



MEMORANDUM

TO: The Planning Commission

DATE: February 23, 2023

SUBJECT: Implementation of Program 10 of the City's Adopted Amended Housing Element
- Update to the City's Inclusionary Housing Ordinance: Planning & Zoning (PZ)
Permit No. 23-580-01.

FROM: Kathleen Mallory, Planning & Sustainability Manager, AICP, MA, LEED Green Associate

The Planning Commission's consideration of the updated Inclusionary Housing Ordinance is being continued from March 2nd to March 16th. This will enable staff to refine the analysis and ensure sufficient background information is provided for the Planning Commission's consideration and recommendation to the City Council.

Should you have any questions, feel free to contact me at Kathleen.Mallory@oxnard.org or (805) 385-8370.

Thank you.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Carlos Torres, Associate Planner

DATE: **March 2, 2023**

SUBJECT: Project Name: Seafood City; Planning and Zoning Permit No. 22-510-03 (Special Use Permit-Alcohol License); 2340 North Rose Avenue; (APN 213-0-011-195)

1) 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 2023-XX approving Planning and Zoning Permit No. 22-510-03 (Special Use Permit), subject to certain findings and conditions.

2) Project Description and Applicant: A request to allow the sales of beer, wine, and distilled spirits for consumption off the premises (Alcohol Beverage Control (ABC) License Type 21 - Off-Sale General¹) within an existing 37,729 square-foot grocery store building located at 2340 North Rose Avenue in the General Commercial (C-2) zone. The standard hours of alcohol sales and consumption are from 7:00 a.m. to 11:00 p.m. The facility proposes to operate Monday through Sunday from 6 a.m. to 12 a.m. For the purpose of this Staff Report, the foregoing project description shall be referred to as the “**Project.**” Filed by Steve Rawling on behalf of Seafood City, Business Owner (the “**Applicant**”), 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562.

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

3) Existing & Surrounding Land Uses: The property is located on the northeast corner of North Rose Avenue and Lockwood Street, within the General Commercial (C-2) Zone. The Project site is within the Shopping at the Rose II Shopping center with retail developed properties to the west and east. To the south of the property and within the shopping center there is an undeveloped lot and a Golden Corral Buffet and Grill restaurant. In addition, within the shopping center, a Circle K convenience store and service station is already licensed and operating for the sales of beer and wine for consumption off the premises. The

¹ ABC License Type 21 (Off-Sale General) Definition: (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises..

following table summarizes existing land uses, zoning, and 2030 General Plan designations of the Project site and adjacent properties, which are also shown on Attachment A:

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial	Commercial General	Retail Market
North	101-Freeway	101 Freeway	Freeway
South	General Commercial	Commercial General	Vacant/ Restaurant/ equipment yard
East	General Commercial	Commercial General	Vacant Building
West	General Commercial	Commercial General	Mixed of retail uses

- 4) Background Information:** The 37,729 square foot single story building was constructed on a 3.52-acre lot that is located within the Shopping at the Rose II shopping center. On June 18, 1996, Special Use Permit No. 95-500-13 approved the first phase of the shopping center. On July 17, 1997, Special Use Permit No. 97-500-26, approved the construction of the 37,729 square foot building to house Babies “R” Us retail store. The building has been vacant since 2018 when Babies “R” Us closed their doors and vacated the premises.

In December 8, 2022, the Planning Manager approved Planning and Zoning (PZ 22-140-05) a minor modification to allow the addition of ground mechanical equipment and an equipment enclosure, a trash enclosure replacement and other minor site improvements for the proposed Seafood City. The proposed exterior improvements are currently under review by the Building and Engineering Division.

In February 6, 2023, the Planning Manager approved PZ 23-143-02 over the counter minor modification to allow the change of the facade exterior color scheme for the building.

- 5) Environmental Determination:** In accordance with Section No. 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 exempt from the requirements of CEQA. The Project involves a request to sell general alcohol including spirits for off-site consumption and does not involve expansion of square footage of building area. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the project may 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 approval to allow the sale of beer,

wine and distilled spirits for off-site consumption of alcoholic beverages (ABC License Type 21) within an existing 37,729 square-foot retail store (Seafood City). The facility will operate as a market and will open from 6 a.m. to 12 p.m. Monday through Sunday.

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 off-site consumption is accessory to the primary use of the market and conforms to the permitted uses of the C-2 Zone.

- b) General Plan and Zoning Consistency:** The 2030 General Plan 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 condition 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 (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 Special Use Permit application request is likely to significantly aggravate police 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?
None	No (Type 21)	No (Type 21)	No, as conditioned	City (No)/Yes (State)

Concentration of Alcohol Outlets:

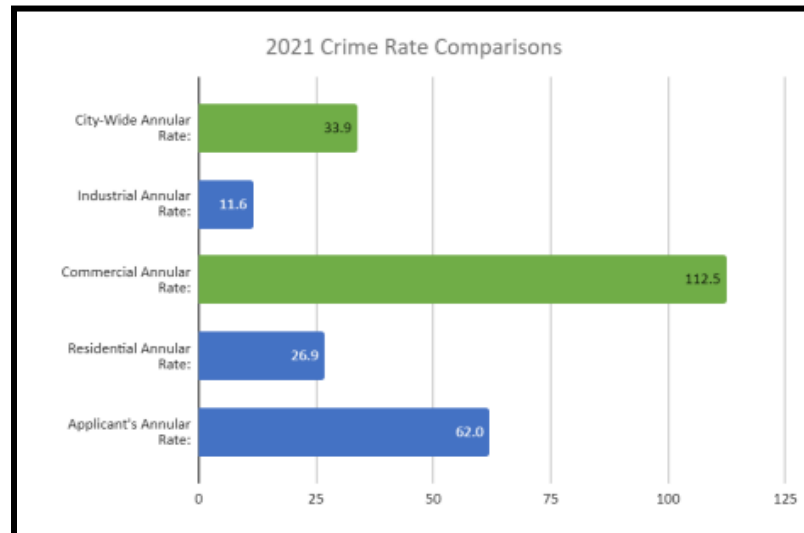
According to the Police report, there are no establishments of the same type located within 350 feet or within 350 and 1,000 feet of the subject property. The Police Department has determined there is no undue concentration by City standards.

In the case of the applicant site, the annual crime rate is above the average annual citywide rate. This shows the site as having a crime rate above the standard established in 23958.4(1) B&P (See crime statistics breakdown in the Crime Statistic Review section and in the Police Department Report for additional information).

The property is located within census tract 49.02. The census tract allows for three (3) off-sales licenses. Currently, there are (18) off-sale licenses within the applicant's 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 Statistic 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, annual average of Part I and II crimes is 33.9. The average commercial, annual average of Part I and II crimes is 112.5. The average number of Part I and II crimes occurring within 1,000 feet annular area was 62 during the same twelve month time period. This is 55% of the citywide average for commercial properties citywide and can be illustrated in the graph below:



Police & Community Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location has been an area of concern related to transient loitering in the nearby vacant property. However, she hopes that after the proposed business opens it will deter the transients from loitering in the immediate area. The Beat Coordinator did not have a concern regarding the addition of this alcohol sales establishment at this location.

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. No negative feedback or significant concerns were received.

Area Residents:

The proposed site is located within a retail shopping center area and is not associated with any residential neighborhoods in the immediate area.

Conclusion:

The retail grocery store and indoor food court building plans have been submitted in addition to the application for the Alcohol Special Use Permit. These plans are being considered as part of the permit application for the sales of beer, wine, and spirits in the proposed 37,729 square foot retail grocery store. The existing commercial building and parking lot has become an eyesore and a place for homeless loitering and habitation.

The submitted plans for this project address common public safety concerns that accompany this type of use. The addition of a well-designed building will improve this parcel from its current condition.

Concentration, Public Convenience and Necessity

As previously discussed, the site of the proposed establishment is within an area of the City where there is an “undue concentration” of alcoholic beverage establishments within the meaning of section 23958.4(a)(1) of the Business and Professions Code. As previously noted, the crime is over 20% higher than 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.

The crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. There are no alcohol retail uses within 1000-feet of the site, so there is a presumption of no undue concentration under City standards. However, under State standards, there is an undue concentration of outlets in the applicant’s census tract. The census tract covers a large area and the alcohol outlets are dispersed over a wide area. This presumption can be rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial center which has not historically been a focus of police or community problems.

The location of this business at this site can serve “Public Convenience and Necessity” as it will provide products and services unavailable in this region of the City.

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.

- 7) Community Workshop and Public Input:** The project site is located within the Rice Avenue Commercial Area that consists of industrial and commercial developments. Rice Avenue Commercial area has no neighborhood area designation by the City of Oxnard, therefore a Community Workshop was not required.
- 8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission’s action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

PZ 22-510-03(SUP); Seafood City

March 2, 2022

Page 7

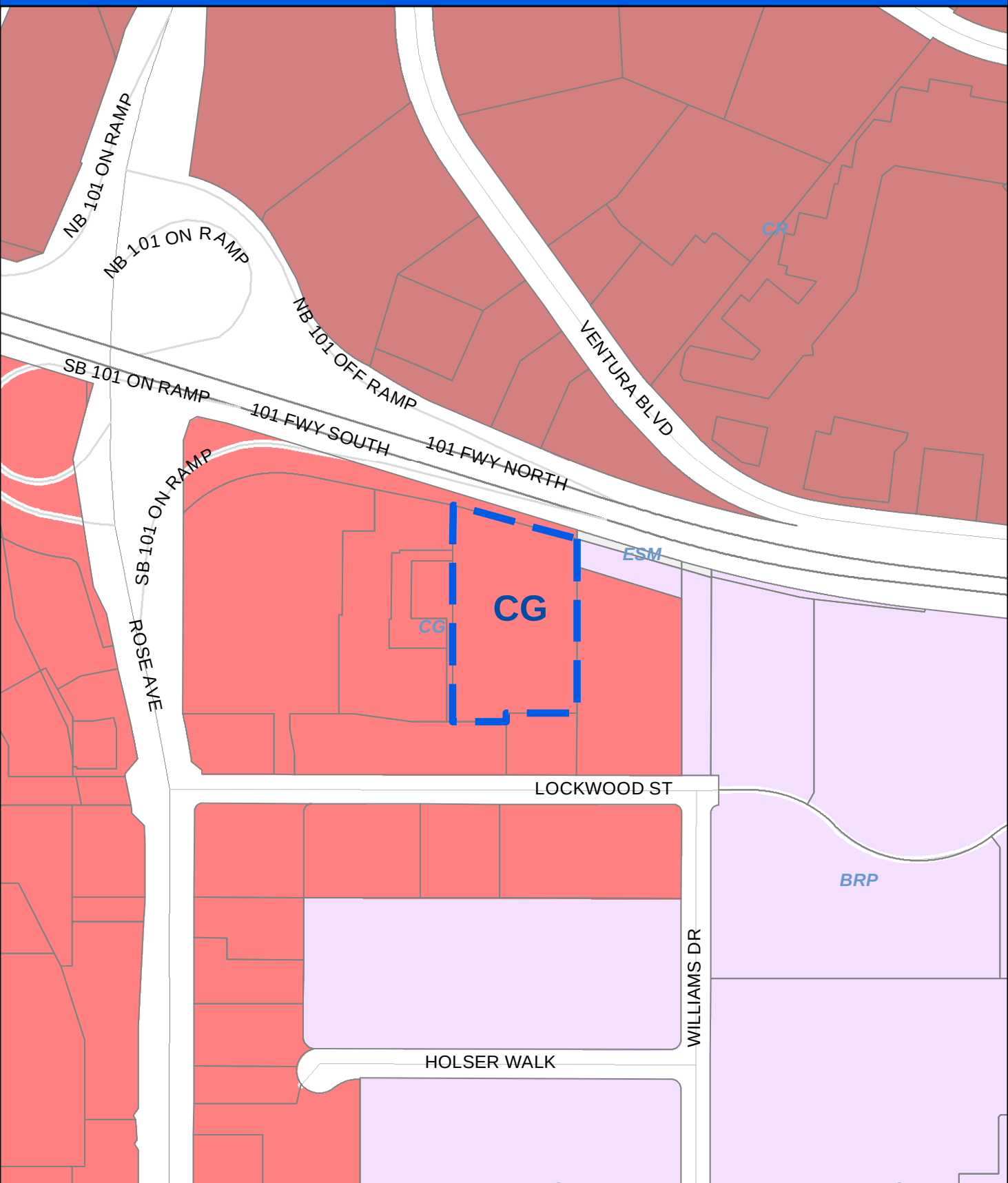
Attachments:

- A. Maps (Vicinity, Aerial, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution 11,896
- F. Draft Resolution PZ 22-520-03 (Special Use Permit-Alcohol)
- G. Presentation

Vicinity Map

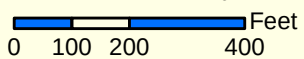


2030 General Plan Land Use Map



Oxnard Planning
August 9, 2022

PZ 22-510-03
Location: 2340 N Rose Ave
APN: 213001190
Seafood City



2030 General Plan Land Use Map



1:4,000

Zoning/Specific Plan Map

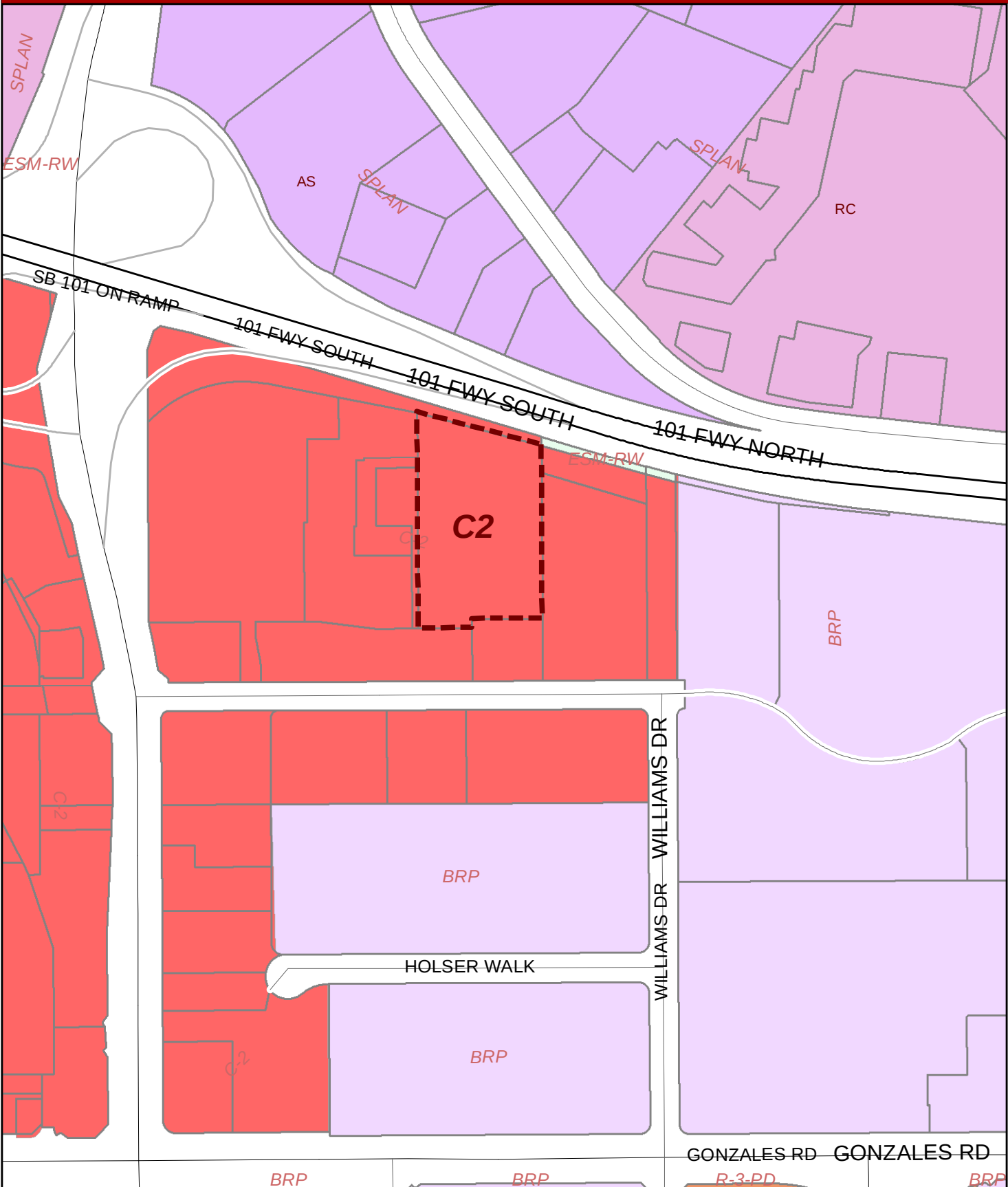




Photo Exhibit

Seafood City

2340 N Rose Ave

June 10, 2022

Aerial Photo #1



Aerial Photo #2



Street View Photo #1



Street View Photo #2



NOTICE OF EXEMPTION

Project Description: **Seafood City;** Planning and Zoning Permit No. 22-510-03 (Special Use Permit - Alcohol): A request to allow the sales of beer, wine, and distilled spirits for consumption off the premises (Alcohol Beverage Control (ABC) License Type 21 - Off-Sale general¹) within an existing 37,729 square-foot vacant commercial building, within Shopping at the Rose II located at 2340 North Rose Avenue (APN 213-0-011-195) within the General Commercial (C-2) zone. The standard hours of alcohol sales and consumption are from 11:00 AM to 11:00 PM. The facility proposes to operate seven days a week from 6 a.m. to 12 a.m. Filed by Steve Rawling on behalf of Seafood City, business, 26023 Jefferson Avenue, Suite D, Murrieta, CA 92562.

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 beer, wine, and distilled spirits for off-site consumption within an existing 37,729 square-foot commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and they hereby authorize and direct the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Joe Pearson II, Planning and Environmental
Services Manager

¹ ABC License Type 21 (Off-Sale General) Definition: (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises..

	Police Department Jason Benites, Chief of Police
---	--

November 21, 2022

To: Joe Pearson II, Planning Division Manager

From: Marc Amon, Patrol Support Division Commander
Steven M. Ramirez II, Corporal, F.A.C.T. Compliance Officer
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: Seafood City, 2340 N. Rose Avenue
PZ 22-510-03, Alcohol SUP Review (ABC Type 21)

Site Information:

The proposed site is currently a vacant freestanding building located east of Rose Avenue just north of Lockwood Street in a retail shopping complex. It is situated in the east end of the shopping center. Public access to the building is through large doors located along the south side of the building facing the shared parking lot. There is a loading dock on the west side of the building. The building previously served as a retail sales outlet for children's clothing and supplies.

The proposed site is located within the Shopping at the Rose II shopping center. The nearest residences are 0.4 miles to the south in the East Village Neighborhood, and 0.4 miles to the west in the Rio Lindo Neighborhood.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 21¹ License to sell beer, wine, and spirits from 7 A.M. to 11 P.M.

Concentration, Crime and Policing Services

¹ *Type 21 Off Sale Beer, Wine and Spirits – Authorizes the sale of beer, wine and spirits for consumption off the premises where sold. Minors are allowed on the premises.*

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

Alcohol outlets located within 350 Feet

BUSINESS NAME	ADDRESS	ABC TYPE	ASUP	ON/OFF SALE	PREMISE	ALCOHOL	ALCOHOL HOURS
None	None	None	None	None	None	None	None

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

Alcohol outlets located between 350 Feet and 1000 Feet

BUSINESS NAME	ADDRESS	ABC TYPE	ASUP	ON/OFF SALE	PREMISE	ALCOHOL	ALCOHOL HOURS
None	None	None	None	None	None	None	None

**Alcohol Hours - Hours listed are when alcoholic beverages legally may be sold pursuant to City and State restrictions.*

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

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

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

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

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

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

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

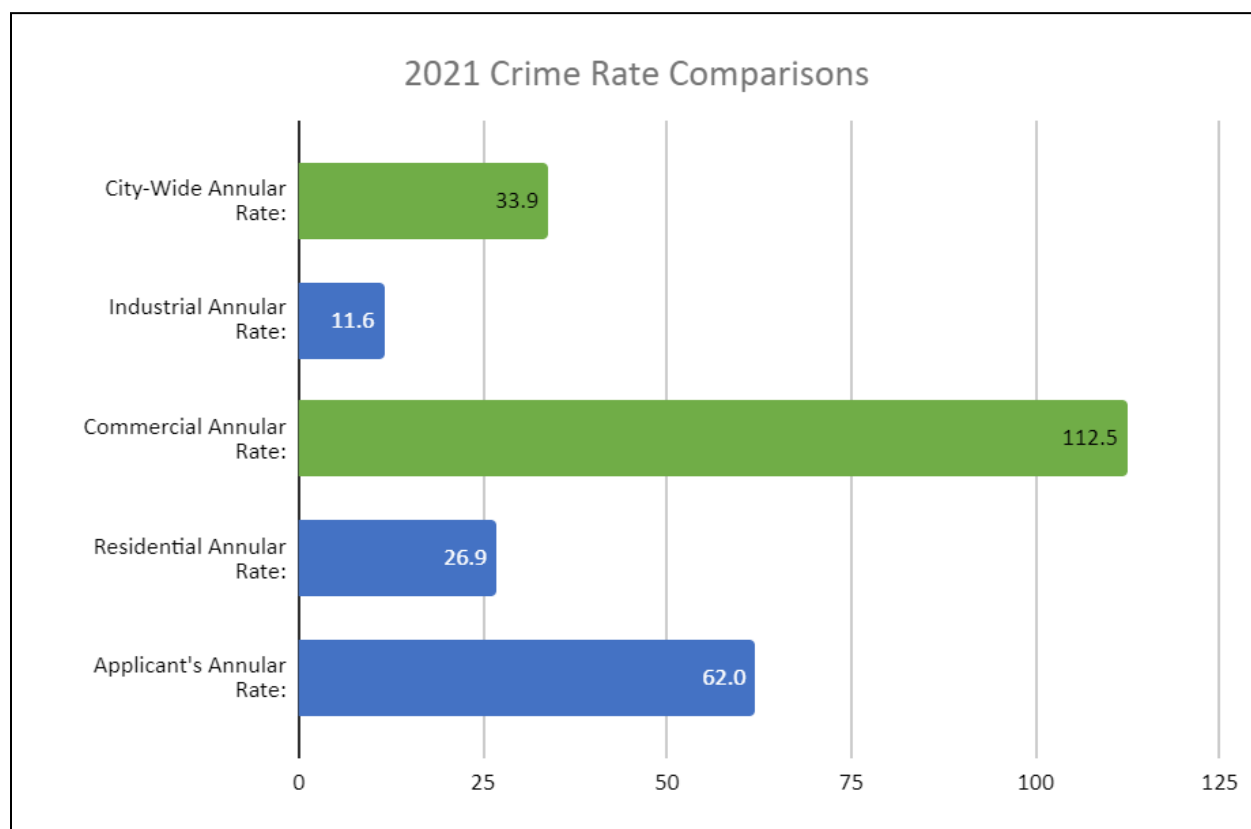
In the case of the applicant site, the annual crime rate is above the average annual citywide rate. This shows the site as having a crime rate above the standard established in 23958.4(1) B&P.

Currently there are (18) off-sale licenses within the applicant's census tract. According to the ABC, (3) off-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.

Crime Statistics Review:

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

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 62. Commercial properties citywide and can be best illustrated in the graph below:



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

⁶ Part II crime include: other assaults, forgery & counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution & commercialized vice, sex offenses, drug abuse violations, gambling, offenses against family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses not specifically identified as Part I or Part II, except traffic violations.

Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location has been an area concern related to transients loitering in the area. She stated the transients are frequenting a nearby vacant property and hopes that after the proposed business opens it will deter the transients from loitering in the immediate area. She did not have a concern regarding shoplifting or alcohol sales at this location.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. No negative feedback or significant concerns were received.

Area Residents:

The proposed site is located within a retail shopping center area and is not associated with any residential neighborhoods in the immediate area.

Conclusion

The retail grocery store and indoor food court building plans have been submitted in addition to the application for the Alcohol Special Use Permit. These plans are being considered as part of the permit application for the sales of beer, wine, and spirits in the proposed 32,800 square foot retail grocery store. The existing vacant one-story commercial building and parking lot has become an eyesore and a place for homeless loitering and habitation. The submitted plans for this project address common public safety concerns that accompany this type of use. The addition of a well-designed building will improve this parcel from its current condition.

Concentration, Public Convenience and Necessity

As previously discussed, there is no undue concentration of alcohol establishments under the standards established by the State of California or the City of Oxnard.

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 over 20% higher than the City-wide average and is above the State standard.

The crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. There are no alcohol retail uses within 1000-feet of the site, so there is a presumption of no undue concentration under City standards. However, under State standards, there is an undue concentration of outlets in the applicant's census tract. The census tract covers a large area and the alcohol outlets are dispersed over a wide area. This presumption can be rebutted by a preponderance of evidence, which shows that the business will be in a well-established, well-maintained commercial center which has not historically been a focus of police or community problems.

The location of this business at this site can serve "Public Convenience and Necessity" as it will provide products and services unavailable in this region of the City.

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.

Off Sale - Market/Convenience Store

Police Operating Conditions

Training

1) Permittee and all sellers or servers shall complete an approved course in Responsible Beverage Sales and Service (RBSS) (available through the ABC website for the LEAD Program at www.abc.ca.gov/education/lead-training) 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.

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

Operations

3) The Police Chief or designee may immediately suspend operation of the use(s) approved by this permit pending a hearing on the suspension or revocation of this permit if the Chief determines that there have been significant violations of the conditions associated with the use(s) and/or Alcoholic Beverage Control (ABC) license and/or there is a single serious violent

crime or single significant incident to which multiple police units or multiple police jurisdictions responded to that is associated with the operation of this use for 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 regarding the revocation of the permit by the Community Development Director to be held no more than 30 days after the suspension begins. Any hearing would operate as outlined in OCC 1-55.

Additionally, violations of this permit which can lead to permit suspension can include, but not limited to:

- a) Failure to provide required operational documentation within 30-days when requested by mail or email. This would include, but not limited to quarterly food/alcohol sales, copies of security guard credentials, and proof of server's completion of RBS Training.
- b) Repeated violations of a specific condition within this document or successor documents or permits.
- c) Evidence of service of alcoholic beverages to minors.
- d) Repeated failure to maintain a staff of servers trained in approved Responsible Beverage Service. (PD)
- e) Sales to habitual drunkards per section 25602(a) Business and Professions Code.

4) Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. Permittee shall submit an email address to: specialprojects@oxnardpd.org. In the submission, identify the business name, the contact person's name and their role in the business.

Security

5) A Security Plan shall be submitted and approved prior to the issuance of building permits. The plan shall include:

- a. The Security Plan Sheet that identifies the location of each security camera, camera recording and support equipment.
- b. The Security Plan shall include a chart identifying each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).

6) Prior to commencing the sale of alcohol permitted by this permit, permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized

point of sale and areas immediately surrounding the exterior of the business. 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 to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. All vehicular entrances to the parking facilities shall be monitored by a camera or cameras that are placed to capture images of sufficient quality where the vehicle's license plate, make, model and color can be easily identified.
 - i. A monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customer's images upon entry into the business.
 - j. A monitor shall be placed at the cashier's station to allow staff to passively monitor activity at the site via the camera system.
 - k. 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)
- 7) 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.
- 8) Other than for emergency purposes, there shall be only one means of customer ingress and egress. (PD)

- 9) The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
- 10) The permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 11) Sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier's station.
- 12) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
- 13) The permittee shall install height gauges at all exit doors. (PD)
- 14) The permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)

License/Permit

- 15) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
- 16) 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)
- 17) The permittee shall participate, when requested and reasonable, in programs and efforts of the Oxnard Police Department to inform and educate the patrons of alcohol establishments on the dangers of driving under the influence of alcohol or drugs. (PD)
- 18) A copy of these conditions must be maintained on the premises and made available upon the demand of any representative of the Oxnard Police Department at all times. (PL/PD)

Site Management

- 19) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within (5) days of being applied. (PL/PD)

20) The permittee shall maintain areas for which the business has reasonable control around the premises free of litter and graffiti.

21) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area. (PL/PD)

22) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

23) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)

24) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

25) Windows shall remain clear of signage, posters, advertisements, or any other item that interferes with clear sightlines into the business. No display or other object near, on or adjacent to the windows shall appear in the area between 48 and 78-inches above the floor.

26) The permittee shall post prominent, permanent signs indicating that loitering, open containers, and/or the consumption of alcoholic beverages is prohibited. These signs shall be posted in the parking lot and other adjacent areas under Permittee's reasonable control, including exterior common walkways and corridors. (PD)

27) There shall be no gambling machines or video devices maintained on the premises at any time. (PD)

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

29) There shall be self-service displays of any type of tobacco or vaping product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)

Alcohol Control

30) Alcohol sales shall be limited to 7 a.m. to 12 a.m. (midnight). If the business operates during hours beyond 7 a.m. to 12 a.m. (midnight) all displays and refrigerators containing alcoholic beverages shall be secured with an approved locking system during the hours when alcohol sales is prohibited so as to prevent customer access to these products.

31) All distilled spirits, not including cocktails and pre-mixed coolers, shall be displayed behind the cashier's counter and shall not be accessible by customers.

32) Single sales of alcoholic beverages shall be restricted as listed below:

a) Other than specialty beers and microbrews, beer, malt beverages and wine coolers in containers of 64oz in volume or less cannot be sold by single containers but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)

b) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madeira, Muscat and Vermouth are permitted). (PD)

33) No temporary or permanent open displays of alcoholic beverages are permitted near customer entry/exit points. This includes stacked boxes, beer can "mountains" or cases containing alcohol beverages, portable coolers, promotional displays or any other alcohol displays where there is a clear, easy or unobstructed path to any entry or exit.

34) Employees involved in the sale of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report for work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances.

Special 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.

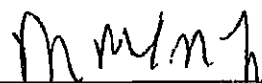
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

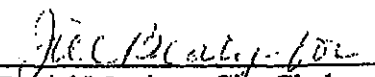
ABSENT: None.



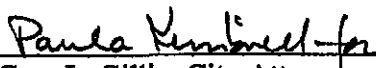
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-510-03 (SPECIAL USE PERMIT), TO ALLOW THE SALES OF BEER, WINE, AND DISTILLED SPIRITS FOR CONSUMPTION OFF THE PREMISES (ALCOHOL BEVERAGE CONTROL (ABC) LICENSE TYPE 21 - OFF-SALE GENERAL) WITHIN AN EXISTING 37,729 SQUARE-FOOT GROCERY STORE BUILDING, LOCATED AT 2340 NORTH ROSE AVENUE (APN 213-0-011-195) IN THE GENERAL COMMERCIAL (C-2) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY STEVE RAWLINGS, APPLICANT, ON BEHALF OF SEAFOOD CITY, 26023 JEFFERSON AVE, SUITE D, MURRIETA, CA.

WHEREAS, on March 2, 2022, Steve Rawlings, (the “**Applicant**”) on behalf of Seafood City submitted a request to allow the sales of beer, wine and distilled spirits for off-site consumption within an existing 37,729 square-foot commercial building located at 2340 North Rose Avenue; and

WHEREAS, on March 2, 2023, 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. 22-510-03 (Special Use Permit), filed by Steve Rawlings 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 and the zoning designation is for General Commercial (C-2). The Project is surrounded by commercial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

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

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

The proposed Special Use Permit request for alcohol sales will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the residential and commercial character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by commercial developments. 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 located adjacent to the U.S. 101 Freeway. The proposed Special Use Permit application is to allow alcohol sales out of the existing facility for a new market use.

- (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 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 37,729 square-foot commercial building was originally approved in 1997. No physical improvements are proposed at this time. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the General Commercial (C-2) zoning district, with a 2030 General Plan designation of Commercial General. The proposed Seafood City is proposing to operate a 37,729 square-foot market that includes alcohol sales under a Type 21-Off-Sale-General-ABC license authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold. Seafood City business hours of operation will be Monday through Sunday from 6 a.m. to 12 a.m. consistent with the General Plan and zoning designation. The ability to sell alcohol for a market is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC) Section 16-148. 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 off-site consumption for a proposed market. According to the Police report, there are no establishments of the same type located within 350 feet of the Project site. The Police Department has determined that based on the proximity and type 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 annual crime rate is above the average annual citywide rate and above the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are nine (9) on-sale licenses within the applicant's census tract. According to the ABC, three (3) on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

The Project will be subject to conditions of approval as recommended by the Oxnard Police Department Alcohol SUP Report to prevent aggravation of policing issues. Therefore, as conditioned, the proposed sale of alcohol will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health safety or general welfare. The Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services.

Furthermore, a finding of public convenience can be made for this proposal as it is convenient for nightclubs with live entertainment to serve alcoholic beverages which will pair well with the food service. Conversely, it would be inconvenient for a member of the public to patronize this nightclub and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. As such, this Project meets this finding.

3) The site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required by the conditions of approval.

As described in the Staff Report, the proposed alcohol (beer, wine, distilled spirits) sales will occur entirely within the existing 3,000 square foot building adequate for the proposed sales. The proposed project does not require exterior changes to the site. The recommended conditions of approval do not require changes to the site. Therefore, the site for the proposed alcohol sales is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes South Oxnard Boulevard and West Seventh Street, both of which connect 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 commercial building has an above-average crime rate when compared to other parts of the City. However, the Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the Special Use Permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. Based on the crime statistics, the input from the community and the Beat Coordinator, there is no reason to oppose this application. As such, this Project meets this finding.

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

As described in the Staff Report and Oxnard Police Department Alcohol SUP Report, there are no establishments of the same type located within 350 feet or within 350 and 1,000 feet that currently operate with a ABC License Type 21 (Off-Sale General). The

Police Department has determined that as there are no other similar alcohol establishments within 350 feet of the applicant's site, there is no undue concentration by City standards.

The annual crime rate is above the average annual citywide rate. This is above the standard established in 23958.4(1) B&P. Currently there are nine (18) off-sale licenses within the applicant's census tract according to the ABC and three (3) off-sale licenses are permitted within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for markets to have the alcohol sales for off-site consumption as there are no alcohol retail uses within 1,000 feet of the site. Even though the census tract has an undue concentration of outlets, the census tract covers a large area and the alcohol outlets are dispersed over a wide area. Therefore, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for off-site consumption within an existing commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 22-510-03 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated March 2, 2023, (“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 21 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. Seafood City shall obtain and maintain a Business Tax Certificate for and Dance Permits from the Department of Billing and Licensing.

POLICE DEPARTMENT STANDARD

RBS Training

14. Permittee and all sellers or servers shall complete an approved course in Responsible Beverage Sales and Service (RBSS) (available through the ABC website for the LEAD Program at www.abc.ca.gov/education/lead-training) 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.
15. Each permittee shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon demand

Operations

16. The Police Chief or designee may immediately suspend operation of the use(s) approved by this permit pending a hearing on the suspension or revocation of this permit if the Chief determines that there have been significant violations of the conditions associated with the use(s) and/or Alcoholic Beverage Control (ABC) license and/or there is a single serious violent
17. crime or single significant incident to which multiple police units or multiple police jurisdictions responded to that is associated with the operation of this use for 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 regarding the revocation of the permit by the Community Development Director to be held no more than 30 days after the suspension begins. Any hearing would operate as outlined in OCC 1-55.
18. Additionally, violations of this permit which can lead to permit suspension can include, but not limited to:
 - a) Failure to provide required operational documentation within 30-days when requested by mail or email. This would include, but not limited to quarterly food/alcohol sales, copies of security guard credentials, and proof of server's completion of RBS Training.
 - b) Repeated violations of a specific condition within this document or successor documents or permits.
 - c) Evidence of service of alcoholic beverages to minors.
 - d) Repeated failure to maintain a staff of servers trained in approved Responsible

Beverage Service. (PD)

e) Sales to habitual drunkards per section 25602(a) Business and Professions Code.

19. Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. Permittee shall submit an email address to: specialprojects@oxnardpd.org. In the submission, identify the business name, the contact person's name and their role in the business.

Security

20. A Security Plan shall be submitted and approved prior to the issuance of building permits. The plan shall include:

a. The Security Plan Sheet that identifies the location of each security camera, camera recording and support equipment.

b. The Security Plan shall include a chart identifying each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).

21. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. 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 to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
 - h. All vehicular entrances to the parking facilities shall be monitored by a camera or cameras that are placed to capture images of sufficient quality where the vehicle's license plate, make, model and color can be easily identified.
 - i. A monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customer's images upon entry into the business.
 - j. A monitor shall be placed at the cashier's station to allow staff to passively monitor activity at the site via the camera system.
 - k. 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)
22. Failure to maintain the video surveillance system in good working order can be grounds for suspension of this permit. The permittee shall provide video records to the Chief of Police or his/her designee in a timely manner upon request.
23. Other than for emergency purposes, there shall be only one means of customer ingress and egress. (PD)
24. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
25. The permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
26. Sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier's station.

27. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
28. The permittee shall install height gauges at all exit doors. (PD)
29. The permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk. (PD)

License/Permit

30. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Department review and approval by the Police Chief or designee. (PD)
31. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing SUP shall be initiated and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
32. The permittee shall participate, when requested and reasonable, in programs and efforts of the Oxnard Police Department to inform and educate the patrons of alcohol establishments on the dangers of driving under the influence of alcohol or drugs. (PD)
33. A copy of these conditions must be maintained on the premises and made available upon the demand of any representative of the Oxnard Police Department at all times. (PL/PD)

Site Management

34. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within (5) days of being applied. (PL/PD)
35. The permittee shall maintain areas for which the business has reasonable control around the premises free of litter and graffiti.
36. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area. (PL/PD)

37. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
38. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
39. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
40. Windows shall remain clear of signage, posters, advertisements, or any other item that interferes with clear sightlines into the business. No display or other object near, on or adjacent to the windows shall appear in the area between 48 and 78-inches above the floor.
41. The permittee shall post prominent, permanent signs indicating that loitering, open containers, and/or the consumption of alcoholic beverages is prohibited. These signs shall be posted in the parking lot and other adjacent areas under Permittee's reasonable control, including exterior common walkways and corridors. (PD)
42. There shall be no gambling machines or video devices maintained on the premises at any time. (PD)
43. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be sold alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)
44. There shall be self-service displays of any type of tobacco or vaping product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)

Alcohol Control

45. Alcohol sales shall be limited to 7 a.m. to 12 a.m. (midnight). If the business operates during hours beyond 7 a.m. to 12 a.m. (midnight) all displays and refrigerators containing alcoholic beverages shall be secured with an approved locking system during the hours when alcohol sales is prohibited so as to prevent customer access to these products.
46. All distilled spirits, not including cocktails and pre-mixed coolers, shall be displayed behind the cashier's counter and shall not be accessible by customers.
47. Single sales of alcoholic beverages shall be restricted as listed below:
 - a) Other than specialty beers and microbrews, beer, malt beverages and wine coolers in containers of 64oz in volume or less cannot be sold by single containers but must be

sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)

b) No wine shall be sold with an alcoholic content of greater than 15% by volume except for “Dinner Wines” which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madeira, Muscat and Vermouth are permitted). (PD)

48. No temporary or permanent open displays of alcoholic beverages are permitted near customer entry/exit points. This includes stacked boxes, beer can “mountains” or cases containing alcohol beverages, portable coolers, promotional displays or any other alcohol displays where there is a clear, easy or unobstructed path to any entry or exit.
49. Employees involved in the sale of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report for work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of March 2023, by the following vote:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of March 2023, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

City of Oxnard Planning Commission

March 2, 2023

Seafood City
2340 North Rose Avenue
PZ 22-510-03
(Special Use Permit - Alcohol)

Applicant: Steve Rawlings

Project Description

A request for approval of a Special Use Permit (SUP) to allow the sales of beer, wine, and distilled spirits for consumption off the premises (ABC License Type 21-Off-Sale General) within an existing 37,729 square-foot building located at 2340 North Rose Avenue. The facility will operate Monday through Sunday from 6 a.m. to 12 a.m (midnight).

Project Site



Background

On June 18, 1996: The first phase of the Shopping at the Rose II shopping center was approved under Special Use Permit No. 95-500-13.

On July 17, 1997: Special Use Permit No. 97-500-26 was approved for the construction of the 37,729 square foot building, former BABIES R US, as a retail store.

Since 2018: The building has been vacant ever since.

In December 8, 2022: A minor modification under PZ No. 22-140-05 was approved by to allow the addition of ground mechanical equipment, trash enclosure improvements, and other minor site improvements.

In February 6, 2023: An over the counter minor modification under PZ No. 23-143-02 was approved to allow the rebranding of the building (a color scheme change).

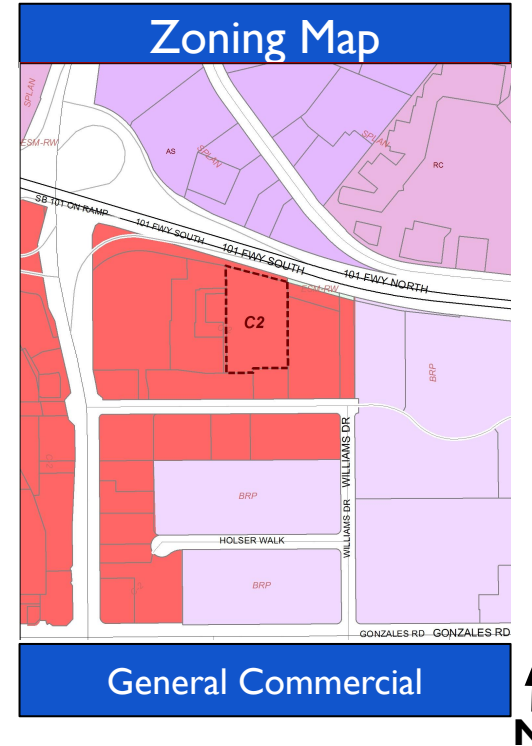
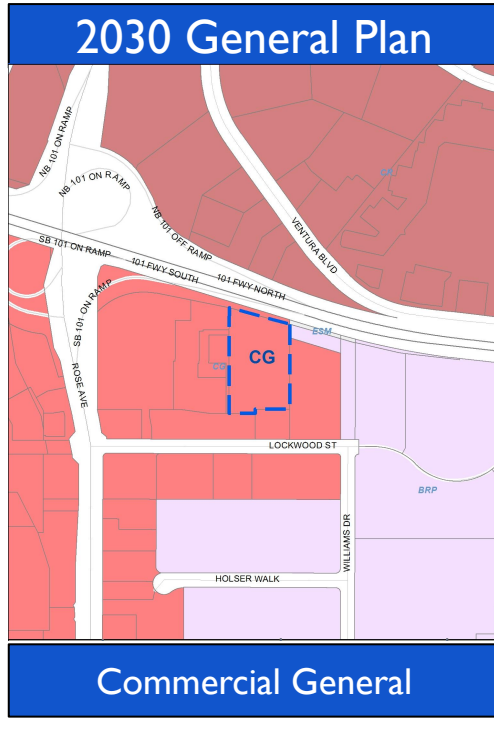
Project Location and Surrounding Uses



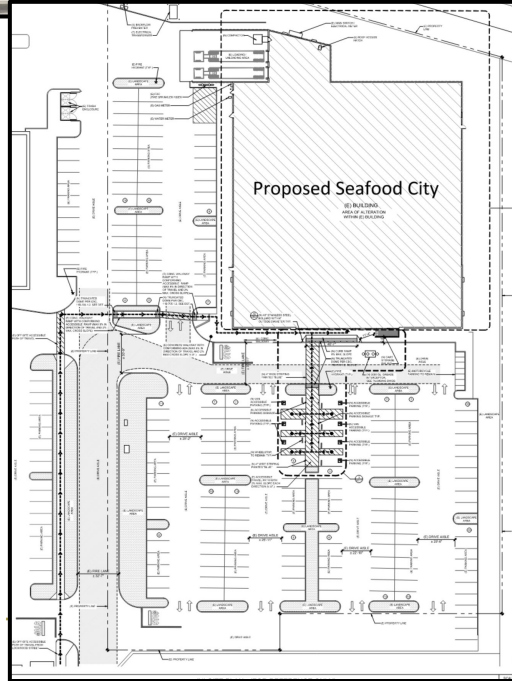
LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General	General Commercial (C-2)	Retail Market (Seafood City)
North	U.S. 101 Freeway	U.S. 101 Freeway	Freeway
South	Commercial General	General Commercial (C-2)	Vacant/Restaurant/Equipment Yard
East	Commercial General	General Commercial (C-2)	Vacant Building
West	Commercial General	General Commercial (C-2)	Mixed of Retail Uses



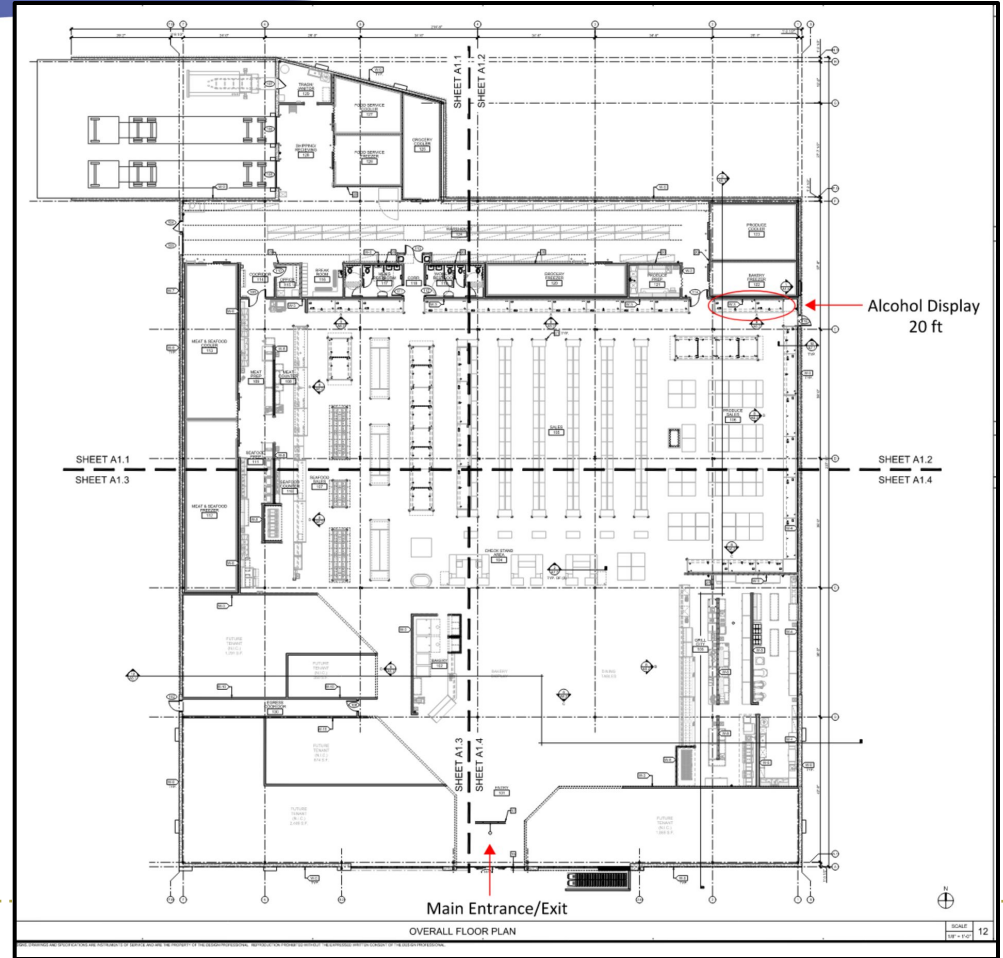
Land Use and Zoning



Site Plan



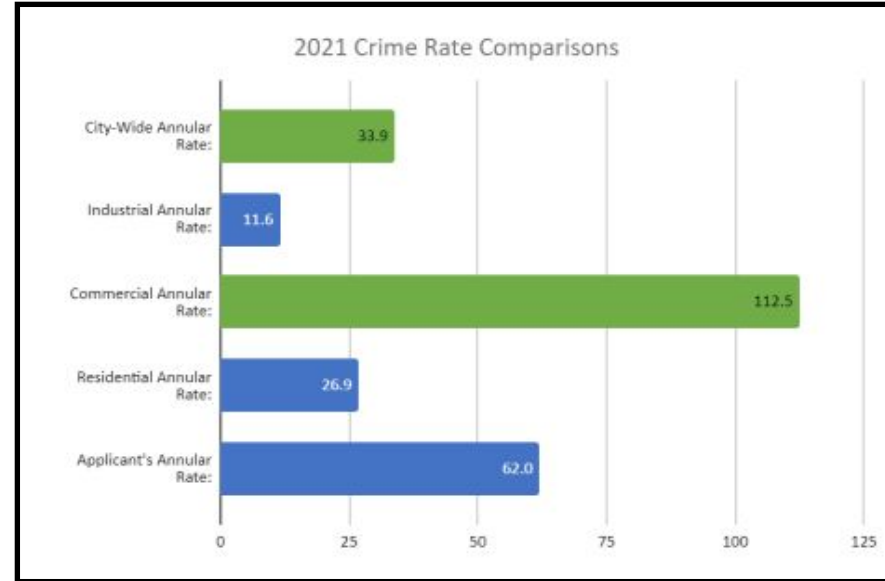
Floor Plan



Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is significantly higher than the average for commercial properties citywide.
- Site surrounding area has been an area of concern related to illegal loitering. However, the proposed business will deter the transients from loitering in the immediate area. The Beat coordinator did not have concerns regarding the addition of the alcohol license.



Police Department Review

Reviewed application per CC Resolution No. 11,896

Concentration:

1. There are no establishments located within 350 feet of the Project site that sell alcoholic beverages.

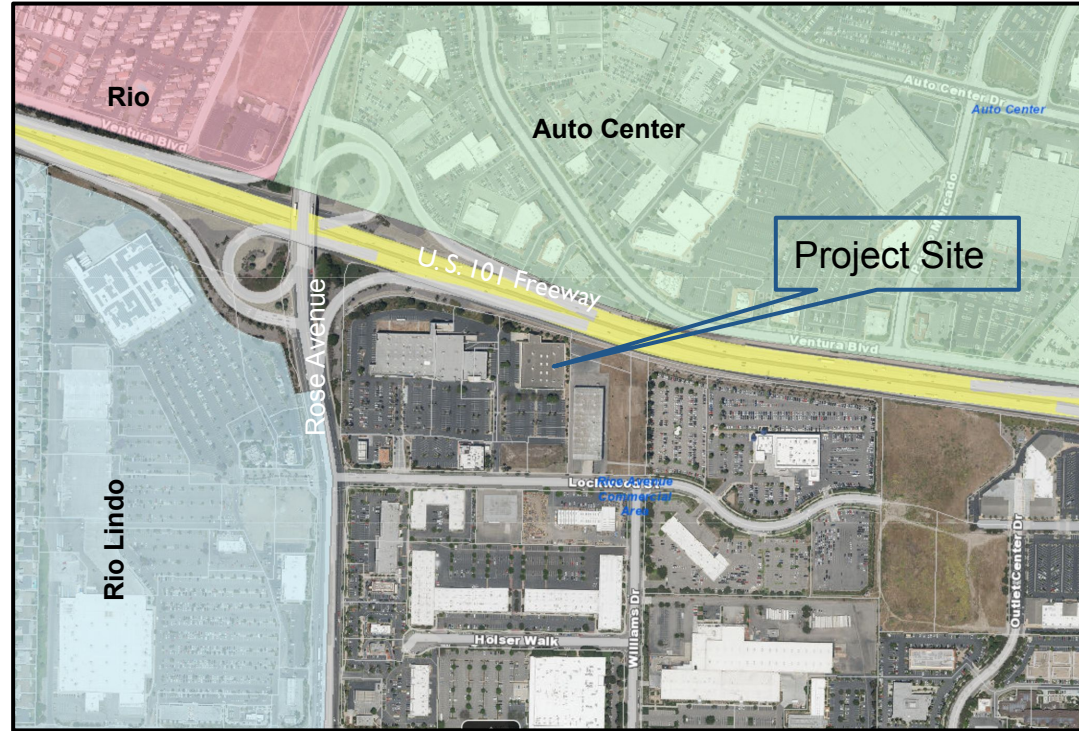
Findings:

- Crime rate around site is above commercial average.
- No undue concentration per City standards (350 and 1,000 feet).
- There is not undue concentration per State standards (census tract).
- A Finding of public convenience or necessity is not required.

Community Input

Community Input:

- The property is not within a within a designated neighborhood, therefore no no virtual Community Workshop was conducted.



Select Recommended Conditions of Approval

- CofA #45:

Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 A.M. (Midnight).

- CofA #47:

Single sales of alcoholic beverages shall be restricted to 64 oz in volume or less and cannot be sold by single container but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced low priced beer or malt liquor in single servings is prohibited. No wine shall be sold with an alcoholic content of greater than 15% by volume except for Dinner wines.

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.

- 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

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Carlos Torres, Associate Planner

DATE: **March 2, 2023**

SUBJECT: Project Name: Vida Live!; Planning and Zoning Permit No. 22-520-03 (Special Use Permit); 663 South Oxnard Boulevard; (APN 202-0-145-060)

1) 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 2023-XX approving Planning and Zoning Permit No. 22-520-03 (Special Use Permit), subject to certain findings and conditions.

2) Project Description and Applicant: A request to allow a former nightclub (El Tapatio Nightclub) to re-open and operate as a nightclub and comedy center that will include live entertainment and the sales of general alcohol including spirits for on-site consumption (Alcohol Beverage Control (ABC) License Type 48 - On Sale General - Public Place¹) within an existing 3,000 square-foot vacant tenant space that is located at 663 South Oxnard Boulevard within the Downtown Core (DT-C) zone and the Hobson Park East Neighborhood. The standard hours of alcohol sales and consumption are from 7:00 AM to 1:30 AM. The facility proposes to operate Monday through Sunday from 10 a.m. to 2 a.m. For the purpose of this Staff Report, the foregoing project description shall be referred to as the “**Project.**” Filed by Fernando Garcia on behalf of Bardo Garcia, Property Owner (the “**Applicant**”), 4241 Drake Driver, Oxnard, California 93033.

3) Existing & Surrounding Land Uses: The project site is located on the northwest corner of South Oxnard Boulevard and West Seventh Street, within the Downtown Core District (DT-C). The 3,000 square-foot building is located on a lot that is 60-feet deep by 50-feet wide that fronts onto Oxnard Boulevard. The Project site is surrounded by similar commercially developed lots; some of which are already licensed and operating as restaurants with entertainment and alcohol for on-site consumption. The following table

¹ ABC License Type 48 (On Sale General - Public Premises) Definition: (Bar,Nightclub) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

summarizes existing land uses, zoning, and 2030 General Plan designations of the Project site and adjacent properties, which are also shown on Attachment A:

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Downtown Core (DT-C)	Downtown	Restaurant/Banquet Facility General Retail and Vacancies
North	Downtown Core (DT-C)	Downtown	Restaurant/General Retail
South	Downtown Core (DT-C)	Downtown	Public Street/Two Story General Retail/Restaurant
East	Downtown Core (DT-C)	Downtown	City of Oxnard Public Parking Lot/General Retail
West	Downtown Core (DT-C)	Downtown	Public Alley/Two Story General Office Building

- 4) Background Information:** The single-story commercial building was part of the original City limits and zoned C-2 when the original City Ordinance was adopted in 1945. On September 25, 1979, the Planning Commission granted Special Use Permit No. 870, authorizing some exterior facade upgrades that included the addition of mission tile mansard roof, stucco exterior walls with brick veneer accent, and brick veneer window treatments to an existing restaurant (El Paisanos' Restaurant). Prior to 1979, the El Paisanos' Restaurant already held a dance and entertainment permit and was permitted as a dance and bar license which included live music and entertainment and the on-site sales of alcohol.

In March 1989, El Tapatio Nightclub was licensed to operate at this location. ABC records search shows that the premise was licensed (ABC License Type 48 - Bar, Night Club) to operate and sell beer, wine, and distilled spirits for consumption on the premises where sold. In 2018, the nightclub business obtained an ABC catering license permit.

El Tapatio Nightclub business license and entertainment and dance permits have been inactive since October 2019. The property lost its existing non-conforming status in April 2020.

- 5) Environmental Determination:** In accordance with Section No. 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 exempt from the requirements of CEQA. The Project involves a request to operate a nightclub and to sell general alcohol including spirits for on-site consumption at an existing location and does not involve expansion of square footage of building area. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption.

Therefore, Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment, and recommends that the Planning Commission accept the Notice of Exemption (Attachment B)

6) Analysis

- a) **General Discussion:** The Applicant is requesting approval of a Special Use Permit to allow the sale of general alcoholic beverages for on-site consumption within an existing 3,000 square-foot nightclub facility. The facility is designed to provide seating/occupancy for approximately 155 persons (Attachment C). The facility fronts onto Oxnard Boulevard with a double wide access door off along Seventh Street which serves as an emergency egress. The night club will operate two (2) shifts with up to 15 employees per shift. The business proposes to operate Monday through Sunday from 10 a.m. to 2 a.m. (Exhibit G); however, as the Special Use Permit doesn't regulate the hours of the business, these operating hours may change with market conditions. However, the proposed sale of alcohol would be allowed to occur only during the hours of 7 a.m. to 1:30 a.m, per the conditions of approval.
- b) **General Plan and Zoning Consistency:** The 2030 General Plan land use designation is consistent with the of the Project site's zoning designation of Downtown Core (DT-C). The DT-C zoning district is characterized by lively, pedestrian-oriented retail, restaurant, service, and a wide range of other supporting uses including high density residential in upper floors. The Project does not propose any exterior alterations or modifications to the existing building. 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 condition of approval. Therefore, this project is consistent with Policy ICS-19.2.

Vida Live is requesting to utilize an existing 3,000 square foot commercial building formerly known as El Tapatio Restaurant/Nightclub/Bar. The former use, El Tapatio Restaurant/Nightclub/Bar, was an existing non-conforming use and alcohol license. The previous use and ABC license are expired as the site and use has been inactive for more than six (6) months in accordance with Oxnard City Code Section 16-508 D. Vida Live! would be situated within the City's Downtown area and zoned Downtown Core (DTC). The proposed use is for a new Nightclub/Comedy Show which pursuant to the allowed uses section 16-148(A) of the Downtown Code, Nightclubs less than 10,000 square feet with on site alcohol consumption and the sale of food require Special Use Permit. A condition of approval was included to the proposed Project to ensure the proposed use provides the serving and sales of food within the proposed establishment for compliance with the requirements of the Oxnard's Downtown Code.

Within the DT-C zoning district, Nightclubs are subject to approval of a Special Use Permit. Nightclubs are defined as, “any establishment that provides for alcohol service and that includes dancing open to the public for which a fee or cover charge may or may not be imposed, performances for which a fee or cover charge may or may not be imposed, a disc jockey, karaoke, or comedy or theatrical performances; and where fixed seating or chairs are not provided for each patron or customer in attendance. A public dance shall not include dancing at a facility where the rental of such facility is for a private function and not open to the general public.”

“Bars are defined as, “an establishment that sells beer, wine, and or distilled spirits in accordance with applicable California Department of Alcoholic Beverage Control regulations, where food service is incidental and subordinate to the sale of alcohol (e.g., nightclub, lunge, tavern, taproom, etc)”

In addition, a condition of approval was included to the Project to ensure compliance with the City’s Sound Regulations per Oxnard Municipal Section 7-185 Exterior Sound Standards (A) (II) Commercial.

c) Police Department Review: The Oxnard Police Department provided a comprehensive report (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 Special Use Permit application request is likely to significantly aggravate police 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:

Concentration of Alcohol Outlets:

According to the Police report, there are no establishments with similar alcohol licenses but there is an establishment with a similar use type, nightclub, located within 350 feet of the applicant’s site. The establishment is defined by the Alcoholic Beverage Control Department as a Type 48 On-Sale (Bar, Nightclub) Authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. There are no similar establishments within 350 and 1,000 feet of the subject property.

In the case of the applicant site, the annual crime rate is above the average annual citywide rate. This shows the site as having a crime rate above the standard established in 23958.4(1) B&P (See crime statistics breakdown in the Crime Statistic Review section and in the Police Department Report for additional information (Attachment D)).

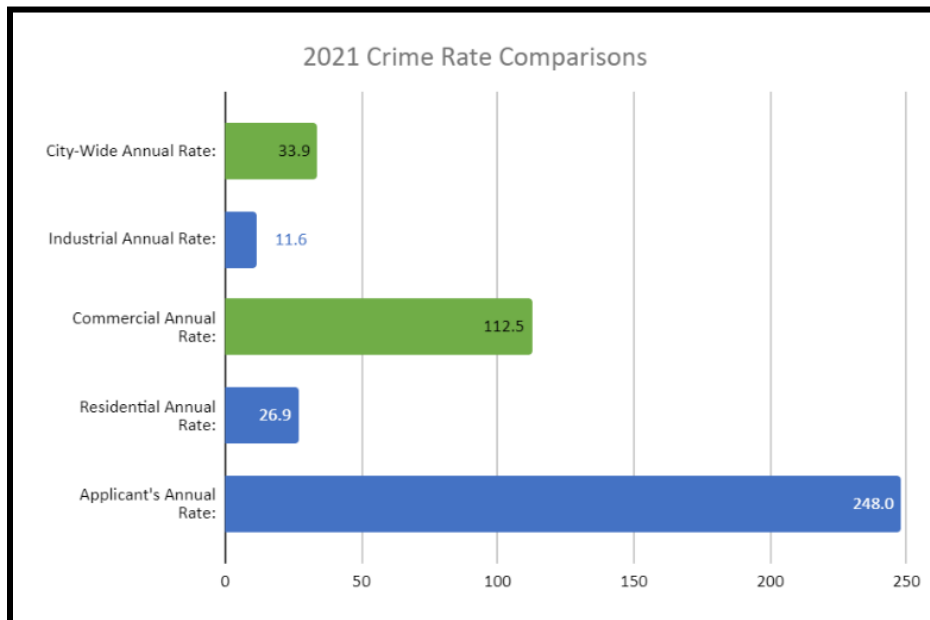
The property is located within census tract 86.02. The census tract allows for three (3) on-sale licenses. Currently, there are 12 on-sale licenses within the applicant's census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

Crime Statistic 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, annual average of Part I and II crimes is 33.9. The average commercial, annual average of Part I and II crimes is 112.5.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 248. In doing research, I discovered that of the 248 reported incidents, 128 of them were citations written for city ordinance violations addressing homeless violations within the downtown area. The increased activity by law enforcement officers within the downtown was in response to a "Downtown Settlement Fund" which financed additional officers during the 2021 period. The reported crime stats excluding the self-initiated law enforcement citations amounted to 120 incidents, which is consistent with the city-wide commercial Part I and II crimes.

Commercial properties citywide and can be best illustrated in the graph below:



Police & Community Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location has not been an area concern. The Beat Coordinator mentioned there are other alcohol retail establishments in the immediate area, but he has not noticed a significant number of crimes associated with them. He did not have a concern regarding the addition of this alcohol sales establishment at this location.

Conclusion:

The applicant's business site has a history as "El Tapatio Night Club", a bar and dance club operating primarily on Friday, Saturday, and Sunday from 9 p.m. till 2 a.m. El Tapatio had no adverse impact on the immediate area or on police calls for service. El Tapatio Night Club closed in 2019, and the business has been vacant since that time.

The applicant proposes to operate Monday through Sunday from 10 a.m. to 2 a.m. as a comedy club. 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.

Taking into consideration the food requirements under the Downtown Code and the listed “Conditions of Approval”, the Police Department supports the approval of this permit.

6) Community Workshop and Public Input: The project is located within the Hobson Park East Neighborhood. On July 8, 2022, the applicant mailed 28 notices of the Community Workshop meeting to all property owners within the Hobson Park East Neighborhood. A notice of this meeting was posted on the Project site along with a brief description and contact information. The Community Workshop was conducted on July 18, 2022. Approximately, one (1) person attended the Community Workshop meeting for this project. Staff made a brief presentation describing the proposed request. None of the persons in attendance asked questions, expressed concerns or opposition to the proposed Project. As of the date of this report our office has not received any interest in support or opposition.

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

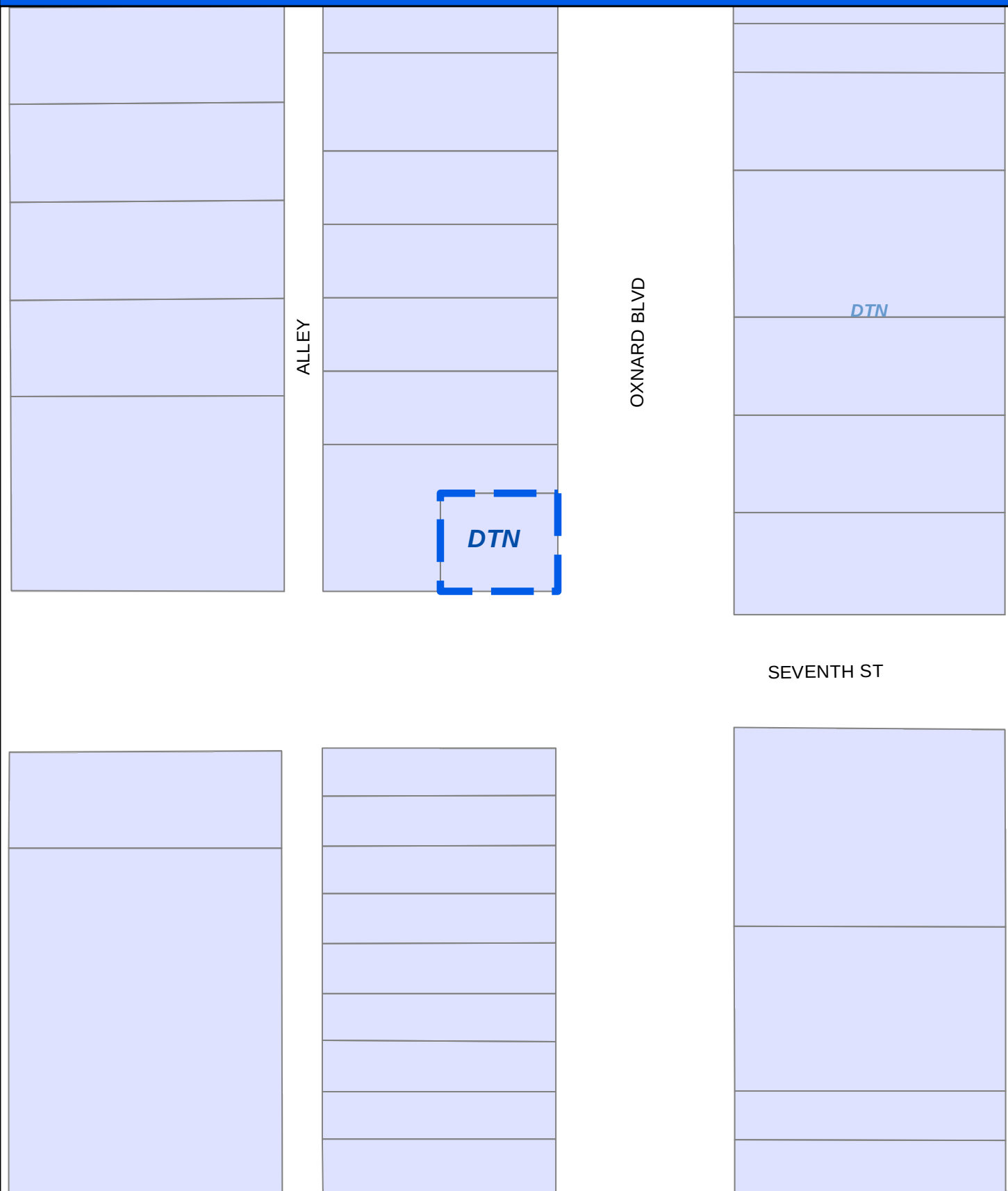
Attachments:

- A. Maps (Vicinity, Aerial, General Plan, Zoning)
- B. Notice of Exemption
- C. Reduced Project Plans
- D. Police Department Report
- E. City Council Resolution 11,896
- F. Draft Resolution PZ 22-520-03 (Special Use Permit)

Vicinity Map

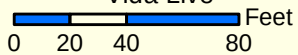


2030 General Plan Land Use Map



Oxnard Planning
June 13, 2022

PZ 22-520-03
Location: 663 S Oxnard Blvd
APN: 2020145060
Vida Live



2030 General Plan Land Use Map



1:819

Zoning/Specific Plan Map





NOTICE OF EXEMPTION

Project Description: **Vida Live Special Use Permit;** Planning and Zoning Permit No. 22-520-03 (Special Use Permit): A request to allow a former nightclub (El Tapatio Nightclub) to re-open and operate as a nightclub and comedy center that will include live entertainment and the sales of general alcohol including spirits for on-site consumption (Alcohol Beverage Control (ABC) License Type 48 - On Sale General - Public Place¹) within an existing 3,000 square-foot vacant tenant space that is located at 663 South Oxnard Boulevard (APN 202-0-145-060) within the Downtown Core (DT-C) zone and the Hobson Park East Neighborhood. The facility proposes to operate Monday through Sunday from 10 a.m. to 2 a.m. Filed by Fernando Garcia on behalf of Bardo Garcia, Property Owner, 4241 Drake Drive, Oxnard, California 93033.

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 operate a nightclub and to sell alcohol for on-site consumption within an existing multi-tenant commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and they hereby authorize and direct the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Joe Pearson II Planning and Environmental
Services Manager

¹ ABC License Type 48 (On Sale General - Public Premises) Definition: (Bar,Nightclub) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.

1	ANGLE	MS	MAC	MACRO
2	NUMBER	MA	MAL	MATERIAL
3		MB	MAL	MACHINE BOLT
4	AB	MA	MAL	MACHINE BOLT
5	AC	MA	MAL	MACHINE BOLT
6	AC	MA	MAL	MACHINE BOLT
7	AC	MA	MAL	MACHINE BOLT
8	AC	MA	MAL	MACHINE BOLT
9	AC	MA	MAL	MACHINE BOLT
10	AC	MA	MAL	MACHINE BOLT
11	AC	MA	MAL	MACHINE BOLT
12	AC	MA	MAL	MACHINE BOLT
13	AC	MA	MAL	MACHINE BOLT
14	AC	MA	MAL	MACHINE BOLT
15	AC	MA	MAL	MACHINE BOLT
16	AC	MA	MAL	MACHINE BOLT
17	AC	MA	MAL	MACHINE BOLT
18	AC	MA	MAL	MACHINE BOLT
19	AC	MA	MAL	MACHINE BOLT
20	AC	MA	MAL	MACHINE BOLT
21	AC	MA	MAL	MACHINE BOLT
22	AC	MA	MAL	MACHINE BOLT
23	AC	MA	MAL	MACHINE BOLT
24	AC	MA	MAL	MACHINE BOLT
25	AC	MA	MAL	MACHINE BOLT
26	AC	MA	MAL	MACHINE BOLT
27	AC	MA	MAL	MACHINE BOLT
28	AC	MA	MAL	MACHINE BOLT
29	AC	MA	MAL	MACHINE BOLT
30	AC	MA	MAL	MACHINE BOLT
31	AC	MA	MAL	MACHINE BOLT
32	AC	MA	MAL	MACHINE BOLT
33	AC	MA	MAL	MACHINE BOLT
34	AC	MA	MAL	MACHINE BOLT
35	AC	MA	MAL	MACHINE BOLT
36	AC	MA	MAL	MACHINE BOLT
37	AC	MA	MAL	MACHINE BOLT
38	AC	MA	MAL	MACHINE BOLT
39	AC	MA	MAL	MACHINE BOLT
40	AC	MA	MAL	MACHINE BOLT
41	AC	MA	MAL	MACHINE BOLT
42	AC	MA	MAL	MACHINE BOLT
43	AC	MA	MAL	MACHINE BOLT
44	AC	MA	MAL	MACHINE BOLT
45	AC	MA	MAL	MACHINE BOLT
46	AC	MA	MAL	MACHINE BOLT
47	AC	MA	MAL	MACHINE BOLT
48	AC	MA	MAL	MACHINE BOLT
49	AC	MA	MAL	MACHINE BOLT
50	AC	MA	MAL	MACHINE BOLT
51	AC	MA	MAL	MACHINE BOLT
52	AC	MA	MAL	MACHINE BOLT
53	AC	MA	MAL	MACHINE BOLT
54	AC	MA	MAL	MACHINE BOLT
55	AC	MA	MAL	MACHINE BOLT
56	AC	MA	MAL	MACHINE BOLT
57	AC	MA	MAL	MACHINE BOLT
58	AC	MA	MAL	MACHINE BOLT
59	AC	MA	MAL	MACHINE BOLT
60	AC	MA	MAL	MACHINE BOLT
61	AC	MA	MAL	MACHINE BOLT
62	AC	MA	MAL	MACHINE BOLT
63	AC	MA	MAL	MACHINE BOLT
64	AC	MA	MAL	MACHINE BOLT
65	AC	MA	MAL	MACHINE BOLT
66	AC	MA	MAL	MACHINE BOLT
67	AC	MA	MAL	MACHINE BOLT
68	AC	MA	MAL	MACHINE BOLT
69	AC	MA	MAL	MACHINE BOLT
70	AC	MA	MAL	MACHINE BOLT
71	AC	MA	MAL	MACHINE BOLT
72	AC	MA	MAL	MACHINE BOLT
73	AC	MA	MAL	MACHINE BOLT
74	AC	MA	MAL	MACHINE BOLT
75	AC	MA	MAL	MACHINE BOLT
76	AC	MA	MAL	MACHINE BOLT
77	AC	MA	MAL	MACHINE BOLT
78	AC	MA	MAL	MACHINE BOLT
79	AC	MA	MAL	MACHINE BOLT
80	AC	MA	MAL	MACHINE BOLT
81	AC	MA	MAL	MACHINE BOLT
82	AC	MA	MAL	MACHINE BOLT
83	AC	MA	MAL	MACHINE BOLT
84	AC	MA	MAL	MACHINE BOLT
85	AC	MA	MAL	MACHINE BOLT
86	AC	MA	MAL	MACHINE BOLT
87	AC	MA	MAL	MACHINE BOLT
88	AC	MA	MAL	MACHINE BOLT
89	AC	MA	MAL	MACHINE BOLT
90	AC	MA	MAL	MACHINE BOLT
91	AC	MA	MAL	MACHINE BOLT
92	AC	MA	MAL	MACHINE BOLT
93	AC	MA	MAL	MACHINE BOLT
94	AC	MA	MAL	MACHINE BOLT
95	AC	MA	MAL	MACHINE BOLT
96	AC	MA	MAL	MACHINE BOLT
97	AC	MA	MAL	MACHINE BOLT
98	AC	MA	MAL	MACHINE BOLT
99	AC	MA	MAL	MACHINE BOLT
100	AC	MA	MAL	MACHINE BOLT

	DETAIL NUMBER		KEYNOTE, SEE LIST
	SHEET NUMBER		ROOM NUMBER
	SECTION NUMBER		DOOR NUMBER
	SHEET NUMBER		WINDOW LETTER
	ELEVATION NUMBER/LETTER/ DIRECTION		DOOR ASSEMBLY/ STOREFRONT LETTER
	ELEVATION SET NUMBER		EQUIPMENT TYPE
	SHEET NUMBER		REVISION NUMBER
	MATCH LINE		WALL TAG



- 1 PROPERTY LINE
- 2 EXISTING PARKING TO REMAIN, NO CHANGE
- 3 (E) FIRE HYDRANT TO REMAIN
- 4 EXISTING WATER METER TO REMAIN.
- 5 EXISTING GAS METER TO REMAIN.
- 6 EXISTING STOREFRONT DOOR TO REMAIN. SEE SHEET A2 KEY NOTE 6 FOR ADDITIONAL DOOR NOTES
- 7 EXISTING POLE TO REMAIN

ASSESSORS PARCEL NO: 202-0-145-060
PROJECT ADDRESS: 663 S. OXNARD BLVD.
OXNARD, CA 93030
ZONING: DT-C
EXISTING USE: RETAIL
PROPOSED USE: RETAIL AND BUSINESS
(C) CONSTRUCTION TYPE: II-B
(N) CONSTRUCTION TYPE: II-B (NO CHANGE)
OCCUPANCY GROUP: A (NO CHANGE)
FIRE SPRINKLER SYSTEM: NO
EXISTING LOT AREA: 3,006 S.F. (0.06 AC.)
EXISTING BUILDING AREA: _____ S.F.

A1	SITE PLAN
A2	FLOOR PLAN
P1	PLUMBING NOTES & SCHEDULES

1. ADDRESS ITEMS ON ENVIRONMENTAL HEALTH DIVISION LETTER DATED JUNE 10TH, 2020
2. PROPOSAL TO RE-OPEN AND OPERATE A NIGHTCLUB AND COMEDY CENTER WITHIN A VACANT SPACE, WHICH FORMERLY OPERATED AS A NIGHTCLUB (EL TAPATIO NIGHTCLUB). THE CENTER WILL INCLUDE LIVE ENTERTAINMENT AND THE SALES OF GENERAL ALCOHOL, INCLUDING SPIRITS FOR ON-SITE CONSUMPTION.

OWNER: FERNANDO GARCIA
4321 BERKSHIRE ST.
OXNARD, CA 93033
(805) 844-7266

ARCHITECT: ERA ARCHITECTS
DESIGNER OXNARD, CA 93030
(805) 824-4188 & (805) 236-1124

MECH &
PLUMBING HYLE ENGINEERING
RON HYLE
(818) 674-1592

ALL WORK SHALL CONFORM TO:
 2019 BUILDING STANDARDS ADMIN. CODE, PT. 1, TITLE 24 C.C.R.
 2019 CA BUILDING CODE PT. 2, TITLE 24 C.C.R.
 2019 CA ELECTRICAL CODE PT. 3, TITLE 24 C.C.R.
 2019 CA MECHANICAL CODE PT. 4, TITLE 24 C.C.R.
 2019 CA PLUMBING CODE PT. 5, TITLE 24 C.C.R.
 2019 CA FIRE CODE PT. 9, TITLE 24 C.C.R.
 2019 CA REFERENCE STANDARDS CODE PT. 12, TITLE 24 C.C.R.
 NFPA 72, NAT. FIRE ALARM CODES 2013 REF. CBC ADA REQUIREMENTS
 2019 CA GREEN BLDG CODE PT. 8, TITLE 24 C.C.R.

THIS TENANT IMPROVEMENT INCLUDES THE CONSTRUCTION OF A PREP AREA FOR THE PREPARATION OF DRINKS MADE WITH FRUIT, ALCOHOL, ICE AND WATER
THIS LOCAL WILL NOT BE USED AS A RESTAURANT.
THERE WOULD BE NO COOKING OR FOOD PREPARATION, OTHER THAN THE DRINKS ABOVE MENTIONED.

■ ■ ■ ■ ■ ACCESSIBLE PATH OF TRAVEL
 5% MAX SLOPE IN DIRECTION OF TRAVEL
 2% MAX CROSS SLOPE

 ALL BUILDING ENTRANCES THAT ARE ACCESSIBLE TO AND USABLE BY PERSONS WITH DISABILITIES AND AT EVERY MAJOR JUNCTION ALONG OR LEADING TO AN ACCESSIBLE ROUTE OF TRAVEL SHALL BE IDENTIFIED WITH A SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND WITH ADDITIONAL DIRECTIONAL SIGNS, AS REQUIRED, TO BE VISIBLE TO PERSONS ALONG APPROACHING WALKWAYS.
 (MOUNT 8" 60" ABOVE FINISHED FLOOR)

DRAWING BY: F.R.	REGISMS No. <u> A </u>	RET. DATE 001/00/00
DATE: JANUARY 2021	<u> </u>	<u> </u>
PHONE NO: 805.236.1124	<u> </u>	<u> </u>

"VIDA LIVE", REMODEL
 TENANT IMPROVEMENTS

663 S. OXNARD BLVD., OXNARD, CA 93030

A1

**"VIDA LIVE", REMODEL
TENANT IMPROVEMENTS**

EQUIPMENT SCHEDULE

NOTE: ALL FOOD-RELATED AND UTENSIL-RELATED EQUIPMENT MUST BE LISTED BY AN AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) ACCREDITED SANITATION TESTING ORGANIZATION, E.G., NSF ITS OR ILS.

ITEM	DESCRIPTION	BASE	MANUFACTURER/MODEL#	WATER		WASTE	MOP	HOT	COLD	PHASE	CYCLE	REMARKS
				HOT	COLD							
1	(E) ICE CONTAINER	18" HI. MTL. EQUIP. LEGS	----	N/A	N/A	FLOOR SINK	---	---	---	---	---	EXISTING MODEL NO. N/A
2	(E) 3 COMPARTMENT SINK	18" HI. MTL. EQUIP. LEGS	GSW MODEL: JSE1515308	1/2"	1/2"	FLOOR SINK	---	---	---	---	---	NSF APPROVED.
3	(E) WALL MOUNTED HAND SINK	WALL MOUNTED	EAGLE MODEL: HSA-10-F-LHS	1/2"	1/2"	DIRECT	---	---	---	---	---	NSF APPROVED. WITH SOAP AND TOWEL DISPENSER TO REMAIN.
4	(E) DIRECT DRAW KEQ REFRIGERATOR	15" HI. MTL. BASE	EVEREST MODEL: EBD4-CT	---	---	SELF CONTAINED	---	---	---	---	---	---
5	(E) ICE MAKER	8" HI. MTL. EQUIP. LEGS	MANITOWOC ICE INC. MODEL: #D00452A	---	1/2"	FLOOR SINK	---	---	---	---	---	---
6	(E) MOP SINK	16" HI. EQUIP. LEGS	UTILITARIUS MODEL: 19	1/2"	1/2"	DIRECT	---	---	---	---	---	---
7	(E) WATER HEATER	EQUIP. LEGS	RHEEM MODEL: X075706EN75U0	3/4"	---	---	---	---	---	---	---	75,000 BTU
8	(E) BACK BAR REFRIGERATOR	EQUIP. LEGS	KELVINATOR COMMERCIAL MODEL: KCB8720B-HC	---	---	---	---	---	---	---	---	---
9	(E) COMMERCIAL REFRIGERATOR	EQUIP. LEGS	ARCTIC AIR MODEL: ALC48RZ	---	---	---	---	---	---	---	---	---
10	(E) PREP. SINK	EQUIP. LEGS	ATLANTA CULINARY EQUIPMENT MODEL: SEET18181L	1/2"	1/2"	---	---	---	---	---	---	NSF APPROVED.

FINISH SCHEDULE

NOTE: PROVIDE LIGHT COLORED WALLS AND CEILING. LIGHT COLORS MUST HAVE A LRV OF 70%.

ROOM NAME	FLOOR	BASE	WALLS	CEILING
(E) LOUNGE			24" x 24" CEILING TILE	
(E) BAR	QUARRY TILE	4" SANITARY COVE FRP AT PLUMBING BASE	FRP AT PLUMBING WALLS	PAINTED DRYWALL
(E) WOMEN RESTROOM	CERAMIC QUARRY		FULL HT CERAMIC TILE	PAINTED DRYWALL
(E) MEN RESTROOM	CERAMIC TILE	CERAMIC QUARRY	6 FT CERAMIC TILE	PAINTED DRYWALL
(E) STORAGE	QUARRY TILE		DRYWALL WITH PAINT	PAINTED DRYWALL
(E) DANCE FLOOR	LAMINATE PLANKS		DRYWALL WITH PAINT	PAINTED DRYWALL
(E) STAGE	CARPET		DRYWALL WITH PAINT	24" x 24" CEILING TILE
(E) HALL	CERAMIC TILE		6 FT CERAMIC TILE	PAINTED DRYWALL

NOTE: THE FINISHED SURFACE OF CONCRETE FLOORING SHALL BE SMOOTH, EASILY CLEANABLE AND SEALED TO BE IMPERVIOUS TO WATER, GREASE, AND ACID. THE FLOOR SHALL BE SEALED WITH AN ENVIRONMENTAL HEALTH DEPARTMENT APPROVED, USDA APPROVED, 2-COMPONENT WATER BASED EPOXY CONCRETE FLOOR SEALER.

SEE DETAIL 10/A7 FOR FLOOR INSTALLATION

GENERAL NOTES

1. WALLS ADJACENT TO SINKS SHALL BE COVERED WITH AN APPROVED WATER-RESISTANT MATERIAL, E.G., FRP, CERAMIC TILE, STAINLESS STEEL, ETC. THIS MATERIAL SHALL EXTEND FROM THE TOP OF THE COVED BASE TO 1/2" ABOVE THE BACKSPLASH, AND 2 FEET OUT ON EACH SIDE OF THE SINK.

2. HOT WATER AND DRAIN PIPING UNDER ACCESSIBLE LAVATORIES SHALL BE INSULATED OR OTHERWISE COVERED.

LIGHTING NOTES

1. IN EVERY ROOM IN WHICH FOOD IS PREPARED, MANUFACTURED, PROCESSED, OR PACKAGED, OR IN WHICH UTENSILS ARE CLEANED, PROVIDE AN INTENSITY OF NOT LESS THAN 50-FOOT CANDLES OF LIGHT, 30-INCHES ABOVE THE FLOOR.

2. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

3. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

4. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

5. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

6. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

7. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

8. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

9. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

10. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

11. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

12. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

13. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

14. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

15. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

16. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

17. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

18. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

19. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

20. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

21. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

22. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

23. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

24. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

25. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

26. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

27. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

28. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

29. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

30. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

31. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

32. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

33. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

34. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

35. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

36. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

37. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

38. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

39. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

40. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

41. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

42. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

43. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

44. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

45. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

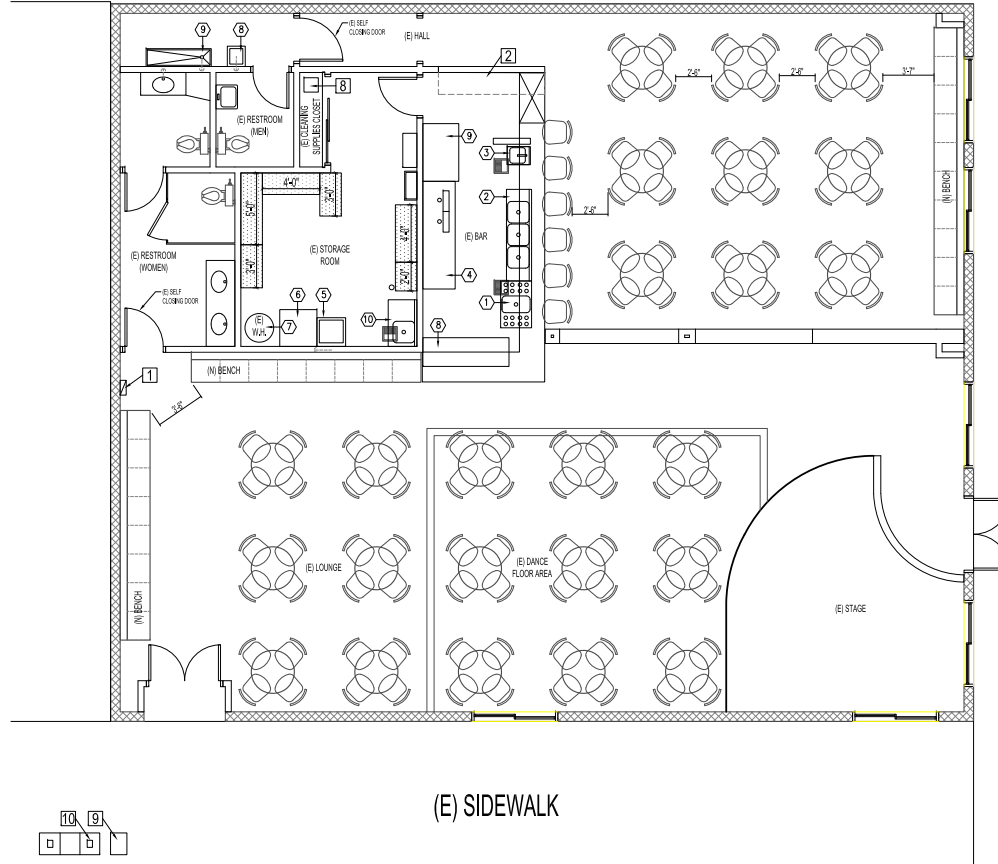
46. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

47. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

48. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

49. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.

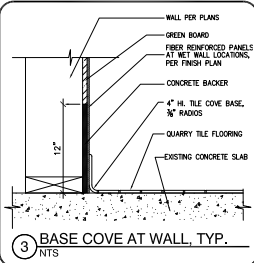
50. LIGHT FIXTURES IN AREAS WHERE FOOD IS PREPARED, WHERE OPEN FOOD IS STORED, OR WHERE UTENSILS ARE CLEANED MUST BE OF SHATTERPROOF CONSTRUCTION OR PROTECTED WITH SHATTERPROOF SHIELDS AND MUST BE EASILY CLEANABLE.



(E) SIDEWALK

1 (E) FLOOR PLAN/ PROPOSED FLOOR PLAN

1/4" = 1'-0"



ENVIRONMENTAL HEALTH NOTES

1. ALL EQUIPMENT TO BE N.S.F. APPROVED OR FABRICATED TO N.S.F. STANDARDS.
2. FLOOR SURFACES IN KITCHEN, STORAGE, SERVING AREA AND RESTROOMS SHALL BE OF SMOOTH, WASHABLE APPROVED MATERIAL, COVERED UP AT THE WALL FOR 4" MIN. WITH A 3/8" RADIUS.
3. ALL HAND SINKS TO HAVE SOAP AND PAPER TOWEL DISPENSERS.
4. ICE MACHINES SHALL BE LOCATED WITHIN THE BUILDING IN AN EASILY CLEANABLE AREA WITH APPROVED FLOOR, BASE, WALL, AND CEILING FINISHES, AND SHALL BE DRAINED TO A FLOOR SINK.
5. ALL FLOOR SINKS SHALL BE INSTALLED FLUSH WITH THE FINISHED FLOOR SURFACE AND HAVE APPROPRIATE GRATES. FLOOR SINKS SHALL BE READILY ACCESSIBLE FOR INSPECTION AND CLEANING.
6. HOODS SHALL EXTEND A MIN. 6 INCHES BEYOND THE EDGES OF THE COOKING EQUIPMENT ON ALL OPEN SIDES.
7. ALL RESTROOMS TO HAVE INSTALLED TISSUE DISPENSERS AND SHALL BE PROVIDED WITH VENTILATION TO THE OUTSIDE.
8. ALL SINKS TO BE EQUIPPED WITH HOT AND COLD MIXING FAUCETS.
9. WATER HEATER SHALL BE CAPABLE OF SUPPLYING 120°F WATER TO ALL SINKS AND LAVATORIES.

FLOOR PLAN KEY NOTES

- 1 (E) ELECTRICAL 200 AMP PANEL TO REMAIN
- 2 NEW CASHIER'S COUNTER PER OWNER
- 3 (E) RESTROOMS WITH SANITARY COVE BASE PER DETAIL 3 IN THIS SHEET TO REMAIN
- 4 (E) WATER HEATER TO REMAIN
- 5 (E) STOREFRONT DOORS, WITH ACCESSIBLE THRESHOLD AND SIGN ABOVE ALL MAIN ENTRY DOORS TO READ "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". THE SIGN SHOULD BE IN LETTERS NOT LESS THAN 1 INCH HIGH ON A CONTRASTING BACKGROUND.
- 6 (E) STORAGE ROOM WITH QUARRY TILE WITH 4" COVE WITH 3/8" RADIUS SANITARY COVE, PER DETAIL 3 ON THIS SHEET.
- 7 (E) WINDOWS TO REMAIN
- 8 EMPLOYEE LOCKERS, BY OWNER
- 9 EXISTING WATER METER TO REMAIN.
- 10 EXISTING GAS METER TO REMAIN.

WALL LEGEND

- WALLS / STRUCTURE TO BE REMOVED
- (E) D.V.F. OR METAL STUD WALLS TO REMAIN
- (N) D.V.F. OR METAL STUD WALLS @ 16" O.C.
- (E) 8" MASONRY (CMU) WALL
- EXIT ILLUMINATED EXIT SIGN

(E) & NEW DOOR SCHEDULE

- EXISTING DOORS TO REMAIN. NO CHANGE PROPOSED
- NOTE: NO NEW DOORS ARE PROPOSED

NEW WINDOW SCHEDULE

- EXISTING WINDOW TO REMAIN. NO CHANGE PROPOSED
- NOTE: NO NEW WINDOWS ARE PROPOSED

SHEET INDEX

- A1 SITE PLAN AND GENERAL NOTES
- A2 PROJECT ANALYSIS, FLOOR PLAN AND SCHEDULES

SCOPE OF WORK

1. INSTALL SHELVING AND DISPLAY EQUIPMENT AT (E) COMMERCIAL SPACE PER PLAN
2. NOTE: NO NEW CONSTRUCTION OR ALTERATIONS TO THE STRUCTURE OF THE BUILDING ARE PROPOSED

LEGENDS

- ***** ACCESSIBLE PATH OF TRAVEL
5% MAX SLOPE IN DIRECTION OF TRAVEL
2% MAX CROSS SLOPE
- ALL BUILDING ENTRANCES THAT ARE ACCESSIBLE TO AND USABLE BY PERSONS WITH DISABILITIES AND AT EVERY MAJOR JUNCTION ALONG OR LEADING TO AN ACCESSIBLE ROUTE OF TRAVEL, SHALL BE IDENTIFIED WITH A SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND WITH ADDITIONAL DIRECTIONAL SIGNS, AS REQUIRED, TO BE VISIBLE TO PERSONS ALONG APPROACHING WALKWAYS (MOUNT @ 60" ABOVE FINISHED FLOOR)

DESIGNED BY: F.R.	REV. DATE 00/00/00
DATE: JANUARY, 2021	REVISIONS
PROJECT NO. 805.236.1124	
"VIDA LIVE", REMODEL TENANT IMPROVEMENTS 663 S. OXNARD BLVD., OXNARD, CA 93030	
FLOOR PLAN A2	

	Police Department Jason Benites, Chief of Police
---	--

November 29, 2022

To: Joe Pearson II, Planning Division Manager

From: Marc Amon, Patrol Support Division Commander
Steven M. Ramirez II, Corporal, F.A.C.T. Compliance Officer
Scott Swenson, Safer Neighborhoods and Compliance Specialist

Subject: Vida Live, 663 S. Oxnard Blvd.
PZ 22-520-03, Alcohol SUP Review (ABC Type 48)

Site Information:

The proposed site is a 3,000 square-foot commercial property located at 663 S. Oxnard Boulevard within the Downtown Core (DT-C) zone and within the Hobson Park East Neighborhood. The location is currently vacant and previously served as the El Tapatio Nightclub. The applicant would like to re-open and operate as a nightclub and comedy center that includes live entertainment and alcohol sales for on-site consumption.

The applicant possesses an Alcohol Beverage Control (ABC) Type 48¹ License to sell beer, wine, and distilled spirits for consumption on the premises. The applicant proposes to operate Thursday through Sunday from 5 p.m. to 2 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 California² and the City of Oxnard³ have established standards to weigh concentration factors, and, when

¹ Type 48 On Sale General – Public Premises – Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain.

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

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

appropriate, mitigate those factors. The below charts identify nearby retail alcohol establishments.

Alcohol outlets located within 350 Feet

BUSINESS NAME	ADDRESS	ABC TYPE	ASUP	ON/OFF SALE	PREMISE	ALCOHOL	ALCOHOL HOURS
1. El Chilito	733 S. Oxnard Blvd.	Type 41	No	On-Sale	Restaurant	Beer, Wine	10:00 a.m. to 11:00 p.m.
2. Cielito Lindo	635 S. Oxnard Blvd.	Type 47	No	On-Sale	Restaurant	Beer, Wine, Spirits	11:00 a.m. to 1:30 a.m.
3. Corner Pocket Billiards	658 S. A Street	Type 40	Yes	On-Sale	Bar	Beer	2:00 p.m. to 12:00 a.m.
4. Birria Mi Rancho	715 S. Oxnard Blvd.	Type 41	No	On-Sale	Restaurant	Beer, Wine	8:30 a.m. to 6:00 p.m.
5. El Miramar	653 S. Oxnard Blvd.	Type 47	No	On-Sale	Restaurant	Beer, Wine, Spirits	8:00 a.m. to 1:30 p.m.
6. Asahi Market	660 S. Oxnard Blvd.	Type 20	No	Off-Sale	Market	Beer, Wine	9:00 a.m. to 6 p.m.
7. Oxnard Self Service	700 S. Oxnard Blvd.	Type 20	No	Off-Sale	Conv. Store	Beer, Wine	6:00 a.m. to 12:00 a.m.
8. Golden Chicken Inn, Inc.	701 S. Oxnard Blvd.	Type 40	No	On-Sale	Bar	Beer	11:00 a.m. to 9:00 p.m.

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

Alcohol outlets located between 350 Feet and 1000 Feet

BUSINESS NAME	ADDRESS	ABC TYPE	ASUP	ON/OFF SALE	PREMISE	ALCOHOL	ALCOHOL HOURS
1. Sabor	128 E. Sixth Street	Type 41	Yes	On-Sale	Restaurant	Beer, Wine	9:00 a.m. to 7:00 p.m.
2. La Mexicana Market	601 S. A Street	Type 20	No	Off-Sale	Market	Beer, Wine	8:00 a.m. to 8:00 p.m.
3. El Dorado Restaurant	601 S. Oxnard Blvd.	Type 47/58	No	On-Sale	Restaurant & Catering	Beer, Wine, Spirits	11:00 a.m. to 10:00 p.m.
4. Izzy Otani Fish Market	610 S. A Street	Type 41	No	On-Sale	Restaurant	Beer, Wine	11:00 a.m. to 7:00 p.m.
5. La Dolce Vita	740 S. B Street	Type 47/58	No	On-Sale	Restaurant & Catering	Beer, Wine, Spirits	4:00 p.m. to 9:00 p.m.
6. Rancho Ventavo Cellars	741 S. A Street	Type 2	Yes	Off-Sale	Winery	Wine	12:00 p.m. to 5:00 p.m.
7. Oxnard Elk's Lodge #1443	801 S. A Street	Type 51/58	No	On-Sale	Club & Catering	Beer, Wine, Spirits	5:00 p.m. to 2:00 a.m.
8. Pat Holden's Liquor & Gift Shop	860 S. A Street	Type 21	No	Off-Sale	Conv. Store	Beer, Wine, Spirits	8:00 a.m. to 11:00 p.m.
9. Karina's Banquet Hall	529 S. A Street	Type 41	Yes	On-Sale	Restaurant	Beer, Wine	9:00 a.m. to 9:00 p.m.

**Alcohol Hours - Hours listed are when alcoholic beverages legally may be sold pursuant to City and State restrictions.*

City Council Resolution 11,896 establishes that there is an 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 other establishments with similar alcohol licenses but there is one business with a similar use type, nightclub, within 350 feet of the applicant's site. This establishes that there is an undue concentration under City standards.

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

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

- 1) The applicant premises are located in a crime reporting district⁴ that has a 20 percent greater number of reported crimes, as defined in subdivision c, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.*
- 2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises 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 above 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 (12) on-sale licenses within the applicant’s census tract. According to the ABC, three (3) 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.

Crime Statistics Review:

For comparison purposes the Police Department calculates the average number of Part I⁵ and II⁶ crimes that occurred during a selected (12) month period. In the case of this report, all calculations are based on statistics from 2021. The average city-wide, annual average of Part I and II crimes is 33.9. The average commercial, annual average of Part I and II crimes is 112.5.

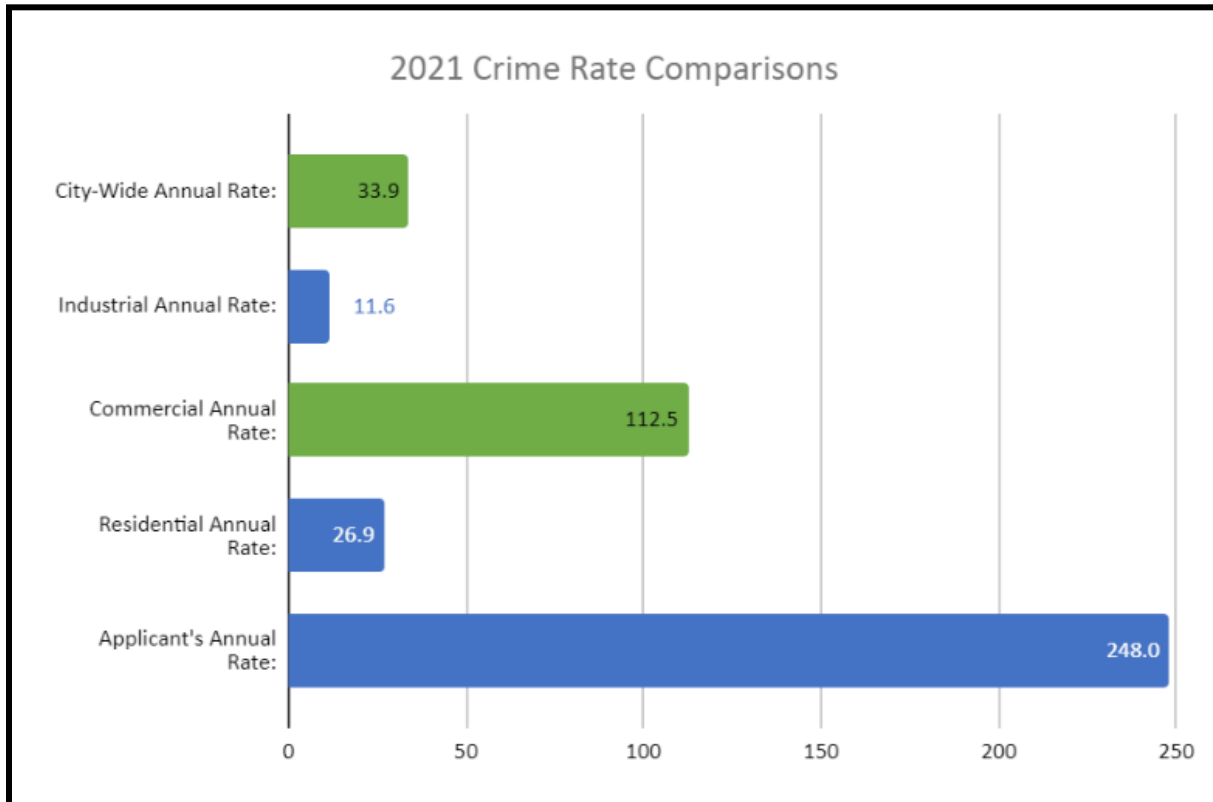
The average number of Part I and II crimes in the applicant’s 1000 feet annular area is 248. In doing research, I discovered that of the 248 reported incidents, 128 of them were citations written for city ordinance violations addressing homeless violations within the downtown area. The increased activity by law enforcement officers within the downtown was in response to a “Downtown Settlement Fund” which financed additional officers during the 2021 period. The reported crime stats excluding the self-initiated law enforcement citations amounted to 120 incidents, which is consistent with the city-wide commercial Part I and II crimes.

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

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

⁶ *Part II crime include: other assaults, forgery & counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution & commercialized vice, sex offenses, drug abuse violations, gambling, offenses against family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses not specifically identified as Part I or Part II, except traffic violations.*

Commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that the location has not been an area concern. The Beat Coordinator mentioned there are other alcohol retail establishments in the immediate area, but he has not noticed a significant number of crimes associated with them. He did not have a concern regarding the addition of this alcohol sales establishment at this location.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. No negative feedback or significant concerns were received.

Area Residents:

The Neighborhood Chairperson was contacted and briefed concerning the application and conditions related to the permit. He was supportive of the proposed permit and had no objections to the proposed use of the property or its current ABC License for sales of beer, wine, and spirits.

Downtown Code Impacts

In 2019, The Downtown Code was established. The Code created zoning and use restrictions including businesses selling alcoholic beverages. The table 16-148, identifies that alcohol for on-site consumption must be accompanied by food sales. This project site does not have a kitchen and the applicant does not intend to install one. Pursuant to the Downtown Code, the business must have food sales accompany alcoholic beverage sales. Therefore, the conditions for this project include mechanisms to track on-site food sales that are sourced from outside vendors.

It should be noted, the applicant owns the El Miramar Restaurant adjacent to this project site. The El Miramar Restaurant operates under an ABC Type 47 Restaurant License. Under this license type, gross sales of food must exceed gross sales of alcoholic beverages. Diverting food sales off-site to another business would deflate the on-site gross sales of food for the restaurant and endanger the status of El Miramar's ABC License.

Concentration, Public Convenience and Necessity

The applicant's business is located within the Downtown Core (DT-C) zone, which has an undue concentration of on-sale alcohol outlets. Under the State concentration standards, there are three (3) on-sale establishments allowed within Census Tract 86.02. Currently, this census tract has 12 on-sale establishments. Under City concentration standards, alcohol establishments are limited to having a concentration of the same type of business within 350-feet. In the case of the applicant's business, there is one business of a similar type, a nightclub, operating within 350-feet. Therefore, there is an undue concentration under both the State and City standards.

The applicant has stated that the business will operate as a comedy club. This will add to the choices in evening activities in Downtown Oxnard and will serve the "Public Convenience and Necessity" as it will provide a service not available in this region of the City.

Conclusion

The applicant's business site has a history as "El Tapatio Night Club", a bar and dance club operating primarily on Friday, Saturday, and Sunday from 9 p.m. till 2 a.m. El

Tapatio had no adverse impact on the immediate area or on police calls for service. El Tapatio Night Club closed in 2019, and the business has been vacant since that time.

The applicant proposes to operate Thursday through Sunday from 5 p.m. to 2 a.m. as a comedy club. 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.

Taking into consideration the food requirements under the Downtown Code and the listed “Conditions of Approval”, the Police Department supports the approval of this permit.

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.
3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 1:30 A.M. (PL/PD)
4. The quarterly gross sales of alcoholic beverages shall not exceed the 80% of the gross sales of food and alcohol sales 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. For the purposes of this condition “food” shall include non-alcoholic beverages, packaged food, or freshly prepared food from a

nearby restaurant or grocery store licensed by the Ventura County Department of Environmental Health. (PL/PD)

5. The business model for providing food service for customers must receive prior approval by the Chief of Police or his/her designee. The business model shall include the following elements:
 - a. A menu which accurately describes the food offering and the customer cost for the item before tax.
 - b. A menu which accurately describes the food offering and the customer cost for the item before tax.
 - c. An accounting system to verify the sales of food from each vendor provided on a quarterly basis.
 - d. The permittee may have pre-packaged food as menu items provided the food item is properly stored and served to the end customer prior to an expiration or "Best Used By" date. Pre-packaged food items shall be served to the end customer in the original packaging so the customer has the opportunity to view the expiration date. Each source of pre-packaged food shall be listed as a vendor and the resale of such items shall be tracked on a quarterly basis.
 - e. For the purposes of this permit, pre-packaged food shall include: unopened cans of non-alcoholic beverages, unopened pre-packaged sandwiches, burritos, pre-packaged desserts, chips and similar items.
6. 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)
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. 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)
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. 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)
11. 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)
12. 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)
13. 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 (5) days of being applied. (PD/PL)
14. The property owner and the tenant shall be responsible for maintaining their areas free of litter and in the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
15. The permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
16. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
17. 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)
18. 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

19. Prior to commencing the sale of alcohol permitted by this permit, the 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) 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.
20. 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.
21. 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:
- a. 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.
 - b. 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

22. 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)
23. 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)
24. Should a criminal event occur within the business, the permittee or managing 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.
25. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (Burglary alarm). (PD)
26. The Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
27. A condition of approval requires compliance with the Outdoor Lighting Code and Guidelines:
 - a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Non-residential 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

- 28. Entertainment as defined by Oxnard City Ordinance 11-185 is allowed provided it does not disturb neighboring uses.
- 29. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Signage

- 30. 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)
- 31. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.
- 32. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control (ABC) 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)
- 33. 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

- 34. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
- 35. 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

- 36. 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)
- 37. 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)
- 38. "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.
- 39. 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.

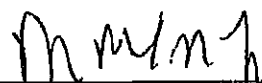
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

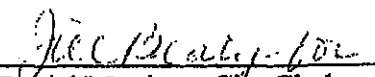
ABSENT: None.



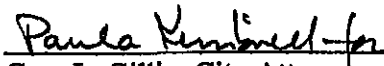
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-520-03 (SPECIAL USE PERMIT), TO ALLOW A FORMER NIGHTCLUB (EL TAPATIO NIGHTCLUB) TO RE-OPEN AND OPERATE AS A NIGHTCLUB AND COMEDY CENTER (VIDA LIVE!) THAT WILL INCLUDE LIVE ENTERTAINMENT AND ALCOHOL SALES FOR ON-SITE CONSUMPTION (ALCOHOL BEVERAGE CONTROL (ABC) LICENSE TYPE 48-ON SALE GENERAL-PUBLIC PREMISES) WITHIN AN EXISTING 3,000 SQUARE-FOOT VACANT TENANT SPACE, LOCATED AT 663 SOUTH OXNARD BOULEVARD (APN 202-0145-060) WITHIN THE DOWNTOWN CORE (DT-C) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY FERNANDO GARCIA, APPLICANT, ON BEHALF OF PROPERTY OWNER BARDO GARCIA, 4231 BERKSHIRE ST.

WHEREAS, on March 2, 2022, Fernando Garcia, (the “**Applicant**”) on behalf of property owner Bardo Garcia submitted a request to allow the sales of beer, wine and distilled spirits for on-site consumption within an existing 3,000 square-foot tenant space at 663 South Oxnard Boulevard; and

WHEREAS, on March 2, 2023, 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. 22-520-03 (Special Use Permit), filed by Fernando Garcia 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 Downtown and the zoning designation is for Downtown Core (DT-C). The Project is surrounded by commercial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical

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

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

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

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

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

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

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

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

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

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

The project 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 3,000 square-foot commercial building was constructed prior to 1949, but it has been modified several times since its initial construction. Furthermore, no physical improvements are proposed at this time. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the Downtown Core (DT-C) zoning district, with a 2030 General Plan designation of Downtown (DTN). The proposed Vida Live! is proposing to operate a former nightclub, El Tapatio Nightclub, of approximately 3,000 square feet that includes live entertainment, dance, and alcohol sales under a Type 48-On-Sale-General-Public Premises ABC license authorizing the sale of beer, wine, and distilled spirits for consumption on the premises where sold. The nightclub will operate two (2) shifts with up to 15 employees per shift. The proposed business hours of operation will be Monday to Sunday from 10 a.m. to 2 a.m. consistent with the General Plan and Downtown Code. The nightclubs less than 10,000 square feet are subject to approval of Special Use Permit by the Planning Commission Pursuant to the Downtown Code Section 16-148.1(A). The ability to sell alcohol for a restaurant is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC) Section 16-148. 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 use of an existing commercial building formally used as a nightclub/restaurant with a new nightclub/comedy show that will include the sale of beer, wine, and distilled spirits for on-site consumption. According to the Police report, there are no establishments of the same type located within 350 feet of the Project site. The Police Department has determined that based on the proximity and type 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 annual crime rate is above the average annual citywide rate and above the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are nine (9) on-sale licenses within the applicant's census tract. According to the ABC, three (3) on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

The Project will be subject to conditions of approval as recommended by the Oxnard Police Department Alcohol SUP Report to prevent aggravation of policing issues. Therefore, as conditioned, the proposed sale of alcohol will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health safety or general welfare. The Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services.

Furthermore, a finding of public convenience can be made for this proposal as it is convenient for nightclubs with live entertainment to serve alcoholic beverages which will pair well with the food service. Conversely, it would be inconvenient for a member of the public to patronize this nightclub and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. As such, this Project meets this finding.

3) The site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required by the conditions of approval.

As described in the Staff Report, the proposed nightclub/comedy show use and the alcohol (beer, wine, distilled spirits) sales will occur entirely within the existing 3,000 square foot building adequate for the proposed sales. The proposed project does not require exterior changes to the site. The recommended conditions of approval do not require changes to the site. Therefore, the site for the proposed nightclub/comedy use and alcohol sales are 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 South Oxnard Boulevard and West Seventh Street, both of which connect to multiple arterial streets. The proposed nightclub/comedy show use and sales of alcohol are not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed nightclub/comedy show use and 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 nightclub/comedy show use and alcohol sales will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed nightclub/comedy show use and alcohol sales will be provided with adequate sewerage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

- 6) The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.**

As described in the Staff Report, the commercial building has an above-average crime rate when compared to other parts of the City. However, the Project will not create, or significantly aggravate police problems within 1,000 feet of the location for which the Special Use Permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. Based on the crime statistics, the input from the community and the Beat Coordinator, there is no reason to oppose this application. As such, this Project meets this finding.

- 7) The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied. For purposes of making this determination, there is a presumption that an undue concentration will result or be added to if the establishment for which the special use permit is applied will be located less than 350 feet from another establishment of the same type, and there is**

a presumption that an undue concentration will not result or be added to if the establishment for which the special use permit is applied will be located 350 feet or more from another establishment of the same type. However, either presumption may be rebutted by a preponderance of the evidence, based on the facts of the particular case.

As described in the Staff Report and Oxnard Police Department Alcohol SUP Report, there are no establishments of the same type located within 350 feet of the Project site. However, there are other similar establishments located within 350 feet and between 350 feet and 1000 feet of the subject property (Cielito Lindo, El Miramar, El Dorado Restaurant, and La Dolce Vida) that currently operate with a dance permit and an ABC License Type 47 (On-Sale General - Eating Place). The Police Department has determined that as there are no other similar uses and alcohol establishments within 350 feet of the applicant's site, there is no undue concentration by City standards.

The annual crime rate is above the average annual citywide rate. This is above the standard established in 23958.4(1) B&P. Currently there are nine (9) other on-sale licenses within the applicant's census tract according to the ABC and three (3) on-sale licenses are permitted within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for nightclubs 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 nightclub and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal. Therefore, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to allow a nightclub/comedy show use and the sale of alcohol for on-site consumption within an existing commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 22-520-03 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated March 2, 2023, (“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. Applicant/Vida Live! shall comply with the City's Sound Regulations per Municipal Code Section 7-185 Exterior Sound Standards in order to control unnecessary, excessive and annoying noises which could be detrimental to the public health and welfare to the satisfaction of the Community Development Director.

11. 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

12. This permit shall automatically be void 12 months from the date of issuance, unless the Applicant has received a License Type 48 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).
13. 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.
14. Vida Live! shall obtain and maintain a Entertainment at Bars, Business Tax Certificate for Bar/nightclub, and Dance Permits from the Department of Billing and Licensing.
15. Applicant shall provide a business operational letter and a final floor plan to the Planning Division prior to issuance of a Zone Clearance for the operation of the business.
 - a. The operational letter shall include a detailed description of the proposed business/use, days and hours of operation, number of working shifts per day, number of employees per shift, and a catering plan to the satisfaction of the Community Development Department.
 - i. Any issues arise in regards to the proposed operation of the use, the nightclub/comedy use shall be reviewed by the Community Development Department .
 - ii. After implementation of the use, and upon the determination of the Community Development Department that the business operational plan was created for Vida Live! (nightclub/comedy) is not functioning effectively, modifications to the use and or the operations shall be made and submitted for review and approval to the Community Development Department.
 - b. The floor plan shall include a breakdown of the interior uses and square footage of the proposed nightclub/comedy club facility such as restrooms, stage, customers area (assembly, moveable seating, dancefloor), fixed seating area, bar area, office, kitchen, and storage areas.

POLICE DEPARTMENT STANDARD CONDITION

RBS Training

16. 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)
17. 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

18. Sales of alcohol may only occur between the hours of 7:00 A.M. and 1:30 A.M. (PL/PD)
19. The quarterly gross sales of alcoholic beverages shall not exceed the 80% of the gross sales of food and alcohol sales 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. For the purposes of this condition “food” shall include non-alcoholic beverages and packaged food, or freshly prepared food from a nearby restaurant or grocery store licensed by the Ventura County Department of Environmental Health. (PL/PD)
20. The business model for providing food service for customers must receive prior approval by the Chief of Police or his/her designee. The business model shall include the following elements:
 - a. A menu which accurately describes the food offering and the customer cost for the item before tax.
 - b. An accounting system to verify the sales of food from each vendor provided on a quarterly basis.
 - c. The permittee may have pre-packaged food as menu items provided the food item is properly stored and served to the end customer prior to an expiration or “Best Used By” date. Pre-packaged food items shall be served to the end customer in the original packaging so the customer has the opportunity to view the expiration date. Each source of pre-packaged food shall be listed as a vendor and the resale of such items shall be tracked on a quarterly basis.

- a. Any vendor providing food service to the permittee from a business operating under an ABC Type 41 or 47 License may be periodically required to provide documentation to the Chief of Police or his or her designee through quarterly financial statements that demonstrate that their food sales to the permittee is above and beyond their first 50% of gross food sales requirement under their respective ABC License. The permittee shall be prohibited from using a vendor who is found to be operating under the 50% gross food sales as required under the provisions of ABC License Types 41 and 47, for two consecutive quarters. This prohibition shall extend for a minimum of two quarters to ensure that the source vendor has sufficiently modified their business model to provide food vending services and not fall below the 50% gross food sales requirement. Food sold off-site shall not be part of the first 50% of the vendor's gross food sales requirement.

The permittee shall also be prohibited from using a vendor who fails to provide documentation to the Oxnard Police Department that is accurate, incomplete or not submitted in a timely manner. Any documentation submitted to the Oxnard Police Department shall be consistent with documentation submitted to other governmental agencies. Inconsistencies in such documentation shall be grounds for excluding that vendor as a source of product for the permittee.

The 50% gross food sales requirement on businesses operating under ABC License Types 41 and 47 is seen as a mechanism to reduce the generation of impaired drivers. Licensees who provide food vending services to other premises off site to only meet their own 50% requirement is defeating that purpose.

21. The permittee shall have a Certified Food Handler on-duty at all times the facility is open to support the service of its menu. (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. 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)

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

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:

- a. 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 supervisorial employees and other employees who, by the nature of their responsibilities, have a need to access to the equipment.

- b. The Security Site Plan shall include a chart that identifies each camera by an alpha-numeric designation, the make and model of the instrument, the type of camera housing (dome, bullet, discrete), the camera's capture purpose (general area, choke point, point of sale, etc.) and its mounting height above the floor/grade.

Operational Standards

- 36. 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)
- 37. 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)
- 38. Should a criminal event occur within the business, the permittee or managing 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.
- 39. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (Burglary alarm). (PD)
- 40. The Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
- 41. A condition of approval requires compliance with the Outdoor Lighting Code and Guidelines:
 - a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Non-residential 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

- 42. Entertainment as defined by Oxnard City Ordinance 11-185 is allowed provided it does not disturb neighboring uses.
- 43. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Signage

- 44. 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)

45. There shall be no posters or signs on the windows other than those required by permit or statute or otherwise specifically approved by the Planning Division.
46. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control (ABC) 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)
47. 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

48. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
49. 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

50. 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)
51. 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)
52. "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.
53. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to:
 - a. 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 2nd day of March 2023, by the following vote:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of March 2023, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

City of Oxnard Planning Commission

March 2, 2023

Vida Live!
663 South Oxnard Boulevard
PZ 22-520-03
(Special Use Permit - Nightclub/Alcohol)

Applicant: Fernando Garcia

Project Description

A request for approval of a Special Use Permit (SUP) to allow a former nightclub (El Tapatio Nightclub) to reopen and operate as a nightclub and comedy center (Vida Live) that would includes live entertainment and the sales of beer, wine and distilled spirits for on-sale consumption (Alcohol Beverage Control (ABC) License Type 48) at an existing 3,000 square-foot commercial vacant space located at 663 South Oxnard Boulevard. The facility will operate Monday through Sunday from 10:00 a.m. to 2:00 a.m.

Background

Prior to 1945: The single story commercial building was part of the original City limits and zoned C-2 when the original City Ordinance was Adopted.

Prior to 1979: The facility was used for El Paisanos' Restaurant and held a dance and entertainment permit with on-site alcohol sales.

1979: The Planning Commission granted a Special Use Permit No. 870 authorizing some exterior facade improvements.

1989: El Tapatio Nightclub was licensed to operate at this location and hold a Type 48 ABC License.

2018: El Tapatio Nightclub business obtained an ABC catering permit through ABC.

2019: The business has been inactive since October 15.

2020: The non-conforming status for the use and the alcohol license was lost in April 15.

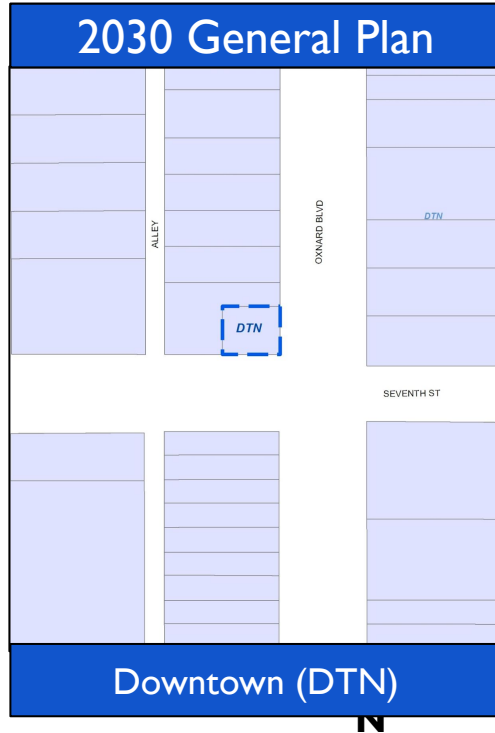
Project Location and Surrounding Uses



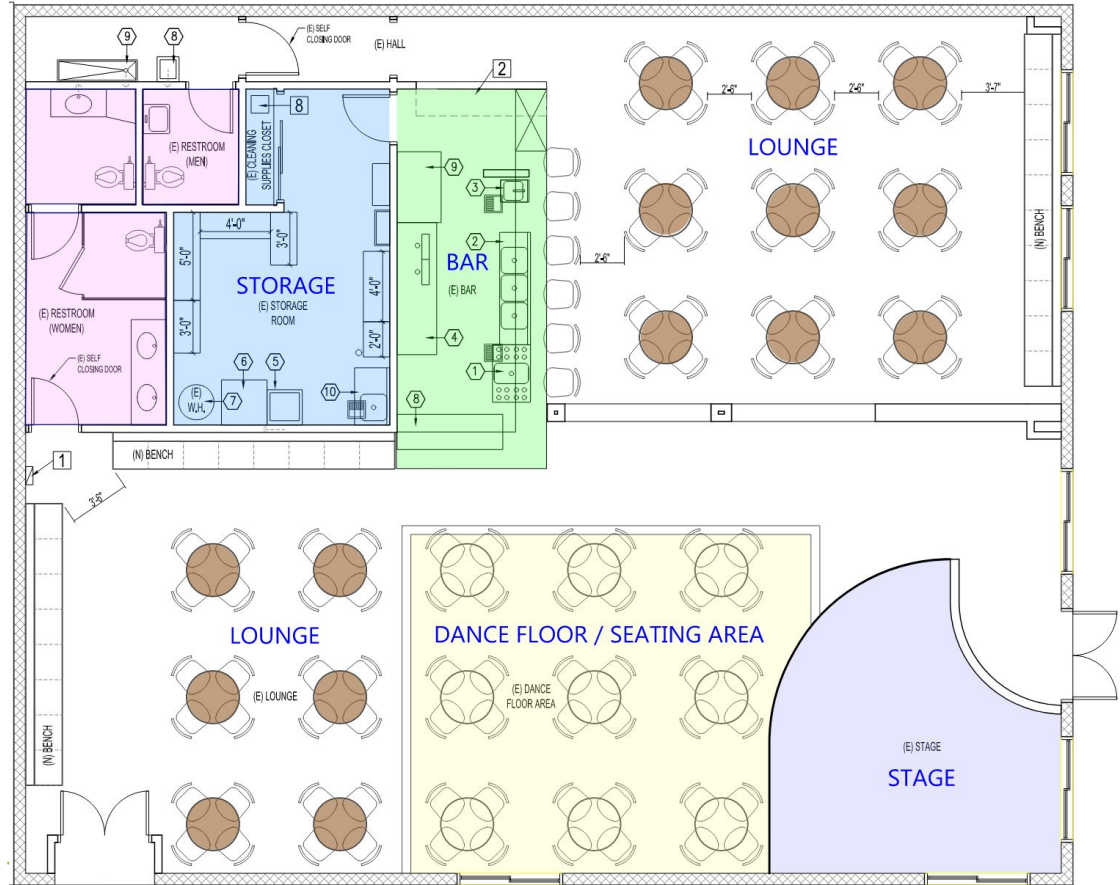
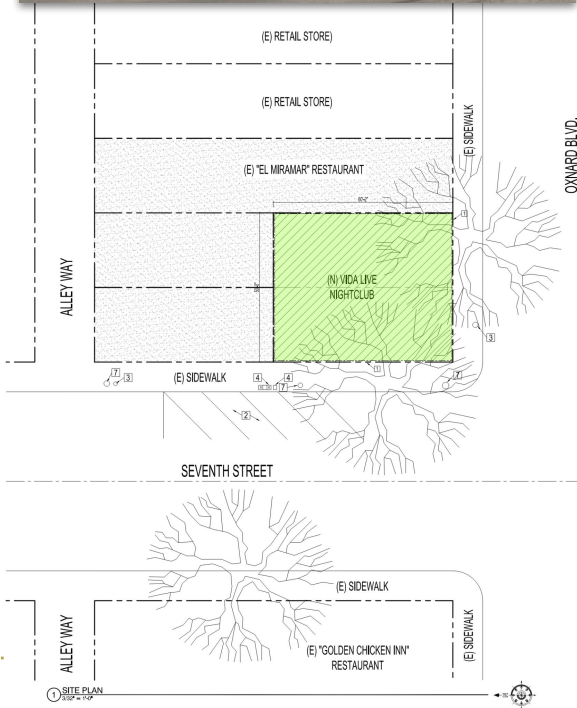
LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Downtown (DTN)	Downtown Core (DT-C)	Vacant (Former El Tapatio Nightclub)
North	Downtown (DTN)	Downtown Core (DT-C)	Multi-Tenant Retail Commercial
South	Downtown (DTN)	Downtown General (DT-G)	Restaurant (Golden Chicken Inn)
East	Downtown (DTN)	Downtown Core (DT-C)	El Miramar Restaurant
West	Downtown (DTN)	Downtown General (DT-G)	El Miramar Restaurant/Nightclub



Land Use and Zoning



Floor Plan



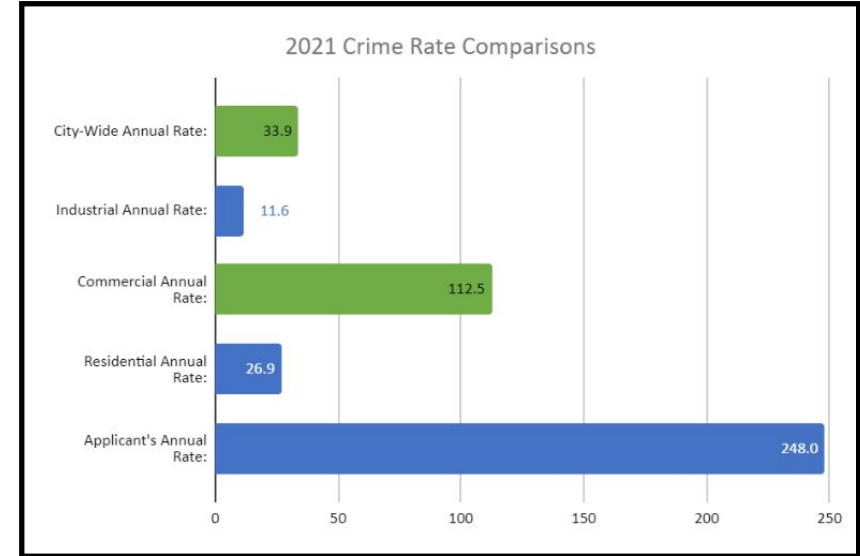
Proposed Use:

- A. Vida Live!/Nightclub/Comedy use is subject to approval of a SUP as it proposes to utilize a building that previously occupied by an prior non-conforming use (El Tapatio Nightclub).
 - a. Per the Oxnard City Code Section 16-508 (D) Any part of a building, structure or land occupied by a nonconforming use, which use is discontinued or ceases for a period of six months or more, shall not again be used or occupied for a nonconforming use.
 - b. Per the City's Downtown Code Section 16-148(A) for Nightclubs less than 10,000 square feet with on site alcohol consumption and the sale of food a Special Use Permit is required to be approved by the Planning Commision.

Police Report Summary

Crime:

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



Police Department Review

Reviewed application per CC Resolution No. 11,896

Concentration:

1. There are 17 establishments located within 1,000 feet of the Project site that sell alcoholic beverages.

El Chilito	Cielito Lindo	Corner Pocket Billiards	Birria Mi Rancho
El Miramar	Asahi Market	Oxnard Self Service	Golden Chicken Inn, Inc
Sabor	La Mexicana Market	El Dorado Restaurant	Izzy Otani Fish
La Dolce Vita	Rancho Ventavo Cellars	Oxnard Elk's Lodge # 1443	Pat Holden's Liquor & Gift Shop
Karina's Banquet Hall			

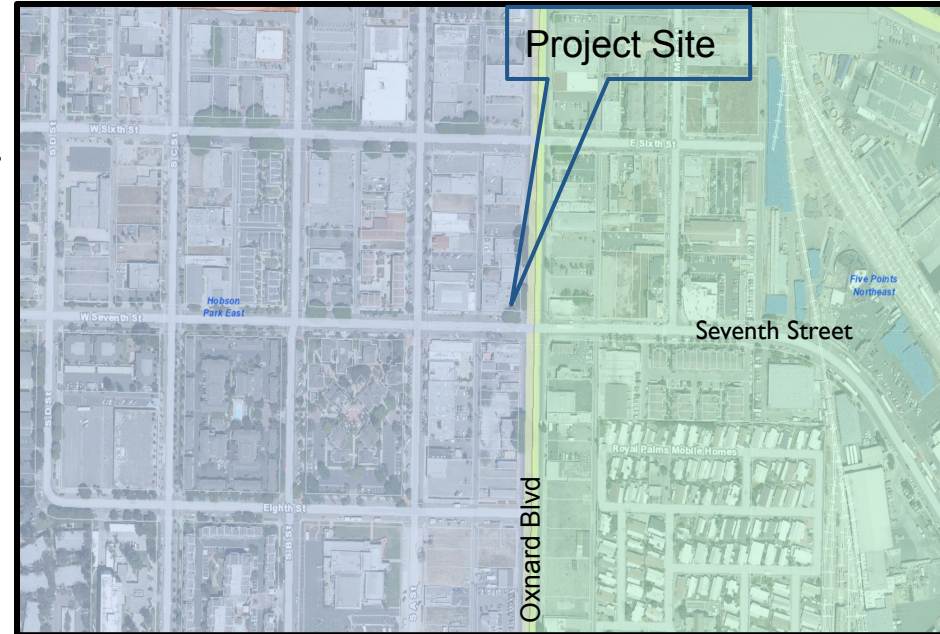
Findings:

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

Community Input

Community Input:

- A virtual Community Workshop was conducted on July 18, 2022. Notices were provided to the Hobson Park East and Five Points Northeast Neighborhoods. One speaker commented on the request.
- Nearby business operators for the Hobson Park East and Five Points Northeast Neighborhoods were contacted regarding this application and proposed operations.
- To date, staff has not received any concerns or public comments regarding the proposed project.



Select Recommended Conditions of Approval

- CofAs #10:
Vida live! Shall comply with the City's Sound Regulations for commercial properties.
- CofA #15:
Applicant Shall provide a business operational letter and a final floor plan to the Planning Division prior to the issuance of a Zone Clearance.
- CofA #18:
Sales of alcohol may only occur between the hours of 7:00 A.M. and 1;30 A.M.
- CofA #20, 21, 22 and 23:
The business shall provide food services, certified food handlers, and a menu of food at all times alcohol is being served...

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.

- 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 2023-XX approving Planning and Zoning Permit No. 22-520-03 (Special Use Permit - Use & Alcohol), subject to certain findings and conditions.

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 2023-XX approving Planning and Zoning Permit No. 22-510-03 (Special Use Permit - Alcohol), subject to certain findings and conditions.