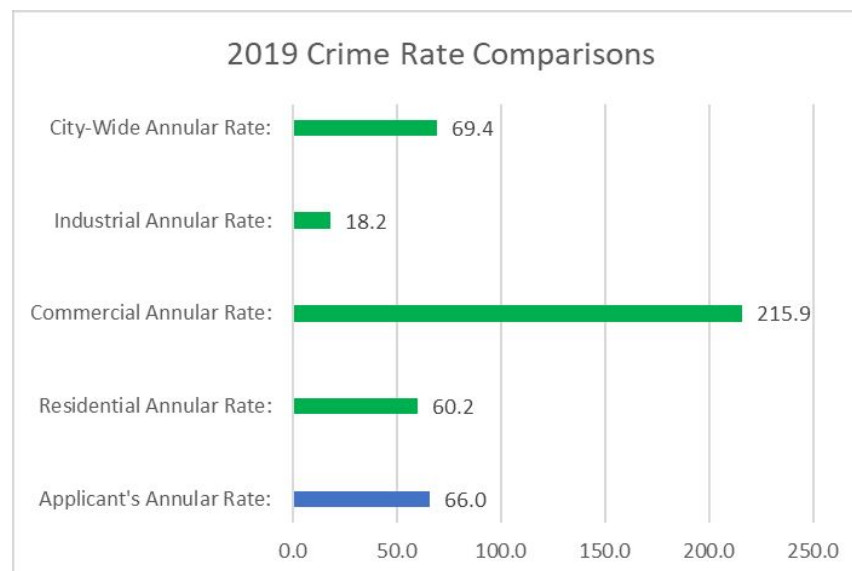
Concentration of Alcohol Outlets:

According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. There is one establishment located within 350 feet of the subject property (Vallarta Market) that currently operates with a ABC License Type 20² (Off-Sale General). There is another establishment located between 350 feet and 1000 feet of the subject property (El Rio Oxnard Market) that currently operates with a ABC License Type 20² (Off-Sale General).

The Police Department has determined that as there is only one other alcohol establishment within 350 feet of the applicant's site and it is a different license type, there is no undue concentration by local or State standards.

Crime Statistics:

For comparison purposes, the Police Report analyzes the average number of Part I³ crimes and Part II⁴ crimes that occur per reporting district (grid) during a selected twelve month period. In the case of this report, all calculations are based on statistics from 2019. The citywide annular average of Part I and Part II crimes per grid is currently 69.4. The average number of Part I and II crimes occurring within 1,000 feet annular area of this restaurant was 66 during the same twelve month time period. This is 30.5% of the average for commercial properties citywide; therefore, the local crime rate is lower compared to other parts of the City. This is best illustrated in the graph below:



² ABC License Type 20 (Off-Sale Beer and Wine) (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

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

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

PZ No. 20-510-07 (Pizza Chief)

Planning Commission Date: January 21, 2021

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Police Department Input:

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

Community Input:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. Each person interviewed stated that the operators of Pizza Chief were good neighbors and had no objection to the business selling alcoholic beverages as proposed. The Neighborhood Chairperson for the El Rio Neighborhood, Mike Barber, was contacted and briefed about the project and they had no objection to the proposal.

Conclusion:

Pizza Chief has operated since 2005 at this commercial center and has been under the current ownership for approximately the last 10 years. If this request is approved, Pizza Chief will be serving and selling beer and wine as an accessory use to their pizza restaurant, which should have little adverse impact on the community. In addition, the issuance of this permit would create the public convenience of allowing them to order food and beer or wine together for in house dining, takeout, or delivery. As this would be the only pizza restaurant in the immediate vicinity that would offer this, it would represent a unique convenience. The crime rate in the area is very low compared to other parts of the City. As there is only one other alcohol outlet with a different license type within 350-feet, it can be considered that there is no undue concentration by City standards. As shown in the crime rate table above, the crime in the area is below the city wide rate. Also, there exist only three on-sale sites within the census tract, so the ratio of on-sale licenses to population is 1 to 2,420 people, which is below the County average of 1 to 711 people. Therefore, there is no undue concentration of alcohol establishments under the standards established by the State of California within the meaning of section 23958.4(a)(1) of the Business and Professions Code. Furthermore, based on all the factors examined in this review, there is no presumption of undue concentration.

Based on the nature of the facility and the factors included within the Police report (crime statistics, the assessment from the Beat Coordinator, and the input from the neighboring business operators), the Police Department finds there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the on-site consumption of alcoholic beverages at this business will have little, if any adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft Resolution of approval (Attachment F) in order 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 11:00 a.m. and 11:00 p.m. daily, 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 7:00 a.m. to 11:00 p.m. daily

PZ No. 20-510-07 (Pizza Chief)

Planning Commission Date: January 21, 2021

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(Attachment G, Condition No. 15). The Applicant has accepted all proposed conditions of approval.

7) Community Workshop and Public Input:

The project is located within the El Rio Neighborhood, which is mostly located outside of the City of Oxnard's incorporated boundaries, and abuts the El Rio West Neighborhood that is within the City of Oxnard's incorporated boundaries. On November 5, 2020, the Applicant mailed notices of the Community Workshop meeting to all property owners within the El Rio and El Rio West Neighborhoods. The Applicant also provided notice on the Project site with a brief description of the project and contact information. The Community Workshop was conducted on November 16, 2020. No members of the public attended the virtual Community Workshop.

Consistent with public noticing requirements, the Planning Commission hearing was advertised in the newspaper, with an on-site posting, and by mail to property owners within 300 feet of the subject property. To date, Staff has not received any concerns or public comments regarding the proposed Project.

8) Appeal Procedure:

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

Attachments:

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

ATTACHMENT A

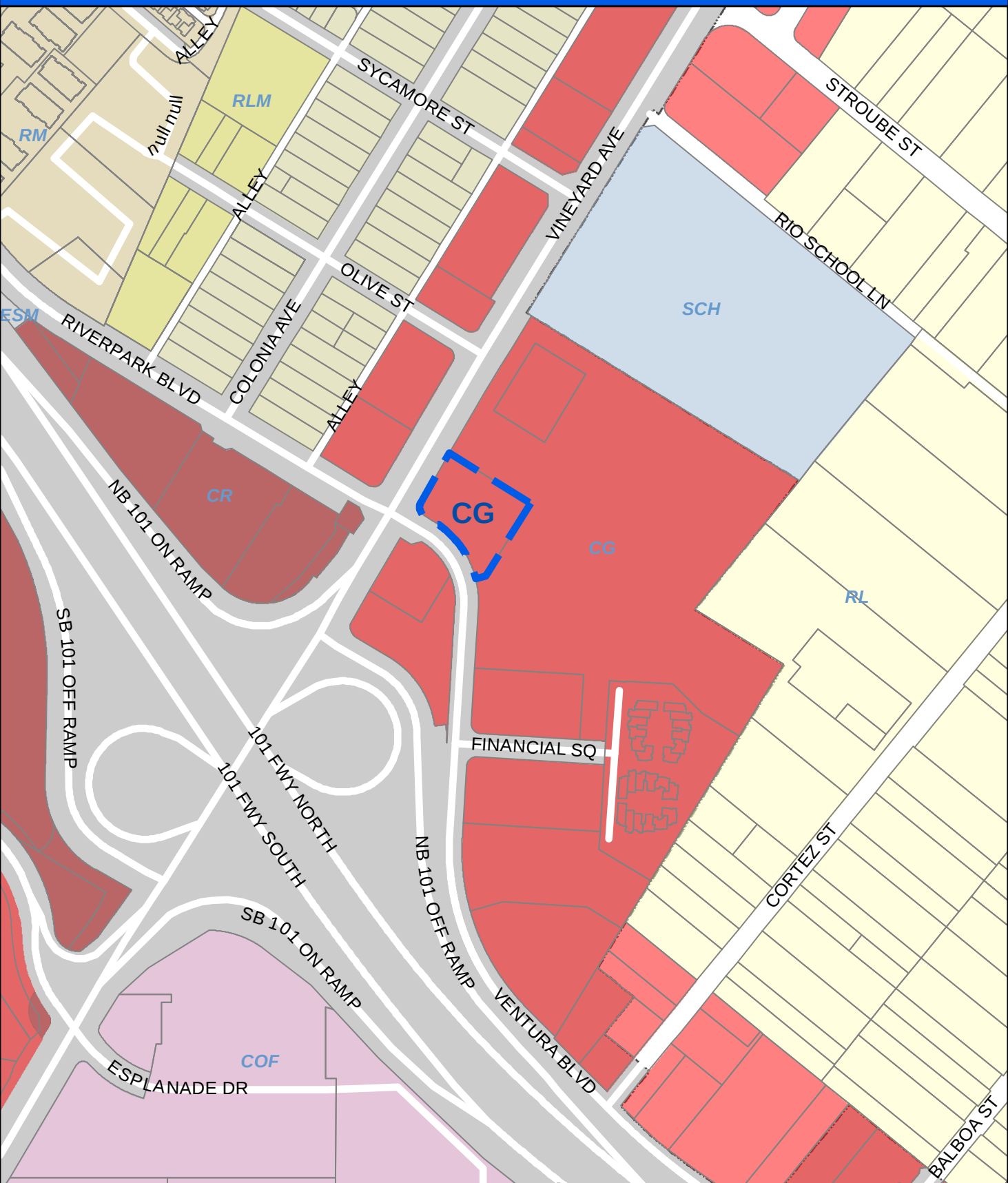
MAPS

(VICINITY, GENERAL PLAN, NEIGHBORHOOD, ZONING, AERIAL)

Vicinity Map



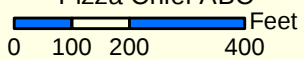
2030 General Plan Land Use Map



Oxnard Planning

October 20, 2020

PZ 20-510-07
Location: 2550 N Vineyard Ave
APN: 14502322165
Pizza Chief ABC

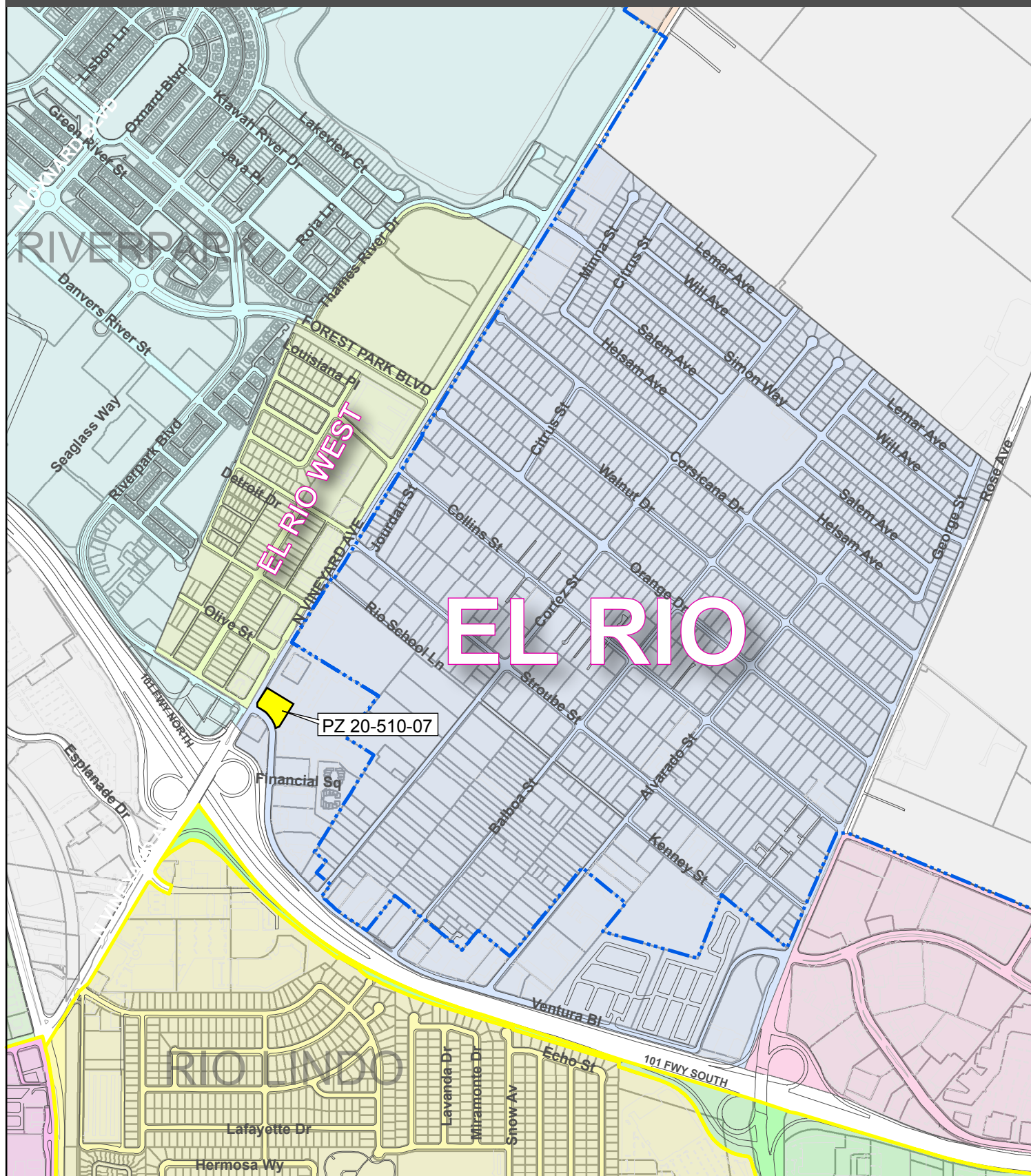


2030 General Plan Land Use Map

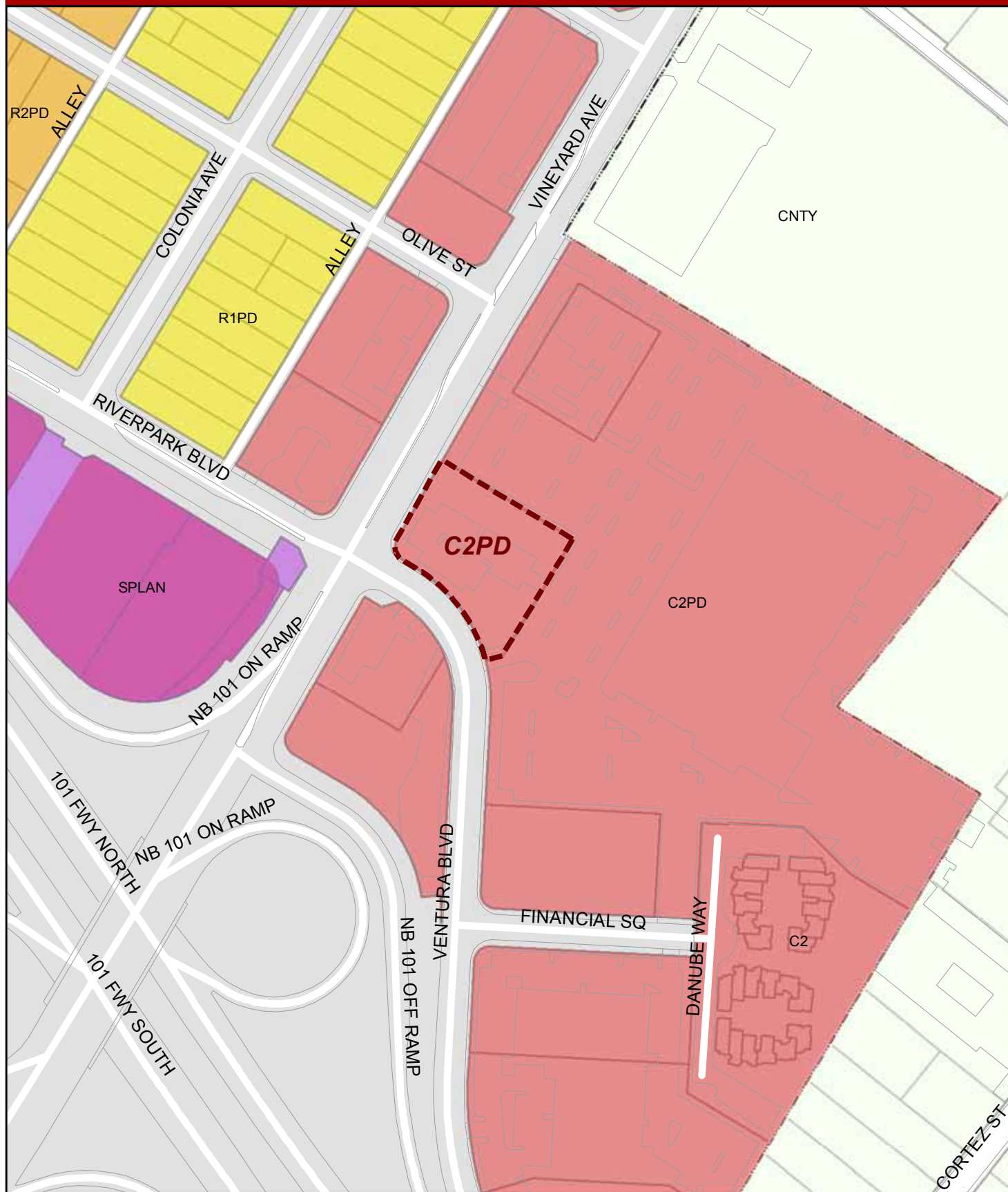


1:4,000

Neighborhood Radius Map

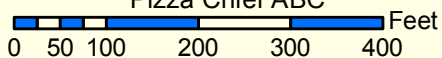


Zoning/Specific Plan Map



Oxnard Planning
October 20, 2020

PZ 20-510-07
Location: 2550 N Vineyard Ave
APN: 14502322165
Pizza Chief ABC



Zoning/Specific Plan Map



1:2,500

Aerial Map



Oxnard Planning
October 20, 2020

PZ 20-510-07
Location: 2550 N Vineyard Ave
APN: 14502322165
Pizza Chief ABC

0 25 50 100 150 200 Feet

Aerial Map



ATTACHMENT B

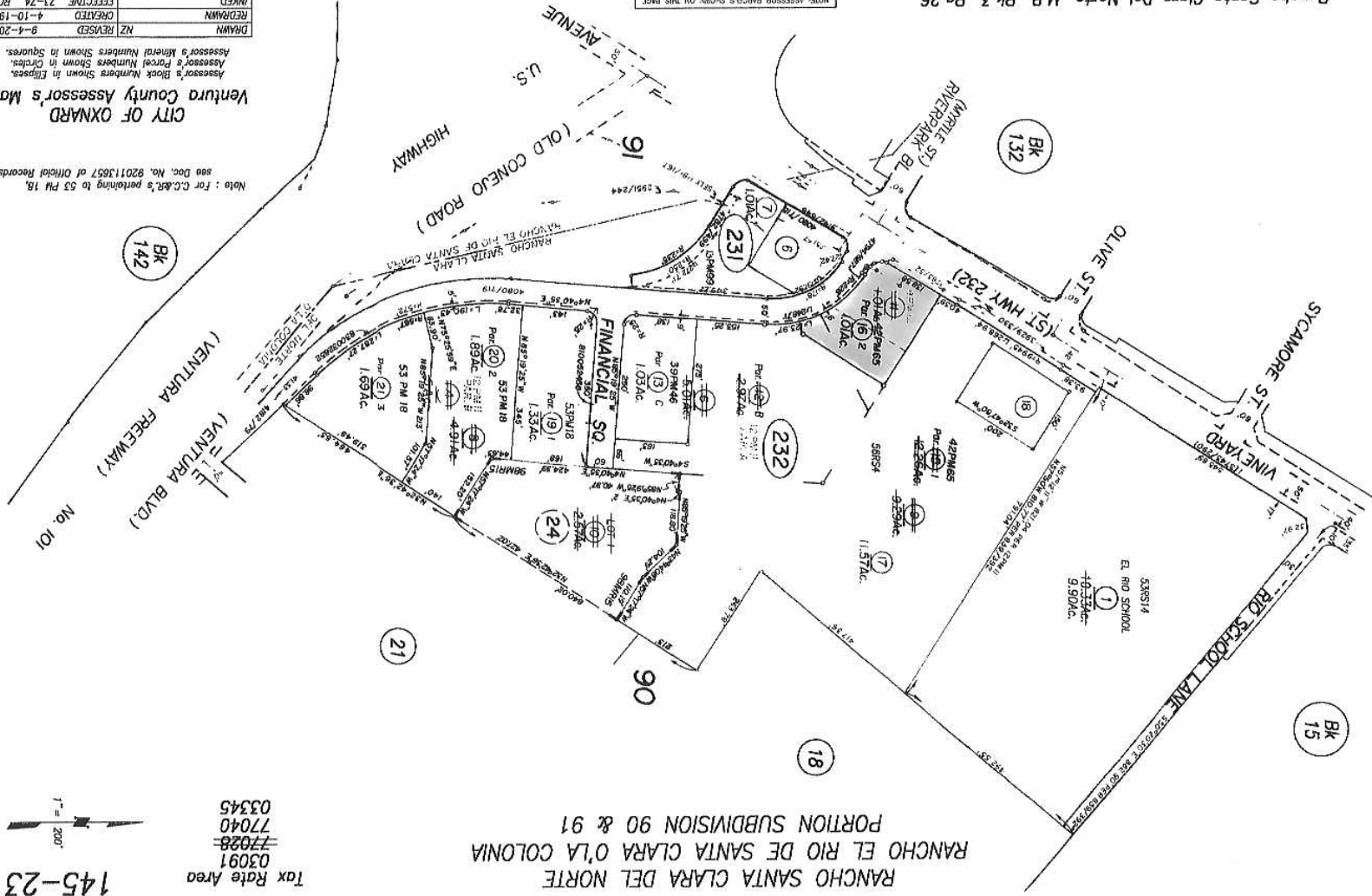
REDUCED PROJECT PLANS

DRAWN	9-4-2008
REDAWN	4-10-1973
PRECEDENCE	73-74 ROLL
PREVIOUS Bk.145, Portion Pg.17	
Compiled By Ventura County Assessor's Office	

CITY OF OXNARD
Ventura County Assessor's Map.
Assessor's Block Numbers Shown in Circles.
Assessor's Parcel Numbers Shown in Squares.

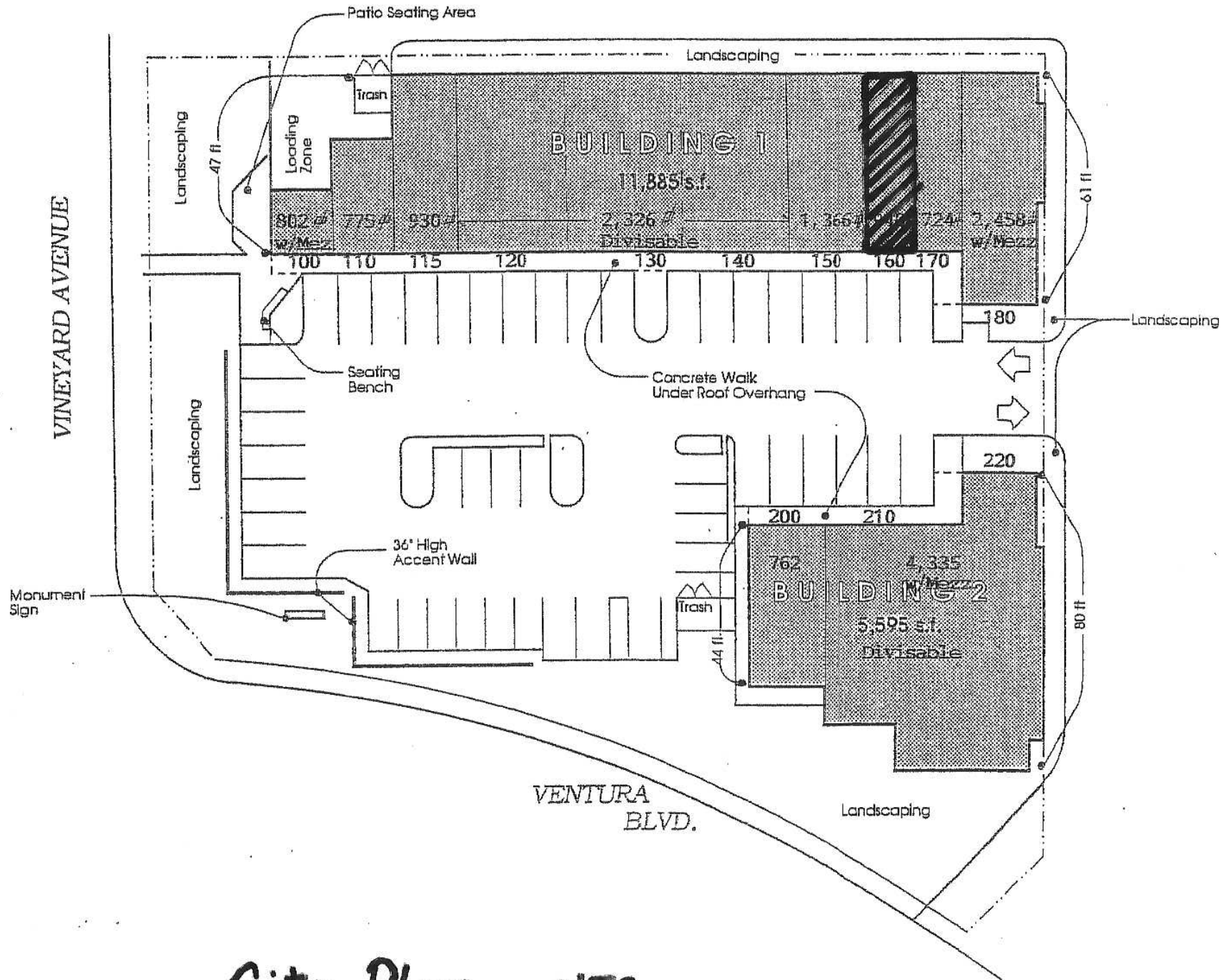
Note: For C.A.R.'s pertaining to 53 PM 18,
see Doc. No. 920113657 of Official Records

145-23
Tax Rate Area
03091
77028
77040
03345

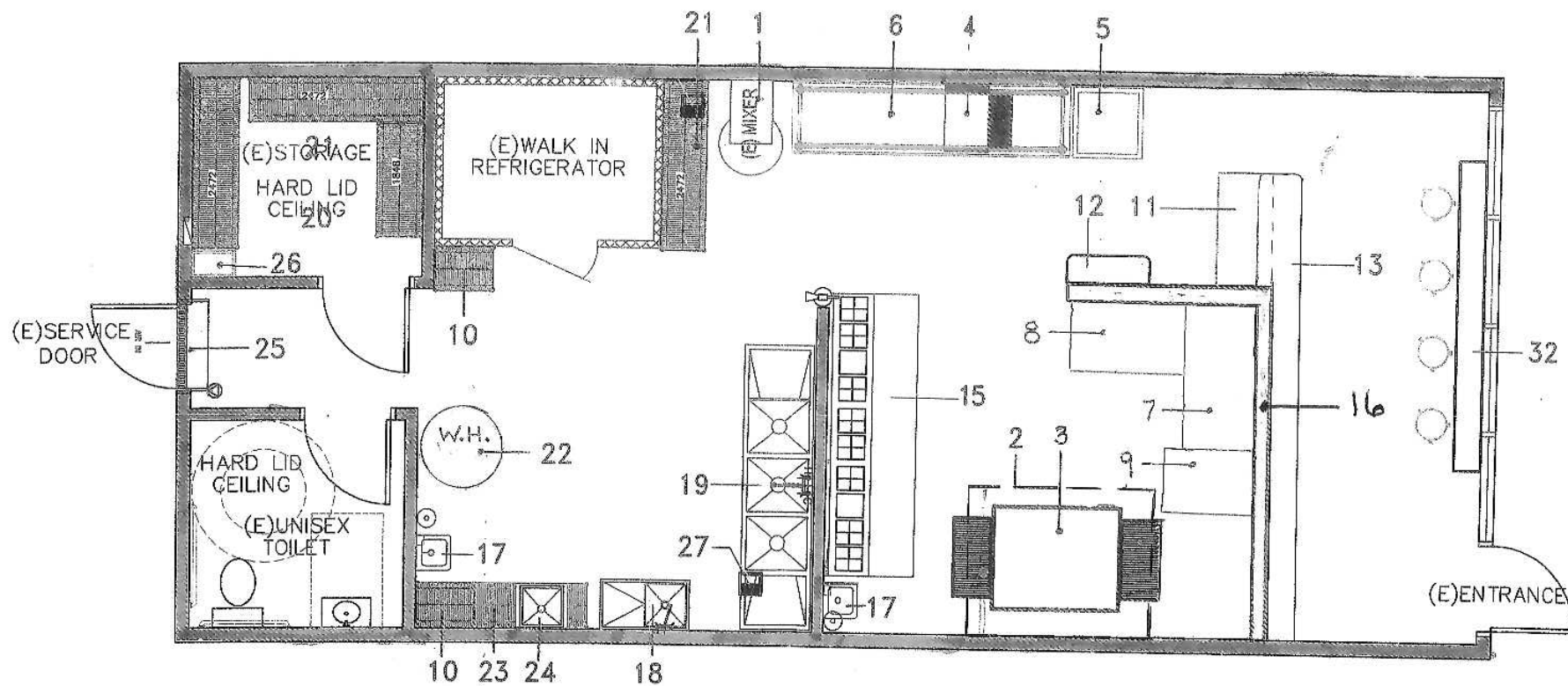


NOTE: ASSessor PARCELS SHOWN ON THIS MAP
DO NOT NECESSARILY CONSTITUTE LEGAL LOTS
CHECK WITH COUNTY SAVOR'S OFFICE OR
PLANNING DIVISION TO VERIFY.

Rancho Santa Clara Del Norte, M.R. Bk.3, Pg.26
Rancho Santa Clara Del Norte, M.R. Bk.4, Pg.339



Site Plan N.T.S.



Floor Plan

N.T.S.

EQUIPMENT FLOOR PLAN

ITEM	DESCRIPTION	BASE	MANUFACTURER	WATER	WASTE	REMARKS
①	(E) COMMERCIAL MIXER		HOBART			NSF APPROVED UL APPROVED
②	(E) STAINLESS STEEL HOOD		CAPTIVE AIRE OR EQUAL 7'X5' HOOD			NSF APPROVED UL APPROVED
③	(E) GAS PIZZA OVEN		MIDDLEBY MARSHALL #PS220FS, BTU 100,000			NSF APPROVED UL APPROVED
④	(E) COMMERCIAL DOUGH SHEETER		EWM MANUFACTURING #20-B DOUGH SHEETER, COUNTER TOP			NSF APPROVED UL APPROVED
⑤	(E) SODA REFRIGERATOR		BEVERAGE AIR LV1218LED			NSF APPROVED UL APPROVED
⑥	(E) STAINLESS STEEL WORK TABLE		REGENCY 10'X30"			CAPTIVE AIRE NSF APPROVED
⑦	(E) STAINLESS STEEL WORK TABLE		REGENCY 5'X30"			NSF APPROVED UL APPROVED
⑧	(E) STAINLESS STEEL WORK TABLE		REGENCY 4'X30"			NSF APPROVED UL APPROVED
⑨	(E) STAINLESS STEEL WORK TABLE		REGENCY 3'X30"			NSF APPROVED UL APPROVED
⑩	(E) STORAGE RACKS		VALUE SERIES 4 SHELF 18" X 24"	N/A	N/A	N/A NSF APPROVED UL APPROVED
⑪	(E) ORDER DESK					
⑫	(E) PHONE ORDER COUNTER					
⑬	(E) FRONT COUNTER					
⑭	(E) GUMBALL MACHINE					
⑮	(E) COLD TABLE		TRUE TPP-119 10'X30"	1/2"	1/2"	FLOOR NSF APPROVED UL APPROVED
⑯	(E) LOW WALL					
⑰	(E) HAND SINK W/ SOAP & TOWEL DISPENSER	MOUNT ON WALL	HIGH QUALITY TSS-1-H NSF	1/2"	1/2"	FLOOR NSF APPROVED SOAP & TOWEL DISP. ON WALL
⑱	(E) FOOD -PREP SINK	20" LEGS	REGENCY 39" LONG 23"X2"X14" NSF	1/2"	1/2"	FLOOR SINK VIA LEGAL AIR GAP W/INTEGRAL DRAINBOARD
⑲	(E) 3 COMPSINK INTEGRAL DRAINBOARDS	20" LEGS	REGENCY 121" LONG 23"X23" X14" NSF	1/2"	1/2"	FLOOR SINK DUAL DRAINBOARDS
⑳	(E) STORAGE RACKS		METRO ADJUSTABLE SHELVING 18"X48"X74" #5A557C	N/A	N/A	N/A NSF APPROVED UL APPROVED
㉑	(E) STORAGE RACKS		VALUE SERIES 4 SHELF 18" X 72"	N/A	N/A	N/A NSF APPROVED UL APPROVED
㉒	(E) WATER HEATER GAS, 76,000 BTU		BRADFORD WHITE CORP. #5T80B2N, 75 GAL	3/4"	3/4"	F.S NSF APPROVED UL APPROVED
㉓	(E) MOP & BROOM RACK			N/A	N/A	
㉔	(E) MOP SINK	24X24X10H Z1996-24		1/2" COLD	1/2" HOT	FLOOR SINK NSF STANDARD
㉕	(E) AIR CURTAIN	WALL MOUNTED	MARS 120V			NSF APPROVED UL APPROVED
㉖	(E) LOCKERS					
㉗	(E) FLOOR SINK					
㉘	(N) MINI STEAM TABLE, SNEEZE GUARD		NEMCO FOOD EQUIPMENT #6060A			NSF APPROVED UL APPROVED
㉙	(N) BUFFET WARMER SNEEZE GUARD, LIGHT, HEATED BASE		HATCO #GRBW-48 240, COUNTERTOP			NSF APPROVED UL APPROVED
㉚	(N) COFFEE CARAFE SELF SERVE					
㉛	(N) SALAD BAR WITH SNEEZE GUARD		CARLISLE #660003, COUNTERTOP			NSF APPROVED UL APPROVED
㉜	(E) COUNTER WITH BAR STOOLS					

ATTACHMENT C

NOTICE OF EXEMPTION

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description: **Pizza Chief Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 20-510-07 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to allow an existing 940 square-foot sit-down restaurant (Pizza Chief) to sell beer and wine for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 41 - On-Sale Beer & Wine - Eating Place) within an existing 11,885 square-foot multi-tenant building on a 1.01-acre property located at 2550 North Vineyard Avenue #160 (APN: 145-0-232-165) within the General Commercial (C-2-PD) zone. Alcohol sales would not occur outside the hours of 7:00 a.m. to 11:00 p.m. daily. Filed by Designated Agent Cecilia Serrano, 1300 Saratoga Avenue #1705, Ventura, CA 93003, on behalf of Yong Lee, property owner.

Finding:

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

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

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

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

ATTACHMENT D

POLICE DEPARTMENT REPORT



Police Department

Jason Benites, Chief of Police

Date: December 14, 2020

To: Scott Kolwitz, Planning Division Manager
Joe Pearson II, Senior Planner

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

Subject: Pizza Chief, 2550 N. Vineyard Avenue
PZ 20-510-07, Alcohol SUP Review (ABC Type 41)

Site Information:

The applicant business, Pizza Chief, has operated since 2010 in a tenant space located at the shopping center located at the northeast corner of Vineyard Avenue and Ventura Blvd.

The site is located within a shopping center, the business is surrounded by other retailers including Vallarta Market and Jack-in-the-Box. North of the shopping center is a closed elementary school site, east of the shopping center is an unincorporated El Rio neighborhood. South and across Ventura Blvd. is a commercial complex, and west, across Vineyard Avenue are additional retail businesses.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 41¹ License to sell beer and wine as a restaurant from 11 A.M. to 9 P.M.

Concentration, Crime and Policing Services

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

Concentration of retail alcohol outlets and crime can have a significant impact on public safety and the delivery of police services. The State of California² and the City of Oxnard³ have established standards to weigh concentration factors, and, when appropriate, mitigations to address those factors. The below charts identify nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

#	Business Name	Address	ABC Type	ASUP	On/Off-Sale	Premise	Alcohol	Alcohol Hours *
1	Vallarta Market	2690 N. Vineyard Ave	20	Y	Off	Market	Beer & Wine	7a-1a

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	ABC Type	ASUP	On/Off-Sale	Premise	Alcohol	Alcohol Hours *
1	El Rio Oxnard Market	2585 N. Vineyard Ave	20	N	Off	Convenience Store	Beer & Wine	7a-1a

Based on the proximity of the businesses listed, there is not an undue concentration under the established State or City Standards.

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I⁴ and II⁵ crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2019. The average city-wide, annular average of Part I and II crimes is 69.4.

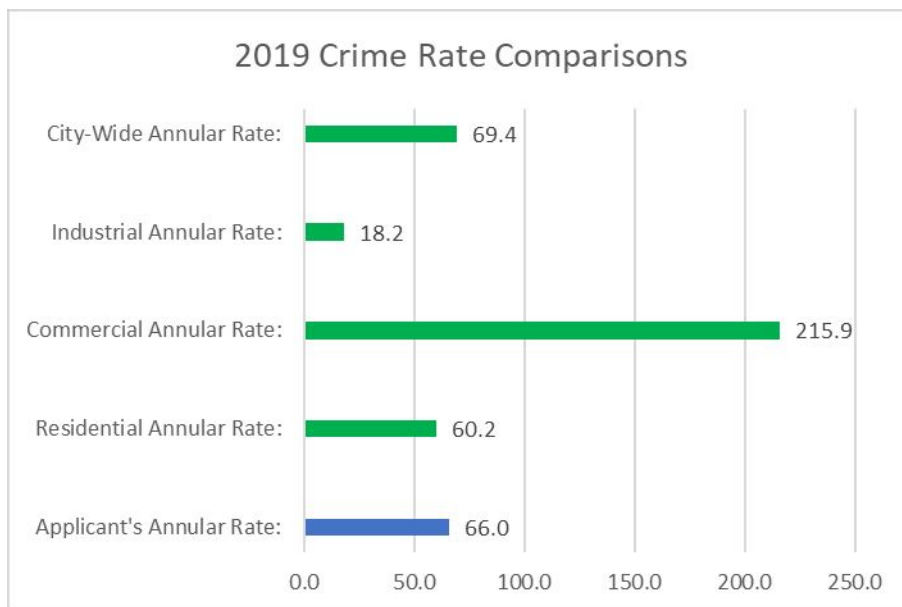
The average number of Part I and II crimes in the applicant's 1000 feet annular area is 66. This is 30.5 % of the average for commercial properties citywide and can be best illustrated in the graph below:

² *Concentration Standards for the State of California: §23958.4 Business and Professions Code*

³ *Concentration Standards for the City of Oxnard: Council Resolution 11,896*

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

⁵ *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.*



Police Department Input:

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

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. Each person interviewed stated that the operators of Pizza Chief were good neighbors and had no objection to the business selling alcoholic beverages as proposed.

Area Residents:

The Neighborhood Chairperson for the El Rio Neighborhood, Mike Barber, was contacted and briefed about the project. He had no objection to the proposal. The El Rio Neighborhood is outside the City of Oxnard in an unincorporated area.

Conclusion

Pizza Chief is a well-established business which has been owned by the applicant for about ten years. The business currently operates from 11A.M. to 10 P.M. During the Review process, the applicant has asked to expand the hours of operation to 11A.M. to 11 P.M. The lobby/seating area is limited to serve no more than six customers.

Concentration, Public Convenience and Necessity

As previously discussed, there is no undue concentration of alcohol establishments under the standards established by the State of California or the City of Oxnard within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and, as described in City Council Resolution 11,896.

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

Police Operating Conditions On-Sale Restaurant Standard Conditions

RBS Training

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

Food & Beverage Service

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 11P.M. (see *provision for extension of service hours in "Special Conditions"*) (PL/PD)
4. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
5. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of

foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

6. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open to support the service of its menu. (PD)
7. Permittee shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
8. The premises shall be equipped and maintained in good faith as a bonafide eating establishment and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. The dining area shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
9. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is available for sale, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
10. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
11. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 25 oz. total. The sale or service of alcohol in their original container (bottle or can) is prohibited. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)

12. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
13. 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)
14. 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)
15. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
16. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
17. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
18. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
19. The police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit conditions and/or a permit/license issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Community Development Director to be held no more than 30-days after the suspension begins. (PD)

Operations

20. The permittee shall submit any documents related to the operation of the business in a timely manner when requested by the Oxnard Police Department.
21. The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs. (PD)

22. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
23. Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
- a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.
24. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.

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 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
 - i. One camera shall be dedicated to capture activity in the kitchen.
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. Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit. The permittee shall provide video records to the Chief of Police or his/her designee in a timely manner upon request.
28. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
29. Permittee shall bolt down or otherwise secure all cash registers to service counters to prevent the entire device from being stolen during a burglary or robbery. (PD)
30. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)
31. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50-200). (PD)
32. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
33. The area surrounding premises under the reasonable control of the Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area. (PD/PL)

Signage

34. 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)
35. 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)

36. Prominent signs shall be posted throughout the business, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase or possess alcoholic beverages”. (PD)

Site Design

37. No pay phones on the exterior of the premises shall be allowed within 100-feet of the front or rear doors. Any pay phones installed inside shall be blocked from incoming calls. (PD/PL)
38. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)

Permit Restrictions

39. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without the approval of the Planning Commission. (PD)
40. Upon any individual transfer (person to person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing DDR shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

Police Special Conditions

41. All deliveries off-site that include alcoholic beverages shall be conducted by an employee who is at least 21-years of age and has completed RBS Training. Each delivery of alcoholic beverages shall also include a delivery of food.
42. Each order that includes an alcoholic beverage must be accompanied by a food item.
43. All orders for delivery must be completed within one hour after the closing time of the business.
-

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

Resolution No. 11,896

Page 3

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.

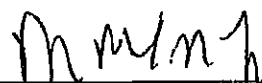
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

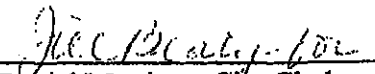
ABSENT: None.



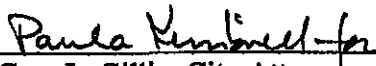
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

ATTACHMENT F

DRAFT RESOLUTION

**PZ 20-510-07
(SPECIAL USE PERMIT - ALCOHOL)**

RESOLUTION NO. 2021 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-510-07 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW AN EXISTING PIZZA RESTAURANT (PIZZA CHIEF) TO SELL BEER AND WINE FOR ON-SITE AND OFF-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 41) WITHIN AN EXISTING 940 SQUARE-FOOT TENANT SPACE WITHIN A LARGER 11,885 SQUARE-FOOT, MULTI-TENANT BUILDING ON A 1.01-ACRE PROPERTY, LOCATED AT 2550 NORTH VINEYARD AVENUE #160 (APN: 145-0-232-165) WITHIN THE GENERAL COMMERCIAL (C-2-PD) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CECILIA SERRANO, BUSINESS OWNER 1300 SARATOGA AVE #1705, VENTURA, CA 93003 ON BEHALF OF YONG LEE, PROPERTY OWNER, 2123 VENTURA BLVD, CAMARILLO, CA 93010.

WHEREAS, on September 28, 2020, Cecilia Serrano, (the “**Applicant**”) on behalf of Yong Lee, property owner, submitted a request to allow the sale of beer and wine for on-site and off-site consumption within an existing 940 square-foot tenant space at 2550 North Vineyard Avenue #160; and

WHEREAS, on January 21, 2020, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly notice public hearing to consider an application for Planning and Zoning Permit No. 20-510-07 (Special Use Permit - Alcohol), filed by Cecilia Serrano 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):

- (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 Commercial General (GC) and the zoning designation is for General Commercial - Planned Development (C-2-PD). The Project is surrounded by commercial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project

will have no impact on an environmental resource of hazardous or critical concern.

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

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

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

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

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

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

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

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

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

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. In 1990, permits were issued for the construction of the two existing commercial buildings on the property, totalling approximately 17,480 square-foot. Building 1, which contains the Pizza Chief restaurant, is approximately 11,885 square feet. Building 2, is approximately 5,595 square feet. Pizza Chief initially received a Zoning Clearance to operate at that location in 2005, and has been in operation since. The current ownership took over the operation in 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 proposed sale of alcoholic beverages as an accessory use with a restaurant is consistent with the General Commercial zoning district, subject to approval of a Special Use Permit. Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer and wine for on-site and off-site consumption within an existing tenant space at an existing commercial building. According to the Police report, there are no establishments of the same type (Type 20) located within 1,000 feet of the subject property. Ther two other retail alcohol establishments within 1000 feet of the project site (Vallarata Market and El Rio Oxnard Market) are retail establishments providing alcohol sale for off-site consumption only. As there is only one other retail alcohol establishment within 350 feet of the project site which has a different license type (Type 20), there is no undue concentration by City standards. The issuance of this permit would create the public convenience of allowing them to order food and beer or wine together for in house dining, takeout, or delivery. As this would be the only pizza restaurant in the immediate vicinity that would offer this, it would represent a unique convenience. Additionally, there is no undue concentration of alcohol establishments under the standards established by

the State of California within the meaning of section 23958.4(a)(1) of the Business and Professions Code.

The Project will be subject to conditions of approval as recommended by the Oxnard Police Department Alcohol SUP Report 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 building 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 North Vineyard Avenue and Ventura Boulevard, which both connect to Highway 101. 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 commercial building has a below-average crime rate when compared to other parts of the City. The Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the Special Use Permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. Based on the crime statistics, the input from the community and the Beat Coordinator, there is no reason to oppose this application. As such, this Project meets this finding.

- 7) 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.**

As described in the Staff Report, and Oxnard Police Department Alcohol SUP Report, there are two other alcohol establishments, with a different license type within 1,000 feet of the Project site; therefore, there is no presumption of undue concentration by local standards. Additionally, there is no undue concentration of alcohol establishments under the standards established by the State of California within the meaning of section 23958.4(a)(1) of the Business and Professions Code. This finding is supported by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial building where the crime rate is below the average for other parts of the City. Therefore, this Project meets this finding.

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

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 PZ 20-510-07 (SUP), (Pizza Chief)
 January 21, 2021
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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 20-510-07 (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 January 21, 2021, (“the plans”) on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major

Modification shall be required for substantial changes or increases in such items (PL, G-2).

3. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, G-5).
4. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, G-6).
5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, G-7).
6. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, G-8).
7. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, G-10).
8. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the Project property (FD, G-12).
9. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the Project property, except as provided in a permit issued by the Fire Chief (FD, G-13).
10. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the Oxnard City Code (CA, G-14).

PLANNING DIVISION SPECIAL CONDITIONS

11. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a License Type 41 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).
12. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.

POLICE DEPARTMENT STANDARD CONDITION

RBS Training

13. 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 inquire about RBS course schedules. (PL/PD).
14. Each permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon request.

Food & Beverage Service

15. Sales of alcohol may only occur between the hours of 7:00 A.M. and 11:00 P.M. (see provision for extension of service hours in "Special Conditions") (PL/PD)
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
17. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigerators or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
18. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open in order to support the service of its menu. (PD)
19. Permittee shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)

20. The premises shall be equipped and maintained in good faith as a bonafide eating establishment and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. The dining area shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
21. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is available for sale, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
22. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
23. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high capacity containers exceeding 25 oz. total. The sale or service of alcohol in their original container (bottle or can) is prohibited. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)
24. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
25. 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)
26. 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)

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

Operations

32. The permittee shall submit any documents related to the operation of the business in a timely manner when requested by the Oxnard Police Department.
33. The permittee shall participate, when requested and reasonable, in programs and efforts by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs. (PD)
34. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
35. Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
 - a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.

- b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.
36. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.

Security Features

37. 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 7-feet above the floor.
 - h. The camera system shall operate 24-hours a day, 7-days a week.
 - i. One camera shall be dedicated to capture activity in the kitchen.
38. 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)
39. Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit. The permittee shall provide video records to the Chief of Police or his/her designee in a timely manner upon request.
40. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
41. Permittee shall bolt down or otherwise secure all cash registers to service counters to prevent the entire device from being stolen during a burglary or robbery. (PD)

42. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)
43. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50-200). (PD)
44. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
45. The area surrounding premises under the reasonable control of the Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PD/PL)

Signage

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

Site Design

49. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
50. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)

Permit Restrictions

51. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
52. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)

Police Special Conditions

53. All deliveries off-site that include alcoholic beverages shall be conducted by an employee who is at least 21-years of age and has completed RBS Training. Each delivery of alcoholic beverages shall also include a delivery of food.
54. Each order that includes an alcoholic beverage must be accompanied by a food item.
55. All orders for delivery must be completed within one hour after the closing time of the business.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of January, 2021, by the following vote:

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 21st day of January, 2021, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

ATTACHMENT G

Staff Presentation

City of Oxnard Planning Commission

January 21, 2021

Pizza Chief Restaurant Alcohol Sales
2550 North Vineyard Avenue #160
PZ 20-510-07
(Special Use Permit - Alcohol)

Applicant: Cecilia Serrano

Project Description

Request for a Special Use Permit (SUP) to allow the sales of beer and wine for on-site and off-site consumption [Alcohol Beverage Control (ABC) License Type 41] within an existing Pizza Restaurant (Pizza Chief).

Alcohol sales are requested between 11:00am and 11:00pm daily, but are recommended between 7:00am and 11:00pm daily.

Background

1990: Building permits were issued for two commercial buildings

2005: Zone Clearance approved for Pizza Chief Restaurant

2010: Current restaurant owner took over operation of the Pizza Chief Restaurant

Project Location

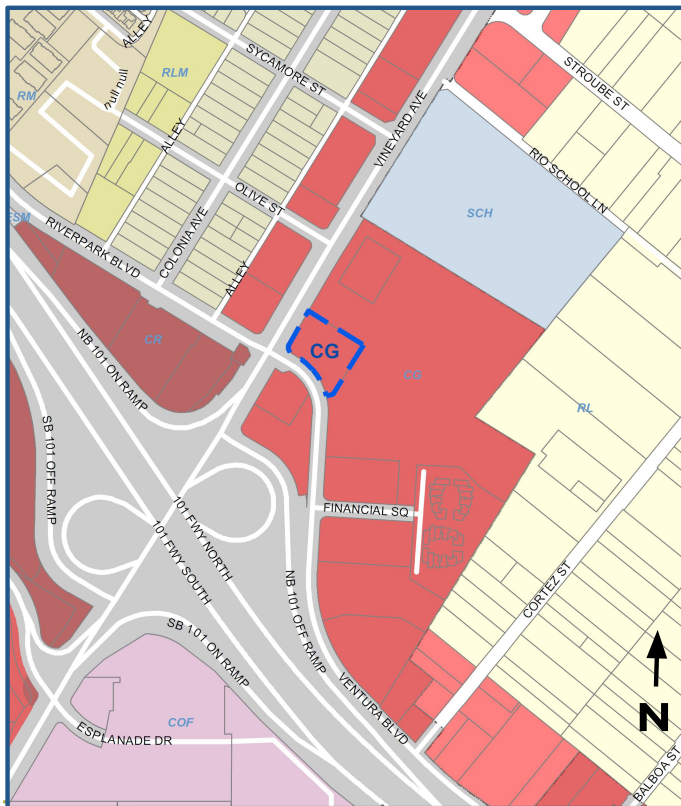


Project Site



Land Use and Zoning

2030 General Plan:
Commercial General (CG)



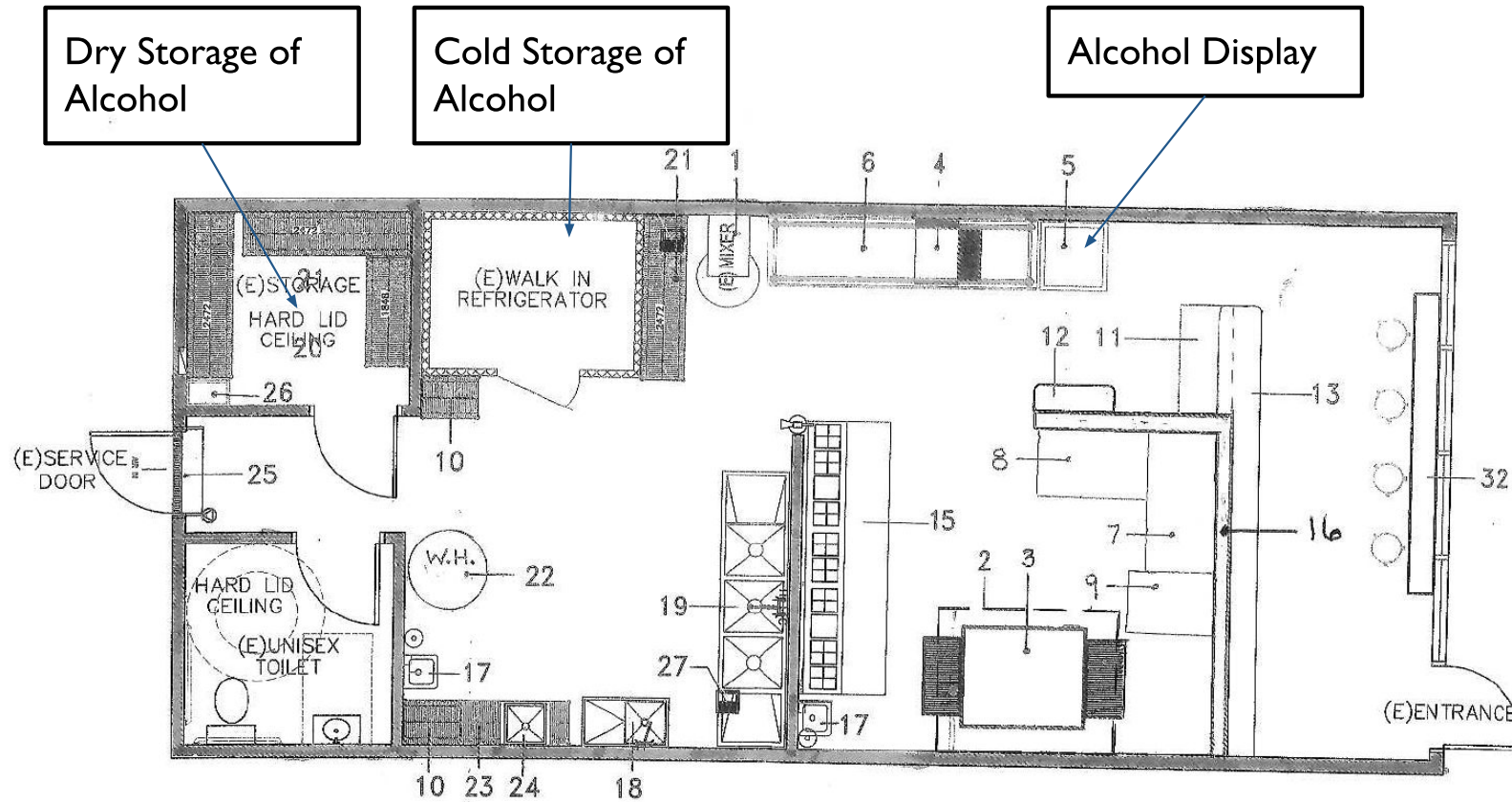
Zoning Designation:
General Commercial - Planned
Development (C2-PD)



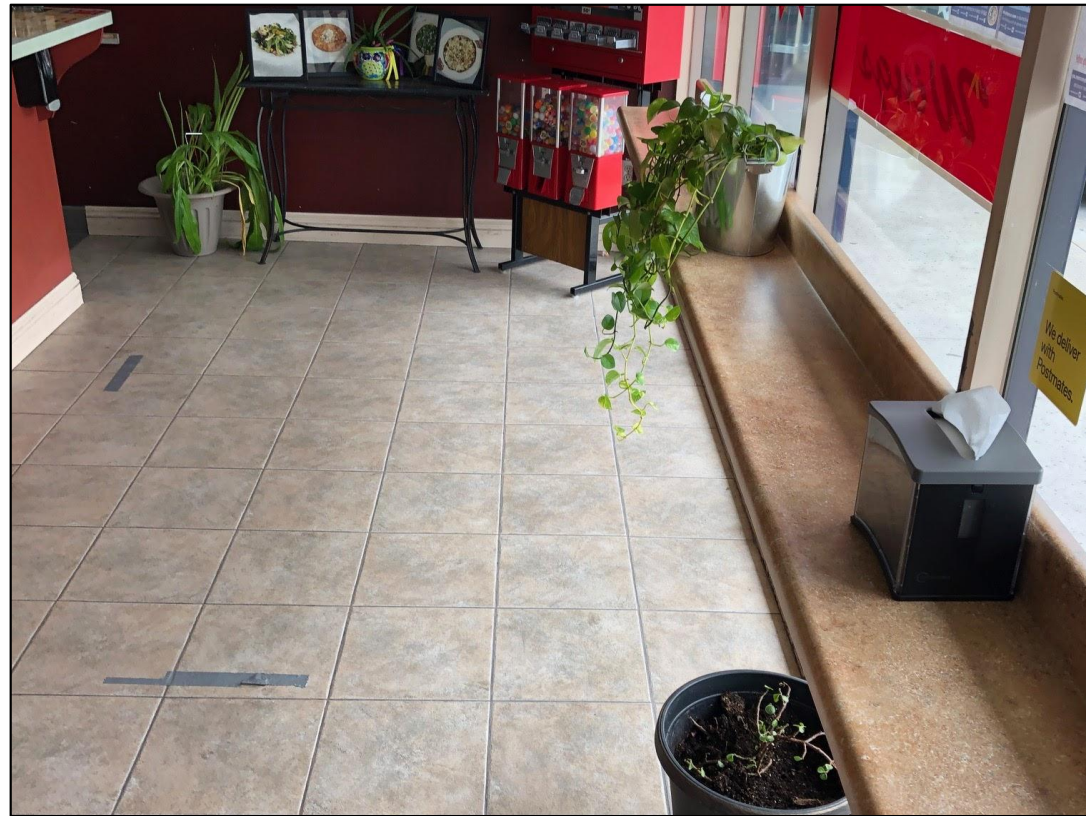
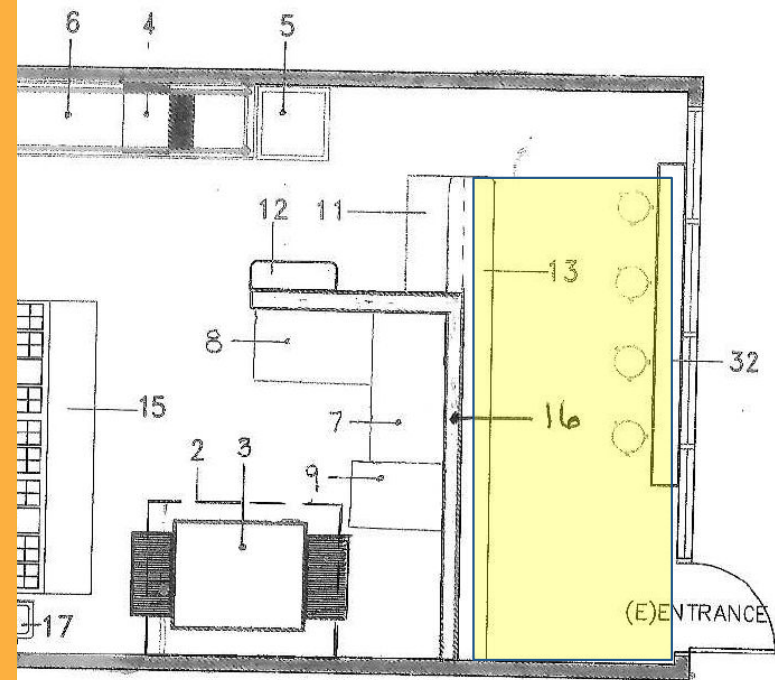
Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
North	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
South	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
East	Commercial General (CG)	General Commercial (C-2-PD)	Multi-Tenant Commercial Building
West	Commercial General (CG)	General Commercial (C-2-PD)	Fast Food Restaurant

Restaurant Floor Plan



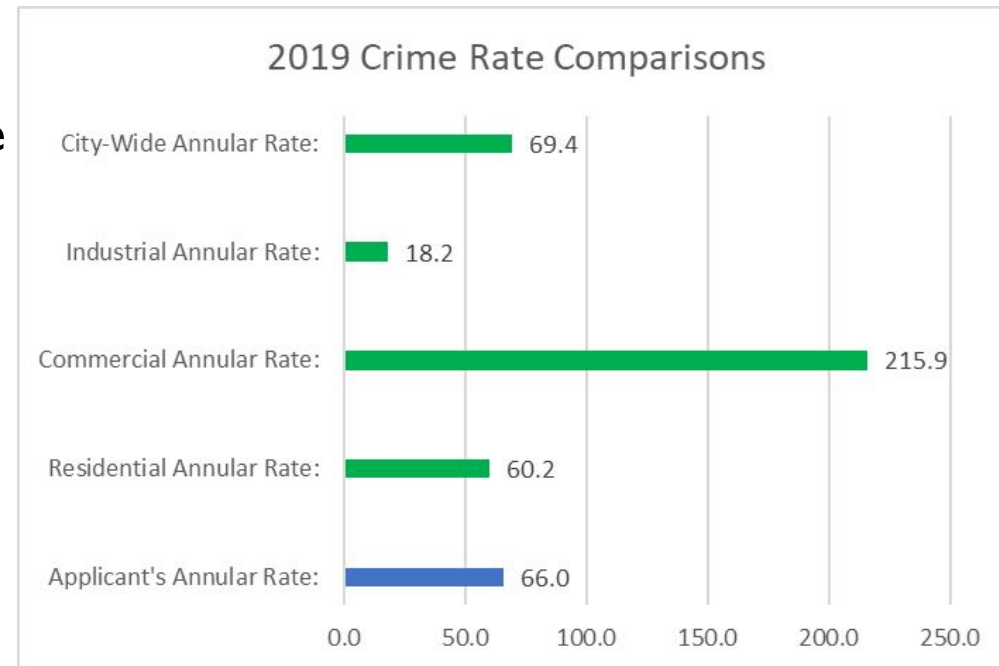
On-Site Serving Area



Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is 30.5% of the average for commercial properties citywide.
- Site is not considered to be a policing problem. No safety concerns noted by Beat Coordinator or neighboring businesses.



Police Department Review

Reviewed application per CC Resolution No. 11,896

Concentration:

- I. There are 2 establishments located within 1,000 feet of the Project site that sell alcoholic beverages.
 - Vallarta Market
 - El Rio Oxnard Market

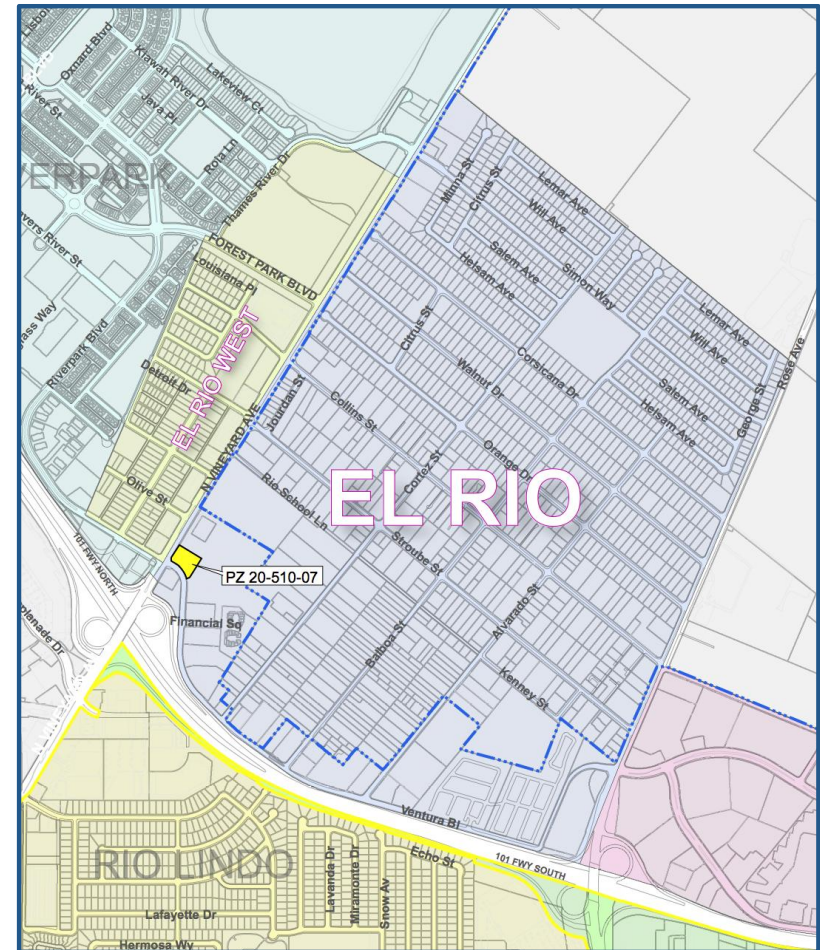
Findings:

- Crime rate around site is below commercial average.
- Not an undue concentration per City standards (1,000 feet).
- Not an undue concentration per ABC standards (census tract).
- ABC can override saturation for public convenience.

Community Input

Community Input:

- A Community Workshop was conducted on November 16, 2020. Notices were provided to the El Rio and El Rio West Neighborhoods.
- Nearby business operators and the Chairperson for the El Rio Neighborhood were contacted regarding this application and proposed operations.



Select Recommended Conditions of Approval

- CofAs #13 and #14:

Permittee and all sellers or servers and their immediate supervisors shall complete a course in Responsible Beverage Service (RBS) approved by the Chief of Police within sixty days of license granting and/or date of employment...

- CofA #15:

Sales of alcohol may only occur between the hours of 7:00 A.M. and 11:00 P.M.

- CofA #37:

Video surveillance system required

Select Recommended Conditions of Approval

- CofA #54:
Alcohol sales must be accompanied by a food item
- CofA #55:
All alcohol delivery sales must be completed within one hour of closing

Environmental Review

Exempt from California Environmental Quality Act (CEQA) (Section 15301 “Existing Facilities”)

- Project does not require physical development.
- Does not trigger thresholds in City CEQA Guidelines or Exceptions to the Exemptions.
- A Notice of Exemption will be filed.

Public Comment

- Site is not adjacent to residential uses
- Notice of PC hearing posted on-site
- Notice of PC hearing sent to surrounding property owners
- To date, no public comment regarding project

Staff 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 2021-XX for Planning and Zoning Permit No. 20-510-07 (Special Use Permit-Alcohol), subject to certain findings and conditions.