

**PLANNING COMMISSION
MEMORANDUM**

TO: Planning Commission

FROM: Joe Pearson II, Planning Manager
Michael Rocque, Senior Contract Planner

DATE: December 15, 2022

SUBJECT: **Project Name: 2420 Oxnard Boulevard U-Haul Project;** Planning and Zoning Permit No., 17-500-11 (Special Use Permit); 2420 N. Oxnard Boulevard; APNs: 142-0-010-345 and 142-0-021-010

At the meeting of November 17, 2022, the Planning Commission received staff's presentation for the proposed renovation and conversion for a U-haul Self-Storage (Project) that required approval of Permit No. 17-500-11 (Special Use Permit). In the deliberation that followed, Planning Commissioners requested additional information and asked for revisions to the proposed project conditions.

Subsequently, the Planning Commission voted to continue the item to the Planning Commission's meeting of December 15, 2022. As a continued agenda item, no additional mailed or published public notices were required.

The Planning Commissioners' questions and requests are posed below.

1. Provide additional information to support the fiscal impact and tax projections for the project presented by the applicant at the November 17, 2022, hearing.
2. Provide condition language requiring the installation of a solar energy system on carport and building as part of the project scope.

However, City Staff and the applicant team are still working to gather this information, so they are not available at this time. Therefore, staff is recommending the project be continued to a subsequent Planning Commission meeting to allow for time to gather the requested information.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Joe Pearson II, Planning and Environmental Services Manager

DATE: December 15, 2022

SUBJECT: **Project Name: Azul Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 22-510-04 (Special Use Permit - Alcohol): Located at 1450 South Oxnard Boulevard; APNs: 204-0-042-180 & -190.

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. 22-510-04 (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 5,065 square-foot restaurant (Azul Restaurant) on a 0.44-acre site within the General Commercial (C-2) zone. The applicant is requesting that alcohol sales are from 4:00 PM to 1:00 AM Monday - Saturday and 9:00 AM to 9:30 PM on Sundays. However, staff’s recommended conditions of approval would limit the sale of alcohol to the hours of 7:00 AM to 10:00 PM. 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 Aldo Cecena, property owner, 1450 South Oxnard Boulevard, Oxnard, CA 93030.

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

3) Existing & Surrounding Land Uses: The 0.44-acre Project site is currently developed with an approximately 5,065 square-foot restaurant (Azul Restaurant), located within the General Commercial (C-2) zoning district. The Project site is surrounded by a mixture of

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.

commercial, industrial, and residential. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated Attachment A.

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Restaurant
North	Central Industrial Area (CIA)	Heavy Manufacturing (M-2)	Residential
South	Commercial General (CG)	General Commercial Planned Development (C-2)	Vehicle Sales
East	Commercial General (CG)	General Commercial Planned Development (C-2)	Motel
West	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Retail

- 4) **Background Information:** In 1957, permits were issued for modifications to existing commercial buildings on the property, for the construction of a new dining room and kitchen. The restaurant has been in operation since. The site did not previously have a Alcohol Special Use Permit.

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 a restaurant and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (Attachment C).

6) **Analysis:**

- a) **General Discussion:** The Applicant is requesting the approval to allow the sale of beer, wine and distilled spirits for on-site consumption of alcoholic beverages (ABC License Type 47) within the existing 5,065 square-foot restaurant. The restaurant will

only be allowed to operate as a restaurant and will be open from 9:00 a.m. to 1:00 a.m. daily. Exterior facade improvements are also proposed, and will be reviewed through Minor Modification Permit No. 21-140-13.

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

The Project is proposed in the General Commercial (C-2) 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?
El Tenampa Cantina - 1325 S. Oxnard Bl.	No	No (Type 42)	No, as conditioned	City (No)/Yes (State)
El Pollo Nortenno - 1290 S. Oxnard Bl.	No	No (Type 41)	No, as conditioned	City (No)/Yes (State)
Tacos El Brother - 1635 S. Oxnard Bl.	No	No (Type 41)	No, as conditioned	City (No)/Yes (State)

Fiesta Liquor - 1637 S, Oxnard Bl.	No	No (Type 21)	No, as conditioned	City (No)/Yes (State)
Hideaway Bar - 1251 Mercantile St.	No	No (Type 42)	No, as conditioned	City (No)/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 is also four establishment of a similar ABC License Type 41 (On-Sale Beer & Wine²) and Type 42 (On-Sale Beer & Wine³) between 350 Feet and 1000 Feet of the subject property. The Police Department has determined that there is not an undue concentration under City standards.

In the case of the applicant site, as seen in the next section, the annular crime rate is 2.6 times the average annular citywide rate. This shows the site as having a crime rate above the standard established in California Business and Professions Code Section 23958.4(1). Currently there are eight on-sale licenses within the applicant's census tract. According to the ABC, 7 on-sale licenses are authorized within this 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:

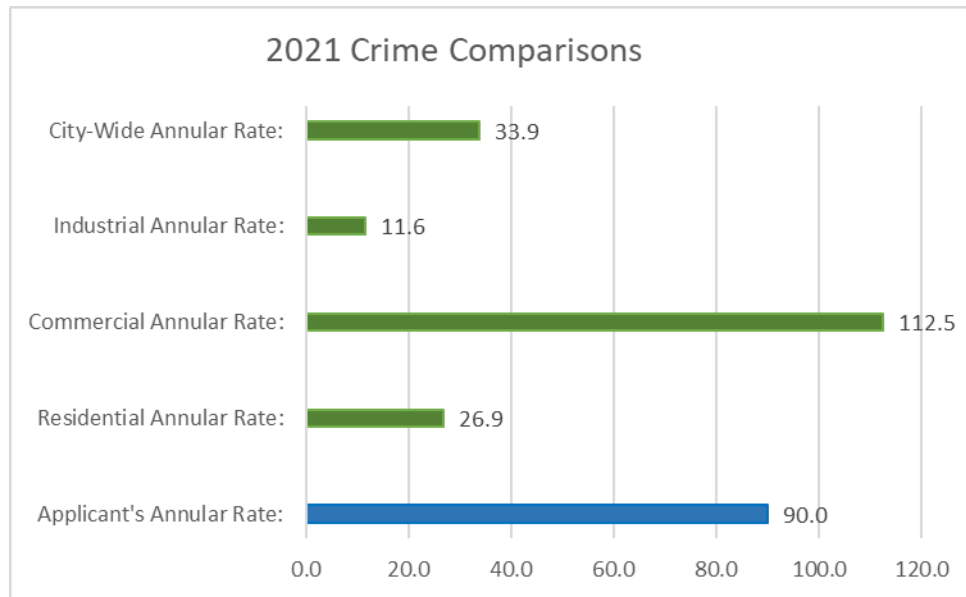
For comparison purposes, the Police Report analyzes the average number of Part I⁴ crimes and Part II⁵ crimes that occur per reporting district (grid) during a selected twelve month period. In the case of this report, all calculations are based on statistics from 2021. The citywide annular average of 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 90 during the same twelve month time period. This is 80% of the citywide average for commercial properties citywide and can best illustrated in the graph below:

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 ABC License Type 42 - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

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

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



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 in the past the location has not been considered to be a policing problem and has not required any specific attention. However, he has concerns. The prior restaurant, “Sal’s Mexican Inn” closed at 9 P.M. The business had very limited police calls for service. He noted that there are residences to the rear and a motel (Budget Gardens) that abuts the parking lot to the south. This motel houses families. The excessive noise generated by later operational hours including loitering and parking issues will directly affect the residential areas and generate regular calls for service.

He adds that other restaurants operating with later hours in the area have generated such calls as they cannot control the loud music as doors and windows are frequently opened. When these establishments close at 2 A.M., large groups of people create disturbances that will also likely affect the residents in the area. Another concern that he raises is that Oxnard Boulevard is a 40-mile an hour multi-laned highway with no controlled intersections or crosswalks within 600-feet in either direction. During events which draw larger crowds and parking overflow, patrons will be inclined to park on the opposite side of the street and walk across the highway creating a dangerous environment.

Businesses:

Several nearby business operators were contacted and interviewed regarding this business’ request to sell alcohol. One business manager indicated that they were approached by the applicant/owner with a hope of making use of their parking area. As

far as the manager is aware the business owner has no concerns about alcohol sales at the applicant's site. He is unaware if a parking agreement with the applicant has come to fruition.

Area Residents:

Several neighboring residents were contacted and had no concerns about the applicant's business model or his plan to sell alcohol.

Conclusion:

The applicant's business site has a history as "Sal's Mexican Inn", a family restaurant, open for lunch and dinner and closing at 9 P.M. While operating as Sal's, the site had no adverse impact on the immediate area or on police calls for service. Sal's closed in 2010. Two other restaurants operated at the site during the period of 2010 to 2013, and 2014 to 2016, one of which operated without permits.

The applicant plans to operate the business from 4 P.M. to 1 A.M. Monday through Saturday, and 9 A.M. to 9 P.M. on Sunday as a restaurant. Typically, when applications for Alcohol Special Use Permits using an ABC Restaurant License (Types 41 and 47) show operating hours extending past midnight such businesses chronically fail to meet the license and permit requirements to have higher gross sales of food than alcohol. Additionally, these locations usually generate calls for police services and also become generators of DUI cases.

The restaurant is in close proximity to a few residences where loud activity and music could generate calls for service. Although these concerns might be dismissed based on the comments by current residents who were interviewed, the potential for disturbing future residents will likely remain an issue. According to the Licensing Unit, no Dance Permits have been issued to this location in the past.

As a result of these issues, the proposed conditions of approval reflect operational constraints to reduce the business' potential impact on the neighboring residents and police calls for service.

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. As previously noted, the crime is 2.6 times the City-wide average and is above the State standard. 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 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 2.6 times 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 area. 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 service of alcoholic beverages at this business will have little, if any adverse impact on the community or 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 September 19, 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

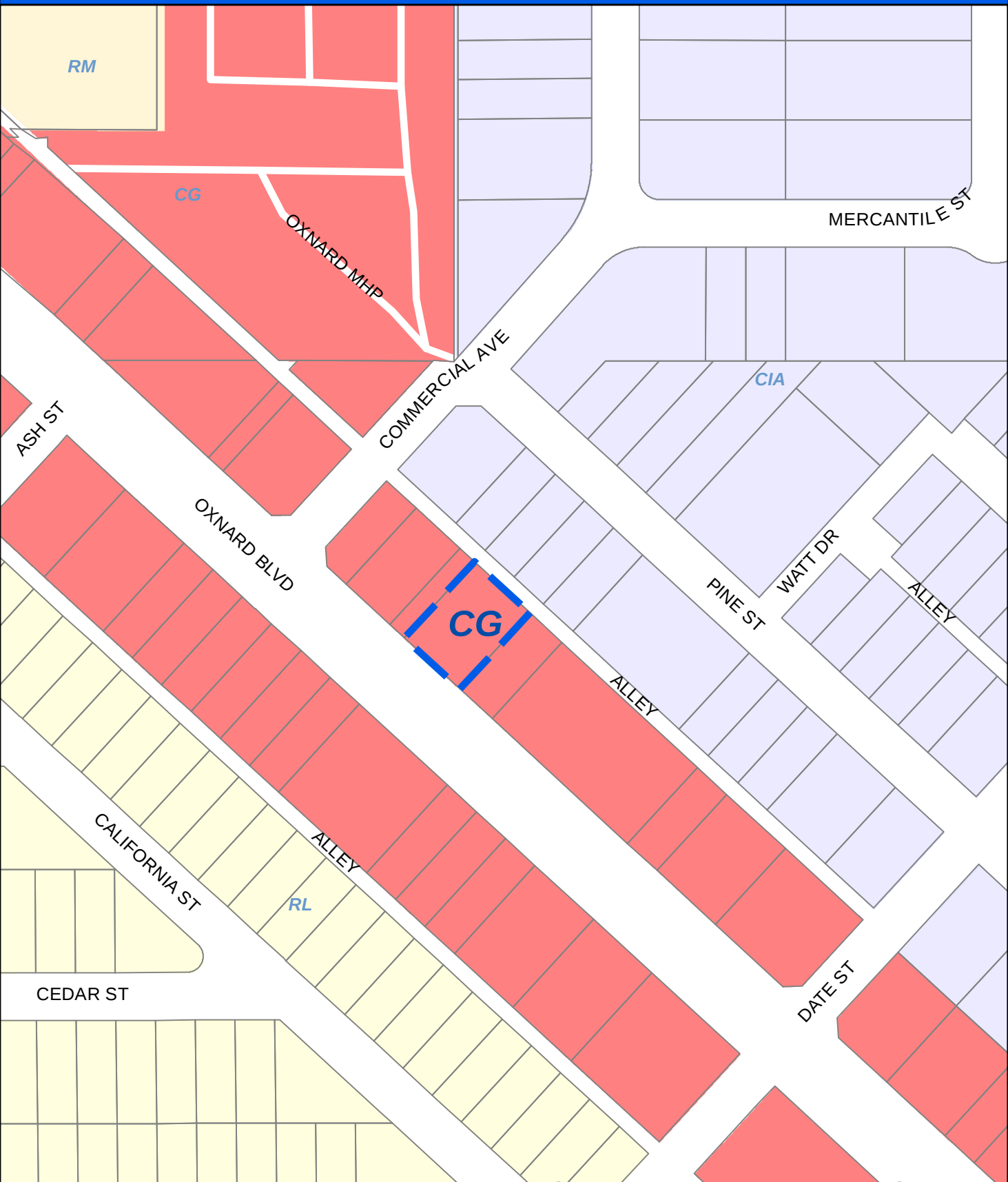
PZ 22-510-04, Azul Restaurant Alcohol Special Use Permit
Planning Commission Hearing Date: December 15, 2022
Page 8 of 8

- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval PZ 22-510-04 (Special Use Permit - Alcohol)
- G. Staff Presentation

Vicinity Map

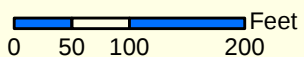


2030 General Plan Land Use Map



Oxnard Planning
September 6, 2022

PZ 21-500-03, 21-500-04, 21-520-03
Location: 1700, 1720, 1740 Ventura Rd
APN: 1440134085, 1440134095, 1440134115
Starbucks/In N Out

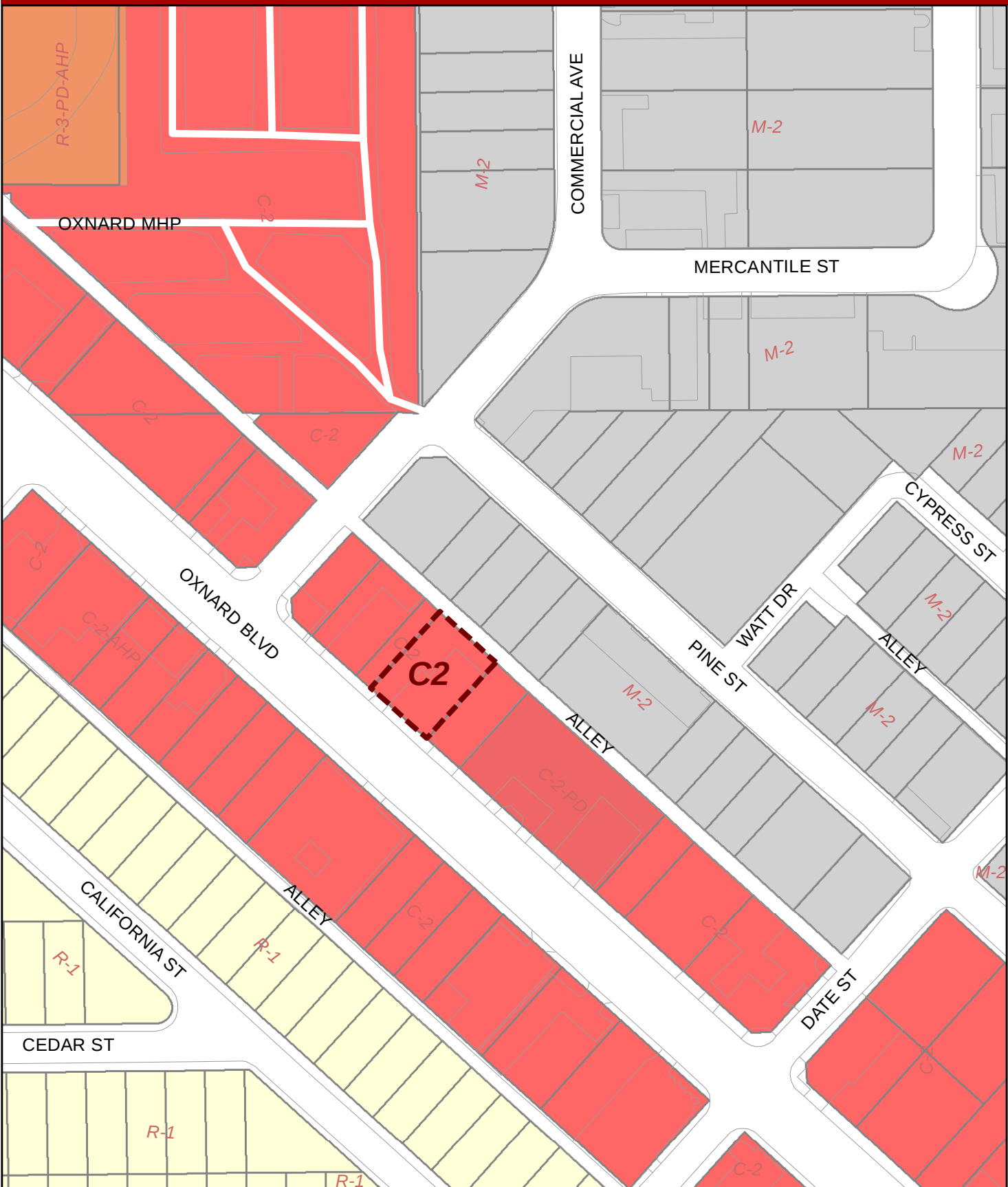


2030 General Plan Land Use Map



1:2,000

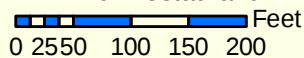
Zoning/Specific Plan Map



Oxnard Planning

September 6, 2022

PZ 22-510-04, 22-550-03
Location: 1450 S Oxnard Blvd
APN: 2040042180, 2040042190
Azul Restaurant



Zoning/Specific Plan Map



1:2,000



These Drawings and Specifications are the property and the copyright of the Architect, and shall not be used for any other work except by written agreement with the Architect.

Parking:

1 space per 75 s.f.
5,065 s.f. / 75 = 67.5 required
Provided - 40 parking stalls
(38 - standard, 2 - accessible)

[illegible]

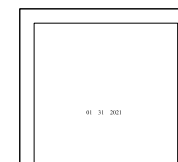
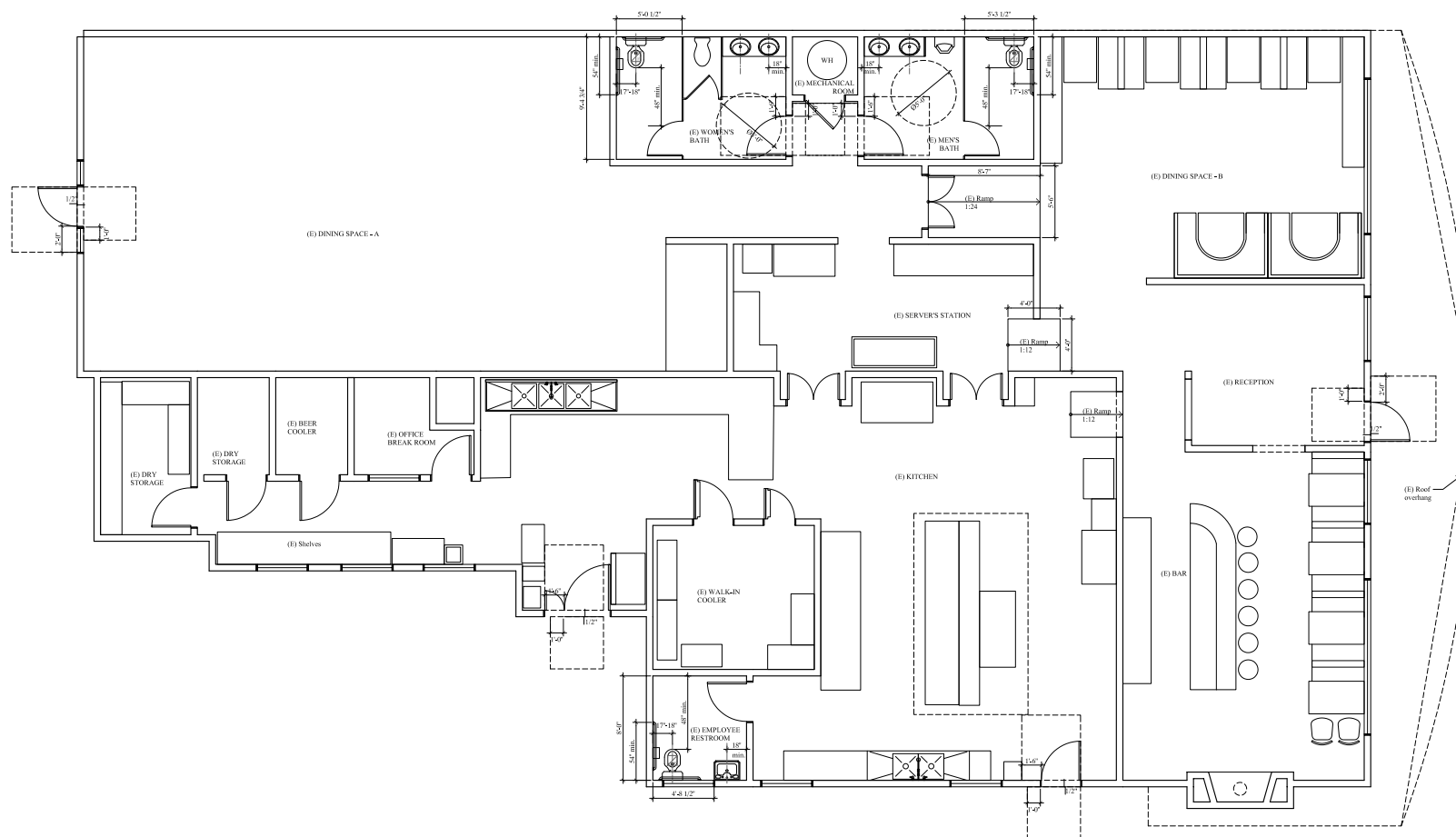
**AZUL
RESTAURANT**
1450 SOUTH OXNARD BLVD
OXNARD, CA 93030

SITE PLAN

1.0

LEGEND:

NO EQUIPMENT HAS BEEN ALTERED OR ADDED TO THE RESTAURANT COMMERCIAL KITCHEN.
ALL DINING AREAS APPEAR AS ORIGINALLY APPROVED BY CITY DEPARTMENTS.

[illegible]

EXISTING FLOOR PLAN

2.1



Area - 5,065 s.f.
FLOOR PLAN
1/4" = 1'-0"

(1)

NOTICE OF EXEMPTION

Project Description: **Azul Restaurant Alcohol Special Use Permit;** Planning and Zoning Permit No. 22-510-04 (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 5,065 square-foot restaurant on a 0.44-acre site located at 1450 South Oxnard Boulevard (APNs: 204-0-042-180 & -190) within the within the General Commercial (C-2) zone. The applicant is requesting that alcohol sales and consumption be allowed from 4:00 PM to 1:00 AM Monday - Saturday and 9:00 AM to 9:30 PM on Sundays. subject to the project conditions. Filed by Aldo Cecena, property owner, 1450 South Oxnard Boulevard, Oxnard, CA 93030.

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 restaurant 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
Planning and Environmental Services Manager

OXNARD POLICE DEPARTMENT

Protecting Our Community with Exceptional Service

CHIEF OF POLICE
Jason Benites

ASSISTANT POLICE CHIEF
Denise Shadinger

ASSISTANT POLICE CHIEF
Chris Williams

251 SOUTH C STREET, OXNARD, CALIFORNIA 93030-5789 * (805) 385-7600 * <http://oxnardpd.org>

December 5, 2022

To: Joe Pearson II, Planning Division Manager

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

Subject: Azul Restaurant, 1450 So. Oxnard Blvd.
PZ 22-140-14, Alcohol SUP Review (ABC Type 47)

Site Information:

The applicant is proposing a restaurant at the site of the former "Sal's Mexican Inn" at 1450 South Oxnard Blvd. The applicant has applied for an ABC Type 47 License which is currently in a pending status awaiting their own approval process as well as that of the Oxnard Planning Commission.

The business is located within the Five Points Northeast Neighborhood. This section of Oxnard Boulevard is primarily commercial with several residential units within 350-feet. There are several residences less than 100-feet from the business's rear door. Adjacent and southeast of the business is the Budget Gardens Motel which serves as residential housing for families. Northeast of the business is an alley that serves properties on Oxnard Boulevard and Pine Street. Northwest of the business is Commercial Avenue, and southeast of the business is Date Street.

The applicant plans to operate the business from 9 A.M. to 1 A.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 California and the City of Oxnard have established standards to weigh concentration factors, and, when appropriate, mitigations to address those factors. The below chart identifies nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

None.

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	ABC Type	ASU P	On/Of f	Premise	Alcohol	Alcohol Hours *
1	El Tenampa Cantina	1325 S. Oxnard Bl.	42	N	On	Bar	Beer Wine Spirits	6a-2a
2	El Pollo Norteno	1290 S. Oxnard Bl.	41	N	On	Restaurant	Beer & Wine	6a-2a
3	Tacos El Brother	1635 S. Oxnard Bl.	41	N	On	Restaurant	Beer & Wine	6a-2a
4	Fiesta Liquor	1637 S. Oxnard Bl.	21	N	Off	Liquor Store	Beer Wine Spirits	6a-2a
5	Hideaway Bar	1251 Mercantile St.	42	N	On	Bar	Beer Wine Spirits	6a-2a

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 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.

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 district 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.*

In the case of the applicant site, the annual crime rate is 2.6 times the average annual citywide rate. This shows the site as having a crime rate above the standard established in 23958.4(1) B&P.

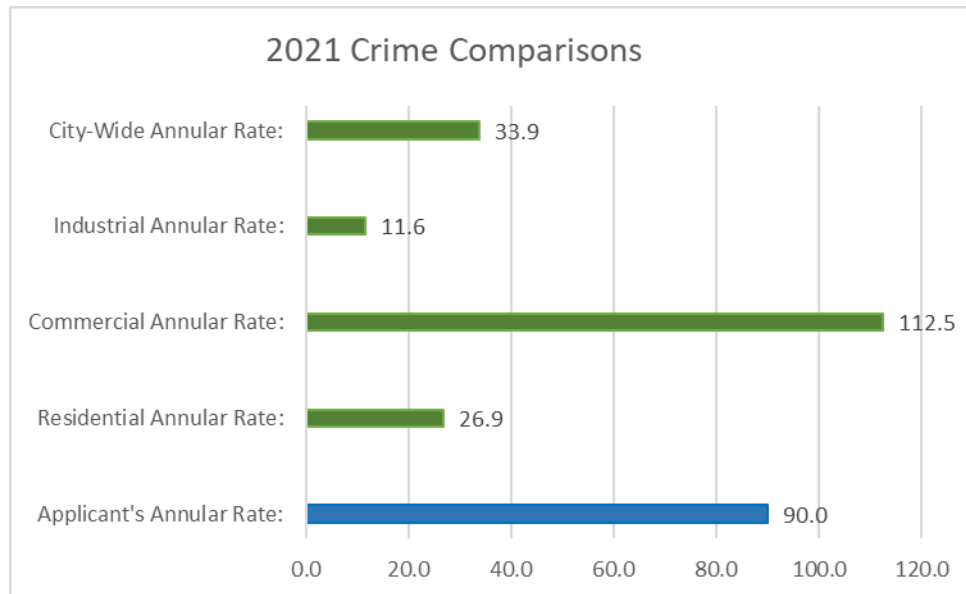
Currently there are eight on-sale licenses within the applicant's census tract. According to the ABC, 7 on-sale licenses are authorized within this census tract.

Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I and II 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 90. This is 80 % 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 in the past the location has not been considered to be a policing problem and has not required any specific attention. However, he has concerns. The prior restaurant, "Sal's Mexican Inn" closed at 9 P.M. The business had very limited police calls for service. He noted that there are residences to the rear and a motel (Budget Gardens) that abuts the parking lot to the south. This motel houses families. The excessive noise generated by later operational hours including loitering and parking issues will directly affect the residential areas and generate regular calls for service.

He adds that other restaurants operating with later hours in the area have generated such calls as they cannot control the loud music as doors and windows are frequently opened. When these establishments close at 2 A.M., large groups of people create disturbances that will also likely affect the residents in the area. Another concern that he raises is that Oxnard Boulevard is a 40-mile an hour multi-laned highway with no controlled intersections or crosswalks within 600-feet in either direction. During events which draw larger crowds and parking overflow, patrons will be inclined to park on the

opposite side of the street and walk across the highway creating a dangerous environment.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. One business manager indicated that they were approached by the applicant/owner with a hope of making use of their parking area. As far as the manager is aware the business owner has no concerns about alcohol sales at the applicant's site. He is unaware if a parking agreement with the applicant has come to fruition.

Area Residents:

Several neighboring residents were contacted and had no concerns about the applicant's business model or his plan to sell alcohol.

Conclusion

The applicant's business site has a history as "Sal's Mexican Inn", a family restaurant, open for lunch and dinner and closing at 9 P.M. While operating as Sal's, the site had no adverse impact on the immediate area or on police calls for service. Sal's closed in 2010. Two other restaurants operated at the site during the period of 2010 to 2013, and 2014 to 2016, one of which operated without permits.

The applicant plans to operate the business from 4 P.M. to 1 A.M. Monday through Saturday, and 9 A.M. to 9 P.M. on Sunday as a restaurant. Typically, when applications for Alcohol Special Use Permits using an ABC Restaurant License (Types 41 and 47) show operating hours extending past midnight such businesses chronically fail to meet the license and permit requirements to have higher gross sales of food than alcohol. Additionally, these locations usually generate calls for police services and also become generators of DUI cases.

The restaurant is in close proximity to a few residences where loud activity and music could generate calls for service. Although these concerns might be dismissed based on the comments by current residents who were interviewed, the potential for disturbing future residents will likely remain an issue

According to the Licensing Unit, no Dance Permits have been issued to this location in the past.

As a result of these issues, the proposed conditions of approval reflect operational constraints to reduce the business' potential impact on the neighboring residents and police calls for service.

Concentration, Public Convenience and Necessity

As previously discussed, there is not an undue concentration of alcohol establishments under the standards established by the State of California or the City of Oxnard.

Additionally, 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. As previously noted, the crime is 2.6 times the City-wide average and is above the State standard.

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.

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.

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 \(ca.gov\)](#). 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 10 P.M. (PL/PD)
4. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The 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 Wasterwater Division.
7. The 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. The 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. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is available for sale, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
10. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

11. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high-capacity containers exceeding 25 oz. total. (PD)
12. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
13. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
14. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within 48-Hours of being applied. (PD/PL)
15. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
16. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
17. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
18. The activity at the site and the use of any amplifying system or device shall not be disruptive to neighboring uses. Music from the business shall not be audible in the alley behind the business. (PD)
19. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit conditions and/or a permit/license issued by the California Department of Alcoholic Beverage Control ("ABC"), or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Community Development Director to be held no more than 30-days after the suspension begins. (PD)

Security Features

20. 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) or cloud system. 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.

21. 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.

22. Prior to the issuance of this permit, 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.

23. 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 to the equipment.

24. 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 it's mounting height above the floor/grade.

Operational Standards

25. 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)

26. The permittee shall participate in programs, when requested and reasonable, by the Oxnard Police Department to inform and educate patrons on dangers of driving under the influence of alcohol or drugs. (PD)

27. Should a criminal event occur 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.

28. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)

29. Permittee shall have drop-safes or other method of securing cash installed and 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)

30. The Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)

36. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline.

- a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
- b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
- c. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
- d. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be

partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.

e. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

f. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting scheme.(PD/PL)

Entertainment

37. Entertainment as defined by Oxnard City Ordinance 11-185 is allowed provided it does not disturb neighboring uses.

38. 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)

Signage

39. 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)

40. There shall be no posters or signs on the windows other than those require by permit or statute or otherwise specifically approved by the Planning Division.

41. 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)

42. 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

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

44. 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, change in use, or the creation of a bandstand or other area for the use of entertainment.

Permit Restrictions

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

46. 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)

47. 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.

48. "Dine in" customers ordering alcoholic 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.

49. 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.

Special Police Conditions

None.

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.

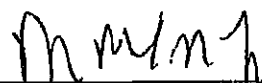
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

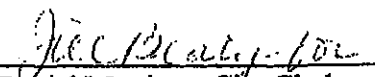
ABSENT: None.



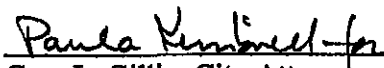
Dr. Manuel M. Lopez, Mayor

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. 22-510-04 (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 5,065 SQUARE-FOOT RESTAURANT ON A 0.44-ACRE SITE LOCATED AT 1450 SOUTH OXNARD BOULEVARD (APN: 204-0-042-180 & -190) WITHIN THE GENERAL COMMERCIAL (C-2) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ALDO CECENA, PROPERTY OWNER, 1450 SOUTH OXNARD BOULEVARD, OXNARD, CA 93030.

WHEREAS, on April 18, 2022, Aldo Cecena, (the “**Applicant**”) property owner, submitted a request to allow the sale of beer, wine and distilled spirits (Type 47 ABC License) for on-site consumption at a proposed 5,065 square-foot restaurant (Azul Restaurant) at 1450 South Oxnard Boulevard; and

WHEREAS, on December 15, 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. 22-510-04 (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 Commercial General (CG) and the zoning designation is General Commercial (C-2). The Project is surrounded by commercial, industrial, 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 5,000 square-foot multi-tenant commercial building was originally constructed prior to 1957. 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 General Commercial (C-2) zoning district, with 2030 General Plan designations of Commercial General (CG). The proposed 5,065 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 no establishments of the same type located within 350 feet of the Project site. There are also four establishments of a similar ABC License Type 41 (On-Sale Beer & Wine) and Type 42 (On-Sale Beer & Wine) between 350 Feet and 1000 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 2.6 times the average annular citywide rate, which exceeds 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. 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 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 Oxnard Boulevard, 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 higher than 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 and subject to the required conditions, 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, 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 no establishments of the same type located within 350 feet of the Project site. There are also four establishments of a similar ABC License Type 41 (On-Sale Beer & Wine) and Type 42 (On-Sale Beer & Wine) between 350 Feet and 1000 Feet of the subject property.

The annular crime rate is 2.6 times the average annular citywide rate, which exceeds 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 area. For these reasons,

approval of this proposed permit serves “Public Convenience or Necessity” for our community. 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 restaurant 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 22-510-04 (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.

CONDITIONS OF APPROVAL

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 December 15, 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.
13. The property shall continue to be used as a restaurant only, any changes to the proposed use, including use as a bar and/or the inclusion of a dance floor, shall require modification to this permit and other applicable entitlements, including compliance with Chapter 16 of the Oxnard City Code.

POLICE DEPARTMENT STANDARD CONDITION

RBS Training

14. 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). The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid. (PL/PD)

15. 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

16. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10 P.M. (PL/PD)
17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The 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)
18. 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)
19. The business shall have a grease interceptor as required by the Wasterwater Division.
20. The permittee shall have a Certified Food Handler on-duty at all times the restaurant is open to support the service of its menu. (PD)
21. The 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)
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 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. (PD)
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 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 48-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 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. Music from the business shall not be audible in the alley behind the business. (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, 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. 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 this permit, 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.
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 to 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 it's mounting height above the floor/grade.

Operational Standards

38. During normal business hours, the licensee shall provide access to the digital recordings for any and all law enforcement purposes as determined by the City of Oxnard. (PD)
39. 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)
40. Should an criminal event occur 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.
41. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
42. Permittee shall have drop-safes or other method of securing cash installed and 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)
43. The Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
44. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline:
 - a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
 - b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:

- c. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
- d. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
- e. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.
- f. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting scheme.(PD/PL)

Entertainment

- 45. Entertainment as defined by Oxnard City Ordinance 11-185 is allowed provided it does not disturb neighboring uses.
- 46. 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)

Signage

- 47. 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)
- 48. There shall be no posters or signs on the windows other than those require by permit or statute or otherwise specifically approved by the Planning Division.
- 49. 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)

50. 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

51. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
52. 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

53. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without SUP review and approval by the Police Chief or designee and the Community Development Director. (PD)
54. 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)
55. 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.
56. "Dine in" customers ordering alcoholic 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.
57. 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.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day
of December 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 15th day of December 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

City of Oxnard Planning Commission

December 15, 2022

Azul Restaurant Alcohol Special Use Permit
1450 South Oxnard Boulevard
PZ 22-510-04
(Special Use Permit - Alcohol)

Applicant: Aldo Cecena

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 5,065 square-foot commercial suite within a existing restaurant.

The applicant is requesting that alcohol sales are from 4:00 PM to 1:00 AM Monday - Saturday and 9:00 AM to 9:30 PM on Sundays. However, staff's recommended conditions of approval would limit the sale of alcohol to the hours of 7:00 AM to 10:00 PM, based on the restaurant use, area conditions, including close proximity to residents.

Exterior modifications are also proposed, but will be reviewed through Minor Modification Permit No. 21-140-14.

Background

In 1957, permits were issued for modifications to existing commercial buildings on the property, for the construction of a new dining room and kitchen. The restaurant has been in operation since.

The site did not previously have a Alcohol Special Use Permit.

Project Location



Project Site



Land Use and Zoning

2030 General Plan:
Commercial General (CG)



Zoning Designation:
General Commercial (C-2)



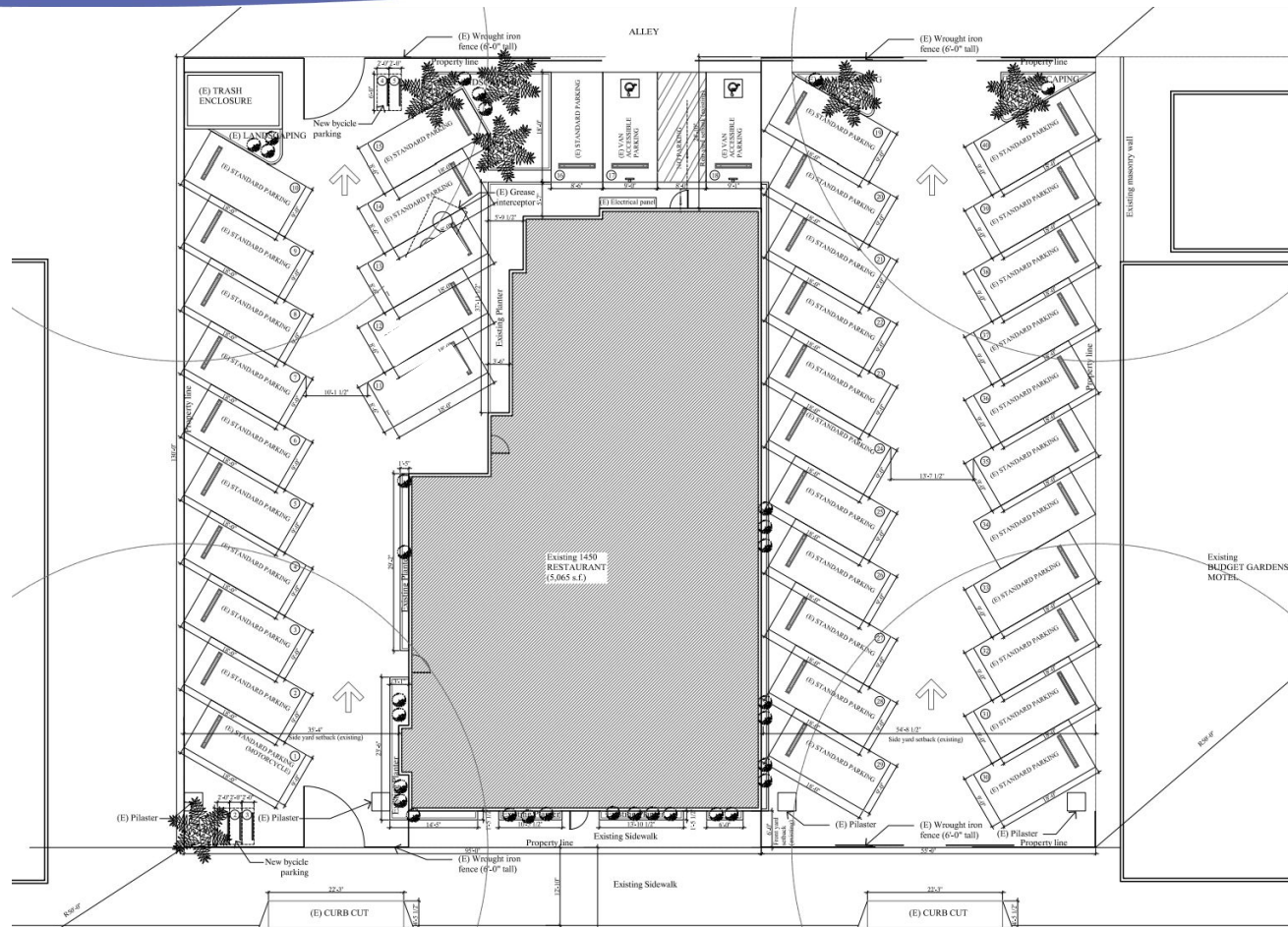
Existing and Surrounding Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Restaurant
North	Central Industrial Area (CIA)	Heavy Manufacturing (M-2)	Residential
South	Commercial General (CG)	General Commercial Planned Development (C-2)	Vehicle Sales
East	Commercial General (CG)	General Commercial Planned Development (C-2)	Motel
West	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Retail



Reference North

Site Plan

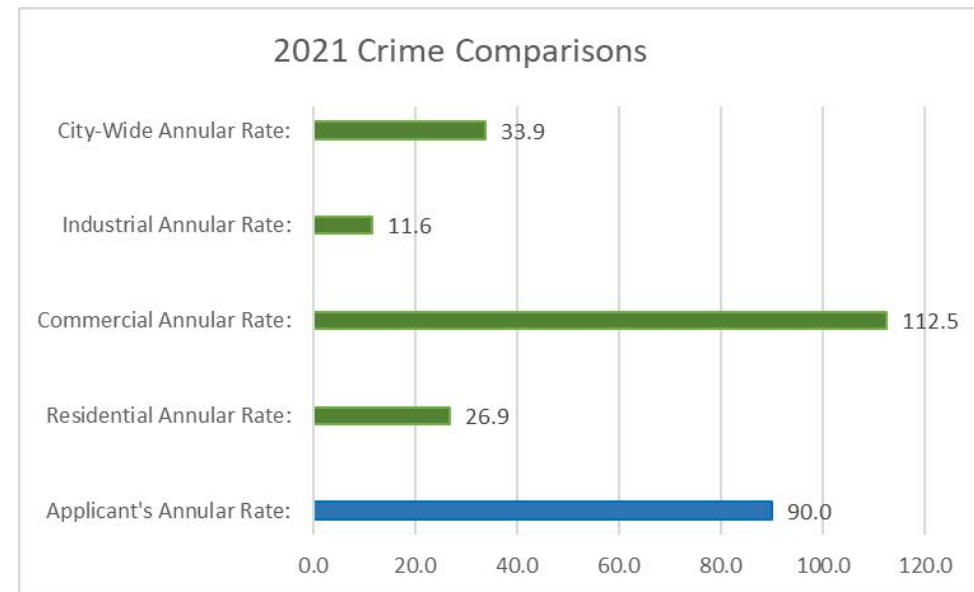


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Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is 80% of the average for commercial properties citywide.
- Site is not considered to be a policing problem, subject to the conditions of approval. No safety concerns noted by Beat Coordinator or neighboring businesses.



Police Department Review

Reviewed application per CC Resolution No. 11,896

Concentration:

1. There are no establishments located within 350 feet.
2. There are establishments located between 350 - 1000 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?
El Tenampa Cantina - 1325 S. Oxnard Bl.	No	No (Type 42)	No, as conditioned	City (No)/Yes (State)
El Pollo Norteno - 1290 S. Oxnard Bl.	No	No (Type 41)	No, as conditioned	City (No)/Yes (State)
Tacos El Brother - 1635 S. Oxnard Bl.	No	No (Type 41)	No, as conditioned	City (No)/Yes (State)
Fiesta Liquor - 1637 S. Oxnard Bl.	No	No (Type 21)	No, as conditioned	City (No)/Yes (State)
Hideaway Bar - 1251 Mercantile St.	No	No (Type 42)	No, as conditioned	City (No)/Yes (State)

Findings:

- Crime rate around site is below commercial average (80%).
- There is an undue concentration per State standards (crime rate and census tract).
- A Finding of public convenience or necessity is required.

Community Input

Community Input:

- A virtual Community Workshop was conducted on September 19, 2022. Notices were provided to the Five Points Northeast and Cal Gisler Neighborhoods. No speakers commented on the request.
- To date, staff has not received any concerns or public comments regarding the proposed project.

Select Recommended Conditions of Approval

- CofAs #14 and #15:
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 #16:
Sales of alcohol may only occur between the hours of 7:00 A.M. and 10:00 P.M.
- CofA #22:
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. 22-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.