

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Rogelio Solis, Assistant Planner

DATE: August 15, 2024

SUBJECT: **Project Name: Taqueria Cuernavaca Alcohol Special Use Permit;** Planning and Zoning Permit No. 23-510-05; Located at 1801 East Ventura Boulevard (APN: 144-0-144-235)

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

- a) Find the Project to be Categorical 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. 23-510-05 (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 allow the sale of beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41¹ - On-Sale Beer and Wine) at an existing 1,870 square-foot restaurant (Taqueria Cuernavaca) with an outdoor patio of 484 square-feet on a 15.9-acre site located at 1801 East Ventura Boulevard Suite A, within the Retail Commercial area of the Rose-Santa Clara Corridor Specific Plan. The standard hours of alcohol sales are from 7:00 a.m. to 9:00 p.m. The facility proposes to operate from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 7:00 p.m. on Sunday. 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 Joaquin Solorzano, Business Owner, on behalf of property owner PDN Retail Center LP % Operon Group, 4 Upper Newport Plaza Drive, Suite 100, Newport Beach, CA, 92660.

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

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

- 3) Existing & Surrounding Land Uses:** The 15.9-acre Project site is currently developed with a 1,870 square-foot restaurant (Taqueria Cuernavaca) and an outdoor patio of 484 square-feet located within the Retail Commercial zone of the Rose-Santa Clara Corridor Specific Plan. The Project site is primarily surrounded by commercial uses, although to the south of the property it is actually zoned Business Research Park. The following table summarizes the land uses, zoning and 2030 General Plan designations of the Project site and adjacent properties, which are also shown in Attachment A:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Retail Commercial (RC)	Restaurant
North	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Business Park (BP)	Auto Sales/Retail
South	Business Research Park (BRP)	Business Research Park (BRP)	Retail
East	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Retail Commercial (RC)	Restaurant
West	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Auto Sales & Service (AS&S)	Restaurant

- 4) Background Information:** The project site is within the Retail Commercial zone of the Rose-Santa Clara Corridor Specific Plan (RSCCSP), which was approved by the Planning Commission through adoption of Resolution No. 6907 on June 26, 1986 and later adopted by City Council by way of Ordinance No. 2085 on August 5, 1986. The Planning Commission adopted Resolution No. 7214 on August 4, 1988, approving Special Use Permit No. 1296 allowing construction of a 308,109 square-foot promotional shopping center on a 26.2-acre parcel located at the northwest corner of Ventura Boulevard and Paseo Mercado, within the Retail Commercial area of the Rose-Santa Clara Corridor Specific Plan area (north of highway 101 between Rose Avenue and Santa Clara Avenue). Pursuant to Section 4.2.3 of the RSCCSP, the Retail Commercial zone allows for commercial land uses, including but not

limited to retail, service, restaurants, cafes, bars, hotels as well as administrative, professional and business offices. The subject site currently operates as a restaurant and has been in operation since 2013. The neighboring suite (Suite B) currently has a Type 41 License, however the Project site (Suite A) did not previously have an Alcohol Special Use Permit.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to sell alcohol for on-site consumption within an existing restaurant and will not increase the square footage of the existing building area. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project 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 of alcoholic beverages (ABC License Type 41) within the existing 1,870 square-foot restaurant (Taqueria Cuernavaca) and a 484 square-foot outdoor patio. The facility will only be allowed to operate as a bonafide restaurant and will operate from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 7:00 p.m. on Sunday.

In accordance with the City Code, the ability to sell alcohol for on-site consumption is subject to approval of a SUP by the Planning Commission. The proposed sale of beer and wine for on-site consumption is accessory to the primary use of the restaurant and conforms to the permitted uses of the Retail Commercial zone of the Rose-Santa Clara Corridor Specific Plan.

- b) **General Plan & Zoning Consistency:** The 2030 General Plan designation for the site is Commercial Regional (CR) and the zoning designation is Retail Commercial within the Rose-Santa Clara Corridor Specific Plan. General Plan Policy ICS-19.2 encourages Police Department review of development projects. The Project was reviewed by the Police Department and their recommendations are incorporated into the conditions of approval. Therefore, this Project is consistent with Policy ICS-19.2.

The Project is proposed in the Retail Commercial zone of the Rose-Santa Clara Corridor Specific Plan. In accordance with the Oxnard City Code (OCC) and the Rose-Santa Clara Corridor Specific Plan, the sales of alcoholic beverages for on-site consumption are

permitted through the approval of a Special Use Permit. Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

- c) **Police Department Review:** The Oxnard Police Department provided a comprehensive report 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 (Type 41) 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?
Teppan Steak House - 1801 Ventura Boulevard	Yes	No (Type 41)	No, as conditioned	Yes (City) No (State)
Kalaveras - 1740 Ventura Boulevard	No	No (Type 47)	No, as conditioned	Yes (City) No (State)
Olive Garden #340 - 1891 Ventura Boulevard	No	No (Type 47)	No, as conditioned	Yes (City) No (State)
Seafood City - 2340 N. Rose Avenue	No	No (Type 21)	No, as conditioned	No (City or State)
99 Cents Only #118 (Closed) - 1855 Ventura Boulevard	No	No (Type 20)	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 of the subject property. There are two additional establishments located within 350 feet of the subject property that currently operate with ABC License Type 47²

²ABC License Type 47 (On-Sale General - Eating Place: Restaurant) Authorizes the sale of beer, wine, and distilled spirits for consumption on the premises. Authorizes the sale of beer and wine for consumption off the premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

(On-Sale General - Eating Place). City Council Resolution No. 11,896 establishes that there is undue concentration if there exists an alcohol establishment of a similar type within 350 feet of the applicant site. As noted on the chart above, there are three existing restaurants with alcohol licenses within 350 feet of the applicant site. This establishes that there is undue concentration under City standards.

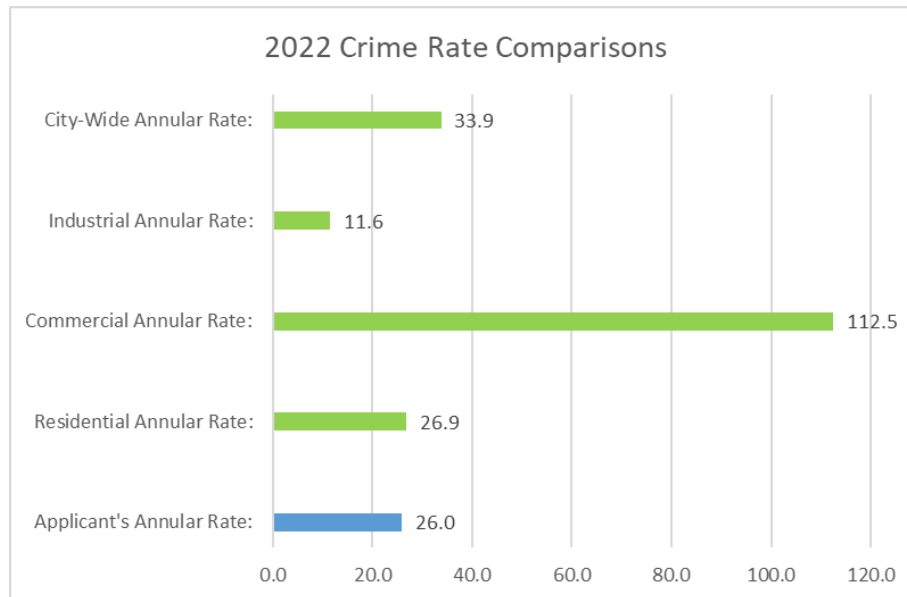
In the case of the applicant site, as seen in the next section, the annular crime rate is below the average annular citywide rate. This shows the site as having a crime rate below the standard established in 23958.4(1) B&P. Currently there are three on-sale licenses within the applicant's census tract. According to the ABC, five on-sale licenses are permitted 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 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 citywide, annular average of Part I and II crimes is 33.9. The average number of Part I and II crimes in the applicant's 1000 feet annular area is 26. This average is significantly lower than the average for commercial properties citywide and can be best illustrated in the graph below:

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

⁴Part II crimes include: other assaults, forgery & counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution & commercialized vice, sex offenses, drug abuse violations, gambling, offenses against family & children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses not specifically identified as Part I or Part II, except traffic violations.



Police Department Input:

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

Community Input:

Several nearby business operators were contacted and interviewed regarding this business' request to sell alcoholic beverages. None of the parties contacted had an objection to the issuance of this permit.

Conclusion:

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 crime rate established for the area around the business is not seen as a significant factor relating to the issuance of this permit.

There are three restaurants utilizing ABC License privileges within 350-feet of the site, however, each restaurant serves significantly different cuisine. Additionally, the applicant business operates as primarily a fast food restaurant which is a different business model from the other three restaurants. Therefore, there is no presumption of undue concentration of similar types of alcohol outlets under City standards.

Based on the crime statistics, the assessment from the Beat Coordinator, and the input from the community there is no significant reason to oppose this application. Under the recommended operating conditions, it is believed that the service of alcoholic beverages at this business will have little, if any adverse impact on the community or policing services. Several conditions of approval have been incorporated into the draft Resolution of approval (Attachment F) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future.

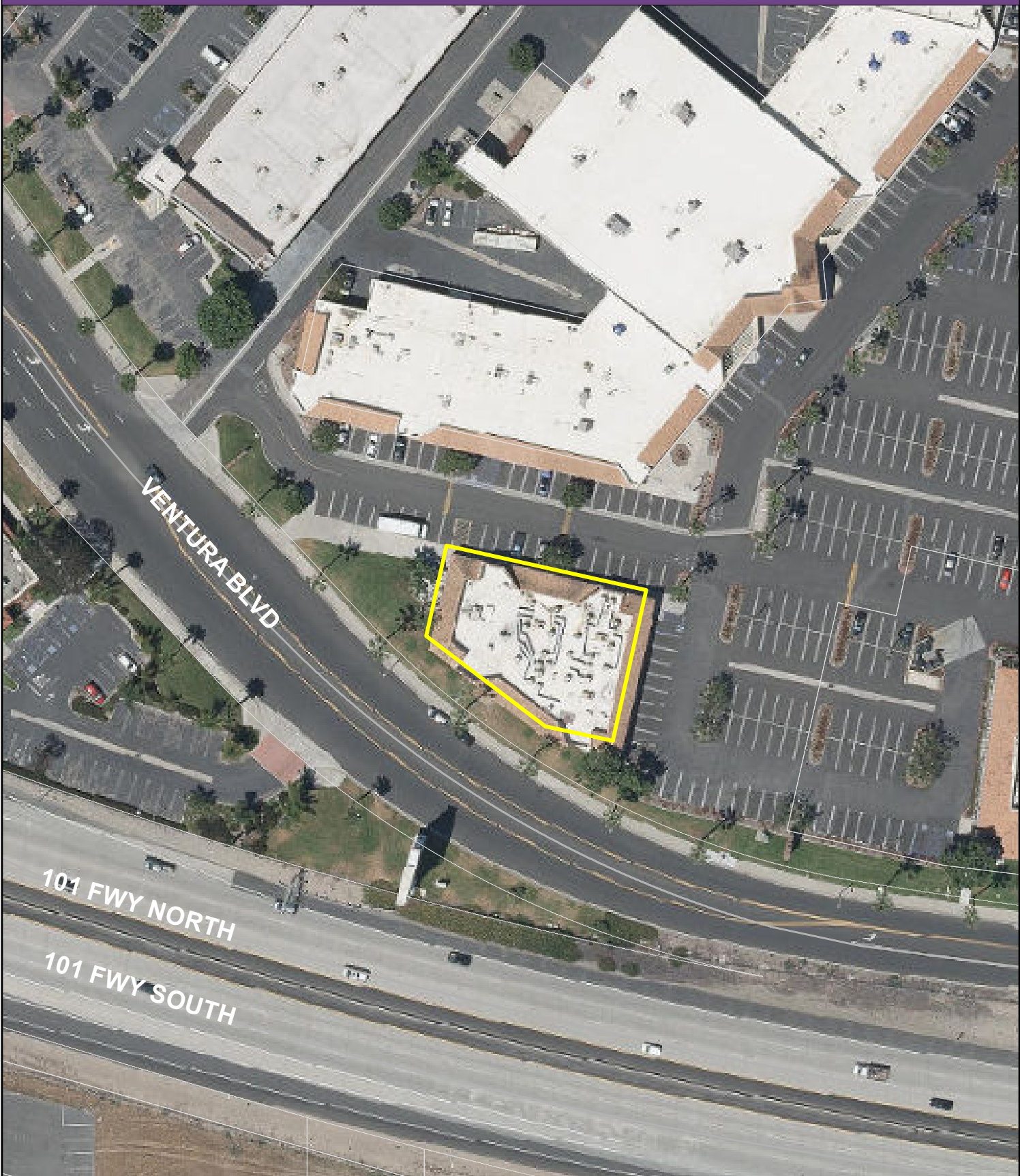
- 7) Community Workshop and Public Input:** The Project site is not located within a designated residential community and neighborhood as identified within the City of Oxnard Neighborhoods Map (Figure 3-4) of the City's 2030 General Plan. As such, a Community workshop was not required.

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.

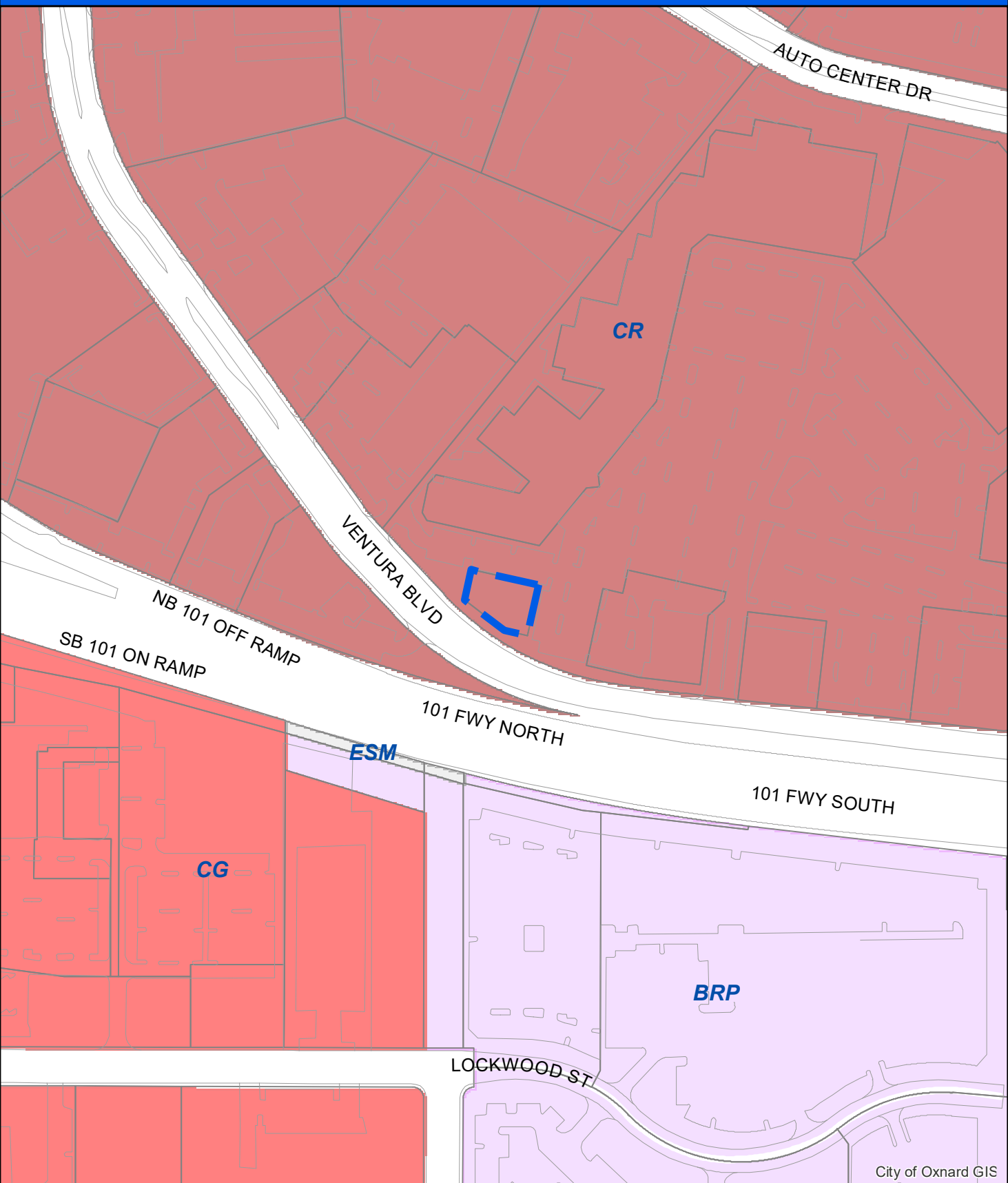
- 8) Appeal Procedure:** In accordance with OCC Section 16-545 of the Oxnard City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the Planning Division's Office and must be submitted with the appropriate 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 23-510-05 (Special Use Permit - Alcohol)
- G. Staff Presentation



2030 General Plan Land Use Map



City of Oxnard GIS



Oxnard Planning

July 11, 2024

PZ 23-510-05
Location: 1801 E Ventura Bl
APN: 1440144235
Taqueria Cuernavaca ASUP

0 75 150 300 Feet

2030 General Plan Land Use Map

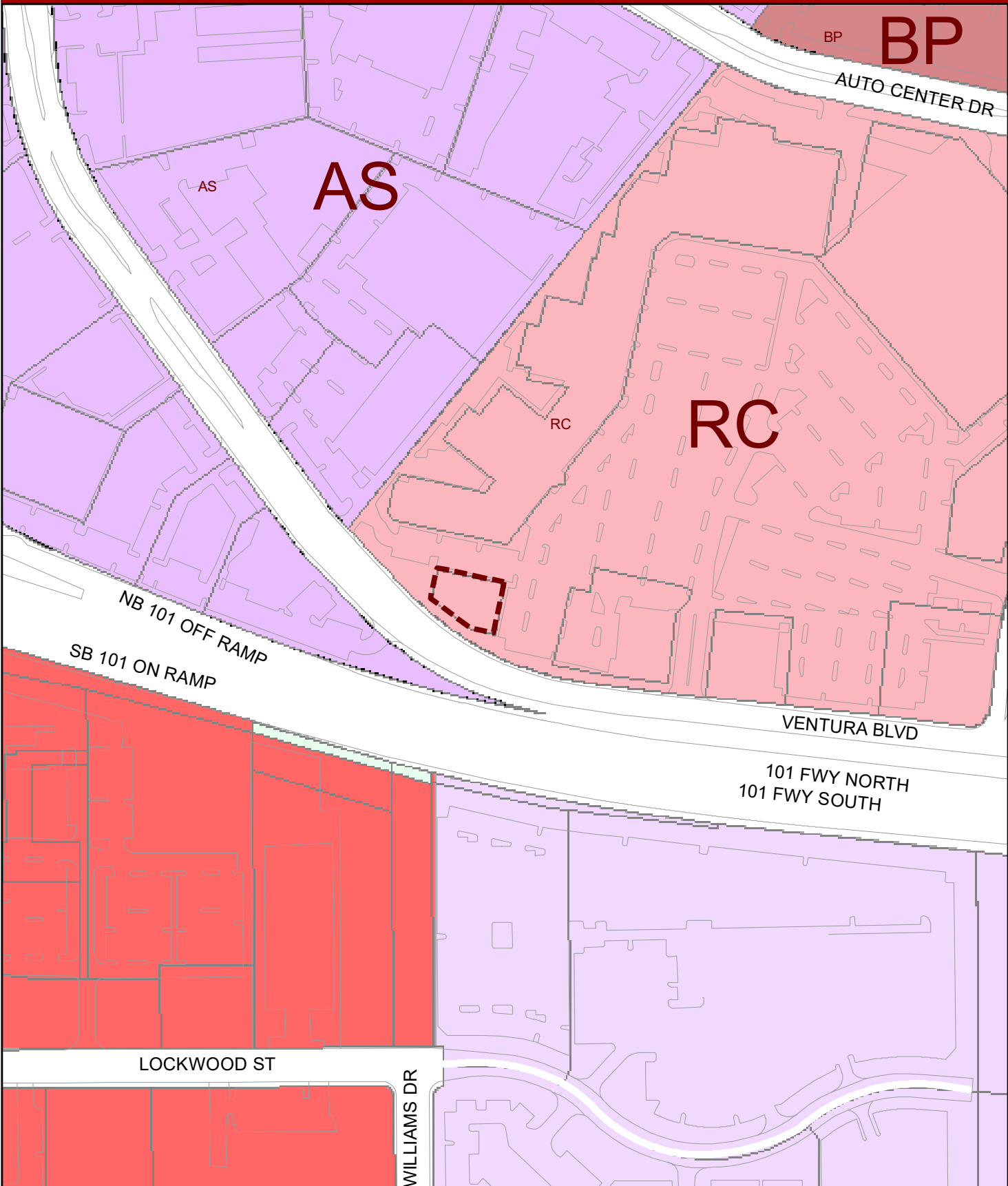


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Vicinity Map



Zoning/Specific Plan Map



# & < @ AT	NUMBER AND ANGLE	FD FLOOR DRAIN FDN FOUNDATION FG FINISH GRADE FIN FINISH FLASH FLASHING FLR FLOOR FLUR FLOURESCENT FOM FACE OF MASONRY FOS FACE OF STUD FPR FIREPROOFING FRMG FRAMING FS FULL SIZE FT FOOT, FEET FTG FOOTING FURR FURRING, FURRED	OBSC OBSCURE OC ON CENTER OD OUTSIDE DIAMETER OD OVERFLOW DRAIN OPNG OPENING OPP OPPOSITE
A A.B. ANCHOR BOLT A.C. ASPHALTIC COVERING A.P. ACCESS PANEL AC AIR CONDITIONING ACOUS ACOUSTIC ACT ACOUSTIC TILE ADJ ADJUSTABLE AFF ABOVE FINISH FLOOR ALT ALTER OR ALTERNATE ALUM ALUMINUM ANOD ANNOIDIZED APPROX APPROXIMATE ARCH ARCHITECTURE ASPH ASPHALT	G G NATURAL GAS GA GAUGE GALV GALVANIZED GND GROUND GR GRADE GYP GYPSUM	P PERIM PERIMETER PL PROPERTY LINE PLAS PLASTER PLBG PLUMBING PLYWD PLYWOOD PR PAIR	R RAD RADIUS RD ROOF DRAIN REF REFERENCE REINF REINFORCED REQ REQUIRED RESIL RESILIENT REV REVISION RFG ROOFING RM ROOM RO ROUGH OPENING
B B.U.R. BUILT UP ROOFING BD BOARD BITUM BITUMINOUS BLDG BUILDING BLK BLOCK BLKG BLOCKING BOT BOTTOM	H H HIGH HB HOSE BIB HC HOLLOW CORE HDWD HARDWOOD HDWR HARDWARE HORIZ HORIZONTAL HR HOUR HT HEIGHT HVAC HEATING, VENTILATION & AIR CONDITIONING HW HOT WATER	S S SOUTH SC SOLID CORE SCHD SCHEDULE SECT SECTION SEP SEPARATION, SEPARATE SHT SHEET SIM SIMILAR SLDG SLIDING SPEC SPECIFICATION SQ SQUARE STD STANDARD STL STEEL STRUCT STRUCTURAL SUSP SUSPENDED SYS SYSTEM	T T TREAD T&B TOP & BOTTOM T&G TONGUE & GROOVE TEL TELEPHONE TEMP TEMPORARY THK THICK, THICKNESS THRES THRESHOLD TOS TOP OF SLAB TOW TOP OF WALL TP TOP OF PAVEMENT TS TOP OF STEEL TV TELEVISION TYP TYPICAL
C C.B. CATCH BASIN CIP CAST-IN-PLACE CLG CEILING CLOS. CLOSET CLR CLEAR(ANCE) CMU CONCRETE MASONRY UNIT COL COLUMN CONC CONCRETE CONN. CONNECTION CONST CONSTRUCTION CONSTR CONSTRUCTION CONT CONTINUOUS CONTR. CONTRACTOR CTR CENTER CTSK COUNTERSUNK CW COLD WATER	I ID INSIDE DIAMETER INCL INCLUDE, INCLUDING INSUL INSULATION INT INTERIOR	U UNF UNFINISHED UON UNLESS OTHERWISE NOTED	V VERT VERTICAL VIF VERIFY IN FIELD VOL VOLUME
D D DEEP, DEPTH DBL DOUBLE DET DETAIL DIM DIMENSION DN DOWN DS DOWNSPOUT DWG DRAWING DWR DRAWER	J JST JOIST JT JOINT	W W WEST W WITH WIO WITHOUT WD WOOD WH WATER HEATER WP WATERPROOFING WPM WATERPROOFING MEMBRANE WT WEIGHT	
E (E) EXISTING EA EACH EJ EXPANSION JOINT EL ELEVATION ELEC ELECTRICAL ELEV ELEVATION ENCL ENCLOSURE EOS EDGE OF SLAB EQ EQUAL EQUIP EQUIPMENT EW EACH WAY EXP EXPANSION EXPO EXPOSED EXT EXTERIOR	L LAM LAMINATE LF LINEAR FEET LVR LOUVER		
F FA FIRE ALARM FAU FORCED AIR UNIT	M MATL MATERIAL MAX MAXIMUM MECH MECHANICAL MEMB MEMBRANE MFG MANUFACTURING MFR MANUFACTURER MIN MINIMUM MISC MISCELLANEOUS MO MASONRY OPENING MTD MOUNTED MTL METAL MULL MULLION		
	N N NORTH N/A NOT APPLICABLE NIC NOT IN CONTRACT NO NUMBER NOM NOMINAL NTS NOT TO SCALE		
	O OI OVER OA OVERALL		

SYMBOL LEGEND N.T.S.

1 A	BUILDING GRID LINES FLOOR LEVEL GRID NUMBER DEMOLITION X X D M DEMOLITION GRIDLINE	3 (CLOUD AROUND REV. OPTIONAL) REVISION NO.
100 A	WINDOW SYMBOL ROOM NO. REFERENCE NO.	MATCH LINE SHEET NO. THE SHADED PORTION IS THE SIDE CONSIDERED
100.1	DOOR SYMBOL ROOM NO. REFERENCE NO.	ROOM LABEL ROOM NAME ROOM NO. FLOOR LEVEL
5 A9.2	DETAIL AREA REFERENCE DETAIL NO. SHEET NO.	SECTION SECTION NO. SHEET NO.
X XX-XX	EXTERIOR ELEVATION ELEVATION NO. SHEET NO.	WALL TYPE PARTITION NUMBER
1 4 XX-XX 3	INTERIOR ELEVATION ELEVATION NO. SHEET NO.	DIMENSION STRING 14'-2 1/2"
8'-0" 123	CEILING HEIGHT OR EQUIPMENT CEILING HEIGHT EQUIPMENT NO.	NORTH ARROW ARCHITECTURAL NORTH TRUE NORTH
	WORK POINT, CONTROL POINT OR DATUM POINT	

ABBREVIATIONS N.T.S

T-1.0	ARCHITECTURAL	-VICINITY MAP, -PROJECT TEAM, -ABBREVIATIONS, -SYMBOL LEGEND -PROJECT DESCRIPTION -SITE PLAN, PARKING DETAIL
T-1.1	ARCHITECTURAL	
A-1.0	ARCHITECTURAL	- FLOOR PLAN -OUTDOOR PATIO -OUTDOOR PATIO LIGHTING
A-1.1	ARCHITECTURAL	-FRONT ELEVATION
SHEET INDEX		
APPLICANT : JOAQUIN SOLORZANO P: (805) 451-7132 E: quino67@gmail.com		

PROJECT CONTACT INFORMATION



TAQUERIA CUERNAVACA

1801 VENTURA BLVD. # A
OXNARD, CA 93036

TAQUERIA
MEXICAN FOOD

1. LEGAL DESCRIPTION

APN:	144-0-144-235
LOT:	15.9 ACREAGE
MAP NUMBER:	47 PM 79
RESTAURANT AREA:	1,870 SQ.FT
OUTDOOR AREA	484 SQ.FT.

2. (EX.) OCCUPANCY TYPE : A-2
3. (EX.) OCCUPANT LOAD: 99
4. CONSTRUCTION TYPE: V (SPRINKLERED)
5. # OF STORIES: 1
6. # OF EXITS: 3

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TAQUERIA CUERNAVACA
1801 VENTURA BLVD. # A
OXNARD, CA 93036



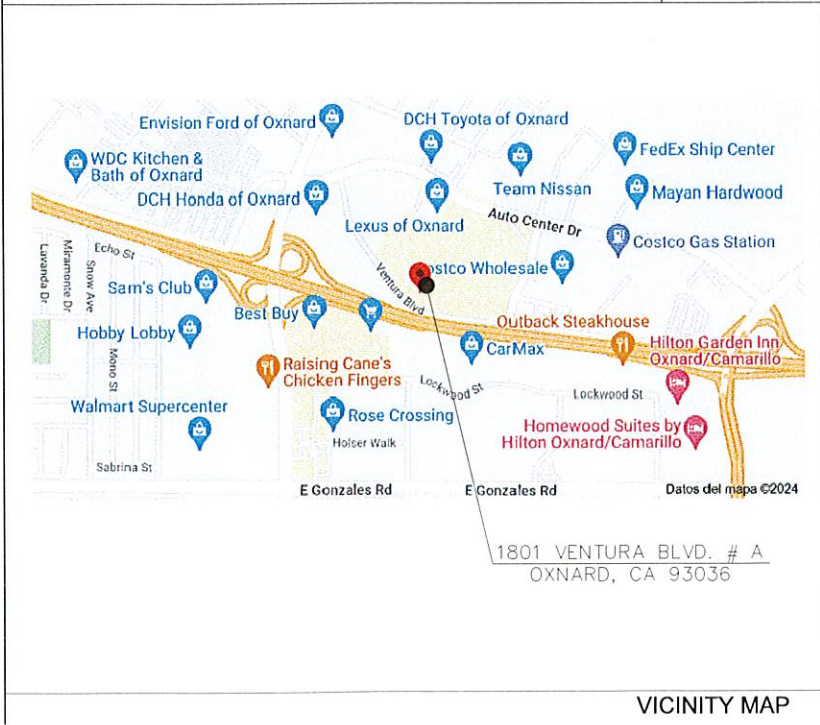
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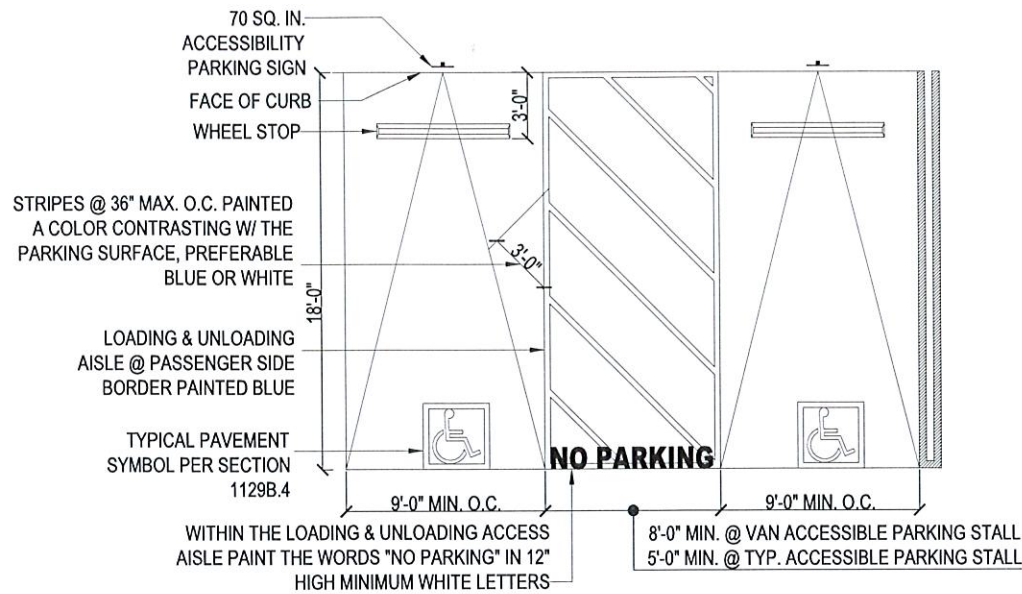
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VICINITY MAP

EXISTING OCCUPANT LOAD ANALYSIS TABLE				
ROOM	USE	LOAD FACTOR	SQUARE FOOTAGE	OCC. LOAD
CUSTOMER AREA	ASSEMBLY	1 PER 15/SF	930 SF	62
SERVICE	SERVICE	1 PER 200/SF	95 SF	1
COOK/PREP AREA	KITCHEN	1 PER 200/SF	266 SF	1
STORAGE/PREP AREA	STORAGE	1 PER 200/SF	184 SF	1
OFFICE	OFFICE	1 PER 100/SF	36 SF	1
WALK IN COMBO	STORAGE	1 PER 300/SF	124 SF	1
RESTROOMS	ASSEMBLY		121 SF	
ACCESS ROUTES, WALLS	ASSEMBLY		81 SF	
TOTAL			1,870 SF	67
OUTDOOR DINING	ASSEMBLY	1 PER 15/SF	484 SF	32
GRAND TOTAL				99

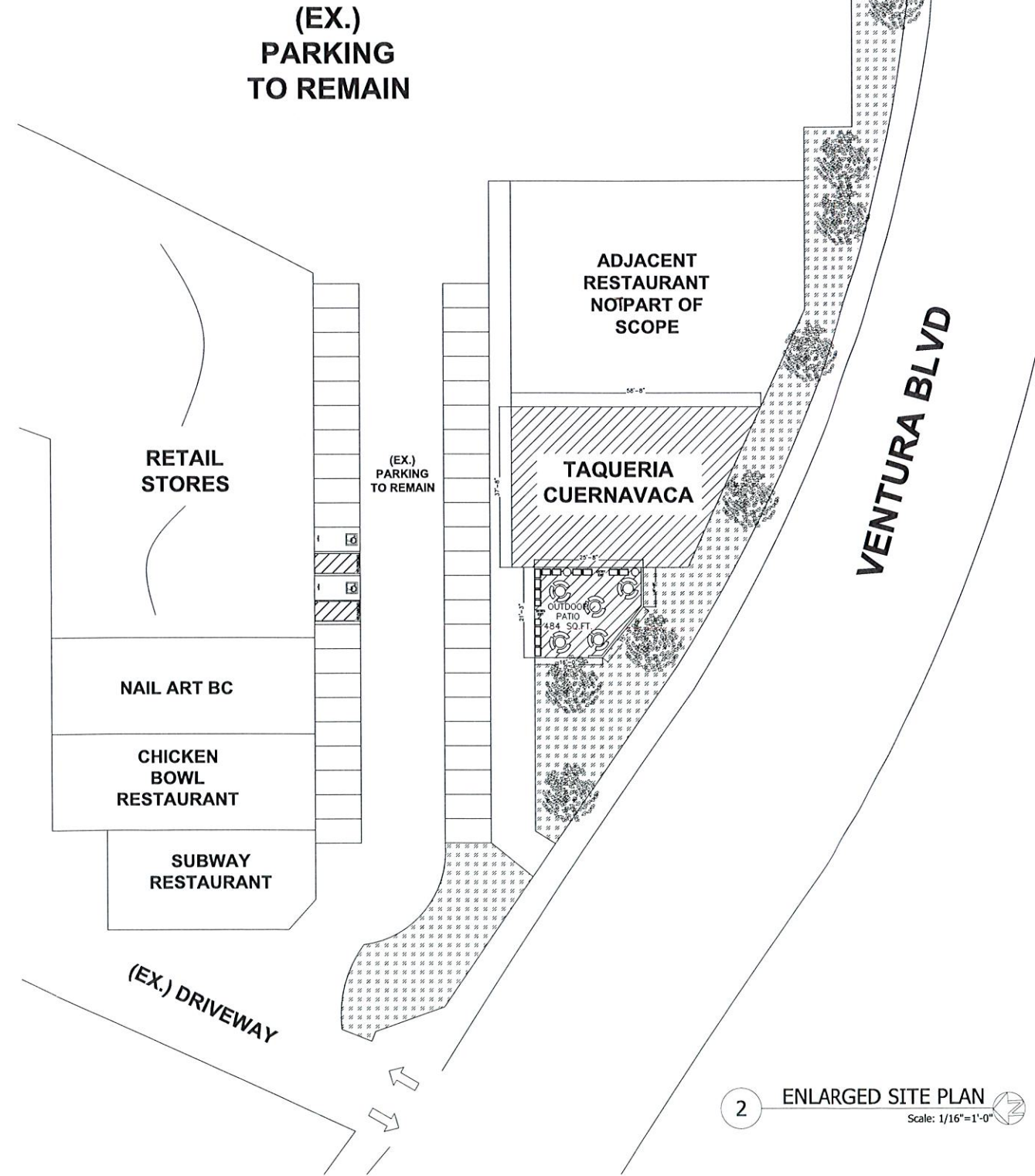
OCCUPANT LOAD



3 PARKING STALL DETAILS
Scale: NTS



1 SITE PLAN
Scale: 1/128"=1'-0"



2 ENLARGED SITE PLAN
Scale: 1/16"=1'-0"



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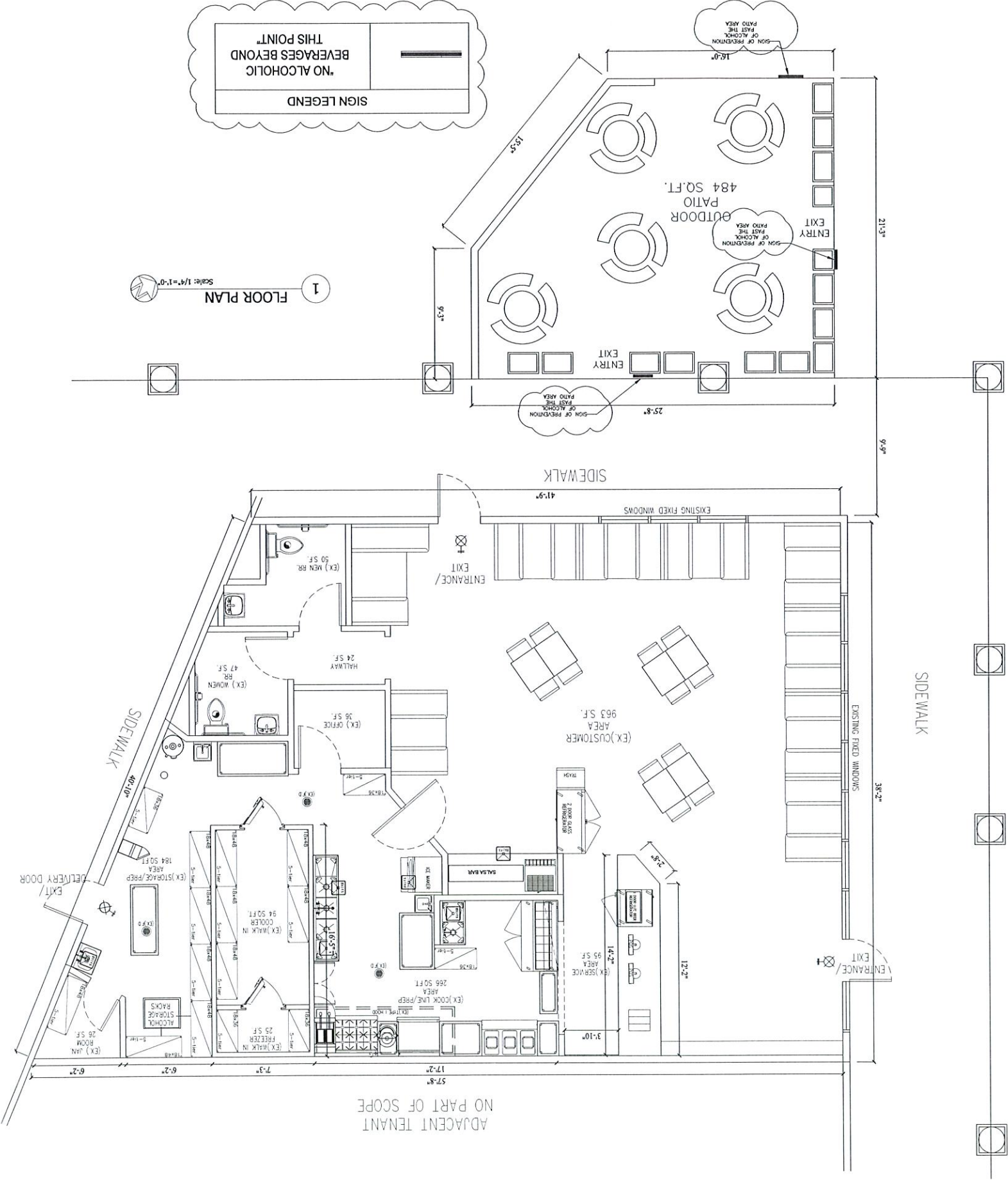
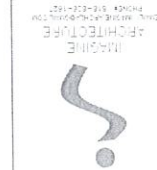
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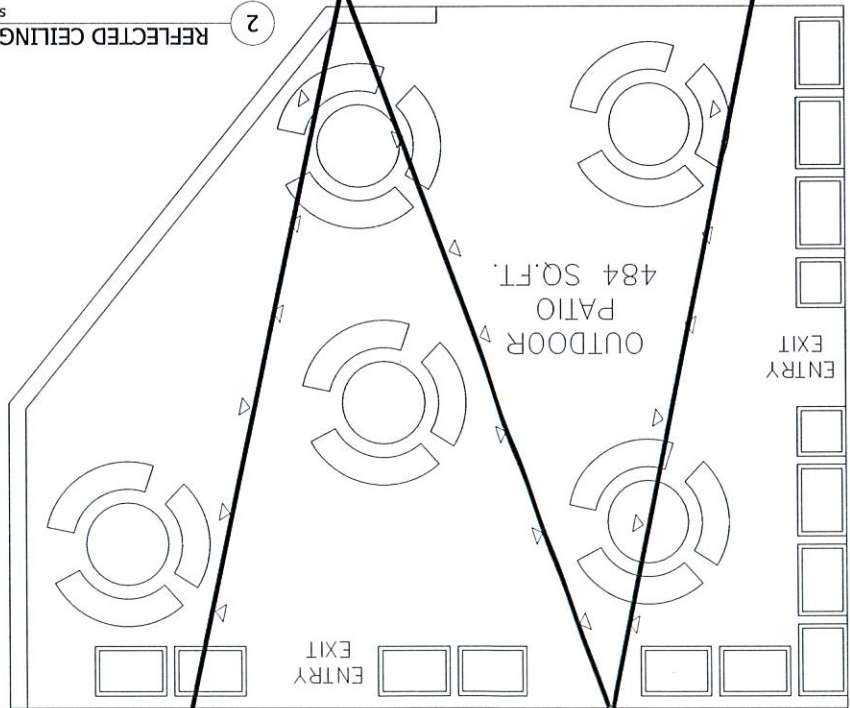
TAQUERIA CUERNAVACA
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NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL WALLS ARE 5/8" THICK UNLESS NOTED OTHERWISE.
3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.
4. ALL WINDOWS ARE 60" WIDE UNLESS NOTED OTHERWISE.
5. ALL CEILING HEIGHTS ARE 8' UNLESS NOTED OTHERWISE.
6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE CLIENT.
7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE CLIENT.
8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE CLIENT.
9. ALL ELECTRICAL AND PLUMBING ARE TO BE DETERMINED BY THE CLIENT.
10. ALL MECHANICAL ARE TO BE DETERMINED BY THE CLIENT.



REFLECTED CEILING PLAN
Scale: 3/8"=1'-0"



OUTDOOR LIGHTING SCHEDULE	
MODEL # V9606-06	OUTDOOR LED PENDANT LIGHTS
STORE SKU # 0905	

DESCRIPTION

Steel, modern outdoor cylinder mini pendant with a brushed nickel finish. The pendant is made of high-quality aluminum and features a clear glass lens. It is designed to provide ambient lighting for outdoor spaces.

DESCRIPTION

Steel, modern outdoor cylinder mini pendant with a brushed nickel finish. The pendant is made of high-quality aluminum and features a clear glass lens. It is designed to provide ambient lighting for outdoor spaces.

At a Glance

Dimensions: 21" H, 6" D, 0.5" DIA.

Weight: 1.200

Material: Aluminum

Finish: Brushed Nickel

Light Source: LED

Light Output: 1200 Lumens

Beam Spread: 120°

Mounting: Pendant

Adjustable: Yes

Dimmable: Yes

UL Listed: Yes

FCC Compliant: Yes

Assembly Required: No

Warranty: 5 Years

Specifications

Model: V9606-06

Type: Indoor or Outdoor

Product Size: 21" H, 6" D, 0.5" DIA.

Weight: 1.200

Material: Aluminum

Finish: Brushed Nickel

Light Source: LED

Light Output: 1200 Lumens

Beam Spread: 120°

Mounting: Pendant

Adjustable: Yes

Dimmable: Yes

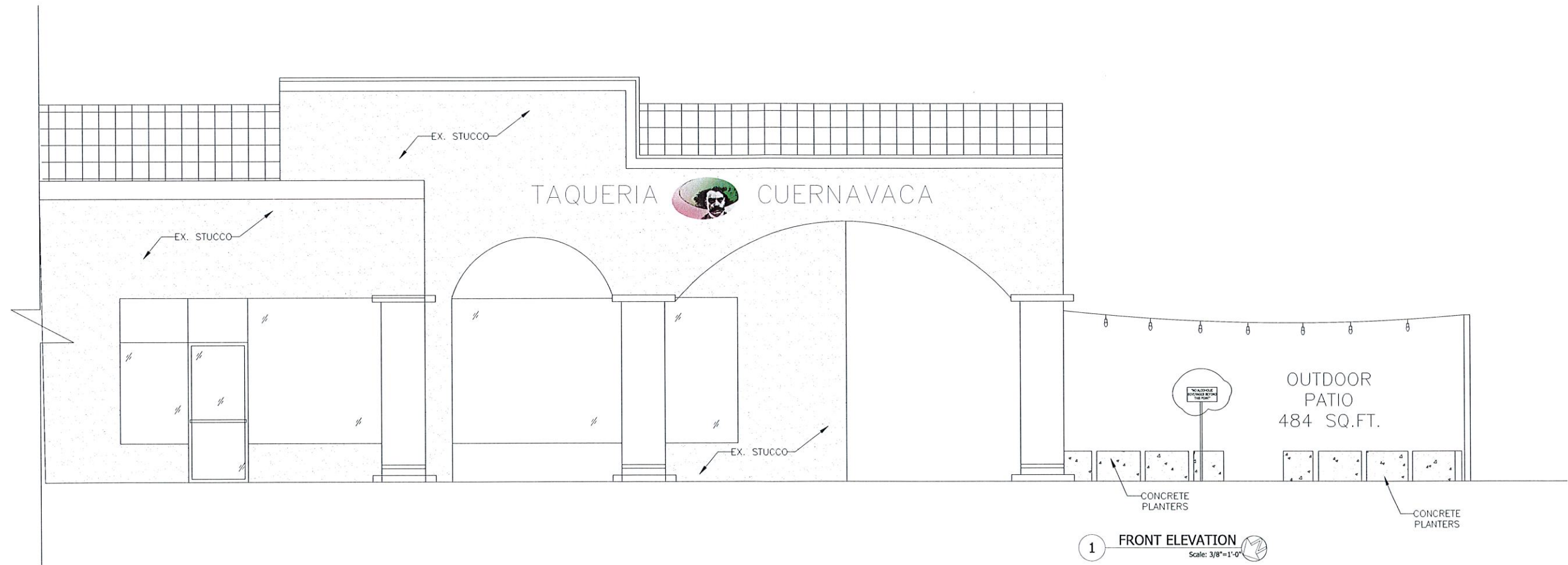
UL Listed: Yes

FCC Compliant: Yes

Assembly Required: No

Warranty: 5 Years

Thank you for your business! Visit us at www.burningsparks.com. All rights reserved. Subject to change without notice.



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INDEX :

SHEET

A-1.1



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: Taqueria Cuernavaca Alcohol Special Use Permit

Project Applicant: Joaquin Solorzano

Project Location - Specific: 1801 East Ventura Boulevard, Suite A, Oxnard, CA 93036;
County of Ventura; APN: 144-0-144-235

Description of Nature, Purpose and Beneficiaries of Project: Planning and Zoning Permit No. 23-510-05 (Special Use Permit - Alcohol): 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 1,870 square-feet with an outdoor patio of 484 square-feet on a 15.9-acre site located at 1801 East Ventura Boulevard, Suite A, within the Retail Commercial area of the Rose-Santa Clara Corridor Specific Plan. No additional development is proposed. The restaurant proposes to operate from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 7:00 p.m. on Sunday. Filed by Joaquin Solorzano, Business Owner, on behalf of property owner PDN Retail Center LP % Operon Group, 4 Upper Newport Plaza Drive Suite 100, Newport Beach, CA, 92660.

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

Name of Person or Agency Carrying Out Project (Applicant): Joaquin Solorzano

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 multi-tenant commercial building and will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document.

Lead Agency Contact Person: Rogelio Solis; Assistant Planner; (805) 385-7850

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, 2026

To: Rogelio Solis, Assistant Planner
Joe Pearson II, Planning Division Manager

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

Subject: Taqueria Cuernavaca, 1801 E. Ventura Blvd. Suite A
PZ 23-510-05, Alcohol SUP Review (ABC Type 41)

Site Information:

The applicant site includes a tenant space and a patio area in the Marketplace retail center. The center is not within or near a residential neighborhood. The retail center is on the north side of Ventura Boulevard and west of Paseo Mercado.

The applicant is pursuing an Alcohol Beverage Control (ABC) Type 41¹ License to sell beer and wine as a restaurant from 10 A.M. to 9 P.M.

Concentration, Crime and Policing Services

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

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

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

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

Alcohol outlets located within 350 Feet

#	Business Name	Address	A B C T y p e	A S U P	O n/ O f- S a l e	Premise	Alcohol	Alcohol Hours *
1	Teppan Steak House	1801 Ventura Bl.	41		On	Restaurant	Beer Wine Spirits	11a-11p
2	Kavaleras	1740 Ventura Bl.	47		On	Restaurant	Beer Wine Spirits	10a-1:30a
3	Olive Garden #340	1891 Ventura Bl	47		On	Restaurant	Beer Wine Spirits	10a-1:30a

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

Alcohol outlets located between 350 Feet and 1000 Feet

#	Business Name	Address	A B C T y p e	A S U P	O n/ O f- S a l e	Premise	Alcohol	Alcohol Hours *
1	Seafood City	2340 N Rose Av.	21	Y	Off	Market	Beer Wine	7a-11p
2	99 Cents Only #118	1855 Ventura Bl	20		Off	Market	Beer Wine	7a-11p

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

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

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

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

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

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

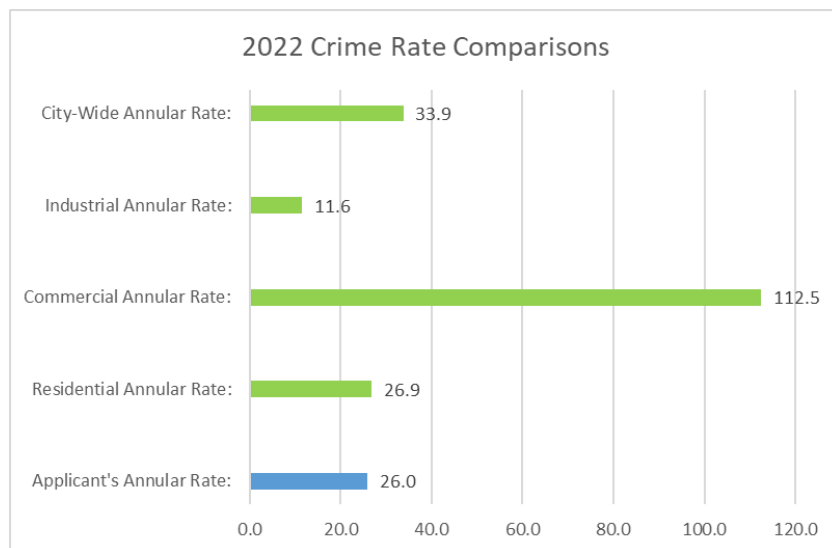
Currently there are three on-sale licenses within the applicant's census tract. According to the ABC, five on-sale licenses are permitted within this census tract.

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 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 33.9.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 26. This average is significantly lower than the average for commercial properties citywide and can be best illustrated in the graph below:



Police Department Input:

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

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 alcoholic beverages. None of the parties contact had an objection to the issuance of this permit.

Conclusion

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 crime rate established for the area around the business is not seen as significant factor relating to the issuance of this permit.

There are three restaurants utilizing ABC License privileges within 350-feet of the site, however, each restaurant serves significantly different cuisine. Additionally, the applicant business operates as primarily as a fast food restaurant which is a different business model from the other three restaurants. Therefore, there is no presumption of undue concentration similar types of alcohol outlets under City standards.

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

On-Sale Restaurant Standard Conditions

RBS Training

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

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

Hours

3. Sales of alcohol may only occur between the hours of 7:00 A.M. and 9 P.M.

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

26. Deliveries of alcoholic beverages are prohibited as a function of this alcohol Special Use Permit.
27. 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)
28. 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)
29. 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)
30. 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

- 31. Permittee shall install and maintain a dual technology electronic intrusion detection system capable of differentiating between human and non-human motion. (burglary alarm). (PD)
- 32. 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)
- 33. 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)
- 34. 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)
- 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.

Signage

- 37. 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)
- 38. 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)

39. 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)

40. 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

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

42. 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)

43. 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

44. 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)

45. 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)

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. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their

role with the business, their email address and a phone number.

Special Conditions

48. Signs stating “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT” shall be placed at the north and south ends of the walkway which runs north and south immediately west of the west exterior wall of the business and the patio. A sign with the same wording shall be placed on the interior glass surface adjacent to the north exit/entrance of the business.

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.

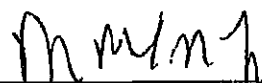
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

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

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

NOES: None.

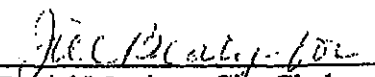
ABSENT: None.



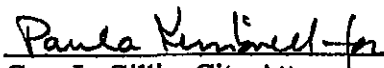
Dr. Manuel M. Lopez, Mayor

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. 23-510-05 (SPECIAL USE PERMIT - ALCOHOL), A REQUEST TO SELL BEER AND WINE (TYPE 41 ABC LICENSE) FOR ON-SITE CONSUMPTION AT AN EXISTING 1,870 SQUARE-FOOT RESTAURANT WITH AN OUTDOOR PATIO OF 484 SQUARE-FEET ON A 15.9 ACRE SITE LOCATED AT 1801 EAST VENTURA BOULEVARD, SUITE A (APN: 144-0-144-235) WITHIN THE RETAIL COMMERCIAL AREA OF THE ROSE-SANTA CLARA CORRIDOR SPECIFIC PLAN, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JOAQUIN SOLORZANO, BUSINESS OWNER, ON BEHALF OF PROPERTY OWNER PDN RETAIL CENTER LP % OPERON GROUP, 4 UPPER NEWPORT PLAZA DRIVE, SUITE 100, NEWPORT BEACH, CA 92660.

WHEREAS, on November 28, 2023, Joaquin Solorzano, (the “**Applicant**”) business owner, submitted a request to allow the sale of beer and wine (Type 41 ABC License) between the hours of 10:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 7:00 p.m. on Sunday for on-site consumption at a existing 1,870 square-foot restaurant with an outdoor patio of 484 square-feet (Taqueria Cuernavaca) located at 1801 East Ventura Boulevard, Suite A (the “**Project**”); and

WHEREAS, on August 15, 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. 23-510-05 (Special Use Permit - Alcohol), filed by Joaquin Solorzano in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

The project site is located within the 2030 General Plan land use designation of Commercial Regional (CR) and the zoning designation is Retail Commercial of

the Rose-Santa Clara Corridor Specific Plan area. The Project is surrounded by commercial 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 commercial developments. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

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

The project is located adjacent to the U.S. 101 Highway. The proposed Special Use Permit application is to allow alcohol sales out of an existing restaurant. Therefore, the addition of a new Type 41 ABC License to an existing facility will have little, if any adverse impact on the scenic resources.

- (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. 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 Retail Commercial zone of the Rose-Santa Clara Corridor Specific Plan, with a 2030 General Plan designation of Commercial Regional (CR). The existing 1,870 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. As a result, 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 two (2) of a similar ABC License Type 47 (On-Sale General - Eating Place) within 350 Feet of the project location. There are two (2) additional off-sale types of licenses, ABC License Type 20 (Off-Sale Beer and Wine) and ABC License Type 21 (Off-Sale General) 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, the annular crime rate is below the average annular citywide rate. This shows the site as having a crime rate below the standard established in the California Business and Professions Code Section 23958.4(1). Currently there are three on-sale licenses within the applicant's census tract. According to the ABC, five 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 outdoor 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 North Ventura Boulevard and West of Paseo Mercado, and is adjacent to the U.S. 101 highway. 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 license will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed

alcohol sales Type 41 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 project site has a below average crime rate when compared to other parts of the City. The Project will not create or significantly aggravate police problems within 1,000 feet of the location for which the Special Use Permit is requested, as discussed in the Staff Report and Oxnard Police Department Alcohol SUP Report. Based on the crime statistics, the input from the surrounding businesses 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 three establishments of the same type located within 350 feet of the Project site and two additional types between 350 feet and 1000 feet from the property.

The annular crime rate is 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 on-sale licenses within the applicant's census tract. According to the ABC, five on-sale licenses are permitted 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 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 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 23-510-05 (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 August 15, 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). 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 7:00 A.M. and 9:00 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 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)
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). (PD)
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. 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

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

Signage

50. 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)
51. 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)
52. 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)

53. 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

54. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
55. 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)
56. 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

57. 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)
58. 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)
59. "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.
60. Permittee shall provide the Police Department a point of contact for notifications and exchange of information. To update the Police Department on this designated point of contact an email shall be sent to: specialprojects@oxnardpd.org. The email shall include the name of the business, address, name of the primary contact person, their role with the business, their email address and a phone number.

Police Department Special Police Conditions

61. Signs stating “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT” shall be placed at the north and south ends of the walkway which runs north and south immediately west of the west exterior wall of the business and the patio. A sign with the same wording shall be placed on the interior glass surface adjacent to the north exit/entrance of the business.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of August 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 15th day of August 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, AICP, Secretary

City of Oxnard Planning Commission

August 15, 2024

Taqueria Cuernavaca Alcohol Special Use Permit
1801 East Ventura Boulevard
PZ 23-510-05
(Special Use Permit - Alcohol)

Applicant: Joaquin Solorzano - Business Owner

Case Planner: Rogelio Solis

Project Description

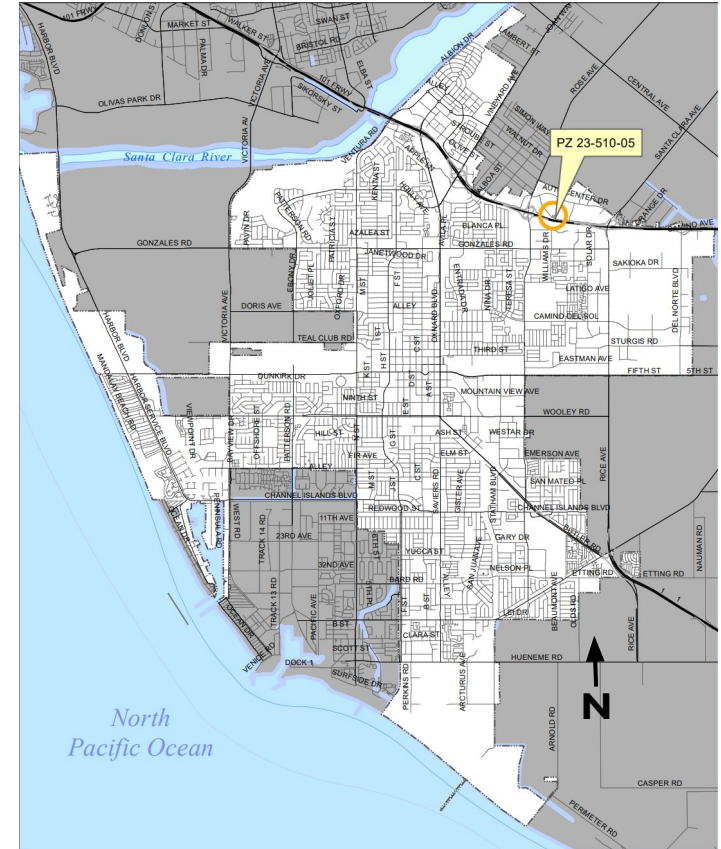
A request for a new license (ABC Type 4I) to authorize the sales of beer and wine for consumption on-site within an existing restaurant of approximately 1,870 square-feet and an outdoor patio of 484 square-feet located at 1801 East Ventura Boulevard, Suite A.

The proposed hours of sales are from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 10:00 a.m. to 7:00 p.m. on Sunday.

Vicinity Map

Taqueria Cuernavaca:

- The general location of the project site is on the upper northeast corner of the City of Oxnard.



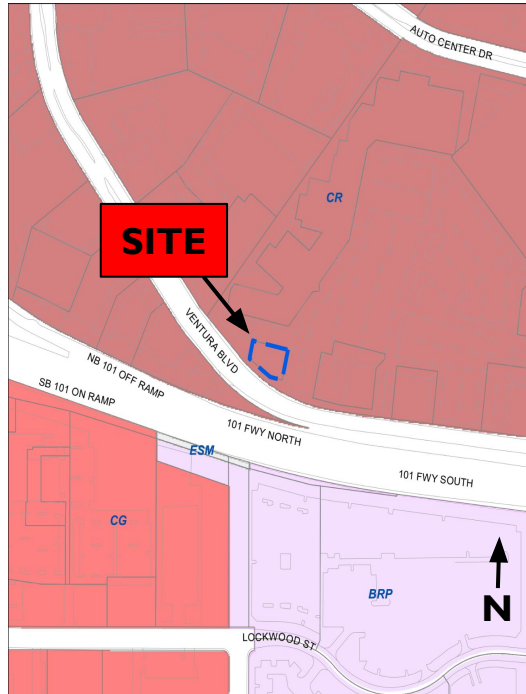
Taqueria Cuernavaca:

- Located at 1801 E.Ventura Boulevard
- Project Site is located within the Marketplace Retail Center

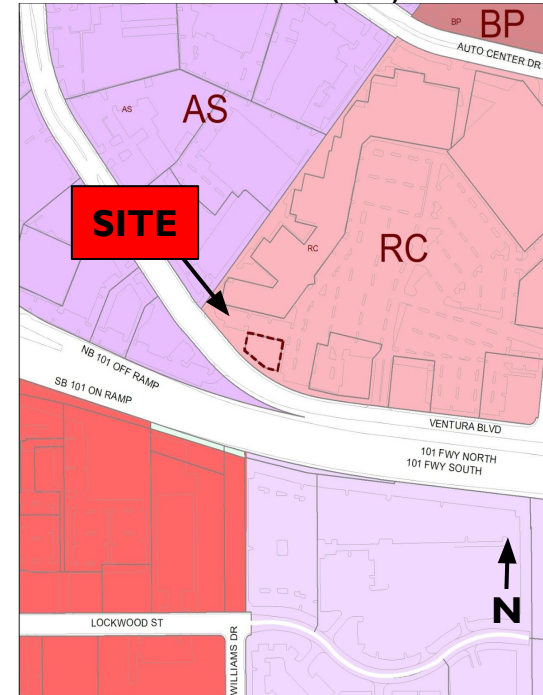


General Plan and Zoning

2030 General Plan: Commercial Regional (CR)



Zoning Designation: Rose-Santa Clara Corridor Specific Plan - Retail Commercial (RC)



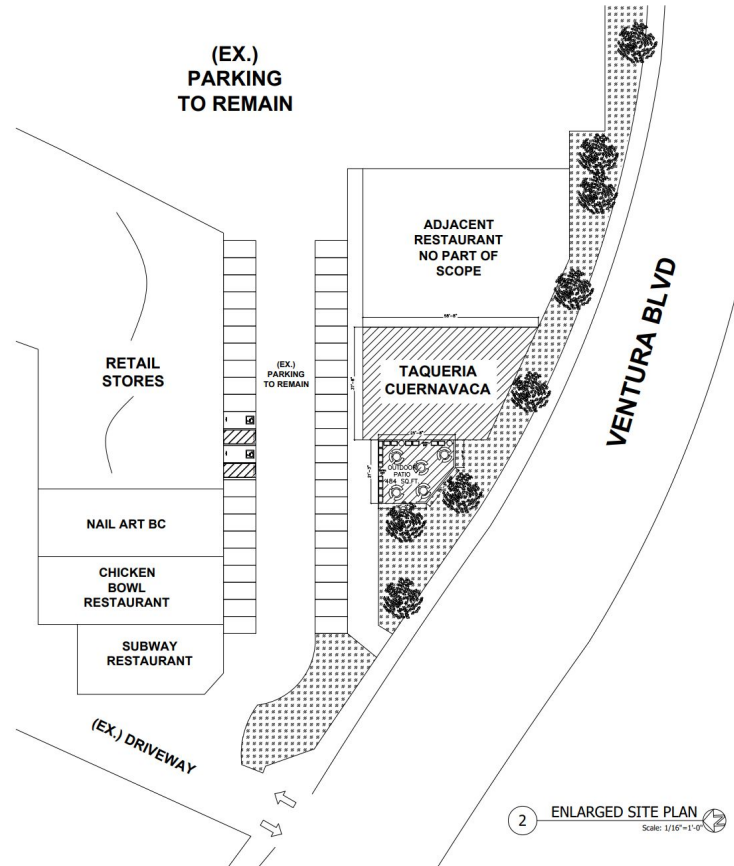
Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Retail Commercial (RC)	Restaurant
North	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Business Park (BP)	Auto Sales/Retail
South	Business Research Park (BRP)	Business Research Park (BRP)	Retail
East	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Retail Commercial (RC)	Restaurant
West	Commercial Regional (CR)	Rose-Santa Clara Corridor Specific Plan - Auto Sales & Service (AS&S)	Restaurant

Site Photos



Site Plan

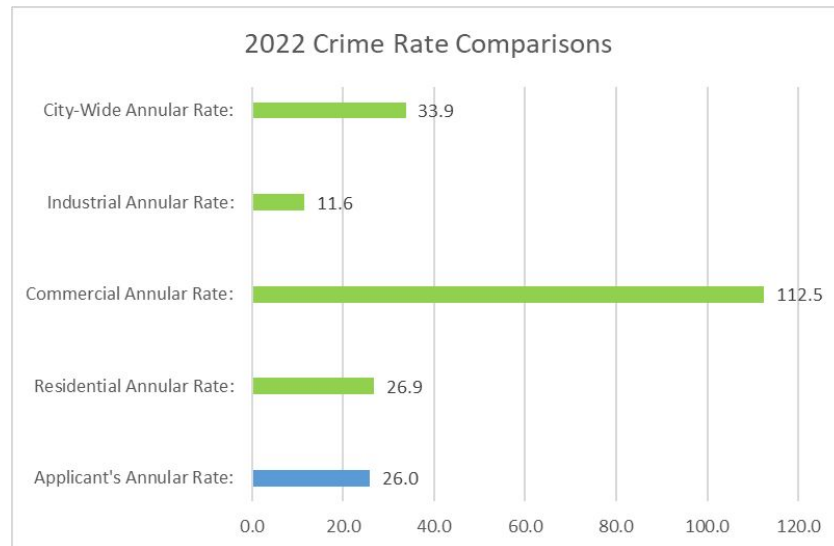


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Police Report Summary

Crime:

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



Police Department Review

Reviewed application per CC Resolution No. 11,896

Concentration:

- I. There are currently 5 establishments located within 1,000 feet of the Project site that have the right to sell alcoholic beverages.

Location	Same type (Type 41) 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?
Teppan Steak House - 1801 Ventura Boulevard	Yes	No (Type 41)	No, as conditioned	Yes (City) No (State)
Kalaveras - 1740 Ventura Boulevard	No	No (Type 47)	No, as conditioned	Yes (City) No (State)
Olive Garden #340 - 1891 Ventura Boulevard	No	No (Type 47)	No, as conditioned	Yes (City) No (State)
Seafood City - 2340 N. Rose Avenue	No	No (Type 21)	No, as conditioned	No (City or State)
99 Cents Only #118 (Closed) - 1855 Ventura Boulevard	No	No (Type 20)	No, as conditioned	No (City or State)

Findings:

- Crime rate around site is below commercial average.
- There is a undue concentration per City standards (350 and 1,000 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 #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 9:00 P.M.

- CofA #18:

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

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.

Community Input:

- The Project site is not located within a designated residential community and neighborhood as identified within the City of Oxnard Neighborhoods Map of the City's 2030 General Plan. As such, a Community workshop was not required.
- Nearby business operators were contacted regarding this application and its proposed operations.
- To date, staff has not received any concerns or public comments regarding the proposed project.

- 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. 23-510-05 (Special Use Permit - Alcohol), subject to certain findings and conditions.