

ITEM F-1

Planning and Zoning Permit No. 22-510-06
Shake Shack



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Eunice Ban, Contract Planner

DATE: July 20, 2023

SUBJECT: Project Name: Shake Shack; Planning and Zoning Permit No. 22-510-06 (Special Use Permit-Alcohol); Lot 6 of The Landing at RiverPark; (APN 132-0-470-235)

1) Recommendation: That the Planning Commission:

- a) Find the Project to be a exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3) (General Rule); and
- b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-510-06 (Special Use Permit), subject to certain findings and conditions.

2) Project Description and Applicant: A request to allow the sales of beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41 - On Sale Beer and Wine¹) within the proposed development of a 3,470 square-foot restaurant and a 760 square foot outdoor patio on an approximately 1-acre site located on Lot 6 of Tract 6004, within the West Corridor Commercial District of the RiverPark Specific Plan (RPSP). The standard hours of alcohol sales are from 7:00 a.m. to 11:00 p.m. The facility proposes to operate Monday through Sunday from 11 a.m. to 11 p.m. For the purpose of this Staff Report, the foregoing project description shall be referred to as the “**Project**.” Filed by Marc Haslinger, (the “**Applicant**”), on behalf of Riverpark Landing, LLC, 130 Vantis, Suite 200 Aliso Viejo, California 92565 (the “**Property Owner**”).

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

3) Existing & Surrounding Land Uses: The Project site is a vacant undeveloped parcel located within the RPSP area. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated below in Exhibit A.

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

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional (CR)	RiverPark Specific Plan - West Corridor Commercial (WCC)	Vacant/Undeveloped
North	Public Right-of-Way (Town Center Drive)	Public Right-of-Way (Town Center Drive)	Public Right-of-Way
South	Commercial Regional (CR)	RiverPark Specific Plan - West Corridor Commercial (WCC)	Vacant/Undeveloped (future site of hotel/ PZ No. 17-200-07)
East	Commercial Regional (CR)	Riverpark Specific Plan - West Corridor Commercial (WCC)	Bank of America Financial Center
West	Commercial Regional (CR)	Riverpark Specific Plan - West Corridor Commercial (WCC)	Panda Express Fast Food Restaurant

- 4) Background Information:** The proposed development is within Planning District C “West Corridor Commercial District” of the RiverPark Specific Plan (RPSP), which was approved in 2012. Pursuant to Section 2.5.2.3 of the RPSP, Planning District C allows for commercial land uses, including but not limited to retail, restaurants, coffee shops, hotels, banking establishments, and convention facilities. Within the past several years, The Landing developed many of their lots. In August 2018, two multi-story hotels were approved through a Development Design Review (DDR) permit (Planning & Zoning Permit Nos. PZ 17-200-07 and 17-200-08) by the Director. Their respective sites are located directly southeast of this Project site. An existing private street providing access to the hotels from Town Center Drive has been constructed. Additionally, an assisted living facility known as Oakmont Senior Living (Planning & Zoning Permit Nos. 16-200-04 and 16-200-05) has been constructed and began operation to the west of the hotel Project site. On June 4, 2020, several additional commercial buildings with drive-throughs to the east of the site along Town Center Drive were approved by the Community Development Director (Planning & Zoning Permit Nos. 19-200-14 and 19-200-17). On December 3, 2020, a gas station and convenience store (and associated Alcohol Special Use Permit) directly to the west of the site along Town Center Drive was approved by the Planning Commission (Planning & Zoning Permit Nos. 20-500-02 and 20-510-08).

The Project lot was created through Planning & Zoning Permit No. 17-300-08 (Tentative Tract Map 6004). On November 27, 2018 the Oxnard City Council adopted Resolution No. 15,181 to subdivide the Project area into six (6) lots for future commercial use within the area known as Planning District C of the RiverPark Specific Plan area. The area is commonly known as The Landing at RiverPark. This Project is the last lot, 6 of the 6 commercial projects proposed at The Landing.

On May 30, 2023, the Community Development Director approved PZ 22-200-06 for the construction of a 3,470 square foot restaurant, 760 outdoor patio with double drive-through lanes, and associated parking, landscaping, and infrastructure improvements.

- 5) Environmental Determination:** In accordance with Section No. 15061 (b)(3), General Rule or Common Sense Exemption of the California Environmental Quality Act (CEQA) Guidelines, projects “clearly demonstrating that the project has no potential to have significant environmental effects” may be found exempt from the requirements of CEQA. The Project involves a request to sell general alcohol (beer and wine) for on-site consumption in a bona-fide restaurant 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 potential for 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 for on-site consumption of alcoholic beverages (ABC License Type 41) within the proposed development of 3,470 square-foot fast food commercial building (Shake Shack). The facility will operate as a bona-fide restaurant and will operate from 11 a.m. to 11 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 and wine for on-site consumption is accessory to the primary use of the restaurant and conforms to the permitted uses of the West Corridor Commercial of the Riverpark Specific Plan.

- b) General Plan and Zoning Consistency:** The 2030 General Plan for the site is Commercial General (CG) and the zoning designation is West Corridor Commercial of the RiverPark Specific Plan. General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the condition of approval. Therefore, this project is consistent with Policy ICS-19.2.

The Project is proposed in the West Corridor Commercial of the RiverPark Specific Plan. In accordance with the Oxnard City Code (OCC) and the RiverPark Specific Plan, 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 41)	Yes (Type 41)	No, as conditioned	City (No)/Yes (State)

Concentration of Alcohol Outlets:

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

None

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	ABC Type	ASUP	On/Off-Sale	Premise	Alcohol	Hours*
1	Target	2850 So. Oxnard Bl.	21	Y	Off	Grocery	Beer Wine Spirits	7a-1a
2	Painted Cabernet	630 Collection Bl.	42	Y	On	Public Premise	Beer & Wine	7a-1a
3	Luna Grill	691 Collection Bl.	41	Y	On	Restaurant	Beer & Wine	7a-1a

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	Los Agaves	2820 Portico Way	41	Y	On	Restaurant	Beer & Wine	7a-1a
5	Cheesecake Factory	600 Town Center Dr.	47	Y	Both	Restaurant	Beer Wine Spirits	7a-1a
6	Red Robin	681 Town Center Dr.	47	Y	Both	Restaurant	Beer Wine Spirits	7a-1a
7	Whole Foods	650 Town Center Dr.	21/47	Y	Both	Grocery/ Restaurant	Beer Wine Spirits	7a-10p
8	The Mighty Axe	650 Collection Bl.	40	Y	Both	Tavern	Beer	10a-1a

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

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

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

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

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

In the case of the applicant site, the annual crime rate is slightly 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).

Currently there are 18 on-sale licenses within the applicant’s census tract. According to the ABC, 12 on-sale licenses are authorized within this census tract. Based on the above

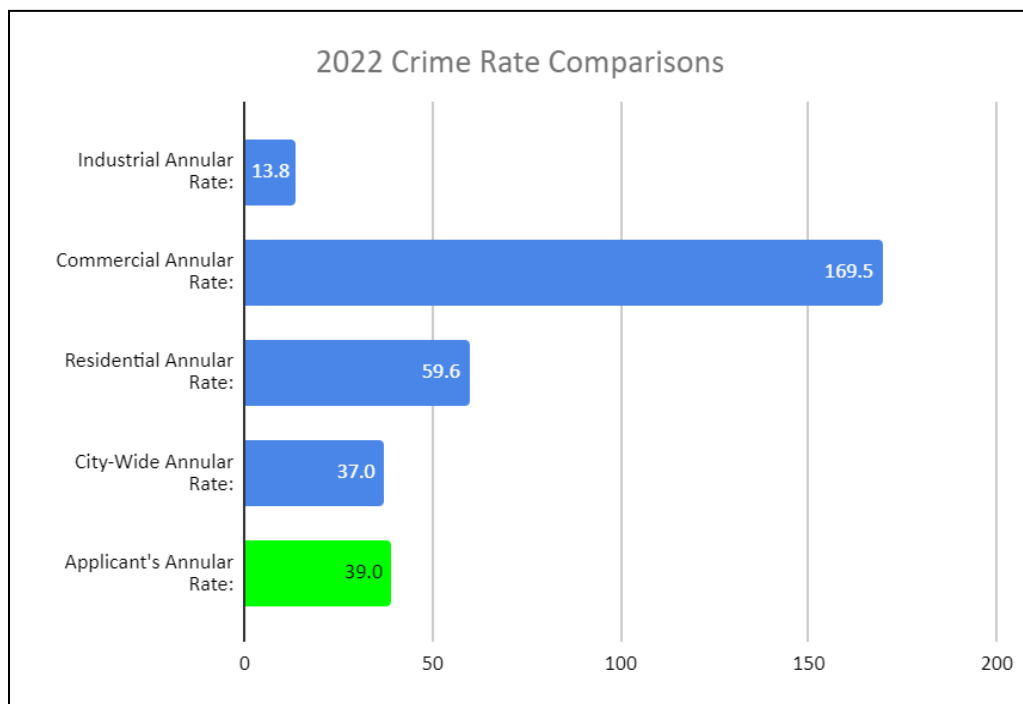
⁴ Oxnard P.D. does not collect crime data based on reporting districts. For the purposes of concentration of alcohol establishments, the crime stats are compared by 1000-foot annular areas.

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 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 2022. The average city-wide, annular average of Part I and II crimes is 37.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 39. This is 23 % of the average for commercial properties citywide and can be best illustrated in the graph below:



Police & Community Input:

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.

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

Businesses:

The applicant site is a restaurant pad in a shopping center under development. As of the drafting of this report there are no neighboring businesses operating to interview.

Area Residents:

The Neighborhood Chairperson was contacted and he supported the project as outlined.

Conclusion:

The applicant business is a corporate restaurant chain with 275 locations around the world with 40 locations in California. Thirty-five of the California restaurants currently provide alcohol service. Their first restaurant in California opened in 2017. The corporation has well established policies and best practices in managing alcohol sales.

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

The crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit, and under 23958.4 of the Business and Professions Code “Public Convenience and Necessity” can justify the addition of this alcohol establishment.

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal.

Based on the crime statistics, the assessment from the Beat Coordinator, and the input from the community there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the service of alcoholic beverages

at this business will have little, if any adverse impact on the community or policing services.

- 7) Community Workshop and Public Input:** A Community Workshop was held on March 20, 2023. No members of the community were present. To date, staff has not received any other public comments, in favor or against, the proposed Project.
- 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.

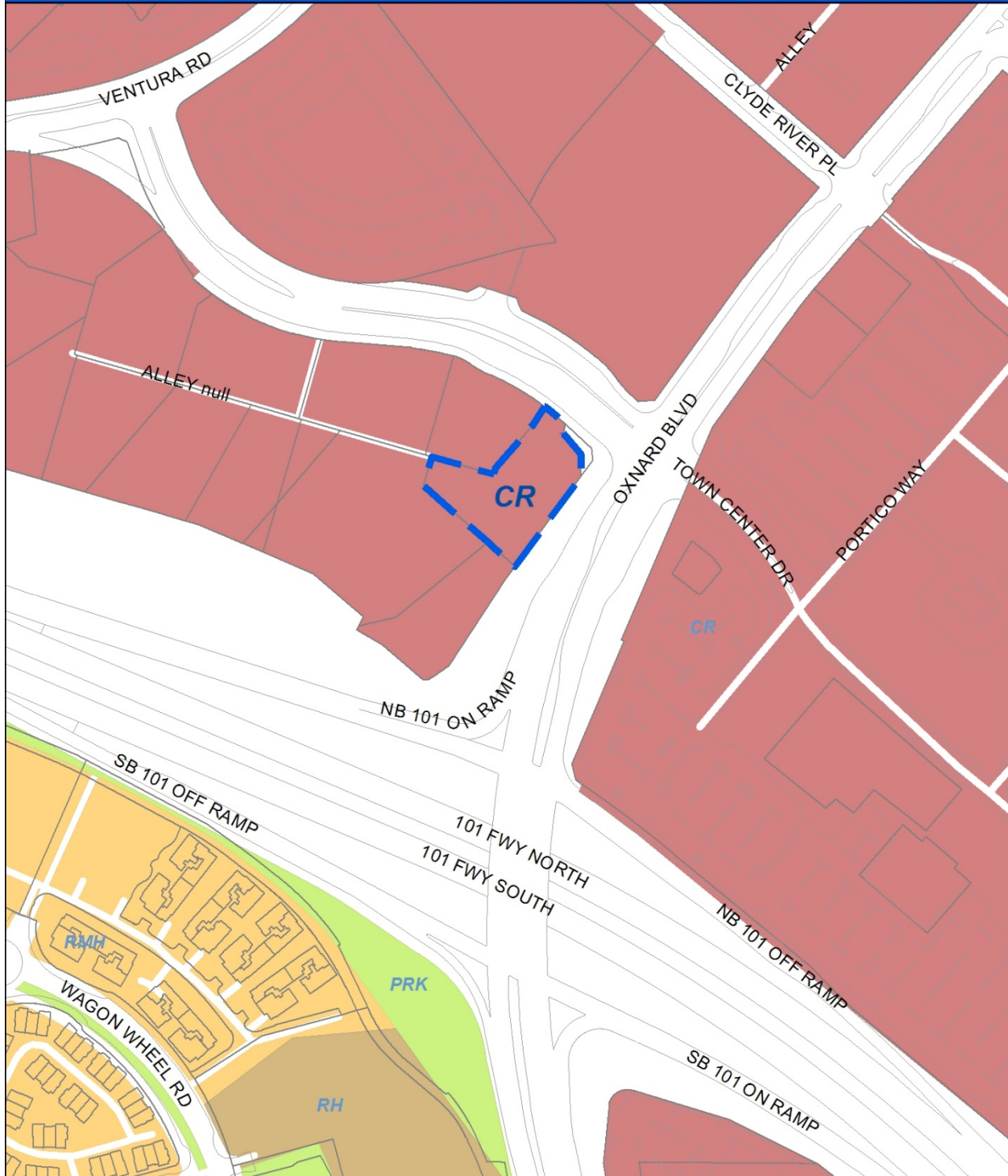
Attachments:

- 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 22-510-06 (Special Use Permit-Alcohol)
- G. Presentation

Vicinity Map



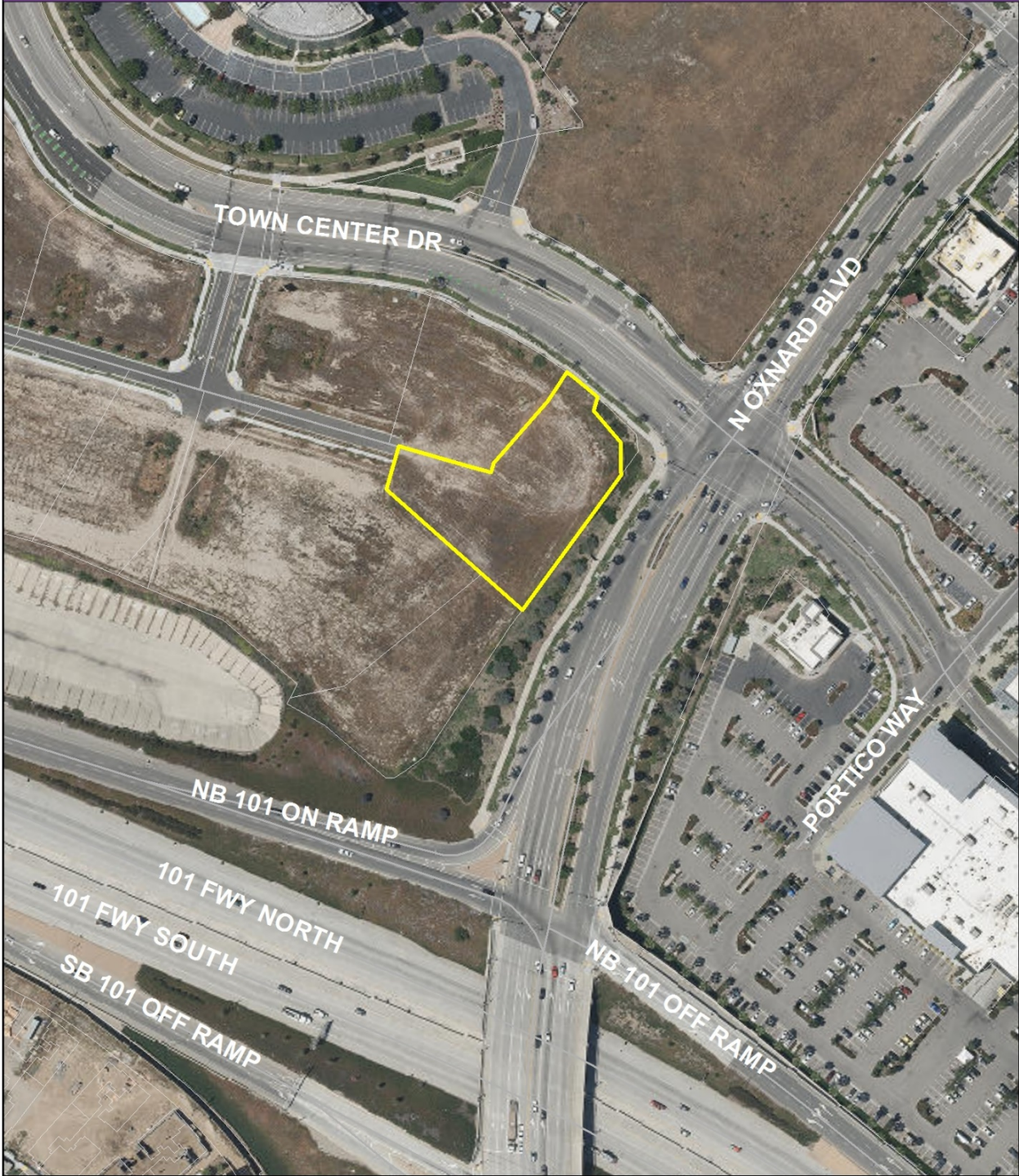
2030 General Plan Land Use Map



Zoning/Specific Plan Map

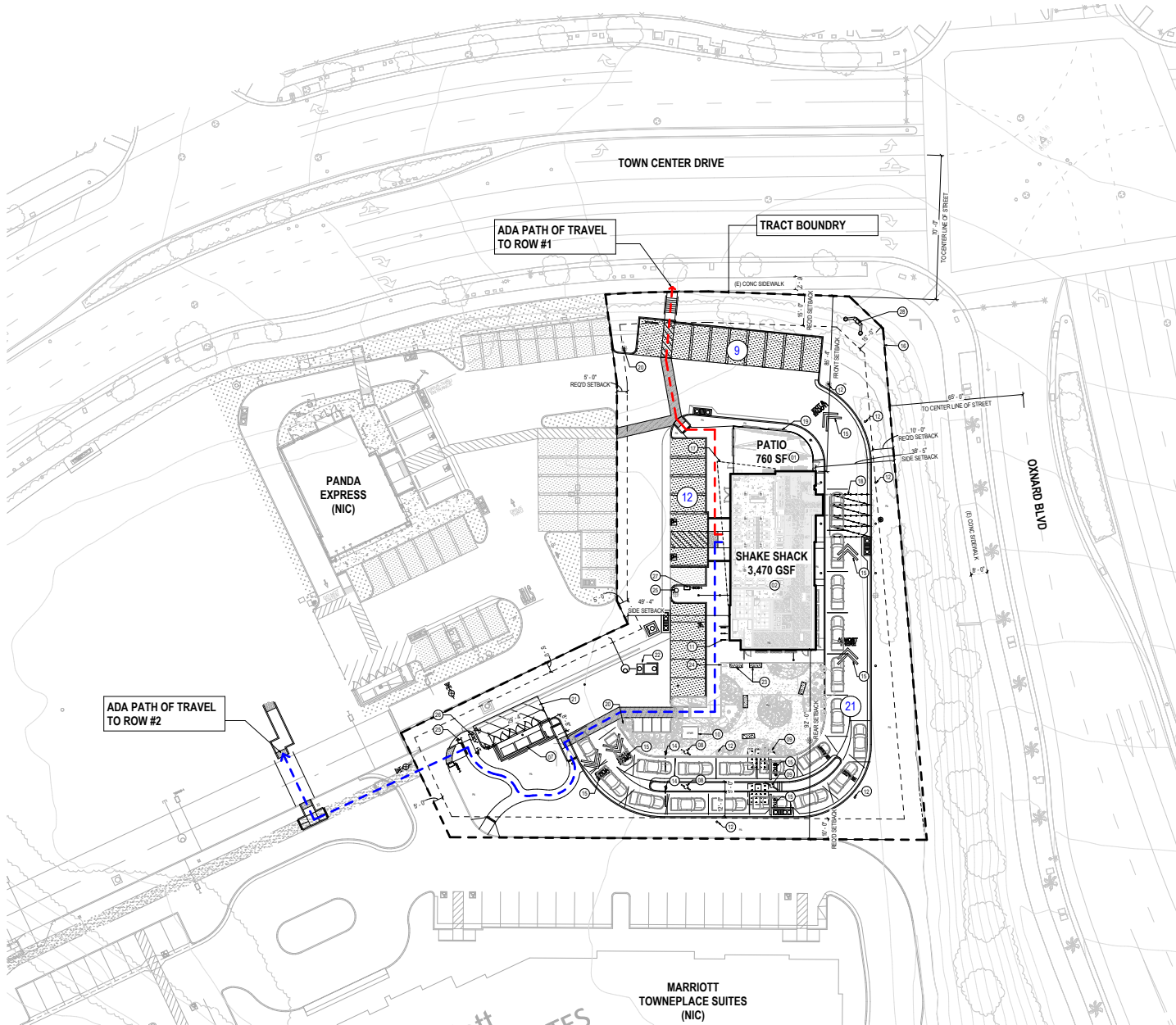


Aerial Map



DRAWING INDEX

SHEET NUMBER	SHEET NAME	REVISIONS		
		LATEST	DESCRIPTION	DATE
GENERAL				
T001	COVER			
T001	TITLE SHEET	2	ENTITLEMENT SUBMITTAL REVISION	09/20/2022
T002	RESPONSIBILITY SCHEDULE & VENDOR CONTACTS			
T003	TYPICAL DETAILS AND MOUNTING DIAGRAMS			
CIVIL				
C001	TITLE SHEET			
C002	SITE PLAN			
C003	GRADING PLAN			
C004	UTILITY CONNECTION PLAN			
GENERAL				
GP001	ARCHITECTURAL SITE PLAN	2	ENTITLEMENT SUBMITTAL REVISION	09/20/2022
GP002	ARCHITECTURAL SITE PLAN	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
ARCHITECTURE				
A001	ARCHITECTURAL ABBREVIATIONS & SYMBOLS			
A002	CODE ANALYSIS, OCCUPANCY & EGRESS PLANS			
A003	CURB & FOUNDATION PLAN			
A004	GENERAL ARRANGEMENT PLAN	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
A005	UNDESIGNED FLOOR PLAN	0	DESIGN DEVELOPMENT	02/24/2022
A006	FLOOR & WALL FINISH PLAN	2	ENTITLEMENT SUBMITTAL REVISION	09/20/2022
A007	FURNITURE & EQUIPMENT PLAN	0	DESIGN DEVELOPMENT	02/24/2022
A008	REFLECTED CEILING PLAN	0	DESIGN DEVELOPMENT	02/24/2022
A009	SIGNAGE AND GRAPHICS PLAN	0	DESIGN DEVELOPMENT	02/24/2022
A010	ROOF PLAN	2	ENTITLEMENT SUBMITTAL REVISION	09/20/2022
A011	EXTERIOR ELEVATIONS	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
A012	EXTERIOR ELEVATIONS (CONTS)	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
A013	EXTERIOR ELEVATIONS RENDERINGS			
A014	COLOR COORDINATIONS	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
A015	COLOR COORDINATIONS (CONTS)	1	CITY ENTITLEMENT SUBMITTAL	04/20/2022
A016	INTERIOR ELEVATIONS	0	DESIGN DEVELOPMENT	02/24/2022
A017	INTERIOR ELEVATIONS (CONTS)	0	DESIGN DEVELOPMENT	02/24/2022
A018	INTERIOR ELEVATIONS RENDERINGS	0	DESIGN DEVELOPMENT	02/24/2022
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A020	EXTERIOR WALL SECTIONS			
A021	ENLARGED MANAGERS OFFICE PLAN			
A022	ENLARGED RESTROOM PLANS			
A023	EXTERIOR DETAILS			
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A025	PARTITION TYPES			
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A031	ARCHITECTURAL SPECIFICATIONS			
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A050	ARCHITECTURAL SPECIFICATIONS			
A051	FINISH & FURNITURE SCHEDULES	2	ENTITLEMENT SUBMITTAL REVISION	09/20/2022
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A053	DOOR/HARDWARE SCHEDULE			
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S004	CANOPY FRAMING PLAN	0	DESIGN DEVELOPMENT	02/24/2022
S005	ROOF FRAMING PLAN	0	DESIGN DEVELOPMENT	02/24/2022
S006	SCREEN WALL FRAMING	0	DESIGN DEVELOPMENT	02/24/2022
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M002	MECHANICAL T4 FORMS			
M003	MECHANICAL T4 FORMS			
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M005	MECHANICAL ROOF PLAN			
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M068	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M069	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M070	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M071	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M072	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M073	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M074	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M075	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M076	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M077	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M078	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M079	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M080	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M081	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M082	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M083	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M084	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M085	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M086	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M087	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M088	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M089	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M090	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M091	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M092	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M093	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M094	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M095	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M096	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M097	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M099	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M100	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M101	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M102	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M109	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M110	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M111	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M112	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M113	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M114	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M117	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M119	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M123	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
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M144	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M145	MECHANICAL AIR FLOW DIAGRAMS	0	DESIGN DEVELOPMENT	02/24/2022
M146	MECHANICAL AIR FLOW DIAGRAMS			



GENERAL NOTES

- A. BUILDINGS LABELED "NIC" ARE NOT IN CONTRACT, AND ARE INCLUDED FOR REFERENCE ONLY ON THIS PLAN.

SHEET NOTES

- 01 TENANT'S PATIO
- 02 TENANT'S SIDEWALK
- 03 TRASH ENCLOSURE
- 04 PRE-MENU BOARD, REFER TO ELECTRICAL PLAN FOR POWER REQUIREMENTS
- 05 MENU BOARD, REFER TO ELECTRICAL PLAN FOR POWER REQUIREMENTS
- 06 PROPOSED TRANSFORMER
- 07 BICYCLE RACKS (S), SEE SCHEDULE ON A104
- 08 SQUARE HOLLARD, TYP. ARMY THREE-LED HOLLARD FROM TECH LIGHTING, 1200 LUMENS
- 09 CLEARANCE BAR, REFER TO ELECTRICAL PLAN FOR POWER REQUIREMENTS
- 10 DRIVE THROUGH STRIPING, SIGNAGE VENDOR TO PROVIDE
- 11 TRACT BOUNDARY
- 12 LINE OF CANOPY ABOVE
- 13 SUSPENDED STRING LIGHTS, SEE RCP
- 14 PATIO FURNITURE AND UMBRELLAS, PROVIDED BY OWNER'S VENDOR
- 15 PROPOSED DIRECTION SIGN
- 16 LOADING AREA AND STRIPING
- 17 GREASE INTERCEPTOR WITH INSPECTION MANHOLE
- 18 OUTDOOR HET BENCH, TYP. SEE SCHEDULE ON A104
- 19 OUTDOOR TRASH RECEPTACLE
- 20 PROPOSED FIRE HYDRANT
- 21 4" DCC WITH FDC
- 22 2" DIW METER WITH BACKFLOW DEVICE
- 23 MONUMENT SIGN BY LANDOWNER, NOT PART OF SUBMISSION

Date	Description
1 04/12/22	CITY ENTITLEMENT SUBMITTAL
2 09/03/23	ENTITLEMENT SUBMITTAL REVISION

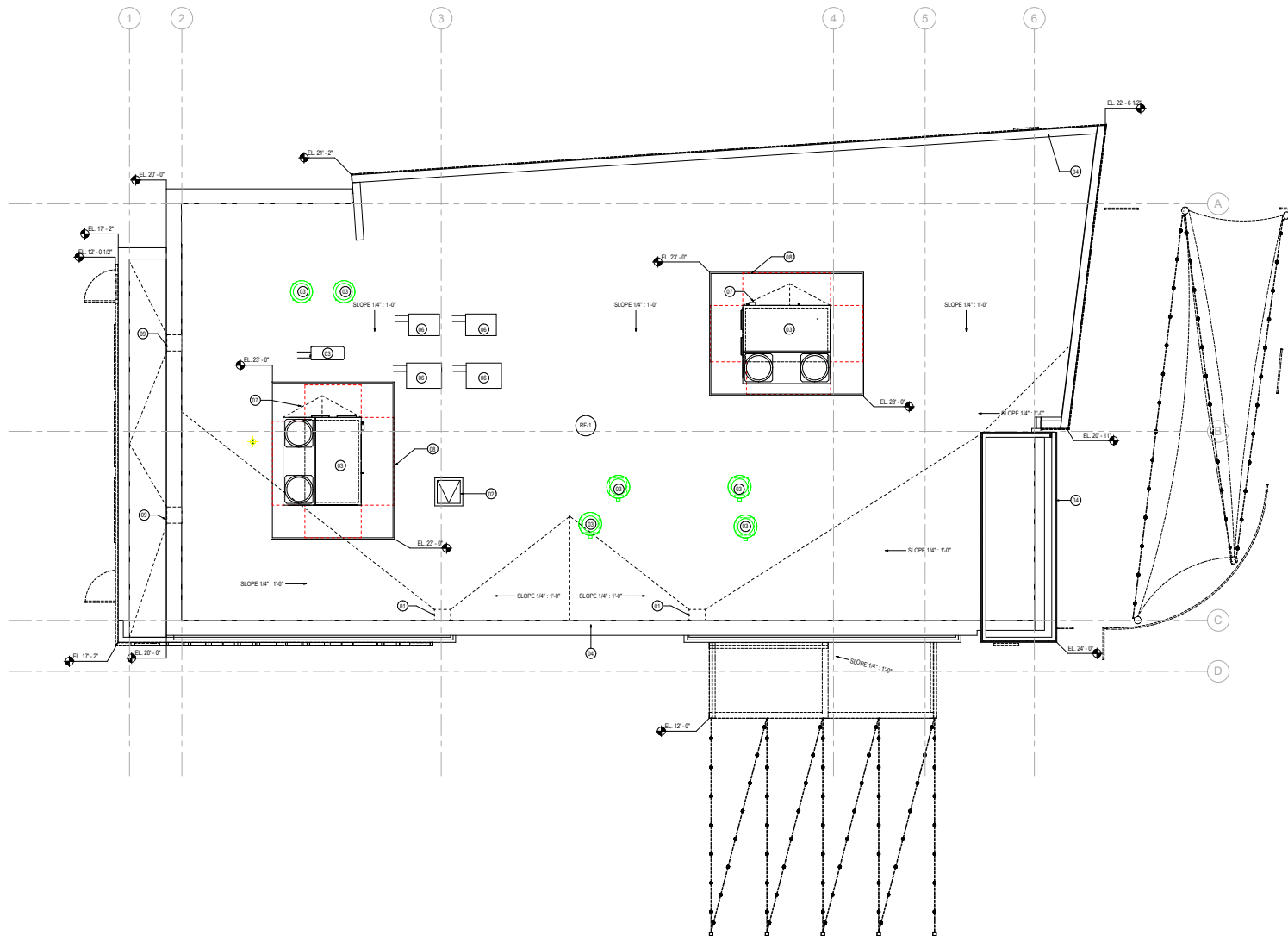
Seal / Signature

Project Name
SHAKE SHACK - 1422 OXNARD
Project Number
05.3900.000
Description
ARCHITECTURAL SITE PLAN

Scale
1" = 20'-0"

SP001

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GENERAL NOTES

- A ALL ROOFS TO BE RF-1 U.N.O.
- B ROOF CRICKETS, CANOPY SLOPES AND DRIVE THROUGH AREA SLOPES TO BE ACHIEVED BY USING TAPERED INSULATION BOARD.
- C ALL ROOF SLOPES ARE A MINIMUM OF 1/4:12
- D ROOF CRICKET SLOPES SHALL BE A MINIMUM OF 12:12
- E ALL DIMENSIONS MARKED "HOLD" OR "CLEAR" SHALL BE MAINTAINED
- F LOCATION AND EXTEND OF EQUIPMENT CURBS TO BE COORDINATED IN THE FIELD
- G CONTRACTOR TO COORDINATE EQUIPMENT OPENINGS
- H REFER TO PLUMBING PLANS FOR EXACT LOCATIONS OF ROOF DRAINS
- I REFER TO AS SERIES FOR TYPICAL ROOF DETAILS.

SHEET NOTES

- 01 NEW 1/2" DRAINS
- 02 ROOF HATCH
- 03 SCHEDULED MECHANICAL EQUIPMENT ON
PREMANUFACTURED ROOF CURBS, REFER TO MECHANICAL
PLANS
- 04 PARAPET COPING, 60% METAL ERA PERMA-TITE COPING (8")
TYPE
- 05 MANUFACTURERS ROOF WALKPAD, 36" WIDE VERIFY LIMITS
WITH THOSE SHOWN ON MECHANICAL DRAWINGS
- 06 DESIGNATED AREA FOR KITCHEN ROOF EQUIPMENT, GO TO
TO PROVIDE AN WEATHERPROOFED ROOF CURB, REFER TO AS
KITCHEN CURB. SEE DETAILS, GO TO CO-ORDINATE WITH
KITCHEN PROVIDER EXACT LOCATIONS AND CURB SIZE.
- 07 PROVIDE ROOF CROCKETS AT ALL MEP KITCHEN EQUIPMENT
AS REQUIRED, TYPE FOR ALL LOCATIONS
- 08 MECHANICAL SCREEN INSTALLED ON OPEN STRUCTURAL
FRAME, 6 FT TALL TO FULLY SCREEN ROOF TOP
EQUIPMENT FROM DRAIN FROM SIDEWALKS.
- 09 SCUPPER TO DRAIN TO THE MAIN ROOF

Date	Description
2 09/23/2022	ENTITLEMENT SUBMITTAL REVISION

Seal / Signature

Project Name

SHAKE SHACK - 1422
CYNARD

Project Number:

Project Number	05.3900.000
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ID	Description	Status	Priority	Assignee	Due Date	Created At	Updated At
1	Task 1 Description	Open	High	John Doe	2023-10-25	2023-10-20 10:00	2023-10-20 10:00
2	Task 2 Description	In Progress	Medium	Jane Smith	2023-10-26	2023-10-21 15:30	2023-10-21 15:30
3	Task 3 Description	Closed	Low	John Doe	2023-10-27	2023-10-22 09:15	2023-10-22 09:15
4	Task 4 Description	Open	Medium	Jane Smith	2023-10-28	2023-10-23 11:45	2023-10-23 11:45
5	Task 5 Description	In Progress	High	John Doe	2023-10-29	2023-10-24 14:20	2023-10-24 14:20

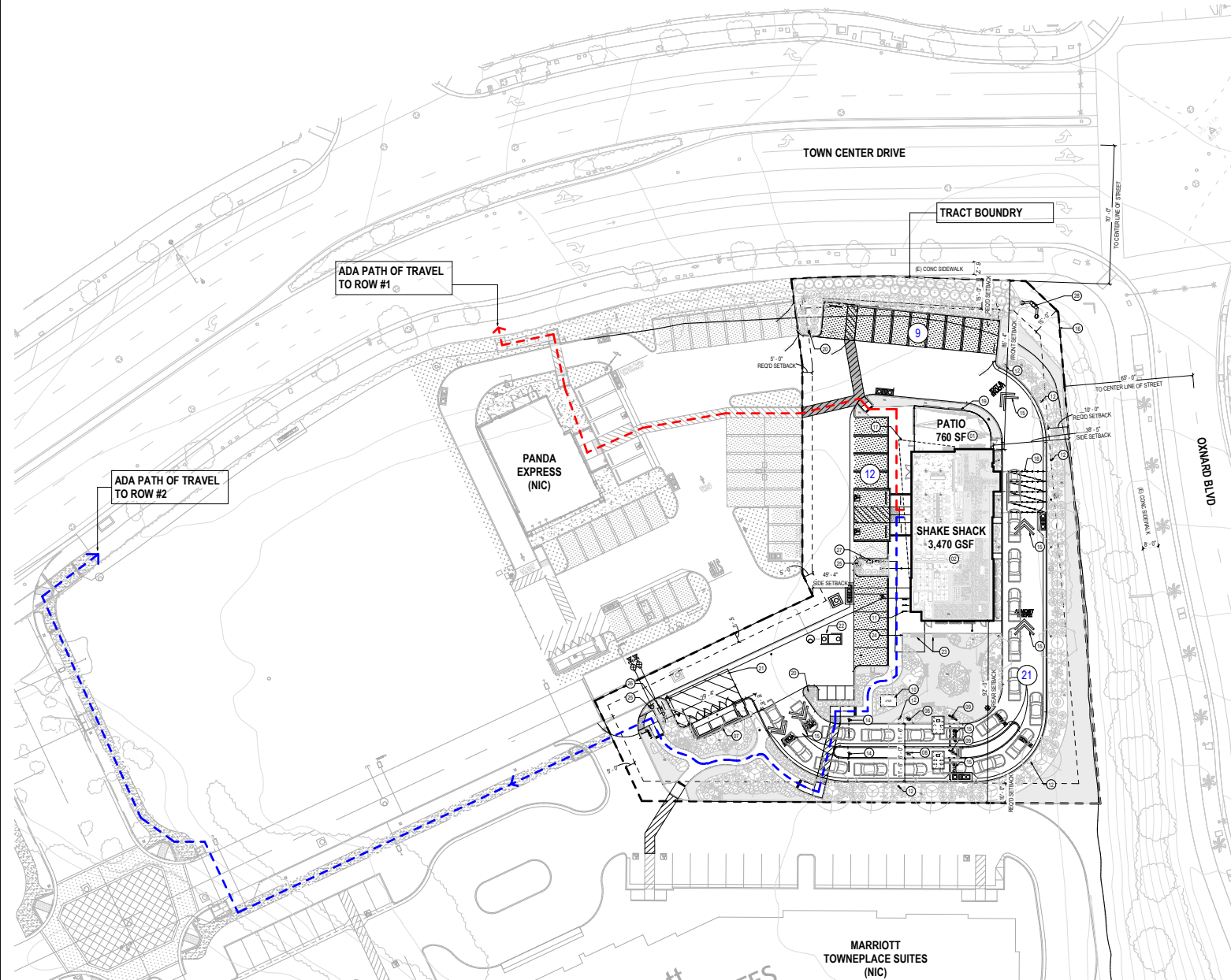
ROOF PLAN

Scale

 $1/4" = 1'-0"$ 

A151

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GENERAL NOTES

- A. BUILDINGS LABELED "NIC" ARE NOT IN CONTRACT, AND ARE INCLUDED FOR REFERENCE ONLY ON THIS PLAN.

SHEET NOTES

- 01 TENANTS PATIO
- 02 TENANTS SIDEWALK
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- 04 PRE MENU BOARD, REFER TO ELECTRICAL PLAN FOR POWER REQUIREMENTS
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711 TOWN CENTER DRIVE
OXNARD, CA 93036

Gensler

500 South Figueroa Street
Los Angeles, California 90071
United States
Contact:
Bryan Wainwright
Tel: 213.237.8040

Tel: 213.237.3600
Fax: 213.237.3601

Date	Description
1 04/12/22	CITY ENTITLEMENT SUBMITTAL
2 09/30/22	ENTITLEMENT SUBMITTAL REVISION
3 01/12/23	ENTITLEMENT SUBMITTAL REVISION #2

Seal / Signature

Project Name
**SHAKE SHACK - 1422
OXNARD**

Project Number
05.3900.000

Description
ARCHITECTURAL SITE PLAN

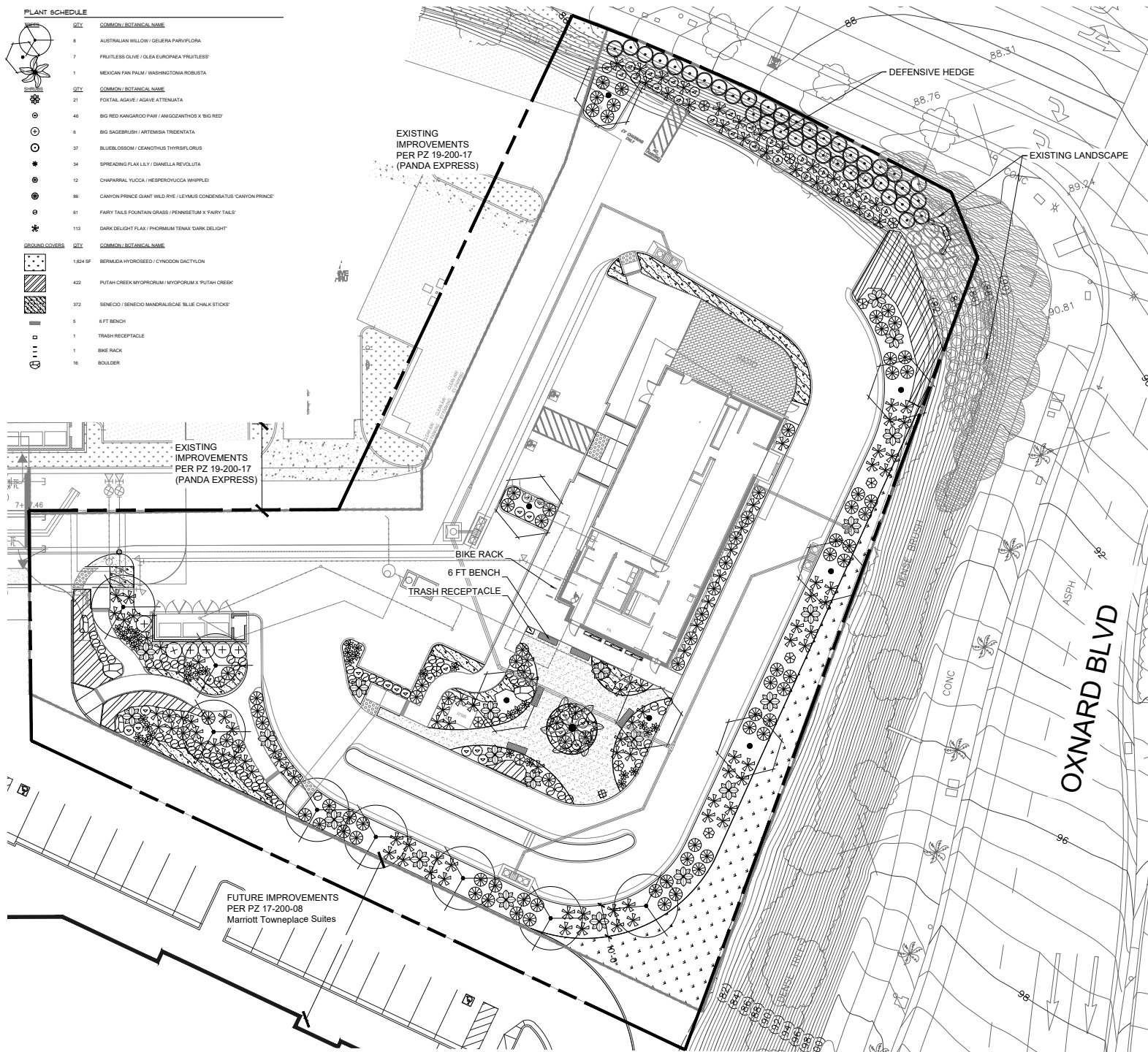
Scale
1" = 20'-0"

SP001

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PLANT SCHEDULE

	QTY	COMMON / BOTANICAL NAME
	8	AUSTRALIAN WILLOW / GEIJERA PARVIFLORA
	7	FRUITLESS OLIVE / OLEA EUROPAEA FRUITLESS?
	1	MEXICAN FAN PALM / WASHINGTONIA ROBLUSTA
	QTY	COMMON / BOTANICAL NAME
	21	FOXTAIL AGAVE / AGAVE ATTENUATA
	48	BIG RED KANGAROO PAW / ANGOZANTHOS X BIG RED
	6	BIG SAGESBRUSH / ARTEMISIA TRIDENTATA
	37	BLUEBLOSSOM / CEANOTHUS THYRSIFLORUS
	34	SPREADING FLAX LILY / DANIELLA REVOLUTA
	12	CHAPARRAL YUCCA / HESPERIYUCCA WHIPPLEI
	86	CANYON PRINCE GIANT WILD RYE / LEYMOUS CONDENSATUS 'CANYON PRINCE'
	61	FAIRY TAILS FOUNTAIN GRASS / PENNISETUM X 'FAIRY TAILS'
	113	DARK DELIGHT FLAX / PHORMIUM TENAX 'DARK DELIGHT'
GROUND COVERS	QTY	COMMON / BOTANICAL NAME
	1,824 SF	BERNALDA HYDRANGEA / CYNODON DACTYLON
	422	PUTAH CREEK MYOPORUM / MYOPORUM X 'PUTAH CREEK'
	372	SENECIO / SENECIO MANDRAUSCAE 'BLUE CHALK STICKS'
	5	6 FT BENCH
	1	TRASH RECEPTACLE
	1	BIKE RACK
	16	BOULDER



THE LANDING LANDSCAPE SITE PLAN TM 6004, LOT 6 711 TOWN CENTER DRIVE 01/11/23

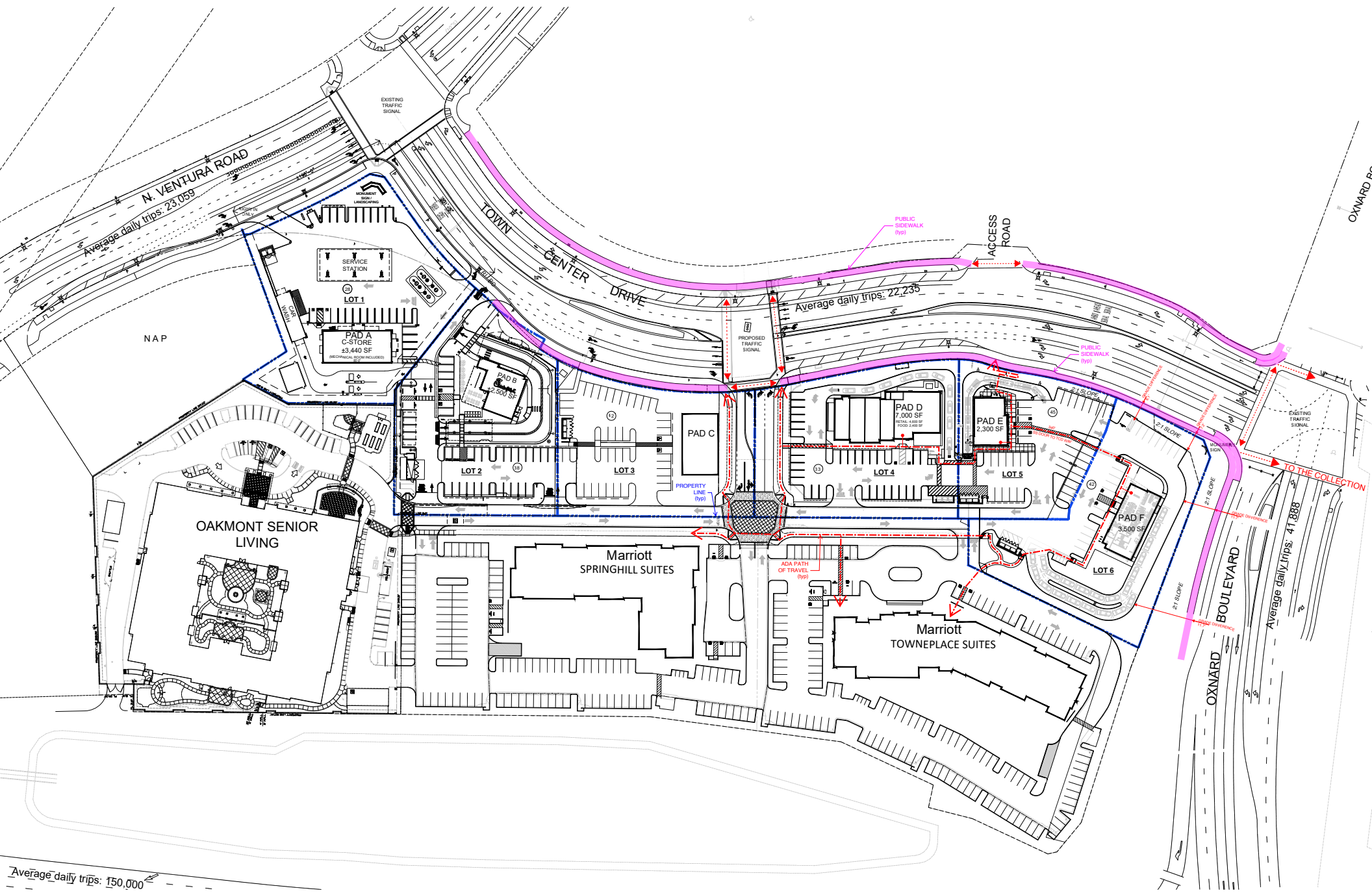
OWNER:
SHEA PROPERTIES
2751 PARK VIEW COURT, STE 261
OAKLAND, CA 94606
CONTACT: ANN WALSH
(805) 988-7886

APPLICANT:
VERDAD REAL ESTATE & CONSTRUCTION SERVICES
1211 S. WHITE CHAPEL BLVD
SOUTHLAKE, TX 76092
CONTACT: DAVID WIKEN
(817) 266-4457

HUNT-ZOLLARS
Hunt-Zollars Irvine
2603 Main Street, Suite 400
Irvine, California 92614-4250
Phone (949) 988-5815 Fax (949) 988-5820



PRELIMINARY
This document is released for the
purpose of interim review under the
authority of
JOHN C. SCOTT, PLA
LIC NO. 85318
RELEASE DATE - 01-11-2023
It is not to be used for construction,
bidding, or permit purposes.



THE LANDING, OXNARD, CA

Shea | Properties

LOT 6 PEDESTRIAN CIRCULATION PLAN

9/1/22

HUITT-ZOLLARS, INC.
2603 Main Street, Suite 400
Irvine, CA 92614
(949)988-5815

NOTICE OF EXEMPTION

Project Description: **Shake Shack;** Planning and Zoning Permit No. 22-510-06 (Special Use Permit - Alcohol): A request to allow the sales of beer and wine for on-site consumption on bonafide restaurant (Alcohol Beverage Control (ABC) License Type 41 - On Sale Beer and Wine¹) within the proposed development of 3,470 square-foot restaurant and a 760 outdoor patio located at Lot 6 of Tract 6003 (APN 132-0-470-235) within the RiverPark Specific Plan (RPSP). The standard hours of alcohol sales and consumption are from 7:00 AM to 11:00 PM. The facility proposes to operate seven days a week from 11 a.m. to 11 p.m. Filed by Marc Haslinger on behalf of Riverpark Landing, LLC, business, 130 Vantis Suite 200 Aliso Viejo, California 92565.

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 No. 15061 (b)(3), General Rule or Common Sense Exemption of the California Environmental Quality Act (CEQA) Guidelines, projects “clearly demonstrating that the project has no potential to have significant environmental effects” may be found exempt from the requirements of CEQA. The Project involves a request to sell general alcohol (beer and wine) for on-site consumption in a bona-fide restaurant 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, the Planning Commission has determined that there is no potential for significant effect on the environment, 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.

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

(Date)

Joe Pearson II, Planning and Environmental
Services Manager



Police Department

Jason Benites, Chief of Police

Jun 21, 2023

To: Joe Pearson II, Planning Division Manager
Eunice Ban, Contract Planner

From: Edgar Fernandez, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and F.A.C.T. Compliance Specialist

Subject: Shake Shack, 711 Town Center Dr.
PZ 22-510-06, Alcohol SUP Review (ABC Type 41)

Site Information:

The applicant site is within the The Landing shopping center which is currently under development. The Landing is in the southwest corner of the RiverPark Neighborhood south of Town Center Drive, west of Oxnard Boulevard, east of Ventura Road and north of the 101 Freeway.

The adjacent uses within the shopping center will include retail establishments and two hotels. Each of the hotels is expected to request Alcohol Special Use Permits. Nearby built developments include The Collection shopping center to the east, Oakmont of Riverpark, a senior living facility to the west, and a multi-storied office building to the north.

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

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

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

Alcohol outlets located within 350 Feet

None

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	ABC Type	A S U P	On/ Off-Sale	Premise	Alcohol	Hours*
1	Target	2850 So. Oxnard Bl.	21	Y	Off	Grocery	Beer Wine Spirits	7a-1a
2	Painted Cabernet	630 Collection Bl.	42	Y	On	Public Premise	Beer & Wine	7a-1a
3	Luna Grill	691 Collection Bl.	41	Y	On	Restaurant	Beer & Wine	7a-1a
4	Los Agaves	2820 Portico Way	41	Y	On	Restaurant	Beer & Wine	7a-1a
5	Cheesecake Factory	600 Town Center Dr.	47	Y	Both	Restaurant	Beer Wine Spirits	7a-1a
6	Red Robin	681 Town Center Dr.	47	Y	Both	Restaurant	Beer Wine Spirits	7a-1a
7	Whole Foods	650 Town Center Dr.	21/47	Y	Both	Grocery/ Restaurant	Beer Wine Spirits	7a-10p
8	The Mighty Axe	650 Collection Bl.	40	Y	Both	Tavern	Beer	10a-1a

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

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

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

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

- (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 slightly above the standard established in 23958.4(1) B&P.

Currently there are 18 on-sale licenses within the applicant's census tract. According to the ABC, 12 on-sale licenses are authorized within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4

Crime Statistics Review:

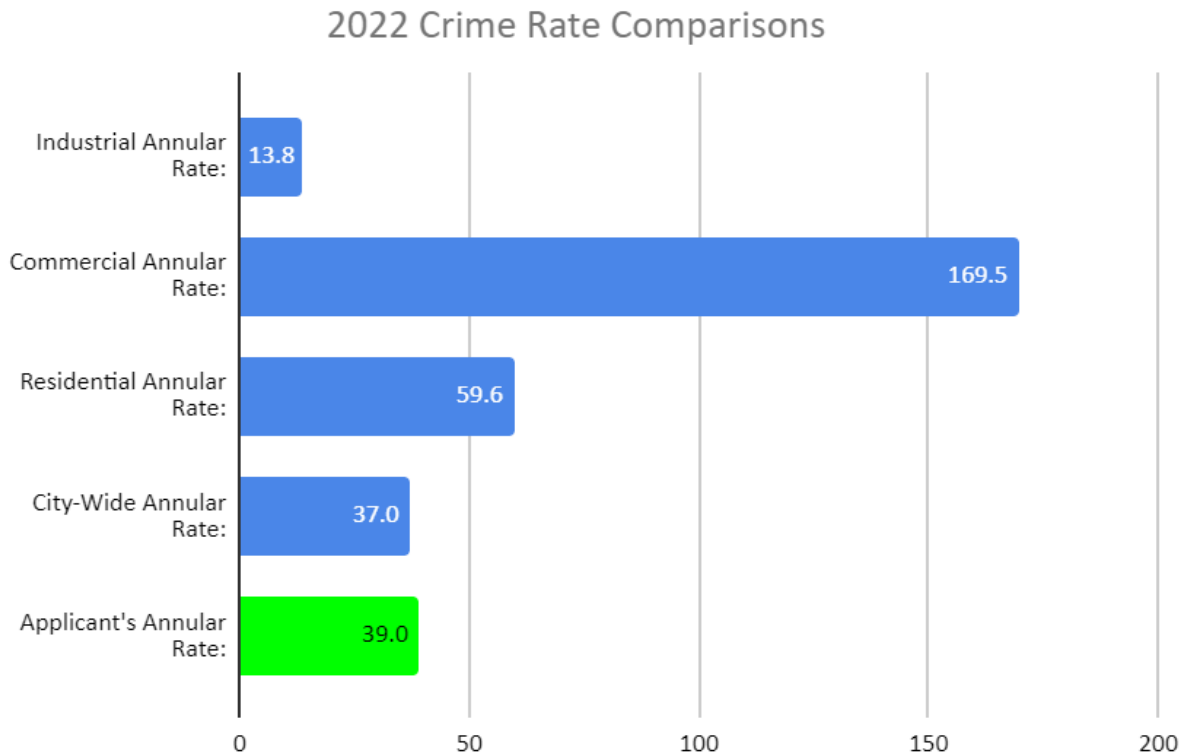
For comparison purposes the Police Department calculates the average number of Part I⁵ and II⁶ crimes that occurred during a selected 12-month period. In the case of this report, all calculations are based on statistics from 2022. The average city-wide, annular average of Part I and II crimes is 37.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 39. This is 23 % of the average for commercial properties citywide and can be best illustrated in the graph below:

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.



Police Department Input:

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

Community Input

Businesses:

The applicant site is a restaurant pad in a shopping center under development. As of the drafting of this report there are no neighboring businesses operating to interview.

Area Residents:

The Neighborhood Chairperson was contacted and he supported the project as outlined.

Conclusion

The applicant business is a corporate restaurant chain with 275 locations around the world with 40 locations in California. Thirty-five of the California restaurants currently

provide alcohol service. Their first restaurant in California opened in 2017. The corporation has well established policies and best practices in managing alcohol sales.

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.

The crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. Under 23958.4 of the Business and Professions Code “Public Convenience and Necessity” can justify the addition of this alcohol establishment

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve an alcoholic beverage which pairs well with the food they serve. Conversely, it would be inconvenient for a member of the public to patronize this restaurant and have to go elsewhere to obtain an alcoholic beverage that would pair well with their meal.

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

On-Sale Restaurant Standard Conditions

RBS Training

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

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

Hours

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 Midnight (see provision for extension of service hours in “Special Conditions”) (PL/PD)

Food & Beverage Service

4. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food sold on the premises during the same period. The Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
5. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
6. The 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 maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
8. 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. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage

greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

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. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (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 five days of being applied. (PD/PL)
14. The property owner and the tenant shall be responsible for maintaining their areas of responsibility free of litter in the area adjacent to the premises over which Permittee has reasonable control. (PD/PL)
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. (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)

License/Permit

19. 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)
20. 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)
21. 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)
22. 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)

Security Features

23. 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. Greyscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR) and/or cloud based 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.
24. 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.
25. Prior to the issuance of the Certificate of Occupancy, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Site Plan which shall include the below features.
26. The Security Site Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
27. 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.
28. Identify the nature of all alarm systems including the make, model and type of sensors.

Grounds for Modifying Permit Conditions

29. Any of the following circumstances or violations can cause a change in the conditions of this permit or any other City issued permit as a punitive action to encourage compliance with the conditions of this permit.
- a. Three or more incidents of the business being identified as a Place of Last Drink (POLD) over any four consecutive quarters.
 - b. Failure to provide, when requested, a complete Quarterly Report of Food and Alcohol Sales. The quarterly report shall be provided within 15-days of the request, but not any sooner than 30-days after the end of the requested quarter.
 - c. The Quarterly Report of Food and Alcohol sales shall be completed in a format provided by the Oxnard Police Department.
 - d. Failure to maintain staff trained in Responsible Beverage Service.
 - e. Any three events over a 90-day period tied to the business which illustrate

over-service of alcohol, an assault involving an employee or a customer at or adjacent to the business, or other activity that requires a police response initiated by a member of the public. For purposes of this section, a customer is any person who has made a purchase in the business.

Operational Standards

30. Deliveries of alcoholic beverages are prohibited as a function of this alcohol Special Use Permit.
31. 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)
32. 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)
33. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
34. Should an event occur within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when it involves:
 - a. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
 - b. Any crime of violence and there is an urgency to identify the suspect or true circumstances to protect the safety of an individual or the public at large.
 - c. Any theft occurring within the business.

Crime Prevention Best Practices

35. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
36. Permittee shall bolt down or otherwise secure all cash registers to service counters to prevent the entire device from being stolen during a burglary or robbery. (PD)

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

Entertainment

41. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.
42. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Signage

43. 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)
44. 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. (PL/PD)

45. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverage is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
46. 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

47. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
48. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
49. The patio shall be surrounded by a 42-inch tall fence with a primary entrance and any other exit as required by the Fire Department.
50. Any change in the floorplan as established at the time of the issuance of this permit that may intensify the use or service of alcohol shall require a minor modification permit. Such change would include, but not be limited to increasing the number of seats at a bar, expansion of hours beyond those established in this permit, or the creation of a bandstand or other area for the use of entertainment.

Permit Restrictions

51. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Community Development Director. (PD)
52. Upon any individual transfer (person to person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing DDR shall be initiated, and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
53. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which details the camera system, alarms, guard post orders and other security related matters and policies.

54. "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.
55. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit or hours allowed for dancing under a Dance Permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
- a. Evidence of over-service of alcohol to patrons. This may be established through the annual Place of Last Drink Report issued by the Ventura County Department of Behavioral Health, or, through arrests at or near the business for public intoxication or DUI where the arrestee was a patron of the business.
 - b. Service of an alcoholic beverage to a minor.
 - c. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - d. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and lost statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not be included either the calculation of gross alcohol or gross food sales.
56. 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.
57. Any change in the customer seating that would create a bar or other alcohol centric customer area will prompt the need for a new Alcohol Special Use Permit and Review.

Special Police Conditions

58. Any sale of alcohol "to go" shall be delivered to the end customer in its original container as it was bottled/canned by the manufacturer.

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.

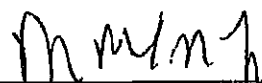
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

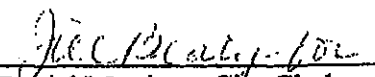
ABSENT: None.



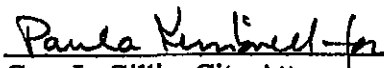
Dr. Manuel M. Lopez, Mayor

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. 22-510-06 (SPECIAL USE PERMIT), TO ALLOW THE SALES OF BEER AND WINE FOR ON-SITE CONSUMPTION (ALCOHOL BEVERAGE CONTROL (ABC) LICENSE TYPE 41 - ON-SALE BEER AND WINE) WITHIN THE APPROVED DEVELOPMENT OF 3,470 SQUARE-FOOT RESTAURANT AND A 760 SQUARE FOOT OUTDOOR PATIO ON AN APPROXIMATELY 1-ACRE SITE LOCATED ON LOT 6 OF TRACT 6004, WITHIN THE WEST CORRIDOR COMMERCIAL DISTRICT OF THE RIVERPARK SPECIFIC PLAN, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MARC HASLINGER, APPLICANT, ON BEHALF OF RIVERPARK LANDING, LLC, 130 VANTIS, SUITE 200 ALISO VIEJO, CALIFORNIA 92565, THE PROPERTY OWNER.

WHEREAS, on November 28, 2022, Marc Haslinger, (the “**Applicant**”) on behalf of Shake Shack submitted a request to allow the sale of beer and wine for on-site consumption within the proposed development of 3,470 square-foot restaurant and a 760 square foot outdoor patio on an approximately 1-acre site located on Lot 6 of Tract 6004 existing; and

WHEREAS, on August 3, 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. 22-510-06 (Special Use Permit), filed by Marc Haslinger 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 15061(b)(3) (General Rule) Common Sense Exemption.

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 West Corridor Commercial of the RiverPark Specific Plan, with a 2030 General Plan designation of Commercial Regional. The proposed Shake Shack is proposing to operate a 3,470 square-foot

restaurant and 760 square foot outdoor dining that includes alcohol sales under a Type 41-OnSale Beer and Wine Eating Place: Restaurant - ABC license authorizing the sale of beer and wine for on-site consumption. Shake Shack business hours of operation will be Monday through Sunday from 11 a.m. to 11 p.m. consistent with the General Plan and zoning designation. The ability to sell alcohol in a bona-fide restaurant is subject to approval of Special Use Permits by the Planning Commission pursuant to RiverPark Specific Plan and 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 and wine for on-site consumption for the proposed drive-through restaurant. 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, the annual crime rate is slightly 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 eighteen (18) on-sale licenses within the applicant's census tract. According to the ABC, twelve (12) on-sale licenses are allowed within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

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

Furthermore, a finding of public convenience can be made for this proposal as it is convenient for restaurants to serve alcoholic beverages which pairs well with the food they serve, and the business will have little, if any adverse impact on the community or policing services. As such, this Project meets this finding.

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

As described in the Staff Report, the proposed alcohol (beer and wine) sales will occur entirely within the existing 3,470 square-foot building and enclosed 760 square foot of outdoor patio adequate for the proposed sales. The recommended conditions of approval do not require changes to the site. Therefore, the site for the proposed alcohol sales is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes Town Center Drive and N. Oxnard Blvd., 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 sewage, 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 sewage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

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

As described in the Staff Report, the commercial building has a slightly 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 that currently operate with a ABC License Type 41 (On-Sale Beer and Wine - Eating Place: Restaurant). 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 slightly above the average annual citywide rate. This is above the standard established in 23958.4(1) B&P. Currently there are eighteen (18) on-sale licenses within the applicant's census tract according to the ABC and twelve (12) on-sale licenses are permitted within this census tract. Based on the above findings, there is an undue concentration under the provisions of California Business and Professions Code Section 23958.4. However, the undue concentration can be rebutted through a finding of Public Convenience or Necessity.

A finding of public convenience can be made for this proposal as it is convenient for restaurants to serve alcohol that pairs well with the food they serve. 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 based on the General Rule or Common Sense Exemption environment and is categorically exempt from CEQA pursuant to Section 15061 (General Rule or Common Sense Exemption) of the State CEQA Guidelines pertaining to projects involving "certainty that there is no possibility that the activity in question may have a significant effect on the environment" may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site consumption within a commercial building and will not increase the square footage of the 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 22-510-06 (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 August 3, 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 41 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).

12. Unless the use is inaugurated no later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.
13. Shake Shack shall obtain and maintain a Business Tax Certificate from the Department of Billing and Licensing.

POLICE DEPARTMENT STANDARD

RBS Training

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

Hours

16. Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 A.M. (Midnight). (see provision for extension of service hours in “Special Conditions”) (PL/PD)

Food & Beverage Service

17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food sold on the premises during the same period. The Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
18. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans

or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

19. The permittee shall have a Certified Food Handler on-duty at all times the restaurant is open to support the service of its menu. (PD)
20. The permittee shall maintain records in accordance with Health and Safety Code 113790 which requires any employee who handles food shall have a California Food Handler Card. (PD)
21. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. A menu of food items, including appetizers, entrees and desserts, shall be available at all times that alcohol is available for sale, and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. The menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
22. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than a 25% reduction from regular prices) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
23. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high-capacity containers exceeding 25 oz. total. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)
24. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
25. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)

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

License/Permit

32. 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)
33. 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)
34. 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)
35. 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)

Security Features

36. 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. Greyscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
 - d. The video system shall utilize a Digital Video Recorder (DVR) and/or cloud based 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.
37. 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.
38. Prior to the issuance of the Certificate of Occupancy, the permittee shall submit and have approved by the Chief of Police or his/her designee a Security Site Plan which shall include the below features.
39. The Security Site Plan shall illustrate the location of each camera installation as well as the location of the support equipment. The support equipment shall be located in a secure room with limited access to supervisory employees and other employees who, by the nature of their responsibilities, have a need to access the equipment.
40. 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.

41. Identify the nature of all alarm systems including the make, model and type of sensors.

Grounds for Modifying Permit Conditions

42. Any of the following circumstances or violations can cause a change in the conditions of this permit or any other City issued permit as a punitive action to encourage compliance with the conditions of this permit.
 - a. Three or more incidents of the business being identified as a Place of Last Drink (POLD) over any four consecutive quarters.
 - b. Failure to provide, when requested, a complete Quarterly Report of Food and Alcohol Sales. The quarterly report shall be provided within 15-days of the request, but not any sooner than 30-days after the end of the requested quarter.
 - c. The Quarterly Report of Food and Alcohol sales shall be completed in a format provided by the Oxnard Police Department.
 - d. Failure to maintain staff trained in Responsible Beverage Service.
 - e. Any three events over a 90-day period tied to the business which illustrate over-service of alcohol, an assault involving an employee or a customer at or adjacent to the business, or other activity that requires a police response initiated by a member of the public. For purposes of this section, a customer is any person who has made a purchase in the business.

Operational Standards

43. Deliveries of alcoholic beverages are prohibited as a function of this alcohol Special Use Permit.
44. 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)
45. 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)
46. The permittee's Internet presence shall be consistent with these conditions. Any site or Internet presence reasonably controlled by the permittee shall not advertise or illustrate circumstances or activities that run contrary to provisions set forth through their ABC license or this Special Use Permit. (PD)
47. Should an event occur within the business, the permittee or managing/supervising employee shall provide to the Oxnard Police Department, in a timely manner, any video recording documenting activity within and around this business relative to the event when in involves:

- k. The service or sales of alcoholic beverages under the scope of this permit or ABC license.
- l. 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.
- m. Any theft occurring within the business.

Crime Prevention Best Practices

- 48. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
- 50. Permittee shall bolt down or otherwise secure all cash registers to service counters to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 51. 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)
- 52. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50-200). (PD)
- 53. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
- 54. The area surrounding premises under the reasonable control of the Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the area. (PD/PL)

Entertainment

- 55. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.
- 56. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any

other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

Signage

57. 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)
58. 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. (PL/PD)
59. In the areas outside the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverage is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
60. 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

61. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
62. 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)
63. The patio shall be surrounded by a 42-inch tall fence with a primary entrance and any other exit as required by the Fire Department.
64. Any change in the floorplan as established at the time of the issuance of this permit that may intensify the use or service of alcohol shall require a minor modification permit. Such change would include, but not be limited to increasing the number of seats at a bar, expansion of hours beyond those established in this permit, or the creation of a bandstand or other area for the use of entertainment.

Permit Restrictions

65. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without DDR review and approval by the Police Chief or designee and the Community Development Director. (PD)
66. Upon any individual transfer (person to person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, a review of the existing DDR shall be initiated, and conditions may be added or removed as appropriate to mitigate existing or potential problems. (PD)
67. Prior to the issuance of this permit, the permittee shall submit and have approved a security plan which details the camera system, alarms, guard post orders and other security related matters and policies.
68. "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.
69. Credible evidence of any of the below issues shall be grounds to change the hours of alcohol sales under this permit or hours allowed for dancing under a Dance Permit. Such action would be taken using the hearing process as outlined in the Oxnard City Code.
 - a. Evidence of over-service of alcohol to patrons. This may be established through the annual Place of Last Drink Report issued by the Ventura County Department of Behavioral Health, or, through arrests at or near the business for public intoxication or DUI where the arrestee was a patron of the business.
 - b. Service of an alcoholic beverage to a minor.
 - c. Evidence that the gross sales of alcohol exceeded the gross sales of food during a previous quarter.
 - d. Failure to submit, when requested, quarterly fiscal documentation to the Police Department 45-days after the close of the quarter. Documentation shall include but not be limited to: profit and lost statements which specifically illustrated gross alcohol and gross food sales and filings to the Department of Tax and Fee Administration. Sales of merchandise and services shall not be included either the calculation of gross alcohol or gross food sales.
70. 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.
71. Any change in the customer seating that would create a bar or other alcohol centric customer area will prompt the need for a new Alcohol Special Use Permit and Review.

Special Police Conditions

72. Any sale of alcohol “to go” shall be delivered to the end customer in its original container as it was bottled/canned by the manufacturer.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of July 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 20th day of July 2023, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

City of Oxnard Planning Commission

July 20, 2023

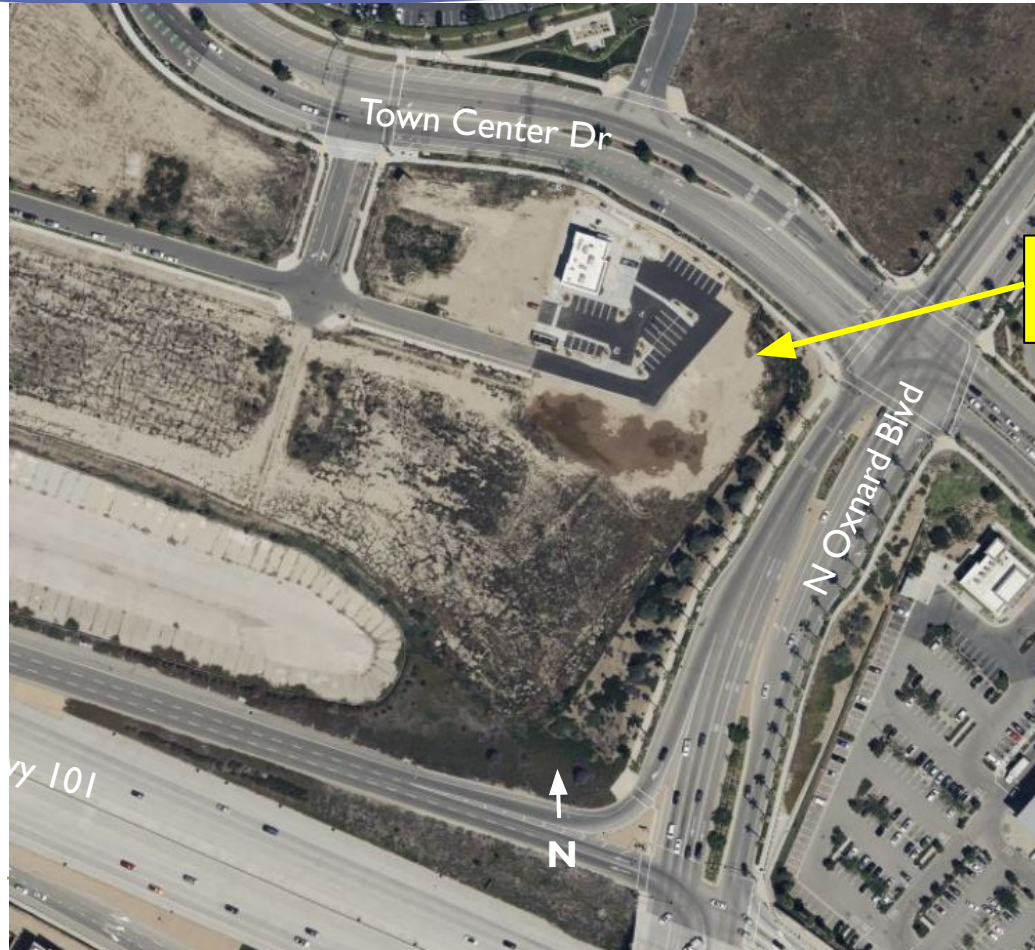
Shake Shack
Lot 6 of The Landing at RiverPark
PZ 22-510-06
(Special Use Permit - Alcohol)

Applicant: Marc Haslinger

Project Description

A request for approval of a Special Use Permit (SUP) to allow the sales of beer and wine for on-site consumption (ABC License Type 4I-On-Sale Beer and Wine) within a proposed 3,470 square-foot restaurant and enclosed 760 square feet of outdoor dining located at Lot 6 of The Landing at RiverPark. The facility will operate Monday through Sunday from 11 a.m. to 11 p.m.

Project Site



Background

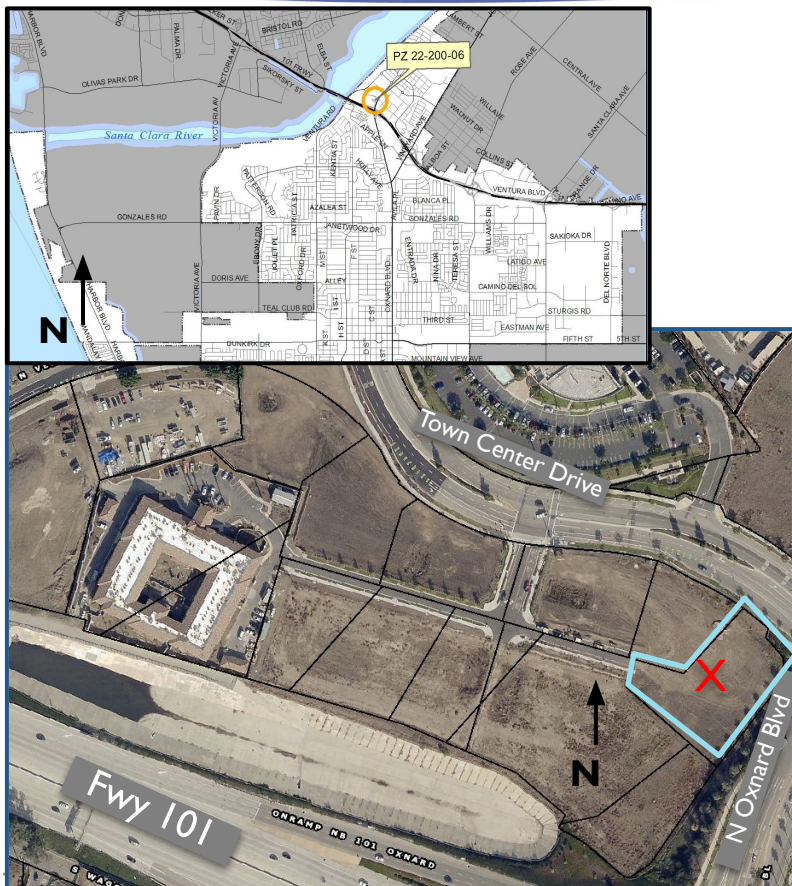
On November 27, 2018: Oxnard City Council adopted Resolution No. 15,181 to subdivide the Project area into six (6) lots for future commercial use within the area known as Planning District C of the RiverPark Specific Plan area. The area is commonly known as The Landing at RiverPark. This Project Site is the last lot, 6 of the 6 commercial projects proposed at The Landing.

On June 4, 2020: Several commercial buildings with drive-throughs to the east of the site along Town Center Drive was approved by the Planning Commission (Planning & Zoning Permit nos. 20-500-02 and 20-510-08).

On December 3, 2020: A gas station and convenience store (and associated Alcohol Special Use Permit) directly to the west of the site along Town Center Drive was approved by the Planning Commission (Planning & Zoning Permit Nos. 20-500-02 and 20-510-08).

On May 30, 2023: Community Development Director approved PZ 22-200-06 for the construction of a 3,470 square foot restaurant, 760 square foot outdoor patio with double drive-through lanes, and associated parking, landscaping, and infrastructure improvements.

Project Location and Surrounding Uses



LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional (CR)	RiverPark Specific Plan - West Corridor Commercial (WCC)	Vacant/Undeveloped
North	Public Right-of-Way (Town Center Drive)	Public Right-of-Way (Town Center Drive)	Public Right-of-Way
South	Commercial Regional (CR)	RiverPark Specific Plan - West Corridor Commercial (WCC)	Vacant/Undeveloped (future site of hotel/ PZ No. 17-200-07)
East	Commercial Regional (CR)	Riverpark Specific Plan - West Corridor Commercial (WCC)	Bank of America Financial Center
West	Commercial Regional (CR)	Riverpark Specific Plan - West Corridor Commercial (WCC)	Panda Express Fast Food Restaurant

Land Use and Zoning

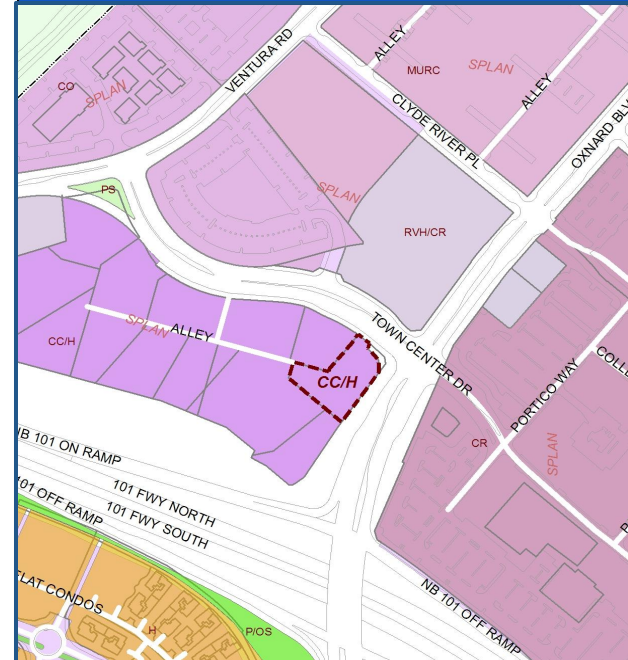
2030 General Plan



Commercial Regional (CR)



Zoning Map



Convention/Hotel RiverPark Specific Plan



This is a detailed architectural floor plan of the first floor of a building, likely a university campus. The plan is oriented with North at the top. It shows a complex arrangement of rooms, corridors, and furniture. Key features include:

- Entrance and Lobby:** A large entrance area at the top center, featuring a reception desk and a large open space with several round tables and chairs.
- Classrooms and Lecture Halls:** Numerous rooms labeled with numbers (e.g., 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 8

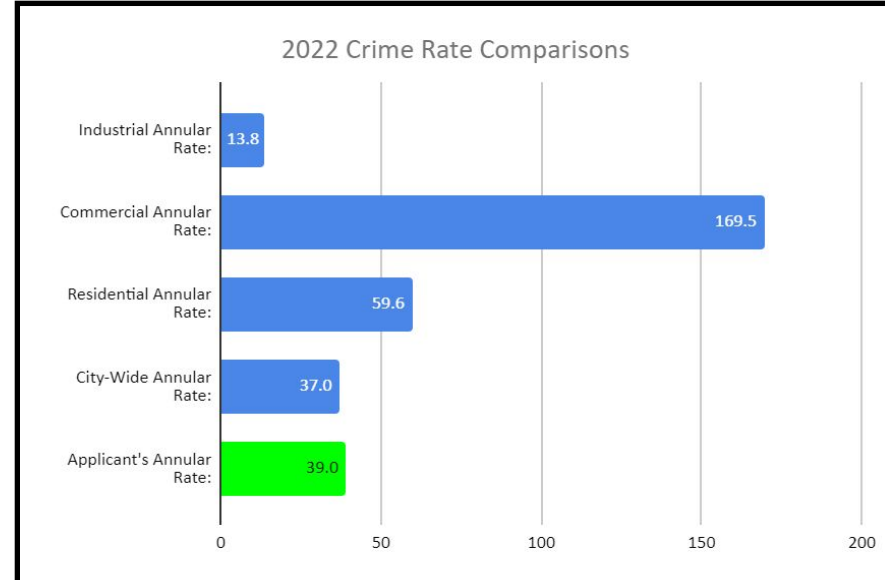
Elevation Plan



Police Report Summary

Crime:

- The crime rate within 1,000 feet of the site is slightly higher than the citywide average.
- 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 slightly higher than citywide average.
- No undue concentration per City standards (1,000 feet).
- There is undue concentration per State standards (census tract).
- A Finding of public convenience or necessity is made for this bona-fide restaurant. Serving alcohol that pairs well with the food the restaurant serves is a public convenience.

Community Input:

- A virtual Community Workshop was held on March 20, 2023. No members of the public was against or for the project.
- To date, staff has not received any concerns or public comments regarding the proposed project.

Select Recommended Conditions of Approval

- CofA #16:
Sales of alcohol may only occur between the hours of 7:00 A.M. and 12 A.M.
- CofA #72:
Any sale of alcohol “to go” shall be delivered to the end customer in its original container as it was bottled/canned by the manufacturer.

Exempt from California Environmental Quality Act (CEQA) (Section 15061(b)(3) “General Rule”)

- 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 were received regarding additional alcohol permit 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 15061(b)(3) (General Rule); and
- b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-510-06 (Special Use Permit - Alcohol), subject to certain findings and conditions.

ITEM F-2

Planning and Zoning Permit No. 22-200-10
Center for Employment Training





**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Alex Tellez, Assistant Planner

DATE: July 20, 2023

SUBJECT: **Project Name: Center for Employment Training;** Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit), Located at 1741 Fiske Place (APN: 220-0-271-055).

- 1) **Recommendation:** That the Planning Commission (“**Commission**”) conduct a public hearing to:
- 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. 22-200-10 (Development Design Review Permit), subject to certain findings and conditions.

Project Description and Applicant: The project consists of a request to allow the operation of a trade school, Center for Employment Training, within an existing 18,635 square-foot single-tenant industrial building. The use will be composed of the laboratories, classrooms, a computer laboratory, a career center, administrative offices, a student lounge, storage areas, and entrance lobby. The hours of operation for the proposed trade school use will be Monday thru Friday 8 a.m. to 9:30 p.m. The project will have up to 5 administrative employees, 3 instructors, 1 guest speaker, and 51 students. The training programs that will be available at this facility will be Administrative Medical Assistant, Medical Assistant, and Green Building Construction and Electrician Skills. Project will include minor interior and exterior improvements to accommodate the proposed use.

In addition, a request for an administrative parking relief in being requested to allow for a decrease in the number of parking spaces pursuant to Oxnard City Code (OCC) Section 16-651, and subject to the approval of the Commission for the property located at 1741 Fiske Place, from 124 parking spaces to 42 parking spaces plus 4 motorcycle spaces for the trade school use.

The project site is located at 1741 Fiske Place (APN: 2200-271-055) within the Limited Manufacturing Planned Development (M-L-PD) zone district and within the Industrial Limited land use designation (Attachment A). For purposes of this staff report, the foregoing project description shall be referred to as the “Project”. Filed by Scott Boydston (Rasmussen and Associates), Designated Agent, on behalf of business and property owner, Center for Employment Training, 701 Vine Street, San Jose, CA 95110. Please see the reduced Project plans (Attachment B) for more details.

- 2) Existing & Surrounding Land Uses:** The Project site is developed with an 18,635 square-foot building on a 1.2-acre industrial site. The parcel is located in the Industrial Limited General Plan Land Use designation and zoned Limited Manufacturing Planned Development (M-L-PD). The following table summarizes the General Plan Land Use Designation, Zoning district, and existing land uses of the site and adjacent properties, which is also shown on Attachment A.

LOCATION	2030 GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Industrial Limited (ILM)	Limited Manufacturing Planned Development (M-L-PD)	Vacant Building
North	(ILM)	(M-L-PD)	Indoor Soccer Facility
South	(ILM)	(M-L-PD)	Distribution Facility
East	Mobile Home Park	Mobile Home Park (MHPD)	Across Rose Avenue - Mobile Homes
West	(ILM)	(M-L-PD)	Warehouse Facility

The Project site is outlined in blue in the following image:
Exhibit A



- 3) **Background Information:** Tentative Tract Map No. 4065 was approved by the City Council in December of 1984. The final tract map for the southern part of the subdivision (Tract 4065-1) was approved by the City Council on June 10, 1985.

On July 18, 1985, the Planning Commission approved Special Use Permit 1096 (Resolution No. 6785) permitting the construction of twelve limited industrial buildings within the Pacific Avenue Commercial Area (previously known as the Channel Islands Business Center) for lot 2, 3, 9, 11, 12, 14, 17, 18, 19, 19, 20, 26, and 27 of Tract 4065 located northeast of what it used to be Highway 1, south of Emerson Avenue, and west of Rose Avenue. The buildings ranged between 10,000 and 28,000 square feet within 1.5-acre sites approximately. The subject property is located within Lot 14 of Tract 4065 and was originally approved to have 44 parking spaces.

On September 30, 1985, the Planning Manager approved a minor modification to SUP 1096 to reduce the parking lot driveway throat requirements from 40 feet to 37 feet.

On April 12, 1986, the Planning Manager approved a minor modification to SUP 1096 to allow the changes to the approved red ceramic accent tile with black ceramic accent tiles and add horizontal accent grooves on all four elevations of the building.

On December 22, 1986, a minor modification to the parking arrangement in the private alley between Emerson Avenue and Fiske Place was approved by the Planning Manager.

In May 2016, a zone clearance was issued to Lag Industries/Amiron Machinery to use the building for a warehouse, distribution, and manufacturing facility. The facility closed for business in 2022.

On June 22, 2023, there was a Director's Hearing in regards to the Development Design Review Permit (DDR) in question (PZ 22-200-10). The Community Development Director approved the DDR permit subject to certain conditions. One of the conditions was that *"The Development Design Review, PZ 22-200-10, is granted subject to approval of the administrative parking relief for the reduction in the required parking by the Planning Commission in accordance with Oxnard City Code Section 16-651 (B)."* The City Staff filed a Notice Requesting Review by the Commission on June 30, 2023 to allow the Commission to review the whole project as one integrated project (DDR & The Administrative Parking Relief).

- 4) **Environmental Determination:** In accordance with Section 15301 (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 use an existing 18,635 square-foot single-tenant industrial building within a 1.2-acre site for the operation of a trade school facility which includes minor interior and exterior tenant improvements to the existing industrial building 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 the Commission accept the Notice of Exemption (Attachment C) attached to the staff report.

5) Analysis:

- a) **General Discussion:** The applicant is requesting approval of a Special Use Permit to allow for the operation of a trade school facility known as the Center for Employment Training (CTE). CTE is an accredited school by the Council on Occupational Education that promotes human development and education by providing marketing skill training that contributes to self-sufficiency. The existing CTE location provides day time and evening programs. The day time schedule is from 8am to 5pm and the evening starts at

4pm to 9:30pm. Currently, the trade school is located at 761 South C Street in Oxnard and proposes to relocate to 1741 Fiske Place within an existing 18,635 square-foot industrial building. The application also proposes some interior and exterior improvements. The exterior improvements would include the construction of a new trash enclosure with a solid roof and modification to the existing landscaping. The interior improvements will include new partition walls to divide the building for laboratories, classrooms, a computer laboratory, a career center, administrative offices, a student lounge, storage areas, entrance lobby and restrooms. In addition, the application is requesting a reduction in the required parking for the facility. CTE proposes to have a total of 51 students during the day time program and 35 students during the evening time program. A total five (5) administrative and three (3) will be provided during the day time program. During the evening school program, a maximum of four (4) administrative and three (3) instructors will be provided. One (1) guest speaker may be present during either time of instruction.

As discussed below, the Project has been found to be consistent with the 2030 General Plan and the Oxnard City Code (OCC), subject to approval of the Administrative Parking Relief. The City Staff has requested for the Commission to review the whole project as one integrated project instead of reviewing only the Administrative Parking Relief by submitting the Notice Requesting Review to the Commission as allowed under OCC Section 16-525 (B). The decision maker for this project is now the Commission.

- b) General Plan Consistency:** The 2030 General Plan land Use Designation is consistent with the Project site's zoning designation of Limited Manufacturing-Planned Development (M-L-PD) . The M-L-PD zoning district is characterized by administrative, wholesaling, warehousing, and manufacturing activities, and scientific research offices and laboratories uses and a wide range of other supporting uses including trade schools for which the Director of Community Development may approve with a Development Design Review permit. Approval of the entitlements related to this Project has been determined to be consistent with the General Plan and the property's land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Policy, Project, or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Policy, Project, or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Policy, Project, or Program (all policies not listed as Level I and II are assumed to be consistent).

Table 1: General Plan Consistency

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.6	I	Public Facilities	-The change of use from manufacturing to a trade school would enhance resident quality of life by providing adequate space for schools to support the community's vision.
CD-3.1		Neighborhood Preservation	-The proposed trade school use and interior and exterior modifications are compatible with the surrounding uses within the City's Pacific Avenue Commercial Area. The change of use from manufacturing to a trade school is anticipated to continue the compatible activities and land uses.
CD-4.2		Commercial Revitalization and Redevelopment	-The change of use from manufacturing to a trade school and interior and exterior modifications will fill an existing vacant building. The new use will help with the revitalization of the existing landscaping.
CD-18.1		Attract New Business	-Activating the space is anticipated to attract community business compatible and not detrimental with the community's climate.
CD-18.2		Small Business	-Entrepreneurial opportunity for an existing small business owner already operating in the City.
ICS-21.1		Accommodating Growth	-The change of use and modifications of the building would accommodate the growth of school facilities. -As such, the proposed Project is consistent with General Policy Nos. CD-1.6; CD-3.1; CD-4.2; CD-18.1; CD-18.2; ICS-21.1;
CD-2.1	II	Zoning and General plan Consistency	-The Limited Manufacturing zoning designation is consistent with the designation of the Industrial Limited 2030 General Plan land use designation. Therefore, the proposed application is consistent with General plan Policy CD 2.1

CD-5.2		-Compatible Land Use	-The project involves a change of use and reuse of a vacant tenant space. The use of the vacant building space is expected to contribute to and compatible with the building and the surrounding industrial developments. The new trade school is anticipated to provide added community benefits (i.e. increased education, some employment opportunities, and increased property value.)
CD-15.1	II	-Quality of Life	-The change of use and minor interior and exterior improvements for the trade school use, which is compatible with the City's industrial area, would enhance the City's quality of life through additional educational opportunities. -The change of use and the minor interior and exterior improvements to the building offers indirect improvements, revitalization, and other neighborhood opportunities. - The change of use from manufacturing to a trade school and minor improvements to reuse a vacant building will not increase the parking requirements for the existing or proposed use as stated in the submitted parking analysis dated February 3, 2023. For all the reasons stated above, the project meets the following Plan Policies: CD 2.1; CD-5.2; and CD 15.1.
	III	All Policies not listed above	Assumed consistent

Zoning Consistency:

The proposed use is located within the Limited Manufacturing Planned Development (M-L-PD) zoning district. The M-L-PD allowed uses lists permitted uses, uses that required approval of Special Use Permit, and not allowed uses. Specifically, the M-L-PD zone list Trade School facilities allowed uses through a Development Design Review permit per the Oxnard City Code Section 16-163 Industrial Land Uses. The Development Design Review, PZ 22-200-10, application would allow the trade school to utilize the vacant building and would allow minor interior and exterior improvements in accordance with the Oxnard City Code Section 16-163.

The OCC standards were utilized for the Project. The Project is found consistent with the applicable development standards with the approval of the DDR and an administrative parking relief under OCC Sections 16-525 and 16-650 through 16-651.

- c) **Site Design, Circulation and Parking:** The proposed trade school use would utilize an existing established vacant building with existing circulation, parking and landscaping. The existing property currently provides 42 on-site parking spaces, 12,060 square feet of landscaping areas, 23,755 square feet of paving areas, and a building of approximately 18,635 square feet.

The proposed Project parking requirements in accordance with OCC Section 16-622 (F), requires for the use to provide one parking space for each 75 square feet of gross floor area of the classroom, plus one space for each 250 square feet of office space. The proposed trade school facility is composed of 5,283 square feet of office space, 5,351 square feet of classroom space, 5,174 square feet of shop space and 1,361 square feet of storage areas. Based on the square footage of the proposed trade school and the OCC, the proposed trade school will be required to provide a total of 124 parking stalls. A total of 42 parking stalls will be provided within the property. Therefore, the applicant has requested administrative relief from the parking provisions as listed in the OCC Section 16-651.

Table 3: Parking Compliance

USE	PARKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-622(F)	REQUIRED PARKING PER OCC 16-651	TOTAL PARKING PROVIDED	PARKING STUDY PEAK DEMAND
Existing vacant industrial building of approximately 18,635 square feet-proposed to be used as a Trade School Facility	One space per 75 square feet of classroom building area One space per 250 square feet of offices and other areas The applicant is requesting a reduction of required parking spaces in accordance with OCC Section 16-651	124	42	40

Oxnard City Code Section 16-651(B) allows the Planning Commission to grant administrative relief from the parking provisions. Pursuant to the OCC, the applicant has provided a parking study prepared by a professional traffic engineer registered by the State, demonstrating that the required parking is excessive and showing the amount of parking that should be required for the proposed use (Attachment D). The study used City parking rates and average peak parking demands based on operational data provided for an existing CET facility located at 761 South C Street and used for the proposed new location at 1741 Fiske Place. Based on the assessment, “the peak parking demands based

on the operational data provided by the existing Oxnard CET location is expected to be 40 spaces.” In addition, “based on the results of the mode split survey conducted at the existing facility and the regional mode split data published in the Ventura County Comprehensive Transportation Plan, the parking demand analysis assumes that 33% percent of the CET population uses alternative transportation.” Therefore, the proposed parking supply of 42 spaces is able to accommodate the peak parking demand for the trade school facility.

To ensure the project does not exceed the number of required parking spaces in accordance with the submitted CET Parking Analysis dated February 2, 2023, a condition of approval has been added to the project to limit an increase on the number of student, staff, instructors and or interior/exterior classroom/office additions. The added condition of approval reads as follows:

Condition No. 28:

“Any changes to the interior classroom square footages, interior/exterior expansions, and or an increase on the number of students and staff members (51 students, 5 staff, 3 instructors, & 1 guest speaker) as listed on the submitted parking study dated February 2, 2023, shall be subject to a minor modification to the plans or a major modification as determined by the Community Development Department.”

- d) Interior and Exterior Improvements and Landscaping:** Minor interior and exterior building tenant improvements are being proposed to accommodate a trade school within an existing manufacturing building. The interior improvements consist of the removal of existing partition walls and the addition of new walls to create the classrooms, labs, working shops, offices and storage areas. The interior of the trade school would be composed of 5,351 square feet of classrooms, 5,283 square feet for offices, 5,174 square feet for working shops, and 1,361 of storage areas.

The exterior improvements consist of the construction of a new trash enclosure and the removal of landscaping. The new trash enclosure would be located north of the existing building and east of the rear parking lot. The trash enclosure will be 11 feet, 2 inches deep by 26 feet, 6 inches long and an overall height of approximately 9 feet. A solid metal roof decking will be provided. In addition, the previously trash enclosure will be upgraded to include concrete within the interior of the enclosure and a metal roof. The design, color, and materials of the enclosures will match the existing industrial building.

The landscape improvements consist of partial removal of landscaping along the side and adjacent to the south of the building. The partial removal of landscaping would allow the upgrade of two existing American with Disabilities Act (ADA) parking spaces with a van accessible and regular ADA parking spaces. The property currently provides

approximately 12,060 square feet of landscape areas. With the exterior modification, the existing landscape areas will be reduced by 723 square feet and maintain approximately 11,337 square feet of landscape areas.

- 6) Community Workshop and Public Input:** The Project is not located within a General Plan identified neighborhood; therefore, the Project was not presented during a Community Workshop.

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

- 7) Appeal Procedure:** In accordance with Section 16-525(B) of the City Code & past practice, the Commission's action on Planning and Zoning Permit No. 22-200-10 (DDR) may be appealed to Oxnard's City Council within 10 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. If an appeal to Oxnard's City Council is not filed within 10 working days of the Commission's decision, the decision of the Commission shall be considered final.

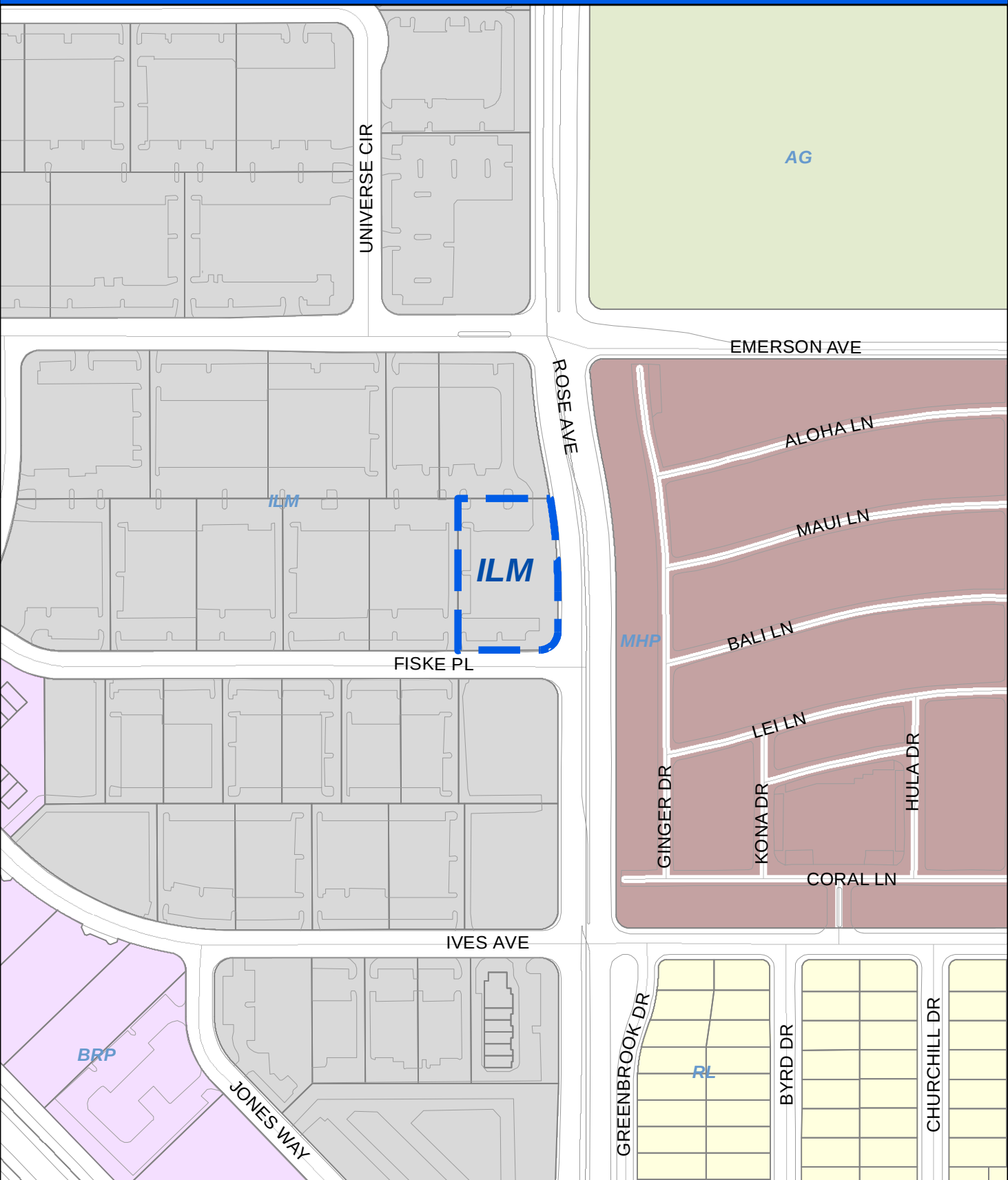
Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Development Plans
- C. Notice of Exemption
- D. Parking Study Dated February 2, 2023
- E. CTE School Population Letter Dated February 3, 2023
- F. Resolution PZ No. 22-200-10 (Development Design Review)
- G. Staff Presentation

Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning

June 22, 2023

PZ 22-200-10
Location: 1741 Fiske Pl
APN: 220027209
CET Training Center

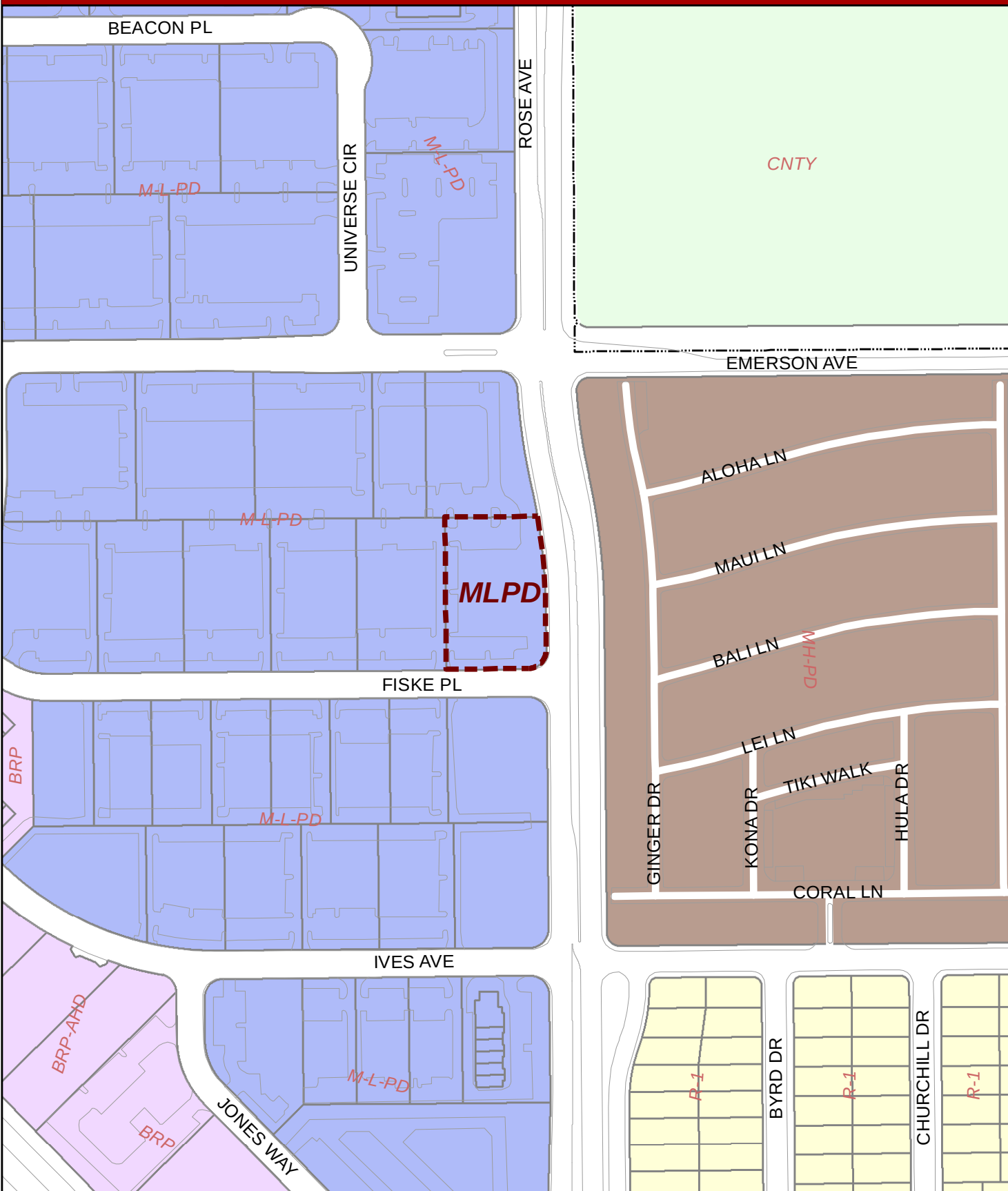
0 75 150 300 Feet

2030 General Plan Land Use Map



1:3,000

Zoning/Specific Plan Map

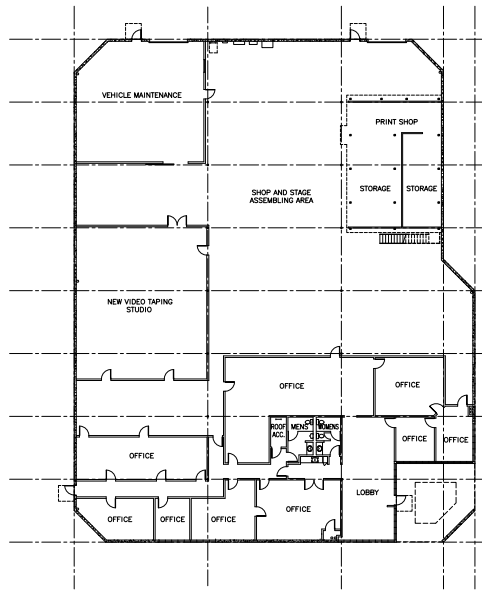




S ROSE AVE

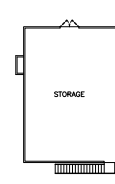
FISKE PL



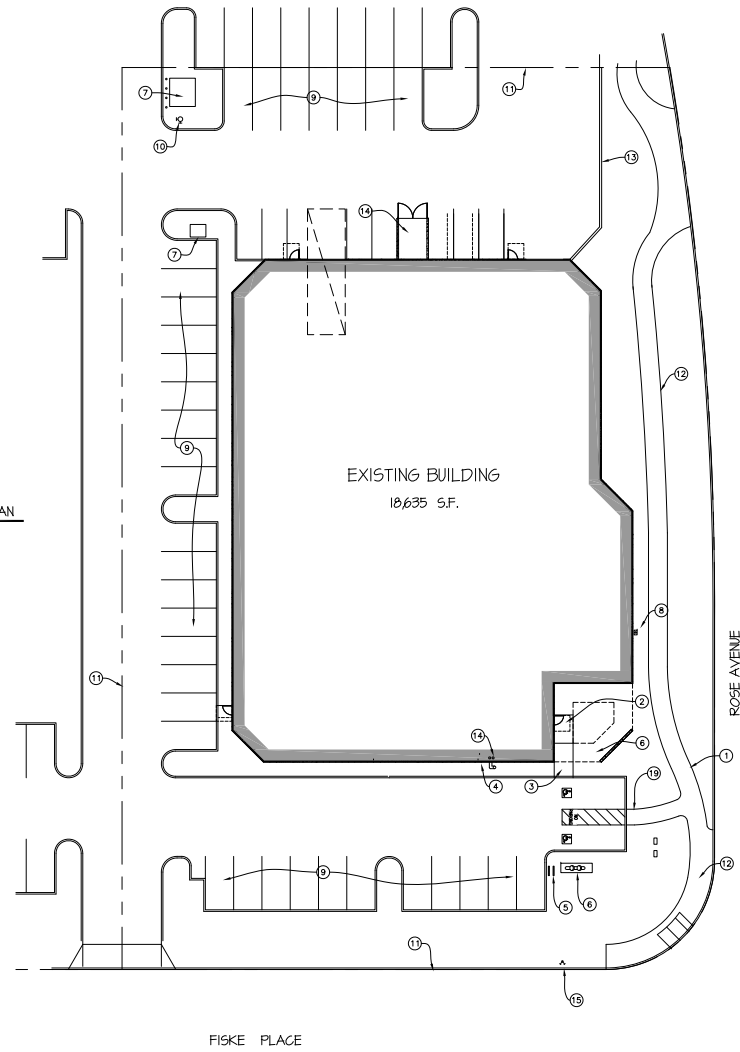


EXISTING FLOOR PLAN
SCALE 1/16" = 1'-0"

0 5 10 15 20 25 30



EXISTING MEZZANINE PLAN



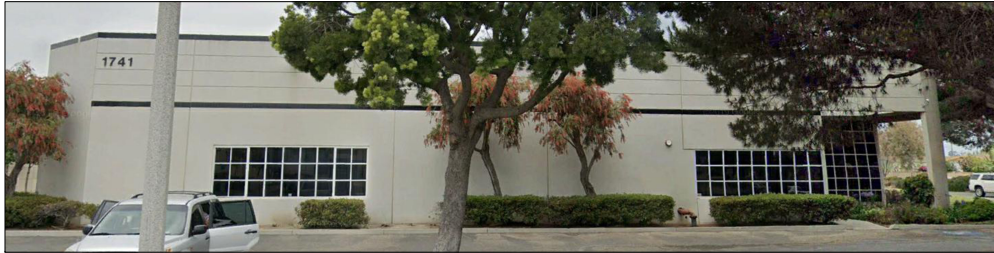
EXISTING SITE PLAN
SCALE 1/16" = 1'-0"

0 5 10 15 20 25 30



NOTE LEGEND

1. EXISTING SIDEWALK.
2. EXISTING CONCRETE PAVING.
3. EXISTING ADA RAMP.
4. LOCATION OF FIRE ALARM BELL ON BUILDING.
5. EXISTING IRRIGATION AND DOMESTIC BACKFLOW DEVICES.
6. LOCATION OF FIRE SPRINKLER BACKFLOW.
7. LOCATION OF EXISTING ELECTRICAL TRANSFORMER.
8. LOCATION OF EXISTING GAS METER.
9. EXISTING PARKING.
10. EXISTING FIRE HYDRANT.
11. PROPERTY LINE.
12. EXISTING PUBLIC SIDEWALK.
13. EXISTING SITE WALL.
14. LOCATION OF FIRE SPRINKLER RISER.
15. LOCATION OF FIRE DEPARTMENT CONNECTION.



EXISTING WEST ELEVATION
NOT TO SCALE



EXISTING EAST ELEVATION
NOT TO SCALE



EXISTING NORTH ELEVATION
NOT TO SCALE



EXISTING WEST ELEVATION
NOT TO SCALE





PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO 7



PHOTO 8



PHOTO 9



PHOTO 10



PHOTO 11



PHOTO 12



PHOTO KEY PLAN
NOT TO SCALE



CENTER FOR EMPLOYMENT TRAINING
OXNARD, CALIFORNIA 93033

AUGUST 22, 2022

RASMUSSEN & ASSOCIATES

Architecture
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Sboydstun@raa-arch.com

NOTICE OF EXEMPTION

Project Description: **Center for Employment Training (CET);** Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit): A request to allow the operation of a trade school, Center for Employment Training, within an existing 18,635 square-foot single-tenant industrial building on a 1.2-acre parcel. The hours of operation for the proposed trade school use will be Monday thru Friday 8 a.m. to 9:30 p.m. The project will have up to five administrative employees, three instructors and 51 students. The training programs that will be available at this CET facility will be Administrative Medical Assistant, Green Building Construction Skills, and Medical Assistant. The Project will include minor interior and exterior improvements to accommodate the proposed use and an administrative parking relief for reduction in parking in accordance with Oxnard City Code Section 16-651. The Project site is located at 1741 Fiske Place; APN: 220-0-271-055 within the Limited Manufacturing Planned Development (M-L-PD) Zone district and within the Industrial Limited land use designation. Filed by Scott Boydston, Designated Agent, on behalf of business and property owner, Center for Employment Training, 701 Vine Street, San Jose, CA 95110.

Finding: The Planning Division of the Community Development Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ 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 construct interior tenant improvements, a new trash enclosure, the removal of landscaping, and to authorize a trade school to operate within an existing 18,635 square-foot industrial building. As a result, this Project will not result in any significant effects relating to traffic, noise, or air quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and

recommends that the Community Development Director to direct the Planning & Environmental Services manager to file the Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the project.

(Date)

Joe Pearson II
Planning and Environmental Services
Manager



ASSOCIATED TRANSPORTATION ENGINEERS

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Richard L. Pool, P.E.
Scott A. Schell

February 2, 2023

22069L04

Scott Boydston, AIA
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21 South California Street
Ventura, California 93001

PARKING STUDY FOR THE CET TRAINING CENTER - CITY OF OXNARD, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking study for Center for Employment Training Center (CET) located at 1741 Fiske Place in the Channel Islands Business Center in City of Oxnard. The parking analysis evaluates the Project's peak parking demands to determine if the existing parking supply provided at 1741 Fiske Place would accommodate the estimated peak parking demands generated by the Project. The parking study also reviews Project's parking requirements based on the City's Zoning Ordinance.

PROJECT DESCRIPTION

CET is currently operating in a 23,500 square-foot building with 68 existing parking spaces. and located at 761 South "C" Street, in the City of Oxnard. The South "C" Street site is being developed as a residential development. CET is therefore relocating to 1741 Fiske Place in the Channel Islands Business Center and will occupy an 18,635 square-foot building. The 1741 Fiske Place site provides 42 on-site parking spaces.

CET provides students with the technical and hands-on skills required to become marketable candidates for employment through classroom and practical hands-on occupational training in fields such as Medical Assistance, Green Building Construction and Electrician. The CET student demographic is young 18- to 24-year-old adults from low to mid income families in the community of Oxnard. Many of the staff and students arrive by means other than personal vehicle. Many are dropped-off and picked-up, rideshare, use public transit, bike, or walk to the facility. Mode split surveys were conducted at the existing facility to determine the percentage of students who drove and the percentage of students that used alternative transportation (mode split data is attached). The office hours are between 7:30 AM and 5:00 PM Monday through Friday. Class instruction occurs in the daytime and evening hours between 8:00 AM and 9:30 PM.

EXISTING PARKING SUPPLY

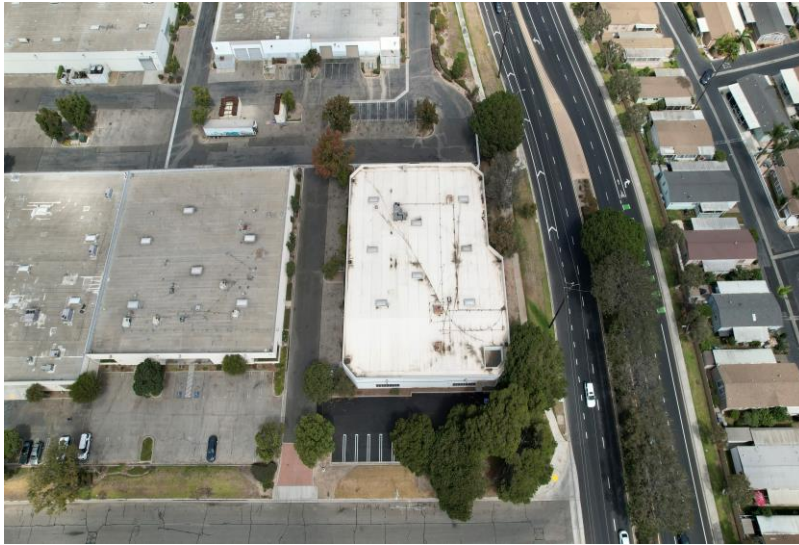


Figure 1 (attached) illustrates the Project site plan. As shown, the site contains 42 marked parking spaces (plus 4 motorcycle parking spaces). The existing building space and parking supply at 1741 Fiske Place is summarized in Table 1. The Project site is located in the Channel Islands Business Center. At this time, the Project does not have a shared parking agreement with the adjacent industrial tenants. On-street parking is prohibited on Rose

Avenue and Fiske Place adjacent to the Project site.

Table 1
1741 Fiske Place Summary of Building Area and Parking Supply

Building Area	Parking Supply
18,635 Square Feet	42 Parking Spaces

It should be noted that the new CET facility is smaller than the 761 "C" Street facility which is 23,500 square feet.

CITY OF OXNARD ZONING ORDINANCE PARKING REQUIREMENTS

The City's Zoning Ordinance parking requirements were calculated for the CET training center as shown in Table 2. The parking space requirement is based on the following for trade schools.

- Trade School - 1 space per 75 SF of gross floor area of classroom space plus 1 space per 250 SF of office space

Table 2
City Zoning Ordinance Parking Requirements

Land Use	Building Area	Zoning Requirement	Required Parking
Office Space	13,284 SF	1 space/250 SF	53 Spaces
Classroom Space	5,351 SF	1 space/75 SF	71 Spaces
Total Parking Required:			124 Spaces

As shown in Table 2, the City of Oxnard Zoning Ordinance requires 124 spaces for the CET training center. The Project site provides 42 on-site parking spaces, thus a modification to the City's parking requirements will be required. Note that the 68 parking spaces at the existing CET facility at 761 South "C" Street would not satisfy the City's parking requirements.

PARKING DEMAND ANALYSIS

In order to support a modification to the Zoning Ordinance parking requirement, ATE has prepared the following peak parking demand analysis. Because there are no published empirical parking demand rates (Institute of Transportation Engineers or Urban Land Institute) available for trade schools, ATE developed hourly peak parking demands for the CET trade school based on operational data provided by the applicant (operational attached) for the new 1741 Fiske Place facility. CET will continue to operate at the new location similar to its operation at the "C" Street location. As noted in the Project description, CET office hours are from 7:30 AM to 5:00 PM Monday through Friday. Class instruction occurs in the daytime and evening hours between 8:00 AM and 9:30 PM. During the daytime, instruction hours (8:00 AM - 3:00 PM) up to 51 students will attend class, during the evening instruction hours (4:00 PM - 9:30 PM) up to 31 students will attend class. The trade school will operate with 5 administrative staff and 3 instructors during the daytime hours. During the evening hours, the trade school will operate with 2 administrative staff, 3 instructors and 1 janitor. Based on the results of the mode split survey conducted at the existing facility and regional mode split data published in the Ventura County Comprehensive Transportation Plan (attached), the parking demand analysis assumes that 33% percent of the CET population uses alternative transportation (dropped off, public transit, bike, or walk). The Project's hourly **peak parking demands** developed based on the **operational data** provided by CET are presented in Table 3.

Table 3
Hourly Peak Parking Demand

Hours	Administrative Staff	Janitor	Instructors	Students	Population	Parking Demand ^(a)
7:00 AM	1	0	3	0	4	4 Spaces
8:00 AM	5	0	3	51	59	40 Spaces
9:00 AM	5	0	3	51	59	40 Spaces
10:00 AM	5	0	3	51	59	40 Spaces
11:00 AM	5	0	3	51	59	40 Spaces
12:00 PM	5	0	3	51	59	40 Spaces
1:00 PM	5	0	3	51	59	40 Spaces
2:00 PM	5	0	3	51	59	40 Spaces
3:00 PM	5	0	3	51	59	40 Spaces
4:00 PM	5	0	3	31	39	26 Spaces
5:00 PM	4	1	3	31	39	26 Spaces
6:00 PM	2	1	3	31	37	25 Spaces
7:00 PM	2	1	3	31	37	25 Spaces
8:00 PM	0	1	3	31	35	23 Spaces
9:00 PM	0	1	3	31	35	23 Spaces
10:00 PM	0	1	0	0	1	1 Space
11:00 PM	0	1	0	0	1	1 Space

(a) Peak parking demand based on mode split data which shows that 33% of the CET population (staff and students) is dropped-off, ride share, use public transit, bike, or walk.

The data presented in Table 3 shows an hourly **peak parking demand** of 40 parking spaces occurs during the daytime instructional hours. The existing on-site parking supply of 42 parking spaces (plus 4 motorcycle spaces) will accommodate the staff, instructors, and students and provide a parking surplus of 2 spaces. Note that the Zoning Ordinance parking requirement does not account for the hourly variation in parking demand throughout the day or the commuter mode split.

The following discusses the pedestrian, bicycle, and transit facilities available for CET staff and students that do not drive, ride share or are dropped-off and picked-up. Alternative transportation modes encourage the reduction in the number of personal vehicle trips made by CET students and staff.

Pedestrian and Bicycle Facilities

Currently there are pedestrian facilities (crosswalks/sidewalks etc.) located along Rose Avenue in the study-area. The nearest pedestrian crosswalks across Rose Avenue are provided at the Emerson Avenue signalized intersection.

The Project site is served by the City of Oxnard Bikeway System. The existing bicycle facilities located in the study-area consist of Class II bike lanes along Rose Avenue and Emerson Avenue adjacent to the Project site. These Class II bike lanes connect the CET facility to residential areas north, south, east, and west of the Project. The Project site plan incorporates bike racks for bike parking.

Transit Facilities

The City of Oxnard is served by Gold Coast Transit. To assist and encourage multi-modal transportation, bike racks are provided on Gold Coast Transit buses. Fixed route transit service in the vicinity of the 1741 Fiske Place site is provided by Gold Coast Transit Route #8 and Route #17. Route #8 (OTC - Oxnard College - Centerpoint Mall) operates daily providing fixed route bus service on Rose Avenue in the vicinity of the Project site. During the peak commute hours, the #8 Route operates with 40-minute headways. An existing transit stop is located south of Emerson Avenue on the west side of Rose Avenue approximately 400 feet from the Project site. Route #17 (Esplanade - Oxnard College) operates daily providing fixed route bus service on Rose Avenue in the vicinity of the Project site. During the peak commute hours, the #17 Route operates with 30 - 45-minute headways. The existing transit stop located south of Emerson Avenue on the west side of Rose Avenue also accommodates Route #17.

SUMMARY

The new 18,635 square -foot CET facility at 1741 Fiske Place is smaller than the 761 "C" Street facility which is 23,500 square feet. The parking demand analysis developed using operational data provided by CET shows that the peak parking demand for the CET training center is 40 parking spaces. The proposed parking supply of 42 on-site parking spaces (plus 4 motorcycle spaces) would meet the peak parking demand and provide a reserve of 2 spaces during peak periods. The Zoning Ordinance parking requirement does not account for the hourly variation in parking demand throughout the day or the commuter mode split.

Currently there are pedestrian facilities (crosswalks/sidewalks etc.) located along Rose Avenue Road in the study-area. The existing bicycle facilities located in the study-area consist of Class II bike lanes along Rose Avenue and Emerson Avenue adjacent to the Project site. The Project site plan incorporates bike racks for bike parking. Fixed route transit service in the vicinity of the 1741 Fiske Place site is provided by Gold Coast Transit Route #8 and Route #17. Bike racks provided on Gold Coast Transit buses assist an encourage multi-modal transportation. The CET training center will encourage the use of alternative modes of transportation by staff and students as a means to reduce personal vehicle trips and manage the demand for on-site parking. Associated Transportation Engineers.



By: Scott A. Schell
Vice President

SAS/DFN

attachments: Figure 1 - Project Site Plan
CET Hours of Operation/Class Schedule/Enrollment and Employee Data
CET Mode of Transportation Survey Data
Ventura County Transportation Commission Commuter Mode Split Data



ASSOCIATED TRANSPORTATION ENGINEERS

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Scott A. Schell

February 3, 2023

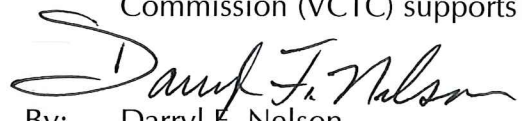
22069L05

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RESPONSE TO CITY STAFF COMMENTS ON THE PARKING STUDY FOR THE CET TRAINING CENTER - CITY OF OXNARD, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following responses to the City staff comments on the parking study for Center for Employment Training Center (CET).

- ATE staff field verified that there are 68 on-site parking spaces at 761 South "C" Street.
- Comment noted.
- ATE doesn't have a parking ratio that can be used for the proposed land use that can relate to the City's parking requirements. The Zoning Ordinance parking requirement does not account for the number of faculty, staff, students, the hourly variation in parking demand throughout the day or the commuter mode split. The ATE parking demand analysis however does account for the number of faculty, staff, students, the hourly variation in parking demand throughout the day or the commuter mode split. Also, there are no published empirical parking demand rates (Institute of Transportation Engineers or Urban Land Institute) available for trade schools similar to CET. ITE published parking demand rates for Junior/Community Colleges. These schools have an average school population of 10,000. CET school population is 59.
- See prior response regarding the parking ratio.
- See prior response regarding the parking ratio.
- Regional commuter mode split data provided by Ventura County Transportation Commission (VCTC) supports the mode split data collected by CET.


By: Darryl F. Nelson
Senior Transportation Planner

Class Schedule

Weekday	Day Class	Evening Class
Sunday	Closed	Closed
Monday	8:00AM - 3:00PM	4:00PM - 9:30PM
Tuesday	8:00AM - 3:00PM	4:00PM - 9:30PM
Wednesday	8:00AM - 3:00PM	4:00PM - 9:30PM
Thursday	8:00AM - 3:00PM	4:00PM - 9:30PM
Friday	8:00AM - 3:00PM	4:00PM - 9:30PM
Saturday	Closed	Closed

Day Class Schedule

[illegible]

Night Class Schedule

[illegible]

**Associated Transportation Engineers
Trip Generation Worksheet**

CET TRAINING AND TESTING CENTER (#22069) - DRIVING DATA

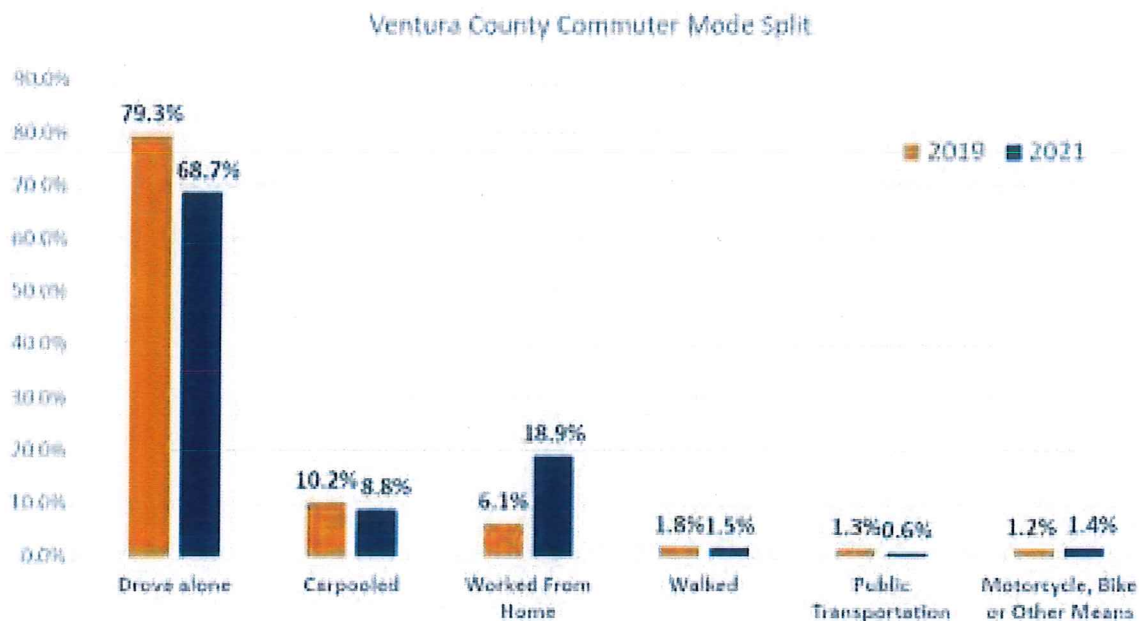
Date	Drove Personal Vehicle	Dropped Off	Public Transit	Walk,Bike,etc.	% Did Not Drive
8/16/2022	35	13	2	2	33%
8/17/2022	35	13	2	2	33%
8/18/2022	33	13	2	2	34%
8/19/2022	31	13	2	2	35%
8/22/2022	35	13	2	2	33%
8/23/2022	35	13	2	2	33%
8/24/2022	33	13	2	2	34%
AVERAGE					33%

During the COVID-19 pandemic, Ventura County saw an increase in the percentage of commuters that worked from home. This shift led to corresponding reductions in commute travel across all modes, with the most substantial changes occurring for the drive alone and transit modes. Figure 2-7 compares commute mode split data for Ventura County in 2019 and 2021.

As the pandemic has started to wane, VMT generation has rebounded to close to pre-pandemic levels, while traffic congestion

remains substantially lower. This suggests that work from home activities remain, but travel has migrated away from the typical peak weekday AM and PM commute periods and is more distributed throughout the day. Figure 2-8 shows how VMT levels on freeways in Caltrans District 7 (including both Los Angeles and Ventura counties) have changed monthly between the beginning of 2019 and summer 2022 throughout the day. Figure 2-9 illustrates this data for vehicle delay.

Figure 2-7: Ventura County Commute Mode Split Data: 2019 to 2021





Center for Employment Training

Central Administration

701 Vine Street San Jose, CA 95110 Phone (408) 534-5262 Fax (408) 534-5309

February 9, 2023

J. Carlos Torres, Associate Planner
Community Development Department
214 S. C Street, Oxnard, CA 93030

RE: 1741 Fiske Pl, Oxnard, Ca (Maximum number of students Day and Evening)

Dear Mr. Torres

For our property on 1741 Fiske Pl, Oxnard CA based off our parking study please accept this letter to confirm the maximum number of students is 51 during day time and up to a maximum of 31 students in evening.

Sincerely,

A handwritten signature in blue ink that reads 'Marite Marlow'.

Marite Marlow
CFO

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-200-10 (DEVELOPMENT DESIGN REVIEW PERMIT) TO ALLOW THE OPERATION A TRADE SCHOOL, CENTER FOR EMPLOYMENT TRAINING, WITHIN AN EXISTING 18,635 SQUARE-FOOT SINGLE-TENANT INDUSTRIAL BUILDING. THE REQUEST INCLUDES INTERIOR AND EXTERIOR MINOR IMPROVEMENTS ON A 1.2-ACRE PARCEL LOCATED AT 1741 FISKE PLACE (APN:220-0-271-055) IN THE LIMITED MANUFACTURING PLANNED DEVELOPMENT ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY SCOTT BOYDSTUN, DESIGNATED AGENT, ON BEHALF OF THE BUSINESS AND PROPERTY OWNER, CENTER FOR EMPLOYMENT TRAINING.

WHEREAS, on September 19, 2022, Scott Boydston, designated agent, on behalf of Center for Employment Training, property owner (the “**Applicant**” and/or “**Permittee**”) submitted Planning and Zoning Permit No. 22-200-10 (Development Design Review), pursuant to Oxnard City Code Section 16-525, to allow the operation of a trade school facility, Center for Employment Training (CET). The trade school facility is proposed to be within an existing 18,635 square-foot single-tenant industrial building on a 1.2-acre parcel within the Limited Manufacturing Planned Development (M-L-PD) Zone. The hours of operation for the proposed trade school use will be Monday thru Friday 8 a.m. to 9:30 p.m. The project will have up to 5 administrative employees, 3 instructors, 1 guest speaker, and 51 students. The training programs that will be available at this CET facility will be Administrative Medical Assistant, Green Building Construction Skills, and Medical Assistant. The Project will include minor interior and exterior improvements to accommodate the proposed use and an administrative parking relief for reduction in parking from 124 to 40 parking spaces for the trade school use in accordance with Oxnard City Code Section 16-651; and

WHEREAS, on **June 22, 2023**, the Community Development Director of the City of Oxnard (“**Director**”) conducted a duly noticed public hearing to consider an application for Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit), filed by Center for Employment Center in accordance with Oxnard City Code Section 16-525; and

WHEREAS, the Director finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, on **June 30, 2023**, the City Staff filed a Notice Requesting Review by the Planning Commission to allow the Planning Commission to review the whole project as one integrated project (Development Design Review Permit & The Administrative Parking Relief); and

WHEREAS, on **July 20, 2023**, the Planning Commission of the City of Oxnard (“**Commission**”) conducted a duly noticed public hearing to consider an application for Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit), filed by Center for Employment Center in accordance with Oxnard City Code Section 16-525 (B); and

WHEREAS, the Commission finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; 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 Class 1 Categorical Exemption (Section 15301). Further, the Project does not trigger any of the Exemptions to the Exemptions (15300.2) to defeat the Exemption.

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

The Project site is located within the 2030 General Plan land use designation of Industrial Limited (ILM) and within the Limited Manufacturing Planned Development zone. The Project is surrounded by industrial development to the North, West, and South and a mobile home park to the East across Rose Avenue. 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 Development Design Review permit request is to utilize an existing 18,635 square-foot vacant industrial building for the operation of a trade school facility. The proposed use is consistent with the 2030 General Plan and Oxnard City Code and is compatible with the physical scale and character of other industrial development in the project area as no physical changes to the building are proposed. The Project includes minor interior and exterior improvements necessary to accommodate the trade school facility within the building. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and Oxnard City Code consistency, and with CEQA for any potential environmental impacts. Therefore, the project will have no significant cumulative impacts.

- 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 Development Design Review request for a trade school facility will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the industrial character of the surrounding development as no exterior changes to the building are proposed and only minor interior building and exterior landscape improvements are anticipated to accommodate the expansion of the trade school, and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by industrial 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 consists of the utilization of an existing 18,635 square-foot vacant industrial building to allow the operation of a trade school facility. The application includes interior and exterior tenant improvements such as the landscaping reduction of approximately 723 square feet, a new trash enclosure as required by the City, and interior removal and addition of walls to support the use. The trash enclosure will provide a side setback of approximately 30 feet with design, colors and materials to match the existing building for consistency. Rose Avenue is considered a scenic corridor but is not designated as 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 as confirmed by staff on May 7, 2023.

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

The project site is developed with an existing 18,635 square-foot industrial building and 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. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, the Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

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 General Plan and other adopted policies of the City of Oxnard.**

As described in the Staff Report, the proposed trade school facility is consistent with the 2030 General Plan Land Use Designation Industrial Limited and Limited Manufacturing Planned Development (M-L-PD) zoning district and related standards subject to the approval of a Development Design Review. Therefore, the proposed charter high school

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.**

The proposed Project consists of utilizing an existing 18,635 square-foot vacant industrial building for a trade school facility use that includes minor interior and exterior tenant improvements. The exterior improvement will include the construction of a new trash enclosure as required by the City and the removal of existing landscaping to include a van accessible parking space. Any minor interior and exterior tenant improvements will be subject to standard construction requirements of the California Building and Fire Codes. Therefore, the proposed use and the proposed improvements are not expected to have adverse effects or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare. As such, this Project meets this finding.

3. **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

As described in the Staff Report, the application is for the utilization of an existing 18,635 square-foot vacant industrial building to operate a new trade school facility that mainly consists of minor interior and exterior improvements that are adequate for the proposed use. The proposed exterior improvements consist of the removal of 723 square feet of landscaping, and the addition of new trash enclosure as required by the City. The removal of the landscaping would allow the modification of existing ADA parking spaces to include a new van accessible parking space. The trash enclosure will provide a side yard setback of approximately 30 feet with design, colors and materials to match the existing industrial building. In addition, the applicant is requesting administrative parking relief to reduce the parking requirements from 124 to 40 parking spaces in accordance with Oxnard City Code Section 16-651 and the CET Parking Study dated February 2, 2023.

The existing size and shape of the industrial building currently provides appropriate setbacks, and landscaping and meets the city standards except as may be specifically excepted by the special finding and conditions of this resolution.

4. **The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.**

The project site is currently served by existing infrastructures and surrounding roadways which includes South Rose Avenue to the East and Fiske Place to the South, and a shared access driveway to the North. Therefore, the site for the proposed trade school facility 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 sewage, water, fire protection and storm

drainage facilities. The proposed trade school facility will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed trade school facility will be provided with adequate sewage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project (trade school use) will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Class 1) of the State CEQA Guidelines pertaining to projects involving “negligible or not expansion of use beyond that existing at time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 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 and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission is final unless appealed in accordance with the provisions of §16-525 of the Oxnard City Code.

CONDITIONS OF APPROVAL

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated **July 20, 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. This permit shall automatically become null and void 24 months from the date of its issuance, unless the Applicant obtains a zone clearance and business license for the proposed use. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. 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)
6. 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)
7. 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)
8. 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)
9. Applicant shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. 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)
11. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)

13. 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*)
14. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)
15. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

PLANNING DIVISION STANDARD CONDITIONS

16. Plans submitted by Applicant with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, *PL-1*)
17. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
18. Before the City issues building permits, Applicant shall include a reproduction of all conditions of this permit as adopted by resolution of the Development Design Review in all sets of construction documents and specifications for the project. (PL, *PL-3*)
19. Applicant may not modify the use approved by this permit unless the Planning Division Manager determines that Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
20. 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*).
21. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the property. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the site without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
22. Applicant shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
23. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

24. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

COMMERCIAL/INDUSTRIAL

25. Applicant shall recess or screen any existing or proposed roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)
26. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

27. Applicant shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
28. Any changes to the interior classroom square footages, interior/exterior expansions, and or an increase on the number of students and staff members (51 students, 5 staff, 3 instructors, & 1 guest speaker) as listed on the submitted parking study dated February 2, 2023, shall be subject to a minor modification or a major modification as determined by the Community Development Department.
29. If new roof-mounted mechanical equipment is being proposed as part of the proposed use, all new roof-top mechanical equipment shall be screened from the view of abutting roadways, ground level residential areas, and public sidewalks. Screening elements shall be integrated with main structural or architectural features.
30. The property's parking lot shall be properly maintained with a proper surface and shall be restriped in accordance with Oxnard City Code Article X Off-Street Parking. The necessary parking lot improvement shall be identified on any building improvement plans and work completed prior to the use certificate of occupancy or zone clearance.
31. All trash or debris within the property shall be removed prior to the use certificate of occupancy or zone clearance.

LANDSCAPE STANDARD CONDITIONS

32. Applicant shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of the Applicant to do so may result in the revocation of this permit and initiation of legal proceedings against the Applicant to ensure compliance (PK, *PK-4*).
33. Applicant shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)

34. All removed landscaping within the property shall be reinstated to its original approved conditions under the approved Special Use Permit (U-1096) or any previously approved modifications to the property. The landscape improvements shall be included in the improvements plans and work completed prior to the issuance of certificate of occupancy or zone clearance.

POLICE DEPARTMENT CONDITIONS

Security Camera Systems

35. A Security Camera System is highly recommended for this project due to the nature of the business, the physical assets on site, and the potential for liability claims from the use/misuse of potentially dangerous equipment. If the applicant plans to install a Security Camera System it should meet the Police Department's Security Plan Guidelines. These guidelines can be obtained upon request via specialprojects@oxnardpd.org.
36. Security camera system should be operated 24 hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
 - a. The camera system should be cloud based to facilitate off-site and mobile monitoring.
 - b. Access to the cloud based camera system may be made accessible to the Oxnard Police Department for specific areas of the property and adjacent areas that are either public, or, semi-public that include: adjacent public street, alleys, sidewalks, and within the private property the parking facility and paseo. Contact specialprojects@oxnardpd.org to participate in this program.
 - c. If the Police Department is provided access to the cloud based camera system, privacy of staff and students shall be taken into consideration.
 - d. Cameras and supporting equipment should supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
 - e. Cameras should be made by a reputable manufacturer and maintained to current industry standards.
 - f. Cameras should have low light capability to facilitate the later identification of persons involved in criminal or problem activities.
 - g. The video system should utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - h. The video system should allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
 - i. Recorded images should bear a date and time stamp that cannot be altered.
 - j. All entry doorways to the premises should be monitored by a camera or cameras that are strategically mounted for face capture of persons who enter. Such cameras shall

be mounted no higher than 7-feet above the floor/ground. Face capture images shall be determined as those images where the clarity of a person's facial image is sufficient for later identification.

- k. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
- l. A camera should be dedicated to face capture image of any person accessing the call system at the exterior of the primary entrance.
- m. Site management should provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
- n. Security cameras should be installed to monitor activity around each side of the building's exterior.

Security Plan

- 37. A Security Plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits. The purpose of the Security Plan is to align the applicant's need to secure the development site for its end users with current security standards and to provide the Police Department an understanding of the layout of the site in the event of a critical incident. The Security Plan, when submitted directly to the Police Department, is considered a confidential document. The plan shall include:
 - a. The Security Plan Sheet will identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
 - b. The Security Plan shall include a chart identifying each camera by an alpha-numeric, the scope of their capture area, and placement of the camera above the floor/ground.
 - c. The Security Plan shall identify all doors with an alpha-numeric (e.g. D-1, D-2, etc.) that serve passage between public & semi-public, semi-public to semi-public and similar access points where tenants and their guests routinely pass without needing specific permission from a resident or property manager/responsible party or resident. This would include access to the lobby, parking garage, laundry room, mailroom, emergency exits, etc. When a camera is positioned for face capture it shall be noted on the camera chart.
 - d. The Security Plan shall identify any area which is served by an intrusion/burglary alarm system.
 - e. The permittee/property manager/owner should maintain all security features in good working condition and consistent with industry standards.
- 38. Any digital records from the security camera system or access control system shall be made available to any representative of the Oxnard Police Department in a timely manner upon request related to any official police investigation. If requested, the site manager shall upload or email any digital records at the request of a representative of the Oxnard Police Department.
- 39. A Security Plan shall be submitted to and approved by the Police Department prior to the issuance of building permits. The submission shall be made in a PDF format and sent to

specialprojects@oxnardpd.org. The email "subject line" shall have the 7-digit Planning "PZ" number and the site's address to identify the project. The plan shall include the location of the security features at the site consistent with the Security Plan Requirements document provided during the development review process. The Security Plan shall not be submitted with other development documents or plan sheets. This is done to maintain a level of confidentiality of the security features of the site between the developer/end user of the development and the Oxnard Police Department.

Alarms

40. Any intrusion alarm system installed at the site shall utilize motion and infrared technology or similar technology to differentiate between human and non-human motion. The alarm system shall be compliant with Oxnard City Code 11-95 through 11-100.

Site Management

41. Graffiti shall be removed or painted over within 24-hours of application. Site management shall maintain a supply of paint to match the building's exterior color scheme.

Signage

42. All vehicular entrances to the parking area shall be posted in compliance with California Vehicle Code 22658(a). Persons in lawful possession of the property may then cause the removal of a vehicle parked on the property to the nearest public garage if parked without the owner's permission. (PD)

ENVIRONMENTAL RESOURCES DIVISION

43. A Construction and Demolition Waste Management Plan (ERDC-1) must be submitted to the Environmental Resources Division for review and approval prior to issuance of a building permit establishing a goal that at least 65% of the waste generated on the project will be diverted from the landfill.
44. After completion of construction and prior to a certificate of occupancy being issued, a Construction and Demolition Waste Management Report (ERDC-2) must be submitted that demonstrates that at least 65% of the waste generated on the project has been diverted from the landfill. This Report must also include legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities.
45. An Occupancy Plan must be submitted to the Environmental Resources Division prior to issuance of a certificate of occupancy. The Plan must clearly state how all three waste streams will comply with all applicable state laws, including AB 939, AB 341, AB 1826, and SB 1383, and any subsequent legislation adopted in the future, will be managed on site in perpetuity.
46. Any/all organic waste that is generated must be diverted from landfill disposal, as material of this type is not allowed in a trash dumpster. If landscaping is performed by an entity other than the City of Oxnard (i.e. self-haul or third party private hauler), the landscape service providers must be informed, in writing, of this condition and the property management must complete and submit an Alternative Services Certification annually.
47. Any new or renovated waste enclosures must be sized so that they can accommodate all three waste streams and meet minimum safety and operational requirements, including vehicle path of travel, employee access, and prevention of illegal dumping and/or vandalism. Use the City's approved Standard Plates, but modify dimensions accordingly.

48. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.
49. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of July 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 20th day of July 2023, and carried by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:
RECUSED:	Commissioners:

Joe Pearson II, Secretary

“Center For Employment Training Facility”

Planning & Zoning Permit No. 22-200-10
(Development Design Review Permit)

1741 Fiske Place

By: Alex Tellez, Assistant Planner

Planning Commission
July 20, 2023

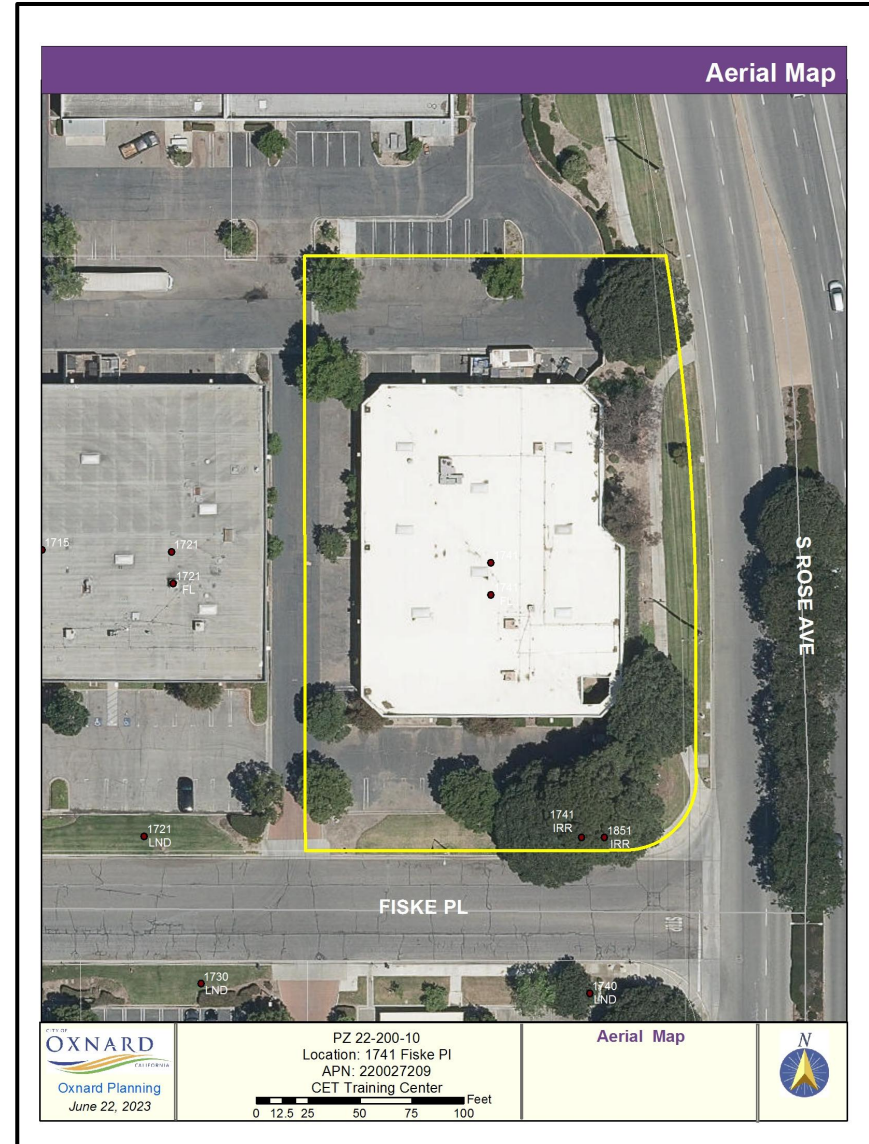


Project Description

- A request to allow the operation of a trade school use:
 - Utilize an existing 18,635 S.F. single tenant vacant industrial building with a trade school facility.
 - On a 1.2-acre developed lot (existing parking, landscaping and other site improvements).
 - Located at 1741 Fiske Place (APN: 220-0-271-055) within the Pacific Avenue Commercial.
 - The trade school facility proposes to have;
 - 51 students maximum
 - 5 Office Staff maximum
 - 3 Instructors maximum
- Application also includes the request for an administrative relief to allow for a decrease in the number of parking spaces as required by the OCC Section 16-651.
- Filed by designated agent Scott Boydstun (Rasmussen and Associates).

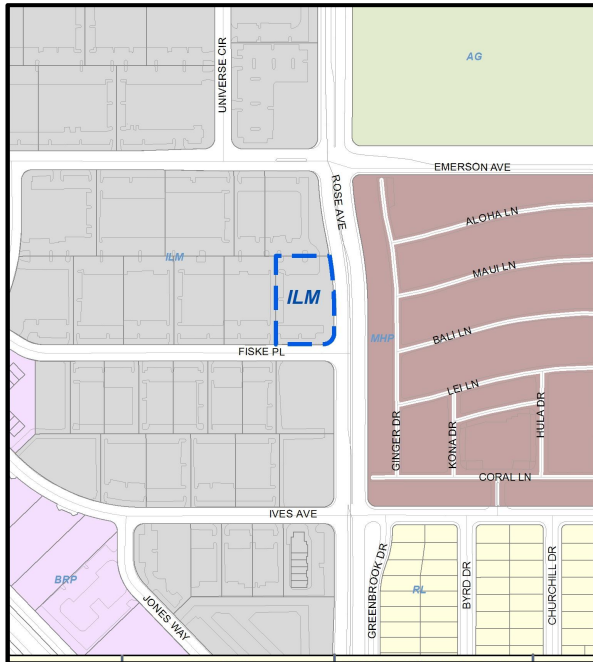
Project Location

Subject Site: 1741 Fiske Place



General Plan & Zoning Maps

General Plan Land Use Designation



Industrial Limited (ILM)

Zoning Designation



Limited Manufacturing Planned Development
(M-L-PD)

Existing Site

Subject Site: 1741 Fiske Place

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Industrial Limited (ILM)	Limited Manufacturing Planned Development (M-L-PD)	Vacant Building
North	(ILM)	(M-L-PD)	Indoor Soccer Facility
South	(ILM)	(M-L-PD)	Distribution Facility
East	Mobile Home Park	Mobile Home Park (MHPD)	Across Rose Avenue - Mobile Homes
West	(ILM)	(M-L-PD)	Warehouse Facility

Project Background

- On June 22, 2023, a public hearing was held by the Community Development Director
- The Community Development Director approved the DDR Permit (PZ No. 22-200-10) subject to certain conditions:
 - *“The Development Design Review, PZ 22-200-10, is granted subject to approval of the administrative parking relief for the reduction in the required parking by the Planning Commission in accordance with Oxnard City Code Section 16-651 (B).”*
- City Staff filed a Notice Requesting Review for the Planning Commission to review the DDR as one integrated project (DDR Permit & Administrative Parking Relief) on June 30, 2023

Existing Conditions

View From Fiske Place Looking North and South

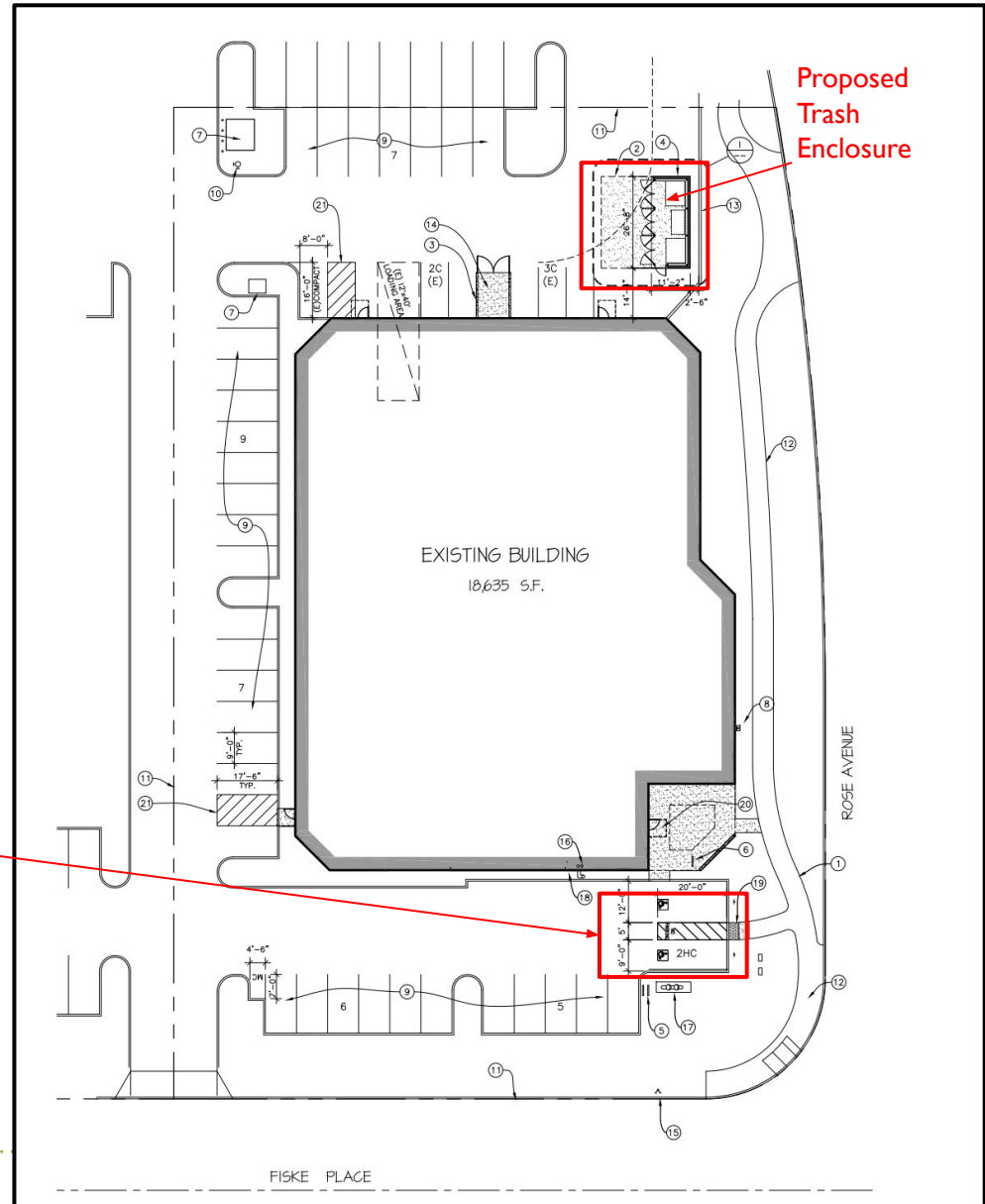


Existing Conditions

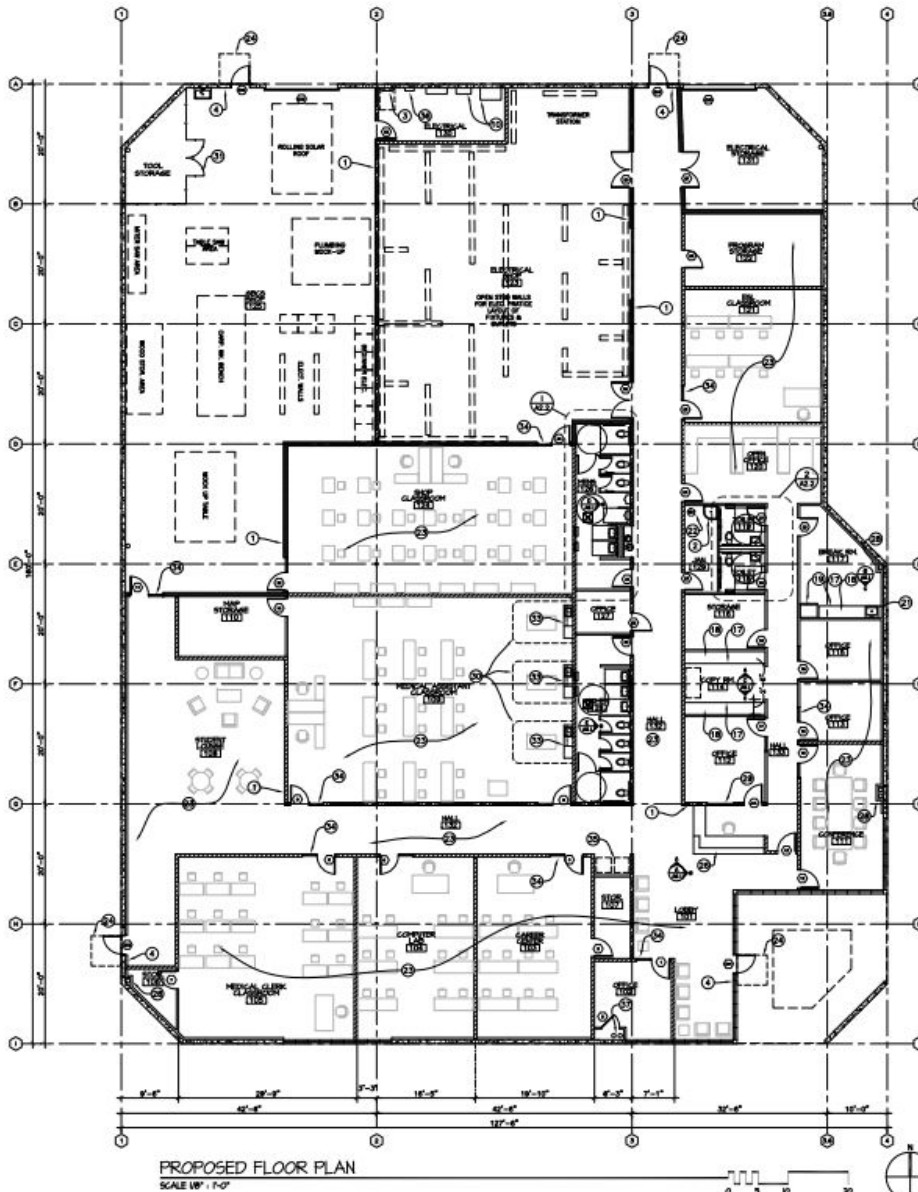
View from Rose Avenue looking West and East



ADA Parking and Landscape Modifications



Proposed Trade School Floor Plan



Proposed Trade School Interior Breakdown:

- Office Space 5,283 SF
- Classroom Space 5,351 SF
- Shop Space 5,174 S.F
- Storage 1,361 S.F.

Parking Compliance

USE	PARKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-622(F)	REQUIRED PARKING PER OCC 16-651	TOTAL PARKING PROVIDED	PARKING STUDY PEAK DEMAND DATED 2-2-2023
Existing vacant industrial building of approximately 18,635 square feet-proposed to be used as a Trade School Facility	One space per 75 square feet of classroom building area One space per 250 square feet of offices and other areas The applicant is requesting a reduction of required parking spaces in accordance with OCC Section 16-651	124	42	40

Elevations



EXISTING WEST ELEVATION



EXISTING EAST ELEVATION

NOT TO SCALE

Elevations (cont'd)



Existing North Elevation

Public Comments

- A Community Workshop was not required since the Project is not located within a City's designated neighborhood.
- No public comments were received at the Community Development Director Hearing.
- The Project was advertised for a public hearing on July 6, 2023.
- To date, staff has not received public comments regarding the project.

Key Conditions of Approval

- Condition #28:

Any changes to the interior classroom square footages, interior/exterior expansions, and or an increase on the number of students and staff members (51 students, 5 staff, 3 instructors, & 1 guest speaker) as listed on the submitted parking study dated February 2, 2023, shall be subject to a minor modification to the plans or a major modification as determined by the Community Development Department.

General Plan and Zoning Code Consistency

General Plan:

- A. The proposed use of an existing vacant industrial building with a trade school facility is consistent with the General Plan Land Use Designation of Industrial Limited and with the Project site's zoning designation of M-L-PD. The zoning district is characterized by administrative manufacturing activities and wide range of other supporting uses including trade schools. The project will be consistent with the City's General Plan Policy CD-1.6, CD-3.1, CD-4.2, CD-18.1, CD-2.1, and CD-5.2, Compatible Land Uses, Public Facilities, and Neighborhood Preservation as no facade improvement will be done to the existing building maintaining the existing character of the neighborhood.

Zoning Code:

- B. The proposed trade school facility will be consistent with the City's zoning designation with the approval of the Development Design Review (DDR) and administrative parking relief under OCC Sections 16-163.

Environmental Review

- In accordance with Section 15301 (Class I, Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as in-fill development may be found to be exempt from the requirements of CEQA. The project includes:
 - The use of an existing 18,635 square-foot vacant industrial building for the operation of a trade school.
 - The project involves “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” and involves minor interior and exterior tenant improvements to the existing industrial building does not involve expansion of square footage of building area.
- No Exception to the Exemptions (Section 15300.2) apply to defeat the Exemption.
- A Notice of Exemption will be filed.

Staff Recommendation

That the Planning Commission:

- A. Finds 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 the Resolution approving Planning and Zoning Permit No. 22-200-10 (Development Design Review Permit) subject to certain findings and conditions.

End of Presentation