



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Douglas Spondello, Assistant Planner
DATE: April 2, 2009
SUBJECT: Planning and Zoning Permit No. 08-510-13, (Special Use Permit for Alcohol Use) at Rancho Ventavo Cellars, located at 741 South "A" Street.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-510-13 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit wine tasting and sales for a proposed wine retailer (Rancho Ventavo Cellars), located at 741 South "A" Street (within Heritage Square). No physical expansion to existing structures is proposed with this request. Filed by Elizabeth Callahan, EDCO, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036.
- 3) **Existing & Surrounding Land Uses:** The 2,218 square foot building is located in Heritage Square in downtown Oxnard. This center is a commercial development comprised of a relocated group of historic homes. The subject building, known as the "Scarlett House", was originally constructed in 1903. The property is at the northwest corner of Eighth Street and South "A" Street. The following table describes the land uses immediately adjacent to the site.

PROJECT SITE	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	CBD	CBD	Heritage Square
North	CBD	CBD	Heritage Square
South	CBD	CBD	Elk's Lodge (Private Facility)
East	CBD	CBD	General Commercial
West	CBD	CBD	Multi-Family Residential

- 4) **Background Information:** There are no historical planning permits applicable to this location. The 2005 Downtown Oxnard Historic Resources Survey designates the subject building as "5D3". This designation is applicable to properties which appear "...to be a contributor to a district that appears eligible for local listing or designation through survey evaluation".

5) Environmental Determination: This project is among the classes of projects listed in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which categorically exempts existing facilities from environmental review where there is negligible or no significant expansion of an existing use. Since there is no substantial evidence that the proposed project may have a significant adverse effect on the environment, a notice of exemption will be filed (see Attachment "C").

6) Analysis:

a) General Discussion: The applicant requests approval of a special use permit to allow wine tasting on-site and sales of wine for off-site consumption (ABC license type 02) in the 2,218 square foot building. The business is proposed to operate in one shift with two employees between the hours of 10:00 AM and 9:00 PM, Sunday through Saturday. Condition of approval number 19 reinforces that sales of alcohol not occur after 9:00 PM. The business proposes to occasionally host public and/or private events which may vary from the standard operating hours. These events would include small private wine tastings (maximum 50 people), educational seminars, parties, receptions, food and wine pairings, club member parties, blending parties, holiday open house, meetings, and private/public promotional events.

b) Conformance with General Plan Land Use Designation and Zoning Development Standards: The 2020 General Plan land use designation is Central Business District. Similarly, the zoning designation on the site is for Central Business District (CBD). In accordance with the City Code, the proposed sale of alcohol for on-site consumption in conjunction with a restaurant may be permitted with an approved special use permit. Similarly, businesses operated as places of entertainment may be permitted with an approved special use permit. In this regard, the proposed use is consistent with both the General Plan and zoning designations of the site.

The Safety Element of the 2020 General Plan lists policies consistent with the City's goal of the "Maintenance and enhancement of a safe community" (IX-16). Of these policies, number 35 states: "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations" (IX-20). Consistent with this, the Police Department has reviewed the proposed use for compliance to its safety and security requirements and has subsequently conditioned the project to include implementation measures which address their concerns.

c) Site Design: The building is a two-story structure, located on a 1,931 square foot parcel at the southeast corner of Heritage Square. The ground floor features a tasting room and bar comprising 224 square feet. Wine sold for off-site consumption will be displayed in a merchandise room at the east end of the building. The second floor is proposed to be used as a storage attic.

7) Police Department Review and Recommendations: The Oxnard Police Department prepared a report on January 27, 2009, which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of the approval of this request (See Attachment "D"). The report cites a number of other alcohol outlets within 1,000 feet of the subject parcel, though none of these locations have the same license type as the proposed establishment. Additionally, the crime rate within this area is 67% higher than the citywide average. The police report clarifies however that many of the disturbance calls are related to the nighttime activity of a few problem locations and that the southern portion of the Central Business District is not generally considered to be a policing problem.

As part of their review, the Police Department consulted with businesses near the project site. The overall comments by employees and owners were positive and generally supportive of the proposed use. While none of the persons the Police Department contacted would support a typical off-sale site similar to a market or convenience store, they were comfortable with the limited privileges of the winery license as proposed.

The overall finding of the Police report was that, when properly regulated through conditions imposed by the Planning Commission, the proposed use does not normally aggravate policing issues. In this regard, the proposed use generally differs from the problematic uses in the vicinity as the Police Department notes that Rancho Ventavo's proposed operating hours are not in conjunction with those businesses. Similarly, the police report notes that "the Heritage Square complex is fairly self-contained and, while there are some nearby problem establishments, the site has remained fairly unaffected by the surrounding uses".

8) Community Workshop: On January 13, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Hobson Park East neighborhood. The applicant also posted such notice on the project site with a brief description of the project and contact information. The Community Workshop was conducted on January 26, 2009. At this meeting, approximately three individuals indicated their support of this particular proposal with no one speaking in opposition.

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

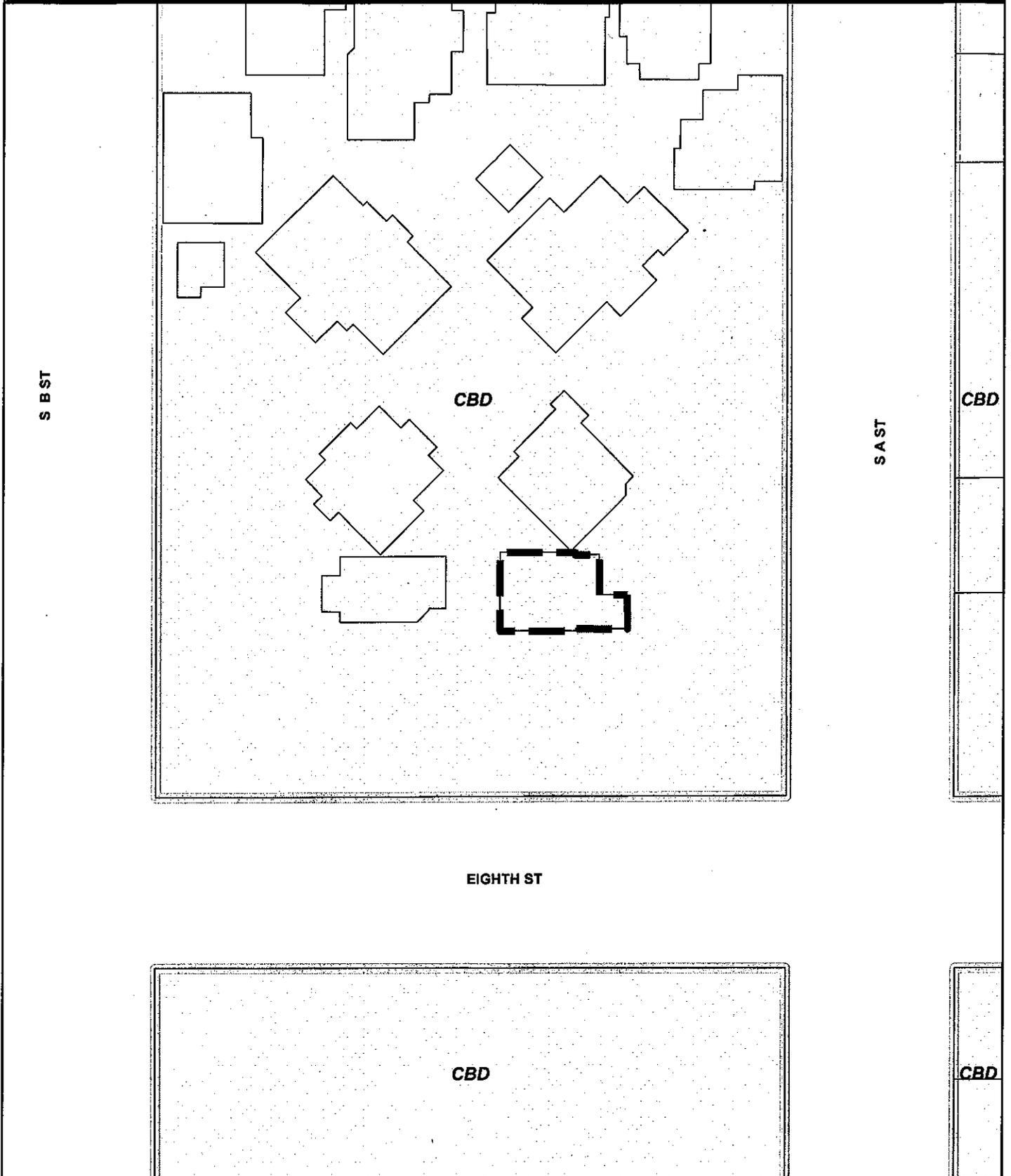
Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Site and Floor Plans
- C. Notice of Exemption
- D. Police Report
- E. Resolution

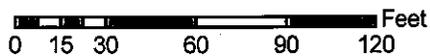
Prepared by: <u>DS</u> DS
Approved by: <u>SM</u> SM

Attachment "A"

General Plan Map



PZ 08-510-13
Location: 741 S A St
APN: 202014430
Rancho Ventavo Cellars



General Plan Map



W SEVENTH ST

S B ST

CBD

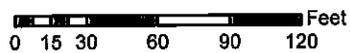
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Oxnard Planning
January 5, 2009

PZ 08-510-13
Location: 741 S A St
APN: 202014430
Rancho Ventavo Cellars

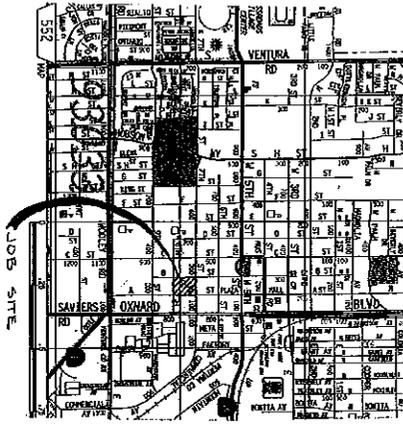


Zone Map

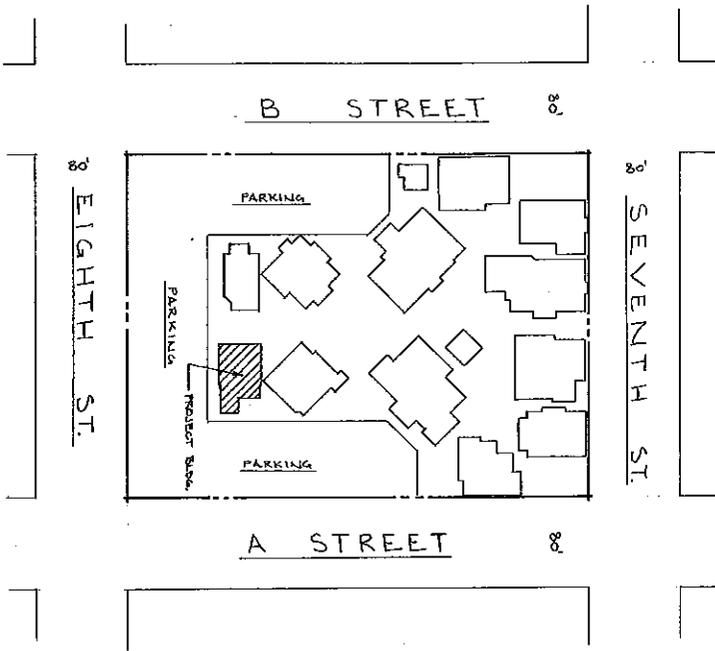


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Attachment "B"



VICINITY MAP
NO SCALE



SITE PLAN
SCALE 1" = 50'-0"



PROJECT ADDRESS : 741 SOUTH "A" STREET
OXNARD, CA 93030
APN : 202-0-144-300

BUILDING ANALYSIS
BUILDING OCCUPANCY : A-2 / B
DESCRIPTION OF USE : WINE TASTING AND SALES
TYPE OF CONSTRUCTION : V.A.B. SPRUNG/SEED
NUMBER OF STORES : TWO

AREA LEGEND
EXISTING FIRST FLOOR : 1,362.0 SQ. FT.
EXISTING SECOND FLOOR : 876.0 SQ. FT.
TOTAL EXISTING FLOOR AREA : 2,238.0 SQ. FT.
EXISTING COVERED PORCHES : 187.0 SQ. FT.

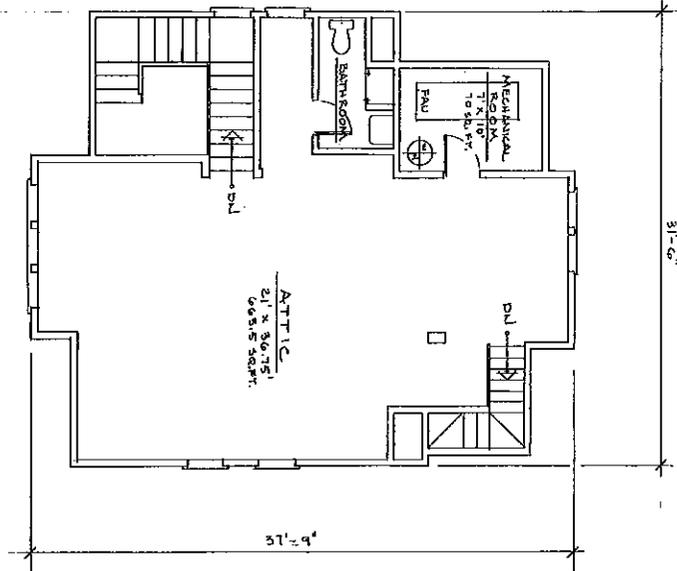
OWNER : RANCHO VENTAVO CELLARS
3045 VENTAVO DRIVE
MOONPARK, CA 93021
805-529-4221

ARCHITECT : CHARLES IAN BLAUGRUND
14994 MARQUETTE ST.
MOONPARK, CA 93021
805-529-1979

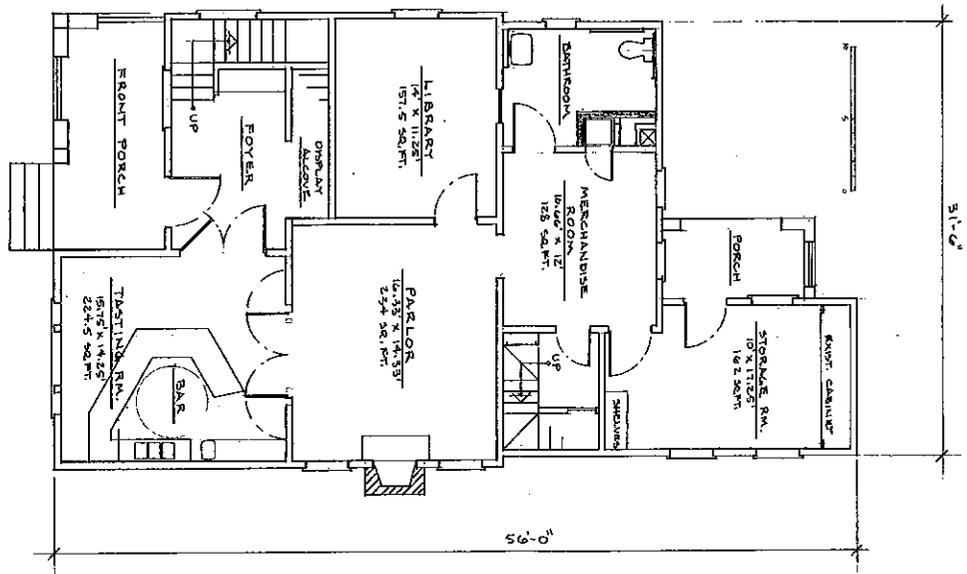
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SECOND FLOOR PLAN
SCALE 1/4"=1'-0"



FIRST FLOOR PLAN
SCALE 1/4"=1'-0"



NO.	DATE	BY	REVISION

OWNER: RANCHO VENTANO CELEARS
246 VENTANO DRIVE
MOORPARK, CA. 93021

FLOOR PLANS
SCALE 1/4"=1'-0"

CHARLES IAN BLAUGRUND
ARCHITECT

1094 Marquette St. Moorpark, Ca. 93021
Ph. 805-328-1979 / Fax. 805-328-1363

Attachment "C"



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 08-510-13 (Special Use Permit for Alcohol) a request to permit wine tasting and sales for a proposed wine retailer (Rancho Ventavo Cellars), located at 741 South "A" Street (within Heritage Square). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Elizabeth Callahan, EDCO, 400 Esplanade Drive, Suite 301, Oxnard CA 93036.

Finding:

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

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects involving "...the operation, ...permitting, leasing, licensing, ... of existing public or private structures, and facilities, ... involving negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. The proposed project is a request for the addition of beer and wine to the menu of an already permitted restaurant. It does not involve any new development, or expansion of building or floor area. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

Date

Susan L. Martin, AICP
Planning Division Manager

Attachment "D"



Police Department
John Crombach, Police Chief

Date: January 27, 2009

To: Doug Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 741 South "A" Street (Rancho Ventavo Cellars)

Re: PZ 08-510-13

Site Information:

The proposed site is located within the Heritage Square commercial center near the corner of Eighth Street and "A" Street in Downtown Oxnard. The building, known as the Scarlett House, is one of twelve others in the development and is situated near the southeast corner of the complex. The front door of the business is on the west side where there is a slightly raised porch overlooking the center of the complex.

The nearest residences are along "B" Street approximately 200 feet to the west with additional residences approximately 300 feet to the north along Seventh Street. Other businesses at the complex includes various insurance, real estate and professional offices, a restaurant, a beauty supply shop and a clothing store. The site is generally bordered by Seventh Street to the north, Eighth Street to the south, "A" Street and commercial use to the east and commercial/residential to the west.

The applicant has requested an Alcoholic Beverage Control (ABC) License known as a "Type-02 Duplicate". This is a Winegrowers License that allows the licensee to establish a package store that is separate from the original winery or production premises (in this case, the original winery is located in Ojai). Here, they would be permitted to sell alcohol for off-site consumption but would be strictly limited to their own products. This facility must be open to the general public and the grower may provide samples or tastings of their product for on-site consumption. The license type does not permit the applicant to sell wine by the full glass (six ounces) to the general public; rather it must be a tasting size only which is typically no more than one ounce each. Basically, the facility will have both on-sale and off-sale privileges with tight restrictions on the type and brand of products and quantity of drinks.

Alcohol outlets located within 350 feet of the proposed site include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Asahi Market	660 S. Oxnard Blvd.	Type 20	Off-Sale Beer, and Wine	Convenience Market	Beer and Wine
2. Play Billiard	658 S "A" St.	Type 40	On-Sale Beer	Billiard Hall	Beer only
3. Mona Lisa	703 S Oxnard Blvd.	Type 40	On-Sale Beer	Bar	Beer only
4. El Chilito	733 S Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
5. El Pollo Norteno	715 S. Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
6. Golden Chicken Inn	701 S. Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
7. Pilar's Café	746 S "A" St.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
8. La Dolce Vita	740 S. "B" Street	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
9. Elks Lodge	801 S. "A" St.	Type 47 and 51	On-Sale General / Club	Restaurant and Club	Beer, Wine and Spirits

Alcohol outlets located within 1000 feet of the proposed site include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Mobil Market	700 S. Oxnard Blvd.	Type 20	Off-Sale Beer and Wine	Convenience Market	Beer and Wine
2. La Mexicana Market	601 S. "A" St.	Type 20	Off-Sale Beer and Wine	Convenience Market	Beer and Wine
3. Pat Holden's Liquor	860 S. "A" St.	Type 21	Off-Sale General	Liquor Store	Beer, Wine & Spirits
4. Barroco's	529 S. "A" St.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
5. Cielito Lindo	635 S. Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
6. El Parian	155 E. Seventh	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
7. Izzy Otani	610 S. "A" St.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine

8. Sol Del Pacifico	611 S. Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
9. El Coyote	601 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine & Spirits
10. El Miramar	653 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine & Spirits
11. El Tapatio	663 S. Oxnard Blvd.	Type 48	On-Sale General	Public Premises (Bar)	Beer, Wine and Spirits
12. Knights of Columbus	632 S. "D" St.	Type 51	On-Sale General (Club)	Service Club	Beer, Wine and Spirits

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 196 during the same 12-month time period. This is 67% higher than the average crime rate citywide.

Disturbance related calls were only slightly higher (2%) than the citywide average but incidents that listed alcohol as a contributing factor were well above average. The heaviest concentration of incidents occurred north and east of the site along Oxnard Boulevard between Sixth Street and Ninth Street. While a crime rate that is 67% above average is significant, many of the disturbance calls are related to the nighttime activity of a few problem locations and the overall area (southern portion of the Central Business District) is not generally considered to be a policing problem.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct. Any reference to "police calls for service" may include any type of police response to the area and are not specific to the Part I or II crime category.

Police Department Input:

The police Beat Coordinator was contacted and said the surrounding area is not generally considered a crime problem; however, there are pockets of problems associated with the nighttime uses at a few of the nearby bars. He said that weekend nights can be very lively at some of these locations and that fights, loud music and other disturbances are not uncommon. The Police Department is aggressively working on these chronic problem locations and has seen some positive improvements.

The Heritage Square complex is fairly self-contained and, while there are some nearby problem establishments, the site has remained fairly unaffected by the surrounding uses. The applicant has

proposed business hours that would not likely conflict with the late night problem activity in the area and they would typically be closed by 7:00 p.m. The Police Department does not believe that the limited type of use proposed will aggravate existing problems as long as the business is well regulated and they comply with the conditions of operation that are proposed for the Planning Commission Resolution.

That being said, the Police Department continues to be cautious about the density of alcohol outlets in the downtown area or Central Business District (CBD). There are more than 35 alcohol outlets in the CBD and the area has the highest concentration of alcohol outlets in the city. Not surprisingly, the number of police incidents that list alcohol as a contributing factor is above average. While the proposed use would normally be a very low risk type of alcohol outlet, the fact that there is a high density of relatively similar uses and a crime rate that is still above average, should not be taken lightly.

One last concern of the Police Department is that the Special Use Permit be very specific to the type of use which is permitted. The Type-02 ABC license is very specific to only permit the licensee to sell their own products and that on-site consumption is generally of a small quantity. However, since the license type allows sales of alcohol for both on-site consumption and off-site consumption, our concern is that future tenants may be able to use the existing Special Use Permit to slightly modify the use and sell alcohol (either on or off-site) in a manner that is in conflict with the surrounding uses. Basically, we do not want to inadvertently allow the site to be used as a typical convenience market or even as a bar if the site changes hands and the new occupant obtains a different ABC license.

Community Input:

The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had the opportunity to discuss this proposal at the time this report was submitted. The Police Department will communicate with the group prior to the Planning Commission hearing to ensure they have an opportunity to voice any concerns at that time.

Nearby businesses were contacted by the Police Department for their input. The overall comments by employees and owners were positive and generally supportive of the proposed use. A few had questions or concerns about the scope of the ABC license type and what the business would be permitted to sell. None of the persons we spoke to would support a typical off-sale site that is similar to a market or convenience store but were comfortable with the limited privileges of the winery license. The Police Department included Special Conditions to address the comments of the businesses and concerns of the Police Department.

Conclusion:

The statistical analysis shows the area surrounding the site to have a crime rate that is significantly higher than the city-wide average but is not necessarily considered to be a policing problem. Disturbance calls are consistent with the citywide average but those incidents that list alcohol as a contributing factor are above average. While there are isolated problems in the overall area, the proposed use is not likely to conflict with surrounding uses or aggravate existing problems. There are many other ABC-licensed establishments within 350 feet of the site but none

are for the specific type of use proposed. Still, since the license allows for both on-sale and off-sale privileges, the density of alcohol outlets of any type should be considered.

The primary concern of the Police Department is that the permit does not allow for a potential future tenant to take advantage of the zoning permit which allows the sale alcohol for on-site and off-site consumption and then open a business that is unsuitable for the area (such as a market or bar). Special conditions of operation are recommended below that should adequately mitigate that concern and will provide the Police Department with multiple enforcement options if problems do arise.

The Police Departments experience is that the proposed license (Type 02 Duplicate - Winery), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. Listed below are the Police Department's recommended operating conditions for the Planning Commission Resolution.

Police Standard Operating Conditions

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.
- 4) 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 if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, 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 operation 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 Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 5) The use of any amplifying system or device shall not be audible outside the premises nor shall it be disruptive to neighboring uses. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses. (PD)
- 6) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Displaying the Name of a businesses that also has alcohol included in the name is not a violation of this condition. (PL/PD)
- 7) Sales of alcohol shall not occur between the hours of 9:00 p.m. and 7:00 a.m. (PL/PD)
- 8) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts. (PD)

- 9) In the areas surrounding 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 beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
- 10) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
- 11) Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)
- 12) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.
- 13) 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, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.
- 14) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 15) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 16) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
- 17) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 18) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 19) 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)

- 20) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 21) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
- 22) Permittee shall install an electronic intrusion detection system that detects portal openings, and interior motion. (PD)
- 23) Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 24) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
- 25) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 26) Business will contact The Oxnard Police Crime Prevention Officer at (805) 385-8349 to discuss enrollment in and compliance with the Oxnard Police Department "Crime Free Business Program."
- 27) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

- 1) Permittee shall only be permitted to exercise the privileges of the California Department of Alcoholic Beverage Control (ABC) "Type-02 Duplicate" License. Permittee shall not exchange, upgrade or otherwise modify the license or the proposed use without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
- 2) Displays or storage of alcoholic beverages shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy or unobstructed path to any entry or exit. (PD)

- 3) During all hours of retail sales, the showroom containing alcoholic beverages shall be adequately monitored by employees and the sales area shall not be left unattended. Buzzers, bells or other sounding or warning devices that alert employees when a customer has entered the business shall not be considered a replacement for adequate monitoring and visual observation of the retail area. (PD)
- 4) No alcohol shall be offered to customers completely free of charge. A nominal fee that is consistent with the industry standard shall be charged for all wine tasting or sampling. At the discretion of the Permittee, the fees may be refunded or credited to the customer as long as the customer purchases bottled wine for off-site consumption at the time of the tasting. Customers that are members of "wine clubs" or who are participating in other promotional programs that require the customers to purchase a predetermined amount of product throughout the year may, at Permittee's discretion, have the fee waived. Permittee shall keep accurate records of those persons participating in such promotional programs and make them available to the Police Department upon demand. (PD)
- 5) It shall not be a violation of any condition above that prohibits the consumption of alcohol by on-duty employees as long as the consumption is for the purposes of quality control only and the sample size is consistent with industry standards (typically one ounce). At no time shall any employee become impaired or intoxicated while working. (PD)
- 6) If alcohol is to be consumed on the front porch of the site, the area must be adequately monitored by employees. Permittee is responsible to ensure that customers do not take open containers of alcohol off the premises and that underage persons do not consume alcohol. The porch must also be properly licensed through the City of Oxnard Planning Department and the California Department of Alcoholic Beverage Control.

Attachment "E"

RESOLUTION NO. [PZ 08-510-13]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-510-13 (SPECIAL USE PERMIT FOR ALCOHOL), TO ALLOW WINE TASTING AND SALES (ABC LICENSE TYPE 02) FOR A PROPOSED WINE RETAILER (RANCHO VENTAVO CELLARS), LOCATED AT 741 SOUTH "A" STREET (WITHIN HERITAGE SQUARE), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ELIZABETH CALLAHAN, EDCO, 400 ESPLANADE DRIVE, SUITE 301, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-13, filed by Elizabeth Callahan in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, section 15301 of the California Code of Regulations exempts the project from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That 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.
3. That the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
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.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare

of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

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	Public Works, 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 and Environmental Services Division ("Planning Division"), and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated November 19, 2008 ("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, Developer 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. Developer agrees, as a condition of adoption of this resolution, at Developer'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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

5. Developer 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, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
7. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
8. Developer 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)
9. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION STANDARD CONDITIONS

10. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
11. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-6)
12. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)

POLICE STANDARD CONDITIONS

13. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
14. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)

15. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.
16. 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 if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, 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 operation 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 Planning Commission to be held no more than 30 days after the suspension begins. (PD)
17. The use of any amplifying system or device shall not be audible outside the premises nor shall it be disruptive to neighboring uses. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses. (PD)
18. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Displaying the Name of a businesses that also has alcohol included in the name is not a violation of this condition. (PL/PD)
19. Sales of alcohol shall not occur between the hours of 9:00 p.m. and 7:00 a.m. (PL/PD)
20. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts. (PD)
21. In the areas surrounding 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 beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
22. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
23. Employees shall not be allowed to consume alcoholic beverages at any time during their

shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)

24. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.
25. 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, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.
26. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
27. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
28. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
29. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
30. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
31. 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)
32. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
33. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
34. Permittee shall install an electronic intrusion detection system that detects portal

openings, and interior motion. (PD)

35. Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
36. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
37. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
38. Permittee shall contact The Oxnard Police Crime Prevention Officer at (805) 385-8349 to discuss enrollment in and compliance with the Oxnard Police Department "Crime Free Business Program."
39. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE SPECIAL CONDITIONS

40. Permittee shall only be permitted to exercise the privileges of the California Department of Alcoholic Beverage Control (ABC) "Type-02 Duplicate" License. Permittee shall not exchange, upgrade or otherwise modify the license or the proposed use without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
41. Displays or storage of alcoholic beverages shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy or unobstructed path to any entry or exit. (PD)
42. During all hours of retail sales, the showroom containing alcoholic beverages shall be adequately monitored by employees and the sales area shall not be left unattended. Buzzers, bells or other sounding or warning devices that alert employees when a customer has entered the business shall not be considered a replacement for adequate monitoring and visual observation of the retail area. (PD)
43. No alcohol shall be offered to customers completely free of charge. A nominal fee that is consistent with the industry standard shall be charged for all wine tasting or sampling. At the discretion of the Permittee, the fees may be refunded or credited to the customer as long as the customer purchases bottled wine for off-site consumption at the time of the tasting. Customers that are members of "wine clubs" or who are participating in other promotional programs that require the customers to purchase a predetermined amount of product throughout the year may, at Permittee's discretion, have the fee waived. Permittee

shall keep accurate records of those persons participating in such promotional programs and make them available to the Police Department upon demand. (PD)

44. It shall not be a violation of any condition above that prohibits the consumption of alcohol by on-duty employees as long as the consumption is for the purposes of quality control only and the sample size is consistent with industry standards (typically one ounce). At no time shall any employee become impaired or intoxicated while working. (PD)

45. If alcohol is to be consumed on the front porch of the site, the area must be adequately monitored by employees. Permittee is responsible to ensure that customers do not take open containers of alcohol off the premises and that underage persons do not consume alcohol. The porch must also be properly licensed through the City of Oxnard Planning Department and the California Department of Alcoholic Beverage Control.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this second day of April, 2009, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary