



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Serena Gonzalez, Assistant Planner

DATE: April 4, 2024

SUBJECT: **Project Name: 5208-5230 Cypress Road Acquisition General Plan Conformity;** Planning and Zoning Permit No. 24-625-01 (General Plan Conformity Determination) - 2030 General Plan Conformity Determination, 5208-5230 Cypress Road; APN(s): 222-0-042-120, 222-0-042-110

- 1) **Recommendation:** That the Planning Commission (“**Commission**”):
 - a) Find the acquisition of real property located at 5208-5230 Cypress Road Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
 - b) Adopt Resolution 2024-XX affirming that the City of Oxnard’s acquisition of real property located at APN(s): 222-0-042-120 and 222-0-042-110 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.
- 2) **Project Description:** The City of Oxnard (“**Applicant**” or “**City**”) is considering the acquisition of real property located at 5208-5230 Cypress Road (APN(s): 222-0-042-120, 222-0-042-110). The property to be acquired consists of two parcels totaling 1.5 acres. The Oxnard Housing Department proposes to acquire this real property located at 5208-5230 Cypress Road for the purposes of a future housing. However, any future use would be in compliance with the approved City of Oxnard Downtown Code, or any applicable regulations in effect at the time of the project.

For purposes of this Staff Report, the foregoing project description shall be referred to as the (“**Project**”). Requested by Elsa Brown, Development Manager, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030.

- 3) **Existing & Surrounding Land Uses:** The subject property currently consists of a developed parcel totaling 1.5 acres. The properties are located in the City of Oxnard Downtown area at 5208-5230 Cypress Road. The following tables describes the General Plan Land Use Designations, Zoning Designations, and existing land uses of the Property and properties immediately adjacent to them, which are also illustrated in Attachment A:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Vacant
North	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family
South	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family
East	Residential Low Medium (RLM)	Multiple Family Residential Planned Development (R2-PD)	Multi-family
West	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family

- 4) **Background Information:** The Oxnard Housing Department proposes to acquire real property located at 5208-5230 Cypress Road for the City of Oxnard for the future development of affordable housing.
- 5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the “CEQA Guidelines”), the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption (Attachment B), attached to the staff report. The proposed determination simply fulfills the City’s obligation under Government Code Section 65402 to find the acquisition of any real property in conformance with the 2030 General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.
- 6) **Analysis:**
 - a) **Government Code:** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.

- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the Properties are Residential Low Medium (RLM) and the zoning designation are Residential Multi-Family (R2). The land use designation and zone allows for multi-family residential developments. Also, as noted above the property is zoned R2, any additional or future development of the subject properties would be subject to the standard and uses allowed under the R2 zoning district and the RLM land use designation.

As such, the proposed acquisition of this property would conform to the City's 2030 General Plan land use designation because any future development would be subject to the City's entitlement process, and must comply with all applicable zoning regulations, which implements many of the 2030 General Plan policies as identified in the table below.

POLICY	POLICY OR TITLE	EXPLANATION
H-2.2	Balanced Opportunities Provide opportunities to the private and public sectors for the production of housing that meets the needs of special needs, extremely low-, very low-, low-, moderate, and above moderate-income housing to achieve a balanced community.	The acquisition would allow for the potential development of affordable housing, subject to permit requirements, meeting the needs of the lower income communities.
CD-1.5	Housing Variety Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single family units.	The acquisition supports the development of vacant land within the City and allows for the creation of new housing units in order to comply with the City's Housing Element and housing goals as outlined in the General Plan.
CD-9.2	Revitalization and Redevelopment As part of the City's redevelopment programs and planning, promote the revitalization of residential, commercial, and industrial properties that are deteriorated or detract from the visual quality of the City.	

CD-8.1	Limiting Development Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	Any future development and/or use on this site would be considered in-fill development that will be served by existing services.
---------------	---	--

7) Summary and Conclusion:

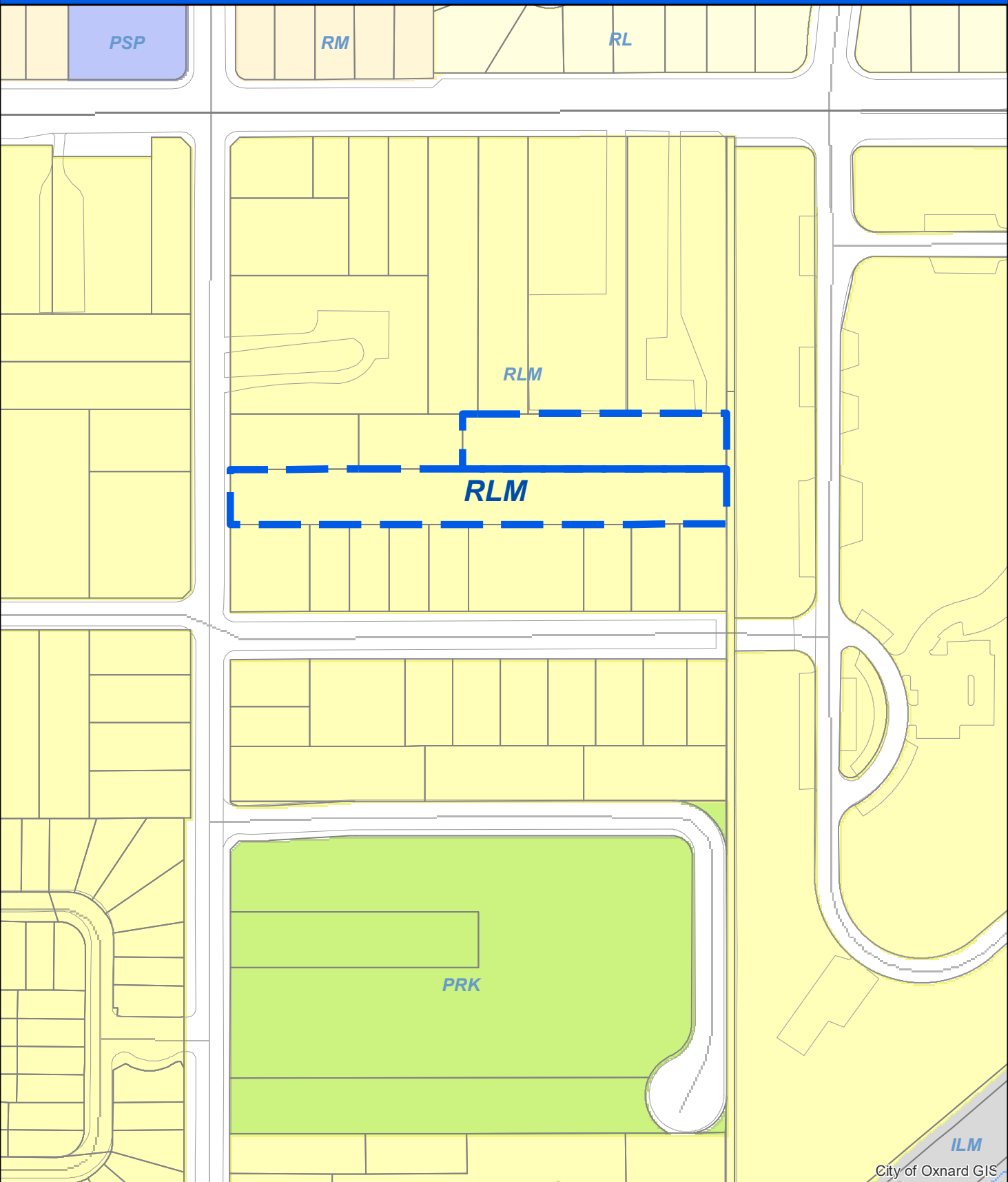
The acquisition of the property to support the redevelopment of underutilized property in the City is consistent with the City 2030 General Plan. Therefore, after review of the proposed acquisition of this property, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's determination that the proposed acquisition conforms with the 2030 General Plan.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Notice of Exemption
- C. Draft Planning Commission Resolution
- D. Staff Presentation

The map displays the coastal area of San Juan, California, bounded by the Santa Clara River to the north and the North Pacific Ocean to the south. Major thoroughfares include Harbor Blvd running north-south along the coast, and Ventura Blvd running east-west. A dense network of residential streets is shown, including Victoria Ave, Kentia St, and various local streets like Arcturus Ave. A yellow callout box with the text "PZ 24-625-01" is positioned over a specific location on Arcturus Ave, near the intersection with San Juan Ave. The map also shows the Santa Clara River flowing through the northern part of the area and the North Pacific Ocean to the south.

2030 General Plan Land Use Map



City of Oxnard GIS



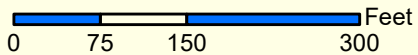
Oxnard Planning
February 21, 2024

PZ 24-625-01

Location: 5208-5230 Cypress Rd

APN: 2220042120, 2220042110

Cypress Rd DP Consistency



2030 General Plan Land Use Map



1:2,000

Zoning/Specific Plan Map



Oxnard Planning

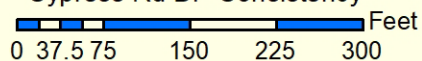
February 21, 2024

PZ 24-625-01

Location: 5208-5230 Cypress Rd

APN: 2220042120, 2220042110

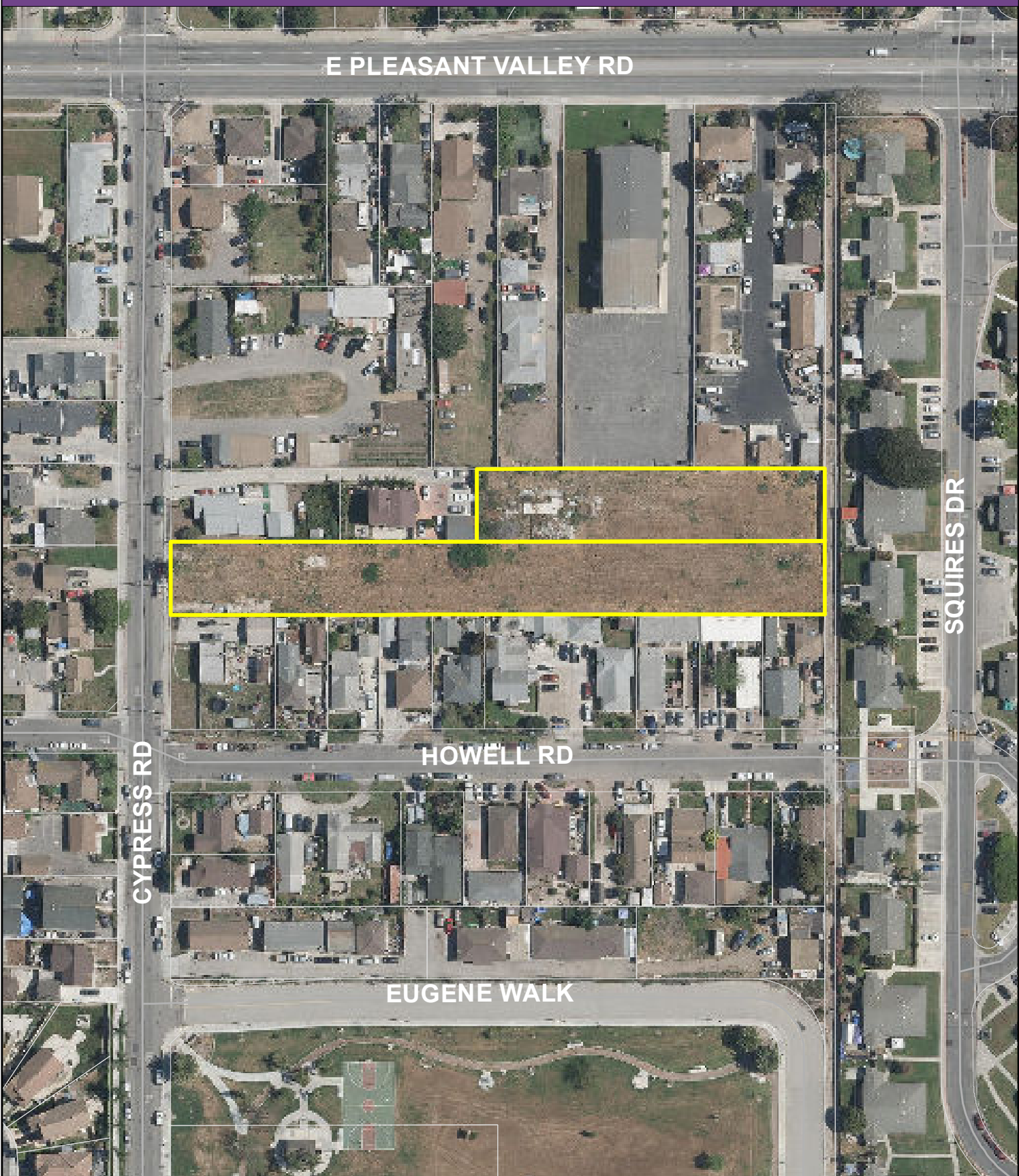
Cypress Rd DP Consistency



Zoning/Specific Plan Map



1:2,000



E PLEASANT VALLEY RD

SQUIRES DR

CYPRESS RD

HOWELL RD

EUGENE WALK



NOTICE OF EXEMPTION (NOE)

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Oxnard
Community Development Department
214 South C Street
Oxnard, CA 93030

To: Ventura County Clerk-Recorder &
Registrar of Voters
Hall of Administration, Main Plaza
800 South Victoria Avenue,
Ventura, CA 93009-1260

Project Title: 5208-5230 Cypress Road Acquisition General Plan Conformity

Project Applicant: Elsa Brown, Development Manager, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030.

Project Location - Specific: 5208-5230 Cypress Road; County of Ventura; APN(s): 222-0-042-120, 222-0-042-110

Description of Nature, Purpose and Beneficiaries of Project: The project request is General Plan Conformity Determination in accordance with Government Code Section 65402 associated with the acquisition of real property located at 5208-5230 Cypress Road. The property to be acquired consists of two parcels totaling 1.5 acres. The Oxnard Housing Department proposes to acquire real property located at 5208-5230 Cypress Road for a private and undetermined use. The property is located at 5208-5230 Cypress Road.

Name of Public Agency Approving Project (Lead Agency): City of Oxnard

Name of Person or Agency Carrying Out Project (Applicant): Elsa Brown, Development Director, City of Oxnard

Exempt Status: (check one):

Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: [15378(b)(5)]

Reason(s) why project is exempt:

Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on

the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5)). The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find the acquisition of any real property in conformance with the General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA. Therefore, the Planning Commission and City Council have determined that there is no substantial evidence that the project will have a significant effect on the environment, the project is exempt from the provisions of CEQA, and there is no requirement to prepare an environmental document.

Lead Agency Contact Person: Serena Gonzalez; Assistant Planner; (805) 385-7952

Joe Pearson II, AICP
Planning and Environmental Services Manager
City of Oxnard

Date

Note: Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE CITY OF OXNARD PROPOSED ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 5208 - 5230 CYPRESS ROAD (APN(S): 222-0-042-120 and 222-0-042-110) IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE. REQUESTED BY ELSA BROWN, DEVELOPMENT MANAGER, ON BEHALF OF THE CITY OF OXNARD, 435 SOUTH D STREET, OXNARD, CA 93030.

WHEREAS, The City of Oxnard is proposing to acquire real property located at 5208-5230 Cypress Road (APN(s): 222-0-042-120, 222-0-042-110) (the “**Property**”); and

WHEREAS, The City of Oxnard is the owner of record of this property; and

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

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

WHEREAS, The subject property is designated Residential Low Medium (RLM) by the City’s 2030 General Plan and are zoned Residential Multi-Family (R2); and

WHEREAS, The acquisition of this property, as documented in the staff report, would be consistent General Plan policies regarding the future development and use of the sites; and

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

WHEREAS, on March 21, 2024, the Planning Commission considered the proposed acquisition of real property located at 5208-5230 Cypress Road in light of the Oxnard 2030 General Plan and the requirements of Government Code section 65402.

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

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

SECTION 2. Based on the findings set forth herein, and on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission hereby determines that the proposed City's disposition of the subject Property is in conformity with the Oxnard 2030 General Plan.

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

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of April, 2024.

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 4th day of April, 2024, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

5208-5230 Cypress Road Acquisition General Plan Conformity

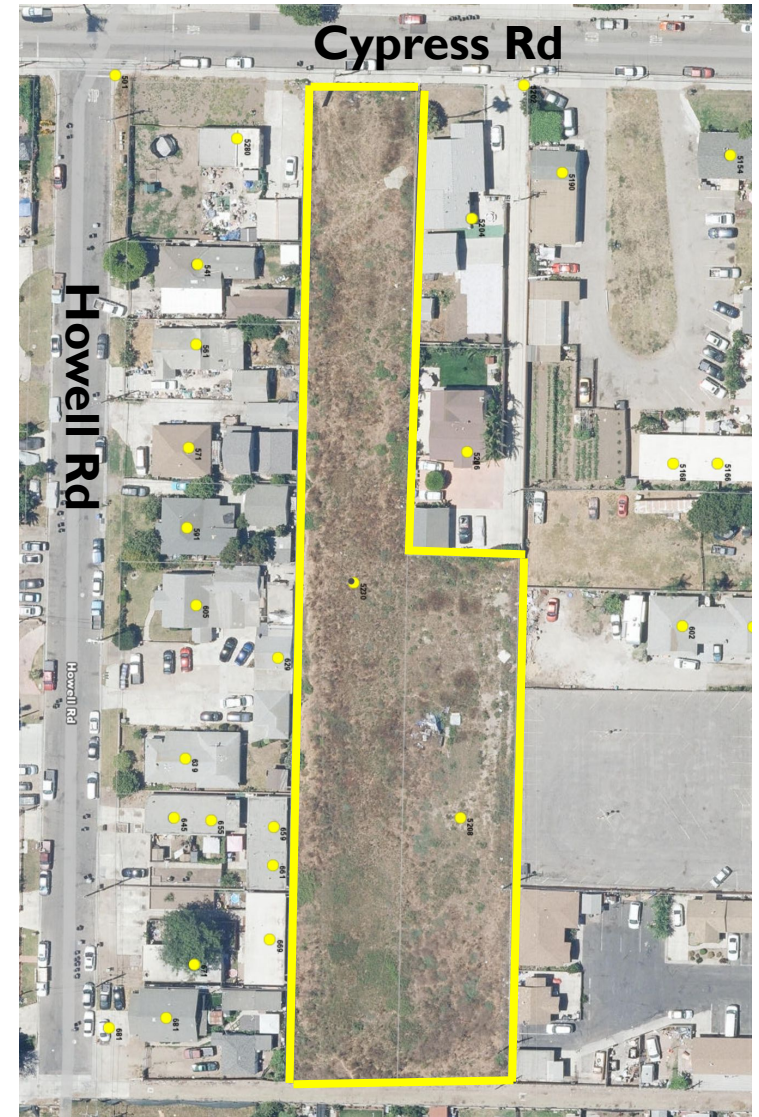
Applicant: Elsa Brown, Development Manager

Serena Gonzalez, Assistant Planner

Planning Commission
April 4, 2024

PROJECT DESCRIPTION

- 2030 General Plan
Conformity Determination
for Acquisition of Real
Property located at 5208 -
5230 Cypress Road.
- The purpose of the
acquisition is to allow for
development of a vacant
property and support the
development of affordable
housing.
- The property is 1.5 acres



EXISTING SITE

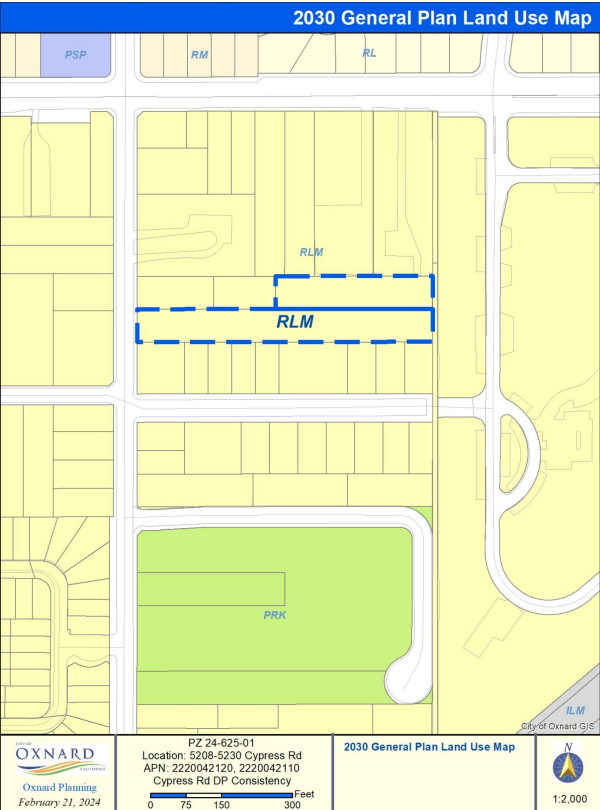
Subject Site: 5208-5230 Cypress Road

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Vacant
North	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family
South	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family
East	Residential Low Medium (RLM)	Multiple Family Residential Planned Development (R2-PD)	Multi-family
West	Residential Low Medium (RLM)	Multiple Family Residential (R2)	Multi-family

GENERAL PLAN & ZONING MAPS

General Plan Land Use Designation



Residential Low Medium (RLM)

Zoning Designation



Residential Multi-Family (R2)

BACKGROUND

- The Oxnard Housing Department proposes to acquire real property located at 5208-5230 Cypress Road for a private and undetermined use. The acquisition of this property will allow for the future development of housing.
- As a requirement of any sale of the properties the project would be required to go through the City's entitlement process, including compliance with the California Environmental Quality Act.

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

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

GENERAL PLAN CONSISTENCY

- The City's 2030 General Plan land use designation for 5208-5230 Cypress Road is Residential Low Medium (RLM) and the zoning designation is Residential Multi-Family (R2), which allows for the development of housing.
 - CD-1.5 Housing Variety
 - CD-9.2 - Revitalization and Redevelopment
 - CD-8.1 - Limiting Development

Environmental Determination

Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5)).

Any subsequent improvement to the property will be separately examined in accordance with CEQA.

STAFF RECOMMENDATION

That the Planning Commission:

- a) Find the acquisition of improved real property located at 5208-5230 Cypress Road Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
- b) Adopt Resolution 2024-XX affirming that the City of Oxnard acquisition of real property located at APN(s): 222-0-042-120, 222-0-042-110 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Joe Pearson II, Planning and Environmental Services Manager

DATE: April 4, 2024

SUBJECT: **Project Name: Meta Street Property Acquisition General Plan Conformity;** Planning and Zoning Permit Number 24-625-03 (General Plan Conformity Determination); 2030 General Plan Conformity Determination for Acquisition of Unimproved Real Property. Located on Meta Street between 5th Street and 6th Street (APN 201-0-213-150)

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

- a) Find the acquisition of unimproved real property located on Meta Street and referenced with APN 201-0-213-150 is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
- b) Adopt Resolution 2024-XX affirming that the City of Oxnard’s acquisition of unimproved real property located at APN 201-0-213-150 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.

2) **Project Description and Applicant:** The City of Oxnard (“Applicant” or “City”) is considering the acquisition of real property located at APN 201-0-213-150 on Meta Street between 5th Street and 6th Street is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council acquire the property. The site is located within the 2030 General Plan land use designation of Downtown (DTN) and is zoned Downtown General (DT-G) in the City of Oxnard.

Requested by Emilio Ramirez, Housing Director, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030. For purposes of this Staff Report, the foregoing project description shall be referred to as the (“**Project**”).

3) **Existing & Surrounding Land Uses:** The subject property currently consists of a vacant unimproved real property located on Meta Street between 5th Street and 6th Street. The following tables describes the General Plan Land Use Designations, Zoning Designations, and existing land uses of the Property and properties immediately adjacent to them, which are also illustrated in Attachment A:

Location	General Plan	Zoning	Existing Land Use
Project Site	Downtown (DTN)	Downtown General	Vacant

		(DT-G)	
North	Downtown (DTN)	Downtown General (DT-G)	Vacant (Approved of developments of 88 unit Aspire Apartments project)
South	Downtown (DTN)	Downtown General (DT-G)	Vacant
East	Downtown (DTN)	Downtown General (DT-G)	Single Family Home
West	Downtown (DTN)	Downtown General (DT-G)	Multi Family

- 4) **Background Information:** The Housing Department proposes to acquire a vacant and unimproved parcel located on the east side of Meta Street between Fifth Street and Sixth Street in downtown Oxnard and referenced with an assessor parcel number of 201-0-213-150. The Housing Department intends to assemble the parcel with real property to the south and currently owned by the City of Oxnard with a proposed future mixed-use development.
- 5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the “CEQA Guidelines”), the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption (Attachment B), attached to the staff report. The proposed determination simply fulfills the City’s obligation under Government Code Section 65402 to find acquisition of any real property in conformance with the 2030 General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.
- 6) **Analysis:**
 - a) **Government Code:** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as

to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.

- b) **General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is for “DTN” uses which allows mixed-use developments including retail and residential. Approval of this real property acquisition has been determined to be consistent with the General Plan and the property’s land use designation.

As such, the proposed acquisition of this property would conform to the City’s 2030 General Plan land use designation because any future development would be subject to the City’s entitlement process, and must comply with all applicable zoning regulations, which implements many of the 2030 General Plan policies as identified in the table below.

POLICY	POLICY OR TITLE	EXPLANATION
H-2.2	Balanced Opportunities Provide opportunities to the private and public sectors for the production of housing that meets the needs of special needs, extremely low-, very low-, low-, moderate, and above moderate-income housing to achieve a balanced community.	The acquisition would allow for the potential of a mixed-use development including jobs producing retail and affordable housing, subject to permit requirements, meeting the needs of the lower income communities.
H-2.3	Adequate Infrastructure Ensure that residential development sites have appropriate and adequate public and private services and facilities, including wastewater collection and treatment, potable and recycled water supply, utilities, parks, schools, and other neighborhood infrastructure.	This property is located in the urban Downtown area. The Downtown area currently has access to all necessary public and private services and facilities. The Property is also in close proximity to the Oxnard Transit Center.
CD-4.2	Commercial Revitalization and Redevelopment Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining	The acquisition supports the potential development of new development in the Downtown area, supporting the ongoing revitalization effort.

	neighborhoods and increase overall jobs, sales and property valuation.	
CD-9.2	Revitalization and Redevelopment As part of the City’s redevelopment programs and planning, promote the revitalization of residential, commercial, and industrial properties that are deteriorated or detract from the visual quality of the City.	
CD-8.1	Limiting Development Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	Any future development and use on this site would be considered in-fill development that will be served by existing services.

7) **Summary and Conclusion:**

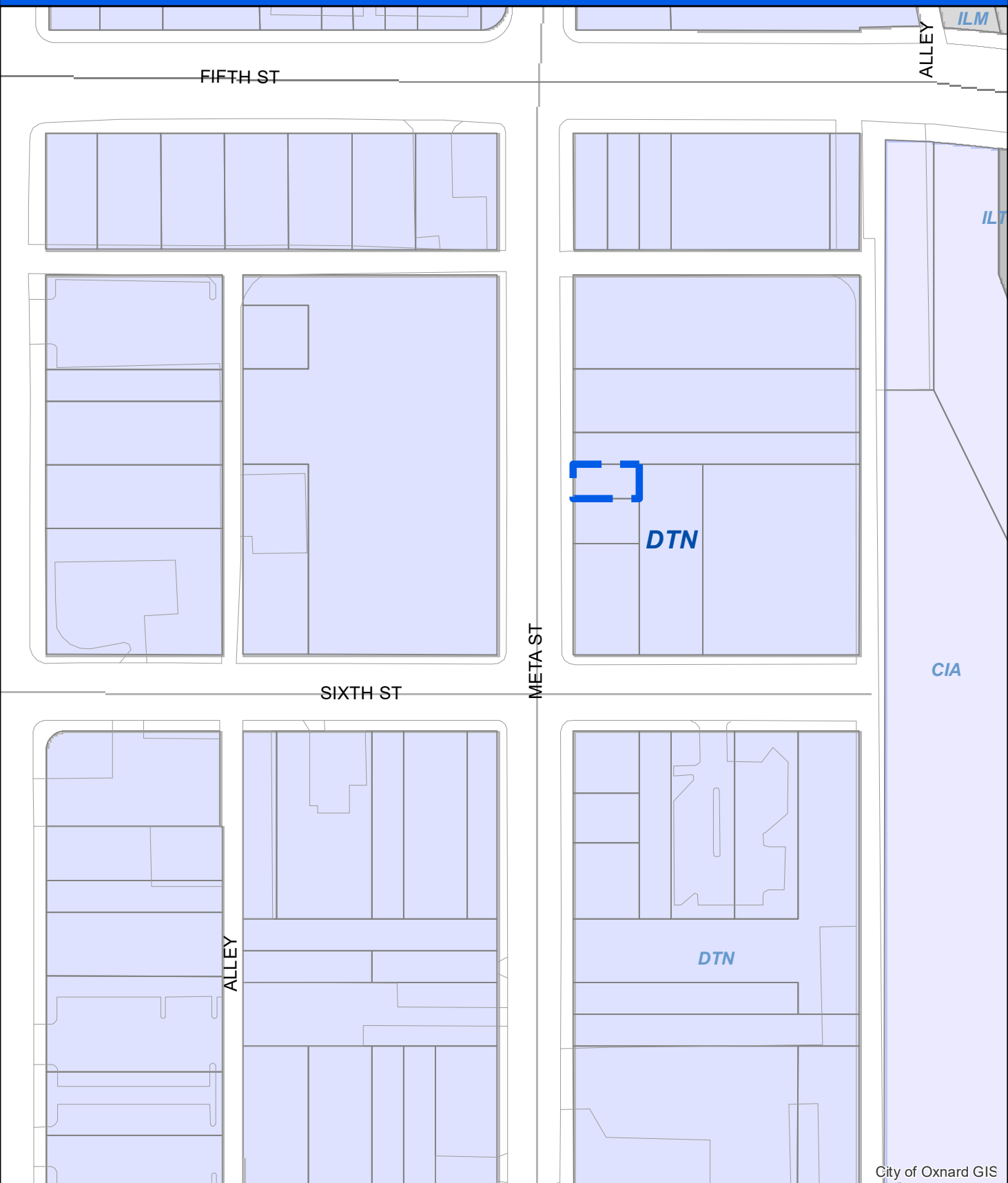
The acquisition of the property to support the development of affordable housing in the Downtown area is consistent with the City 2030 General Plan. Therefore, after review of the proposed acquisition of this property, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission’s determination that the proposed acquisition conforms with the 2030 General Plan.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Notice of Exemption
- C. Draft Planning Commission Resolution
- D. Staff Presentation

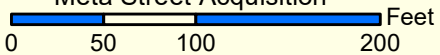


2030 General Plan Land Use Map



Oxnard Planning
March 13, 2024

PZ 24-625-03
Location: Meta St
APN: 2010213150
Meta Street Acquisition



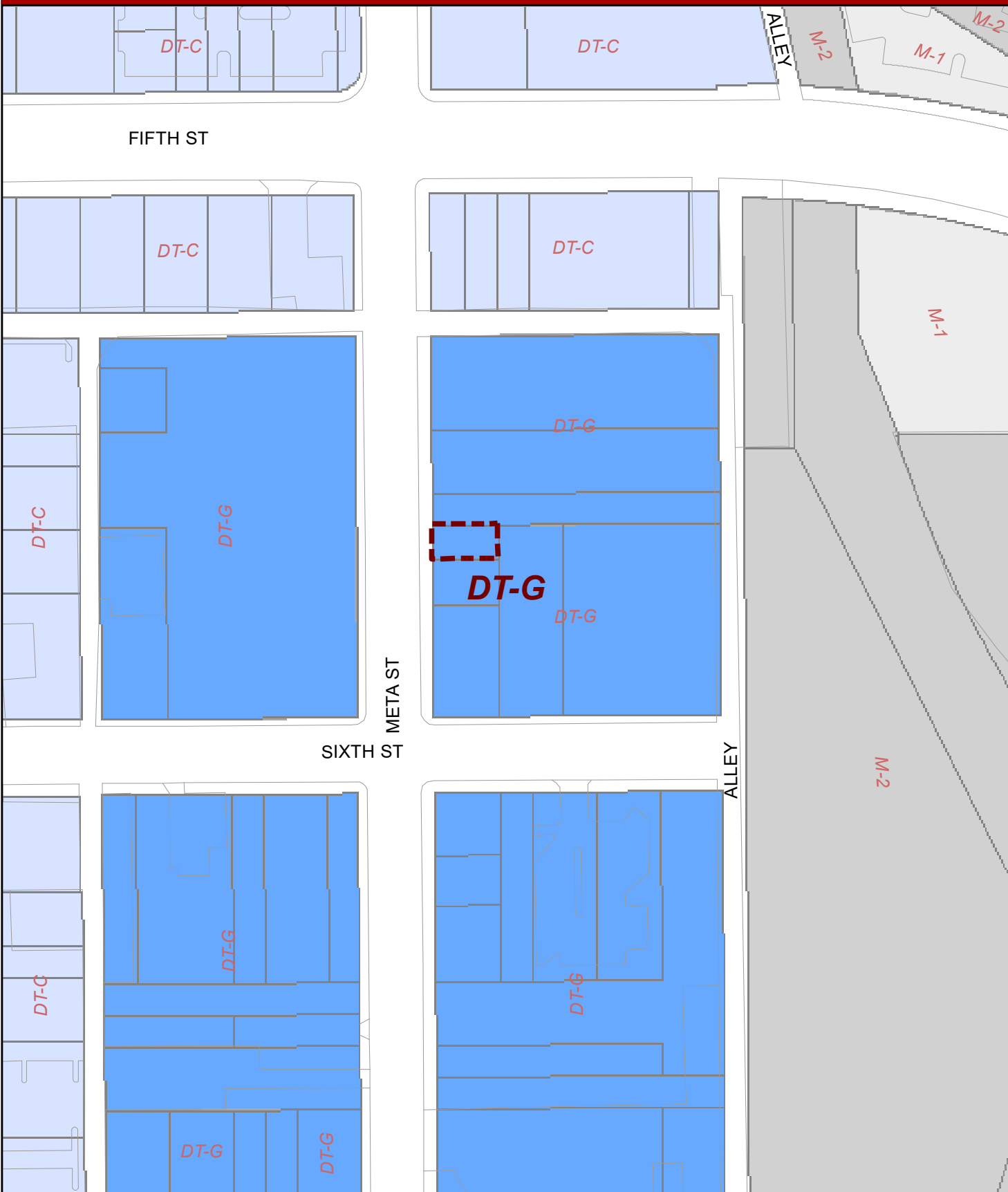
2030 General Plan Land Use Map



1:1,250

City of Oxnard GIS

Zoning/Specific Plan Map



Oxnard Planning

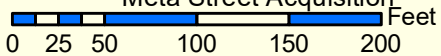
March 13, 2024

PZ 24-625-03

Location: Meta St

APN: 2010213150

Meta Street Acquisition



Zoning/Specific Plan Map



1:1,250



NOTICE OF EXEMPTION (NOE)

☐ **To:** Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Oxnard
Community Development Department
214 South C Street
Oxnard, CA 93030

☐ **To:** Ventura County Clerk-Recorder &
Registrar of Voters
Hall of Administration, Main Plaza
800 South Victoria Avenue,
Ventura, CA 93009-1260

Project Title: Meta Street Property Acquisition General Plan Conformity

Project Applicant: Emilio Ramirez, Housing Director, on behalf of the City of Oxnard

Project Location - Specific: Meta Street between 5th Street and 6th Street (APN 201-0-213-150)

Description of Nature, Purpose and Beneficiaries of Project: The property to be acquired consists of approximately 1400 square feet of real property located at APN 201-0-213-150 on Meta Street between 5th Street and 6th Street. The City of Oxnard proposes to acquire the property for the future development of affordable housing or mixed use. The beneficiary of the project is the City of Oxnard.

Name of Public Agency Approving Project (Lead Agency): City of Oxnard

Name of Person or Agency Carrying Out Project (Applicant): Emilio Ramirez, Housing Director, on behalf of the City of Oxnard

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Section 15061(b)(3) and Section 15378(b)(5)

Reason(s) why project is exempt: Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a

significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption. The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find acquisition of any real property in conformance with the 2030 General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

Lead Agency Contact Person: Joe Pearson II, Planning and Environmental Services Manager,
805-385-8272

Joe Pearson II, AICP
Planning and Environmental Services Manager
City of Oxnard

Date

Note: Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE CITY OF OXNARD PROPOSED ACQUISITION OF CERTAIN REAL PROPERTY LOCATED ON META STREET BETWEEN FIFTH STREET AND SIXTH STREET (APN 201-0-213-150) IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE. REQUESTED BY EMILIO RAMIREZ, HOUSING DIRECTOR, ON BEHALF OF THE CITY OF OXNARD, 435 SOUTH D STREET, OXNARD, CA 93030.

WHEREAS, The City of Oxnard, is proposing to acquire real property located Meta Street between 5th Street and 6th Street (APN 201-0-213-150 (the “Property”)); and

WHEREAS, Alice C Flores Trust is the owner of record of this property; and

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

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

WHEREAS, the subject property is designated Downtown by the City’s 2030 General Plan and are zoned Downtown General; and

WHEREAS, the acquisition of this property, as documented in the staff report, would be consistent General Plan policies regarding the future development and use of the sites; and

WHEREAS, the acquisition of the property and the ultimate use of the property is consistent with the land use designation on the subject site. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, on April 4, 2024, the Planning Commission considered the proposed acquisition of real property located on Meta Street between 5th Street and 6th Street in light of the Oxnard 2030 General Plan and the requirements of Government Code section 65402.

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

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

SECTION 2. Based on the findings set forth herein, and on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission hereby determines that the proposed City's acquisition of the subject Property is in conformity with the Oxnard 2030 General Plan.

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

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of April, 2024.

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 4th day of April, 2024, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

Meta Street Property Acquisition General Plan Conformity

Applicant: Emilio Ramirez, Housing Director
Joe Pearson II, Planning Manager
Planning Commission
April 4, 2024

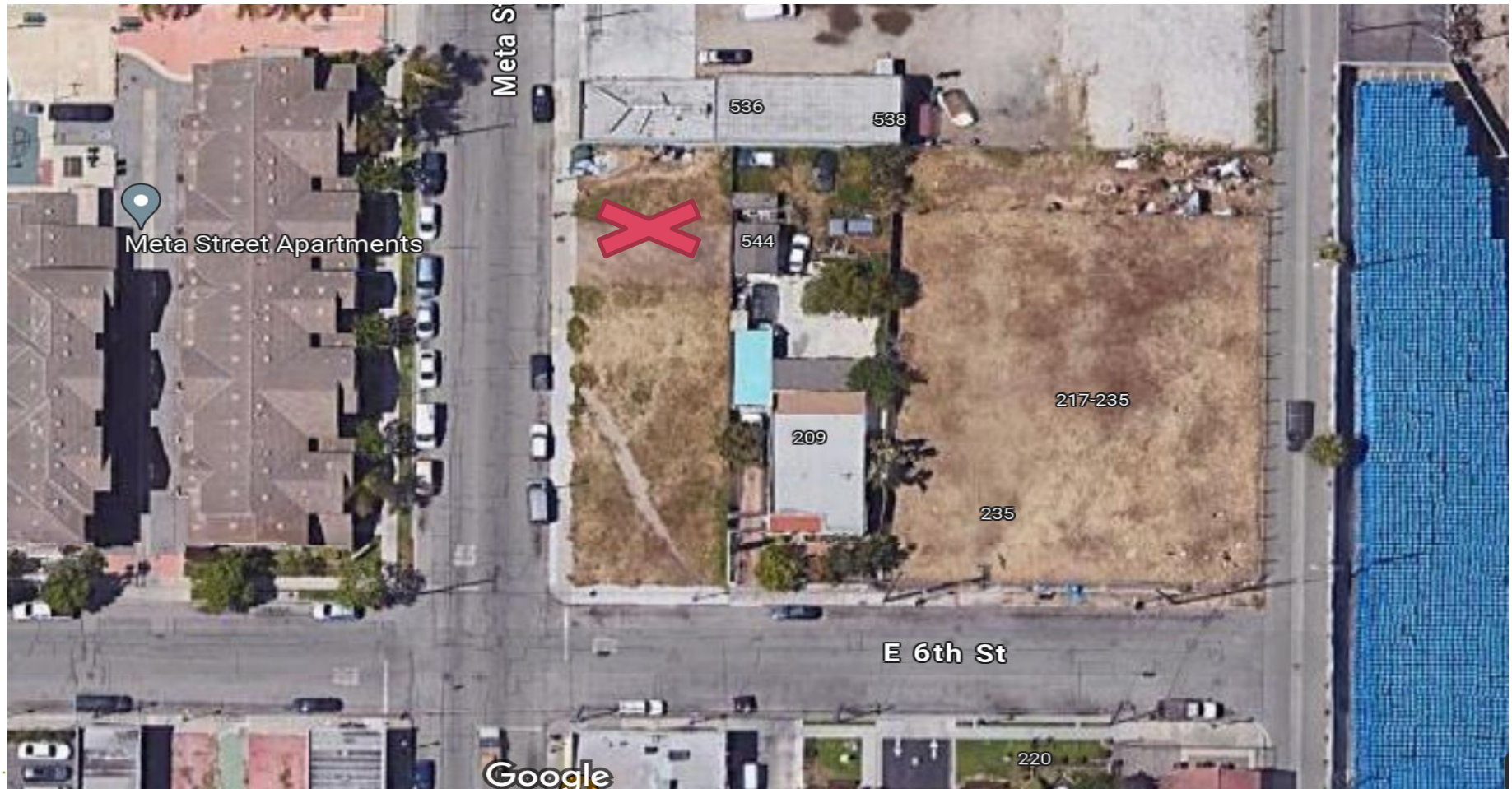
PROJECT DESCRIPTION

- 2030 General Plan Conformity Determination for Acquisition of Real Property on Meta Street Between 5th Street and 6th Street
- Acquisition for a mixed use development
- APN 201-0-213-150
- 1401 square feet



PROJECT LOCATION

Subject Site: Located on Meta Street between 5th and 6th Street



EXISTING SITE

Meta Street Between 5th Street and 6th Street (APN 201-0-213-150)

Location	General Plan	Zoning	Existing Land Use
Project Site	Downtown (DTN)	Downtown General (DT-G)	Vacant
North	Downtown (DTN)	Downtown General (DT-G)	Vacant (Approved of developments of 88 unit Aspire Apartments project)
South	Downtown (DTN)	Downtown General (DT-G)	Vacant
East	Downtown (DTN)	Downtown General (DT-G)	Single Family Home
West	Downtown (DTN)	Downtown General (DT-G)	Multi Family

GENERAL PLAN & ZONING MAPS

General Plan Land Use



Downtown (DT)

Zoning



Downtown General (DT-G)

BACKGROUND

1. The Oxnard Housing Department proposes to acquire unimproved real property located on Meta Street between 6th Street and 5th Street to assemble with surrounding unimproved real property currently owned by the City of Oxnard
2. The Oxnard Housing Department will seek a future development of a yet to be defined mixed-use complex including affordable housing
3. Any future project would be required to go through the City's entitlement process, including compliance with the California Environmental Quality Act

65402 DETERMINATION

1. Government Code Section 65402, requires that real property acquisition or disposition, street vacation or abandonment, public building or structure construction be consistent with the General Plan and Local Coastal Land Use Plan as to location, purpose and extent.
2. The Planning Commission review and verification is documented through a resolution finding the acquisition of this real property is in conformity with the 2030 General Plan.

The City's 2030 General Plan land use designation for Meta Street Between 5th Street and 6th Street (APN 201-0-213-150) is Downtown (DT) and the zoning designation is Downtown General (DT-C), which allows for the development of housing.

Environmental Determination

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).
2. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

STAFF RECOMMENDATION

That the Planning Commission:

1. Find the acquisition of unimproved real property located on Meta Street Between 5th Street and 6th Street (APN 201-0-213-150) exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
2. Adopt Resolution 2024-XX affirming that the City of Oxnard's acquisition of real property located on Meta Street Between 5th Street and 6th Street (APN 201-0-213-150) is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Joe Pearson II, Planning and Environmental Services Manager

DATE: April 4, 2024

SUBJECT: Project Name: 3941-3951 Saviers Road Acquisition General Plan Conformity; Planning and Zoning Permit Number 24-625-04 (General Plan Conformity Determination); 2030 General Plan Conformity Determination for Acquisition of 3941 and 3951 Saviers Road (APN 205-0-275-265)

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

- a) Find the acquisition of 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265 is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
- b) Adopt Resolution 2024-XX affirming that the City of Oxnard’s acquisition of 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.

2) **Project Description and Applicant:** A request that the Planning Commission adopt a resolution affirming that the Housing Authority of the City of Oxnard’s acquisition of a eight unit apartment complex located at 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265 is in conformance with the City of Oxnard 2030 General Plan and recommending that the Board of Commissioner acquire the property. The 0.28 acre site is located within the 2030 General Plan land use designation of Commercial General (CG) and zoned General Commercial (C-2) in the City of Oxnard.

Requested by Emilio Ramirez, Housing Director, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030, on behalf of the property owner which is the City of Oxnard. For purposes of this Staff Report, the foregoing project description shall be referred to as the (“**Project**”).

3) **Existing & Surrounding Land Uses:** Existing 8-unit apartment complex

Location	General Plan	Zoning	Existing Land Use
Project Site	Commercial General (CG)	General Commercial (C-2)	8 Unit Multi-Family
North	Commercial General	General Commercial	Multi-Family

	(CG)	(C-2)	
South	Commercial General (CG)	General Commercial (C-2)	Commercial
East	Commercial General (CG)	General Commercial (C-2)	Office
West	Residential Low (RL)	Single Family (R-1)	Single-Family

- 4) **Background Information:** The Housing Department proposes to acquire an existing 8-unit apartment complex located 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265. The Housing Authority of the City of Oxnard intends to own and operate the existing apartment complex.
- 5) **Environmental Determination:** Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the “CEQA Guidelines”), the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption (Attachment B), attached to the staff report. The proposed determination simply fulfills the City’s obligation under Government Code Section 65402 to find acquisition of any real property in conformance with the 2030 General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.
- 6) **Analysis:**
 - a) **Government Code:** California Government Code Section 65402(a) requires that a Finding of General Plan Conformity be made by the Planning Commission and reported to the City Council prior to any acquisition, disposition, vacation, or abandonment of any real City property by the City. Specifically, the Planning Commission is to determine as to whether the location, purpose, and extent of such proposed real property transaction is in conformance with the 2030 General Plan.
 - b) **General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is for “Commercial General” uses which multi-family uses of up to 18 units to the acre. Approval of this real property acquisition has been determined to be consistent with the General Plan and the property’s land use designation.

As such, the proposed acquisition of this property would conform to the City’s 2030 General Plan land use designation because any future development would be subject to

the City's entitlement process, and must comply with all applicable zoning regulations, which implements many of the 2030 General Plan policies as identified in the table below.

POLICY	POLICY OR TITLE	EXPLANATION
H-2.2	Balanced Opportunities Provide opportunities to the private and public sectors for the production of housing that meets the needs of special needs, extremely low-, very low-, low-, moderate, and above moderate-income housing to achieve a balanced community.	The acquisition would allow for provision of affordable housing.
H-2.3	Adequate Infrastructure Ensure that residential development sites have appropriate and adequate public and private services and facilities, including wastewater collection and treatment, potable and recycled water supply, utilities, parks, schools, and other neighborhood infrastructure.	This property is an existing and served 8-unit apartment complex.
CD-4.2	Commercial Revitalization and Redevelopment Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.	The property is not subject to redevelopment
CD-9.2	Revitalization and Redevelopment As part of the City's redevelopment programs and planning, promote the revitalization of residential, commercial, and industrial properties that are deteriorated or detract from the visual quality of the City.	

CD-8.1	Limiting Development Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	Any future development and use on this site would be considered in-fill development that will be served by existing services.
---------------	---	---

7) Summary and Conclusion:

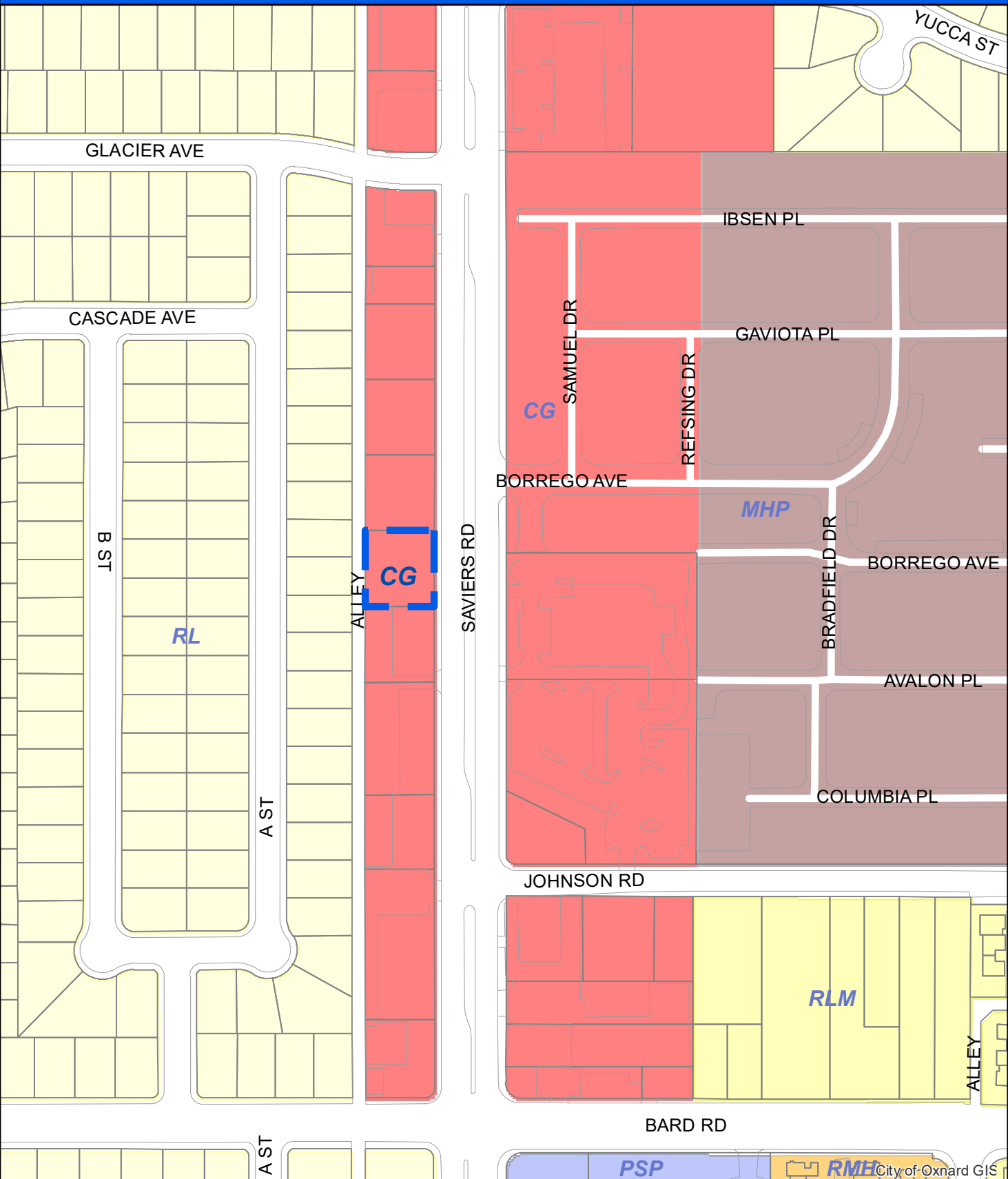
The acquisition of the property supports the provision of affordable housing and is consistent with the City 2030 General Plan. Therefore, after review of the proposed acquisition of this property, staff recommends that the Planning Commission adopt the attached Resolution memorializing the Planning Commission's determination that the proposed acquisition conforms with the 2030 General Plan.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Notice of Exemption
- C. Draft Planning Commission Resolution
- D. Staff Presentation



2030 General Plan Land Use Map



Oxnard Planning
March 26, 2024

PZ 24-625-04
Location: 3941-3951 Saviers Rd
APN: 2050275265
General Plan Conformity

0 75 150 300 Feet

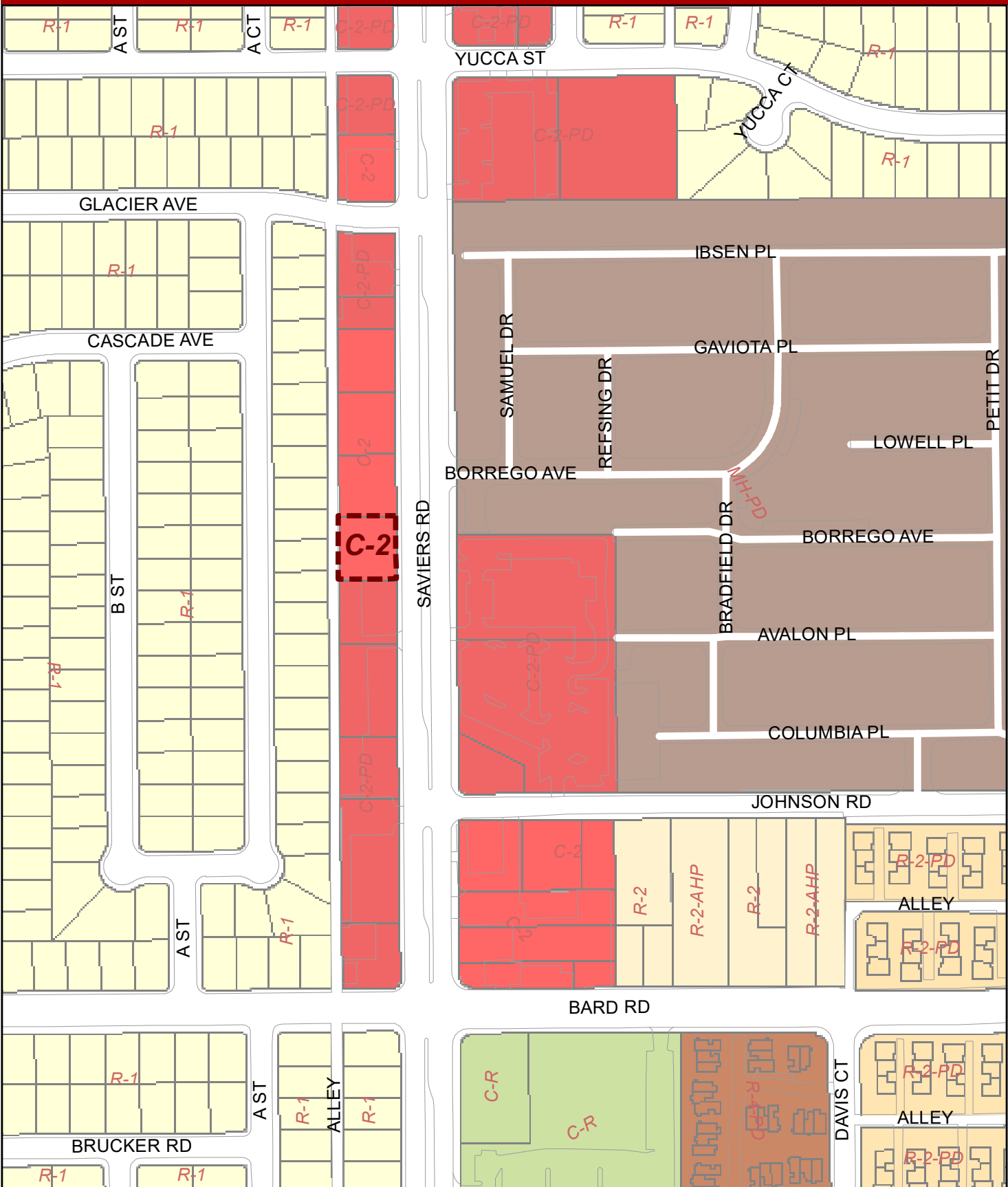
2030 General Plan Land Use Map



1:2,500

City of Oxnard GIS

Zoning/Specific Plan Map



Oxnard Planning

March 26, 2024

PZ 24-625-04
 Location: 3941-3951 Saviers Rd
 APN: 2050275265
 General Plan Conformity
 037.55 150 225 300 Feet

Zoning/Specific Plan Map



1:3,000



SAST

SAVIER RD

BORREGO AVE



NOTICE OF EXEMPTION (NOE)

☐ **To:** Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Oxnard
Community Development Department
214 South C Street
Oxnard, CA 93030

☐ **To:** Ventura County Clerk-Recorder &
Registrar of Voters
Hall of Administration, Main Plaza
800 South Victoria Avenue,
Ventura, CA 93009-1260

Project Title: 3941-3951 Saviers Road Acquisition General Plan Conformity

Project Applicant: Emilio Ramirez, Housing Director, on behalf of the City of Oxnard

Project Location - Specific: 3941 and 3951 Saviers Road, Oxnard, CA; (APN 205-0-275-265);
County of Ventura

Description of Nature, Purpose and Beneficiaries of Project: The property to be acquired consists of approximately 0.28 acres of real property located in an eight unit apartment complex located at 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265. The Housing Authority of the City of Oxnard intends to own and operate the existing apartment complex. The beneficiary of the project is the City of Oxnard.

Name of Public Agency Approving Project (Lead Agency): City of Oxnard

Name of Person or Agency Carrying Out Project (Applicant): Emilio Ramirez, Housing Director, on behalf of the City of Oxnard

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Section 15061(b)(3) and Section 15378(b)(5)

Reason(s) why project is exempt: Pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations Sections 15000 et seq., the "CEQA Guidelines"), the proposed General Plan Conformity Determination does not constitute a "project" for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a

significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5), and staff recommends that the Planning Commission accept the Notice of Exemption. The proposed determination simply fulfills the City's obligation under Government Code Section 65402 to find acquisition of any real property in conformance with the 2030 General Plan. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

Lead Agency Contact Person: Joe Pearson II, Planning and Environmental Services Manager,
805-385-8272

Joe Pearson II, AICP
Planning and Environmental Services Manager
City of Oxnard

Date

Note: Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE HOUSING AUTHORITY OF THE CITY OF OXNARD PROPOSED ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 3941 SAVIERS ROAD AND 3951 SAVIERS ROAD (APN 205-0-275-265) IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE. REQUESTED BY THE OXNARD HOUSING DEPARTMENT

WHEREAS, The Housing Authority of the City of Oxnard, is proposing to acquire real property located at 3941 Saviers Road and 3951 Saviers Road (APN 205-0-275-265) (the “Property”); and

WHEREAS, Ronald Jenny is the owner of record of this property; and

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

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

WHEREAS, the subject property is designated Commercial General by the City’s 2030 General Plan and are zoned General Commercial; and

WHEREAS, the acquisition of this property, as documented in the staff report, would be consistent General Plan policies regarding the future use of the site; and

WHEREAS, the acquisition of the property and the ultimate use of the property is consistent with the land use designation on the subject site. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, on April 4, 2024, the Planning Commission considered the proposed acquisition of real property located at 3941 Saviers Road and 3951 Saviers Road in light of the Oxnard 2030 General Plan and the requirements of Government Code section 65402.

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

SECTION 1. The Planning Commission, in accordance with Section 21065 of the California Environmental Quality Act (CEQA), finds that its determination of whether the proposed District’s acquisition of the subject Properties is consistent with the Oxnard 2030 General Plan is not a “Project” for purposes of CEQA and State CEQA Guidelines since the determination does not result in either a direct physical change in the environment, or a

reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).

SECTION 2. Based on the findings set forth herein, and on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission hereby determines that the proposed City's acquisition of the subject Property is in conformity with the Oxnard 2030 General Plan.

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

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of April, 2024.

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 4th day of April, 2024, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

3941-3951 Saviers Road Acquisition General Plan Conformity

Applicant: Emilio Ramirez, Housing Director
Joe Pearson II, Planning Manager
Planning Commission
April 4, 2024

PROJECT DESCRIPTION

- 2030 General Plan Conformity Determination for Acquisition of Real Property located 3941 Saviers Road and 3951 Saviers Road
- Acquisition existing eight unit apartment complex by the Housing Authority of the City of Oxnard



PROJECT LOCATION

Subject Site: Located at 3941 Saviers Road and 3951 Saviers Road



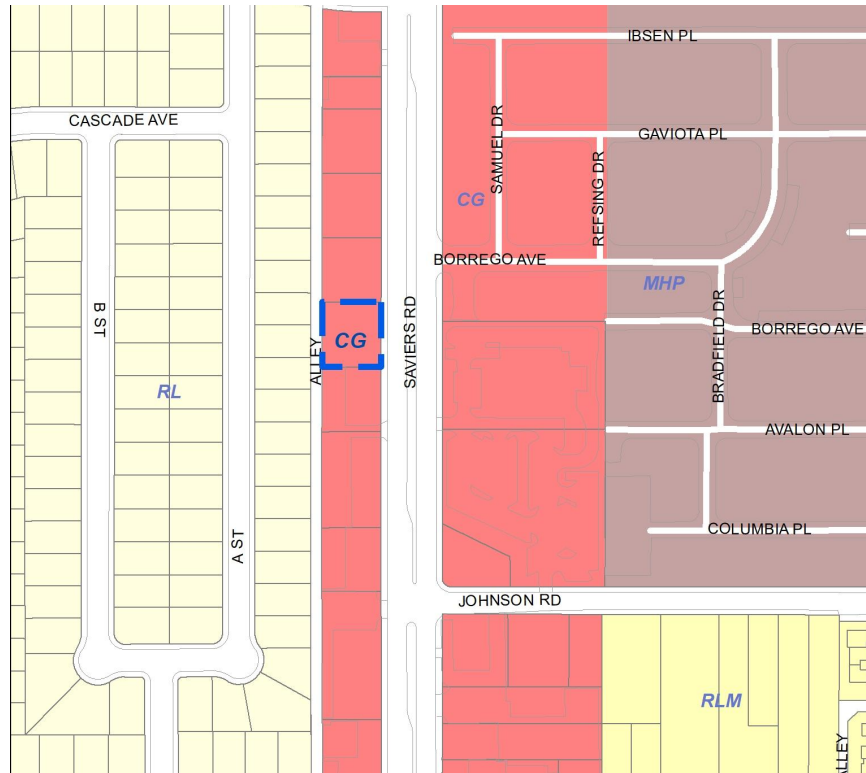
EXISTING SITE

3941 and 3951 Saviers Road (APN 205-0-275-265)

Location	General Plan	Zoning	Existing Land Use
Project Site	Commercial General	General Commercial	8 Unit Multi-Family
North	Commercial General	General Commercial	Multi-Family
South	Commercial General	General Commercial	Commercial
East	Commercial General	General Commercial	Office
West	Residential Low	Single Family	Single-Family

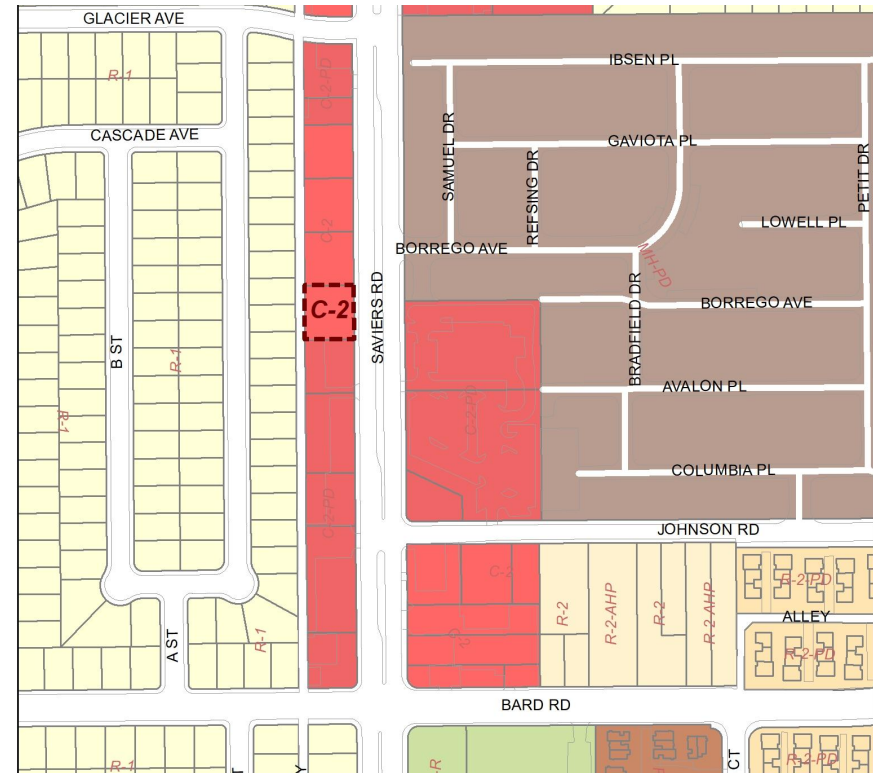
GENERAL PLAN & ZONING MAPS

General Plan Land Use



Commercial General

Zoning



General Commercial

BACKGROUND

1. The Housing Authority of the City of Oxnard proposes to acquire an existing 8 unit apartment complex located at 3941 Saviers Road and 3951 Saviers Road
2. The Housing Authority of the City of Oxnard will operate the existing 8 unit apartment complex

65402 DETERMINATION

1. Government Code Section 65402, requires that real property acquisition or disposition, street vacation or abandonment, public building or structure construction be consistent with the General Plan and Local Coastal Land Use Plan as to location, purpose and extent.
2. The Planning Commission review and verification is documented through a resolution finding the acquisition of this real property is in conformity with the 2030 General Plan.

GENERAL PLAN CONSISTENCY

The City's 2030 General Plan land use designation for 3941 Saviers Road and 3951 Saviers Road (APN 205-0-275-265) is Commercial General (CG) and the zoning designation is General Commercial (C-2), which allows multi-family uses of up to 18 units to the acre

ENVIRONMENTAL DETERMINATION

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed General Plan Conformity Determination does not constitute a “project” for the purposes of CEQA because the determination will not result in direct or indirect physical changes in the environment and there is no possibility it will have a significant effect on the environment (CEQA Guidelines Section 15061(b)(3) and Section 15378(b)(5).
2. Any subsequent improvement to the property will be separately examined in accordance with CEQA.

STAFF RECOMMENDATION

That the Planning Commission:

- a. Find the acquisition of 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265 is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
- b. Adopt Resolution 2024-XX affirming that the City of Oxnard's acquisition of 3941 and 3951 Saviers Road and referenced with APN 205-0-275-265 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the acquisition.



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Marcum Caldwell, Associate Planner

DATE: April 4, 2024

SUBJECT: **Project Name: MGB Speedy Mart Alcohol Special Use Permit;** Planning and Zoning Permit No. 23-510-04 (Special Use Permit - Alcohol): Located at 1055 Patterson Road (APN: 185-0-120-035).

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

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2024-XX approving Planning and Zoning Permit No. 23-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.

2) Project Description and Applicant: A request for approval of a Special Use Permit (SUP) to upgrade existing type 20 license (beer and wine) to an Alcohol Beverage Control (ABC) License Type 21¹ license to sell distilled spirits for off-site consumption at an exiting 3,042 square-foot commercial suite within a 8,214 square-foot building for the existing convenience store/market on a 0.85 acre site located at 1055 Patterson Road (APN: 185-0-120-035) within the Commercial Convenience - Planned Development (C-1-PD) zone (Attachment A). Alcohol sales shall be limited to 7:00 a.m. to 12 midnight daily. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Alex Woo, Designated Agent, on behalf of property owner Oceana Plaza LLC, 300 E Esplanade Dr., Oxnard CA 93036.

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

3) Existing & Surrounding Land Uses: The 0.85 -acre Project site is currently developed with a 8,214 square-foot shopping center located within the Commercial Convenience - Planned Development (C-1-PD) zoning district. The Project site is surrounded by a mixture

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

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

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Convenience (CCV)	Neighborhood Shopping Center Planned Development (C-1-PD)	Shopping Center
North	Residential Medium (RM)	Garden Apartment Planned Development (R3PD)	Multiple - Family Residential
South	City of Port Hueneme	City of Port Hueneme	Single - Family Residential (across Wooley Rd)
East	Residential Low (RL)	Single Family Residential (R1- PD)	Single - Family Residential (across Patterson Ave)
West	Residential Medium (RM)	Garden Apartment Planned Development (R3PD)	Multiple - Family Residential

- 4) Background Information:** The applicant currently operates a convenience market with incidental sales of beer and wine for off-site consumption as permitted and regulated by the State of California, Department of Alcoholic Beverage Control through a Type 20 (Off-Sale Beer and Wine) ABC license. The applicant is proposing to upgrade the existing ABC license to a Type 21 (Off-Sale General) which would allow the sale of general liquor for off-site consumption in addition to beer and wine.

Planned Development Permit Number 300 was approved by the Planning Commission on February 24, 1977, allowing the development of the retail center and permitting the convenience market to sell beer and wine under the ABC Type 20 license. An upgrade to an ABC Type 21 license requires a major modification to the planned development permit. The standards for granting a planned development permit or major modification thereto in the C-1-PD zone are the same as for a special use permit or a major modification thereto.

The Oxnard Police Department has reviewed the application for a major modification to the planned development permit with City Council Resolution No. 8597. There are no other on-site or off-site licenses within 600 feet of the subject site therefore, the Police Department has determined that there is not an over-saturation issue. The Oxnard Police Department has recommended approval of the requested application.

5) Environmental Determination:

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

6) Analysis:

- a) **General Discussion:** The Applicant proposes a request to replace an existing license (ABC Type 20) with a new license (ABC Type 21) to authorize the sales of beer, wine, and distilled spirits within a 3,042 square-foot liquor store for off-site consumption within an existing multi-tenant commercial building within an existing 8,214 square-foot multi-tenant commercial building with an associated parking lot however, no change to the square footage of the structure is proposed. The project includes a request to sell beer, wine, and distilled spirits for off-site consumption (ABC License Type 21) from 7:00 a.m. to 12 midnight.

Proposed tenant improvements include installing shelving behind the cashier area for retail display of distilled spirits. A new camera and alarm system will also be installed and will meet or exceed the Police Department requirements.

The project will require compliance with lighting standards which meets or exceeds Police Department requirements specified in the Police Report Alcohol Review Memo including a photometric plan which demonstrates compliance with Title 24 Energy Standards, lumens, directionality, shielding, color temperature, compatibility with landscaping including trees, and required hours of illumination. A photometric plan will be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

In accordance with the C-1-PD zone, the ability to sell alcohol for off-site consumption is subject to approval of a SUP by the Planning Commission.

- b) **General Plan & Zoning Consistency:** The 2030 General Plan designation for the site is Commercial Convenience (CCV) and the zoning designation is for Neighborhood Shopping Center - Planned Development (C-1-PD). General Plan Policy ICS-19.2

encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.

The Project is proposed in the Neighborhood Shopping Center - Planned Development (C-1-PD) zone district. In accordance with Oxnard City Code (OCC) Section 16-123 (Related Uses within the C-1 zone), the sales of alcoholic beverages for consumption off-site are permitted through the approval of a Special Use Permit. Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

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

Concentration of Alcohol Outlets:

According to the Police report, there are no establishments of the same type located within 1,000 feet of the subject property. Based on the above findings, there is not an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

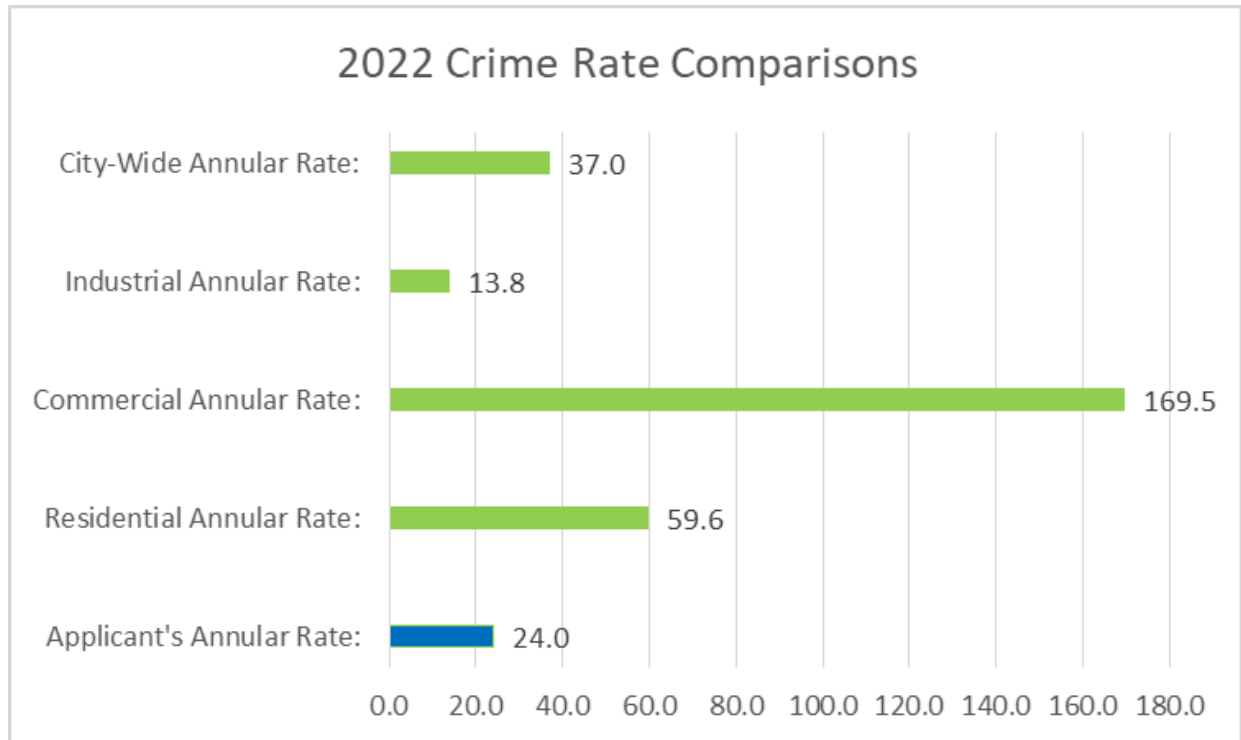
In the case of the applicant site, as seen in the next section, the annular crime rate is 64 percent below the average annular citywide rate and below the standard established in the California Business and Professions Code Section 23958.4. Currently there are two other off-sale licenses within the applicant's census tract. According to the ABC, six off-sale licenses are allowed within this census tract. Based on the above findings, there is not an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

Crime Statistics:

For comparison purposes, the Police Report analyzes the average number of Part I²

² Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.

crimes and Part II³ 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 37.0. The average number of Part I and II crimes in the applicant's 1,000 foot annular area is 24. This is 14% of the average for commercial properties citywide; therefore, the local crime rate is very low compared to other parts of the City. This is best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that he has concerns related to homeless loitering, drinking and using narcotics. This problem is significantly worse during hours of darkness as the lighting is not evenly distributed and almost non-existent in some areas of the shopping center. Because of these factors and that historically homeless loitering often at or near sources of cheap alcoholic beverages, the control of single sales may be appropriate for this business.

Community Input:

³ Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. No one had any objections to the applicant selling beer, wine and spirits.

Area Residents:

The Neighborhood Chairperson was contacted and briefed concerning the project and had no objection to the business selling alcoholic beverages.

Conclusion:

The applicant business, MGB Speedy Mart, has been operating under the current owner and an ABC Type 20 beer and wine license for over ten years. The operation of the store has not been a significant community or policing concern.

During site visits the Beat Coordinator's observations were confirmed. Although walkway lighting directly in front of the storefronts is appropriate and meets current outdoor lighting standards, the rest of the property is poorly illuminated. The parking lot is illuminated by roof mounted flood lights which are blinding and inappropriate and not legal for the setting. Research by Planning Staff could not find any permits for the parapet mounted flood lighting making them illegal and not up to current shopping center standards. The lighting issues were discussed with the applicant and the business owner. The owner recognized the problem and agreed that in order to stay competitive with other nearby convenience stores he would work with the property owner and property managers to make the appropriate changes at the shopping center. I explained to the applicant that the City scope of requiring lighting improvements would likely only include the parking area that serves the applicant business. Outdoor lighting standards are included in the conditions of approval and will apply whether the entire parking lot is brought up to current standards or just the area that serves the applicant business. 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. The proposed establishment is located where there are no other alcoholic beverage establishments within 1000-feet of the proposed establishment.

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

- 7) Community Workshop and Public Input:** This Project is located within the Sea View Estates Neighborhood. On February 1, 2024, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Sea View Estates Neighborhood.

Because the subject site is adjacent to multiple neighborhoods (areas outside of Sea View Estates) an additional mailing was made in a 1,000 foot radius from the subject site. The Applicant also provided a notice, on the Project site, with a brief description of the project and contact information. The Community Workshop was held on February 12, 2024. No members of the community were present at the Community Workshop for this item. Staff received no formal input from the public prior to the meeting.

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

- 8) Appeal Procedure:** In accordance with OCC Section 16-545 of the Oxnard City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the Planning Division's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

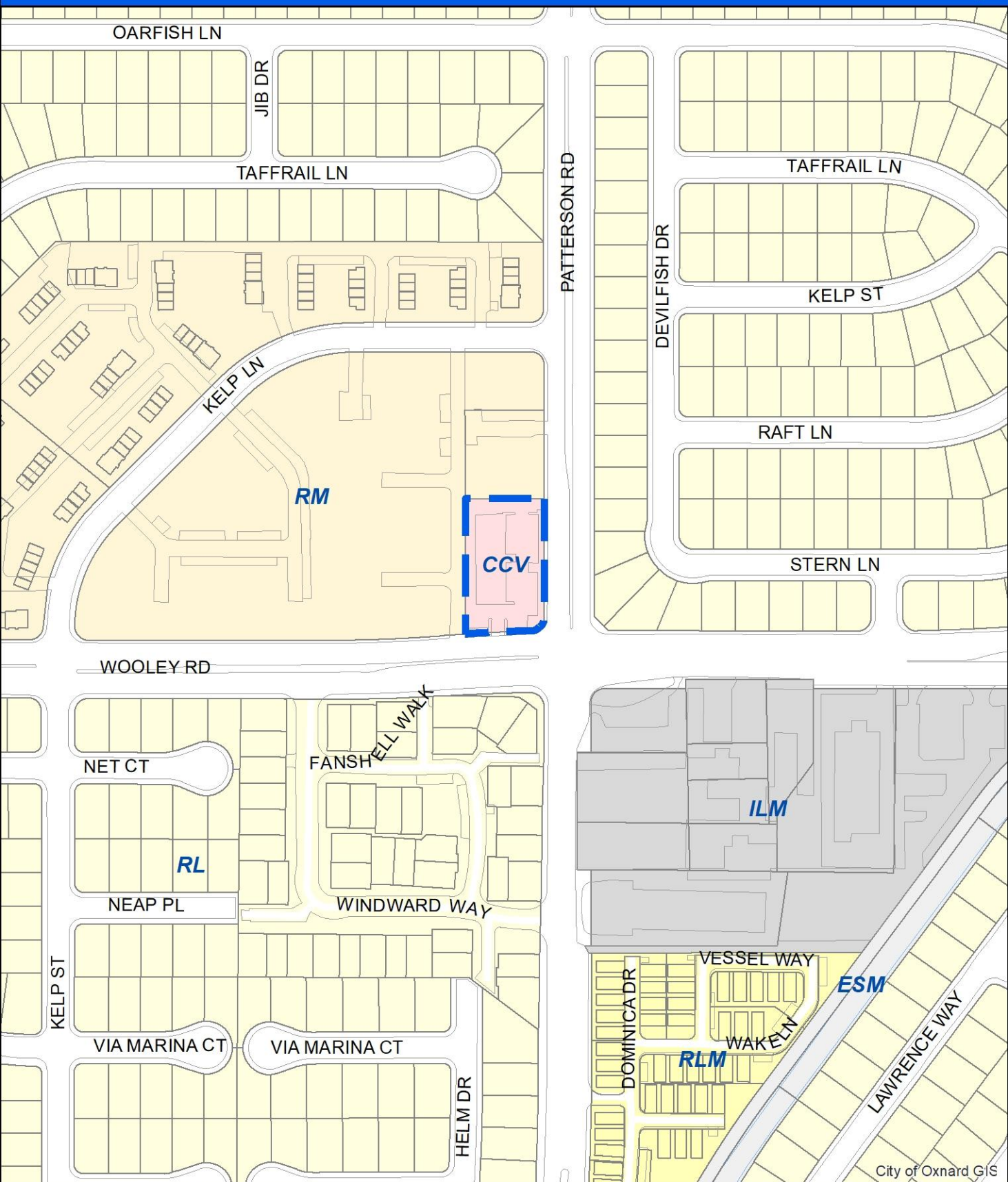
Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval PZ 23-510-04 (Special Use Permit - Alcohol)
- G. Staff Presentation

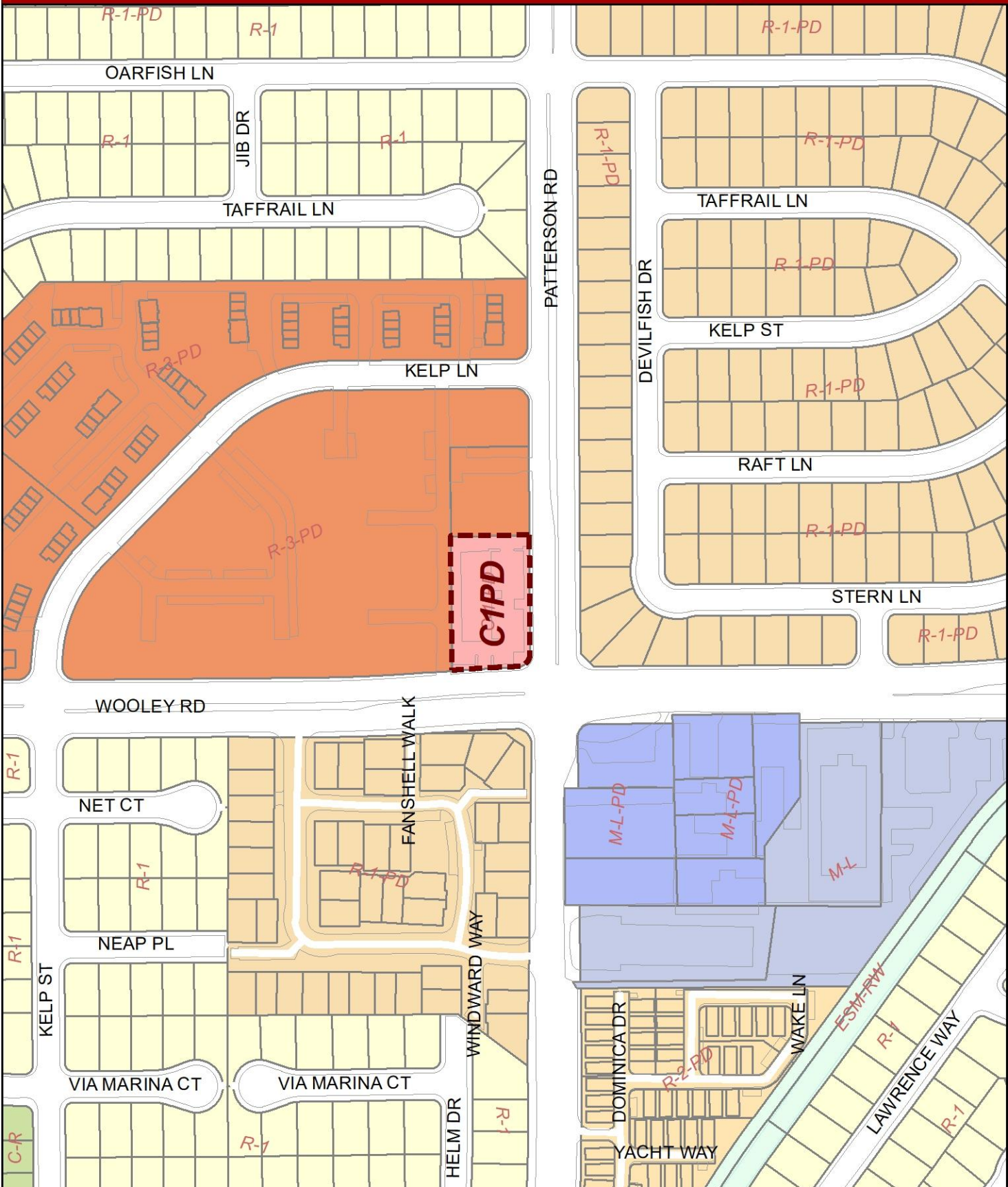
Vicinity Map



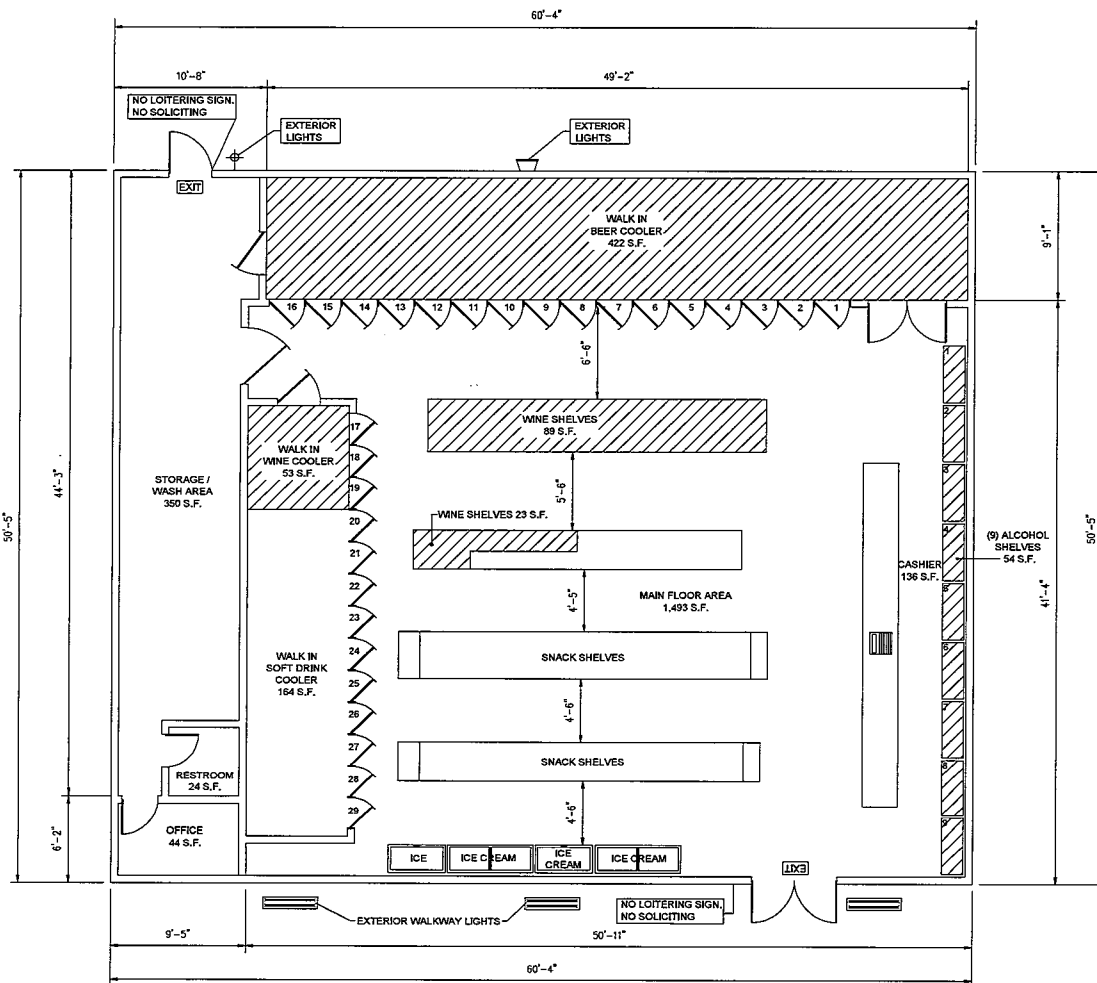
2030 General Plan Land Use Map



Zoning/Specific Plan Map







FLOOR AREA: (3,042 S.F.)

MAIN AREA:	1,493 S.F.
CASHIER :	136 S.F.
RESTROOM:	24 S.F.
OFFICE:	44 S.F.
WASH / STORAGE AREA	350 S.F.
WALK-IN COOLER SOFT DRINK:	164 S.F.
BEER WALK-IN COOLER :	422 S.F.
WINE WALK-IN COOLER :	53 S.F.
WINE SHELVES:	112 S.F.
ALCOHOL SHELVES:	54 S.F.
OTHERS:	190 S.F.
TOTAL:	3,042 S.F.

PARKING PROVIDED:	
PARKING SPACE:	38 PARKING SPACE
H.C. PARKING:	2 PARKING SPACE
TOTAL	40 PARKING SPACE

EXISTING FLOOR PLAN (3,042 SQ.FT.)

- EXISTING WALLS
- EXTERIOR WALKWAY LIGHTS
- EXTERIOR BUILDING LIGHTS

1' 2' 3' 4' 5' 10' 15'

SCALE: 1/4" = 1'-0"



REVISIONS	BY

GENESIS CONSULTING INC.
3433 WILSHIRE BLVD., STE. 1030
LOS ANGELES, CA 90010
OFFICE 213-228-3286
WWW.GCI.COM

OWNER INFORMATION

MCB MART
MUNZER A. ABDOLHAI
1055 PATTERSON RD.,
OXNARD, CA 93035

PROJECT INFORMATION

BEER & WINE SPEEDY MART
1055 PATTERSON RD.,
OXNARD, CA 93035

DATE 11-03-2023

SCALE 1/4" = 1'-0"

DRAWN G.P.

JOB

SHEET

A-2



NOTICE OF EXEMPTION (NOE)

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Oxnard
Community Development Department
214 South C Street
Oxnard, CA 93030

To: Ventura County Clerk-Recorder &
Registrar of Voters
Hall of Administration, Main Plaza
800 South Victoria Avenue,
Ventura, CA 93009-1260

Project Title: Mgb Speedy Mart Alcohol Special Use Permit

Project Applicant: Alex Woo

Project Location - Specific:

1055 S Patterson Ave, Oxnard, California 93035, Ventura County,
Assessor Parcel Number: 185-0-120-035

Description of Nature, Purpose and Beneficiaries of Project: Planning and Zoning Permit No. 23-510-04 (Special Use Permit - Alcohol): A request to replace an existing license (ABC Type 20) with a new license (ABC Type 21) to authorize the sales of beer, wine, and distilled spirits for off-site consumption within a 3,042 square-foot liquor store within an 8,214 square-foot multi-tenant commercial building on a 0.85-acre site located at 1055 Patterson Avenue (APN: 185-0-120-035) within the Neighborhood Shopping Center (C-1-PD) zone. No additional development is proposed. Alcohol sales are proposed from the hours of 7:00 a.m. to 12 midnight. Filed by Alex Woo, Designated Agent, on behalf of property owner Oceana Plaza LLC, 300 E. Esplanade Drive, Oxnard, CA 93036.

Name of Public Agency Approving Project (Lead Agency): City of Oxnard

Name of Person or Agency Carrying Out Project (Applicant): Alex Woo

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Existing Facilities 15301
- ☐ Statutory Exemptions. State code number: _____

Reason(s) why project is exempt: 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 replace an existing license (ABC Type 20) with a new license (ABC Type 21) to authorize the sales of beer, wine, and distilled spirits within a 3,042 square-foot liquor store for off-site consumption within an existing multi-tenant commercial building however, no increase in the square footage of the existing building is proposed. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and they hereby authorize and direct the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

Lead Agency Contact Person: Marcum Caldwell, Associate Planner, 805-385-7863

Joe Pearson II, AICP
Planning and Environmental Services Manager
City of Oxnard

Date

Note: Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



Police Department

Jason Benites, Chief of Police

February 26, 2024

To: Marcum Caldwell, Planner
Joe Pearson II, Planning Division Manager

From: Edgar Fernandez, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: MGB Speedy Mart 1055 Patterson Rd.
PZ 23-510-04, Alcohol SUP Review (ABC Type 21)

Site Information:

The applicant site is a unit within a neighborhood stripmall at the northwest corner of Patterson Road and Wooley Road. The location has served as a convenience store operating with an ABC Type 20 Off-Sale Beer and Wine License since 1979. The shopping center is located within the Sea View Estates Neighborhood.

The Sea View Estates Neighborhood is located west of Patterson Road, south of Fifth Street, east of Victoria Avenue and north of Wooley Road. It consists of single family homes, apartments and two shopping centers.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 21¹ License to sell beer, wine and spirits from 7:00 A.M. to 12 Midnight.. This site has operated as a "Grandfathered" legal non-conforming retail alcohol establishment since 2001 of City Council Ordinance 11,896 requiring Special Use Permits for retail alcohol sales sites.

¹ *Type 21 Off Sale Beer, Wine and Spirits – Issued to retail stores. Authorizes the sale of beer, wine and spirits for consumption off the premises where sold. 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.

There are no alcohol outlets within 1000-Feet of the applicant's site.

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, no businesses 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 annular crime rate is 64% of the average annular citywide rate. This shows the site as having a crime rate below the standard established in 23958.4(1) B&P.

The applicant's business is one of three off-sale sites within its census tract. The change of license type will not affect the concentration of establishments under State Standards.

Based on the above findings, there is not an undue concentration under the provisions of California Business and Professions Code Section 23958.4

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

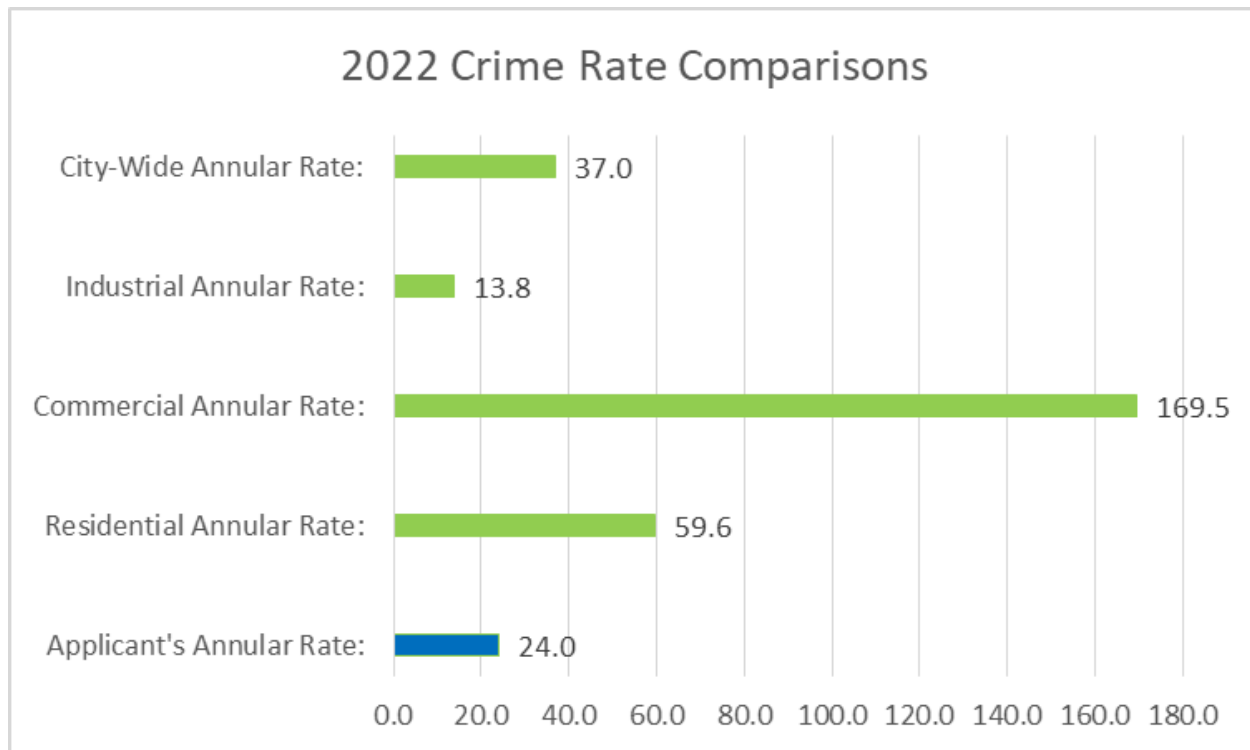
³ *Concentration Standards for the City of Oxnard: Council Resolution 11,896*

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.*

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 37.0.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 24. This is 14 % of the average for commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

The Beat Coordinator who is responsible for the day-to-day monitoring of activity and deployment of police resources for the surrounding area said that he has concerns related to homeless loitering, drinking and using narcotics. This problem is significantly worse during hours of darkness as the lighting is not evenly distributed and almost non-existent in some areas of the shopping center. Because of these factors and that historically homeless loitering often at or near sources of cheap alcoholic beverages, the control of single sales may be appropriate for this business.

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.

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. No one had any objections to the applicant selling beer, wine and spirits.

Area Residents:

The Neighborhood Chairperson was contacted and briefed on the nature of the project. He had no concerns regarding the applicant changing the business from a Type 20 to a Type 21 license.

Conclusion

The applicant business, MGB Speedy Mart, has been operating under the current owner and an ABC Type 20 beer and wine license for over ten years. The operation of the store has not been a significant community or policing concern.

During site visits the Beat Coordinator's observations were confirmed. Although walkway lighting directly in front of the storefronts is appropriate and meets current outdoor lighting standards, the rest of the property is poorly illuminated. The parking lot is illuminated by roof mounted flood lights which are blinding and inappropriate and not legal for the setting. Research by Planning Staff could not find any permits for the parapet mounted flood lighting making them illegal and not up to current shopping center standards. The lighting issues were discussed with the applicant and the business owner. The owner recognized the problem and agreed that in order to stay competitive with other nearby convenience stores he would work with the property owner and property managers to make the appropriate changes at the shopping center. I explained to the applicant that the City scope of requiring lighting improvements would likely only include the parking area that serves the applicant business. Outdoor lighting standards are included in the conditions of approval and will apply whether the entire parking lot is brought up to current standards or just the area that serves the applicant business.

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. The proposed establishment is located where there are no other alcoholic beverage establishments within 1000-feet of the proposed establishment.

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

Police Operating Conditions Off Sale - Convenience Store

RBS Training

- 1) Permittee and all sellers or servers shall complete an approved course in Responsible Beverage Sales and Service (RBSS) (available through the ABC website for the LEAD Program at www.abc.ca.gov/education/lead-training) within thirty (30) days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department.
- 2) The business owner/manager shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon demand.

Hours

- 3) Alcohol sales shall be limited to 7 a.m. to 12 Midnight.

Alcohol Control

- 4) All distilled spirits, not including cocktails and pre-mixed coolers, shall be displayed behind the cashier's counter and shall not be accessible by customers.
- 5) Single sales of alcoholic beverages shall be restricted as listed below:
 - a) Other than specialty beers and microbrews, beer, malt beverages and wine coolers in containers of 64oz in volume or less cannot be sold by single containers but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)
 - b) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madeira, Muscat and Vermouth are permitted). (PD)
 - c) The prohibited alcoholic beverages in subsections a & b of this condition may be permitted if the applicant and/or business owner provides sufficient justification through their business model and proposed product line that the sales of certain "single sales" beverages will not have an adverse impact on youth, persons with alcohol abuse issues,

or the community as a whole and the Chief of Police supports the justification. This prohibition may be waived by the Chief of Police on an annual (calendar year) basis through an administrative letter described herein. The Chief's administrative letter shall specifically approve product lines describing the product by name, serving size and minimum price point for the product.

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

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

License/Permit

8) 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)

9) 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)

10) 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)

11) 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)

Operations

12) The Police Chief or designee may immediately suspend operation of the use(s) approved by this permit pending a hearing on the suspension or revocation of this permit if the Chief determines that there have been significant violations of the conditions associated with the use(s) and/or Alcoholic Beverage Control (ABC) license and/or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions responded to that is associated with the operation of this use for which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing regarding the revocation of the permit by the Community Development Director to be held no more than 30 days after the suspension begins.

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

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

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

Security

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

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

15) Prior to commencing the sale of alcohol permitted by this permit, permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:

- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are required for infra-red lighting.
- b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.

- c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.
- d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
- e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
- f. Recorded images shall bear a date and time stamp that cannot be altered.
- g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
- i. A monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customer's images upon entry into the business.
- j. A monitor shall be placed at the cashier's station to allow staff to passively monitor activity at the site via the camera system.
- k. During normal business hours, the licensee shall provide access to the digital recordings for any and all law enforcement purposes as determined by the City of Oxnard. (PD)
- l. Cameras and linked monitors shall be placed in areas where unsecured alcoholic beverages are displayed (PD)

16) 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.

Crime Prevention Best Practices

- 17) Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
- 18) 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)
- 20) 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)

21) 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)

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

23) The permittee shall establish and maintain a cash handling system that reduces the likelihood of robberies and theft. The system shall include the following components and practices:

a) A drop safe having a programmable access control system. The access control system shall have the capability to restrict access times and record the individual passcode used at each opening of the safe.

b) Established cash drawer maximums requiring staff to transfer larger bills into the drop safe.

c) Cash drawer preparation and end-of-shift counts shall occur in a secure room away from customer access or view.

24) Sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier's station.

25) All spirits shall be displayed for sale shall be at the rear of the cashier's area and not immediately accessible to customers. "Spirits" as used in this condition does not include mixed alcoholic beverages.

26) 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)

27) The permittee shall install height gauges at all exit doors. (PD)

28) Security gates shall not be used as barriers to protect the front of the business. Security window films are recommended, however the product must have Police Department and Planning approval prior to installation.

Site Design & Management

29) A condition of approval requires compliance with the Outdoor Lighting Code & Guideline

- a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
- b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
- c. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
- d. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
- e. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

Lighting

- 30) Exterior lighting of the site, including parking areas, shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes. Lighting bollards shall not be used as part of the foot candle calculation on photometric sheets.
- 31) All exterior lighting shall operate from dusk to dawn.
- 32) LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
- 33) Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. Lenses shall be flat and parallel to the ground/floor. Wallpacks and other luminaires that throw light laterally are not allowed unless specifically approved by the Police Department and Planning Division.
- 33) Outdoor lighting instruments shall not be placed in close proximity to trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

34) Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

Property Maintenance

35) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within forty-eight (48) hours of being applied. (PL/PD)

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

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

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

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

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

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

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

43) 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 conflict with the provisions set forth in this permit and/or the ABC license. (PD)

SPECIAL POLICE CONDITIONS

44) Deliveries shall be made during daylight hours only.

45) Employees shall monitor outdoor cameras to ensure that persons are not loitering around the shopping center. The permittee shall establish a best practices protocol for how employees should handle loitering issues.

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.

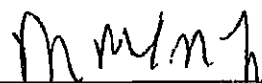
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

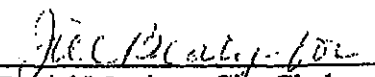
ABSENT: None.



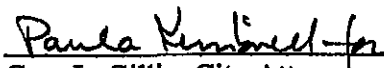
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2024 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 23-510-04 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW AN EXISTING CONVENIENCE STORE (MGB SPEEDY MART) TO REPLACE AN EXISTING LICENSE (ALCOHOL AND BEVERAGE C TYPE 20) WITH A NEW LICENSE (ALCOHOL AND BEVERAGE C TYPE 21) TO SELL BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION WITHIN AN EXISTING 3,042 SQUARE-FOOT TENANT SPACE WITHIN A LARGER 8,214 SQUARE-FOOT, MULTI-TENANT BUILDING ON A 0.85-ACRE PROPERTY, LOCATED AT 1055 SOUTH PATTERSON AVENUE (APN: 185-0-120-035) WITHIN THE NEIGHBORHOOD SHOPPING CENTER - PLANNED DEVELOPMENT (C-1-PD) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ALEX WOO N BEHALF OF PROPERTY OWNER OCEANA PLAZA LLC, 300 EAST ESPLANADE DRIVE, OXNARD, CALIFORNIA 93036.

WHEREAS, on November 4, 2023, Alex Wood, (the “**Applicant**”) on behalf of property owner Oceana Plaza LLC, submitted a request to replace an existing license (Alcohol Beverage Control (ABC) Type 20) with a new license to sell beer, wine, and distilled spirits for off-site consumption ((ABC) License Type 21) 7:00 a.m. to 12:00 a.m. (midnight) daily from an existing 3,042 square-foot convenience store building within a 8,214 square-foot multi-tenant commercial building on a 0.85-acre developed shopping center located at 1055 South Patterson Avenue (the “**Project**”); and

WHEREAS, on April 4, 2024, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit No. 23-510-04 (Special Use Permit - Alcohol), filed by Alex Woo 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 Class 1 Categorical Exemption (Section 15301). Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

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

The project site is located within the 2030 General Plan land use designation of Commercial Convenience (CCV) and within the Neighborhood Shopping Center - Planned Development (C-1-PD). The Project is surrounded by residential, commercial, and industrial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

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

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

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

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

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

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

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the Neighborhood Shopping Center Planned Development (C-1-PD) zoning district, with a 2030 General Plan designation of Commercial Convenience (CC). The existing 3,042 square-foot request to replace an existing license (ABC Type 20) with a new (ABC License Type 21) to sell beer, wine, and distilled spirits for off-site consumption from 7:00 a.m. to midnight daily is consistent with the General Plan and zoning designation. The ability to sell alcohol for a convenience retail store/market is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC) Section 16-123. Therefore, the new license (ABC Type 21) which replaces the existing (ABC Type 20) is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer, wine, and distilled spirits for off-site consumption from an existing convenience store. According to the Police report, there are no establishments with an alcohol permit of any type located within 1,000 feet of the subject property.

The Police Department has determined that because there are no businesses with an alcohol license listed within 1,000 feet of the subject, there is not an undue concentration under the established City Standards.

In the case of the applicant site, as seen in the next section, the annular crime rate is far below the average annular citywide rate and below the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are three (including the applicant) off-sale licenses within the applicant's census tract. According to the ABC, six off-sale licenses are allowed within this census tract. Based on the above findings, there is not 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 new Type 21 License will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health safety or general welfare. The Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

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

As described in the Staff Report, the proposed new Type 21 license to sell alcohol (beer, wine and distilled spirits) sales will occur entirely within an existing building that is adequate for the proposed sales. The applicant will submit a photometric plan which meets or exceeds Police Department requirements specified in the Police Report Alcohol Review Memo including a photometric plan which demonstrates compliance with Title 24 Energy Standards, lumens, directionality, shielding, color temperature, compatibility with landscaping including trees, and required hours of illumination. A photometric plan will be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits. As conditioned, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes South Patterson Avenue and West Wooley Road. The proposed new Type 21 license is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed new Type 21 license for alcohol sales

will be served by highways adequate in width and improved as necessary to carry project-generated traffic. As such, this Project meets this finding.

5) The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

The project site is currently served by adequate sewerage, water, fire protection and storm drainage facilities. The proposed alcohol sales license will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed alcohol sales Type 21 License will be provided with adequate sewerage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

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

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

7) The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1,000 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 with an alcohol license within 1,000 feet of the subject property. The Police Department has determined that based on no other alcohol licenses within the proximity of the subject site, there is not an undue concentration under the established City Standards.

The annular crime rate is far below the average annular citywide rate and below the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are three off-sale licenses (including the subject) within the applicant's

census tract. According to the ABC, six off-sale licenses are allowed within this census tract. Based on the above findings, there is not an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

This Finding is further supported by the fact that the project will be in a well-established, well-maintained commercial center where the crime rate is below the average for other parts of the City. Therefore, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project (replacing type 20 with 21 license) will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines §15301 (Class 1) of the State CEQA Guidelines pertaining to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for off-site consumption within an existing multi-tenant commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment. The Planning and Environmental Services Manager 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 23-510-04 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

CONDITIONS OF APPROVAL 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 April 4, 2024, (“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. All new exterior lighting is required to comply with health and safety standards outlined in the City of Oxnard Police Report, a lighting plan is required that meets the required placement, directionality, site luminosity, shielding, color temperature, and energy requirements. Prior to inauguration of uses permitted by the Permit, lighting plans shall be submitted for building permits and all lighting shall be installed in conformance with these conditions..
12. This permit shall automatically be void 12 months from the date of issuance of the Certificate of Occupancy of the proposed building, unless the Applicant has received a License Type 21 from the State Department of Alcoholic Beverage Control to sell alcoholic beverages on the Project property (PL).
13. Unless the use is inaugurated no later than 12 months from the date of issuance of the Certificate of Occupancy of the proposed building and is diligently pursued thereafter, this approval will expire pursuant to the Oxnard City Code Section 16-553.

POLICE DEPARTMENT CONDITIONS - RBS TRAINING

14. Permittee and all sellers or servers shall complete an approved course in Responsible Beverage Sales and Service (RBSS) (available through the ABC website for the LEAD

Program at www.abc.ca.gov/education/lead-training) within thirty (30) days of license granting and/or date of employment. The permittee is responsible for maintaining records showing servers have completed the required training and shall submit this documentation upon request by the Oxnard Police Department.

15. The business owner/manager shall maintain a record of their employees who have successfully completed the required Responsible Beverage Service Training and make that record available to any representative of the Oxnard Police Department upon demand.

POLICE DEPARTMENT - HOURS

16. Alcohol sales shall be limited to 7 a.m. to 12 Midnight.

POLICE DEPARTMENT - ALCOHOL CONTROL

17. All distilled spirits, not including cocktails and pre-mixed coolers, shall be displayed behind the cashier's counter and shall not be accessible by customers.
18. Single sales of alcoholic beverages shall be restricted as listed below:
 - a. Other than specialty beers and microbrews, beer, malt beverages and wine coolers in containers of 64oz in volume or less cannot be sold by single containers but must be sold in manufacturer pre-packaged multi-unit quantities. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited (PD)
 - b. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madeira, Muscat and Vermouth are permitted). (PD)
 - c. The prohibited alcoholic beverages in subsections a & b of this condition may be permitted if the applicant and/or business owner provides sufficient justification through their business model and proposed product line that the sales of certain "single sales" beverages will not have an adverse impact on youth, persons with alcohol abuse issues, or the community as a whole and the Chief of Police supports the justification. This prohibition may be waived by the Chief of Police on an annual (calendar year) basis through an administrative letter described herein. The Chief's administrative letter shall specifically approve product lines describing the product by name, serving size and minimum price point for the product.
19. No temporary or permanent open displays of alcoholic beverages are permitted near customer entry/exit points. This includes stacked boxes, beer can "mountains" or cases

containing alcohol beverages, portable coolers, promotional displays or any other alcohol displays where there is a clear, easy or unobstructed path to any entry or exit.

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

POLICE DEPARTMENT - LICENSE/PERMIT

21. 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)
22. 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)
23. 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)
24. 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)

POLICE DEPARTMENT - OPERATIONS

25. The Police Chief or designee may immediately suspend operation of the use(s) approved by this permit pending a hearing on the suspension or revocation of this permit if the Chief determines that there have been significant violations of the conditions associated with the use(s) and/or Alcoholic Beverage Control (ABC) license and/or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions responded to that is associated with the operation of this use for which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing regarding the revocation of the permit by the Community Development Director to be held no more than 30 days after the suspension begins.

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

- a. Failure to provide required operational documentation within 30-days when requested by mail or email. This would include, but not limited to quarterly

food/alcohol sales, copies of security guard credentials, and proof of server's completion of RBS Training.

- b. Repeated violations of a specific condition within this document or successor or permits.
 - c. Evidence of service of alcoholic beverages to minors.
 - d. Repeated failure to maintain a staff of servers trained in approved Responsible Beverage Service. (PD)
 - e. Sales to habitual drunkards per section 25602(a) Business and Professions Code.
26. Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. Permittee shall submit an email address to: specialprojects@oxnardpd.org. In the submission, identify the business name, the contact person's name and their role in the business.

POLICE DEPARTMENT - SECURITY

27. A Security Plan shall be submitted and approved prior to the issuance of building permits. The plan shall include:
- a. The Security Plan Sheet that identifies the location of each security camera, camera recording and support equipment.
 - b. The Security Plan shall include a chart identifying each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).
28. Prior to commencing the sale of alcohol permitted by this permit, permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall be operated 24-hours a day to monitor, at a minimum, the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. Any video system installed to meet the requirement of these conditions shall meet the below minimum standards:
- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are required for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have sufficient low light capture ability to clearly monitor persons conducting transactions.

- d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
- e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
- f. Recorded images shall bear a date and time stamp that cannot be altered.
- g. At a minimum, one camera shall be dedicated to capturing head and upper body images of each person entering any door to the business. Cameras dedicated to this purpose shall be mounted at 7-feet above the floor.
- h. A monitor near the customer entrance shall be mounted from the ceiling. The bottom edge of the monitor shall be 7-feet above the floor. Its placement shall provide customer's images upon entry into the business.
- i. 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)

POLICE DEPARTMENT - CRIME PREVENTION BEST PRACTICES

- 29. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
- 30. 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)
- 31. 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)
- 32. 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)
- 33. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
- 34. The permittee shall establish and maintain a cash handling system that reduces the likelihood of robberies and theft. The system shall include the following components and practices:
 - a) A drop safe having a programmable access control system. The access control system shall have the capability to restrict access times and record the individual passcode used at each opening of the safe.

- b) Established cash drawer maximums requiring staff to transfer larger bills into the drop safe.
 - c) Cash drawer preparation and end-of-shift counts shall occur in a secure room away from customer access or view.
35. Sales displays shall be no taller than 48-inches except those displays around the interior perimeter of the store. Displays, banners, signs and other materials shall not interfere with clear sightlines in and out of windows or obscure the view of the sales area from the cashier's station.
36. All spirits shall be displayed for sale shall be at the rear of the cashier's area and not immediately accessible to customers. "Spirits" as used in this condition does not include mixed alcoholic beverages.
37. 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)
38. The permittee shall install height gauges at all exit doors. (PD)
39. Security gates shall not be used as barriers to protect the front of the business. Security window films are recommended, however the product must have Police Department and Planning approval prior to installation.

POLICE DEPARTMENT - SITE DESIGN & MANAGEMENT

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

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

e. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected. Permittee shall provide the Oxnard Police Department an email address for a responsible party for the business. This may be the owner, manager or other party who can respond to inquiries for the business. Permittee shall submit an email address to : specialprojects@oxnardpd.org. In the submission, identify the business name, the contact person's name and their role in the business.

POLICE DEPARTMENT - LIGHTING

41. Exterior lighting of the site, including parking areas, shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes. Lighting bollards shall not be used as part of the foot candle calculation on photometric sheets.
42. All exterior lighting shall operate from dusk to dawn.
43. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
44. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. Lenses shall be flat and parallel to the ground/floor. Wallpacks and other luminaires that throw light laterally are not allowed unless specifically approved by the Police Department and Planning Division.
45. Outdoor lighting instruments shall not be placed in close proximity to trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.
46. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

POLICE DEPARTMENT - PROPERTY MAINTENANCE

47. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within forty-eight (48) hours of being applied. (PL/PD)
48. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
49. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
50. Windows shall remain clear of signage, posters, advertisements, or any other item that interferes with clear sightlines into the business. No display or other object near, on or adjacent to the windows shall appear in the area between 48 and 78-inches above the floor.
51. The permittee shall post prominent, permanent signs indicating that loitering, open containers, and/or the consumption of alcoholic beverages is prohibited. These signs shall be posted in the parking lot and other adjacent areas under Permittee's reasonable control, including exterior common walkways and corridors. (PD)
52. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
53. Prominent signs shall be posted throughout the business, in effect, "No persons under 21 will be sold alcoholic beverages" and "Valid ID is required to purchase or possess alcoholic beverages". (PD)
54. There shall not be any self-service displays of any type of tobacco or vaping product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)
55. 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 conflict with the provisions set forth in this permit and/or the ABC license. (PD)

POLICE DEPARTMENT - SPECIAL CONDITIONS

56. Deliveries shall be made during daylight hours only.
57. Employees shall monitor outdoor cameras to ensure that persons are not loitering around the shopping center. The permittee shall establish a best practices protocol for how employees should handle loitering issues.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of April, 2024, 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 4th day of April, 2024, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioner(s):

Joe Pearson II, AICP, Secretary

City of Oxnard Planning Commission

April 4, 2024

MGB Speedy Mart Alcohol Special Use Permit
1055 South Patterson Ave
PZ 23-510-04
(Special Use Permit - Alcohol)

Applicant: Alex Woo - Agent
Case Planner: Marcum Caldwell

Project Description

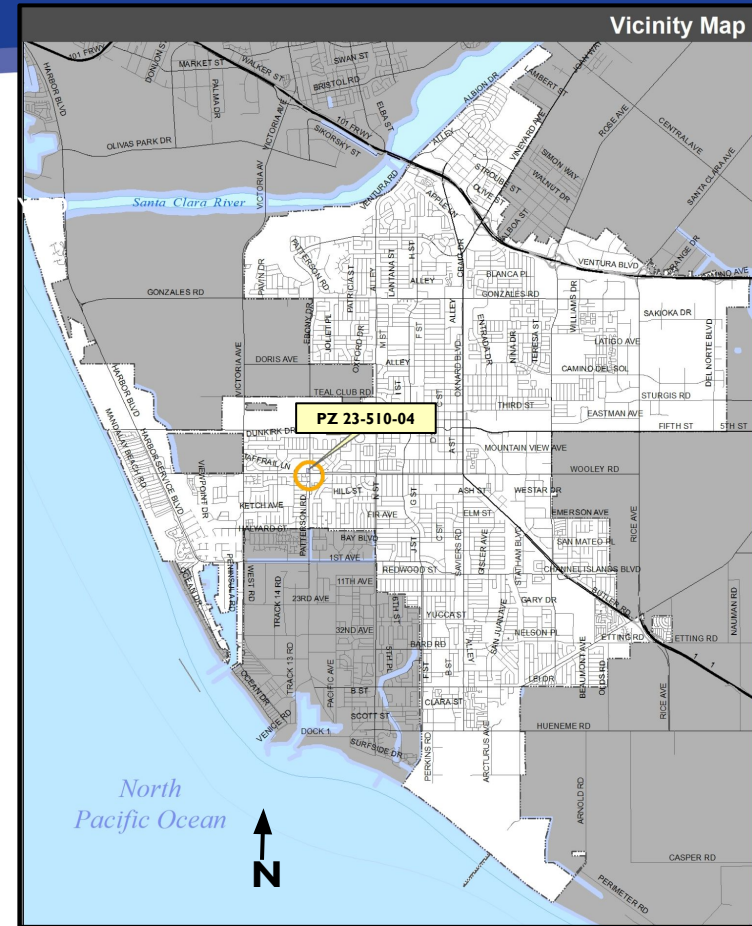
A request to replace an existing license (ABC Type 20) with a new license (ABC Type 21) to authorize the sales of beer, wine, and distilled spirits for off-site consumption within an existing 3,042 square-foot liquor store in an 8,214 square-foot multi-tenant commercial building on a 0.85-acre site.

The proposed hours of sales are 7:00 am to midnight.

Vicinity Map

Speedy Mart:

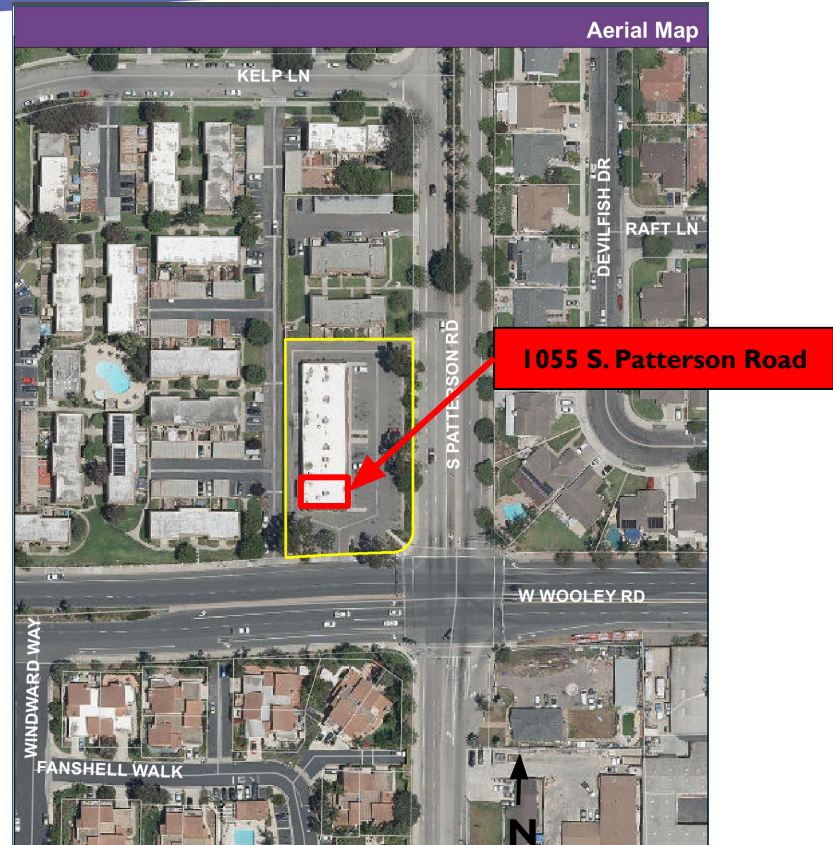
- The general location of the project site is on the center westerly edge of the City of Oxnard.



Project Location - Aerial

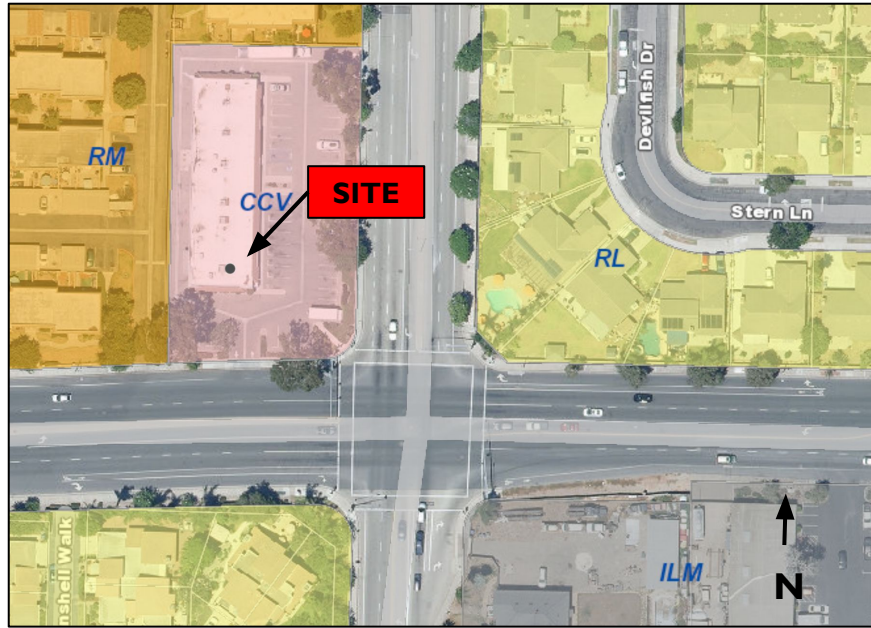
Speedy Mart:

- Located at 1055 South Patterson Avenue
- Located within the Oceana Plaza Shopping Center.

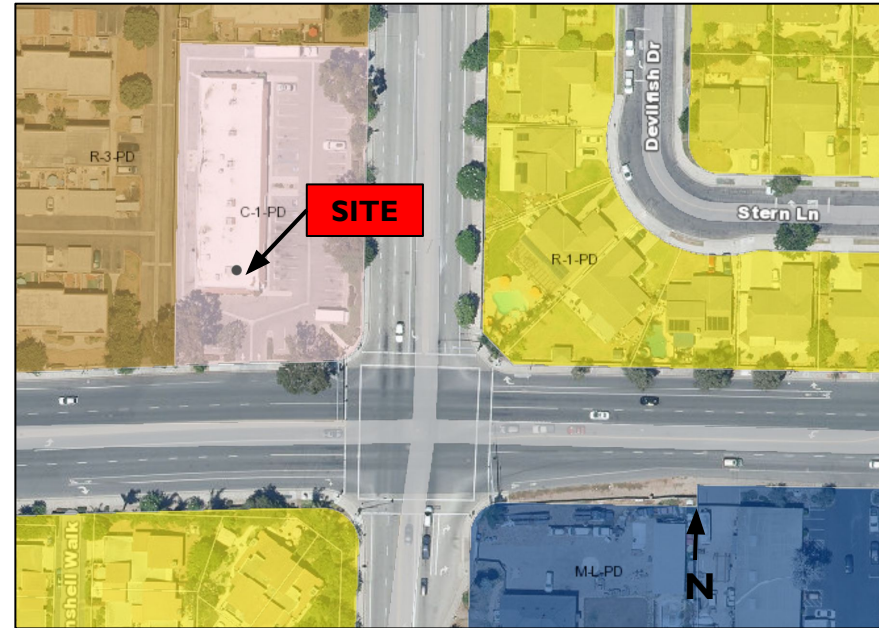


General Plan and Zoning

2030 General Plan: Commercial Convenience (CCV)



Zoning Designation: Neighborhood Shopping Center - Planned Development (C-I-PD)



Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Convenience (CCV)	Neighborhood Shopping Center Planned Development (C-1-PD)	Shopping Center
North	Residential Medium (RM)	Garden Apartment Planned Development (R3PD)	Multiple - Family Residential
South	City of Port Hueneme	City of Port Hueneme	Single - Family Residential (across Wooley Rd)
East	Residential Low (RL)	Single Family Residential (R1- PD)	Single - Family Residential (across Patterson Ave)
West	Residential Medium (RM)	Garden Apartment Planned Development (R3PD)	Multiple - Family Residential

Site Photos

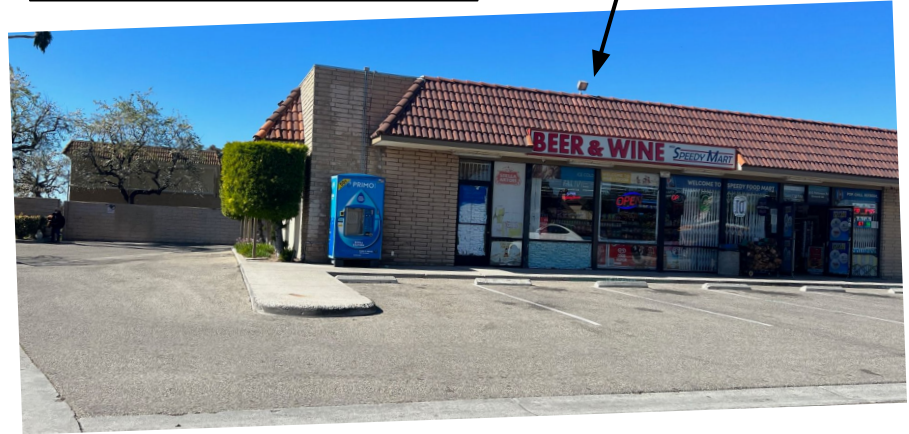
View looking Northwest from
Patterson Road and Wooley

SITE



View looking West from
Patterson Road

SITE

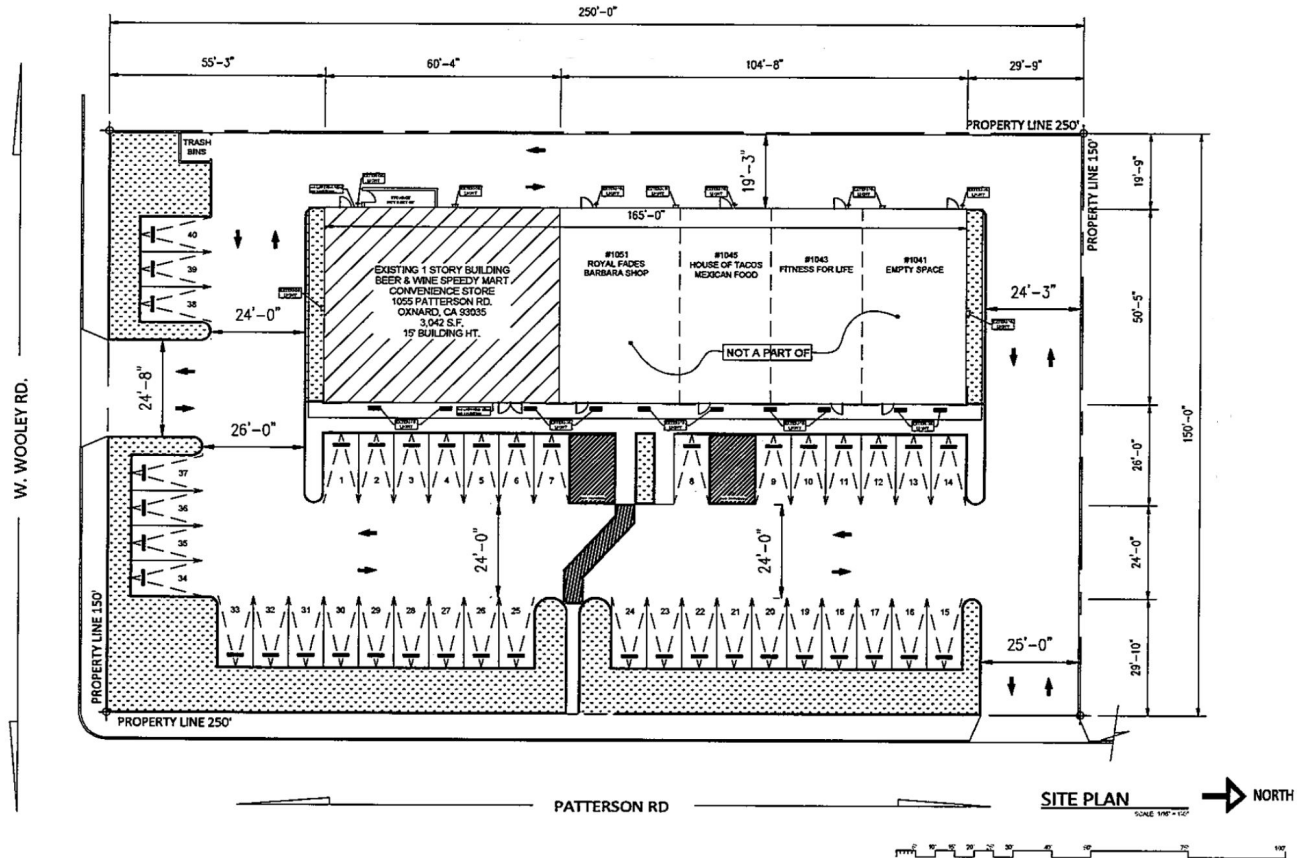


View looking Southwest from far
side of the shopping center

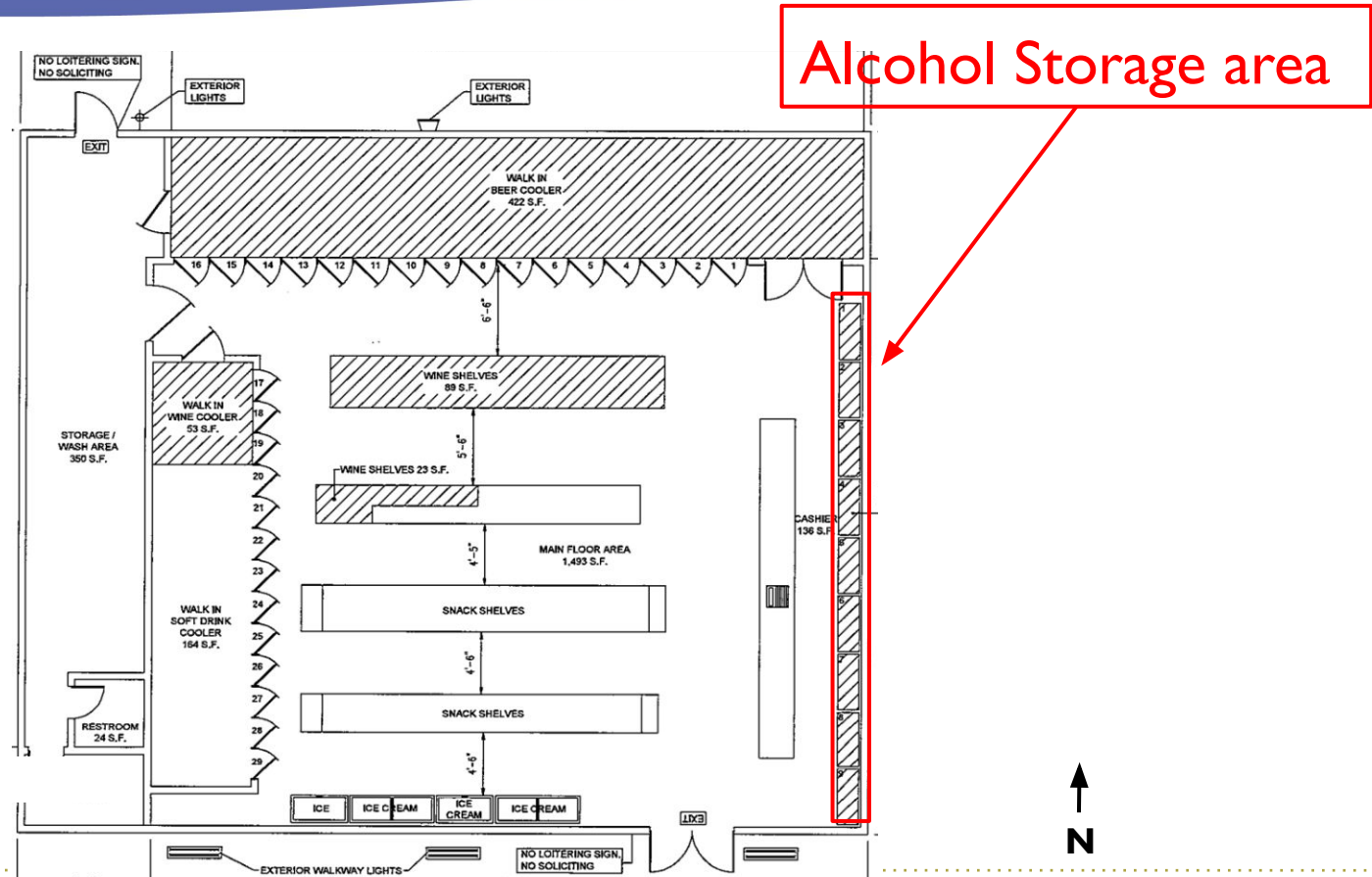
SITE



Site Plan



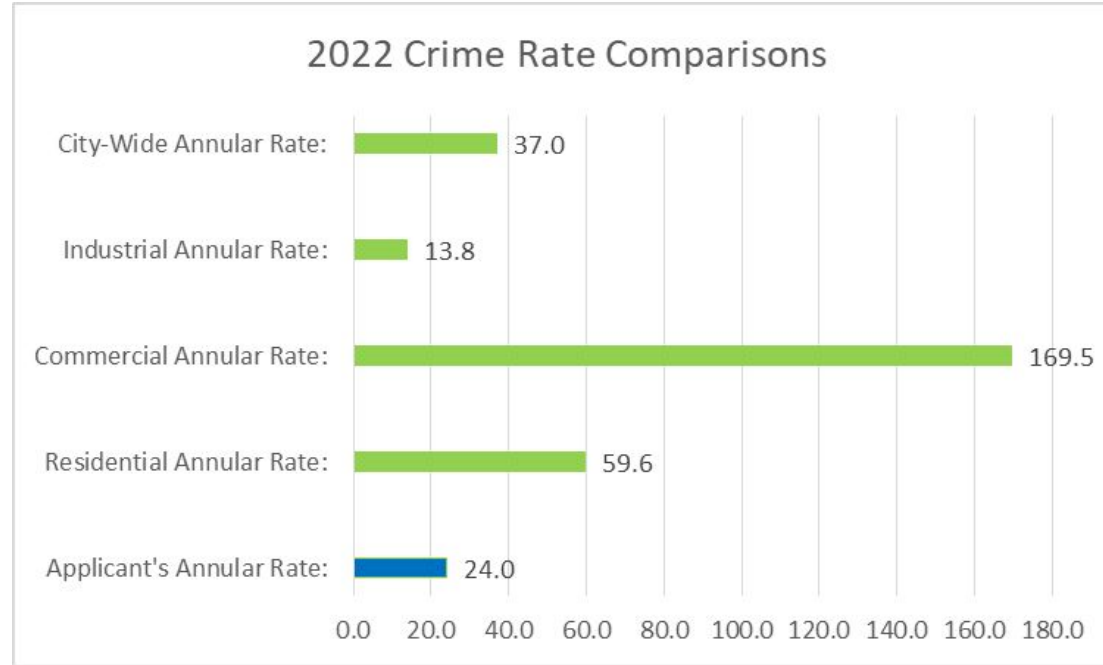
Floor Plan



Police Report Summary

Crime:

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



Police Department Review

Findings:

- Crime rate around the site is below commercial average.
- There is no undue concentration per City standards (350 feet).
- There is no undue concentration per City standards (1000 feet).
- There is no undue concentration per State standards (census tract).
- Had an undue concentration been found, a Finding of public convenience or necessity would be required.

Select Recommended Conditions of Approval

- CofAs #13 and #14:

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

- CofA #15:

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

- CofA #16:

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

- CofA #18:

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

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

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

- The Project was presented on February 12, 2024, Community Workshop. No public comments were received.
- Notice of Community Workshop hearing posted on-site.
- Notice of Community Workshop sent to surrounding property owners.
- To date, no public comments regarding project for an additional alcohol outlet in the neighborhood.

Staff Recommendation

That the Planning Commission

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2024-XX approving Planning and Zoning Permit No. 24-510-04 (Special Use Permit - Alcohol), subject to certain findings and conditions.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Carlos Torres, Associate Planner

DATE: April 4, 2024

SUBJECT: **Project Name: Golden Egg Cafe-Alcohol Special Use Permit;** Planning and Zoning Permit No. 24-510-01(Special Use Permit - Alcohol); Located at 1651 South Victoria Avenue, Suite 120, (APN: 188-0-310-045)

- 1) **Recommendation:** That the Planning Commission (“**Commission**”):
 - a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
 - b) Adopt Resolution 2024-XX approving Planning and Zoning Permit No. 24-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval of a Special Use Permit (SUP) for a new Type 41¹Alcoholic Beverage Control (ABC) License (beer and wine-eating place) to an existing restaurant of approximately 1,215 square feet located at 1651 South Victoria Avenue, Suite 120 within the Visitor Serving Commercial Area of the Mandalay Bay Specific Plan(Attachment A-Maps). The proposed minor improvements to the existing Golden Egg Cafe consist of modifying an existing interior top shelf within the kitchen preparation area, 16 square feet, to allow for the storage of the wine. In addition, the restaurant is requesting to allow the consumption of alcohol within an existing shared enclosed dining patio area of approximately 378 square feet, located at the rear of the building. The existing restaurant’s daily hours of operation are between 7am to 10pm. The proposed hours of alcohol sales will be consistent with their hours of operation. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Alicia Hernandez, Business Owner, on behalf of property owner Shahram Afshani, 9100 Wilshire Boulevard, Suite 360E, Beverly Hills, CA, 90212.

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

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

- 3) Existing & Surrounding Land Uses:** The restaurant of approximately 1,215 square feet is located within the Seabridge Marina Shopping Center. The tenant space (Suite 120) does not sell alcohol currently and the business has been in operation since 2014. Golden Egg Cafe is within a shopping center consisting of two parcels with a combined area of 4.88-acres located within the Visitor Serving Commercial area of the Mandalay Bay Specific Plan. The Project site is surrounded by a mixture of residential and commercial uses. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated below in Exhibit A.

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Planned Unit Development Residential	Visitor Serving Commercial area of the Mandalay Bay Specific Plan	Restaurant
North	Planned Unit Development Residential	Mixed-Use (Commercial/Residential area of the Mandalay Bay Specific Plan	Residential condominiums
South	Planned Unit Development Residential	Visitor Serving Commercial area of the Mandalay Bay Specific Plan	Live/Work Residential
East	Residential Medium (RM)	Garden Apartment Planned Development (R-3-PD)	Across Victoria Avenue-Apartment Complexes
West	Planned Unit Development Residential	Residential area of the Mandalay Bay Specific Plan	Across water easements-Single - Family Residential

- 4) Background Information:** On December 5, 2002, the Planning Commission approved Resolution No. 02-106 for Coastal Development Permit (CDP) No. 01-500-93 to allow construction of the planned development community known as “Seabridge” on 135-acres within the Mandalay Bay Specific Plan area. The City’s approval of the CDP for Seabridge was later appealed to the California Coastal Commission. A tentative subdivision map (Tract No. 5266) and development agreement were also approved in conjunction with the CDP, but were not appealed. The Seabridge Marina Shopping Center was approved under Tract No.

5266 and Minor Modification No. 06-140-04, on November 28, 2006. Other minor modifications to the tract have been approved for the build-out of the various sections of the Seabridge project, as well as several special use permits for alcohol at restaurants within the Community's two shopping centers.

On February 24, 2010, the Planning Manager approved a minor modification to establish a parking management program for the Seabridge Marina Shopping Center.

On March 7, 2013, the Planning Commission approved Resolution No. 2013-08 to allow the sales of alcohol within an existing restaurant (Dragon Place), located at 1651 South Victoria Avenue, Suite 130.

Golden Egg Cafe has been in operation since 2014 and does not include the sales of alcohol. The applicant is proposing a new ABC license Type 41, which would allow the sale of beer and wine for on-site consumption in conjunction with the restaurant.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site consumption within an existing 1,215 square foot restaurant and will not increase the square footage of the existing building. Minor interior tenant improvements to the facility are proposed. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (Attachment C).

6) Analysis:

- a) **General Discussion:** The applicant is requesting the approval to allow the sale of beer and wine for on-site consumption (ABC License Type 41) within the existing 1,215 square-foot restaurant. Minor interior tenant improvements are proposed to allow for the storage of the alcohol within an existing kitchen storage cabinet of approximately 16 square feet. In addition, the restaurant is requesting to allow the consumption of alcohol within an existing shared enclosed dining patio area, located at the rear of the building. The restaurant operates daily between 7am to 10pm and is staffed by 10 employees working one shift. No changes to the hours of operation are being proposed. The restaurant provides seating for 44 customers.

- b) **General Plan & Zoning Consistency:** The 2030 General Plan designation for the site is Coastal Planned Development and the zoning designation is Mandalay Bay Specific Plan Visitor Service Commercial. General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.
- c) **Police Department Review:** The Oxnard Police Department provided a comprehensive report and analysis of the proposed alcohol request (Attachment D) in accordance with City Council Resolution No. 11,896 (Attachment E). The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet of the Project site to determine whether a presumption of undue concentration exists, and whether approval of the SUP is likely to significantly aggravate policing problems. The Police Department's Report is broken down into an analysis of the concentration of alcohol outlets, crime statistics, police and community input, and conclusion. The table below summarizes the findings of the Police Department's Report:

Location	Same type within 350 feet?	Same type within 1,000 feet?	Likely to Cause Police problem?	Undue concentration as defined in Resolution No. 11,896 or Business and Professions Code Section 23958.4?
Yolandas 1601 S. Victoria Ave, Suite 190	No	No (Type 47)	No, as conditioned	No (City or State)
The Raven Tavern 1651 S. Victoria Ave, Suite 100	No	No (Type 47)	No, as conditioned	No (City or State)
Kitanoya Ramen & Sushi 1651 S. Victoria Ave, Suite 130	yes	No (Type 41)	No, as conditioned	No (City or State)
Seabridge Restaurant 1601 S. Victoria Ave, Suite 160	No	No (Type 47)	No, as conditioned	No (City or State)

Concentration of Alcohol Outlets:

According to the Police report, there is one establishment of the same type located within 350 feet and zero establishments between 350 and 1,000 feet of the subject property. There are another establishment located within 350 feet of the subject property (Yolandas, The Raven Tavern and Seabridge Restaurant) that currently operates with a ABC License Type 48 (On-Sale General - Eating Place²). The Police Department has determined that as there is a similar alcohol establishment within 350 feet of the applicant's site, there is an undue concentration under City standards.

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

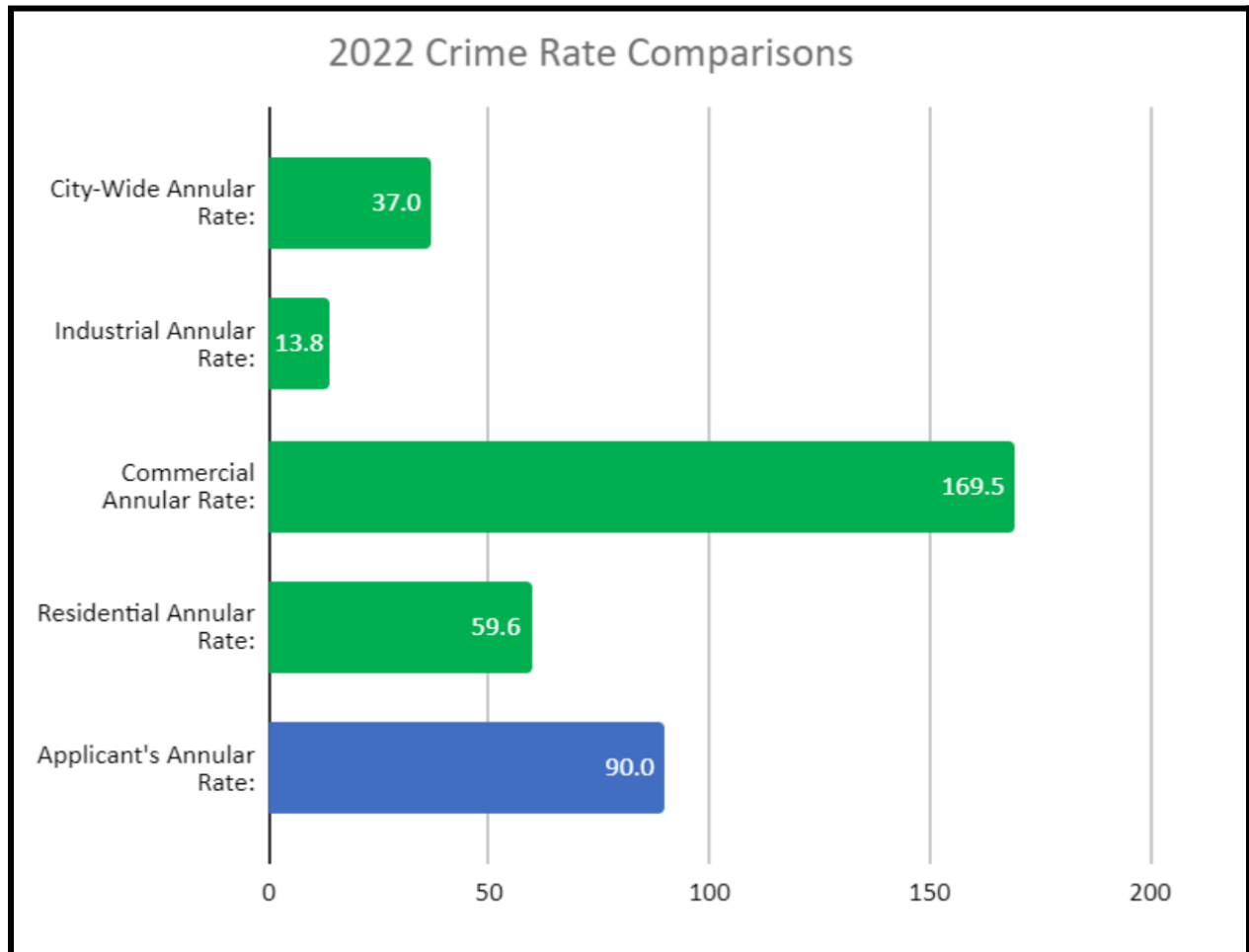
Crime Statistics:

For comparison purposes the Police Department calculates the average number of Part I³ and II⁴ 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 90. This is 35 % of the average for commercial properties citywide and can be best illustrated in the graph below:

² 47 - On-Sale General - Eating Place. Authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the premises where sold. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are not allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.

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

⁴ 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.

Community Input:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. The results were all positive. No one interviewed believed there would be issues with the restaurant serving alcoholic beverages.

The Neighborhood Chairperson was contacted and briefed concerning the proposed permit and had no objections.

Conclusion:

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 and a crime rate above the rate generally allowable within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and, as described in City Council Resolution 11,896. However, the crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. The applicant’s crime rate is significantly lower than the average crime rate for commercially zoned properties within the City.

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:** This Project is located within the Channel Islands Neighborhood. On February 2, 2024, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Channel Islands and Via Marina Neighborhood. The Applicant also provided notice on the Project site with a brief description of the project and contact information. The Community Workshop was held on February 12, 2024. No members of the community were present at the Community Workshop for this item. Staff received no correspondence from the community before or during the meeting.

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

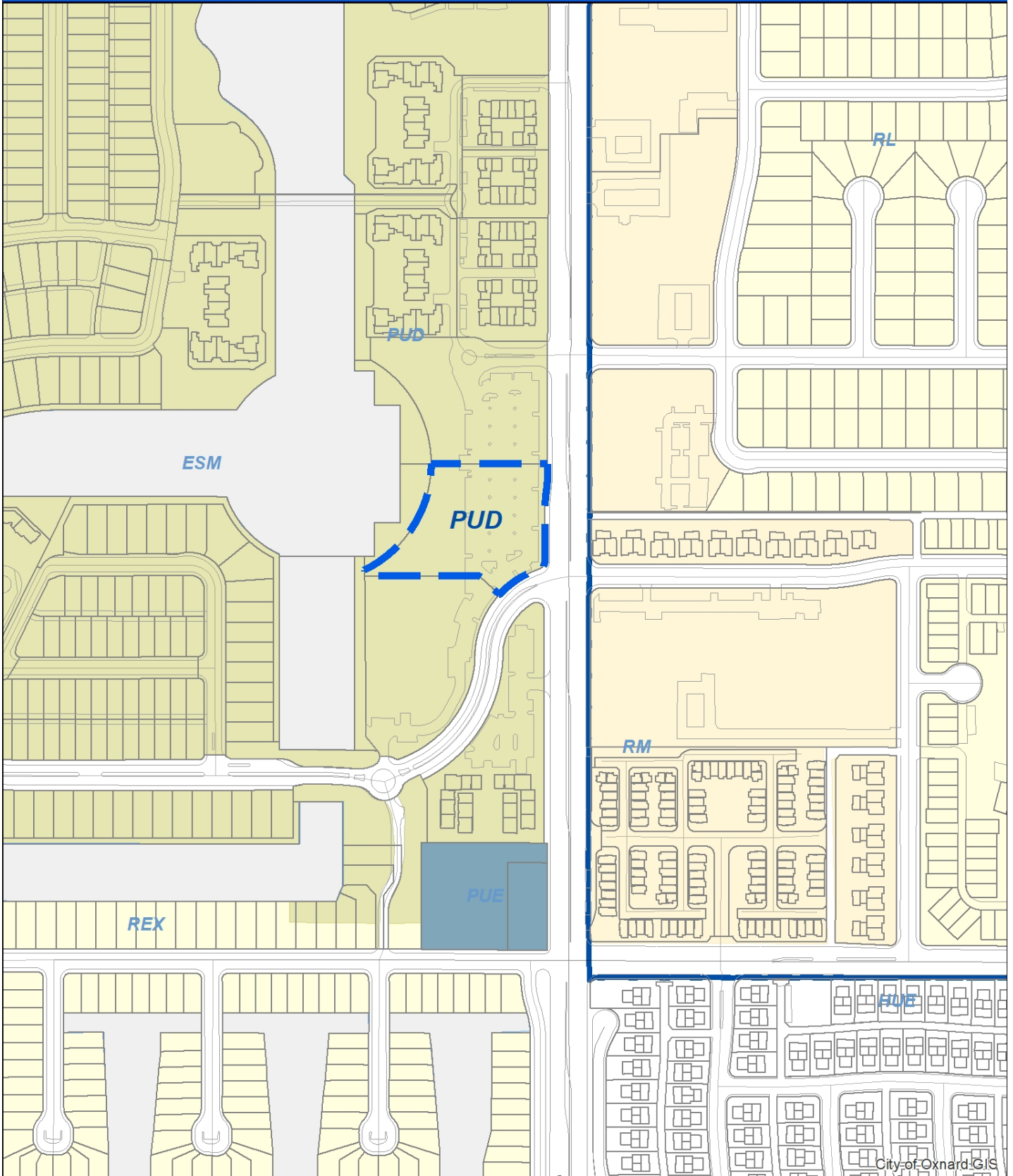
- 8) **Appeal Procedure:** In accordance with OCC Section 16-545 of the Oxnard City Code, the Planning Commission’s action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the Planning Division’s Office and must be submitted with the appropriate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

to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Report
- E. City Council Resolution No. 11,896
- F. Draft Resolution of Approval PZ 24-510-01 (Special Use Permit - Alcohol)
- G. Staff Presentation

2030 General Plan Land Use Map

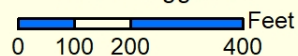


City of Oxnard GIS



Oxnard Planning
March 21, 2024

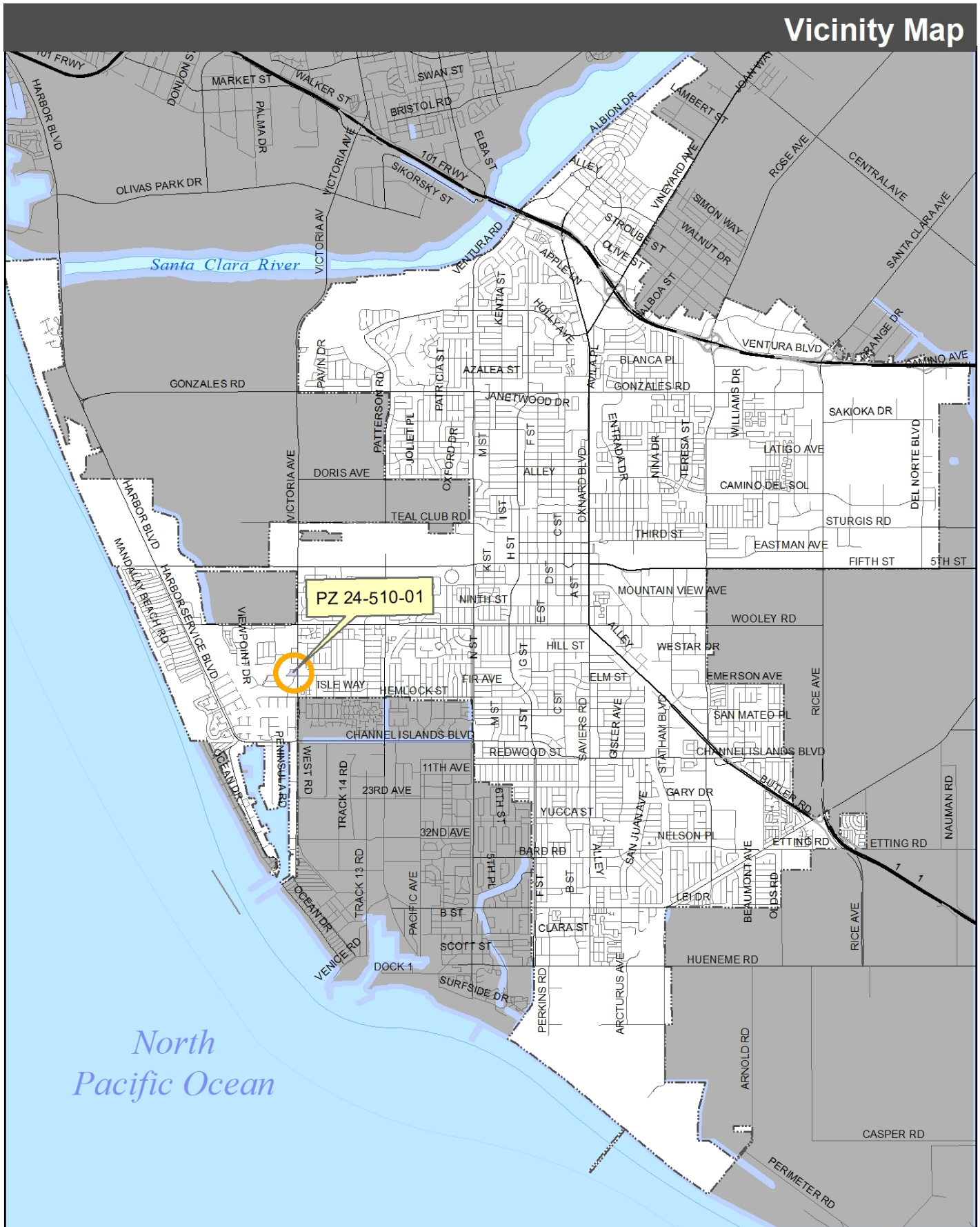
PZ 24-510-01
Location: 1651 S Victoria Ave
APN: 1880310045
Golden Egg Cafe

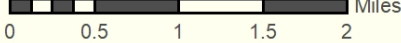


2030 General Plan Land Use Map



1:4,000



 CITY OF OXNARD CALIFORNIA Oxnard Planning March 21, 2024	PZ 24-510-01 Location: 1651 S Victoria Ave APN:1880310045 Golden Egg Cafe	Vicinity Map  0 0.5 1 1.5 2 Miles	 1:70,000
--	---	--	--

The map displays a coastal neighborhood with a mix of residential and commercial zones. Key streets include Donegal Way, Caspian Way, Seabridge Ln, Baltic St, Alley, Windshore Way, Alee Ln, Miramar Way, Crest Ct, Leeward Way, Keel Ave, Bayview Dr, Ketch Ave, Fisher Dr, Jellyfish Ln, Belize Ln, Hanact, Windy Cove Way, Harbour Island Ln, Galapagos Way, Farralon Way, Crete Ln, Aleutian Way, Hemlock St, Peninsula Rd, Ravoli Dr, Napoli Dr, Victoria Service Ave, Victoria Ave, Anchor Ave, Halyard St, and several alleys. A large area is outlined in red and labeled 'CPC'. Other areas are labeled 'EC' and 'R-1'. The map also shows a bridge over a body of water and a coastline with a beach.



Aerial Map

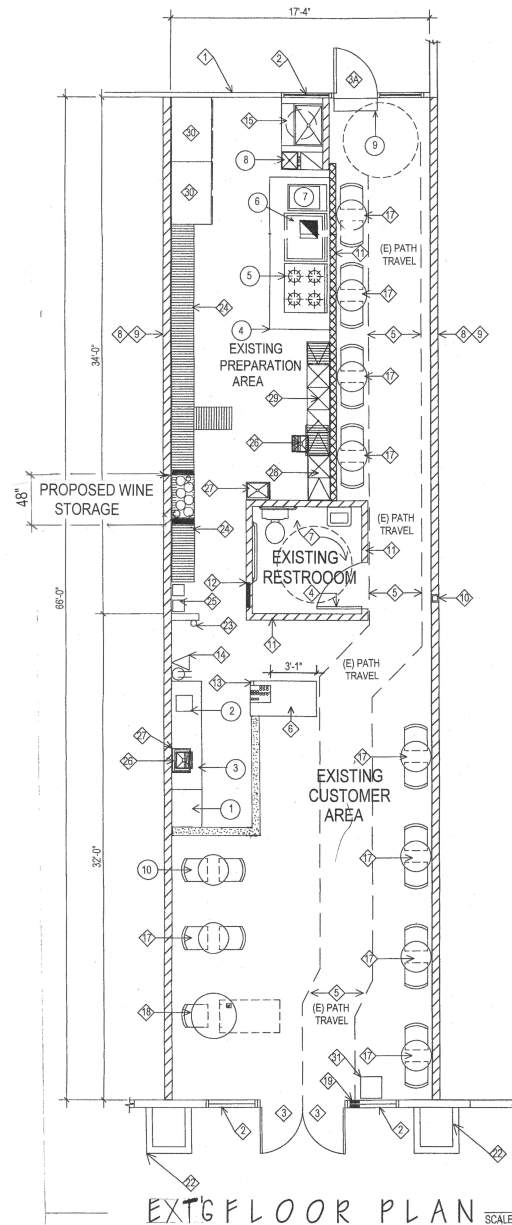


CITY OF
OXNARD
CALIFORNIA
Oxnard Planning
May 21, 2024

PZ 24-510-01
Location: 1651 S Victoria Ave
APN:1880310045
Golden Egg Cafe
0 30 60 120 180 240 Feet

Aerial Map





WALL LEGEND	
	EXISTING EXTERIOR WALL
	EXISTING METAL WALL FULL HEIGHT TO ROOF
	EXISTING METAL WALL TO CEILING HEIGHT
	EXISTING PONY WALL

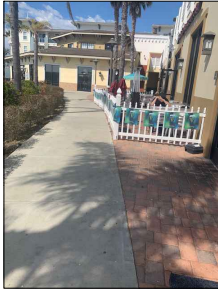
EXISTING ITEMS		FLOOR PLAN KEY	
1 EXTERIOR WALL: WALL DESCRIPTION & FINISH CALLED OUT ON WALL SCHEDULE 2 STOREFRONT GLASS TO REMAIN 3 ACCESSIBLE STOREFRONT ENTRY DOORS, DOORS MUST COMPLY AS FOLLOWS: DOOR TO OPEN ABLE WITH A SINGLE CONTINUOUS ACTION WITHOUT THE USE OF SPECIAL KNOWLEDGE KEY OR OTHER DEVICE. DOOR TO BE SIGNED "THIS DOOR SHALL REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" POSTED DIRECTLY ABOVE THE DOOR PER UBC, SECTION 1003.3.1.8 4 ACCESSIBLE STOREFRONT DOOR TO REMAIN-SEE DOOR SCHEDULE 5 H.C. ACCESSIBLE 3'x7' INTERIOR DOOR & FRAME UNIT 6 LINE OF ACCESSIBLE PATHWAY MIN. 44" MIN. TO CUSTOMER SERVICES COUNTER, WHEELCHAIR ACCESSIBLE TABLE AND RESTROOM. 7 ACCESSIBLE CUSTOMER SERVICE COUNTER (CASH REGISTER SHOW FOR REFERENCE ONLY) MAX. HT. 34" 8 H.C. ACCESSIBLE RESTROOM, SEE FLOOR PLAN & SHEET HC-1 & HC-2 9 INTERIOR DEMISING WALL: WALL DESCRIPTION AND FINISH CALLED OUT AT PLAN LOCATION OR WALL SCHEDULE ADD 5/8" TYPE "X" GBM FULL HT. TO TENANT SIDE. 10 VERIFY OR INSTALL THIS WALL THERMAL OR SOUND INSULATED FULL HEIGHT WIR-13 BATT. INSULATION 11 STEEL STRUCTURAL COLUMN TO REMAIN 12 METAL STUD INTERIOR PARTITION PER WALL SCHEDULE, WITH 5/8" TYP. GWS BOTH SIDES (5 1/2" WIDE AT ALL PLUMBING WALLS) 13 ELECTRICAL SUB PANEL 14 COUNTER WALL JUNCTION BOXES FOR PHONES, DATA & ELECTRIC SERVICE TO REMAIN. 15 POWER & DATA OUTLETS FOR P.O.S SYSTEM 16 MOP SINK W/ WATER HEATER ON PLATFORM ABOVE 17 TENANT IMPROVEMENTS EQUIPMENT SEE APPROVED EHD PLANS. ALL WALL MOUNTED EQUIPMENT REQUIRES 16 GA. STEEL WALL BACKING EXTENDED MIN. 6" BEYOND EDGE & TOP OF EQUIPMENT TO NEXT STUD, G.C. TO VERIFY EXTENTS. 18 TENANTS FURNITURE, SEATING & TABLES 19 NOTE: 5% OF SEATING IN THIS ROOM MUST BE ADA ACCESSIBLE AND LOCATED ON THE ACCESSIBLE AND LOCATED ON THE ACCESSIBLE PATH OF TRAVEL IN THE FACILITY, SEE SHEET D-1 DETAIL No. 2 FOR PROPER CLEARANCES. (LOCATIONS DETERMINED BY OWNER SEATING AND FURNITURE LAYOUT) 20 VERIFY SIGN MOUNTED ADJ TO ENTRY UNIVERSAL SIGN OF ACCESSIBLE THIS LOCATIONS		21 EXTERIOR FINISH COLUMN 22 FIRE EXTINGUISHER 23 STORAGE SHELVING 24 EMPLOYEE LOCKERS 25 FLOOR SINK 26 HAND SINK 27 PREP-SINK 28 THREE COMPARTMENT SINK 29 REFRIGERATORS 30 TRASH CONTAINER	
PROPOSED WINE STORAGE		PROPOSED WINE STORAGE	
ITEMS		FLOOR PLAN KEY	
1 ICE CUBE MACHINE 2 COFFEE MAKER 3 COUNTER TOP (CAB.) 4 4'x10' EXHAUST HOOD SYSTEM 5 RANGER 6 GRILL 7 DEEP FRYER 8 HAND SINK 9 CURTAIN AIR 10 CUSTOMER TABLE			

STAMP	
REVISIONS	DATE
FLOOR PLAN	
SHEET NO.	
A-1	

Golden Egg Restaurant
PROPOSAL SALE WINE
 SUITE No. 120
 1651 S. VICTORIA AVENUE OXNARD CA. 93035
 TEL. (805) 732-9427



PROPOSAL VINYL FENCE



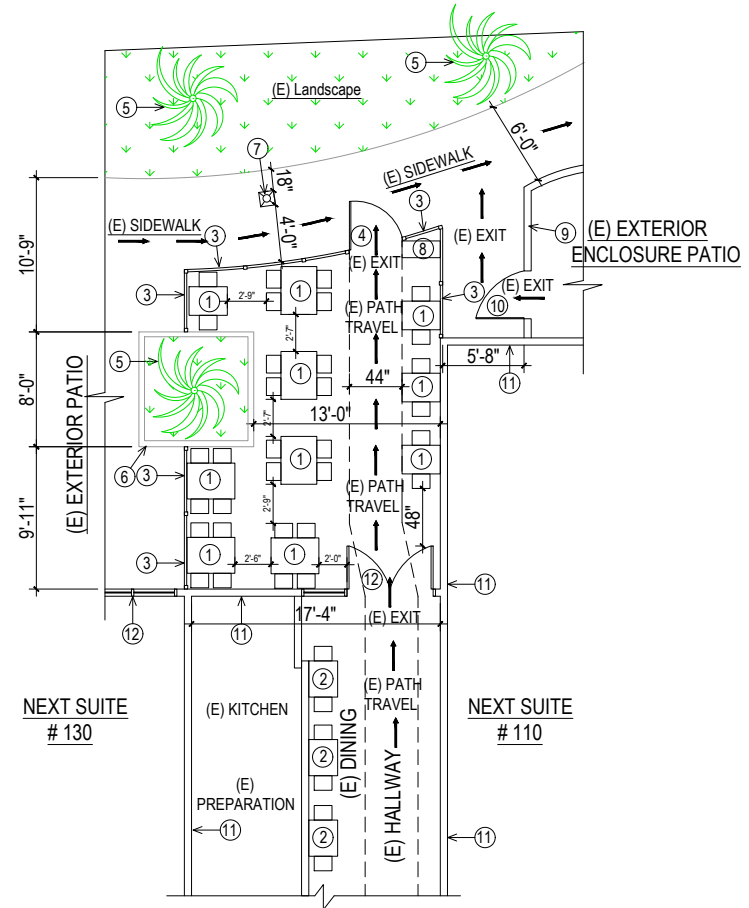
PROPOSAL VINYL FENCE



PROPOSAL VINYL FENCE

KEY FLOOR PLAN	
ITEM	DESCRIPTION
1	CUSTOMER TABLES 30" W. x 40" L. & 24" W. x 30" L.
2	EXISTING CUSTOMER TABLE
3	VINYL FENCE W/ 43 LN. FT. AND 36" HIGH
4	VINYL DOOR 42" W. x 36" HIGH
5	EXISTING LANDSCAPE PALM
6	EXISTING PLANTER
7	EXISTING LIGHTING POST ON SIDE WALK
8	WAITRESS TABLE
9	EXISTING FENCE PATIO
10	EXISTING FENCE DOOR
11	EXISTING BUILDING WALL
12	EXISTING 6'-0" x 7'-0" GLASS DOOR

FLOOR PLAN DATA
PROPOSAL EXTERIOR PATIO AREA: 378 SQ. FT.
NEW EXTERIOR FENCE WITH 43 Ln. Ft. x 36" H. (See Photos)
6 TABLE SERVICE W/ 4 CUSTOMER: 24 CUST.
4 TABLE SERVICE W/ 2 CUSTOMER: 8 CUST.
32 TOTAL



PROPOSAL EXTERIOR
OPEN PATIO FLOOR PLAN



Lic. #1027241
1961 N. "C" ST. # 6730
Oxnard Ca. 93031
PH. (805) 914-9788
email: calicocontractors inc. @ gmail.com

PEDRO GARCIA

REVISIONS	DATE

EXTERIOR OPEN PATIO
FLOOR PLAN

GOLDEN EGGS RESTAURANT
PROPOSED SALE WINE
OWNER: Mr. & Mrs. Hernandez
1611 S. VICTORIA AVE. SUITE No. 120
Oxnard Ca. 93035

SHEET NO.

A-2



NOTICE OF EXEMPTION (NOE)

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: City of Oxnard
Community Development Department
214 South C Street
Oxnard, CA 93030

To: Ventura County Clerk-Recorder &
Registrar of Voters
Hall of Administration, Main Plaza
800 South Victoria Avenue,
Ventura, CA 93009-1260

Project Title: Golden Egg Cafe Alcohol Special Use Permit - Alcohol

Project Applicant: Shahram Afshani, 9100 Wilshire Boulevard, Suite 360E, Beverly Hills, CA 90212, Property Owner.

Project Location - Specific: 1651 South victoria Avenue, CA 93035; County of Ventura; APN: 188-0-310-045

Description of Nature, Purpose and Beneficiaries of Project: Planning and Zoning Permit No. 24-510-01. A request for approval of a Special Use Permit (SUP) for a new Type 41 Alcoholic Beverage Control (ABC) License (beer and wine-eating place) to an existing restaurant of approximately 1,215 square feet located at 1651 South Victoria Avenue, Suite 120, within the Visitor Serving Commercial Area of the Mandalay Bay Specific Plan. The proposed minor improvements to the existing Golden Egg Cafe consist of modifying an existing interior top shelf within the kitchen preparation area, 16 square feet, to allow for the storage of the wine. In addition, the restaurant is requesting to allow the consumption of alcohol within an existing shared enclosed dining patio area, located at the rear of the building. The existing restaurant's daily hours of operation are between 7am to 10pm.

Name of Public Agency Approving Project (Lead Agency): City of Oxnard

Name of Person or Agency Carrying Out Project (Applicant): Alicia Hernandez-Business Owner.

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Section 15301 (Existing Facilities), Class 1
- ☐ Statutory Exemptions. State code number: _____

Reason(s) why project is exempt:

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

Lead Agency Contact Person: Juan Carlos Torres; Associate Planner; (805) 385-8156

Joe Pearson II, AICP
Planning and Environmental Services Manager
City of Oxnard

Date

Note: Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



Police Department

Jason Benites, Chief of Police

March 25, 2024

To: Joe Pearson II, Planning Division Manager
J. Carlos Torres, Associate Planner

From: Edgar Fernandez, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: Golden Egg Cafe, 1651 S. Victoria Ave. Suite 120
PZ 24-510-01, Alcohol SUP Review (ABC Type 41)

Site Information:

The applicant is requesting an Alcohol Special Use Permit for an existing restaurant within the Seabridge Shopping Center with outdoor patio dining on both the parking lot side and the marina side of the business. The applicant is not requesting permit coverage for either patio. The applicant has already filed an application for an Alcohol Beverage Control (ABC) Type 41¹ License to sell beer and wine. The applicant request hours of alcohol sales from 7:00 A.M. to 10:00 P.M..

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

The Police Department is recommending that the service of alcoholic beverages are limited to the hours of 7 A.M. to 10 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. 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

#	Business Name	Address	A B C T y p e	A S U P	O n/ O f f - S a l e	Premise	Alcohol	Alcohol Hours *
1	Yolandas	1601 S. Victoria Av. #190	47	Y	On	Restaurant	Beer Wine Spirits	7a-1a
2	The Raven Tavern	1651 S. Victoria Av. #100	47	Y	On	Restaurant	Beer Wine Spirits	7a-1a
3	Kitanoya Ramen & Sushi	1651 S Victoria Av. #130	41	Y	On	Restaurant	Beer & Wine	7a-1a
4	Seabridge Restaurant	1601 S. Victoria Av #160	47	Y	On	Restaurant	Beer Wine Spirits	7a-1a

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

Alcohol outlets located between 350 Feet and 1000 Feet

None.

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

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

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

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

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

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

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

- 3) *As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.*

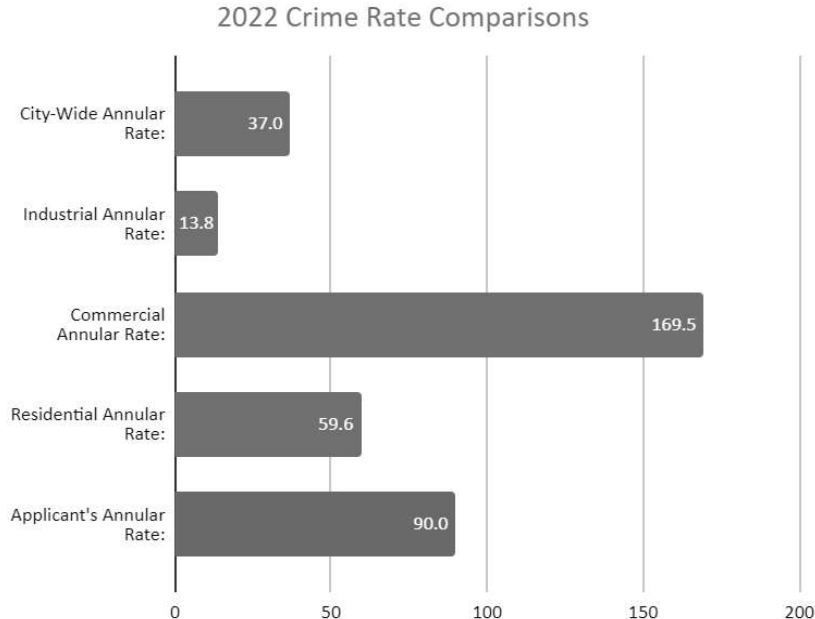
In the case of the applicant site, the annular crime rate is significantly above the average annular citywide rate. This shows the site as having a crime rate above the standard established in 23958.4(1) B&P.

Currently there are four on-sale licenses within the applicant's census tract. According to the ABC, four on-sale licenses are permitted within this census tract. Based on the above findings, there will be an undue concentration under the provisions of California Business and Professions Code Section 23958.4 with the addition of this new permit.

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 number of Part I and II crimes in the applicant's 1000 feet annular area is 90. This is 35% of the average for commercial properties citywide and can be best illustrated in the graph below:



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

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

Police Department Input:

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

Community Input

Businesses:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcohol. The results were all positive. No one interviewed believed there would be issues with the restaurant serving alcoholic beverages.

Area Residents:

The Neighborhood Chairperson was contacted and briefed concerning the proposed permit and had no objections.

Conclusion

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 and a crime rate above the rate generally allowable within the meaning of section 23958.4(a)(1) of the Business and Professions Code, and, as described in City Council Resolution 11,896. However, the crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. The applicant's crime rate is significantly lower than the average crime rate for commercially zoned properties within the City.

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.alcoholicbeveragecontrol.ca.gov). The RBS card shall be renewed every three years by taking an approved course otherwise, the card will be considered invalid. (PL/PD)
2. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.

Hours

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 10P.M. (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. 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 sale or service of alcohol in their original container (bottle or can) is prohibited. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee. (PD)
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.

Grounds for Modifying Permit Conditions

25. 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

25. Deliveries of alcoholic beverages are prohibited as a function of this alcohol Special Use Permit.
26. During normal business hours, the licensee shall provide access to the digital recordings for any and all law enforcement purposes as determined by the City of Oxnard. (PD)
27. 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)
28. 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)
29. 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

30. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
31. 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)
32. 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)

33. 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)
34. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and theft. (PD)
35. 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

36. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.
37. 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

38. 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)
39. 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)
40. 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)

41. 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

42. 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

43. 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)
44. 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)
45. 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.
46. "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.
47. 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.
48. 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.
49. 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

50. Service and consumption of alcoholic beverages is authorized in the patio area on the marina side of the business as long as the patio design and fencing meets both Planning and ABC standards.

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.

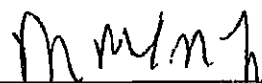
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

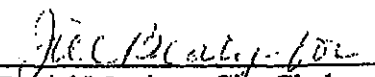
ABSENT: None.



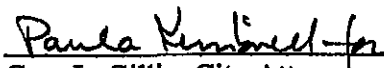
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:



Daniel Martinez, City Clerk



Gary L. Gillig, City Attorney

RESOLUTION NO. 2024 – XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 24-510-01 (SPECIAL USE PERMIT - ALCOHOL), A REQUEST TO SELL BEER AND WINE (TYPE 41 ABC LICENSE) FOR ON-SITE CONSUMPTION AT A EXISTING 1,215 SQUARE-FOOT RESTAURANT IN THE SEABRIDGE MARINA SHOPPING CENTER WITH A COMBINED AREA OF 4.88-ACRES LOCATED AT 1651 SOUTH VICTORIA AVENUE, SUITE 120 (APNS: 188-0-272-205 & 188-0-310-045) WITHIN THE VISITOR SERVING COMMERCIAL AREA OF THE MANDALAY BAY SPECIFIC PLAN, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ALICIA HERNANDEZ, BUSINESS OWNER, ON BEHALF OF PROPERTY OWNER SHAHRAM AFSHANI, 9100 WILSHIRE BOULEVARD, SUITE 306E, BEVERLY HILLS, CA 90212.

WHEREAS, on January 18, 2024, Alicia Hernandez, (the “**Applicant**”) property owner, submitted a request to allow the sale of beer and wine (Type 41 ABC License) between the hours of 7:00 a.m. to 10:00 p.m. for on-site consumption at a existing 1,215 square-foot restaurant (Golden Egg Cafe) located at 1651 Victoria Avenue, Suite 120 (the “**Project**”); and

WHEREAS, on April 4, 2024, 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. 24-510-01 (Special Use Permit - Alcohol), filed by Alicia Hernandez in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

The project site is located within the 2030 General Plan land use designation of Planned Unit Development Residential (PUD) and the zoning designation is Visitor Serving Commercial of the Mandalay Bay Specific Plan area. The Project

is surrounded by commercial and residential developments. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

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

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

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

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

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

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

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

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

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. The approximately 1,215 square-foot restaurant was originally constructed in 2008. Furthermore, no physical improvements are proposed with this permit. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

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

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

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

As described in the Staff Report, the subject site is within the Visitor Serving Commercial of the Mandalay Bay Specific Plan area, with 2030 General Plan designations of Planned Unit Development Residential (PUD). The existing 1,215 square-foot restaurant request to sell beer and wine for on-site consumption (ABC License Type 41) is consistent with the General Plan and zoning designation. The ability to sell alcohol for a restaurant is subject to approval of Special Use Permits by the Planning Commission pursuant to Oxnard City Code (OCC). Therefore, the proposed sale of alcohol is in conformance with the 2030 General Plan and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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

As described in the Staff Report, the Project will allow the sale of beer and wine for on-site consumption for a proposed restaurant within an existing commercial building. According to the Police report, there is one (1) establishment with the same type of ABC License Type 41 (On-Sale Beer and Wine-Eating Place) and three (3) of a similar ABC License Type 47 (On-Sale General - Eating Place) within 350 Feet of the project location. There are no similar types of licenses between 350 and 1000 Feet of the subject property.

The Police Department has determined that based on the proximity of the businesses listed, there is an undue concentration under the established City Standards.

In the case of the applicant site, as seen in Finding 7, the annular crime rate is 2.6 times the average annular citywide rate, which exceeds the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are two on-sale licenses within the applicant's census tract. According to the ABC, three on-sale licenses are allowed within this census tract. Based on the above findings, there is not an undue concentration under the provisions of California Business and Professions Code Section 23958.4.

The proposed sale of alcohol will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health safety or general welfare. The Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

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

As described in the Staff Report, the proposed alcohol (beer and wine) sales will occur within an existing interior dining and a proposed outdoor dining patio areas that are adequate for the proposed sales for on-site consumption. The recommended conditions of approval require the restaurant to comply with the Department of Alcoholic Beverage Control (ABC) for the consumption of alcoholic beverages for the interior and exterior restaurant designated areas. Therefore, the site for the proposed alcohol sales is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

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

The project site is currently served by existing infrastructure which includes Oxnard Boulevard, which connects to multiple arterial streets. The proposed sale of alcohol is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed alcohol sales will be served by highways adequate in width and improved as necessary to carry project-generated traffic. As such, this Project meets this finding.

5) The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

The project site is currently served by adequate sewerage, water, fire protection and storm drainage facilities. The proposed alcohol sales will not generate significant impacts that

would require additional facilities. Therefore, the site for the proposed alcohol sales will be provided with adequate sewerage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

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

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

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

As described in the Staff Report, the Project will allow the sale of beer and wine for on-site consumption for an existing restaurant within an existing multi-tenant commercial building. According to the Police report, there are four establishments of the same type located within 350 feet of the Project site and none between 350 feet and 1000 feet from the property.

The site of the proposed establishment is within an area of the City where there is an undue concentration of alcoholic beverages establishments and crime rate above the rate generally allowable within the meaning of section 23958.4(a)(1) of the Business and Professional Code. However, the crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit. Therefore, a finding of public convenience can be made for the proposal as it is convenient for the existing restaurant to serve an alcoholic beverage which pairs well with the food they serve. The addition of a new ABC license to an existing restaurant will have little, if any adverse impact on the community or policing services.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site consumption within an existing restaurant 1215 square foot suite and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Division is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 24-510-01 (Special Use Permit - Alcohol), subject to the attached conditions of approval.

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

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

CONDITIONS OF APPROVAL

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated April 4, 2024, (“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. The property shall continue to be used as a restaurant only, any changes to the proposed use, including use as a bar and/or the inclusion of a dance floor, shall require modification to this permit and other applicable entitlements, including compliance with Chapter 16 of the Oxnard City Code.

POLICE DEPARTMENT STANDARD CONDITION

RBS Training

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

Hours

16. Sales of alcohol may only occur between the hours of 7 A.M. and 10 P.M. (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. 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.

Grounds for Modifying Permit Conditions

38. 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

39. Deliveries of alcoholic beverages are prohibited as a function of this alcohol Special Use Permit.

40. 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)

41. 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)

42. 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)

43. 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:
- 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

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

50. 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.
51. 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

52. 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)
53. 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)
54. 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)
55. 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

56. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
57. 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

58. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without SUP review and approval by the Police Chief or designee and the Community Development Director. (PD)
59. 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)
60. 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.
61. "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.
62. 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 include either the calculation of gross alcohol or gross food sales.
63. 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.

64. 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.

Police Department Special Police Conditions

65. Service and consumption of alcoholic beverages is authorized in the patio area on the marina side of the business as long as the patio design and fencing meets both Planning and ABC standards.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of April 2024, 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 4th day of April 2024, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary

City of Oxnard Planning Commission

April 4, 2024

Golden Egg Cafe Alcohol Special Use Permit
1651 South Victoria Ave, Suite 120
PZ 24-510-01
(Special Use Permit - Alcohol)

Applicant: Alicia Hernandez-Business Owner

Case Planner: Juan Carlos Torres

Project Description

A request for a new license (ABC Type 41) to authorize the sales of beer and wine for consumption within an existing restaurant of approximately 1,215 square feet located at 1651 South Victoria Avenue, Suite 120.

Proposed development includes modifications to existing interior top shelves within the kitchen preparation area to allow for the storage of the wine. In addition, the restaurant is requesting to allow the consumption of alcohol within a new enclosed dining patio area of approximately 378 square feet, located at the rear of the building.

The proposed hours of sales are 7 am to 10 pm daily.

Vicinity Map

Golden Egg Cafe:

- The general location of the project site is on the center westerly edge of the City of Oxnard.



Project Location - Aerial

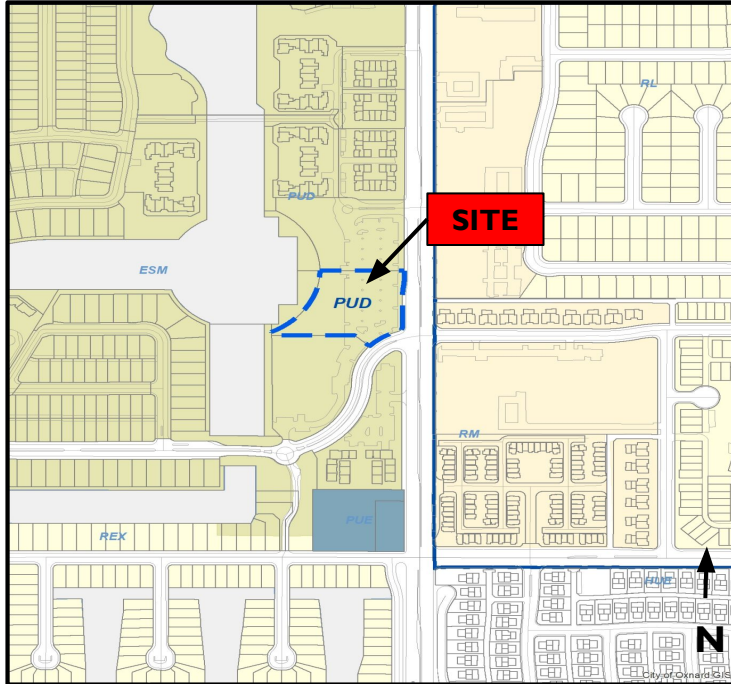
Golden Egg Cafe:

- Located Northwest of Ketch and South Victoria Avenue intersection.
- Within Seabridge Marina Shopping Center.

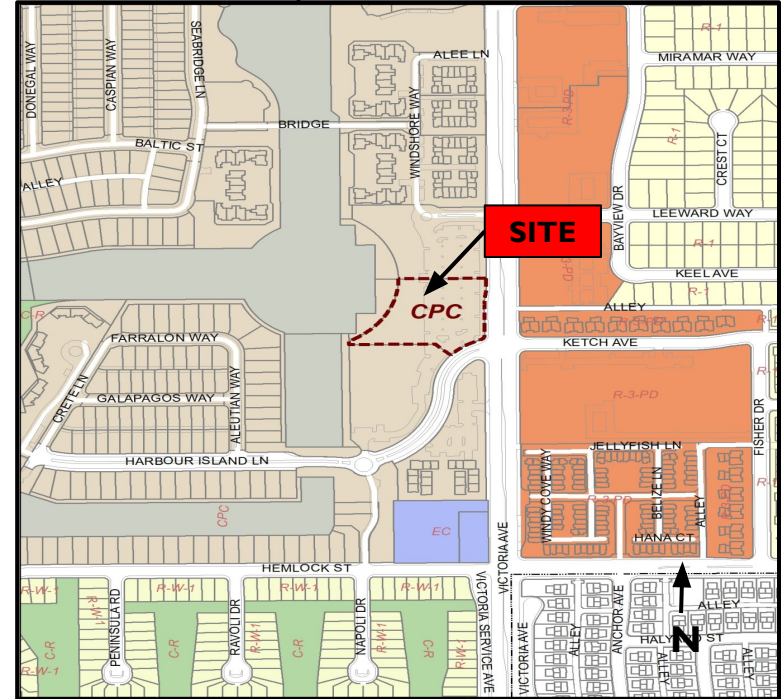


General Plan and Zoning

2030 General Plan: Planned Unit Development Residential (PUD)



Zoning Designation: Coastal Planned Unit Community (CPC) Visitor Serving Commercial of the Mandalay Bay Specific Plan Area



Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Planned Unit Development Residential	Visitor Serving Commercial area of the Mandalay Bay Specific Plan	Restaurant
North	Planned Unit Development Residential	Mixed-Use (Commercial/Residential area of the Mandalay Bay Specific Plan	Residential condominiums
South	Planned Unit Development Residential	Visitor Serving Commercial area of the Mandalay Bay Specific Plan	Live/Work Residential
East	Residential Medium (RM)	Garden Apartment Planned Development (R-3-PD)	Across Victoria Avenue-Apartment Complexes
West	Planned Unit Development Residential	Residential area of the Mandalay Bay Specific Plan	Across water easements-Single - Family Residential

Site Photos



View from Victoria Avenue
looking West

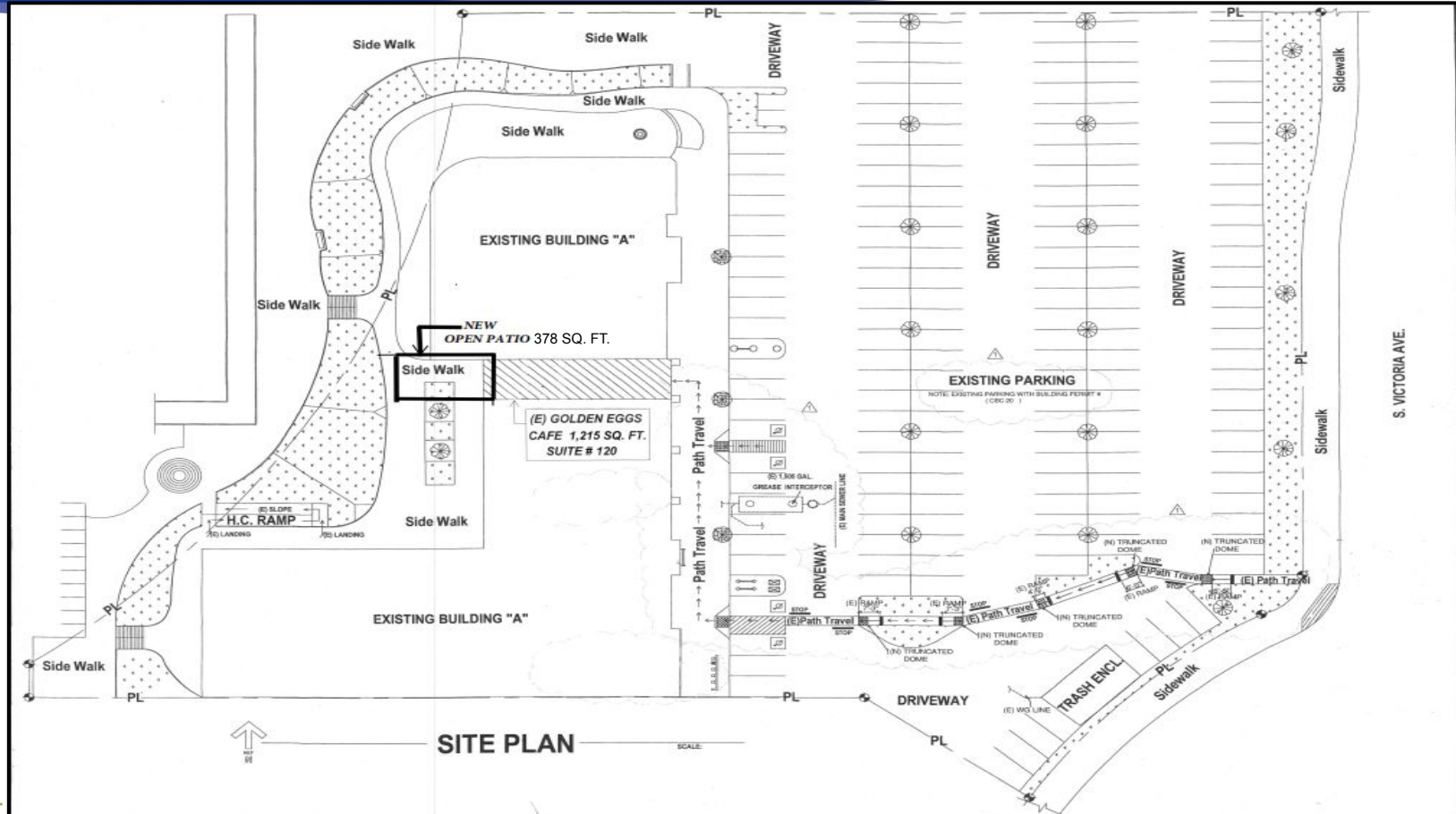
Picture looking Northeast
at the rear of the building



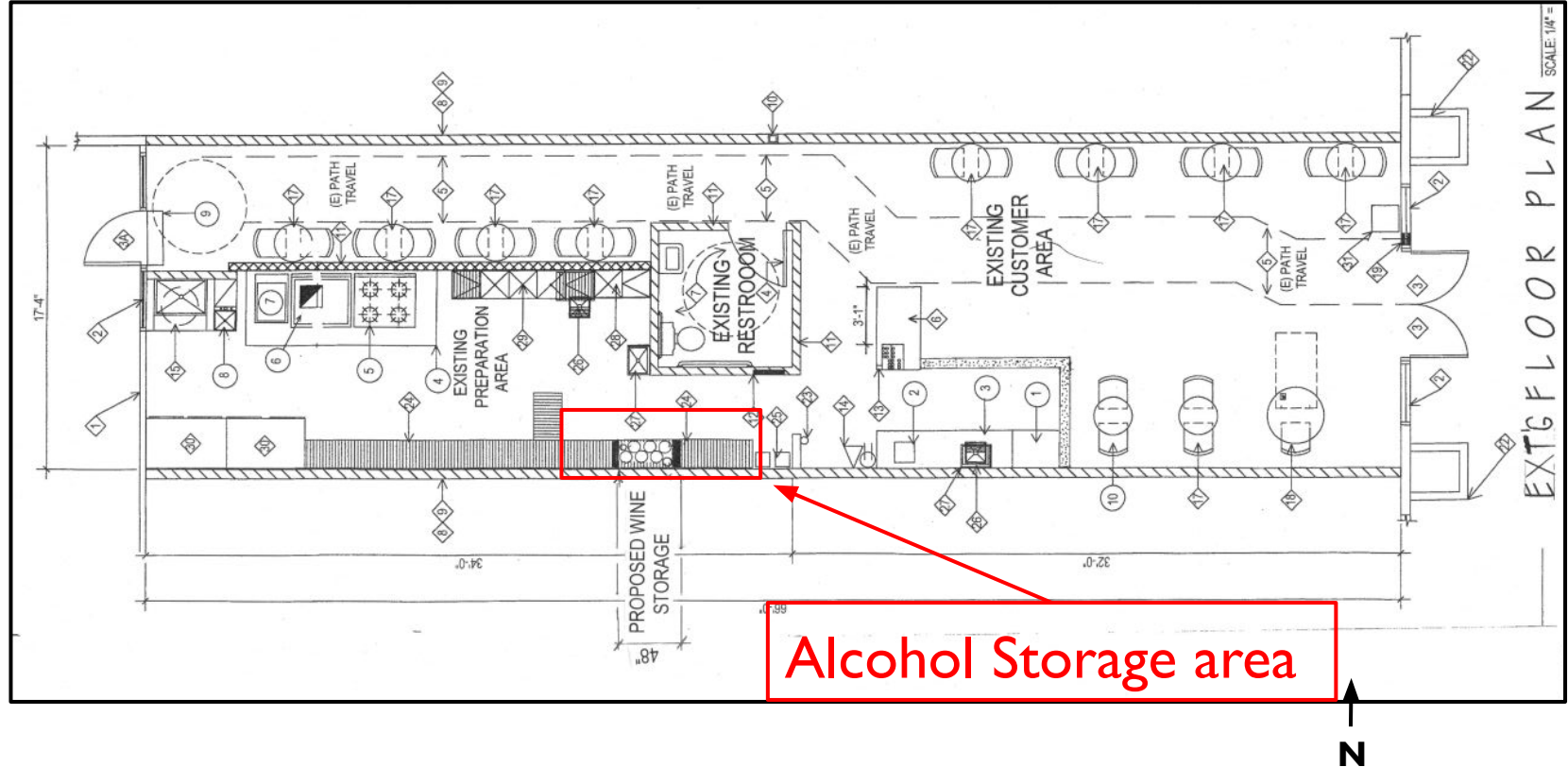
Picture looking Southeast
at the rear of the building



Site Plan



Floor Plan



Outdoor Dining Patio Area



PROPOSAL VINYL FENCE



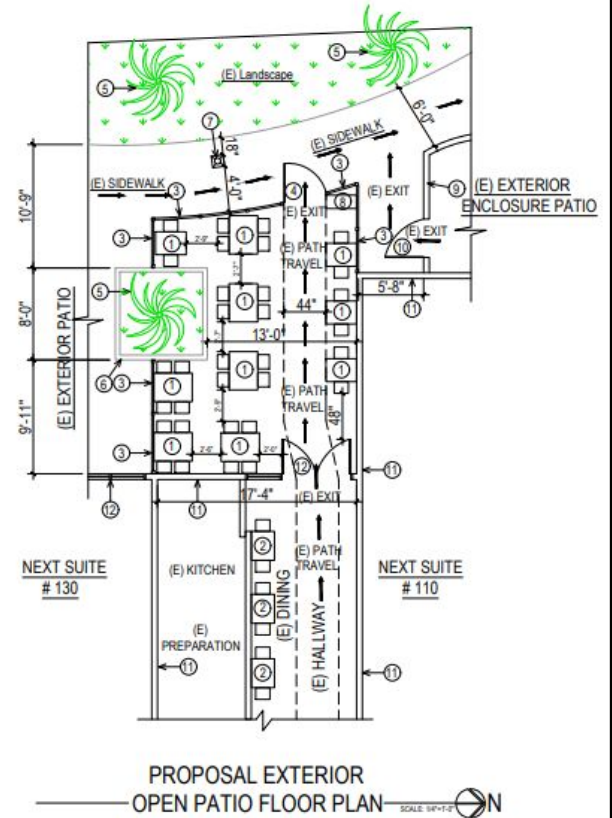
PROPOSAL VINYL FENCE



PROPOSAL VINYL FENCE

○	KEY FLOOR PLAN
ITEM	DESCRIPTION
1	CUSTOMER TABLES 30" W. x 40" L. & 24" W. x 30" L.
2	EXISTING CUSTOMER TABLE
3	VINYL FENCE W/ 43 LN. FT. AND 35" HIGH
4	VINYL DOOR 42" W. x 36" HIGH
5	EXISTING LANDSCAPE PALM
6	EXISTING PLANTER
7	EXISTING LIGHTING POST ON SIDE WALK
8	WAITRESS TABLE
9	EXISTING FENCE PATIO
10	EXISTING FENCE DOOR
11	EXISTING BUILDING WALL
12	EXISTING 6'-0" x 7'-0" GLASS DOOR

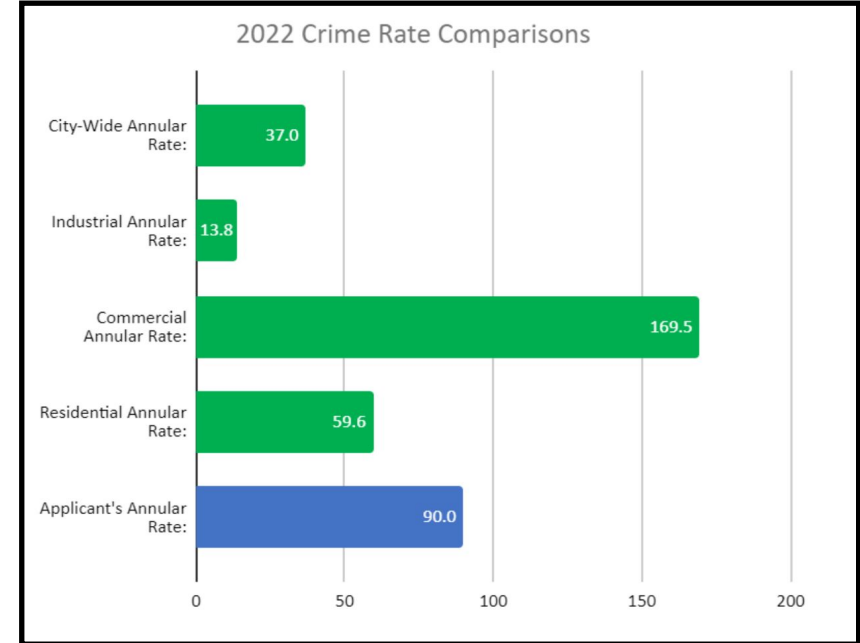
FLOOR PLAN DATA
PROPOSAL EXTERIOR PATIO AREA: 378 SQ. FT.
NEW EXTERIOR FENCE WITH 43 Ln. Ft. x 36" H. (See Photos)
6 TABLE SERVICE W/ 4 CUSTOMER: 24 CUST.
4 TABLE SERVICE W/ 2 CUSTOMER: 8 CUST.
32 TOTAL



Police Report Summary

Crime:

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



Police Department Review

Findings:

- Crime rate around the site is below commercial average.
- There is an undue concentration per City standards (350 feet).
- There is no undue concentration per City standards (1000 feet).
- There is an undue concentration per State standards (census tract).
- Had an undue concentration been found, a Finding of public convenience or necessity would be required.

Select Recommended Conditions of Approval

- CofAs #14 and #15:

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

- CofA #16:

Sales of alcohol may only occur between the hours of 7:00 A.M. and 10 P.M.

- CofA #18:

The premises shall be equipped and maintained in good faith as a bona fide eating establishment.

- CofA #65:

Service and consumption of alcoholic beverages is authorized in the patio area on the marina side of the business as long as the patio design and fencing meets both Planning and ABC standards.

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

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

- The Project was presented on February 12, 2024, Community Workshop. No public comments were received.
- Notice of PC hearing posted on-site.
- Notice of PC hearing sent to surrounding property owners.
- To date, no public comments regarding project for an additional alcohol outlet in the neighborhood.

Staff Recommendation

That the Planning Commission

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2024-XX approving Planning and Zoning Permit No. 24-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions.

MEMO



DATE: April 4, 2024

TO: Planning Commission

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

SUBJECT: Rules and Procedures (Bylaws) Discussion Agenda Item No. G.1

On February 15, 2024, the Planning Commission requested staff to place a Study Session on the next available regularly scheduled meeting regarding a “Amendment of Rules and Procedures” in the Planning Commission Rules and Procedures and other general revisions to the Planning Commission Rules and Procedures. This item is to take place during the Planning Commission’s “Study Session / Reports” portion on April 4, 2024.

The Planning Commission’s Rules and Procedures (Bylaws) were last revised and adopted on November 21, 2023, and they are documented in City Council Resolution No. 15,751 (attached). The Planning Commission has the ability to recommend changes to their Bylaws provided that the Bylaws are consistent with the Planning Commission's Duties as outlined within the Bylaws, however, the City Council shall have final approval authority.

Rule 16 of the Bylaws include the following provisions for making amendments to the Bylaws:

“These rules and procedures shall be adopted and may be amended at any regular meeting of the Commission by a majority of the members of the Commission, provided that the amendment has been submitted in writing at a previous meeting.”

“Upon adoption or amendment by the Planning Commission, such rules and procedures shall be submitted to the City Council for review. The City Council shall have the power to approve, disapprove, or modify said rules and procedures, as it deems necessary.”

Additionally, Section X of the Bylaws include the following provisions for creating Subcommittees:

“With the approval of a majority of the Commission members, the Chair may appoint a minimum of 2 members of the Commission to subcommittees to make recommendations to the full Commission on land use policy matters or such other matters as the Chair may deem appropriate.”

In the context of the above Sections, the Planning Commission:

1. May broadly discuss the Bylaws on April 4, 2024, but the Planning Commission may not amend the Bylaws at that meeting as no specific language has been submitted in writing at a previous meeting.
2. May create a Subcommittee to study the Bylaws (select portions or the full document), and the Subcommittee would present their recommendations at a future meeting.

Members of the public are welcome to provide comments on this item during the public comment portion of this item.

It is recommended that the Planning Commission receive this report and consider providing language in writing for adoption at a future meeting or creating a subcommittee pursuant to the provisions of the Bylaws for further discussion of any potential changes.

Attachments: City Council Resolution No. 15,751

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,751

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING
REVISED RULES AND PROCEDURES (BYLAWS) FOR THE PLANNING COMMISSION

WHEREAS, on April 15, 2021, the Planning Commission requested a Study Session to review the Planning Commission Rules and Procedures regarding the role of "Subcommittees," "Amendment of Rules and Procedures" and other general revisions; and

WHEREAS, the Rules and Procedures (Bylaws) Subcommittee was created by the Planning Commission on May 20, 2021. The subcommittee met five times between the Planning Commission meetings starting June 3, 2021, through August 5, 2021; and

WHEREAS, on August 5, 2021, the subcommittee moved to approve a resolution recommending the Planning Commission adoption of revised Bylaws. On August 19, 2021, the Planning Commission voted 6-0, with one commissioner absent to approve Resolution 2021-21, establishing the revised Bylaws, subject to approval by the City Council; and

WHEREAS, on October 21, 2023, the Finance and Governance Committee voted 2-0 (with one Council Member absent), to recommend that the City Council approve the Planning Commission's proposed revisions to the Planning Commission Rules and Procedures (Bylaws) with staff's recommended changes; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY
RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby resolves to adopt the following rules and procedures to govern the conduct of the Planning Commission of the City of Oxnard meetings:

RULE 1

TITLE

- A. The official title of this Commission shall be "Planning Commission of the City of Oxnard, California".

RULE 2

PREFACE

- A. The Planning Commission shall adopt written rules and regulations as to the time, place and date of its regular meetings and shall adopt such rules and regulations as it deems necessary to conduct its business including rules of procedure. Such rules and regulations shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions, or regulations of the City of Oxnard. These rules and procedures are prepared to serve this purpose.

The City Council of the City of Oxnard established the Planning Commission and granted to it responsibilities in the area of land use, and planning permit decisions. These rules and procedures are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these rules and procedures and the Oxnard City Code, the Code shall control.

RULE 3

GENERAL PROVISIONS

- A. The Planning Commission of the City of Oxnard (hereinafter in these rules referred to as the "Commission") adopts the following rules and procedures to govern the conduct of its meetings.
- B. Upon appointment:
1. Each member of the Commission shall receive a copy of these rules and procedures, and upon amendment.
 2. Each member shall receive a copy of the Robert's Rules of Order, Newly Revised.
 3. Each member shall receive training on the Ralph M. Brown Act.

RULE 4

MEETINGS

- A. Calling of Meetings
1. The Commission shall regularly meet on the first and third Thursday of each month. The regular meeting shall commence at 6:00 p.m. in the City Council Chambers, and as may be allowed by State law.
 2. The Commission shall approve an annual calendar in the prior year.
 3. Special meetings shall be called and convened by the Chair or majority of the members as provided by Rule 5.
 4. The Ralph M. Brown Act shall govern all meetings of the Commission.
- B. Notice for Meetings

1. The Commission meetings shall comply with Ordinance No. 2948 (Sunshine Ordinance), and the legislative body and public shall have the agenda and attachments available 7 days before the regular meeting.

RULE 5

MEETING AND HEARING PROCEDURES

A. In general

1. Meetings and hearings of the Commission shall be called to order and presided over by the Chair or, in the Chair's absence, by the Vice-Chair to carry out such duties.
2. Meetings and hearings of the Commission shall be open to the public unless closed under the Commission's Counsel direction.
3. Any meeting or hearing of the Commission that is open to the public shall be open to coverage by television broadcast, online through the city website, and YouTube channel.
4. No person other than a member of the Commission or city staff may stand in or be seated at the Council Chambers' dais area unless the Chair determines otherwise.

B. Quorum

1. A quorum of the Commission shall be four members.
2. A quorum shall be present in order for the Commission to conduct business.
3. Absence of a quorum
 - a. In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, majority of members present, or staff.
 - b. A meeting may be declared adjourned for absence of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting.
 - c. A meeting may also be declared adjourned in advance if the absence notifications received by staff provided for the absence of a quorum.
 - d. Adjournment may be declared by the Chair, Vice-Chair, or staff.
4. Exception to absence of quorum because of abstentions due to a conflict of interest:
 - a. If all Commissioners are present and if enough Commissioners abstain due to a conflict of interest so as to lose a quorum, the Commission shall exercise the rule of necessity to regain a quorum.
 - b. Otherwise disqualified Commissioners shall be chosen by lot until a quorum is reached.
 - c. The Commissioners so chosen shall continue to participate in that matter until its conclusion.

C. Voting

1. No vote may be conducted on any item before the Commission unless the Commission's requisite (4) number of members is present.

2. No vote by any member of the Commission on any item may be cast by proxy.
 3. Unless otherwise specified by State law, an affirmative vote of a majority of the members present and eligible to vote shall take action on any items.
 4. If any item fails to receive a majority vote, it will be considered denied or recommended for denial.
- D. Meeting procedures
1. The Chair shall call the meeting to order and announce the date, time, and meeting type.
 2. Each Commission meeting shall include preliminary items, such as "Roll Call" and "Pledge of Allegiance."
 3. Each meeting shall have a time for the public to speak entitled "Public Comments on items not on the Agenda." The public will also be allowed to speak on all items listed on the agenda.
 4. When the Chair calls for public comments during a regular meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that do not appear on the agenda as a listed item.
 5. When the Chair calls for public comments during a special meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that only appear on the agenda as a listed item.
 6. Each member of the public is allowed a minimum of three (3) minutes to speak, but additional time may be granted by the Chair or majority of the members.
 7. The Commission shall not take action on any item not appearing on the agenda unless the action is authorized by the Ralph M. Brown Act.
- E. Consent Agenda
1. This portion of the agenda shall include minor or routine items, whether previous meeting minutes, or other matters.
 2. When the consent portion of the agenda is called, the Chair shall ask the members if they have questions or if a discussion is required. Staff may respond to routine inquiries from members of the Commission concerning items on the consent agenda. If there are substantial questions by members of the Commission, an item may be removed from the consent agenda and considered separately.
 3. Any member of the Commission may move that a matter on the consent agenda be removed from the consent agenda and be considered separately.
- F. Ex Parte Declarations for Public Hearing Items
1. Commissioners are discouraged from suggesting any change to any project to the applicant or staff before the project is considered by the Commission as a whole.

2. To ensure that all Commissioners receive the same information relative to a project that will be reviewed by the Commission, third party contacts are discouraged.
3. The below should be disclosed by the Commissioner at the Commission meeting prior to the item being considered:
 - a. Ex Parte Communications
 - b. Site Visits
 - c. Conflict of Interest
 - d. Financial Impacts
- G. Continued Public Hearings
 1. A continued public hearing shall be resumed at the point of the public hearing at which such matter was continued. If the public testimony portion of the public hearing had been closed, public testimony may be reopened upon a motion and second that is then approved by a vote of the Commission.
- H. New Public Hearings
 1. Shall be conducted as outlined in Rule 6.
- I. Planning Manager/Staff Comments
 1. This portion is an opportunity for the Planning Manager or staff to provide updates on upcoming items, past items, study sessions, and other announcements.
- J. Commissioner Comments
 1. During this portion of the agenda, members of the Commission may make a brief announcement, report on their activities, or request an item be placed on the agenda for future consideration.
- K. Adjournment
 1. Commission meetings shall adjourn by 10:00 p.m. unless extended as set forth in the next subsection.
 2. If a motion to extend the meeting after 10:00 p.m. is passed by at least two-thirds of the members of the Commission who are present and eligible to vote upon such motion, the Commission may hear and consider any matter on the agenda after 10:00 p.m.

RULE 6

CONDUCT OF PUBLIC HEARING

- A. Purpose
 1. The Commission is a public agency with land use planning and decision-making duties. It is the policy of the Commission to encourage free and open discussion of issues on a Commission meeting agenda, but also to ensure that the Commission completes the agenda in a timely manner and in a process that accords courtesy and respect to all participants.
- B. Disruptive Public Speakers

1. No member of the public shall engage in conduct that disrupts, disturbs, or impedes the Commission meeting's orderly conduct. Such behavior may include making loud, threatening, abusive, personal, impertinent, or profane remarks. The Chair or a majority of the Commission present members may order any person who engages in such to be silent. If such an order is given, such person may be barred from further communication with the Commission during that meeting or be required to leave the meeting room.
 2. Any person making a verbal or written threat of violence against any commissioner, staff, or audience member shall be referred to the Oxnard Police Department for investigation of making terrorist threats and possible enforcement of a Gun Violence Restraining Order, GVRO.
- C. Public Hearing Procedure
1. Unless otherwise directed by the Chair, the order of presentation of evidence or testimony, oral and written, on any public hearing item shall be as follows:
 - a. The Chair opens the public hearing.
 - b. Staff makes a brief presentation, including a summary of the item, an analysis of the issues, and a recommendation.
 - c. Introduction of applicant and participants.
 - d. If present, the applicant may make a presentation (of 15 minutes unless extended by majority vote) and shall be available for questions from the Commission. The Commission may proceed whether or not an applicant is present.
 - e. Members question both staff and applicant(s).
 - f. The Chair invites public testimony.
 - g. Staff and applicant(s) respond to public testimony.
 - h. Chair closes hearing to public testimony.
 - i. Members deliberate and vote on the item.
- D. Oral Testimony
1. All oral testimony received at meetings of the Commission shall be directed to the Chair. All oral testimony from one person shall be limited to three minutes, provided, however, that the Chair may grant additional time to an applicant, an appellant, a staff member, a consultant to the City, a representative of a neighborhood council, or a representative of another public agency.
- E. Debate and Questions
1. The Chair shall not allow debate among members of the public. Any person wishing to direct a question to another person shall submit such question to the Chair, who may, at his or her discretion, ask the question. The Chair may prohibit a member of the public from speaking on an issue more than once during any hearing.
- F. Rules of Evidence

1. Public hearings held by the Commission need not be conducted according to the rules of evidence contained in the California Evidence Code. The following rules of evidence shall apply:
 - a. The Commission may consider any evidence that is the sort of evidence that responsible persons are accustomed to relying upon in the conduct of serious affairs.
 - b. All evidence shall be directly related to the item under consideration.
 - c. Persons testifying before the Commission shall be encouraged to submit their testimony and comments in writing for the record.

RULE 7

COMMUNICATIONS AND REPORTS OF THE COMMISSION

- A. Information provided by Staff
 1. Customarily, staff reports and other information related to a regular meeting shall be provided to the Commission on the Monday preceding a Thursday meeting.
 2. Staff may provide the Commission with supplemental information closer to the time of or at a meeting, and the agenda item need not be continued.
 3. As provided in Government Code section 54957.5, agendas, staff reports, supplemental information, and other writings distributed to all, or a majority, of the members of the Commission in connection with a matter subject to discussion or consideration at a Commission meeting shall be made available for public inspection or copying without delay, unless such writings are exempt by law from public disclosure.
- B. Written Communications from the Public
 1. The Commission encourages the public to prepare and send written communications that may assist the Commission in its deliberations on an item. The correspondent is requested to provide fifteen copies, no larger than page size 11x17 of all written material for members, the recording secretary, staff, file, and the public with the below specifications:
 - a. Font Size: Minimum 12-point font.
 - b. Spacing: Single
 - c. Page Limitation (double-sided equivalent):
 - i. 3 days prior to meeting by 5:00 P.M.: 5 pages maximum, including exhibits
 - ii. Between 3 days prior to meeting at 5:00 P.M. to the meeting: 1 page maximum, including exhibits
 2. The Commission shall refer to staff all such written communications, including e-mails, regarding a subject or matter, not appearing on the agenda.

RULE 8

ELECTION AND DUTIES OF OFFICERS

- A. Election of the Chair and Vice-Chair
 - 1. Officers of the Commission shall consist of a chair and vice-chair.
 - 2. Elections will be held during the first regular meeting of the Commission held in every calendar year or during the first regular meeting after appointment of the members of the Commission by the City Council.
 - 3. The members of the Commission shall elect one member as Chair and another as Vice-Chair, to serve for one year or until a successor is appointed, unless either is earlier removed from such positions by a majority vote of the members of the Commission or by the City Council.
 - 4. Selection of Chair and Vice-Chair
 - a. The Chair will open nominations for Chair.
 - b. After all nominations, the Chair will close nominations.
 - c. The Commission Clerk will perform a roll call of the members.
 - d. If there are multiple nominees, each member will vote by stating their choice for Chair or abstain. A single nomination will be a Yes, No, or abstain vote.
 - e. At the conclusion, the new Chair will assume all duties and conduct the Vice-Chair selection.
 - 5. The Chair shall preside at all regular and special meetings, re-order the agenda as necessary, call special meetings, jointly set meeting agendas with staff, and represent the Commission at meetings of the City Council, other public agencies, and at civic events. The Chair is also responsible for signing resolutions adopted by the Commission and verifying the accuracy of the contents.
 - 6. Vacancy of an Office
 - a. If a vacancy occurs prior to the next annual election, a special election shall be held to fill the vacant office from among the membership.
 - b. That member shall serve until the next regularly scheduled election.
 - 7. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.
 - 8. In the absence of both the Chair and Vice-Chair, the immediate past chair shall preside at the meeting. If the immediate past chair is not present, the most senior member of the Commission shall perform the duties of the Chair.
 - 9. A removal of an elected officer needs to have a motion and a second to be placed on the next meeting's agenda.
 - a. The chair or vice-chair may be removed by a two-thirds majority vote of the Commission at a regularly scheduled meeting of the Commission, when all appointed members are present.

- b. Any officer removed ceases to hold the office once the vote has been tallied and announced.

RULE 9

SEATING ARRANGEMENT

- A. The seating arrangement for the Commission shall be as follows:
 1. The Chair shall be seated in the middle of the dais. The Vice-Chair shall sit immediately to the Chair's right.
 2. The senior member on the Commission will sit immediately to the Chair's left.
 3. The Commission members will sit in seniority with the newest member seated on the far right of the Chair.
 4. When a member of the Commission leaves the Commission, the members will close the gap based on seniority towards the Chair, and the newly appointed member is seated on the far right of the Chair.

RULE 10

RESTRICTION ON REPRESENTATION

- A. No member of the Commission shall purport to represent or speak on behalf of the Commission without obtaining the consent of the Commission in the form of a motion passed at a regular or special meeting of the Commission.

RULE 11

CONDUCT OF COMMISSION MEMBERS

- A. All Commission members are expected to conduct themselves respectfully while on the dais.
- B. Members are expected to be actively engaged during meetings and work cooperatively with other Commission members.
- C. Members are expected to not engage in side conversations or to be on personal mobile devices while on the dais.
- D. Members are expected to respect fellow Commissioners' time and wait to be recognized by the Chair before speaking.
- E. Members are to be familiar with the Parliamentary Procedures in Rule 14.

RULE 12

RECORD OF MEETINGS

- A. A minute record of all proceedings before the Commission shall be prepared and preserved by staff.
- B. Minutes shall be prepared in the form and format prescribed by the City Council for citizen advisory groups.

- C. All reports and written communications directed to the Commission shall be made a part of the permanent record of the Commission.
- D. All motions considered by the Commission shall be recorded whether they pass or fail.
- E. Members of the Commission wishing to have specific comments regarding an item reflected in the minutes and preserved for the record shall state, prior to making a comment, that the comment is "for the record."
- F. Draft minutes of meetings shall be presented by the recording secretary to the Commission for correction and approval as soon as practical.

RULE 13

SUBCOMMITTEES

- A. With the approval of a majority of the Commission members, the Chair may appoint a minimum of 2 members of the Commission to subcommittees to make recommendations to the full Commission on land use policy matters or such other matters as the Chair may deem appropriate.
- B. Each subcommittee is a part of the Commission and is subject to the Commission's authority, direction, and rules.

RULE 14

PARLIAMENTARY PROCEDURE

- A. In conducting meetings, the Chair shall be guided by, but is not required to strictly adhere to, Robert's Rules of Order, Newly Revised.

RULE 15

RESIGNATION

- A. Any member of the Commission desiring to resign from the Commission shall submit a written resignation to the City Clerk.

RULE 16

ADOPTION AND AMENDMENT OF RULES AND PROCEDURES

- A. Planning Commission Adoption and Amendment
 - 1. These rules and procedures shall be adopted and may be amended at any regular meeting of the Commission by a majority of the members of the Commission, provided that the amendment has been submitted in writing at a previous meeting.
- B. City Council Adoption and Amendment
 - 1. Upon adoption or amendment by the Planning Commission, such rules and procedures shall be submitted to the City Council for review. The City

Council shall have the power to approve, disapprove, or modify said rules and procedures, as it deems necessary.

SECTION 2. The decision of the City Council shall be final.

SECTION 3. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Oxnard on the 21st day of November 2023, by the following vote:

AYES: Councilmembers Basua, MacDonald, Perello, Teran, Valenzuela Zavala and Zaragoza

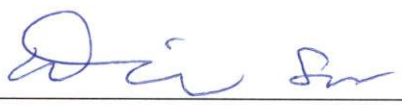
NOES: None.

ABSENT: Councilmember Madrigal

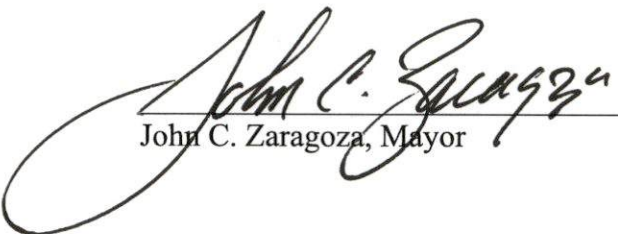
ABSTAIN: None.

RECUSED: None.

ATTEST:



Rose Chaparro, City Clerk



John C. Zaragoza, Mayor

APPROVED AS TO FORM:

 11/28/2023

Stephen M. Fischer, City Attorney

MEMO



DATE: April 4, 2024

TO: Planning Commission

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

SUBJECT: Discussion of Future Study Session / Reports Agenda Item No: G.2

This Planning Commission requested staff to place a discussion item on a Planning Commission agenda to discuss the Commission's desire to place certain items on the agenda for a future study session/reports. This discussion item is to take place during the Planning Commission's "Study Session / Reports" portion on April 4, 2024.

Items mentioned for future consideration include, but were not limited to:

- Updates on past development projects currently under construction
- Applicable solar requirements
- Discussion of Planning Commission Stipend

Pursuant to Oxnard City Code (OCC) Section 2-95 and the Planning Commission Bylaws, the City Council of the City of Oxnard established the Planning Commission and granted to it responsibilities in the area of land use, and planning permit decisions. The intent of Study Sessions/Reports agenda items is to provide an opportunity to discuss items which are consistent with the established roles and responsibilities of the Commission.

Members of the public are welcome to provide comments on this item during the public comment portion of this item.

It is recommended that the Planning Commission receive this report and consider requesting that staff return with items noted above or other items as requested by the commission for future agendas under Study Session / Reports.