

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Randy Baez, Associate Planner

DATE: June 2, 2022

SUBJECT: **Project Name: Pacific Cafe Alcohol Special Use Permit;** Planning and Zoning Permit No. 21-510-04 (Special Use Permit - Alcohol): Located at 1661 Pacific Avenue, Unit 11 (APN: 220-0-281-045).

1) Recommendation: That the Planning Commission (“**Commission**”):

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.

2) Project Description and Applicant: A request for approval of a Special Use Permit (SUP) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41¹) at an existing 1,995 square-foot commercial suite within an approximately 18,000 square-foot industrial building on a 16.18-acre site located at 1661 Pacific Avenue, Suite 11 (APN: 220-0-281-045) within the Business Research Park (BRP) and Limited Manufacturing – Planned Development (M-L-PD) zoning districts (Attachment A). The existing restaurant is located within the BRP portion of the project site. Alcohol sales shall be limited to 7:00 a.m. to 10:00 p.m. daily. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Justin Beranich, Designated Agent, on behalf of property owner R & E Pacific Development, 21032 Devonshire St. #220, Chatsworth, CA 91311.

Please see the reduced Project plans (Attachment B) for more details.

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.

- 3) **Existing & Surrounding Land Uses:** The 16.18-acre Project site is currently developed with 16 multi-tenant industrial buildings, each totalling approximately 18,000 square-feet located within the BRP and M-L-PD zoning districts. The Project site is surrounded by a mixture of commercial and industrial. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated below in Exhibit A.

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	BRP and ILM	BRP and M-L-PD	Multi-Tenant Industrial
North	ILM	M-L-PD	Multi-Tenant Industrial
South	BRP	BRP	Multi-Tenant Industrial
East	ILM	M-L-PD	Manufacturing
West	Easement (ESM)	Easement/ROW (ESM-RW)	Railroad easement

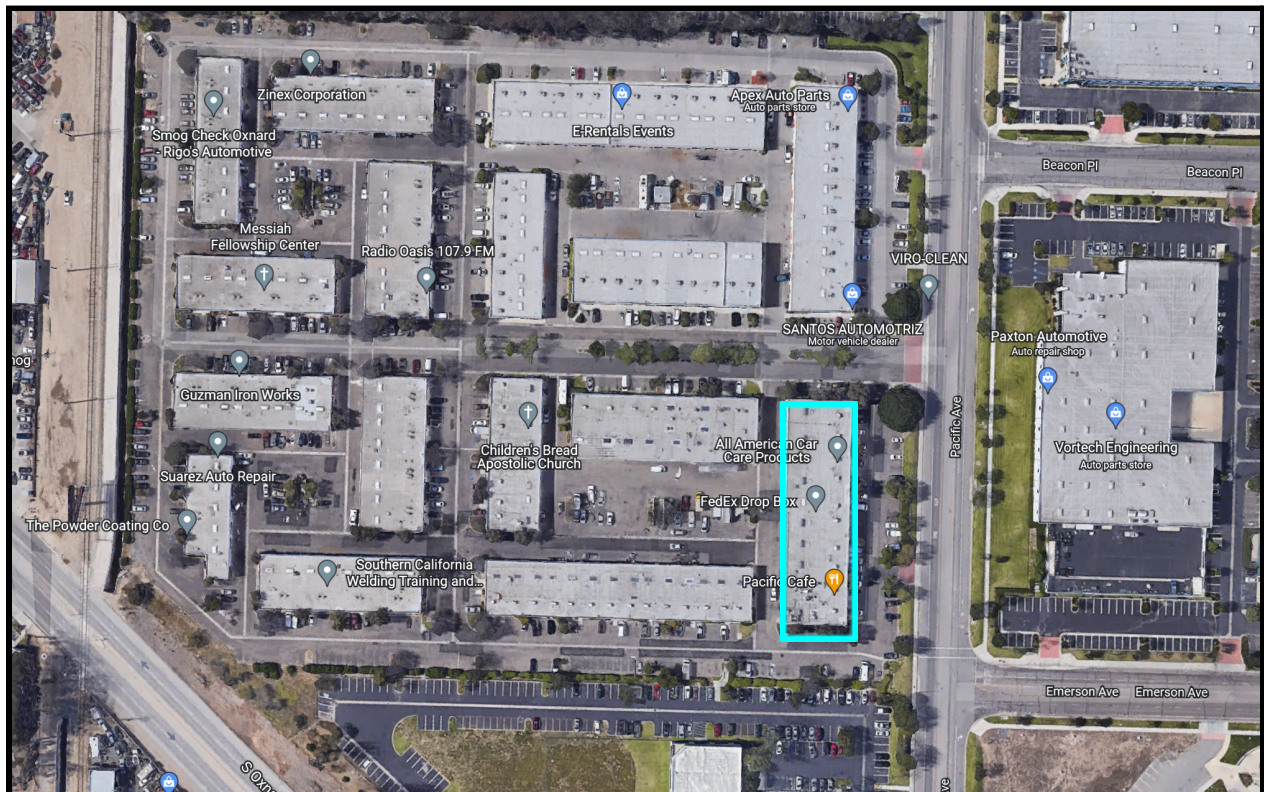


Exhibit A

- 4) **Background Information:** On November 7, 1985, the City of Oxnard Planning Commission conditionally approved Special Use Permit No. 1136 through Resolution No. 6827 to allow the construction of 16 light industrial buildings on the project site, containing a

total of 219,964 square feet of building area, including the subject building. The approximately 18,000 square-foot industrial building addressed at 1661 Pacific Avenue was constructed in the late 1980s. The subject tenant space first operated as a restaurant known as Park Place Sandwich shop at least since 1989. The suite continued to be operated as a restaurant and has been operating as Pacific Cafe since 2009.

5) Environmental Determination:

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

6) Analysis:

- a) **General Discussion:** Pacific Cafe is a small family owned restaurant focusing on fresh breakfast and lunch items, and currently operates at the project site. The business has been operating since at least 2009. The Applicant is requesting the approval to allow the sale of beer and wine for on-site consumption within the existing 1,995 square-foot restaurant (ABC License Type 41). The restaurant will be staffed by 9 employees and the restaurant currently operates from 7:00 a.m. to 3:00 p.m. on weekdays, but is requesting the allowance of serving beer and wine as a restaurant from 7:00 a.m. to 10:00 p.m.

No physical improvements are proposed at this time.

In accordance with the Industrial Code Section 16-163, the ability to sell alcohol for on-site consumption is subject to approval of a SUP by the Planning Commission.

- b) **General Plan & Zoning Consistency:** The 2030 General Plan designation for the site is split between ILM and BRP and the zoning designation is for M-L-PD and BRP. 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 BRP zone district. In accordance with the Industrial Land Use Matrix Table 16-163, the sales of alcoholic beverages for on-site consumption are permitted through the 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 problem?	Undue concentration as defined in Resolution No. 11,896 or Business and Professions Code Section 23958.4?
Mullin Auto Museum 1421 Emerson Ave.	No	No (Type 20)	No, as conditioned	Yes (State)
Oxnard Moose Lodge 1935 S. Oxnard Blvd.	No	No (Type 51)	No, as conditioned	Yes (State)

Concentration of Alcohol Outlets:

According to the Police report, there are no establishments of the same type located within 350 feet of the Project site. There are also no establishments of the same ABC License Type 41 within 350 and 1,000 feet of the subject property. However, there are other similar establishments located between 350 feet and 1000 feet of the subject property (Mullin Auto Museum and Oxnard Moose Lodge) that currently operate with a ABC License Type 20² (Off-Sale Beer & Wine²) and Type 51⁵ (Club). The Police Department has determined that as there are no other similar alcohol establishments within 350 feet of the applicant's site, there is no undue concentration by City standards.

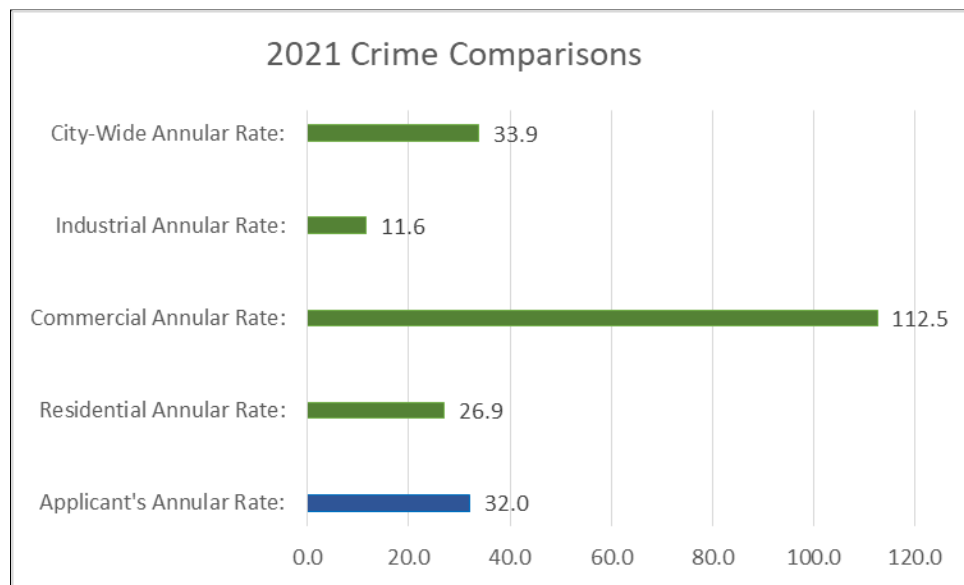
² ABC License Type 20 (On-Sale Beer & Wine) (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

⁵ ABC License Type 51 (Club) Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.

In the case of the applicant site, as seen in the next section, the annular crime rate is below the average annular citywide rate and above the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC, seven on-sale licenses are allowed within this census tract. Based on the above findings, with the addition of this on-sale site, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

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 2021. The citywide annular average of Part I and Part II crimes per grid was 33.9. The average number of Part I and II crimes occurring within 1,000 feet annular area was 32 during the same twelve month time period. This is 28% of the average for commercial properties citywide and can best illustrated in the graph below:



Police Department Input:

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.

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 beer and wine as a restaurant. Those persons who were contacted had no concerns about the applicant business selling beer and wine.

The applicant site is in an industrial area and not part of an organized neighborhood.

Public Convenience or Necessity:

As previously discussed, there is no undue concentration of alcohol establishments under the standards established by the City of Oxnard. However, the site of the proposed establishment is within a census tract that the State has identified as having undue concentration of on-sale alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code. However, there is not an "undue concentration" of similar alcoholic beverage establishments as described in City Council Resolution 11,896.

As previously noted, the crime rate is below the City-wide average. If there is a presumption of public convenience or necessity to approve this proposal, ABC can override the saturation guidelines and also approve the request. Providing restaurants the ability to serve alcoholic beverages under a strict set of operational conditions supports a fair market and would address any site-specific challenges. As this restaurant would serve employees from the community and nearby businesses, it is reasonable that a full set of services are provided for those who work or visit the restaurant. For these reasons, approval of this proposed permit serves "Public Convenience or Necessity" for our community.

Conclusion:

If approved, the applicant's business will operate in a well-established multi-tenant industrial building. Since there are no ABC Licenses of the same 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, but above the industrial rate. Also, there exist 7 on-sale licenses within the applicant's census tract. According to the ABC, 7 on-sale licenses are allowed within this census tract. Therefore, there is an 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. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Providing restaurants the ability to serve alcoholic beverages under a strict set of operational conditions supports a fair market and would address any site-specific challenges. As restaurants aren't typically located in industrial areas, it is reasonable to request some services to be provided for those who work or visit the nearby businesses. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal.

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 community), the Police Department finds there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the sales of alcohol for on-site consumption will have little, if any adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft Resolution of Approval (Attachment F) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.

- 7) Community Workshop and Public Input:** This Project is not located within a designated neighborhood. Therefore, a Community Workshop was not held. To date, Staff has not received any additional concerns or public comments regarding the proposed Project.
- 8) Appeal Procedure:** In accordance with OCC 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 Planning Division's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval PZ 21-510-04 (Special Use Permit - Alcohol)
- G. Staff Presentation

Vicinity Map

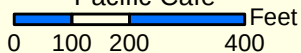


2030 General Plan Land Use Map



Oxnard Planning
May 19, 2022

PZ 21-510-04
Location: 1661 Pacific Ave
APN: 2200281045
Pacific Cafe

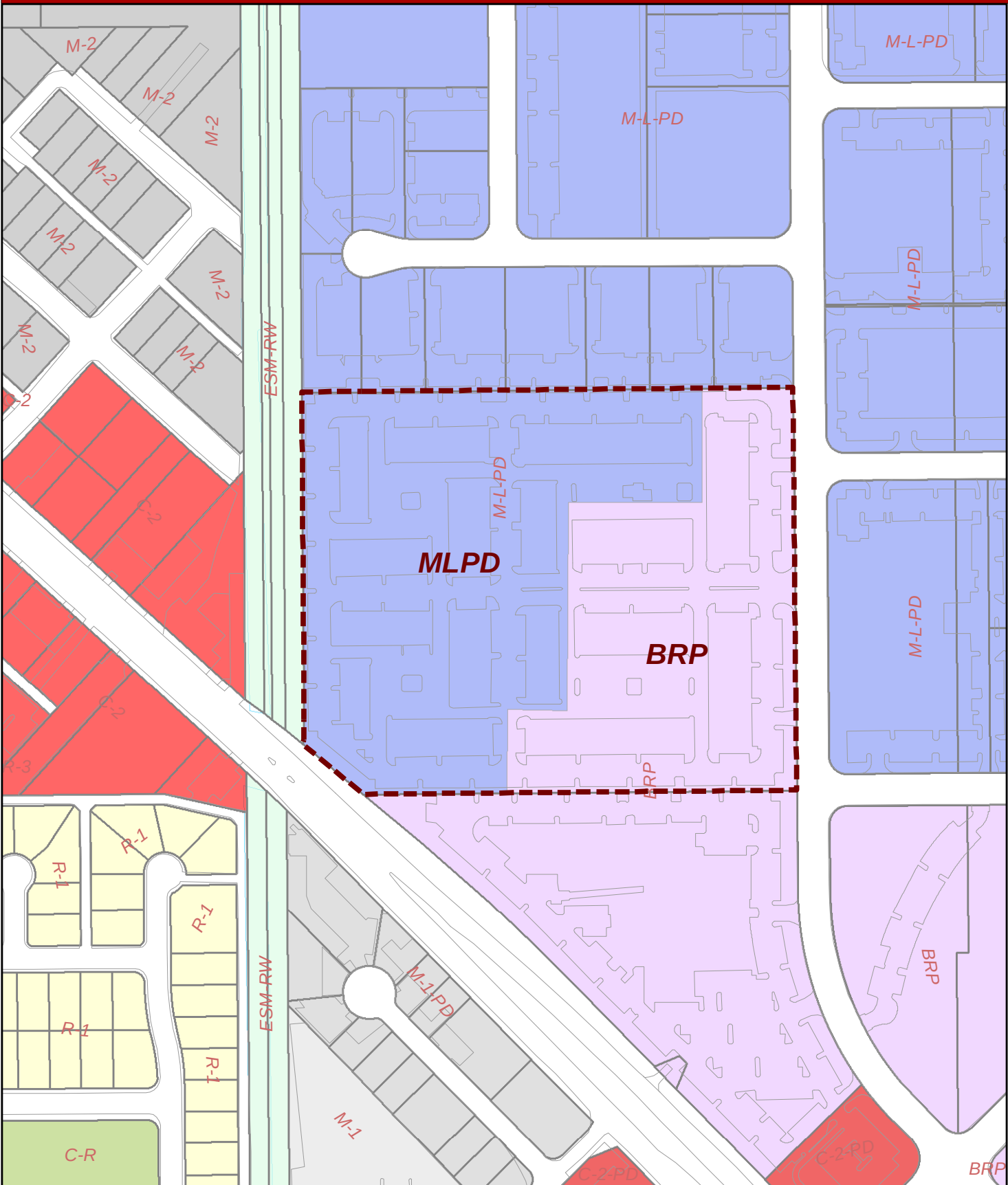


2030 General Plan Land Use Map



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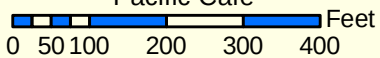
Zoning/Specific Plan Map



Oxnard Planning

May 18, 2022

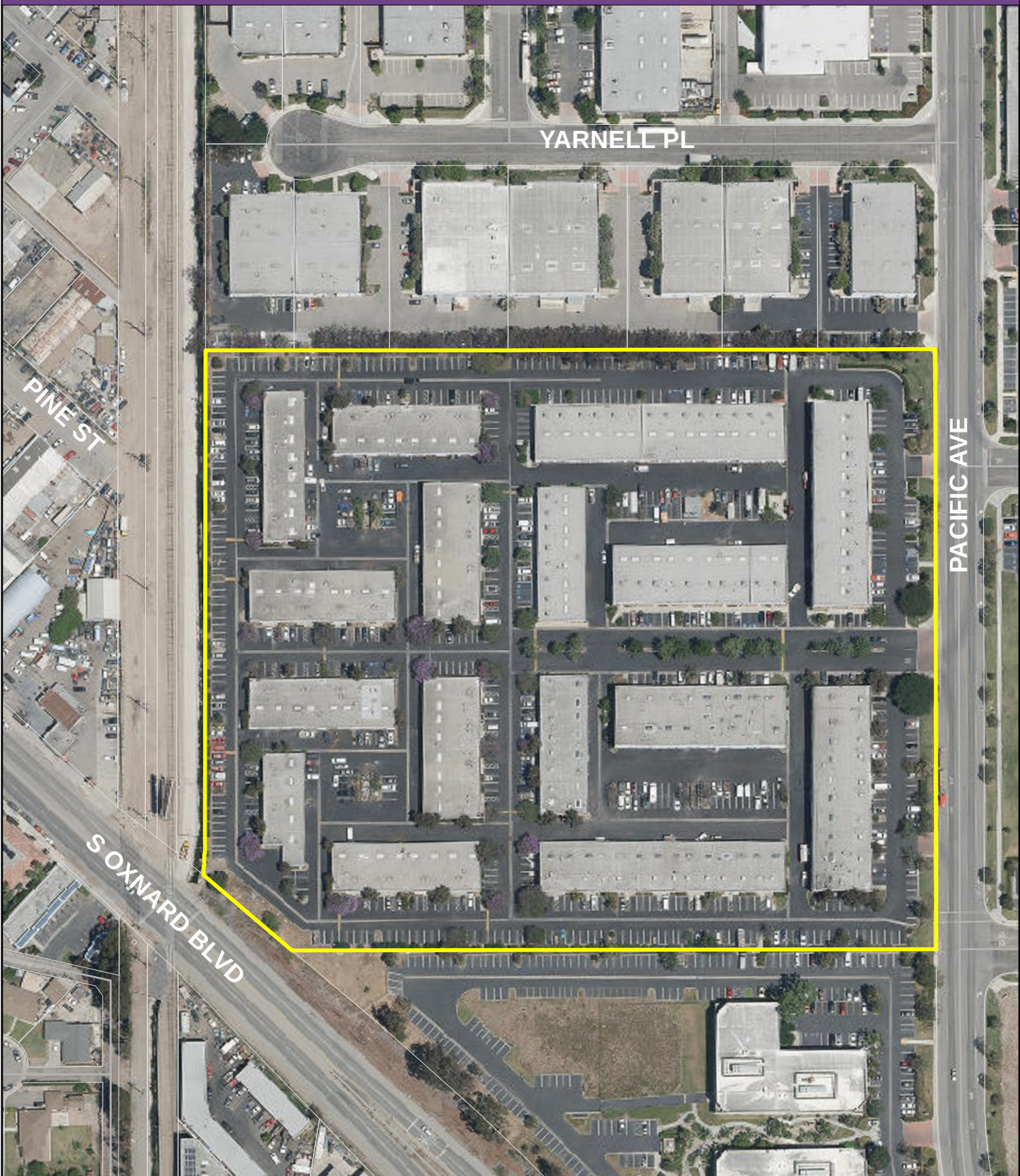
PZ 21-510-04
Location: 1661 Pacific Ave
APN: 2200281045
Pacific Cafe



Zoning/Specific Plan Map



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PACIFIC CAFE

1661 PACIFIC AVE. STE.#11 - OXNARD CA 93033

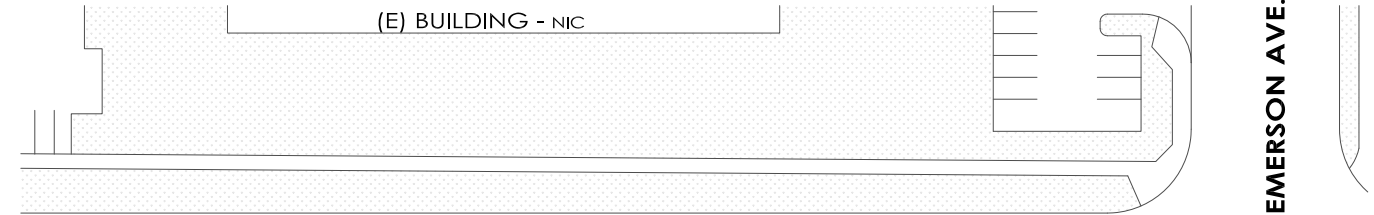
PROJECT DATA

PROJECT ADDRESS	1661 PACIFIC AVE. STE.#11 OXNARD CA 93033
ASSESSORS PARCEL NO.	220-0-281-045
EXISTING USE	RESTAURANT
OCCUPANCY GROUP	A-2 (NO CHANGE OF USE)
EXISTING CONSTRUCTION TYPE	III-B
FIRE SPRINKLER SYSTEM	YES
NUMBER OF STORIES	2- STORY
BUILDING AREA - GROUND FLOOR:	1,995.0 SF

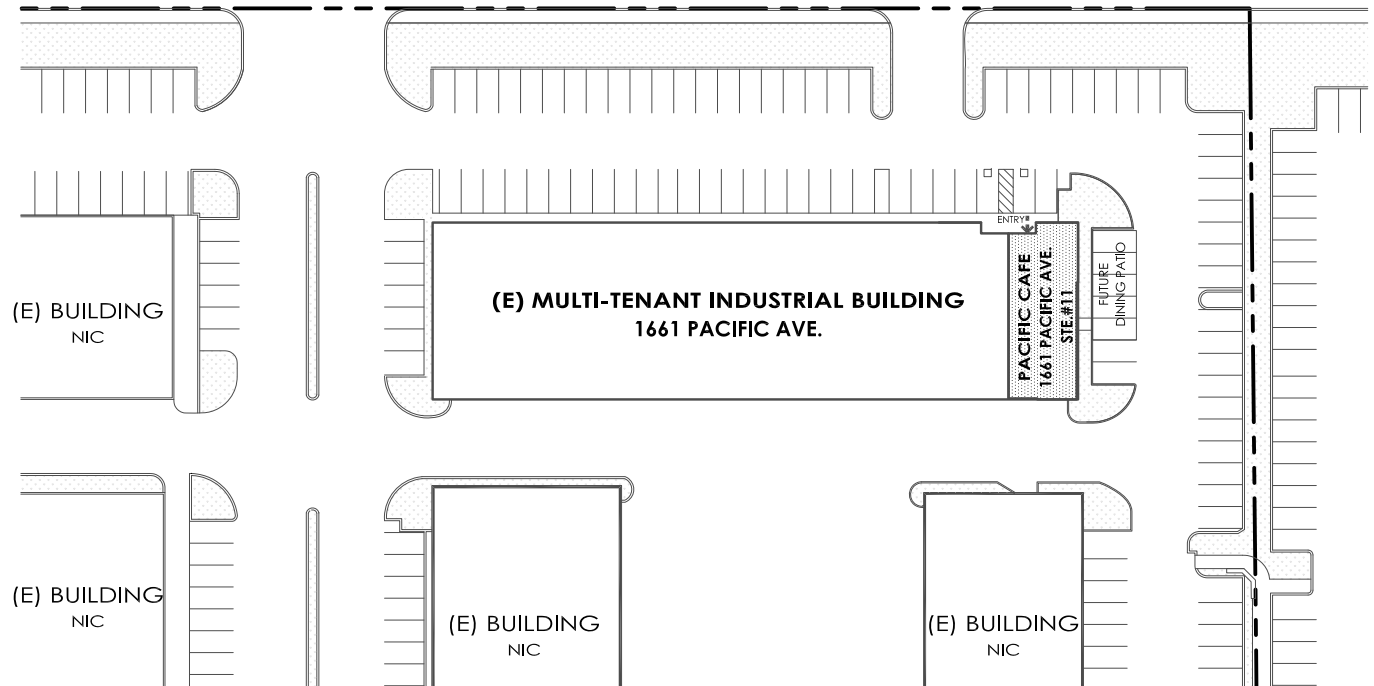


VICINITY MAP

NTS



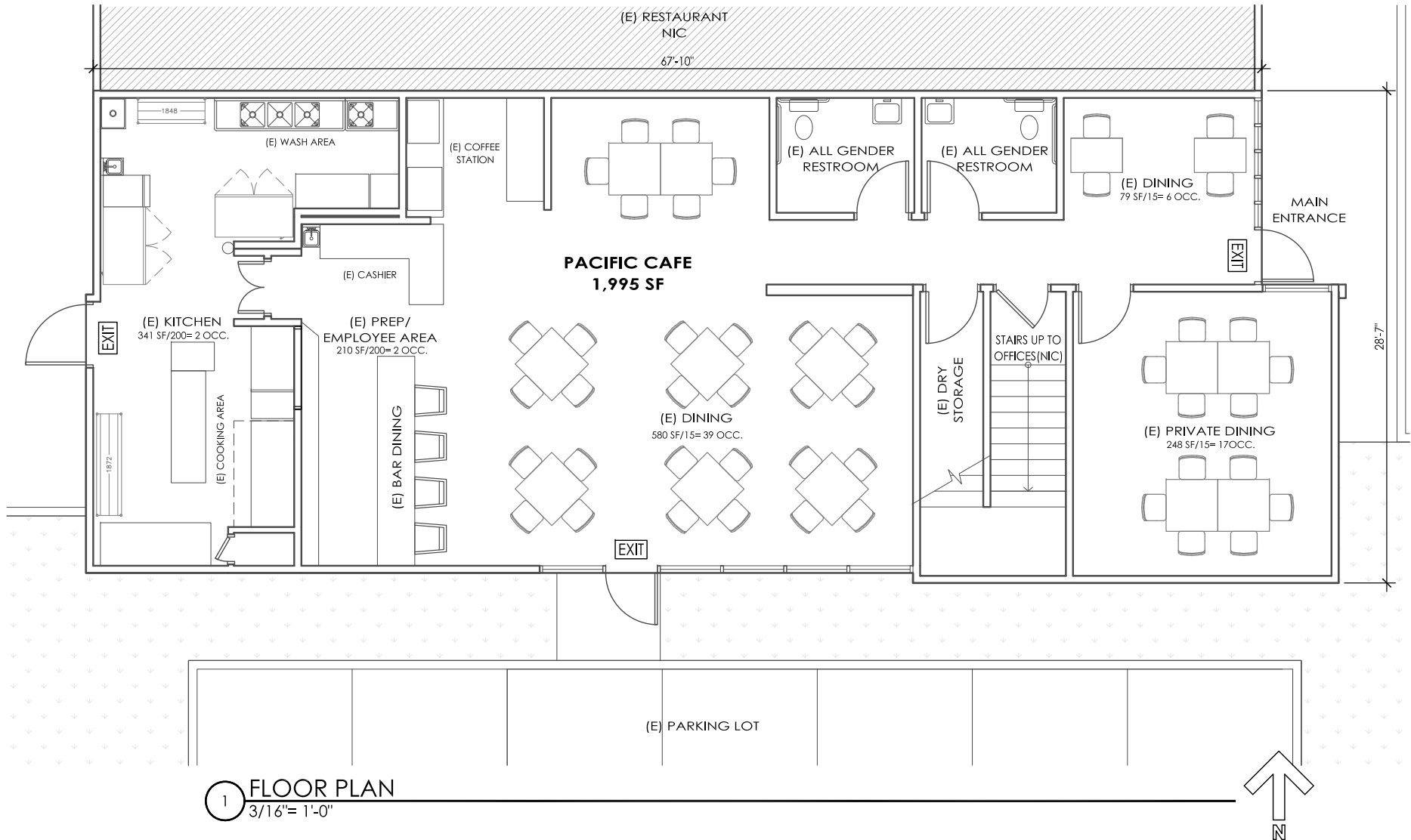
PACIFIC AVE.



1 SITE PLAN
1" = 50'-0"

PACIFIC CAFE

1661 PACIFIC AVE. STE.#11 - OXNARD CA 93033



NOTICE OF EXEMPTION

Project Description: **Pacific Cafe Alcohol Special Use Permit;** Planning and Zoning Permit No. 21-510-04 (Special Use Permit - Alcohol): A request for approval of a Special Use Permit (SUP) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41 - On-Sale Beer & Wine) at an existing 1,995 square-foot industrial suite within a 18,000 square-foot building for an existing restaurant on a 16.18-acre site located at 1661 Pacific Avenue (APN: 220-0-281-045) within the Business Research Park (BRP) zone. Alcohol service would be provided between the hours of 7:00 a.m. to 10:00 p.m. daily. Filed by Justin Beranich, Designated Agent, on behalf of property owner R & E Pacific Development, 21032 Devonshire St. #220, Chatsworth, CA 91311.

Finding:

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

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

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

(Date)

Joe Pearson II, AICP
Interim Planning and Environmental Services
Manager



Police Department

Jason Benites, Chief of Police

April 18, 2022

To: Joe Pearson II, Interim Planning Division Manager
Randy Baez, Associate Planner

From: Marc Amon, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: Pacific Café, 1661 Pacific Avenue #11
PZ 21-510-04, Alcohol SUP Review (ABC Type 41)

Site Information:

The applicant business, Pacific Café, has been in operation under the current ownership since 2019 at 1661 Pacific Avenue, Unit 11. The applicant seeks a Type 41 Alcohol Beverage Control License and an Alcohol Special Use Permit to sell beer and wine as a restaurant for on-site consumption and delivery of alcoholic beverages with food orders. The business operates from 7 A.M. to 3 P.M. on weekdays.

The facility is located in a "tilt-up" structure within a multi-tenant commercial/industrial complex which is served by Pacific Avenue within an industrial park and is more than 1000-feet from the nearest residential neighborhood.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 41¹ License to sell beer and wine as a restaurant from 7 A.M. to 10 P.M.

Concentration, Crime and Policing Services

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

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

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

Oxnard³ have established standards to weigh concentration factors, and, when appropriate, mitigations to address those factors. The below chart identify nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

None

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	A B C T y p e	Y / N	O n / O f f - S a l e	Premise	Alcohol	Alc oh ol Ho urs *
1	Mullin Auto Museum	1421 Emerson Ave.	20	Y	Off	Museum	Beer Wine	8a-10p
2	Oxnard Moose Lodge	1935 S. Oxnard Bl.	51	N	On	Private Club	Beer Wine Spirits	6a-2a

*Alcohol hours reflect period the business is permitted to serve alcohol under State law or by established City conditions.

City Council Resolution 11,896 establishes that there is undue concentration if there exists an alcohol establishment of a similar type within 350 feet of the applicant site. As noted on the chart above, there are no existing restaurants with alcohol licenses within 350 feet of the applicant site. This establishes that there is not an undue concentration under City standards.

State standards for undue concentration are established under Business and Professions Code Section 23958.4.

(a) For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

- 1) The applicant premises are located in a crime reporting district⁴ that has a 20 percent greater number of reported crimes, as defined in subdivision c, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.
- 2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises is located.
- 3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

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

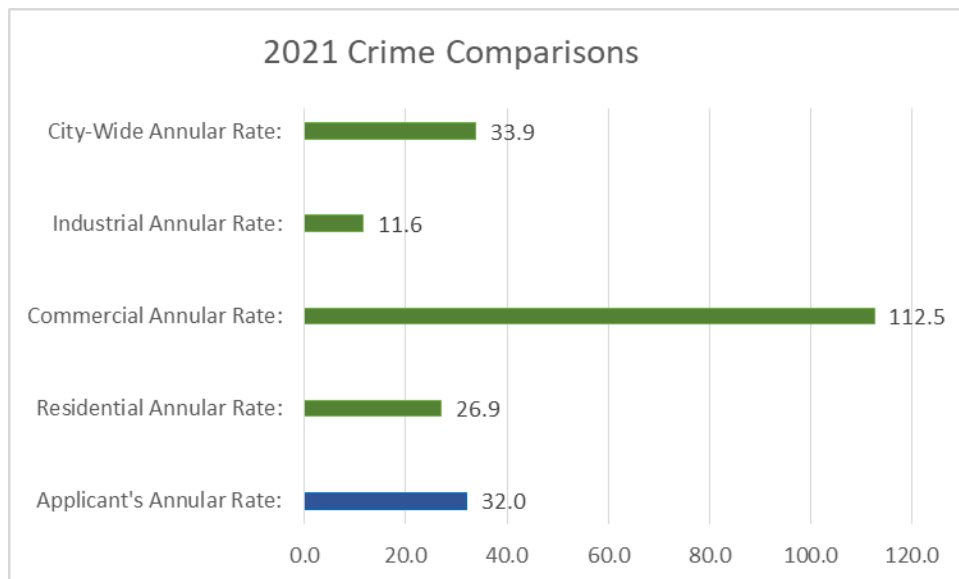
⁴ Oxnard P.D. does not collect crime data based on reporting districts. For the purposes of concentration of alcohol establishments, the crime stats are compared by 1000-foot annular areas.

In the case of the applicant site, the annular crime rate is below the average annular citywide rate. This shows the site as having a crime rate below the standard established in 23958.4(1) B&P. Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC, seven on-sale licenses are permitted within this census tract. Based on the above findings, with the addition of this on-sale site, there will be an undue concentration under the provisions of California Business and Professions Code Section 23958.4

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I⁵ and II⁶ crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2021. The average city-wide, annular average of Part I and II crimes is 33.9.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 32. This is 28% of the average for commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not

⁵ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

⁶ 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.

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 beer and wine as a restaurant. Those persons who were contacted had no concerns about the applicant business selling beer and wine.

Area Residents:

The applicant site is in an industrial area and not part of an organized neighborhood.

Conclusion

The applicant has operated Pacific Café as a restaurant since 2019 without having any adverse impact to the community or policing services. The applicant has operated Burger Barn, 5000 Santa Rosa Road, in Camarillo with an ABC Type 41 (Beer & Wine) License since 2014 without any ABC disciplinary actions.

Concentration, Public Convenience and Necessity

As previously discussed, there is no undue concentration of alcohol establishments under the standards established by the City of Oxnard. However, the site of the proposed establishment is within a census tract that the State has identified as having undue concentration of on-sale alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code. As previously noted, the crime rate for the proposed site is below the City-wide average. If the City of Oxnard determines there is a public convenience or necessity to approve this proposal (approval of the permit is an assumption there is such a determination), ABC can override the saturation guidelines and also approve the request. Based on the totality of the circumstances of this application and its review, the Police Department recognizes the public convenience afforded by the issuance of this permit and does not believe concentration is an issue that will impact public safety.

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

Police Operating Conditions On-Sale Restaurant

RBS Training

1. Permittee, managers and servers shall complete an approved course in Responsible Beverage Service (RBS) sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department within sixty (60) days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department. The ABC website for their RBS training is [Responsible Beverage Service \(RBS\) Training | Alcoholic Beverage Control \(ca.gov\)](https://www.bac.ca.gov/training/). The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid. (PL/PD)
2. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

Food & Beverage Service

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10P.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. The business shall have a grease interceptor as required by the Wastewater Division.
7. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open to support the service of its menu. (PD)
8. 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)

9. The premises shall be equipped and maintained in good faith as a bona fide 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)
10. 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)
11. 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)
12. 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)
13. 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)
14. 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)

15. 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)
16. 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)
17. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
18. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
19. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
20. 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)

Security Features

21. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install and operate 24 hours a day a video surveillance system. The system shall be maintained at a reasonable industry standard to monitor, and, at a minimum monitor, the entrances and exits, and 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. At a minimum one camera shall be dedicated to capture activity in the kitchen.
 - j. Cameras shall be located inside as well as outside the premises to monitor general activity.
22. 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.
23. Prior to the issuance of the Special Use Permit, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Plan which shall include the below features.
24. The Security Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
25. The Security Site Plan shall include a chart that identifies each camera by an alpha-numeric designation, the make and model of the instrument, the type of camera housing (dome, bullet, discrete), the camera's capture purpose (general area, choke point, point of sale, etc.) and its mounting height above the floor/grade.
26. Identify the nature of all alarm systems including the make, model and type of sensors.

Operational Standards

27. All sales of alcohol must include a purchase of food.
28. All deliveries that include alcoholic beverages shall require the following:
- a. The person making the delivery shall be a minimum of 21-years of age and has completed an approved course in Responsible Beverage Sales and Service (RBSS) Training sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police

Department. The RBSS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid.

- b. Each driver making an alcoholic beverage delivery shall check the identification of the person taking possession of the alcoholic beverage and ensure that the person depicted on the identification is of age and is the person receiving the delivery. The driver shall photograph or scan the identification with an identification scanner to record and verify the age of the person taking receipt of the delivery.
- c. The permittee shall provide information on any website menu that clearly states that all deliveries that include alcoholic beverages will require the recipient of the alcoholic beverage(s) to present their government issued photo identification as proof of age. Recommended language for on-line menus: "The City of Oxnard requires that the delivery driver be shown a government issued photo identification of the recipient of all deliveries that include alcoholic beverages."
- d. The permittee shall require that staff members taking phone orders for delivery of alcoholic beverages shall advise customers of the requirements under subsection "(b)" of this condition.
- e. On-line orders for delivery which include alcohol shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.
- f. All deliveries including alcoholic beverages shall be made to a residence, apartment, or business. Deliveries that include alcoholic beverages shall not be made to parks, parking lots, motor vehicles or similar places open to the general public or in public view.

29. All alcoholic beverages "to go" or for delivery shall be well sealed consistent with industry standards.

30. 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)

31. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

32. 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)

33. 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)

34. Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when in involves:
- a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.
35. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
36. 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)
37. 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)
38. 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)
39. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
40. 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)

Entertainment

41. 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. (see exception under “Special Conditions”)

Signage

42. 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)
43. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.
44. 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)
45. 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

46. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
47. 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)
48. 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

49. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Community Development Director. (PD)
50. 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)

51. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which details the camera system, alarms, guard post orders and other security related matters and policies.
52. “Dine in” customers ordering alcohol beverages shall not take the beverage(s) away from the premises. Menus shall have language that advises customers that alcoholic beverages are served for on-site consumption.
53. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit or hours allowed for dancing under a Dance Permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
 - a. Evidence of over-service of alcohol to patrons. This may be established through data from the Place of Last Drink Report or Service of an alcoholic beverage to a minor.
 - b. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - c. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and lost statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not be included either the calculation of gross alcohol or gross food sales.
54. 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.
55. In the event of a suspected criminal event where some part of the event occurs 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 alcohol beverages under the scope of this permit.
 - 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.
56. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

57. Any change in the customer seating that would create a bar or other alcohol centric customer area will prompt the need for a new Alcohol Special Use Permit and Review.
58. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their role with the business, their email address and a phone number.
59. Any questions concerning this Special Use Permit for sales of alcoholic beverages should be sent to: specialprojects@oxnardpd.org.
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Police Special Conditions

60. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except The permittee may apply for a one-day Temporary Use Permit up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day, wedding receptions, etc.) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit and to allow for entertainment. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.
61. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11.896

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

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

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

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

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

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

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

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

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

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

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

1. City Council Resolution No. 8597 is repealed.

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

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

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

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

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

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

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

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

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

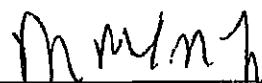
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

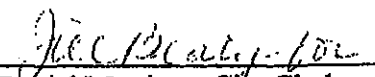
ABSENT: None.



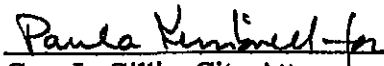
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2022 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-510-04 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW AN EXISTING SIT-DOWN RESTAURANT (PACIFIC CAFE) TO SELL BEER & WINE FOR ON-SITE CONSUMPTION (ALCOHOL AND BEVERAGE CONTROL LICENSE TYPE 41) WITHIN AN EXISTING 1,995 SQUARE-FOOT TENANT SPACE WITHIN A LARGER 18,000 SQUARE-FOOT, MULTI-TENANT BUILDING ON A 16.18-ACRE PROPERTY, LOCATED AT 1661 PACIFIC CAFE, SUITE 11 (APN: 220-0-281-045) WITHIN THE BUSINESS RESEARCH PARK (BRP) ZONED PORTION OF THE SITE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JUSTIN BERANICH, DESIGNATED AGENT, ON BEHALF OF PROPERTY OWNER R & E PACIFIC DEVELOPMENT, 21032 DEVONSHIRE ST. #220, CHATSWORTH, CA 91311.

WHEREAS, on December 9, 2021, Justin Beranich, (the “**Applicant**”) on behalf of property owner R & E Pacific Development, submitted a request to allow the sale of beer and wine for on-site consumption within an existing 1,995 square-foot tenant space at 1661 Pacific Avenue; and

WHEREAS, on June 2, 2022, 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. 21-510-04 (Special Use Permit - Alcohol), filed by Justin Beranich in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

The project site is located within the 2030 General Plan land use designations of Business Research Park (BRP) and Industrial Limited (ILM) and the zoning designations are for Business Research Park (BRP) and Limited Manufacturing –

Planned Development (M-L-PD). The Project is surrounded by industrial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

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

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

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

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

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

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

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

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

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. The approximately 18,000 square-foot industrial building was originally constructed in the late 1980s. Furthermore, no physical improvements are proposed at this time. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the Business Research Park (BRP) and Limited Manufacturing – Planned Development (M-L-PD) zoning districts, with 2030 General Plan designations of Business Research Park (BRP) and Industrial Limited (ILM). The existing 1,995 square-foot restaurant and request to sell beer and wine for on-site consumption (ABC License Type 41) 7:00 a.m. to 10:00 p.m. daily is consistent with the General Plan and zoning designation. The ability to sell alcohol for a restaurant is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC) Section 16-163. Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer and wine for on-site consumption for an existing restaurant. According to the Police report, there are no establishments of the same type located within 350 feet of the Project site. There are also no establishments of the same ABC License Type 41 within 350 and 1,000 feet of

the subject property. However, there are other similar establishments located between 350 feet and 1000 feet of the subject property (Mullin Auto Museum and Oxnard Moose Lodge) that currently operate with a ABC License Type 20 (Off-Sale Beer & Wine) and Type 51 (Club).

The Police Department has determined that based on the proximity of the businesses listed, there is not an undue concentration under the established City Standards.

In the case of the applicant site, as seen in Finding 7, the annular crime rate is below the average annular citywide rate, but above the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC, seven on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

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.

Furthermore, a finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. 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 interior dining area that is adequate for the proposed sales. The proposed project does not require exterior changes to the site. The recommended conditions of approval do not require changes to the site. Therefore, the site for the proposed alcohol sales is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes Pacific Avenue, which connects to multiple arterial streets. 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 project site 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 no establishments of the same type located within 350 feet of the Project site. There are no establishments of the same ABC License Type 41 within 350 and 1,000 feet of the subject property. However, there are other similar establishments located between 350 feet and 1000 feet of the subject property (Mullin Auto Museum and Oxnard Moose Lodge) that currently operate with a ABC License Type 20 (Off-Sale Beer & Wine) and ABC License Type 51 (Club). The Police Department has determined that as there are no other similar alcohol establishments within 350 feet of the applicant's site, there is no undue concentration by City standards.

The annular crime rate is below the average annular citywide rate. However, this is above the standard established in 23958.4(1) B&P. Currently there are seven other on-sale licenses within the applicant's census tract according to the ABC and seven on-sale licenses are permitted within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. 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 consumption within an existing multi-tenant industrial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 21-510-04 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated June 2, 2022, (“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, managers and servers shall complete an approved course in Responsible Beverage Service (RBS) sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department within sixty days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department. The ABC website for their RBS training is the "LEAD Program" at www.abc.ca.gov/education/lead-training. The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid (PL/PD).
14. A copy of these conditions and a log of employees who have successfully completed Responsible Beverage Service Training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department (PL/PD).

Food & Beverage Service

15. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10:00 P.M. (*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, 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)
18. The business shall have a grease interceptor as required by the Wastewater Division.

19. 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)
20. 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)
21. The premises shall be equipped and maintained in good faith as a bona fide 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 of 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)
22. 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 a similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
23. 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)
24. 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.
25. 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)

26. Employees involved in the sale or the 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)
27. 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)
28. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter in the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
29. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
30. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
31. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
32. 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 or the revocation of the permit by the Planning Commission to be held no more than 30-days after the suspension begins. (PD)

Security Features & Personnel

33. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install and operate 24 hours a day a video surveillance system. The system shall be maintained at a reasonable industry standard to monitor, and, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:
 - a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are required for infra-red lighting.

- b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door or entrance to the 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. At a minimum one camera shall be dedicated to capture activity in the kitchen.
 - j. Cameras shall be located inside as well as outside the premises to monitor general activity.
34. 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.
35. Prior to the issuance of the Certificate of Occupancy, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Site Plan shall include the below features.
36. The Security Site Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
37. The Security Site Plan shall include a chart that identifies each camera by an alpha-numeric designation, the make and model of the instrument, the type of camera housing (dome, bullet, discrete), the camera's capture purpose (general area, choke point, point of sale, etc.) and its mounting height above the floor/grade.
38. Identify the nature of all alarm systems including the make, model and type of sensors.

Operational Standards

39. All sales of alcohol must include a purchase of food.
40. All deliveries that include alcoholic beverages shall require the following:

- a. The person making the delivery shall be a minimum of 21-years of age and has completed an approved course in Responsible Beverage Sales and Services (RBSS) Training sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department. The RBSS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid.
 - b. Each driver making an alcoholic beverage delivery shall check the identification of the person taking possession of the alcoholic beverage and ensure that the person depicted on the identification is of age and is the person receiving the delivery. The driver shall photograph or scan the identification with an identification scanner to record and verify the age of the person taking receipt of the delivery.
 - c. The permittee shall provide information on any website menu that clearly states that all deliveries that include alcoholic beverages will require the recipient of the alcoholic beverage(s) to present their government issued photo identification as proof of age. Recommended language for on-line menus: "The City of Oxnard requires that the delivery driver be shown a government issued photo identification of the recipient of all deliveries that include alcoholic beverages."
 - d. The permittee shall require that staff members taking phone orders for delivery of alcoholic beverages shall advise customers of the requirements under subsection "(b)" of this condition.
 - e. On-line orders for delivery which include alcohol shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.
 - f. All deliveries including alcoholic beverages shall be made to a residence, apartment, or business. Deliveries that include alcoholic beverages shall not be made to parks, parking lots, motor vehicles or similar places open to the general public or in public view.
41. All alcoholic beverages "to go" or for delivery shall be well sealed consistent with industry standards.
42. 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)
43. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.
44. 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)

45. 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)
46. 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.
47. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm) (PD)
48. 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)
49. 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)
50. 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)
51. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
52. 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)

Entertainment

53. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business.

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

Signage

54. 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)
55. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.
56. 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)
57. Prominent signs shall be posted throughout the business stating, 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

58. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
59. 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. (PL/PD)
60. 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

61. 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 and the Community Development Director. (PD)

62. 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)
63. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which identifies and details the camera system, alarms, guard post orders and other security related matters and policies.
64. “Dine in” customers ordering alcohol beverages shall not take the beverage(s) away from the premises. Menus shall have language that advises customers that alcoholic beverages are served for on-site consumption.
65. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
 - a. Evidence of over-service of alcohol to patrons. This may be established through data from the Place of Last Drink Report or Service of an alcoholic beverage to a minor.
 - b. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - c. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and loss statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not be included either the calculation of gross alcohol or gross food sales.
66. 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.
67. In the event of a suspected criminal event where some part of the event occurs 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 alcohol beverages under the scope of this permit.
 - 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.

68. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.
69. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their role with the business, their email address and a phone number.
70. Any questions concerning this Special Use Permit for sales of alcoholic beverages should be sent to: specialprojects@oxnardpd.org.

POLICE SPECIAL CONDITIONS

71. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except the Permittee may apply for a one-day Temporary Use Permit up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day, wedding receptions, etc.) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit and to allow for entertainment. The one-day permit may be denied if there has been a documented violation of these conditions during the 12-month period prior to the date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.
72. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of June 2022, by the following vote:

Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of June 2022, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

City of Oxnard Planning Commission

June 2, 2022

Pacific Cafe Alcohol Special Use Permit
1661 Pacific Avenue, Unit 11
PZ 21-510-04
(Special Use Permit - Alcohol)

Applicant: Justin Beranich

Project Description

A request for approval of a Special Use Permit (SUP) to sell beer and wine for on-sale consumption (Alcohol Beverage Control (ABC) License Type 4I) at an existing 1,995 square-foot commercial suite within an 18,000 square-foot building for an existing restaurant.

Alcohol service would be limited to the hours of 7:00 a.m. to 10:00 p.m. daily.

Background

1985: The Planning Commission approves Special Use Permit No. 1136 to allow the construction of 16 light industrial buildings on the project site.

Late 1980s: The subject building was constructed.

1989: The subject tenant space began operating as a restaurant.

2009: Pacific Cafe begins operating.

Project Location



Project Site

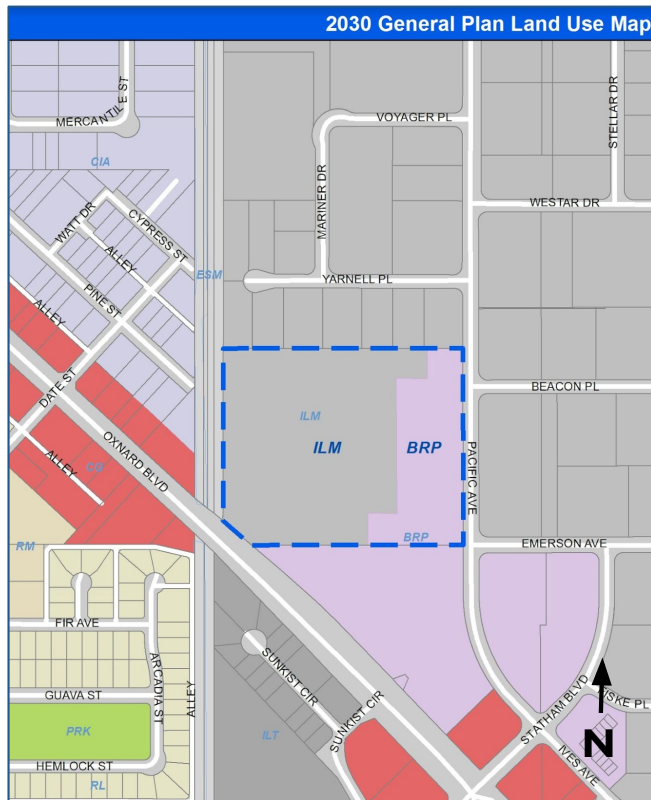


Project Site

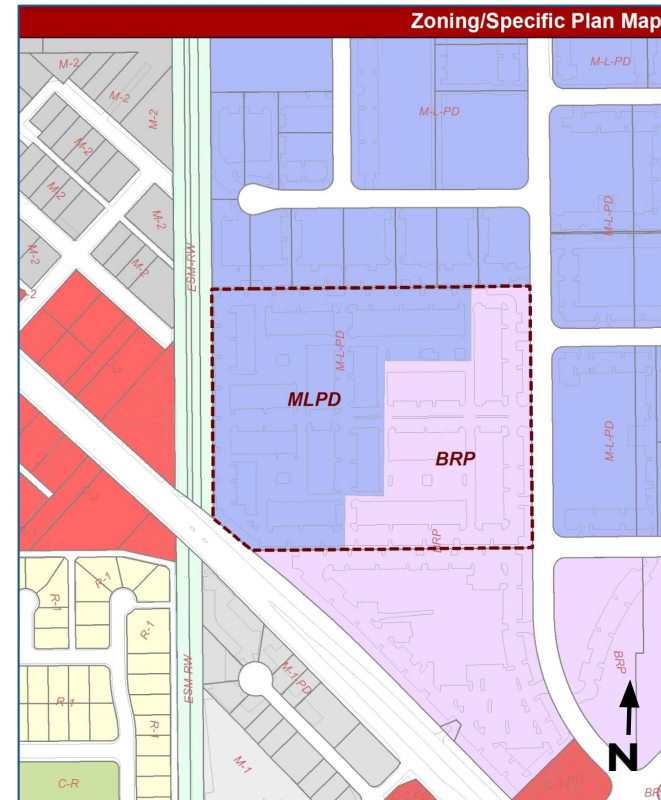


Land Use and Zoning

2030 General Plan:
Business Research Park (BRP)



Zoning Designation:
Business Research Park (BRP)



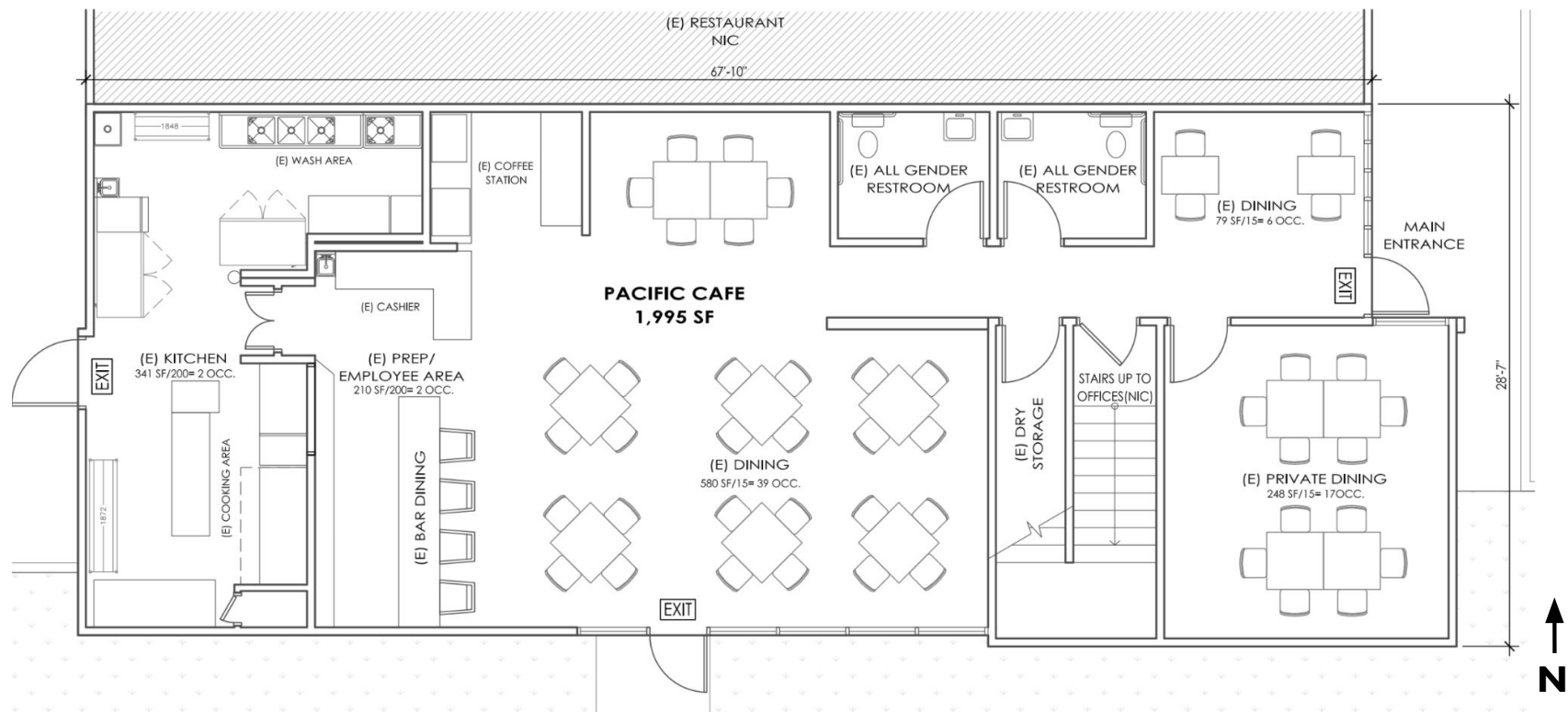
Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	BRP and ILM	BRP and M-L-PD	Multi-Tenant Industrial
North	ILM	M-L-PD	Multi-Tenant Industrial
South	BRP	BRP	Multi-Tenant Industrial
East	ILM	M-L-PD	Manufacturing
West	Easement (ESM)	Easement/ROW (ESM-RW)	Railroad easement

Restaurant Floor Plan

PACIFIC CAFE

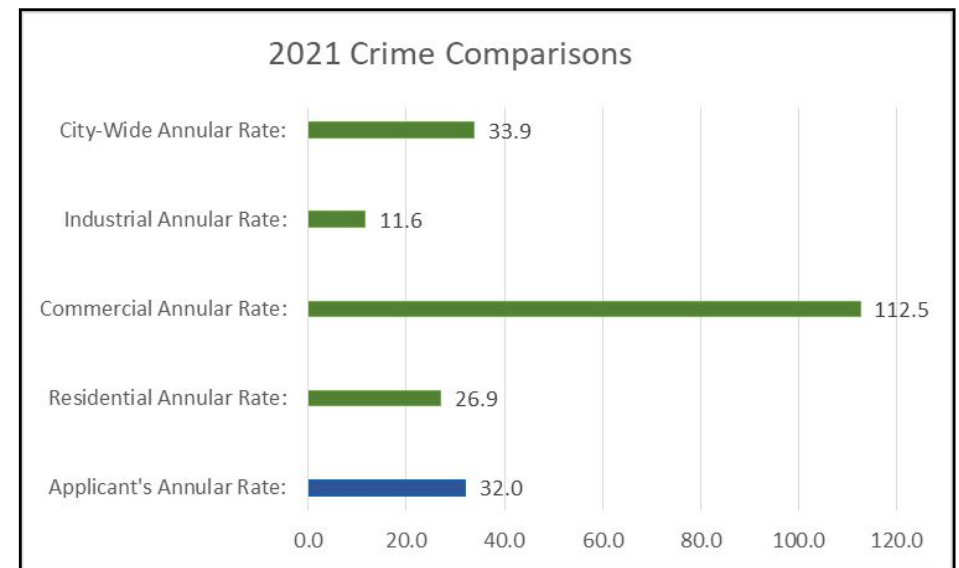
1661 PACIFIC AVE. STE.#11 - OXNARD CA 93033



Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is significantly lower than 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.

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to Cause Police problem?	Undue concentration as defined in Resolution No. 11,896 or Business and Professions Code Section 23958.4?
Mullin Auto Museum 1421 Emerson Ave.	No	No (Type 20)	No, as conditioned	Yes (State)
Oxnard Moose Lodge 1935 S. Oxnard Blvd.	No	No (Type 51)	No, as conditioned	Yes (State)

Findings:

- Crime rate around site is well below commercial average.
- No undue concentration per City standards (350 and 1,000 feet).
- There is an undue concentration per State standards (census tract).
- A Finding of public convenience or necessity is required.

Community Input

Community Input:

- Since the property is not located within a designated neighborhood, a Community Workshop was not held.
- Nearby business operators were contacted regarding this application and proposed operations.
- To date, staff has not received any concerns or public comments regarding the proposed project.



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 10:00 P.M.
- CofA #21:
The premises shall be equipped and maintained in good faith as a bona fide eating establishment.

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

- Notice of PC hearing posted on-site
- Notice of PC hearing sent to surrounding property owners
- To date, no public comments regarding project for an additional alcohol outlet in the area

Staff Recommendation

That the Planning Commission

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Randy Baez, Associate Planner

DATE: June 2, 2022

SUBJECT: **Project Name: Villa Ristorante Alcohol Special Use Permit;** Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol): Located at 1601 South Victoria Avenue, Suite 160-B (APN: 188-0-272-205).

1) Recommendation: That the Planning Commission (“**Commission**”):

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions.

2) Project Description and Applicant: A request to sell beer, wine and distilled spirits (Type 47 ABC License¹) for on-site consumption at a proposed 3,423 square-foot restaurant (Villa Ristorante) with two outdoor patios measuring approximately 350 square-feet each on a 2.6-acre site within the Coastal Planned Unit Community (CPC) zone. The applicant is requesting that alcohol sales and consumption be allowed from 7:00 AM to 1:00 AM. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Matthew Olufs, Designated Agent, on behalf of property owner Seabridge Partners, P.O. Box 15928, Beverly Hills, CA 90209.

Please see the reduced Project plans (Attachment B) for more details.

3) Existing & Surrounding Land Uses: The 2.6-acre Project site is currently developed with an approximately 50,000 square-foot multi-tenant commercial building in an area known as Seabridge, located within the Coastal Planned Unit Community (CPC) zoning

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

districts. The Project site is surrounded by a mixture of commercial and residential. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated below in Exhibit A.

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Planned Unit Development Residential (PUD)	Coastal Planned Unit Community (CPC)	Multi-Tenant Commercial
North	PUD	CPC	Multiple-Family Residential
South	PUD	CPC	Multi-Tenant Commercial
East	Residential Medium (RM)	Garden Apartment - Planned Development (R-3-PD)	Multiple-Family Residential
West	Easement (ESM)	CPC	Easement/Waterways

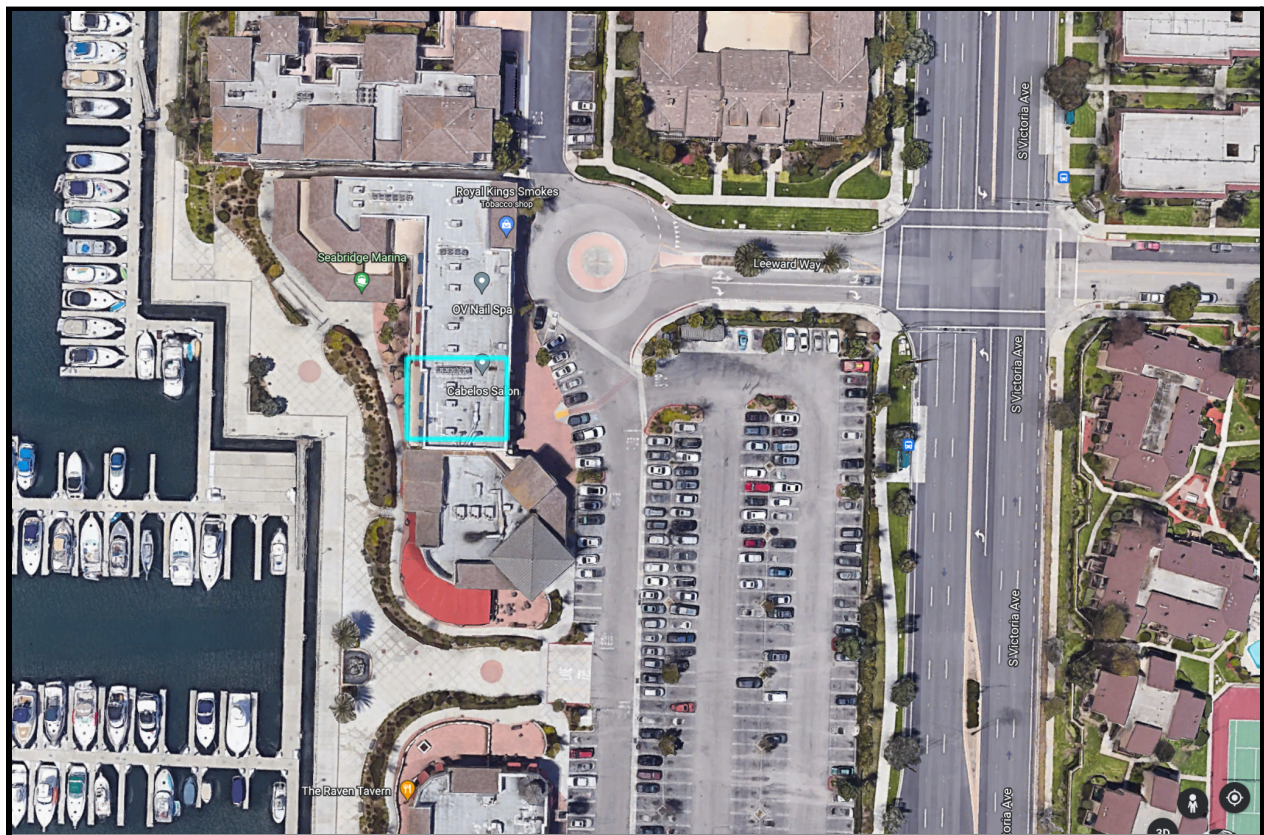


Exhibit A

- 4) Background Information:** On December 5, 2002, the Planning Commission adopted Resolution Nos. 2002-107 and 2002-108, approving and recommending City Council approval of the Tentative Subdivision Map of Tract No. 5266 (PZ 00-5-85); and Development Agreement for Coastal Development Permit 01-500-93. Entitlement applications to subdivide and allow the Seabridge community development which is located on the west side of Victoria Avenue, between Wooley Road and Hemlock Street. The Seabridge development consists of 135-acres that include 32 acres of waterways and 16.5-acres for parks and recreational areas. On January 28, 2003, the City Council adopted Resolution 12,310, approving the Seabridge Tentative Subdivision Map for Tract No. 5266 (PZ 00-5-85) and took action on Ordinance No. 2621 (PZ 02-670-2), approving the Seabridge Development Agreement. The California Coastal Commission subsequently approved Coastal Permit No. A-4-OXN-03-014.

On May 15, 2008, the Planning Commission approved Special Use Permit No. 07-510-13, which allowed for the sale of beer and wine on the subject property. The permit was granted to a pizza restaurant at the subject tenant space and most recently operated as PizzaMan Dan's. PizzaMan Dan's ceased operation in 2021.

5) Environmental Determination:

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

6) Analysis:

- a) **General Discussion:** Villa Ristorante is a new locally-owned restaurant focusing on up-scale Italian cuisine. The business anticipates opening in the late summer of 2022. The Applicant is requesting the approval to allow the sale of beer, wine and distilled spirits for on-site consumption within the existing 3,423 square-foot restaurant. Two outdoor patios measuring approximately 350 square feet each are also proposed, and would allow for consumption of alcoholic beverages (ABC License Type 47). The restaurant will be staffed by 18 employees and will operate from 7:00 a.m. to 1:00 a.m. daily.

Exterior facade improvements are also proposed, and will be reviewed through Minor Modification Permit No. 22-140-09. The Minor Modification permit also includes the proposed two outdoor patios, one near the front entrance and the other at the rear of the tenant space. The front patio will feature a 384 square-foot seating area and will be located adjacent to the 144 square-foot customer waiting area. This will accommodate up to 24 customers, in addition to 2 accessible seating areas. The rear patio is located adjacent to a rear walkway and will accommodate up to 16 customers.

In accordance with the City Code, the ability to sell alcohol for on-site consumption is subject to approval of a SUP by the Planning Commission. The proposed sale of beer, wine and distilled spirits for on-site consumption is accessory to the primary use of the restaurant and conforms to the permitted uses of the CPC.

- b) **General Plan & Zoning Consistency:** The 2030 General Plan designation for the site is Planned Unit Development Residential (PUD) zoning designation. The property is also located within the Mandalay Specific Plan. 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 Coastal Planned Unit Community (CPC) zone district. In accordance with the Oxnard City Code (OCC) Section 16-136 (Related Uses), the sales of alcoholic beverages for on-site consumption are permitted through the 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 problem?	Undue concentration as defined in Resolution No. 11,896 or Business and Professions Code Section 23958.4?
Yolanda's	Yes	Yes (Type 47)	No, as conditioned	Yes (City and State)

1601 S. Victoria Ave. #190				
The Raven Tavern 1651 S. Victoria Ave. #100	Yes	Yes (Type 47)	No, as conditioned	Yes (City and State)
Kitanoya Ramen & Sushi 1651 S. Victoria Ave. #130	No	No (Type 41)	No, as conditioned	Yes (City and State)

Concentration of Alcohol Outlets:

According to the Police report, there are two establishments of the same type located within 350 feet of the Project site. There is also one establishment of a similar ABC License Type 41 (On-Sale Beer & Wine²) within 350 feet of the subject property. The Police Department has determined that there is an undue concentration under City standards.

In the case of the applicant site, as seen in the next section, the annular crime rate is slightly above the average annular citywide rate but within the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC, four on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. Approval of this Alcohol Special Use Permit will establish a finding that the City establishes that the business will serve a public convenience and necessity.

Crime Statistics:

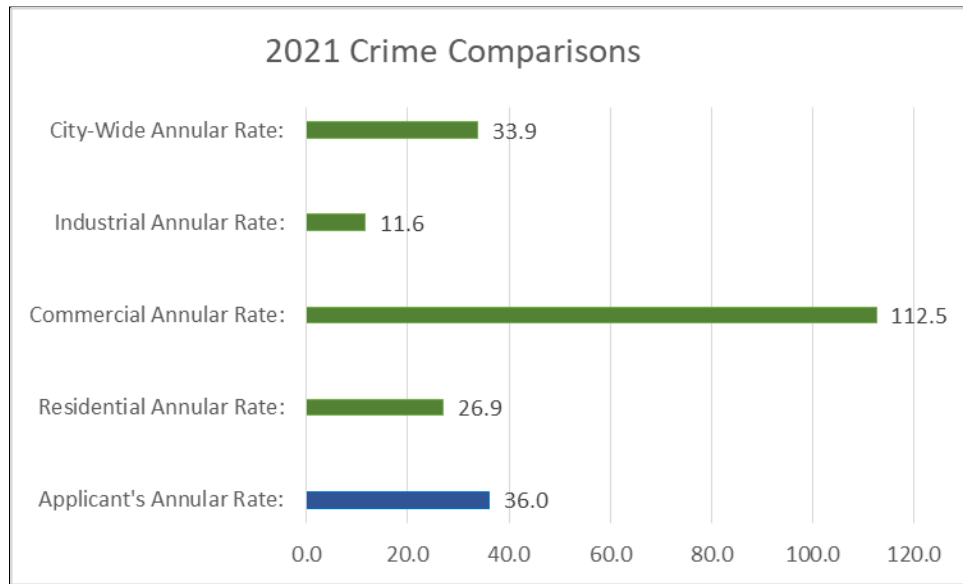
For comparison purposes, the Police Report analyzes the average number of Part I³ crimes and Part II⁴ crimes that occur per reporting district (grid) during a selected twelve month period. In the case of this report, all calculations are based on statistics from 2021. The citywide annular average of Part I and Part II crimes per grid was 33.9. The average number of Part I and II crimes occurring within 1,000 feet annular area was 36 during the same twelve month time period. This is 6.2% of the citywide average for commercial

² ABC License Type 41 - 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.

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.

properties citywide and can best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention. However, the Beat Coordinator indicated that parking in the shopping center is an issue. The Beat Coordinator said oftentimes customers are forced to park in the residential neighborhood across Victoria Avenue. The Beat Coordinator believed that parking may be impacted by “live-a-boards” residing in boats moored in the harbor parking lot intended for retail customers.

Businesses:

Several nearby business operators were contacted and interviewed regarding this business’ request to sell alcohol. Each person interviewed believed the new restaurant would be a good addition to the shopping center. However, each indicated that parking at the center was oftentimes limited. It was believed that the parking availability was tied to vehicles owned by “live-a-boards” who had boats docked in the harbor.

Area Residents:

City Staff contacted the Neighborhood Chairperson and briefed them about the proposed project. They stated that they believed that the restaurant would be a good addition to the shopping center and it would not have an adverse impact in the neighborhood.

Public Convenience or Necessity:

As previously discussed, the site of the proposed establishment is within an area of the City where there is an “undue concentration” of alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and as described in City Council Resolution 11,896. The crime rate established for the area around the business is not seen as a factor relating to the issuance of this permit.

However, the proposed establishment is located where there are three existing alcoholic beverage establishments. Each of these businesses are restaurants in a well-managed shopping center where crime and community safety is not a law enforcement concern. A finding of public convenience can be made for this proposal as the restaurants serve an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal.

As previously noted, the crime rate is below the City-wide average. If there is a presumption of public convenience or necessity to approve this proposal, ABC can override the saturation guidelines and also approve the request. Providing restaurants the ability to serve alcoholic beverages under a strict set of operational conditions supports a fair market and would address any site-specific challenges. As this restaurant would serve employees from the community and nearby businesses, it is reasonable that a full set of services are provided for those who work in or visit the harbor area. For these reasons, approval of this proposed permit serves “Public Convenience or Necessity” for our community.

Conclusion:

If approved, the applicant’s business will operate in a well-established multi-tenant commercial building. The business owner is opening Villa Ristorante as a new business. The same business owner also currently operates The Raven Tavern which is located about 200 feet south of this project site. The Raven Tavern has operated under an ABC Type 47 (beer, wine & distilled spirits) License since April 2020 without any adverse impact on the community, policing services or disciplinary actions by ABC.

During the development of this review, inquiries were made with the applicant concerning the intended business model for Villa Ristorante. During these discussions, the business owner indicated his intent was to operate an upscale Italian restaurant. The original application submittal showed that the planned hours of alcohol sales would be 7 A.M. to 1 A.M. The applicant revised the hours of the business’ operation to 7 A.M. to 11 P.M. Should the applicant desire to operate as a restaurant serving meals and alcoholic beverages past 11 P.M. for a special event, there are provisions under “Special Police

Conditions" that will allow for special one-day extension of hours for special events/activities.

While conducting interviews with nearby business operators and the District Coordinator, it was evident that all had concerns about parking capacity at the center during peak hours. The business owner, who also owns the Raven Tavern at the shopping center has worked with Rod Gietzen, the owner/operator of Yolanda's Mexican Cafe and the property manager to address the parking issue. They were able to work out a plan where each of these businesses would have their employees parking in an underused parking lot in the next commercial center north of the shopping area known as Seabridge.

As mentioned previously, the site of the proposed establishment is within an area of the City where there is an "undue concentration" of alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and as described in City Council Resolution 11,896. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Providing restaurants the ability to serve alcoholic beverages under a strict set of operational conditions supports a fair market and would address any site-specific challenges. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. For these reasons, approval of this proposed permit serves "Public Convenience or Necessity" for our community.

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 sales of alcohol for on-site consumption will have little, if any adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft Resolution of approval (Attachment F) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.

- 7) Community Workshop and Public Input:** This Project is located within the Channel Islands Neighborhood. A Community Workshop was held on May 16, 2022. One member of the public was present at the Community Workshop, but no comments were provided. To date, Staff has not received any additional concerns or public comments regarding the proposed Project.

- 8) Appeal Procedure:** In accordance with OCC 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 Planning Division's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

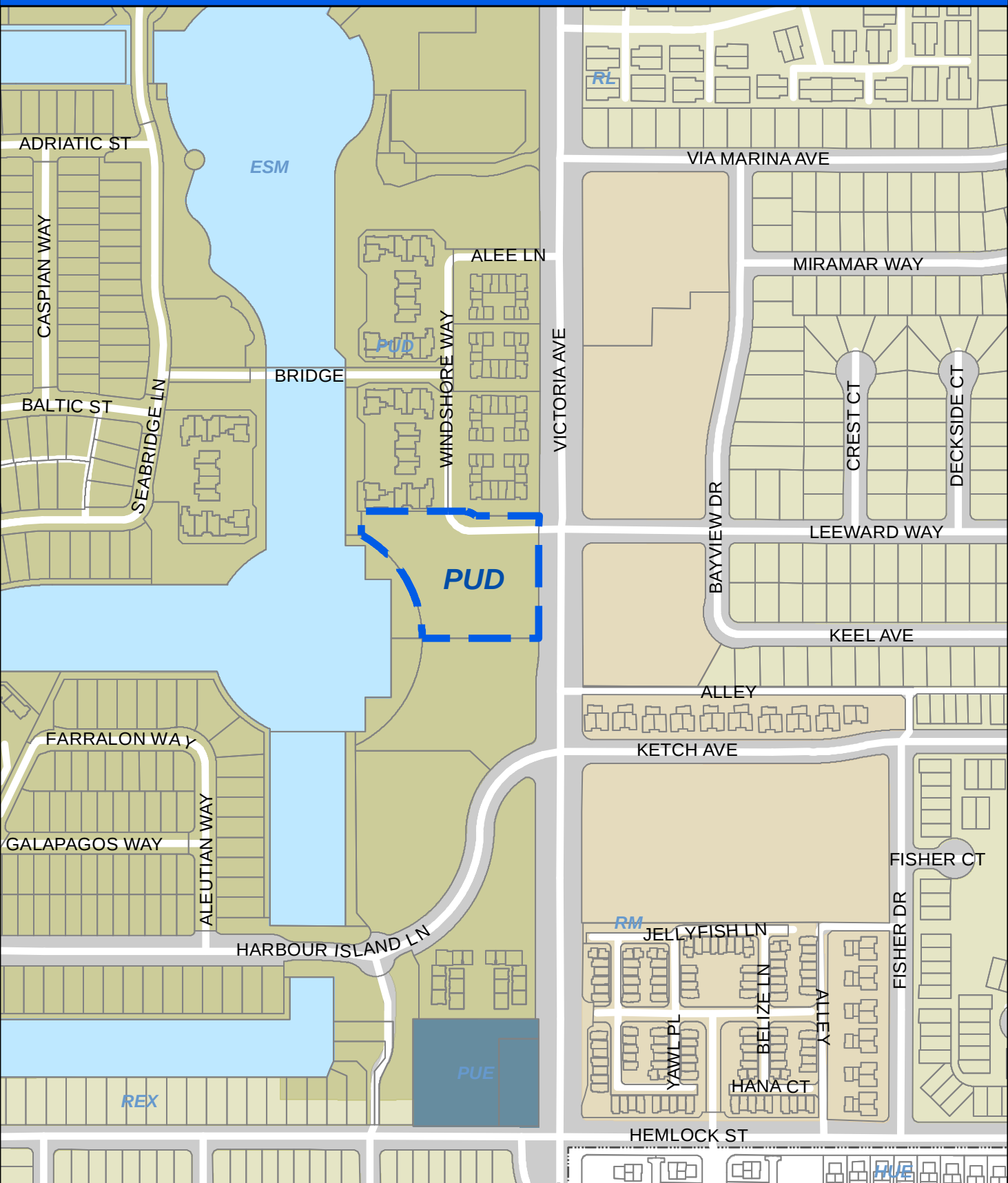
Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval PZ 22-510-02 (Special Use Permit - Alcohol)
- G. Staff Presentation

Vicinity Map

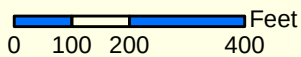


2030 General Plan Land Use Map



Oxnard Planning
May 5, 2022

PZ 22-510-02
Location: 1601 S Victoria Ave
APN: 188027220
Villa Ristorante

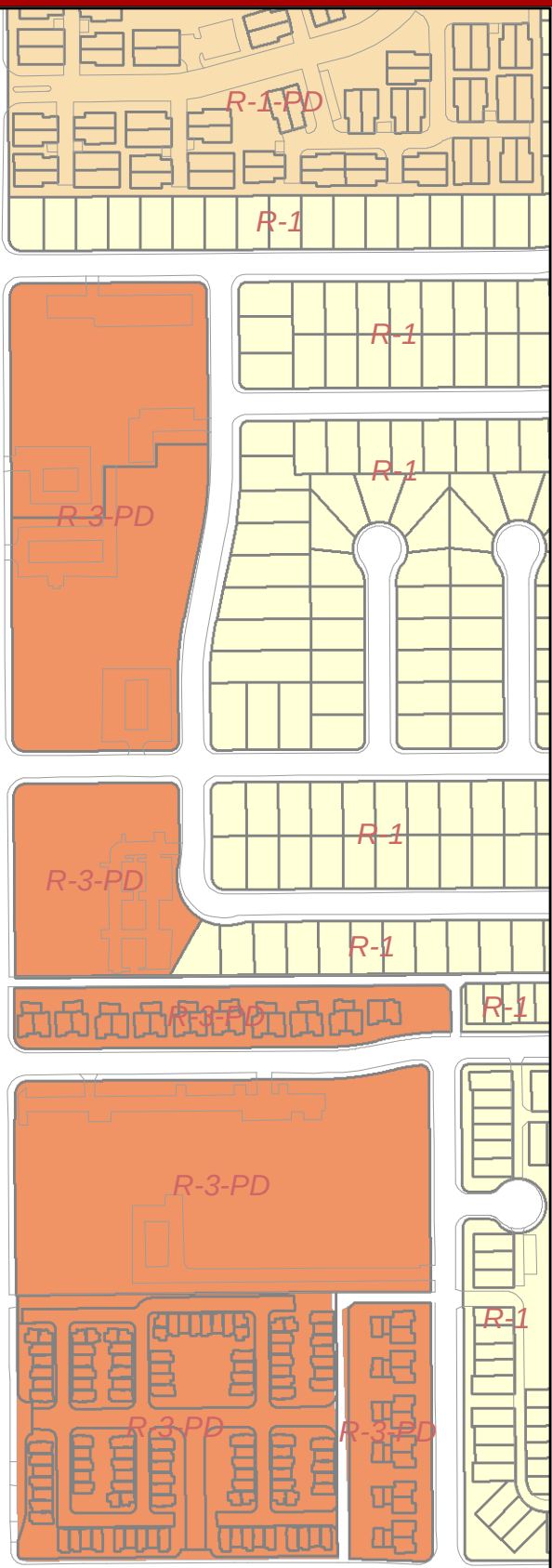
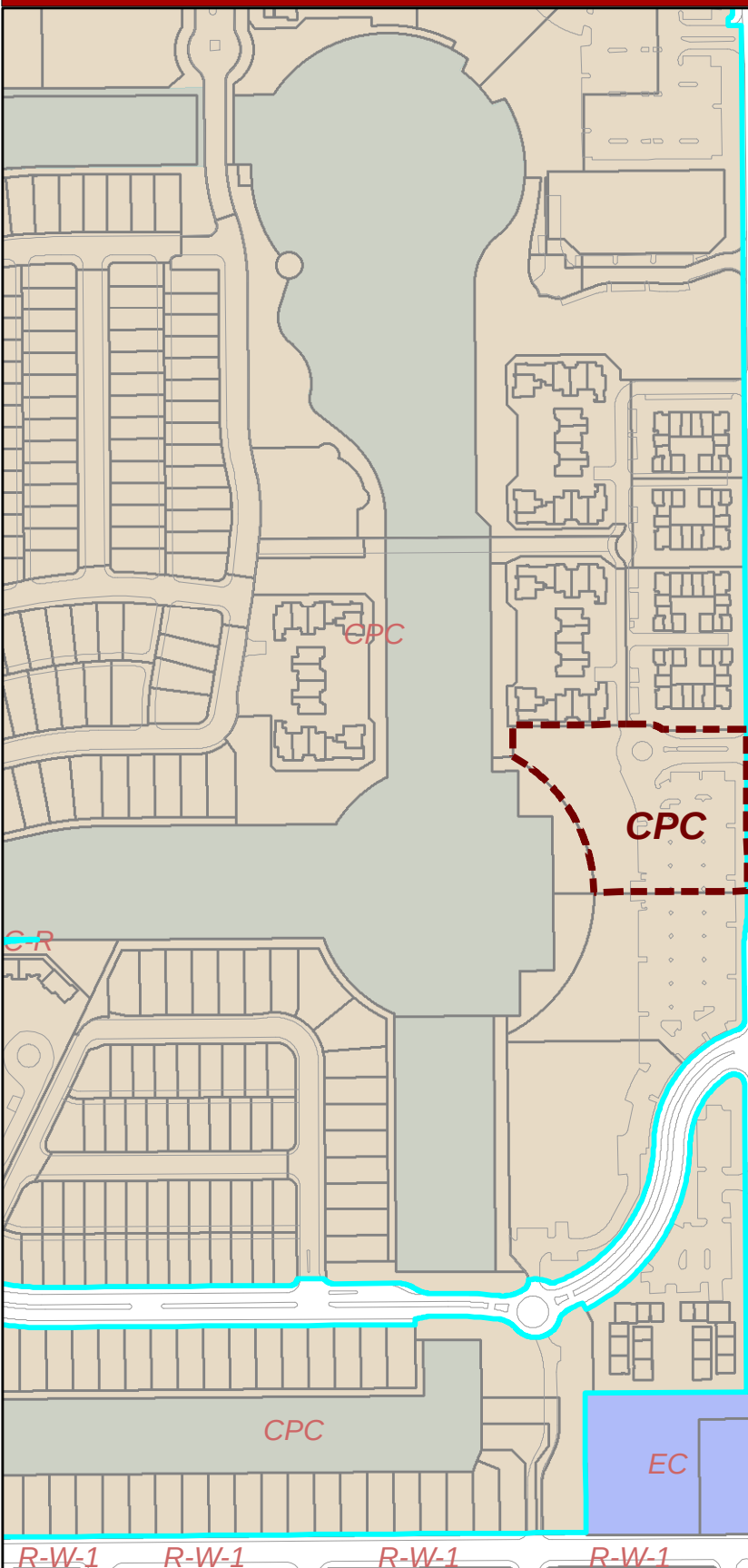


2030 General Plan Land Use Map



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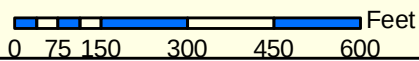
Zoning/Specific Plan Map



Oxnard Planning

May 5, 2022

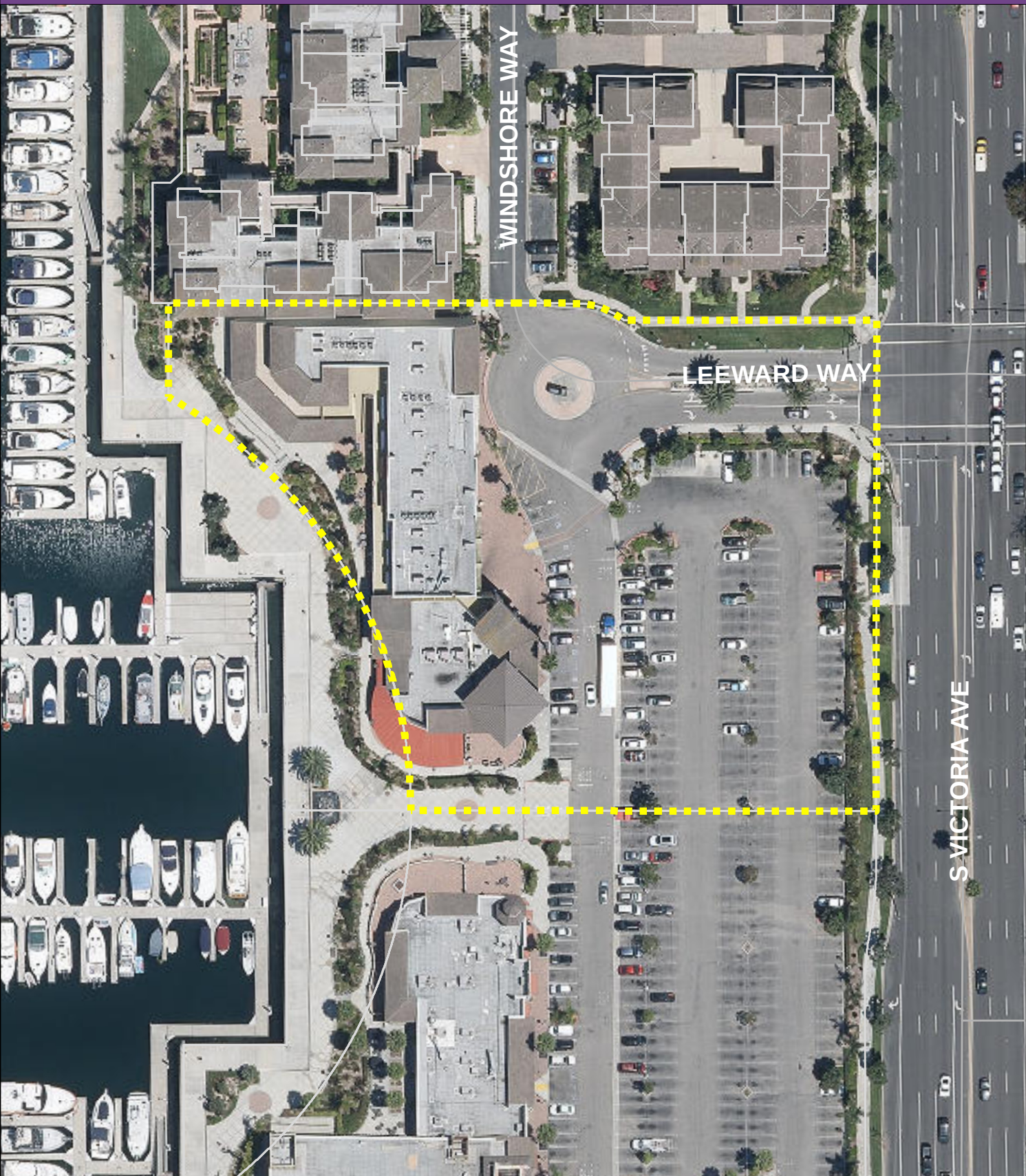
PZ 22-510-02
Location: 1601 S Victoria Ave
APN: 188027220
Villa Ristorante



Zoning/Specific Plan Map



1:4,000

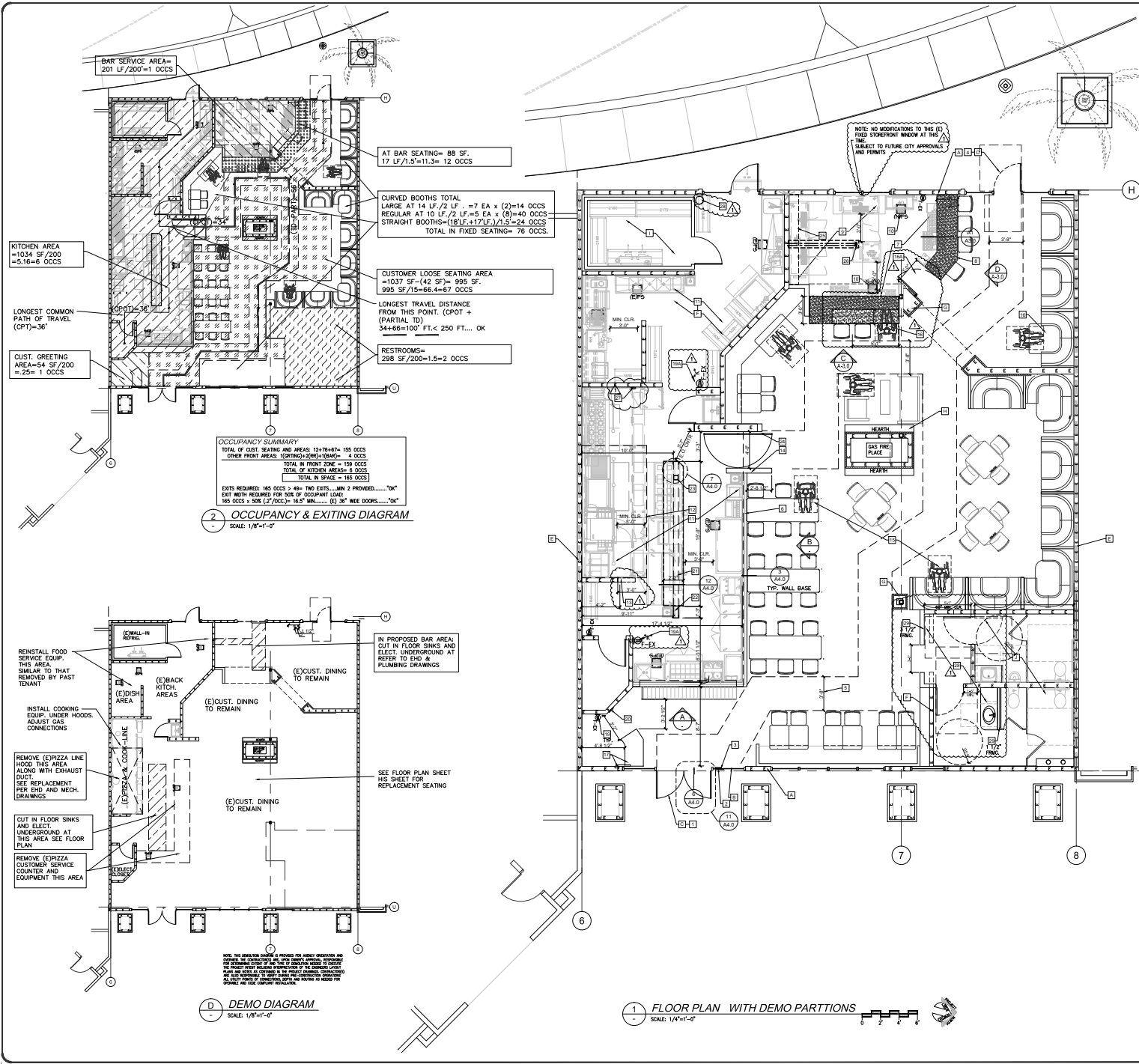


WINDSHORE WAY

LEEWARD WAY

S VICTORIA AVE





- ### FLOOR PLAN KEY NOTES
- EXISTING EXTERIOR WALL: WALL DESCRIPTION & FINISH CALLED OUT ON WALL SCHEDULE.
 - (E) EXTERIOR WINDOWS TO REMAIN
 - (E) ALUM. STOREFRONT DOOR: PRIMARY ENTRY/EXIT
 - (E) ALUM. STOREFRONT DOOR: SECONDARY ENTRY
 - (E) FULL HT. TENANT DEMING WALL
 - (E) INTERIOR PARTITION WALLS AND FINISHES TO REMAIN NO CHANGE UNLESS NOTED
 - (E) INTERIOR BOV WALL FRAMING WITH STONE FACING: FIELD VERIFY ANGLES AND ALIGNMENT FOR INTEGRATION OF BAR INSTALLATION
 - (E) FIRE PLACE WITH SMOKE HEARTH ABOVE (E) CONC. FLOOR SURFACE: NO CHANGE INCLUDING EXISTING STONE VENEER TO REMAIN
 - (E) WALK-IN COOLER TO REMAIN
 - EXISTING RESTROOMS SUBJECT TO MODIFICATION-SEE SHEET A-3.1
- VERIFY OR INSTALL-A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EXTERIOR SIDE OR ON ADJACENT TO THE DOOR STATING THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTERS 1 INCH (25mm) HIGH ON A CONTRASTING BACKGROUND.
 - VERIFY OR INSTALL-UNIVERSAL SIGN OF ACCESSIBILITY THIS LOCATION
 - VERIFY OR INSTALL-TACTILE EXIT SIGNS REQUIRED AT THE FOLLOWING LOCATIONS:
FOR EACH GRADE LEVEL EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORD "EXIT".
 - SECONDARY ENTRY EXIT DOOR: VERIFY OR INSTALL ACCESSIBLE HARDWARE AND PANE BAR EXIT HARDWARE
 - ACCESSIBLE PATH OF TRAVEL: MIN. 3'-8" FROM ENTRY THROUGHOUT FACILITY AND TO ACCESSIBLE TABLE LOCATIONS
 - PARTIAL HT. PARTITION WITH GLASS PANEL: TOP, REFER TO INTERIOR ELEVATIONS AND DETAIL NOTES AT PLAN LOCATION
 - ADDED BAR COUNTERS THESE AREAS:
CONFIRM EXISTING FRAMING AND ADJUSTMENTS FOR COUNTER TOP GUN TO EXISTING. REMOVE FINISH FACING AND TRIM AS NEEDED FOR ANCHORAGE AND EXISTING SANITARY SEAM, CORNERS, AND JOIN LINE
 - LINE OF END REQUIRED SLOTTED ABOVE BAR AND BACK BAR WORK AREA
 - BAR EQUIPMENT SHOWN LIGHTER PER SEPARATELY END APPROVED KITCHEN-FOOD SERVICE PLANS
 - TYP. CAST-IN FLOOR SINK: REFER TO APPROVED END DRAWING FOR POSITIONING. REINFORCEMENT COORDINATE WITH EQUIPMENT LEGS, BASES OR OTHER OBSTRUCTIONS. FOR SLAB REPLACEMENT REFER TO DETAIL # 16/A-4.5
 - MODIFIED OR REPLACED FLOOR SERVICE EQUIPMENT SHOWN LIGHTER PER SEPARATELY END APPROVED KITCHEN-FOOD SERVICE PLANS
 - REPLACE THIS (E)WOOD SYSTEM SHOWN DASHED ABOVE MODIFIED COOK LINE EQUIPMENT REFER TO ARCH. CEILING PLAN AND MISC. DRAWINGS
 - DEMO PORTION OF (E) WALL NON-BEARING WING WALL AS NEEDED TO PROVIDE 36" CLEAR WALK WAY TO FACE OF EQUIPMENT. REFINISH WITH TILE TO MATCH OR FULL WRAP WITH SS. CORNER GUARD
 - THIS WALL FULL HT. TO SOFT.
 - CUSTOMER TABLES & SEATING: NOTE OR OF SEATING MUST BE ADA ACCESSIBLE AND LOCATED ON THE ACCESSIBLE PATH OF TRAVEL IN THE FACILITY. WALL HT. OF TOP SHALL BE 34". SEE DETAIL # 17/A-3.3
 - ACCESSIBLE BAR POSITION: TOP AT MAX. 34" HT. x 60" WIDE AND WITH MIN. OF 18" DEEP KNEE SPACE
 - ACCESSIBLE BAR POSITION: TOP AT MAX. 34" HT. x 60" WIDE AND WITH MIN. OF 18" DEEP KNEE SPACE
 - PROVIDE POWER & CON. JUNCTION BOX FOR TENANTS HOSTED FURNITURE, NOT IF TRANSACTIONS ARE BEING EXCUTED HEAR PROVIDE ACCESSIBLE. HT. TOP AT 34" HT.
 - TYPICAL PLUMBING OR U.G. SLAB REPLACEMENT REEDS TOP THROUGHOUT WHERE OCCURS. REPAIR FLOOR SLAB CUT SURFACES FLUSH WITH EXISTING, NO GAPS OR UNIFORM SURFACES PER E&D REQUIREMENTS FOR FINISHED CONC. FLOORS
 - LOCATION OF SPIN LISTED AND APPROVED FIRE EXTINGUISHERS FOR GENERAL USE. FINAL NUMBER AND LOCATION SUBJECT TO FIRE INSPECTOR FIELD COORDINATION. REFER TO FIRE DEPARTMENT NOTES AT COVER SHEET FOR ADDITIONAL REQUIREMENTS
 - LOCATION OF KITCHEN RATED SPIN LISTED AND APPROVED TYPE K FIRE EXTINGUISHERS. FINAL NUMBER AND LOCATION SUBJECT TO FIRE INSPECTOR FIELD COORDINATION. REFER TO FIRE DEPARTMENT NOTES AT COVER SHEET FOR ADDITIONAL REQUIREMENTS
 - OCCUPANCY POSTING FOR CUSTOMER AREAS "MAXIMUM OCCUPANTS SIGN PER CRC AND LOCAL FIRE AGENCY FOR THESE AREAS."
VERIFY ACTUAL FINAL APPROVED OCCUPANCY COUNT, PHYSICAL SIGN REQUIREMENTS, AND POSTING LOCATION WITH FIELD INSPECTORS OF THE BUILDING AND FIRE DEPARTMENTS PRIOR TO FABRICATION AND MOUNTING.
POSTED OCCUPANCY LIMITS AS NOTED FOR EACH ROOM OF AREA ARE AS CALCULATED ON SHEET A-2.5
 - LINE WALL WITH PASS-OVER SHELF AND FOOD WARMER ABOVE. SEE END APPROVED "T" DRAWINGS
 - EXTEND THIS END FULL HT. TO CEILING FOR PIPE & CONDUIT CHASE
 - LOW END WALL STL. SUPPORT BRACE
 - ELUSION (TWO DIRECTIONS) SELF CENTERING KITCHEN SINK DRG W/AGON PANEL. NOTE: VISION PANEL TO BE 200 SQ. IN. MIN. - SIZE DOOR AS NEEDED TO FIT OPENING
 - BACK-BAR WALL MOUNTED CABINETRY ABOVE SHOWN DASHED
 - SAFETY AND PLACE USE: ELEC. AND CON. CONDUITS STUDIED FOR TENANT EQUIP. COORDINATED PEDESTAL BOX AS NEEDED DICTATED BY EQUIP. BASE AND POC. VERIFY AND COORDINATE WITH CLIENT PRIOR TO INSTALL. REPLACE SLAB CUT PER DET. 16/A-4.5
 - LOCATION OF EXISTING KITCHEN HOODS: ANGUL SYSTEM PULL STATION. CONNECT KITCHEN HOODS: ANGUL SYSTEM TO FIRE ALARM PANEL
 - REMODEL (E) RESTROOM FOR ACCESSIBLE DOOR CLEARANCES AND OTHER ADJUSTMENTS. REFER TO SHEET A-3.1 FOR DETAILED DRAWING
 - ADDED OR ADJUSTED METAL STUD FRAMED INTERIOR PARTITION
- ### WALL TYPE LEGEND
- | SYMBOL | DESCRIPTION |
|---|--|
| (E) EXTERIOR OR PERIMETER PARTITION WALLS TO REMAIN | 1. (E) EXTERIOR OR PERIMETER PARTITION WALLS TO REMAIN |
| (E) INTERIOR DEMING WALLS TO REMAIN (ASSUMED AS 1 HOUR RATED) | 2. (E) INTERIOR DEMING WALLS TO REMAIN (ASSUMED AS 1 HOUR RATED) |
| (E) INTERIOR PARTITIONS, NON-BEARING, NON-RATED TO REMAIN (SHOWN WITH LIGHT LINES) | 3. (E) INTERIOR PARTITIONS, NON-BEARING, NON-RATED TO REMAIN (SHOWN WITH LIGHT LINES) |
| INTERIOR PARTITION WALL: 2 X 4 @ 24" OC WOOD STUD FRAMING. NOTE: WALL 2 X 8 @ 24" OC FLOOR WALL 2 X 8 TYP. X ONE BOTH SIDES & R.T.S. SOUND/THERMAL INSUL. | 4. INTERIOR PARTITION WALL: 2 X 4 @ 24" OC WOOD STUD FRAMING. NOTE: WALL 2 X 8 @ 24" OC FLOOR WALL 2 X 8 TYP. X ONE BOTH SIDES & R.T.S. SOUND/THERMAL INSUL. |
- ### OCCUPANCY & EXITING DIAGRAM
- SCALE: 1/8"=1'-0"
- OCCUPANCY SUMMARY
TOTAL OF EXIST. SEATING AND AREAS: 1217+447= 1664 OCCS
OTHER FRONT AREAS: 1070+1087+1087= 4 OCCS
TOTAL IN FRONT ZONE = 1668 OCCS
TOTAL OF KITCHEN AREAS: 6 OCCS
TOTAL IN SPACE = 1674 OCCS
- EXITS REQUIRED: 165 OCCS > 48" TWO EXITS...MIN 2 PROVIDED... "OK"
EXIT WIDTH REQUIRED FOR SIZE OF OCCUPANT LOAD: 165 OCCS x 508 (L.F. OCCS) = 16.5" MIN. (E) 36" WIDE DOORS... "OK"
- ### DEMO DIAGRAM
- SCALE: 1/8"=1'-0"
- REINSTALL FOOD SERVICE EQUIP. THIS AREA. SIMILAR TO THAT REMOVED BY TENANT
- INSTALL COOKING EQUIP. UNDER HOODS. ADJUST GAS CONNECTIONS
- REMOVE (E)PIZZA LINE HOOD THIS AREA ALONG WITH EXHAUST DUCT. SEE REPLACEMENT PER E&D AND MECH. DRAWINGS
- CUT IN FLOOR SINKS AND ELEC. UNDERGROUND AT THIS AREA SEE FLOOR PLAN
- REMOVE (E)PIZZA CUSTOMER SERVICE COUNTER AND EQUIPMENT THIS AREA
- IN PROPOSED BAR AREA: CUT IN FLOOR SINKS AND ELEC. UNDERGROUND AT REFER TO E&D & PLUMBING DRAWINGS
- SEE FLOOR PLAN SHEET THIS SHEET FOR REPLACEMENT SEATING

Jim McKeown Inc.
ARCHITECT
1801 S. VICTORIA AVE., SUITE 160-B
OXFORD, CA 95055
TEL: (916) 835-2000
FAX: (916) 835-2001
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OXFORD, CA 95055
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WWW.ADPGROUP.COM

WILLA RISTORANTE
RESTAURANT REMODEL FOR BAR INSTALLATION AND KITCHEN EQUIPMENT MODIFICATIONS
1801 S. VICTORIA AVE., SUITE # 160-B
OXFORD, CA 95055

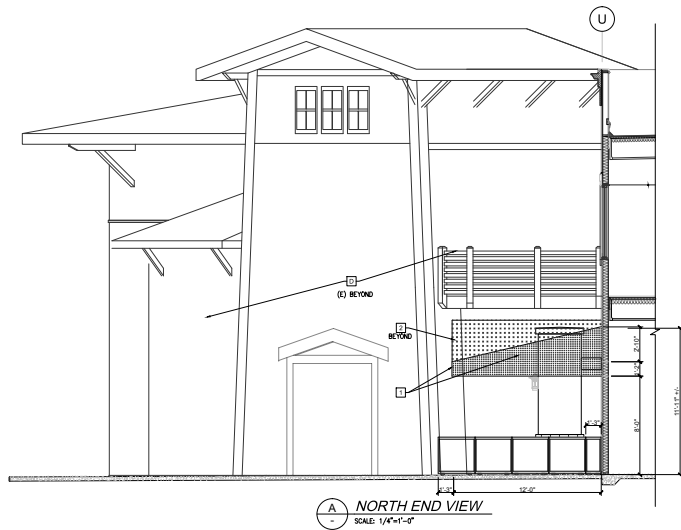
REVISIONS

NO.	DESCRIPTION	DATE
1	B & C RELEASE	01-24-2022
2	ISSUED FOR PERMITS	02-11-22

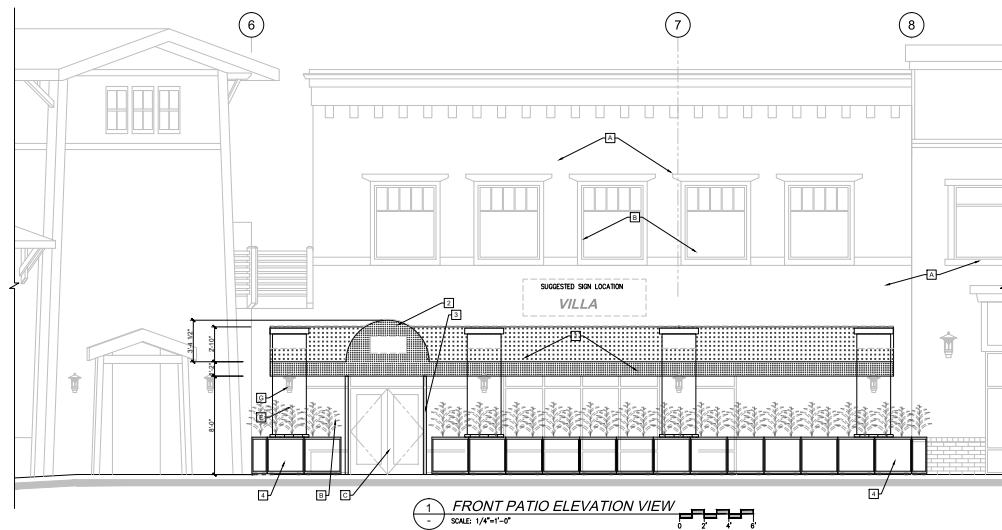
OWNER: CHECKED
PLOT DATE: 01-24-2022
SCALE: PER SCALE BAR
JOB NO.: BASE PLAN
E-FILE

A-2.0

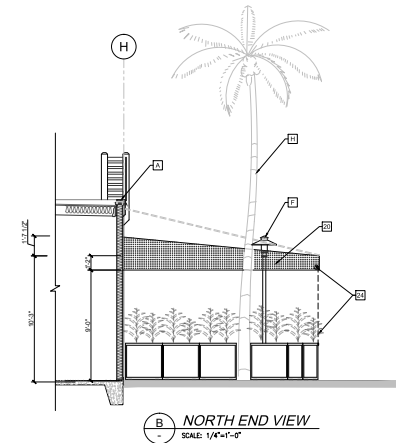
SHEET



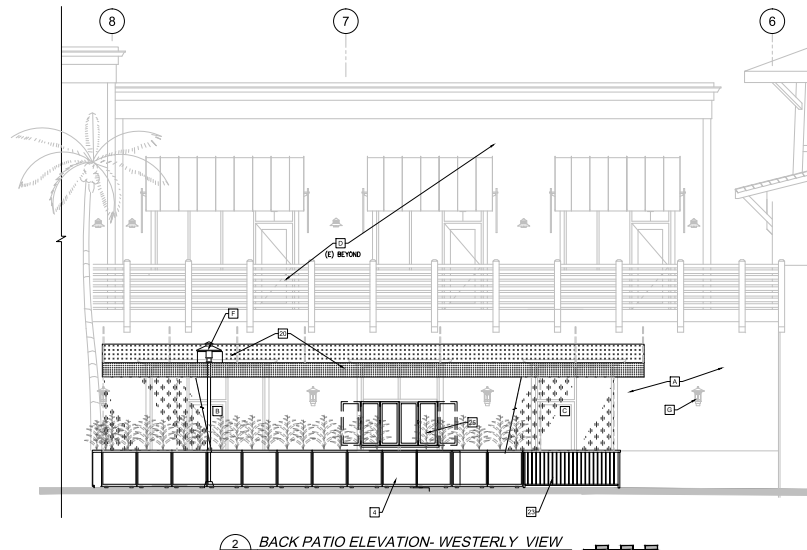
A NORTH END VIEW
SCALE: 1/4"=1'-0"



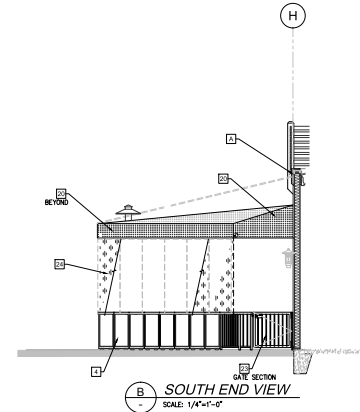
1 FRONT PATIO ELEVATION VIEW
SCALE: 1/4"=1'-0"



B NORTH END VIEW
SCALE: 1/4"=1'-0"



2 BACK PATIO ELEVATION- WESTERLY VIEW
SCALE: 1/4"=1'-0"



B SOUTH END VIEW
SCALE: 1/4"=1'-0"

FLOOR PLAN KEY NOTES

- EXISTING EXTERIOR WALL: PLASTER
- EXISTING WINDOWS TO REMAIN
- ALUM. STOREFRONT DOOR
- BLDG. FACADES BEYOND
- PLASTER & BRICK PLASTERS TO REMAIN
- POLE MOUNTED SITE LIGHT TO REMAIN
- WALL MOUNTED LANTERN STYLE LIGHTING TO REMAIN
- APPROX. 14" DIA. PALM TREE THIS LOCATION
- PROPOSED CANTILEVERED FRONT FABRIC AWNING WITH PERIMETER FRONT EDGE SHORT AND ENDS ON WELDED METAL FRAME
- ARCHED AWNING SECTION FOR ENTRY ACCENT
- APPROX. 3" SQ. METAL SUPPORT POST AT ENTRY ACCENT
- WOOD LOOK PLANTER BOXES ON RAISED BASE FOR PATIO SURFACE DRAINAGE PLANTED WITH ORNAMENTAL BAMBOS TRIMMED TO BOX HEDGE
- PROPOSED CANTILEVERED REAR FABRIC AWNING ON WELDED METAL FRAME WITH PERIMETER FRONT EDGE SHORT AND ENDS ON WELDED METAL FRAME
- FACE 3D AWNING FOLLOWING PLANTER BOXES SET TO CURVE OF PUBLIC WALKWAY
- PAINTED GALV. STEEL SUSPENSION BRACKETS FOR AWNING SUPPORT
- WOOD LOOK PLANTER BOXES ON RAISED BASE FOR PATIO SURFACE DRAINAGE
- WROUGHT IRON PATIO RAILING AND GATE THIS SECTION. HT. MIN. HT. 36" ALIGN WITH PLANTERS
- ROLL DOWN CLEAR GLASS CURTAINS FOR INCIDENT WEATHER WITH ANCHOR BAR AT BOTTOM FOR ANCHORAGE TO PLANTER BOX FRAME
- PROPOSED FOLD-OPEN SERVICE WINDOW INTEGRATED IN (E)ALUM. STOREFRONT WINDOW SYSTEM

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PROVIDED FOR: 02-08-22

PROGRESS
DATE: 02-08-2022

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PROVIDED FOR: 02-08-22

VILLA RISTORANTE
1801 S. VICTORIA AVE., SUITE # 180-B
OXNARD, CA 93035

REVISIONS	DATE
CLIENT INFO - REVIEW	01-11-22
REVIEW RELEASE	02-08-22

PR-2
SHEET

NOTICE OF EXEMPTION

Project Description: **Villa Ristorante Alcohol Special Use Permit;** Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol): A request to sell beer, wine and distilled spirits (Type 47 ABC License) for on-site consumption at a proposed approximately 3,423 square-foot restaurant with two outdoor patios measuring approximately 350 square-feet each, on a 2.6-acre site located at 1601 South Victoria Avenue Suite 160-B (APN: 188-0-272-205) within the Coastal Planned Unit Community (C-P-C) zone. The applicant is requesting that alcohol sales and consumption be allowed from 7:00 AM to 1:00 AM daily, subject to the project conditions. Filed by Matthew Olufs, Designated Agent, on behalf of property owner Seabridge Partners, P.O. Box 15928, Beverly Hills, CA 90209.

Finding:

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

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

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

(Date)

Joe Pearson II, AICP
Interim Planning and Environmental Services
Manager



Police Department

Jason Benites, Chief of Police

May 10, 2022

To: Joe Pearson II, Interim Planning Division Manager
Randy Baez, Associate Planner

From: Marc Amon, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: Villa Restaurant, 1601 S. Victoria Ave., Suite 160
PZ 22-510-02, Alcohol SUP Review (ABC Type 47)

Site Information:

The applicant is proposing an Italian themed restaurant within the Seabridge Shopping Center with outdoor patio dining on both the parking lot side and the marina side of the business. The applicant has already filed an application for an Alcohol Beverage Control (ABC) Type 47¹ License to sell beer, wine and spirits as a restaurant through the ABC lottery process. The application indicates hours of alcohol sales will be 7 A.M. to 1 A.M.

Within the Channel Islands Neighborhood. The area surrounding the shopping center includes the marina on the west side, multi-story residential units to the north, the Via Marina Neighborhood to the east, and additional multi-story housing to the south.

Concentration, Crime and Policing Services

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

¹ *Type 47 On Sale Beer, Wine and Spirits – Eating Place: (Restaurant) Authorizes the sale of beer, wine and spirits for consumption on or off the premises where sold. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.*

² *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*

appropriate, mitigations to address those factors. The below charts identify nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

#	Business Name	Address	A B C T y p e	A S U P	O n / O f f - S a l e	Premise	Alcohol	Alco hol Hour s *
1	Yolandas	1601 S. Victoria Av. #190	47	Y	On	Restaurant	Beer Wine Spirits	7a-1a
2	The Raven Tavern	1651 S. Victoria Av. #100	47	Y	On	Restaurant	Beer Wine Spirits	7a-1a
3	Kitanoya Ramen & Sushi	1651 S Victoria Av. #130	41	Y	On	Restaurant	Beer & Wine	7a-1a

*Alcohol hours reflect period the business is permitted to serve alcohol under State law or by established City conditions.

Alcohol outlets located between 350 Feet and 1000 Feet

None.

City Council Resolution 11, 896 establishes that there is undue concentration if there exists an alcohol establishment of a similar type within 350 feet of the applicant site. As noted on the chart above, there are three existing restaurants with alcohol licenses within 350 feet of the applicant site. This establishes that there is an undue concentration under City standards.

State standards for undue concentration are established under Business and Professions Code Section 23958.4.

(a) For purposes of Section 23958, "undue concentration" means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:

- 1) The applicant premises are located in a crime reporting district⁴ that has a 20 percent greater number of reported crimes, as defined in subdivision c, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.
- 2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.
- 3) As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

In the case of the applicant site, the annular crime rate is slightly above the average annular citywide rate but within the standard established in 23958.4(1) B&P.

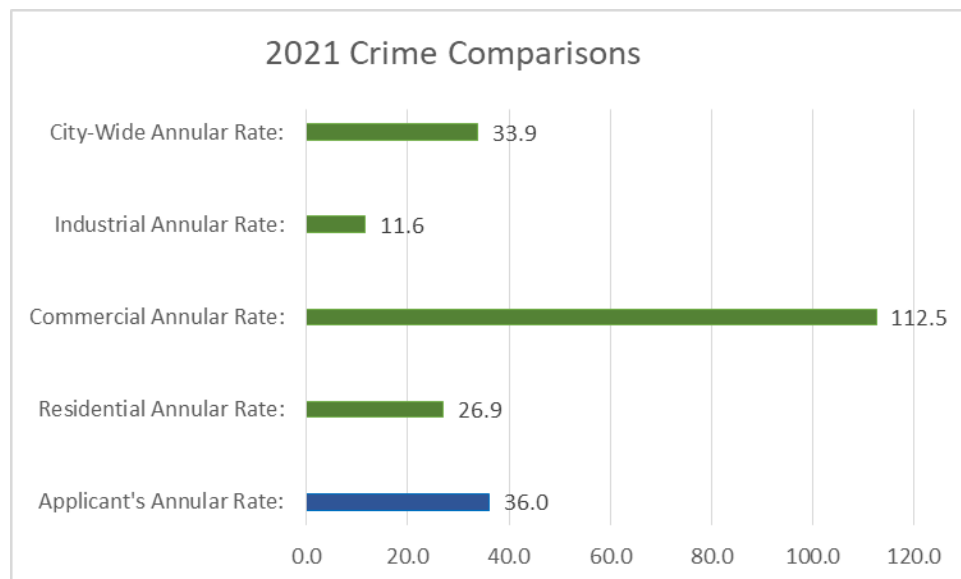
⁴ Oxnard P.D. does not collect crime data based on reporting districts. For the purposes of concentration of alcohol establishments, the crime stats are compared by 1000-foot annular areas.

Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC four on-sale licenses are authorized within this census tract. Therefore, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. Approval of this Alcohol Special Use Permit by the Planning Commission or the City Council will establish a finding that City establishes that the business will serve a public convenience and necessity.

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I⁵ and II⁶ crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2021. The average city-wide, annular average of Part I and II crimes is 33.9.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 36. This slightly higher than the citywide average and can be best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location is not generally considered to be a policing problem and has not required any specific attention. However, he indicated that parking in the shopping center is an issue. He said oftentimes customers are forced to park in the residential neighborhood across

⁵ Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

⁶ 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.

Victoria Avenue. He believed that parking may be impacted by “live-a-boards” residing in boats moored in the harbor parking lot intended for retail customers.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business’ request to sell alcohol. Each person interviewed believed the new restaurant would be a good addition to the shopping center. However, each indicated that parking at the center was oftentimes limited. It was believed that the parking availability was tied to vehicles owned by “live-a-boards” who had boats docked in the harbor.

Area Residents:

I contacted the Neighborhood Chairperson and brief him about the proposed project. He stated that he believed that the restaurant would be a good addition to the shopping center and it would not have an adverse impact in the neighborhood.

Conclusion

The applicant is opening Villa Restaurante as a new business. He currently operates The Raven Tavern which is located about 200 feet south of this project site. The Raven Tavern has operated under an ABC Type 47 (beer, wine & spirits) License since April 2020 without any adverse impact on the community, policing services or disciplinary actions by ABC.

During the development of this review, inquiries were made with the applicant concerning the intended business model for Villa Restaurante. He stated that it would be a “white table cloth – upscale Italian restaurant”. The original application submission showed that the planned hours of alcohol sales would be 7 A.M. to 1 A.M. The applicant revised the hours of the business’ operation to 7 A.M. to 11 P.M. Should the applicant desire to operate as a restaurant serving meals and alcoholic beverages past 11 P.M., there are provisions under “Special Police Conditions” that will allow for special one-day extension of hours for special events/activities.

While conducting interviews with nearby business operators and the District Coordinator, it was evident that all had concerns about parking capacity at the center during peak hours. The applicant, who also owns the Raven Tavern, also at Seabridge, has worked with Rod Gietzen, the owner/operator of Yolanda’s Mexican Café and the property manager to address the parking issue. They were able to work out a plan where these restaurants would have their employees park in an underused parking lot in the next commercial center south of this section of the Seabridge Center. This has been done and it appears that it has improved the parking situation.

Concentration, Public Convenience and Necessity

As previously discussed, the site of the proposed establishment is within an area of the City where there is an “undue concentration” of alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and, as described in City Council Resolution 11,896. The crime rate established for the area around the business is not seen as a factor relating to the issuance of this permit.

However, the proposed establishment is located where there are three existing alcoholic beverage establishments. Each of these businesses are restaurants in a well-managed shopping center where crime and community safety is not a law enforcement concern. A finding of public convenience and necessity can be made for this applicant as the restaurant serves an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair with their meal.

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

On-Sale Restaurant Standard Conditions

RBS Training

1. Permittee, managers and servers shall complete an approved course in Responsible Beverage Service (RBS) sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department within sixty (60) days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department. The ABC website for their RBS training is [Responsible Beverage Service \(RBS\) Training | Alcoholic Beverage Control \(ca.gov\)](https://www.bac.ca.gov/Training/Responsible-Beverage-Service-Training/). The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid. (PL/PD)
2. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and

made available upon the demand of by any representative of the Oxnard Police Department.

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. The business shall have a grease interceptor as required by the Wastewater Division.
7. Permittee shall have a Certified Food Handler on-duty at all times the restaurant is open to support the service of its menu. (PD)
8. 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)
9. The premises shall be equipped and maintained in good faith as a bona fide 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)

10. 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)
11. 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)
12. 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)
13. 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)
14. 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)
15. 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)
16. 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)
17. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

18. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
19. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
20. 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)

Security Features

21. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install and operate 24 hours a day a video surveillance system. The system shall be maintained at a reasonable industry standard to monitor, and, at a minimum monitor, the entrances and exits, and 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. At a minimum one camera shall be dedicated to capture activity in the kitchen.

- j. Cameras shall be located inside as well as outside the premises to monitor general activity.
-
- 22. 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.
 - 23. Prior to the issuance of the Certificate of Occupancy, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Site Plan which shall include the below features.
 - 24. The Security Site Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
 - 25. The Security Site Plan shall include a chart that identifies each camera by an alpha-numeric designation, the make and model of the instrument, the type of camera housing (dome, bullet, discrete), the camera's capture purpose (general area, choke point, point of sale, etc.) and its mounting height above the floor/grade.
 - 26. Identify the nature of all alarm systems including the make, model and type of sensors.

Operational Standards

- 27. All sales of alcohol must include a purchase of food.
- 28. All deliveries that include alcoholic beverages shall require the following:
 - a. The person making the delivery shall be a minimum of 21-years of age and has completed an approved course in Responsible Beverage Sales and Service (RBSS) Training sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department. The RBSS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid.
 - b. Each driver making an alcoholic beverage delivery shall check the identification of the person taking possession of the alcoholic beverage and ensure that the person depicted on the identification is of age and is the person receiving the delivery. The driver shall photograph or scan the identification with an identification scanner to record and verify the age of the person taking receipt of the delivery.
 - c. The permittee shall provide information on any website menu that clearly states that all deliveries that include alcoholic beverages will require the recipient of the alcoholic beverage(s) to present their government issued photo identification as proof of age. Recommended language for on-line menus: "The City of Oxnard requires that the delivery driver be shown a government

issued photo identification of the recipient of all deliveries that include alcoholic beverages.”

- d. The permittee shall require that staff members taking phone orders for delivery of alcoholic beverages shall advise customers of the requirements under subsection “(b)” of this condition.
- e. On-line orders for delivery which include alcohol shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.
- f. All deliveries including alcoholic beverages shall be made to a residence, apartment, or business. Deliveries that include alcoholic beverages shall not be made to parks, parking lots, motor vehicles or similar places open to the general public or in public view.

29. All alcoholic beverages “to go” or for delivery shall be well sealed consistent with industry standards.

30. 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)

31. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

32. 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)

33. 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)

34. Should a suspected crime occur where some part of the event happens within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when in involves:

- a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
- b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
- c. Any theft occurring within the business.

35. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
36. 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)
37. 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)
38. 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)
39. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
40. 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)

Entertainment

41. 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. This provision may be waived under a "Special Event Letter" as outlined under Police Special Conditions.

Signage

42. 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)
43. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.

44. 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)
45. 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

46. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. A bar service window within the building footprint is allowed as long as alcoholic beverages are stored out of reach of customers in the patio side of the window. (PD)
47. 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)
48. Any change in the floorplan as established at the time of the issuance of this permit that may intensify the use or service of alcohol shall require a minor modification permit. Such change would include, but not be limited to increasing the number of seats at a bar, expansion of hours beyond those established in this permit, or the creation of a bandstand or other area for the use of entertainment.

Permit Restrictions

49. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Community Development Director. (PD)
50. 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)
51. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which identifies details the camera system, alarms, guard post orders and other security related matters and policies.

52. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit or hours allowed for dancing under a Dance Permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
- a. Evidence of over-service of alcohol to patrons. This may be established through the annual Place of Last Drink Report issued by the Ventura County Department of Behavioral Health, or, through arrests at or near the business for public intoxication or DUI where the arrestee was a patron of the business.
 - b. Service of an alcoholic beverage to a minor.
 - c. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - d. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and loss statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not include either the calculation of gross alcohol or gross food sales.
53. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their role with the business, their email address and a phone number.
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Police Special Conditions

54. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except under the provisions of a one-day Special Event Letter as listed below:
- a. The permittee may apply for a one-day Special Event Letter up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day, or a private party event) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit and to allow for entertainment. The one-day Special Event Letter may be denied if there has been a documented violation of these conditions during the 12-month period prior to date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.

- b. The request for “Special Event Letter” shall be submitted at least 30-days prior to the event date as an email to specialprojects@oxnardpd.org. The Subject Line of the email shall have the name of the restaurant and the words “Request for a Special Event Letter per Alcohol SUP”. In the body of email provide the date, hours and type of event and contact name and phone number for the business owner or manager.
 - c. Music or other amplified sound shall not be audible outside the business’ licensed/permitted alcohol footprint.
 - d. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
 - e. The Special Event Letter request will be reviewed by the designee of the Chief of Police. An approval or denial letter may take as long as 7-days to be returned by email to the business. The business shall have a paper copy of the approval letter at the business during the event and present it to any representative of the Oxnard Police Department upon request.
 - f. The Special Event Letter and its authorized activities may be suspended by any police field supervisor or at the direction of the Police Watch Commander for any reason.
55. Persons under the age of 21 shall be prohibited from sitting at the bar. A minimum of two “table signs” shall state: “No one under 21 years of age shall sit at the bar”.
56. Entertainment shall not be permitted as described in City Ordinance 11-185 through 11-188 except by a one-day temporary use permit. Such permits will be limited to six days per calendar year. Said permits, if issued, may, at the discretion of the Oxnard Police Department, extend the hours of alcohol sales beyond the hours listed in this permit. The Oxnard Police Department reserves the right to decline a one-day temporary use permit for any reason.
57. This permit may be modified by submitting for a minor modification, paying appropriate fees, and receiving administrative approval from the Director of Development Services.

58. The patio shall be surrounded by a barrier which consists on of these design features:

- a. A 42-inch tall fence accompanied by a landscape feature which measures 18-inches deep as measured from the fence. This landscape feature shall have plantings that are between 12 and 42 inches in height. The landscape strip shall parallel 75% of the fence line not counting gates.
 - b. A 60-inch tall fence where, at a minimum, the top 18-inches consists primarily of a clear glass, plexiglass, or other similar material. The clear panels shall meet or exceed industry safety standards for similar applications.
 - c. Each patio gate shall have a sign on or near its exterior side stating: "Do Not Enter – Exit Only".
 - d. Each patio gate shall have a sign on or near its interior side stating: "No Alcoholic Beverages Beyond This Point".
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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11.896

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

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

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

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

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

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

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

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

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

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

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

1. City Council Resolution No. 8597 is repealed.

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

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

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

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

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

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

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

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

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

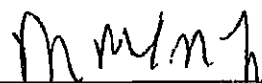
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

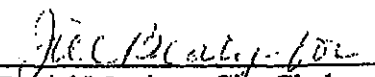
ABSENT: None.



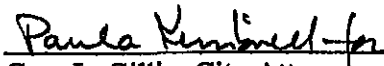
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2022 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-510-02 (SPECIAL USE PERMIT - ALCOHOL), A REQUEST TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 47 ABC LICENSE) FOR ON-SITE CONSUMPTION AT A PROPOSED APPROXIMATELY 3,423 SQUARE-FOOT RESTAURANT WITH TWO OUTDOOR PATIOS MEASURING APPROXIMATELY 350 SQUARE FEET EACH, ON A 2.6-ACRE SITE LOCATED AT 1601 SOUTH VICTORIA AVENUE SUITE 160-B (APN: 188-0-272-205) WITHIN THE COASTAL PLANNED UNIT COMMUNITY (C-P-C) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MATTHEW OLUFS, DESIGNATED AGENT, ON BEHALF OF PROPERTY OWNER SEABRIDGE PARTNERS, P.O. BOX 15928, BEVERLY HILLS, CA 90209.

WHEREAS, on April 18, 2022, Matthew Olufs, (the “**Applicant**”) on behalf of property owner Seabridge Partners, submitted a request to allow the sale of beer, wine and distilled spirits (Type 47 ABC License) for on-site consumption at a proposed 3,423 square-foot restaurant (Villa Ristorante) at 1601 South Victoria Avenue, Suite 160-B; and

WHEREAS, on June 2, 2022, 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. 22-510-02 (Special Use Permit - Alcohol), filed by Matthew Olufs in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

The project site is located within the 2030 General Plan land use designation of Planned Unit Development (PUD) and the zoning designation is Coastal Planned Unit Community (CPC). The Project is surrounded by commercial and residential development. The project site and adjacent sites do not contain any

known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

The proposed Special Use Permit request for alcohol is consistent with the 2030 General Plan and the Oxnard City Code and is compatible with 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 to allow for the sale of 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 residential and commercial development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

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

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

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

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

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

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. The approximately 50,000 square-foot multi-tenant commercial building was originally constructed in the early 2000s. Furthermore, no physical improvements are proposed with this permit. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the Coastal Planned Unit Community (CPC) zoning district, with 2030 General Plan designations of Planned Unit Development Residential (PUD). The proposed 3,423 square-foot restaurant and request to sell beer, wine and distilled spirits for on-site consumption (ABC License Type 47) is consistent with the General Plan and zoning designation. The ability to sell alcohol for a restaurant is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC). Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer, wine, and distilled spirits for on-site consumption for a proposed restaurant within an existing commercial building. According to the Police report, there are two establishments of the same type located within 350 feet of the Project site. There is also one establishment of a similar ABC License Type 41 within 350 feet of the subject property.

The Police Department has determined that based on the proximity of the businesses listed, there is not an undue concentration under the established City Standards.

In the case of the applicant site, as seen in Finding 7, the annular crime rate is below the average annular citywide rate, but above the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are seven on-sale licenses within the applicant's census tract. According to the ABC, four on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

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, wine, and distilled spirits) sales will occur within an existing interior dining area that is adequate for the proposed sales. The proposed project also proposes to add two exterior, approximately 350 square-foot patios which will also allow for the consumption of alcoholic beverages. 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 Victoria Avenue, which connects to multiple arterial streets. 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 project site has a slightly above-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 establishments of the same type located within 350 feet of the Project site. There is also one establishment of a similar ABC License Type 41 (On-Sale Beer & Wine) within 350 feet of the subject property. The Police Department has determined that there is an undue concentration by City standards.

The annular crime rate is slightly above the average annular citywide rate, but within the standard established in the California Business and Professions Code Section 23958.4(1).

Currently there are seven other on-sale licenses within the applicant's census tract. According to the ABC, four on-sale licenses are permitted within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

As previously noted, the crime rate is below the City-wide average. If there is a presumption of public convenience or necessity to approve this proposal, ABC can override the saturation guidelines and also approve the request. Providing restaurants the ability to serve alcoholic beverages under a strict set of operational conditions supports a fair market and would address any site-specific challenges. As this restaurant would serve employees from the community and nearby businesses, it is reasonable that a full set of services are provided for those who work in or visit the harbor area. 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 consumption within an existing multi-tenant commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 22-510-02 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated June 2, 2022, (“the plans”) on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).
3. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).
4. Applicant agrees, as a condition of adoption of this resolution, at Applicant’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).

5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).
6. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).
7. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, *G-10*).
8. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the Project property (FD, *G-12*).
9. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the Project property, except as provided in a permit issued by the Fire Chief (FD, *G-13*).
10. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the Oxnard City Code (CA, *G-14*).

PLANNING DIVISION SPECIAL CONDITIONS

11. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a License Type 47 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).
12. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.

POLICE DEPARTMENT STANDARD CONDITION

RBS Training

13. Permittee, managers and servers shall complete an approved course in Responsible Beverage Service (RBS) sponsored or approved by either the California Department of

Alcohol Beverage Control or the Chief of the Oxnard Police Department within sixty days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department. The ABC website for their RBS training is <https://www.abc.ca.gov/education/rbs/>. The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid (PL/PD).

14. A copy of these conditions and a log of employees who have completed Responsible Beverage Service Training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department (PL/PD).

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", Condition #66*) (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, 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)
18. The business shall have a grease interceptor as required by the Wastewater Division.
19. 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)
20. 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)
21. The premises shall be equipped and maintained in good faith as a bona fide 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 of

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)

22. 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 a similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
23. 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)
24. 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.
25. 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)
26. Employees involved in the sale or the 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)
27. 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)

28. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter in the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
29. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
30. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
31. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. (PD)
32. 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)

Security Features

33. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install and operate 24 hours a day a video surveillance system. The system shall be maintained at a reasonable industry standard to monitor, and, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:
 - a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.

- g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door or entrance to the 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. At a minimum one camera shall be dedicated to capture activity in the kitchen.
 - j. Cameras shall be located inside as well as outside the premises to monitor general activity.
- 34. 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.
- 35. Prior to the issuance of the Certificate of Occupancy, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Site Plan shall include the below features.
- 36. The Security Site Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
- 37. The Security Site Plan shall include a chart that identifies each camera by an alpha-numeric designation, the make and model of the instrument, the type of camera housing (dome, bullet, discrete), the camera's capture purpose (general area, choke point, point of sale, etc.) and its mounting height above the floor/grade.
- 38. Identify the nature of all alarm systems including the make, model and type of sensors.

Operational Standards

- 39. All sales of alcohol must include a purchase of food.
- 40. All deliveries that include alcoholic beverages shall require the following:
 - a. The person making the delivery shall be a minimum of 21-years of age and has completed an approved course in Responsible Beverage Sales and Services (RBSS) Training sponsored or approved by either the California Department of Alcohol Beverage Control or the Chief of the Oxnard Police Department. The RBSS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid.
 - b. Each driver making an alcoholic beverage delivery shall check the identification of the person taking possession of the alcoholic beverage and ensure that the person depicted on the identification is of age and is the person receiving the delivery. The

- driver shall photograph or scan the identification with an identification scanner to record and verify the age of the person taking receipt of the delivery.
- c. The permittee shall provide information on any website menu that clearly states that all deliveries that include alcoholic beverages will require the recipient of the alcoholic beverage(s) to present their government issued photo identification as proof of age. Recommended language for on-line menus: “The City of Oxnard requires that the delivery driver be shown a government issued photo identification of the recipient of all deliveries that include alcoholic beverages.”
 - d. The permittee shall require that staff members taking phone orders for delivery of alcoholic beverages shall advise customers of the requirements under subsection “(b)” of this condition.
 - e. On-line orders for delivery which include alcohol shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.
 - f. All deliveries including alcoholic beverages shall be made to a residence, apartment, or business. Deliveries that include alcoholic beverages shall not be made to parks, parking lots, motor vehicles or similar places open to the general public or in public view.
41. All alcoholic beverages “to go” or for delivery shall be well sealed consistent with industry standards.
42. 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)
43. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.
44. 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)
45. 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)
46. 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.
47. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm) (PD)
48. 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)
49. 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)
50. 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)
51. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
52. 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)

Entertainment

53. 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. This provision may be waived under a "Special Event Letter" as outlined under Police Special Conditions.

Signage

54. 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)

55. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.
56. 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)
57. Prominent signs shall be posted throughout the business stating, 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

58. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. A bar service window within the building footprint is allowed as long as alcoholic beverages are stored out of reach of customers in the patio side of the window. (PD)
59. 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. (PL/PD)
60. Any change in the floor plan as established at the time of the issuance of this permit that may intensify the use or service of alcohol shall require a minor modification permit. Such change would include, but not be limited to increasing the number of seats at a bar, expansion of hours beyond those established in this permit, or the creation of a bandstand or other area for the use of entertainment. (PD)

Permit Restrictions

61. 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 and the Community Development Director. (PD)
62. 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)

63. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which identifies and details the camera system, alarms, guard post orders and other security related matters and policies.
64. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit or hours allowed for dancing under a Dance Permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
- a. Evidence of over-service of alcohol to patrons. This may be established through data from the Place of Last Drink Report issued by the Ventura County Department of Behavioral Health, or, through arrests at or near the business for public intoxication or DUI where the arrestee was a patron of the business.
 - b. Service of an alcoholic beverage to a minor.
 - c. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - d. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and loss statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not include either the calculation of gross alcohol or gross food sales.
65. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their role with the business, their email address and a phone number.

POLICE SPECIAL CONDITIONS

66. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except under the provisions of a one-day Special Event Letter as listed below:
- a. The permittee may apply for a one-day Special Event letter up to six times in a calendar year to accommodate special activities (ie: New Year's Eve, Mother's Day, or a private party event) to expand the hours of operation and alcohol service beyond the hours identified in the conditions of this permit and to allow for entertainment. The one-day Special Event Letter may be denied if there has been a documented violation of these conditions during the 12-month period prior to date of the planned one-day event or any other circumstance where it is believed that the event would disturb neighboring uses or require additional police resources to monitor the event.
 - b. The request for "Special Event Letter" shall be submitted at least 30-days prior to the event date as an email to specialprojects@oxnardpd.org. The Subject Line of the email shall have the name of the restaurant and the words "Request for a

Special Event Letter per Alcohol SUP". In the body of email provide the date, hours and type of event and contact name and phone number for the business owner or manager.

- c. Music or other amplified sound shall not be audible outside the business' licensed/permitted alcohol footprint.
 - d. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
 - e. The Special Event Letter request will be reviewed by the designee of the Chief of Police. An approval or denial letter may take as long as 7-days to be returned by email to the business. The business shall have a paper copy of the approval letter at the business during the event and present it to any representative of the Oxnard Police Department upon request.
 - f. The Special Event Letter and its authorized activities may be suspended by any police field supervisor or at the direction of the Police Water Commander for any reason.
67. Persons under the age of 21 shall be prohibited from sitting at the bar. A minimum of two "table signs" shall state: "No one under 21 years of age shall sit at the bar."
68. Entertainment shall not be permitted as described in City Ordinance 11-185 through 11-188 except by a one-day temporary use permit. Such permits will be limited to six days per calendar year. Said permits, if issued, may, at the discretion of the Oxnard Police Department, extend the hours of alcohol sales beyond the hours listed in this permit. The Oxnard Police Department reserves the right to decline a one-day temporary use permit for any reason.
69. This permit may be modified by submitting for a minor modification, paying appropriate fees, and receiving administrative approval from the Director of Development Services.
70. The patio shall be surrounded by a barrier which consists on of these design features:
- a. A 42-inch tall fence accompanied by a landscape feature which measures 18-inches deep as measured from the fence. This landscape feature shall have plantings that are between 12 and 42 inches in height. The landscape strip shall parallel 75% of the fence line not counting gates.

- b. A 60-inch tall fence where, at a minimum, the top 18-inches consists primarily of a clear glass, plexiglass, or other similar material. The clear panels shall meet or exceed industry safety standards for similar applications.
- c. Each patio gate shall have a sign on or near its exterior side stating: "Do No Enter - Exit Only."
- d. Each patio gate shall have a sign on or near its interior side stating: "No Alcoholic Beverages Beyond This Point."

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of June 2022, by the following vote:

Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of June 2022, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

City of Oxnard Planning Commission

June 2, 2022

Villa Ristorante Alcohol Special Use Permit
1601 South Victoria Avenue 160-B
PZ 22-510-02
(Special Use Permit - Alcohol)

Applicant: Matthew Olufs

Project Description

A request for approval of a Special Use Permit (SUP) to sell beer, wine, and distilled spirits for on-sale consumption (Alcohol Beverage Control (ABC) License Type 47) at an existing 3,423 square-foot commercial suite within a multi-tenant commercial building for a proposed restaurant.

Alcohol service would be limited to the hours of 7:00 a.m. to 11:00 p.m. daily, with the exception of special events approved by the Police Department.

Exterior modifications are also proposed, but will be reviewed through Minor Modification Permit No. 22-140-09, which include adding 2 new outdoor patios.

Background

2002-03: The Planning Commission and City Council approved Tentative Map 5266 and Coastal Development Permit 01-500-93, for the construction of the Seabridge Marketplace.

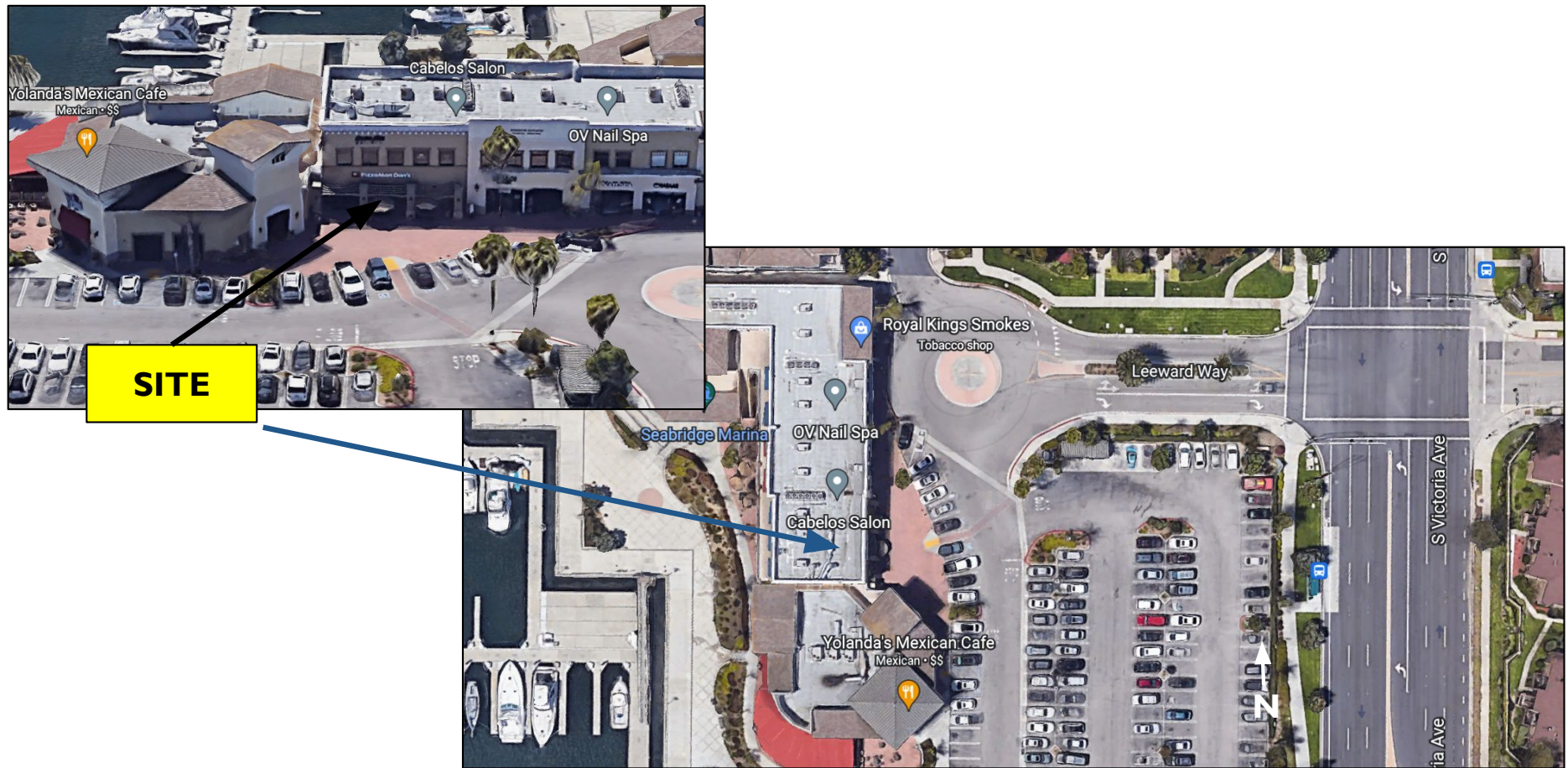
2008: the Planning Commission approved Special Use Permit No. 07-510-13, which allowed for the sale of beer and wine on the subject property.

2021: PizzaMan Dan's ceased operation.

Project Location

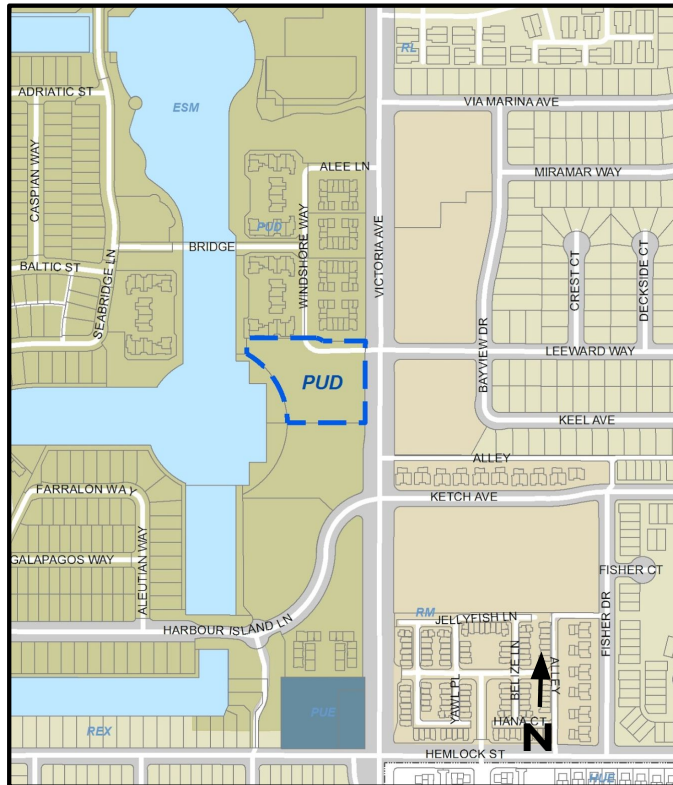


Project Site

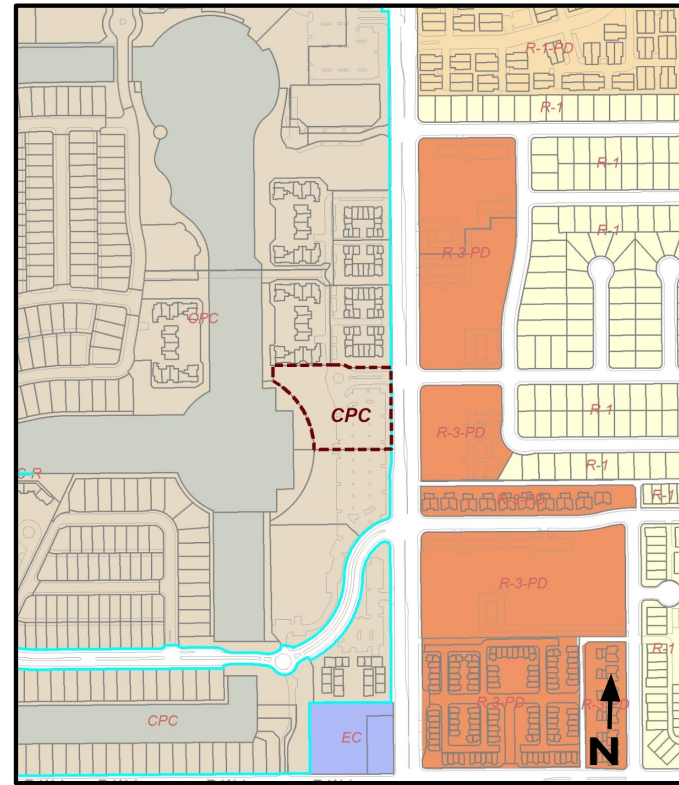


Land Use and Zoning

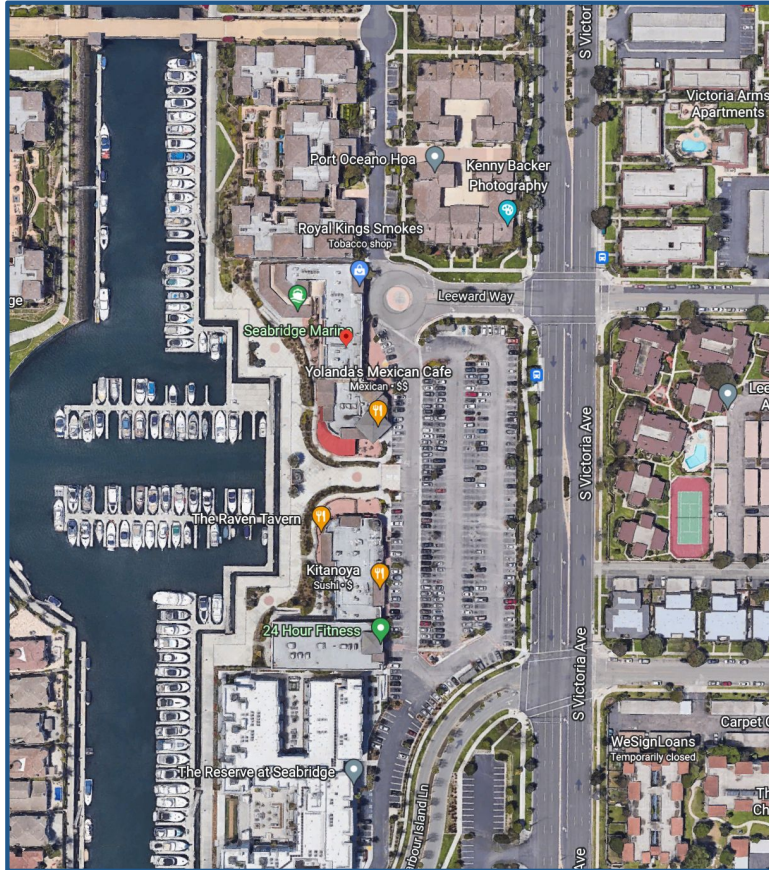
2030 General Plan:
Planned Unit Development (PUD)



Zoning Designation:
Coastal Planned Community (CPC)

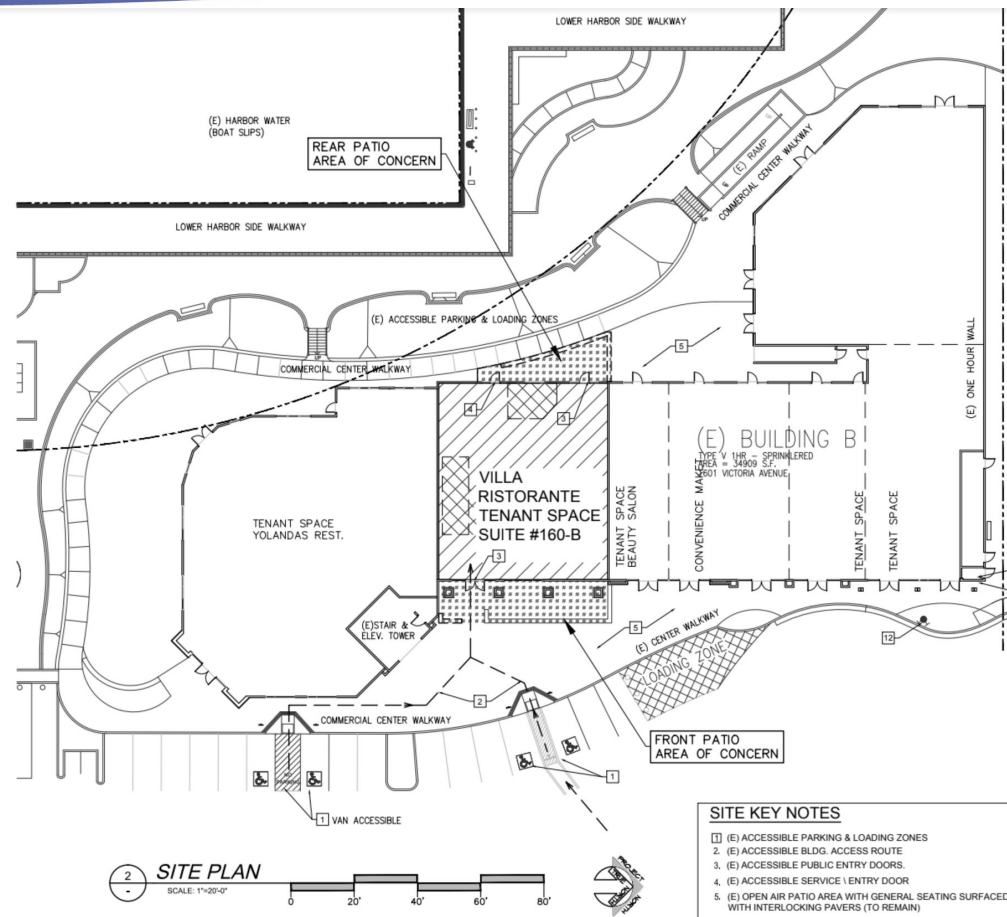


Surrounding Land Uses

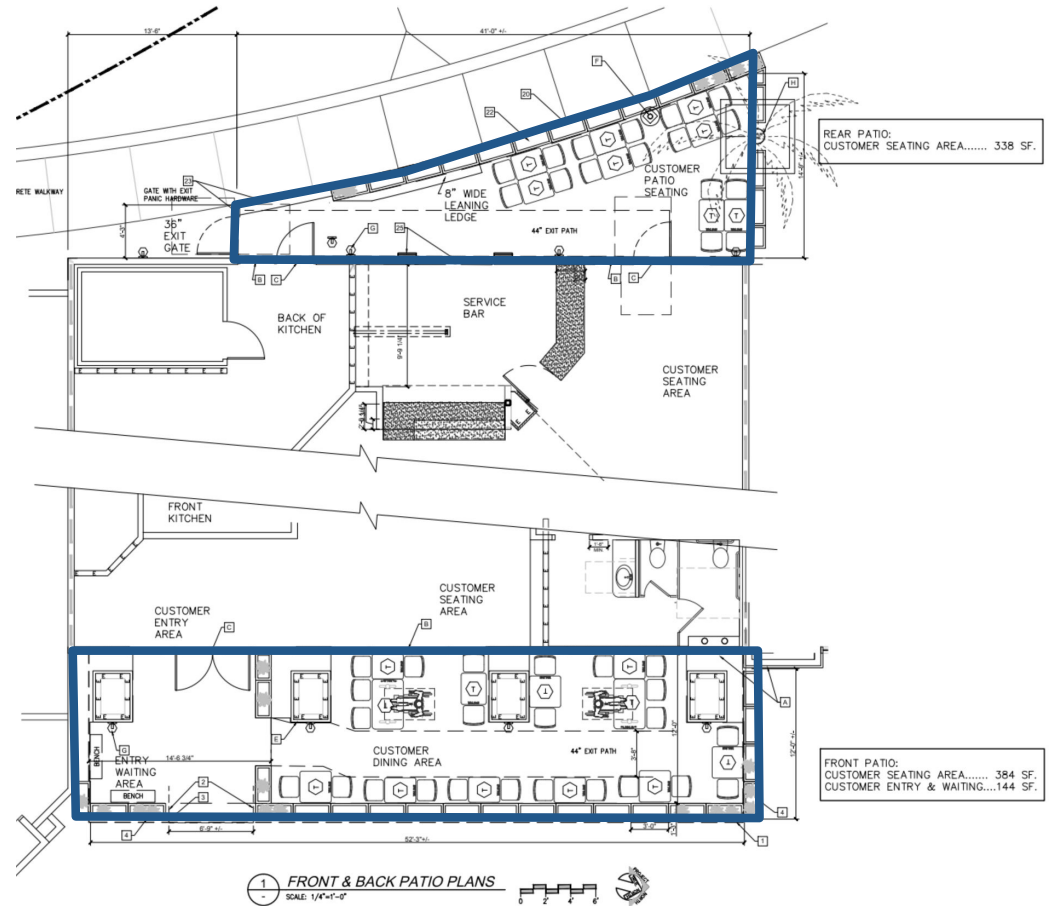
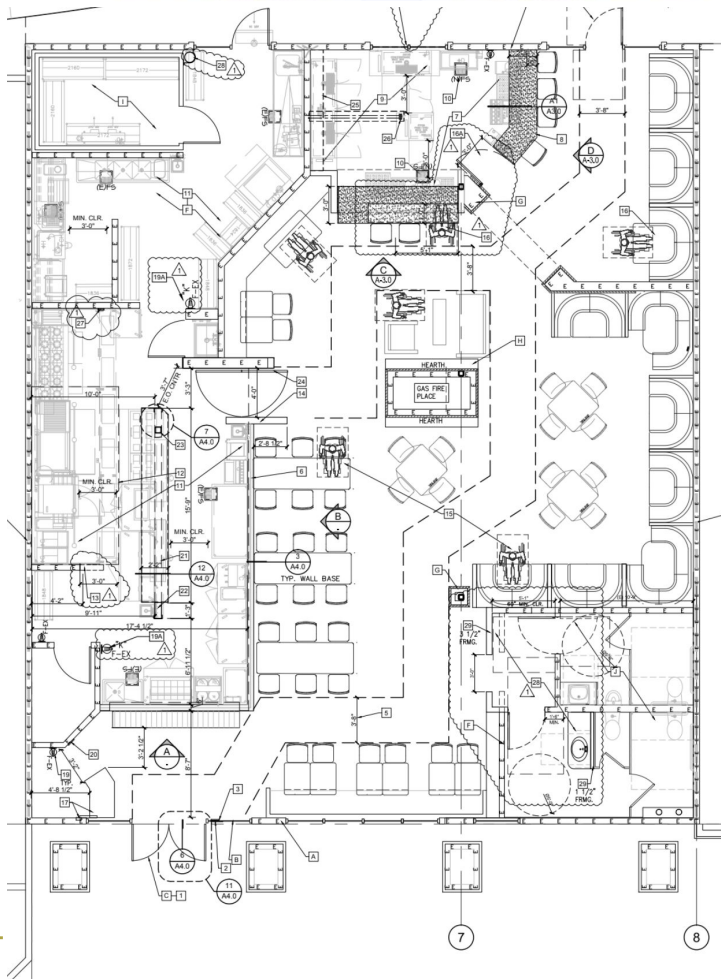


LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Planned Unit Development Residential (PUD)	Coastal Planned Unit Community (CPC)	Multi-Tenant Commercial
North	PUD	CPC	Multiple-Family Residential
South	PUD	CPC	Multi-Tenant Commercial
East	Residential Medium (RM)	Garden Apartment - Planned Development (R-3-PD)	Multiple-Family Residential
West	Easement (ESM)	CPC	Easement/Waterways

Site Plan



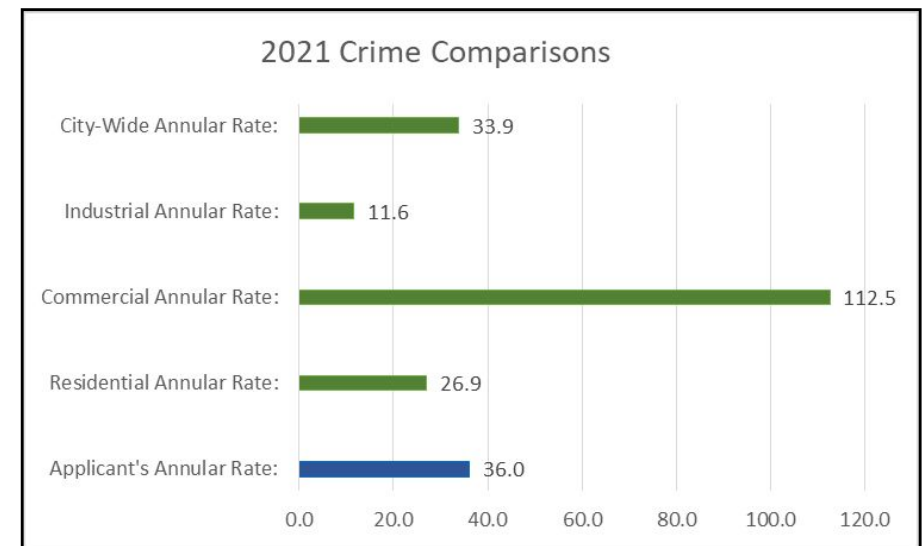
Floor Plan



Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is significantly lower than 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 3 establishments located within 350 feet of the Project site that sell alcoholic beverages.

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to Cause Police problem?	Undue concentration as defined in Resolution No. 11,896 or Business and Professions Code Section 23958.4?
Yolanda's 1601 S. Victoria Ave. #190	Yes	Yes (Type 47)	No, as conditioned	Yes (City and State)
The Raven Tavern 1651 S. Victoria Ave. #100	Yes	Yes (Type 47)	No, as conditioned	Yes (City and State)
Kitanoya Ramen & Sushi 1651 S. Victoria Ave. #130	No	No (Type 41)	No, as conditioned	Yes (City and State)

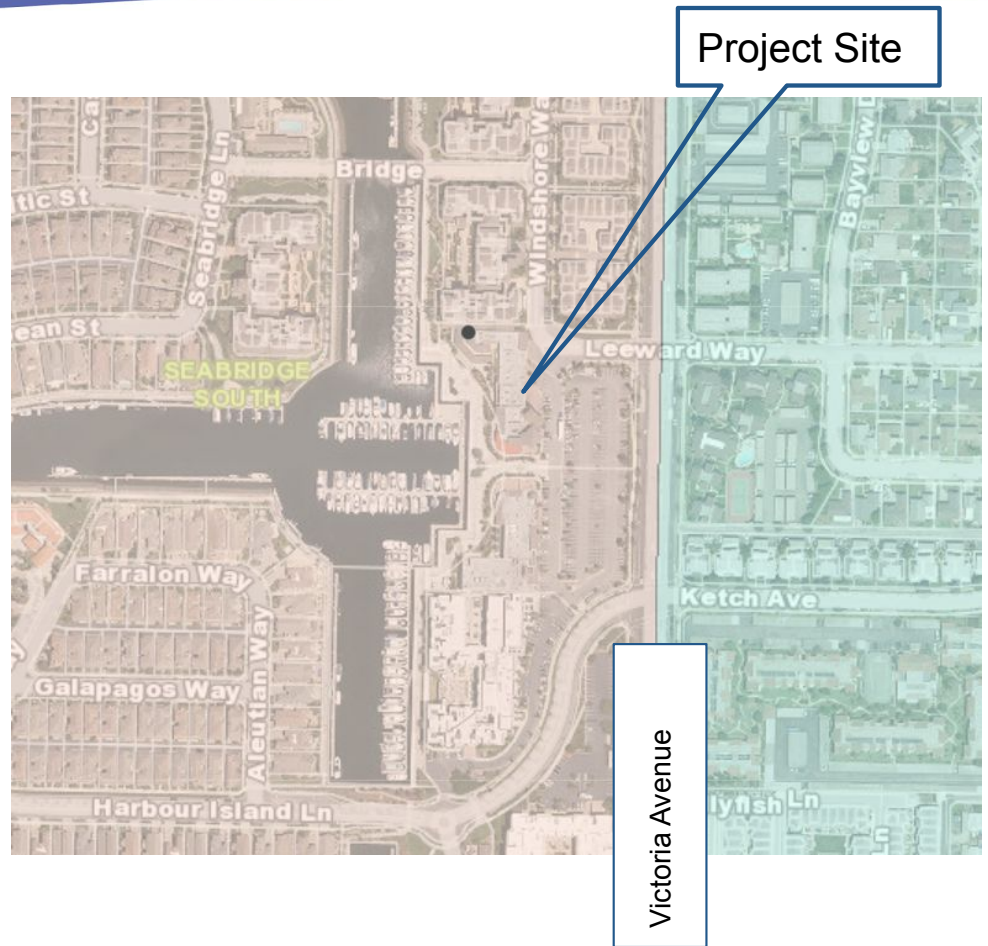
Findings:

- Crime rate around site is below commercial average.
- There is an undue concentration per City standards (350 and 1,000 feet).
- There is an undue concentration per State standards (census tract).
- A Finding of public convenience or necessity is required.

Community Input

Community Input:

- A virtual Community Workshop was conducted on May 16, 2022. Notices were provided to the Channel Islands Neighborhood. No speakers commented on the request.
- Nearby business operators and the Chairperson for the Channel Islands Neighborhood were contacted regarding this application and proposed operations.
- To date, staff has not received any concerns or public comments regarding the proposed project.



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., with the exception of special events approved by the Police Department.
- CofA #21:
The premises shall be equipped and maintained in good faith as a bona fide eating establishment.

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

- Notice of PC hearing posted on-site
- Notice of PC hearing sent to surrounding property owners
- To date, no public comments regarding project for an additional alcohol outlet in the neighborhood

Staff Recommendation

That the Planning Commission

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Joe Pearson II, Interim Planning and Environmental Services Manager

DATE: June 2, 2022

SUBJECT: **Project Name: 2700/2750 Ventura Road Utility Easement Vacation General Plan Conformity;** Planning and Zoning Permit No. PZ 22-625-01 (General Plan Conformity Determination) - Request for 2030 General Plan Conformity Determination for Vacation of A Utility Easement Located at 2700/2750 Ventura Road (Assessor's Parcel Number 132-0-100-085 and 132-0-100-095).

- 1) **Recommendation:** That the Planning Commission:
 - a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
 - b) Adopt Resolution 2022-XX affirming that the City of Oxnard's proposed vacation of the utility easement located at 2700/2750 Ventura Road is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the vacation.
- 2) **Project Description and Applicant:** At the request of the Fore Property ("Applicant"), the City of Oxnard ("City") is considering vacation of easements located at 2700/2750 Ventura Road. The easement to be vacated consists of a thirty-eight (38) foot wide utility easement, totaling approximately 33,409 square feet, along the frontage of the two parcels. For purposes of this Staff Report, the foregoing project description shall be referred to as the "Project". The project site is located at 2700/2750 Ventura Road (Assessor's Parcel Number 132-0-100-085 and 132-0-100-095). The project application was filed by Jonathan K. Cornelius of Fore Property, 1004 Santa Barbara Street, Santa Barbara, CA 93101.
- 3) **Existing & Surrounding Land Uses:** The subject site currently consists of two vacant parcels totalling approximately 4.23-acres. The Zoning and General Plan land use designations, and existing land uses are as follows (see Attachment A):

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site (District B)	The RiverPark Specific Plan (Residential: Very	Commercial Regional	Vacant

	High or Commercial Regional)		
North	The RiverPark Specific Plan (Commercial: Regional)	Commercial Regional	Light Industrial Development
East	The RiverPark Specific Plan (Commercial: Regional)	Commercial Regional	Commercial/senior living facility
South	Highway 101/The Village Specific Plan	Highway 101/Residential: Medium-High, and Park	Highway 101/Residential
West	The RiverPark Specific Plan (Commercial: Office)	Commercial Regional	Vacant

- 4) **Background Information:** On May 16, 2022, the City received an application from the Fore Property requesting that the City of Oxnard vacate the subject utility easement.

On May 23, 2022, the Community Development Director approved a Development Design Review Permit for the construction of a 409,257 square foot 5-story apartment building with 333 residential units and a 171,066 square foot 6-story centrally located parking structure with 510 residential parking spaces, rooftop deck on a 4.23-acre project site. As a condition of approval the Applicant was required to request the vacation of the subject public utility easement. In exchange for the vacation of the 38 foot utility easement, the Applicant was conditioned to provide a 16-foot public dedication, along with a new public sidewalk easement, if needed.

- 5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the “CEQA Guidelines”), the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of

Exemption (Attachment B), attached to the staff report. The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find disposal of any real property in conformance with the 2030 General Plan. Environmental impacts associated with the development of the residential project were analyzed as part of the entitlement process, and the development and uses associated with the residential project were determined to be covered under the RiverPark EIR (FEIR 00-03) and subsequent addenda. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

6) **Analysis:**

- a) **Government Code:** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.
- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for 2700/2750 Ventura Road is Commercial Regional (CR) and the zoning designation is RiverPark Specific Plan (RPSP). The land use designation and zone allows retail, commercial, government and residential uses. The approved residential project includes a single five-story wrap-around building with a six-story centrally located parking structure. As noted above, the residential project was analyzed and found to be consistent with the 2030 General Plan as part of each of the related permits.

Also, as noted above the properties are zoned RPSP, any additional or future development of the subject properties would be subject to the standard and uses allowed under the RPSP zoning district and the CR land use designation.

As such, the proposed vacation of this easement and acceptance of the right-of way dedication would conform to the City's 2030 General Plan land use designation because it would allow for the development of the residential project, and additional development would be required to be consistent with applicable zoning regulations, which implements many of the 2030 General Plan policies as identified in the table below.

POLICY	POLICY OR TITLE	EXPLANATION
CD-1.2	In-fill development, priority to mixed use	The Project site is within a developed area of the City and qualifies as infill.
CD-1.5	Housing Variety	The project promotes development of the RiverPark Specific Plan, which includes a variety of housing choices.
CD-1.7	Compact Development	Project promotes high density development in

		the Urban Village setting.
CD-1.9 and 1.10	Commute Reduction and Jobs-Housing Balance:	The Project allows for the development of residential development within the RiverPark Specific Plan, which is in close proximity to the multiple office park areas and other commercial businesses within RiverPark and along Oxnard Boulevard.
CD 9.2	Revitalization and Redevelopment	The development will improve an empty lot near the 101-Freeway.
ICS-1.2	Development Impacts to Existing Infrastructure	The project has been analyzed to ensure the development can be adequately served by existing infrastructure.
ER-10.1- & ICS-19.2	Promote use of Native and Water Wise Plants and Water Supply Findings for Smaller Projects	The Project incorporates native and water wise plants and is conditioned to comply with City's Landscape and Water Conservation Standards (Ordinance No. 2822) and applicable water conservation requirements of the State of California.
H-2.1	Adequate Development Opportunities	The project includes the development of the required affordable housing that will be used to meet the City's RHNA requirements, this housing type will meet the growing need for affordable by design workforce housing. Per the Conditions, the project will be required to have a 15 percent inclusionary requirement.
H-2.2	Balanced Opportunities	
H-3.4	Inclusionary Housing Program	
CD-5.2 SH-6.4	Compatible Land Use	The proposed commercial building is consistent with the allowable Commercial Regional land uses and will be compatible with adjacent uses, and is not anticipated to generate nuisances.
CD-15.6	Share of regional taxable sales	The Project will provide a new tenant space for a business, which will generate retail tax sales revenue to the City.
CD-14.1 CD-14.2	Design review process Development Advisory Committee (DAC) functions	The Development Advisory Committee (DAC) review process led to changes in the Project and/or conditions of approval that meet these Level II policies.
CD-18.1 CD-18.5	Attract new businesses Increase the availability of land for new businesses	The Project will provide for more tenant options to businesses/companies to open a new business or relocate to the City.

All	All policies not listed above	No or Distant Applicability to the Proposed Project.
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7) Summary and Conclusion:

The vacation of the drainage easements located at 2700/2750 Ventura Road to remove an easement and to allow for the development of a previously approved residential project is consistent with the City 2030 General Plan. Therefore, after review of the proposed vacation of this easement, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's determination that the proposed vacation conforms with the 2030 General Plan.

Attachments:

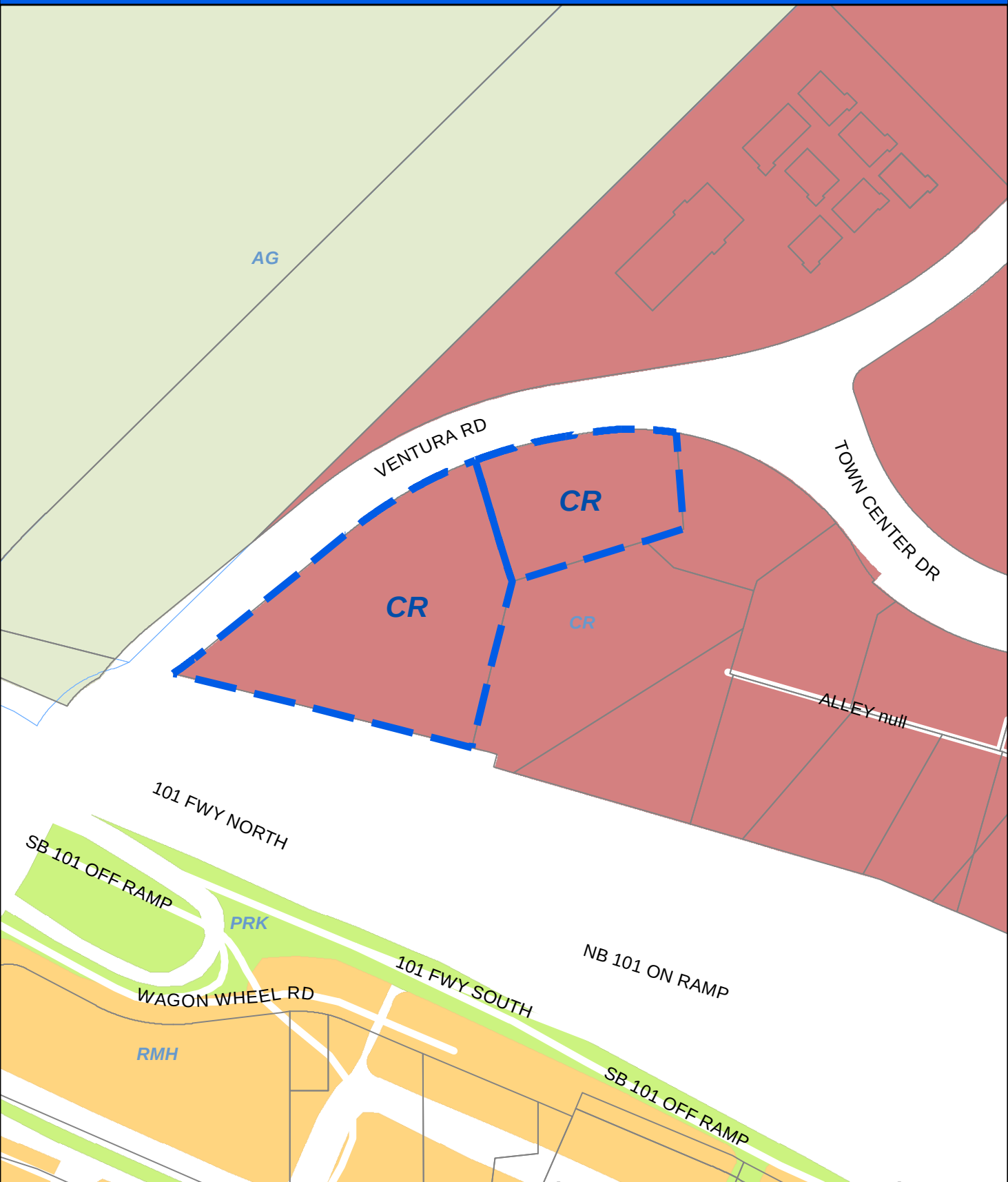
- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Notice of Exemption
- C. Draft Planning Commission Resolution
 - Exhibit 1. Map of Utility Easement
- D. Presentation

ATTACHMENT A

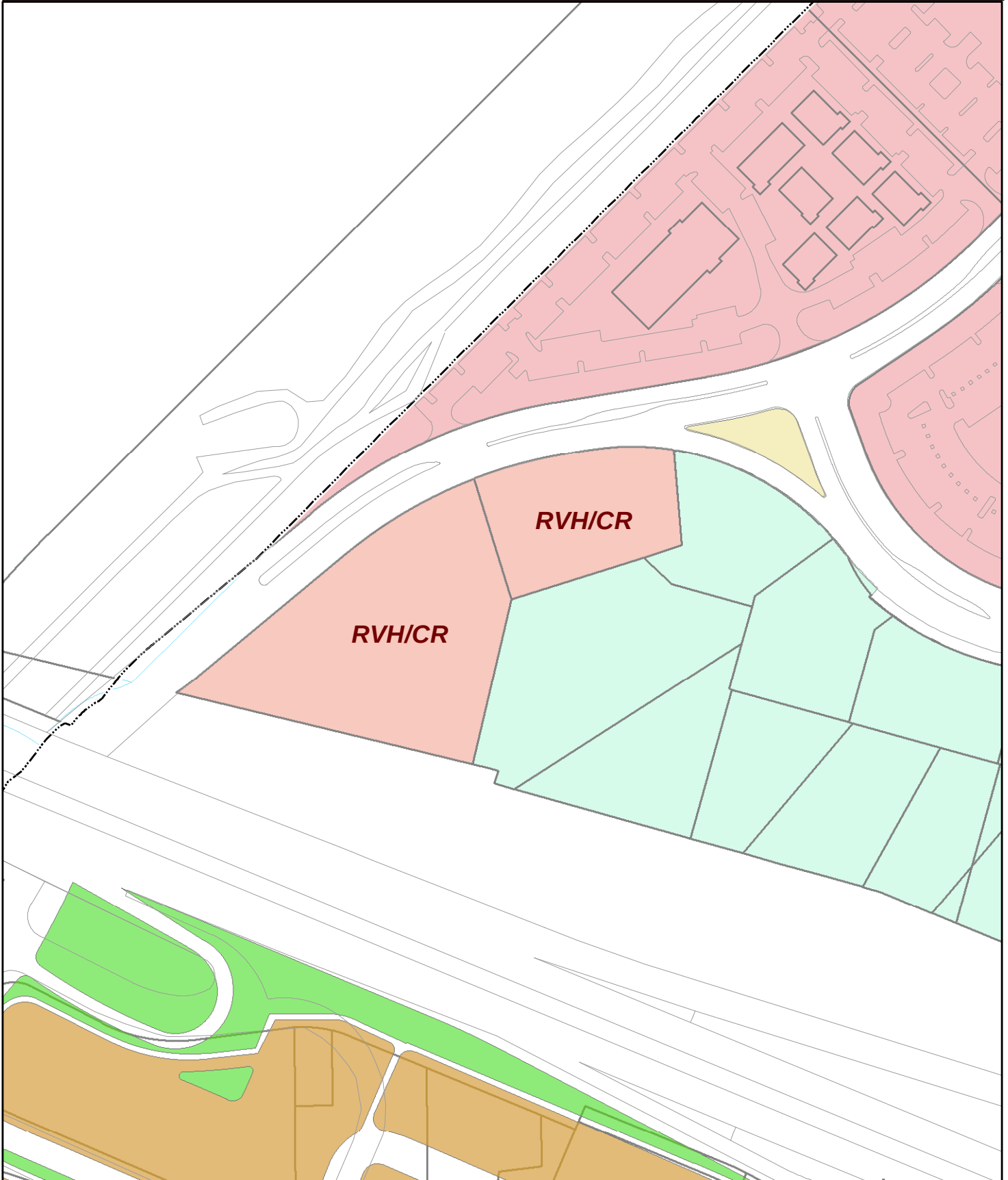
**MAPS
(VICINITY, GENERAL PLAN, ZONING, AERIAL MAP)**



2030 General Plan Land Use Map



Zoning/Specific Plan Map



Oxnard Planning

May 13, 2022

PZ 22-625-01

Location: 2700/2750 N Ventura Rd

APN: 1320100095, 1320100085

2700/2750 Ventura Rd Utility Easement

037.575 150 225 300 Feet

Zoning/Specific Plan Map



1:2,500



ATTACHMENT B

NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description: 2700/2750 Ventura Road Utility Easement Vacation General Plan Conformity; PZ No. 22-625-01 (General Plan Conformity Determination): The project request is General Plan Conformity Determination in accordance with Government Code Section 65402 associated with the vacation of real property located at 2700/2750 Ventura Road. The property to be vacated consists of a thirty-eight (38) foot wide utility easement across the frontage of the two parcels. The subject site is located at 2700/2750 Ventura Road (Assessor's Parcel Number 132-0-100-085 and 132-0-100-095) within the Commercial Regional (CR) and the zoning designation is RiverPark Specific Plan (RPSP). The project application was filed by Jonathan K. Cornelius of Fore Property, 1004 Santa Barbara Street, Santa Barbara, CA 93101.

Finding: The Planning Division of the Community Development Department 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 [15378(b)(5)]
- ☐ 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: Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5)). The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find disposal of any real property in conformance with the 2030 General Plan. Environmental impacts associated with the development of the residential project were analyzed as part of the entitlement process, and the development and uses associated with the residential project were determined to be covered under the RiverPark EIR (FEIR 00-03) and subsequent addenda. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

(Date)

Joe Pearson II,
Interim Planning and Environmental Services
Manager

ATTACHMENT C

**DRAFT
PLANNING COMMISSION RESOLUTION**

**PZ 22-625-01
(GENERAL PLAN CONFORMITY DETERMINATION)**

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE CITY OF OXNARD'S PROPOSED VACATION OF A UTILITY EASEMENT LOCATED AT 2700/2750 VENTURA ROAD IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE. FILED BY JONATHAN K. CORNELIUS OF FORE PROPERTY, 1004 SANTA BARBARA STREET, SANTA BARBARA, CA 93101.

WHEREAS, The Fore Property (“**Applicant**”) submitted a request for the vacation of a utility easements located at 2700/2750 Ventura Road (the “**Property**”), as shown in Exhibit 1 of this resolution, and incorporated by reference; and

WHEREAS, The City of Oxnard is the owner of record of the utility easement; and

WHEREAS, The 2030 General Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, Whenever a public agency proposes to acquire, dispose, vacate or abandon any real property, California Government Code Section 65402 requires a report on conformity with the General Plan; and

WHEREAS, The subject property is designated Commercial Regional (CR) by the City’s 2030 General Plan and is zoned RiverPark Specific Plan (RPSP); and

WHEREAS, On May 23, 2022, the City of Oxnard Community Development Director approved a Development Design Review Permit (PZ 19-200-16) for the Fore Apartments at RiverPark Project, including a California Environmental Quality Act (CEQA) review for the physical development, and made findings of General Plan Consistency for the project at that time; and

WHEREAS, The vacation of this easement, as documented in the staff report, would be consistent General Plan policies regarding the use of the sites and would not adversely impact General Plan policies related to the provision of adequate utilities, with the roadway dedication; and

WHEREAS, The vacation of this easement and the ultimate use of the parcel for residential use is consistent with the land use designation on the subject site. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, on June 2, 2022, the Planning Commission considered the proposed vacation of real property located at 2700/2750 Ventura Road in light of the Oxnard 2030 General Plan and the requirements of Government Code section 65402.

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

SECTION 1. The Planning Commission, in accordance with Section 21065 of the California Environmental Quality Act (CEQA), finds that its determination of whether the City's proposed vacation of these easements is consistent with the Oxnard 2030 General Plan is not a "Project" for purposes of CEQA and State CEQA Guidelines since the determination does not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).

SECTION 2. Based on the findings set forth herein, and 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 hereby determines that the proposed City's vacation of the subject easement is in conformity with the Oxnard 2030 General Plan.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of June 2022.

Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of June, 2022, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

**ATTACHMENT
C**

EXHIBIT 1

MAP OF UTILITY EASEMENT

EXHIBIT "A"
QUITCLAIM

The Landscape, Sidewalk and Public Utility Easement to the City of Oxnard over northerly and northwesterly 38.00 feet of Lots 8 and 9 of Tract No. 4334, in the City of Oxnard, County of Ventura, State of California, recorded on November 22, 1988 in Book 114, at Page 62 of Miscellaneous Records (Maps), in the Office of the County Recorder of said County.

Contains: 33,409 Square Feet, more or less.

William T. Hurdle
William T. Hurdle
PLS 5453

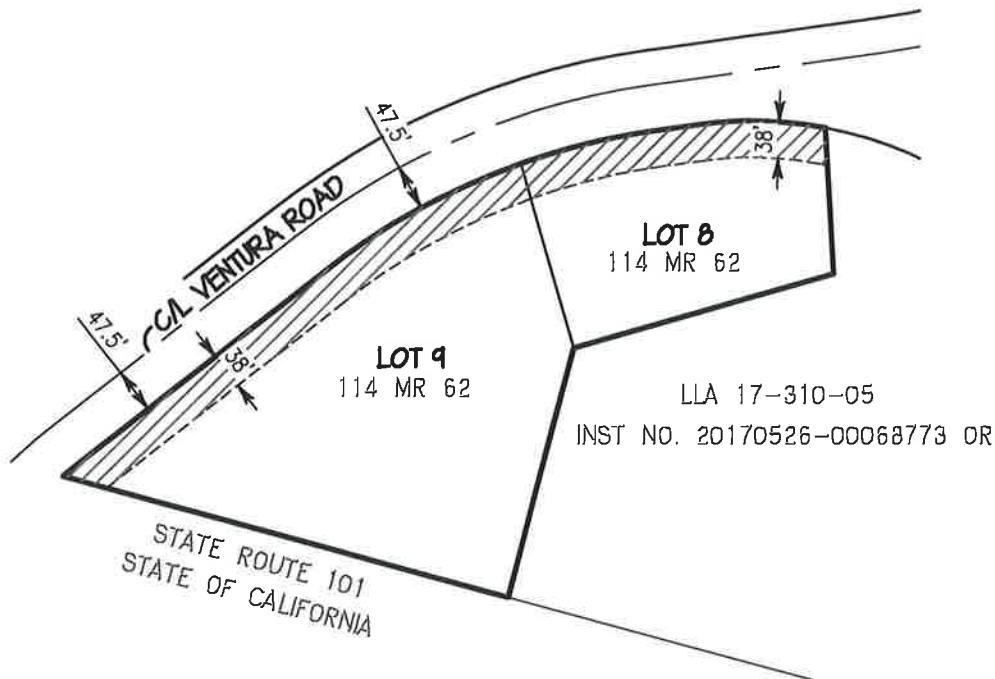
5-5-2022
Date



EXHIBIT "B"

SHEET 1 OF 1

QUITCLAIM

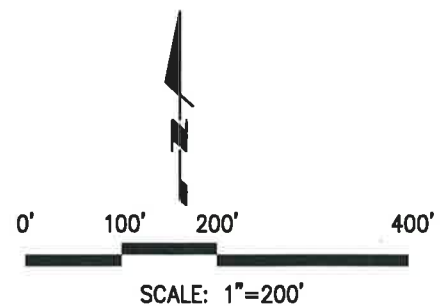


AREA

33409 SQUARE FEET, MORE OR LESS

LEGEND

C/L CENTERLINE
INST INSTRUMENT
LLA LOT LINE ADJUSTMENT
MR MISCELLANEOUS RECORDS
OR OFFICIAL RECORDS



HATCHED AREA DENOTES LAND
DESCRIBED IN THE ATTACHED
EXHIBIT "A"

WILLIAM T. HURDLE
PLS 5453

DATE

William T. Hurdle 5-5-2022



ATTACHMENT D

PRESENTATION

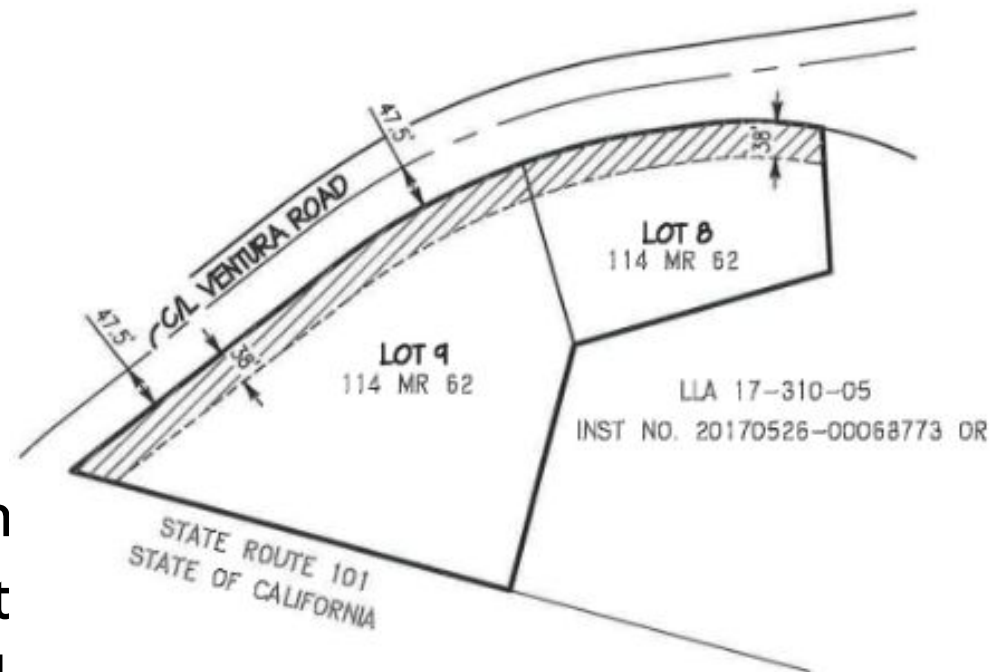
2700/2750 Ventura Road Utility Easement Vacation General Plan Conformity

Joe Pearson II, Interim Planning Manager

Planning Commission
June 2, 2022

PROJECT DESCRIPTION

- 2030 General Plan
Conformity Determination
for Disposition of Real
Property located at
2700/2750 Ventura Road.
- The purpose of the disposition
is to support the development
of a previously approved
housing project.
- Thirty-eight (38) foot wide
Utility Easement, totaling
approximately 33,409 square
feet.



PROJECT LOCATION

Subject Site: 2700/2750 Ventura Road

Located within RiverPark Area



EXISTING SITE

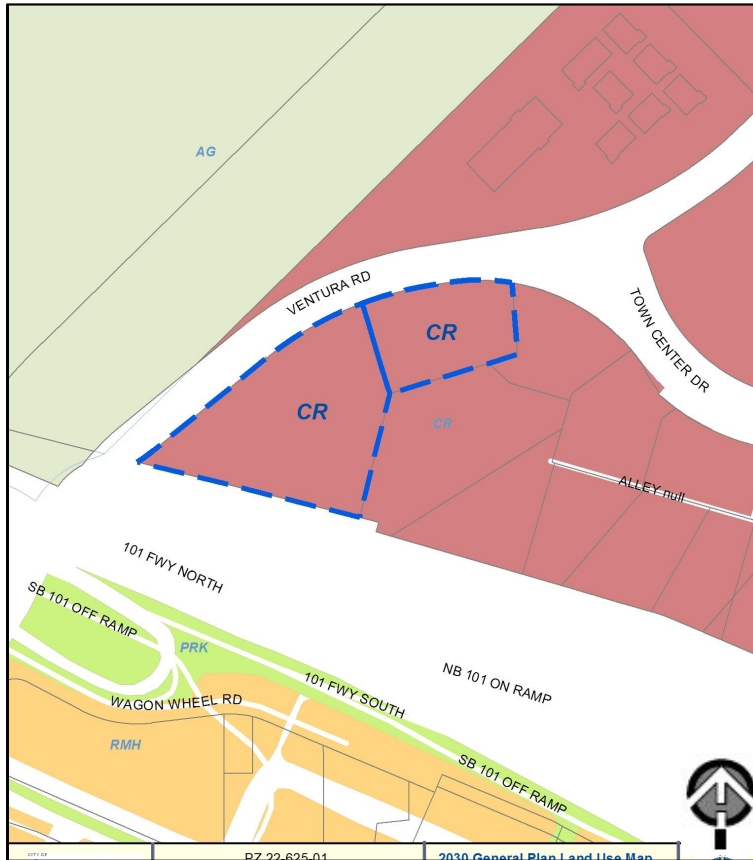
Subject Site: 2700/2750 Ventura Road

Surrounding Uses:

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site (District B)	The RiverPark Specific Plan (Residential: Very High or Commercial Regional)	Commercial Regional	Vacant
North	The RiverPark Specific Plan (Commercial: Regional)	Commercial Regional	Light Industrial Development
East	The RiverPark Specific Plan (Commercial: Regional)	Commercial Regional	Commercial/senior living facility
South	Highway 101/The Village Specific Plan	Highway 101/Residential: Medium-High, and Park	Highway 101/Residential
West	The RiverPark Specific Plan (Commercial: Office)	Commercial Regional	Vacant

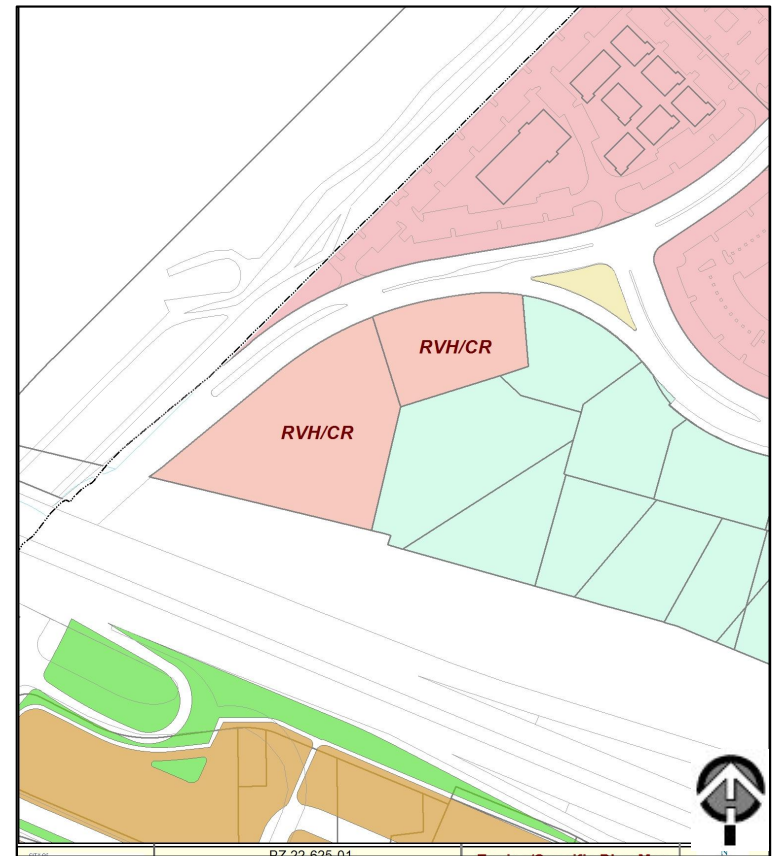
GENERAL PLAN & ZONING MAPS

General Plan Land Use Designation



Commercial Regional (CR)

Zoning Designation



RiverPark Specific Plan (RPSP)

BACKGROUND

- On May 23, 2022, the Community Development Director approved a Development Design Review Permit for the construction of a 409,257 square foot 5-story apartment building with 333 residential units and a 171,066 square foot 6-story centrally located parking structure with 510 residential parking spaces, rooftop deck on a 4.23-acre project site.
- The Community Development Director's approvals found the residential project to be consistent with the 2030 General Plan.

PLANNING COMMISSION 65402 DETERMINATION

Government Code Section 65402, requires that real property acquisition or disposition, street vacation or abandonment, public building or structure construction be consistent with the General Plan and Local Coastal Land Use Plan as to location, purpose and extent.

The Planning Commission review and verification is documented through a resolution finding the vacation of this utility easement is in conformity with the 2030 General Plan.

GENERAL PLAN CONSISTENCY

- The City's 2030 General Plan land use designation for 2700/2750 Ventura Road is Commercial Regional (CR) and the zoning designation is RiverPark Specific Plan (RPSP), which allows for the approved housing project.
- The development is consistent with the Urban Village characteristics identified in the 2030 General Plan:
 - Infill development
 - Mixture of land uses
 - Mix of residential densities and housing types
 - Providing a minimum of 15 percent affordable housing
 - Location along or near corridors, downtown, and transit nodes
 - Transit, pedestrian, and bicycle circulation given high priority

ENVIRONMENTAL DETERMINATION & STAFF RECOMMENDATION

Environmental Determination

As required by the California Environmental Quality Act (CEQA), any subsequent improvement to the property will be separately examined in accordance with CEQA. Any required environmental documents will be prepared pursuant to CEQA as part of project permit processing or at any other point in time as required by CEQA. This General Plan conformity determination report is not a “project” under CEQA.

Staff Recommendation

Staff recommends that the Planning Commission adopt the Resolution finding that the proposed vacation of the easement located at 2700/2750 Ventura Road is in conformance with the City of Oxnard 2030 General Plan policies pursuant to Section 65402 of the Government Code and recommending that the City Council order the disposition of the property.





**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Joe Pearson II, Interim Planning and Environmental Services Manager

DATE: June 2, 2022

SUBJECT: **Project Name: Cal-Trans Access Road General Plan Conformity;** Planning and Zoning Permit No. PZ 22-625-02 (General Plan Conformity Determination) - Request for 2030 General Plan Conformity Determination for Acquisition of Real Property Located Directly South of 2700 Ventura Road/901 Town Center Drive (Assessor's Parcel Number: N/A).

- 1) **Recommendation:** That the Planning Commission:
 - a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
 - b) Adopt Resolution 2022-XX affirming that the City of Oxnard's proposed acquisition of real property located directly south of 2700 Ventura Road/901 Town Center Drive is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the proceed with the acquisition.
- 2) **Project Description and Applicant:** The City of Oxnard ("City") is considering the acquisition of real property located directly south of 2700 Ventura Road/901 Town Center Drive. The property to be acquired consists of a forty (40) foot wide California Department of Transportation (Cal-Trans) access road, totaling approximately 32,227 square feet. For purposes of this Staff Report, the foregoing project description shall be referred to as the "Project". The project site is located at 2700 Ventura Road/901 Town Center Drive (Assessor's Parcel Number: N/A). Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

Please see the Access Road Map (Attachment A) for more details.

- 3) **Existing & Surrounding Land Uses:** The Access Road that is proposed to be acquired is currently an existing road which currently provides access to existing Cal-Trans stormwater facilities. The 2030 General Plan and zoning land use designations, and existing land uses are as follows for the project site and surrounding properties:

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site	N/A Right-of Way	N/A Right-of-Way	Freeway Right-of-Way
North	The RiverPark Specific Plan (Commercial: Regional or Residential Very High)	Commercial Regional	Vacant (Fore Apartments at RiverPark)/Senior Living Facility
East	N/A Right-of Way	N/A Right-of-Way	Freeway Right-of-Way
South	Highway 101/The Village Specific Plan	Highway 101/Residential: Medium-High, and Park	Highway 101/Residential
West	The RiverPark Specific Plan (Commercial: Office)	Commercial Regional	Vacant

- 4) **Background Information:** On May 23, 2022, the Community Development Director approved a Development Design Review Permit (PZ 19-200-16) for the construction of a 409,257 square foot 5-story apartment building with 333 residential units and a 171,066 square foot 6-story centrally located parking structure with 510 residential parking spaces, rooftop deck on a 4.23-acre project site. Pursuant to the conditions of approvals for this project, the property owner, is required to enter into a maintenance agreement with the City of Oxnard, to maintain the Cal-Trans access road including the roadway, landscaping, sidewalk, utilities, and ancillary facilities in perpetuity. This agreement is required to be in place prior to the City's final acceptance of the access road from Cal-Trans. Both the acceptance of the access road and maintenance agreement are subject to City Council approval.
- 5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a

significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption (Attachment B), attached to the staff report. The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find the acquisition of any real property in conformance with the 2030 General Plan. Environmental impacts associated with the development of the residential project were analyzed as part of the entitlement process, and the development and uses associated with the residential project were determined to be covered under the RiverPark EIR (FEIR 00-03) and subsequent addenda. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

6) **Analysis:**

- a) **Government Code:** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.
- b) **General Plan Consistency:** The Access Road does not have a 2030 General Plan land use designation as it is a right-of-way that currently serves as a means for vehicular access to Cal-Trans to access the existing detention basin. The access road will be reconstructed and upgraded to provide emergency and utility access to the approved Fore Apartments at RiverPark Project and the existing Oakmont Senior Living Facility, in compliance with General Plan Policy:

Goal ICS-20.10 Adequate Emergency Access and Routes: Require that new development provide adequate access for emergency vehicles, particularly firefighting equipment, and evacuation routes, as appropriate

The approved residential project includes a single five-story wrap-around building with a six-story centrally located parking structure. As noted above, the residential project was analyzed and found to be consistent with the 2030 General Plan as part of each of the related permits.

As such, the proposed acquisition of this property would also conform to the City's 2030 General Plan land use designation because it would allow for the development of the residential project, and additional development would be required to be consistent with applicable zoning regulations, which implements many of the 2030 General Plan policies as identified in the table below.

POLICY	POLICY OR TITLE	EXPLANATION
CD-1.2	In-fill development, priority to mixed use	The Project site is within a developed area of the City and qualifies as infill.

CD-1.5	Housing Variety	The project promotes development of the RiverPark Specific Plan, which includes a variety of housing choices.
CD-1.7	Compact Development	Project promotes high density development in the Urban Village setting.
CD-1.9 and 1.10	Commute Reduction and Jobs-Housing Balance:	The Project allows for the development of residential development within the RiverPark Specific Plan, which is in close proximity to the multiple office park areas and other commercial businesses within RiverPark and along Oxnard Boulevard.
CD 9.2	Revitalization and Redevelopment	The development will improve an empty lot near the 101-Freeway.
ICS-1.2	Development Impacts to Existing Infrastructure	The project has been analyzed to ensure the development can be adequately served by existing infrastructure.
ER-10.1- & ICS-19.2	Promote use of Native and Water Wise Plants and Water Supply Findings for Smaller Projects	The Project incorporates native and water wise plants and is conditioned to comply with City's Landscape and Water Conservation Standards (Ordinance No. 2822) and applicable water conservation requirements of the State of California.
H-2.1	Adequate Development Opportunities	The project includes the development of the required affordable housing that will be used to meet the City's RHNA requirements, this housing type will meet the growing need for affordable by design workforce housing. Per the Conditions, the project will be required to have a 15 percent inclusionary requirement.
H-2.2	Balanced Opportunities	
H-3.4	Inclusionary Housing Program	
CD-5.2 SH-6.4	Compatible Land Use	The proposed commercial building is consistent with the allowable Commercial Regional land uses and will be compatible with adjacent uses, and is not anticipated to generate nuisances.
CD-15.6	Share of regional taxable sales	The Project will provide a new tenant space for a business, which will generate retail tax sales revenue to the City.
CD-14.1 CD-14.2	Design review process Development Advisory Committee (DAC) functions	The Development Advisory Committee (DAC) review process led to changes in the Project and/or conditions of approval that meet these Level II policies.
CD-18.1 CD-18.5	Attract new businesses Increase the availability of land for new businesses	The Project will provide for more tenant options to businesses/companies to open a new business or relocate to the City.

All	All policies not listed above	No or Distant Applicability to the Proposed Project.
-----	-------------------------------	--

7) Summary and Conclusion:

The acquisition of the access road property located directly south of 2700 Ventura Road/901 Town Center Drive (Assessor's Parcel Number: N/A) to provide for emergency access to existing development and to allow for the development of a previously approved residential project is consistent with the City 2030 General Plan. Therefore, after review of the proposed property acquisition, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's determination that the proposed acquisition conforms with the 2030 General Plan.

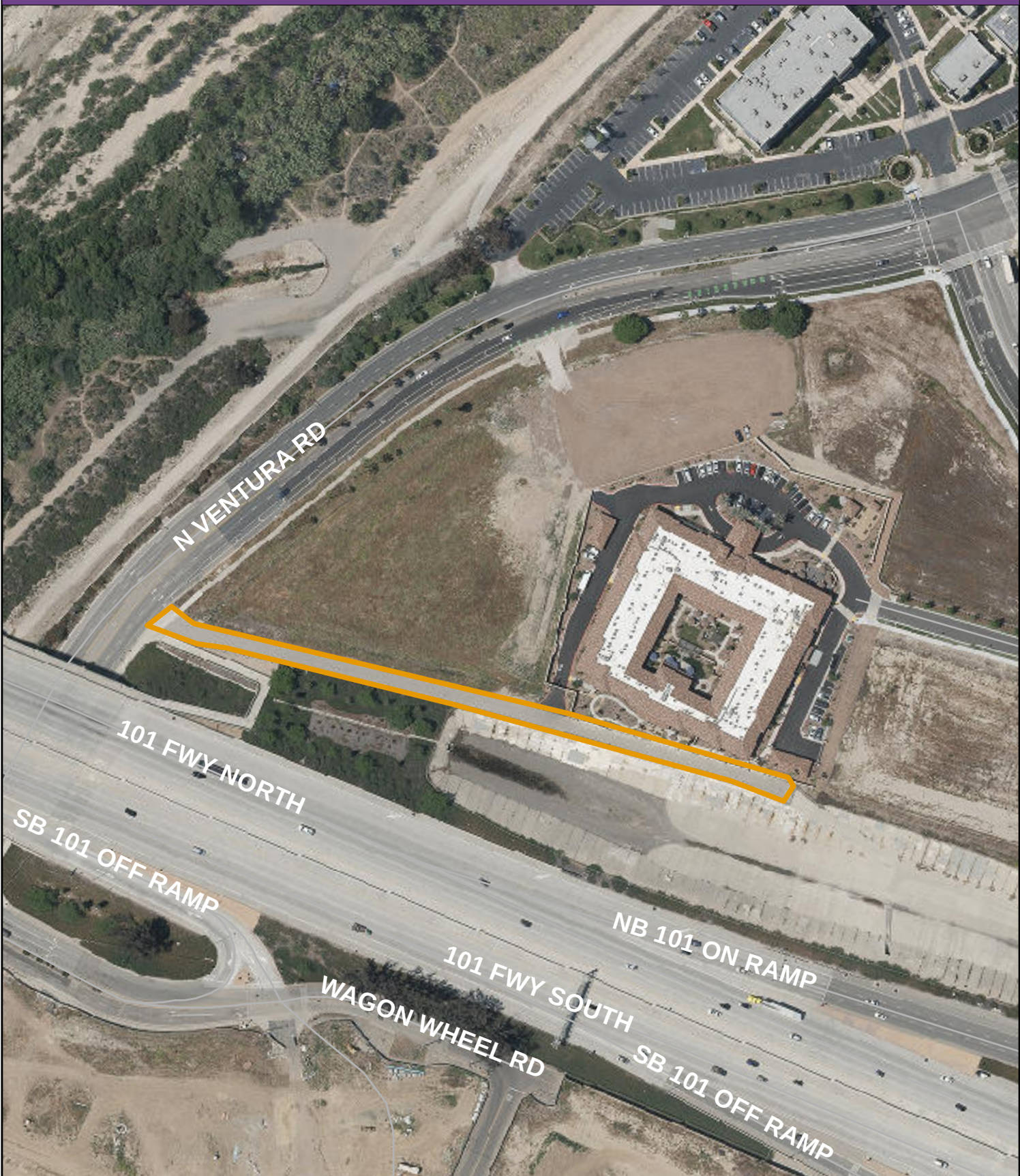
Attachments:

- A. Maps (Vicinity and Aerial)
- B. Notice of Exemption
- C. Draft Planning Commission Resolution
 - Exhibit 1. Map of Access Road
- D. Presentation

ATTACHMENT A

**MAPS
(VICINITY AND AERIAL MAP)**





ATTACHMENT B

NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description: *Cal-Trans Access Road General Plan Conformity*; PZ No. 22-625-02 (General Plan Conformity Determination): The project request is General Plan Conformity Determination in accordance with Government Code Section 65402 associated with the acquisition of real property directly south of 2700 Ventura Road/901 Town Center (Assessor's Parcel Number: N/A). The property to be acquired consists of a forty (40) foot wide access road, totaling approximately 32,227 square feet. The project site is located at 2700 Ventura Road/901 Town Center (Assessor's Parcel Number: N/A) within the (public right-of-way). Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

Finding: The Planning Division of the Community Development Department 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 [15378(b)(5)]
- ☐ 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: Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5)). The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find acquisition of any real property in conformance with the 2030 General Plan. Environmental impacts associated with the development of the residential project were analyzed as part of the entitlement process, and the development and uses associated with the residential project were determined to be covered under the RiverPark EIR (FEIR 00-03) and subsequent addenda. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

(Date)

Joe Pearson II,
Interim Planning and Environmental Services
Manager

ATTACHMENT C

**DRAFT
PLANNING COMMISSION RESOLUTION**

**PZ 22-625-02
(GENERAL PLAN CONFORMITY DETERMINATION)**

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE CITY OF OXNARD'S PROPOSED ACQUISITION OF A EXISTING CALIFORNIA DEPARTMENT OF TRANSPORTATION ACCESS ROAD LOCATED DIRECTLY SOUTH OF 2700 VENTURA ROAD/901 TOWN CENTER DRIVE IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, The City of Oxnard ("**Applicant**") submitted a request for the vacation of a utility easements located directly south of 2700 Ventura Road/901 Town Center Drive (the "**Property**"), as shown in Exhibit 1 of this resolution, and incorporated by reference; and

WHEREAS, The California Department of Transportation (Cal-Trans) is the owner of record of the access road; and

WHEREAS, The 2030 General Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, Whenever a public agency proposes to acquire, dispose, vacate or abandon any real property, California Government Code Section 65402 requires a report on conformity with the General Plan; and

WHEREAS, The subject property is a dedicated right-of-way and does not have a land use designation; and

WHEREAS, On May 23, 2022, the City of Oxnard Community Development Director approved a Development Design Review Permit (PZ 19-200-16) for the Fore Apartments at RiverPark Project, including a California Environmental Quality Act (CEQA) review for the physical development, and made findings of General Plan Consistency for the project at that time; and

WHEREAS, The acquisition of this access road, as documented in the staff report, would be consistent General Plan policies regarding the use of the sites and would be beneficial to General Plan policies related to the provision of adequate emergency access; and

WHEREAS, The acquisition of this access road and the ultimate use of the road for service and emergency access is consistent with the right of way designation on the subject site. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, on June 2, 2022, the Planning Commission considered a proposed acquisition of real property located directly south of 2700 Ventura Road/901 Town Center Drive in light of the Oxnard 2030 General Plan and the requirements of Government Code section

65402.

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

SECTION 1. The Planning Commission, in accordance with Section 21065 of the California Environmental Quality Act (CEQA), finds that its determination of whether the City's proposed vacation of these easements is consistent with the Oxnard 2030 General Plan is not a "Project" for purposes of CEQA and State CEQA Guidelines since the determination does not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).

SECTION 2. Based on the findings set forth herein, and 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 hereby determines that the proposed City's acquisition of the subject property is in conformity with the Oxnard 2030 General Plan.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of June 2022.

Daniel Chavez Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of June, 2022, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

**ATTACHMENT
C**

EXHIBIT 1

MAP OF ACCESS ROAD

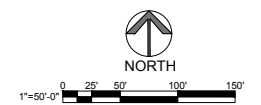


EXHIBIT A: PROPOSED RIGHT OF WAY TRANSFER AREA FROM CT TO CITY FOR PUBLIC ROAD
December 10, 2019

ATTACHMENT D

PRESENTATION

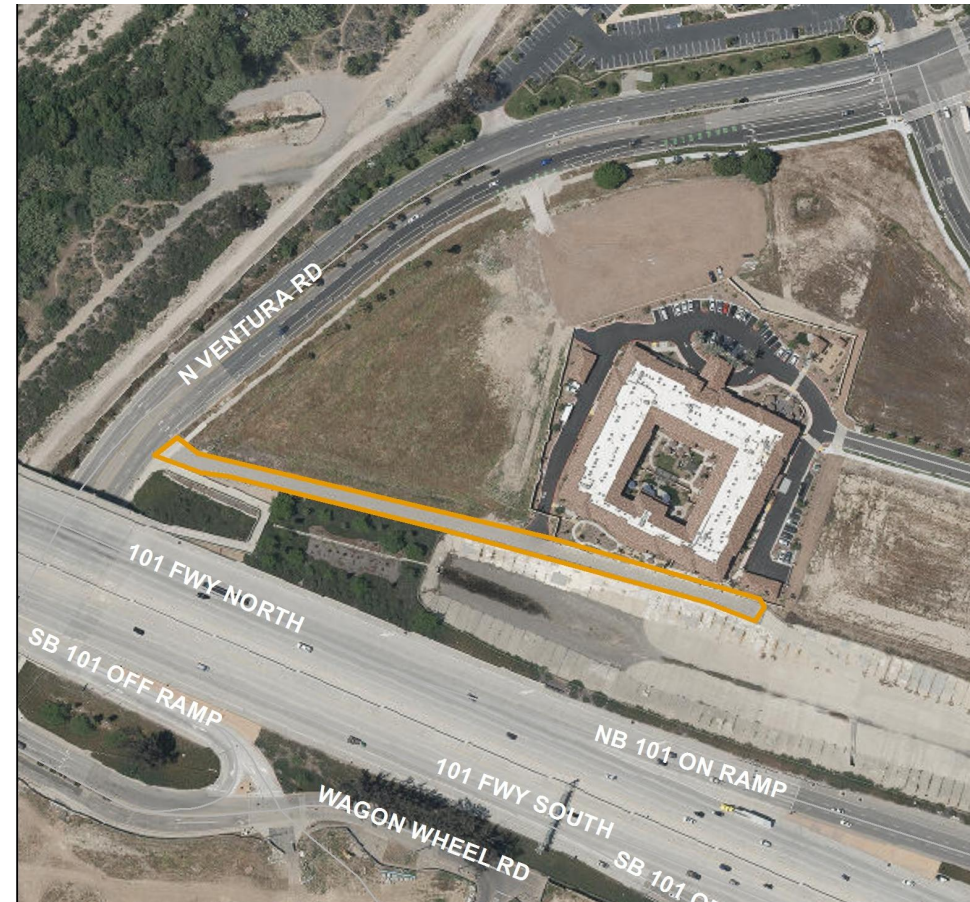
Cal-Trans Access Road General Plan Conformity

Joe Pearson II, Interim Planning Manager

Planning Commission
June 2, 2022

PROJECT DESCRIPTION

- 2030 General Plan Conformity Determination for Acquisition of Real Property south of 2700 Ventura Road/901 Town Center Drive.
- The purpose of the acquisition is to support provision of emergency access and the development of a previously approved housing project.
- Forty (40) foot wide access road, totaling approximately 32,227 square feet.



PROJECT LOCATION

Subject Site: South of 2700 Ventura Road/901
Town Center Drive

Located within RiverPark Area



EXISTING SITE

Surrounding Uses:

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site	N/A Right-of Way	N/A Right-of-Way	Freeway Right-of-Way
North	The RiverPark Specific Plan (Commercial: Regional or Residential Very High)	Commercial Regional	Vacant (Fore Apartments at RiverPark)/Senior Living Facility
East	N/A Right-of Way	N/A Right-of-Way	Freeway Right-of-Way
South	Highway 101/The Village Specific Plan	Highway 101/Residential: Medium-High, and Park	Highway 101/Residential
West	The RiverPark Specific Plan (Commercial: Office)	Commercial Regional	Vacant

BACKGROUND

- On May 23, 2022, the Community Development Director approved a Development Design Review Permit for the construction of a 409,257 square foot 5-story apartment building with 333 residential units and a 171,066 square foot 6-story centrally located parking structure with 510 residential parking spaces, rooftop deck on a 4.23-acre project site.
- The Community Development Director's approvals found the residential project to be consistent with the 2030 General Plan.

PLANNING COMMISSION 65402 DETERMINATION

Government Code Section 65402, requires that real property acquisition or disposition, street vacation or abandonment, public building or structure construction be consistent with the General Plan and Local Coastal Land Use Plan as to location, purpose and extent.

The Planning Commission review and verification is documented through a resolution finding the acquisition of the Access Road is in conformity with the 2030 General Plan.

GENERAL PLAN CONSISTENCY

- Goal ICS-20.10 Adequate Emergency Access and Routes.
- The residential development is consistent with the Urban Village characteristics identified in the 2030 General Plan:
 - Infill development
 - Mixture of land uses
 - Mix of residential densities and housing types
 - Providing a minimum of 15 percent affordable housing
 - Location along or near corridors, downtown, and transit nodes
 - Transit, pedestrian, and bicycle circulation given high priority

ENVIRONMENTAL DETERMINATION & STAFF RECOMMENDATION

Environmental Determination

As required by the California Environmental Quality Act (CEQA), any subsequent improvement to the property will be separately examined in accordance with CEQA. Any required environmental documents will be prepared pursuant to CEQA as part of project permit processing or at any other point in time as required by CEQA. This General Plan conformity determination report is not a “project” under CEQA.

Staff Recommendation

Staff recommends that the Planning Commission adopt the Resolution finding that the proposed acquisition of the Access Road is in conformance with the City of Oxnard 2030 General Plan policies pursuant to Section 65402 of the Government Code and recommending that the City Council order the acquisition of the property.

