



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Doug Spondello, Assistant Planner *DS*

DATE: September 17, 2009

SUBJECT: Planning and Zoning Permit No. 09-510-02, (Special Use Permit), Located at 710 North Del Norte Boulevard.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-510-02 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow wine tasting, the sale of wine for off-site consumption, and the sale of beer and wine for consumption on-site at a proposed winery and ancillary café, located at 710 North Del Norte Boulevard. Filed by Douglas Scott, Channel Islands Winery, 710 North Del Norte Boulevard, Oxnard CA 93030, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The 47,155 square foot winery is proposed at a multi-tenant industrial building located at the southeast corner of North Del Norte Boulevard and Jupiter Court. The following table describes the land uses immediately adjacent to the site.

| LOCATION | ZONING | GENERAL PLAN | EXISTING LAND USE |
|--------------|--------|------------------|-----------------------------------|
| Project Site | M-1-PD | Industrial Light | Manufacturing and Industrial |
| North | M-1-PD | Industrial Light | Manufacturing and Industrial |
| South | M-1-PD | Industrial Light | Manufacturing and Industrial |
| East | County | County | Agriculture and Equipment Storage |
| West | M-1-PD | Industrial Light | Manufacturing and Industrial |

- 4) **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").

5) Analysis:

- a) General Discussion:** The applicant proposes a wine bottling, distribution, fermentation and warehouse facility as the principally permitted use at this location. Ancillary uses consisting of two wine tasting rooms (the larger of which has a small retail area), and a café, require the approval of a special use permit. The tasting room, retail, and café areas would be staffed by between four and six employees and, though hours of operation may vary seasonally, the business would generally keep the following schedule:

| Days | Open | Close |
|---------------------|----------|---------|
| Monday to Thursday | 10:00 AM | 6:00 PM |
| Friday and Saturday | 10:00 AM | 9:00 PM |
| Sunday | 10:00 AM | 6:30 PM |

- b) Conformance with General Plan Land Use Designation and Zoning Development Standards:** The 2020 General Plan land use designation for the subject site is Industrial Light. The corresponding zoning designation of for Light Industrial-Planned Development (M-1-PD) lists “manufacturing, compounding, processing, packaging, and treatment of products indoors” as a permitted use. Similarly, a “wine tasting and café use, in conjunction with a wine manufacturing facility” is an accessory use permitted within the M-1-PD zone, with approval of a special use permit. In this regard, the proposed uses are 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 policy, 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 7.1 acre parcel is accessed from driveways on North Del Norte Boulevard and Jupiter Court. The parcel is developed with a multi-tenant 126,720 square foot industrial building.

The winery (Channel Islands Winery) will occupy approximately 47,000 square feet (37%) of the total building area. The accessory café and two wine tasting rooms will occupy 4,355 square feet. A small wine and art retail area is located within the larger of the wine tasting rooms. The winery occupies several different areas for wine storage, ageing, blending, manufacturing uses and includes a distribution area with a loading dock.

The café includes a 1,100 square foot outdoor patio and seating area separated from the

business' main entrance by landscaped planter boxes. Access from the café's outdoor seating area (where beer and wine would be served) to the parking lot and main entrance would not be permitted, except as a means of emergency egress. A condition of approval (no. 53) prohibits the service of alcoholic beverages from a patio bar, however patrons would be permitted to bring or be served drinks poured in the café out to the patio area. A private 380 square foot wine tasting room is located on the interior of the building, adjacent to the café .

Conditions of approval (nos. 15 and 16) require that the operation of the tasting rooms, retail, and café remain an ancillary operation to the winery and not be operated by any entity other than the winery.

The Applicant has a unique type 02 license through the Alcoholic Beverage Control (ABC) which would allow them to sell any beer or wine product, regardless of manufacturer for on site consumption and any manufacturer's wine product for consumption off site. Conditions of approval (nos. 15 and 54) have been added to ensure that the retail area is not operated as a general market but rather a specialty shop that focuses on the sale and tasting of fine wines. Similarly, mass-produced, low-priced wine products that are typically sold in package stores are not permitted to be sold.

- 6) Request for Sale of Alcoholic Beverages for On-Site Consumption:** The Oxnard Police Department prepared a report on August 26, 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"). As the report cites no other alcohol outlets within 350 feet of the subject parcel, there is no concern for an oversaturation of alcohol outlets in this area. Similarly, crime within this reporting district is 71% lower than the average crime rate city wide.

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.

- 7) Public Outreach:** This project is not located within an established neighborhood or adjacent to any residential uses and therefore did not participate in a Community Workshop meeting. The Police Department has contacted the Responsible Alcohol Policy Action Coalition (RAPAC) as well as nearby businesses regarding this request. No written correspondence was received.
- 8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Plans
- C. Notice of Exemption

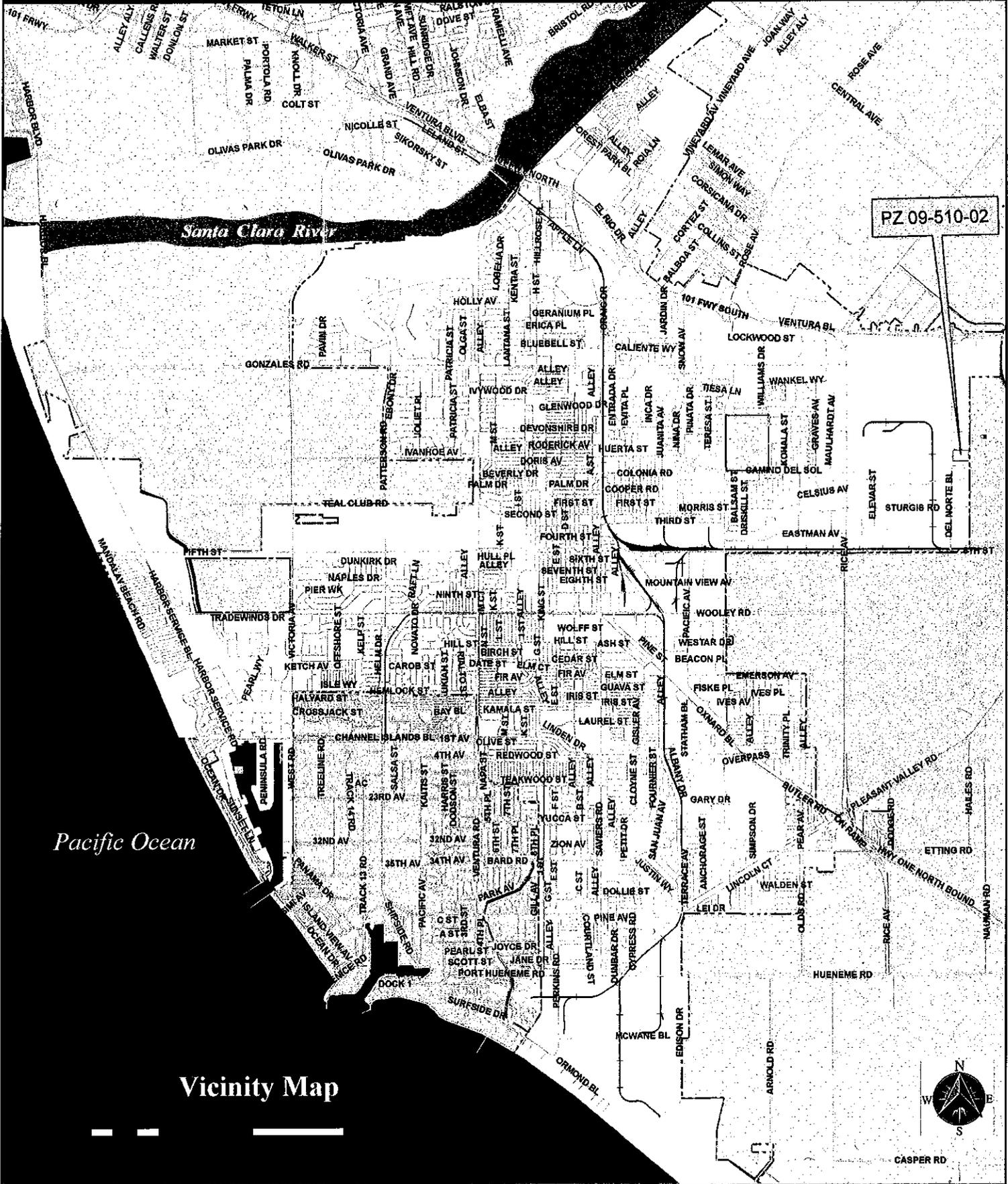
*PZ 09-510-02, Channel Islands Winery
Planning Commission Date: September 17, 2009
Page 4*

- D. Police Report
- E. Resolution

| |
|--|
| Prepared by:  |
| DS |
| Approved by:  |
| SM |

Attachment "A": Maps (Vicinity, General Plan, and
Zoning)

Vicinity Map



PZ 09-510-02

Vicinity Map



CASPER RD

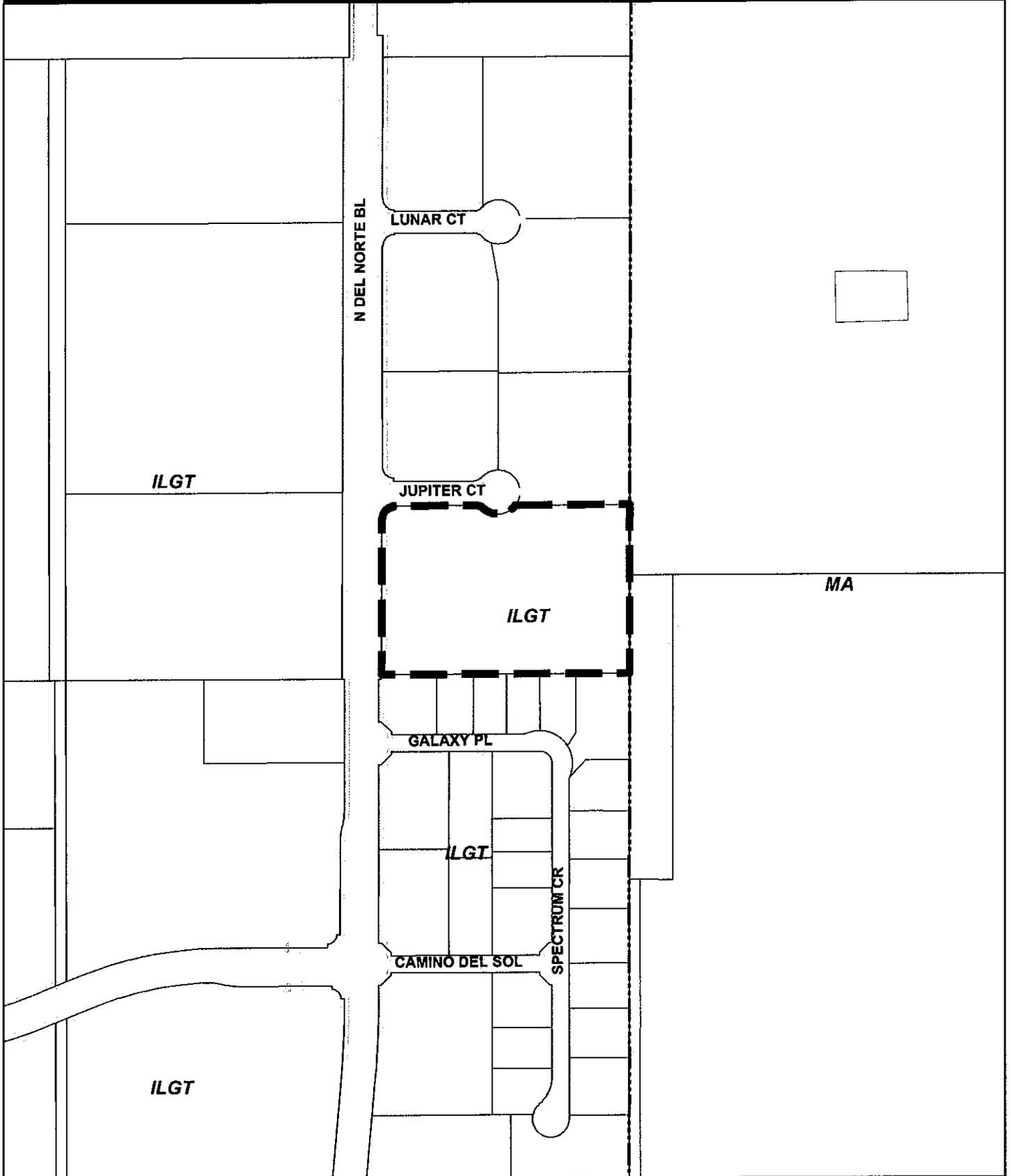


Oxnard Planning

July 6, 2009

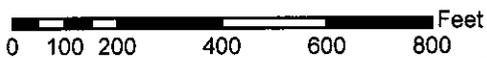
PZ 09-510-02
Location: 710 Del Norte Bl
APN: 216021208

General Plan Map



Oxnard Planning
July 6, 2009

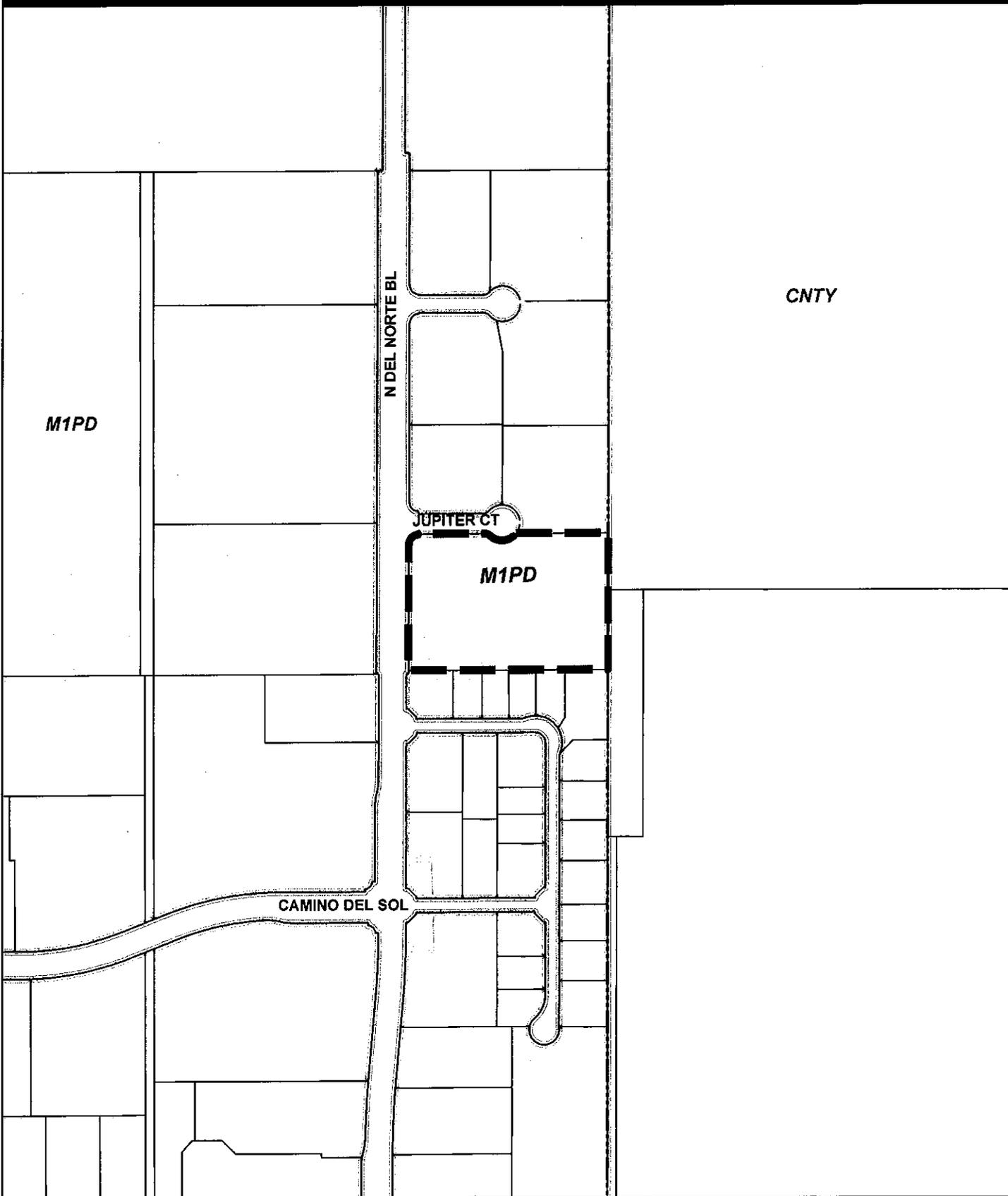
PZ 09-510-02
Location: 710 Del Norte Bl
APN: 216021208



General Plan Map

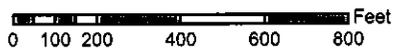


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Oxnard Planning
July 6, 2009

PZ 09-510-02
Location: 710 Del Norte Bl
APN: 216021208



Zone Map



1:5,480

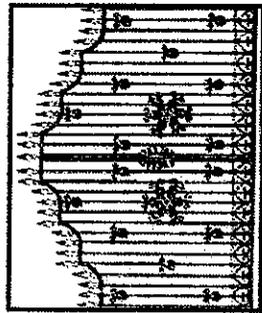
Attachment "B": Reduced Plans

CHANNEL ISLANDS WINERY

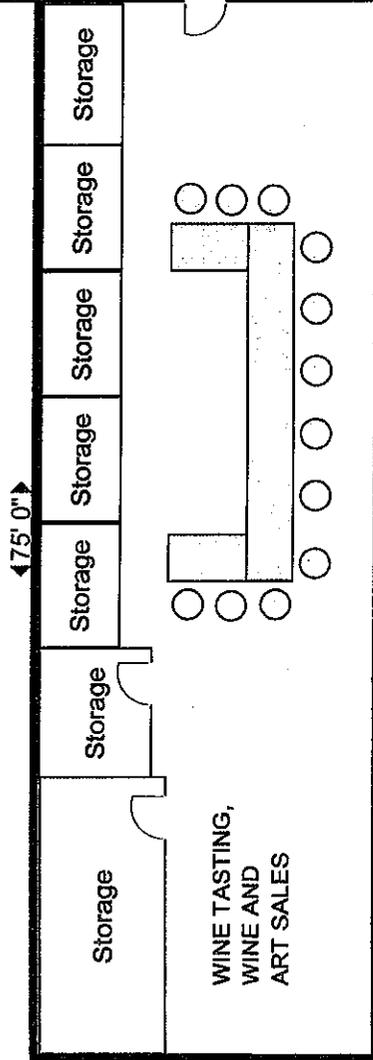
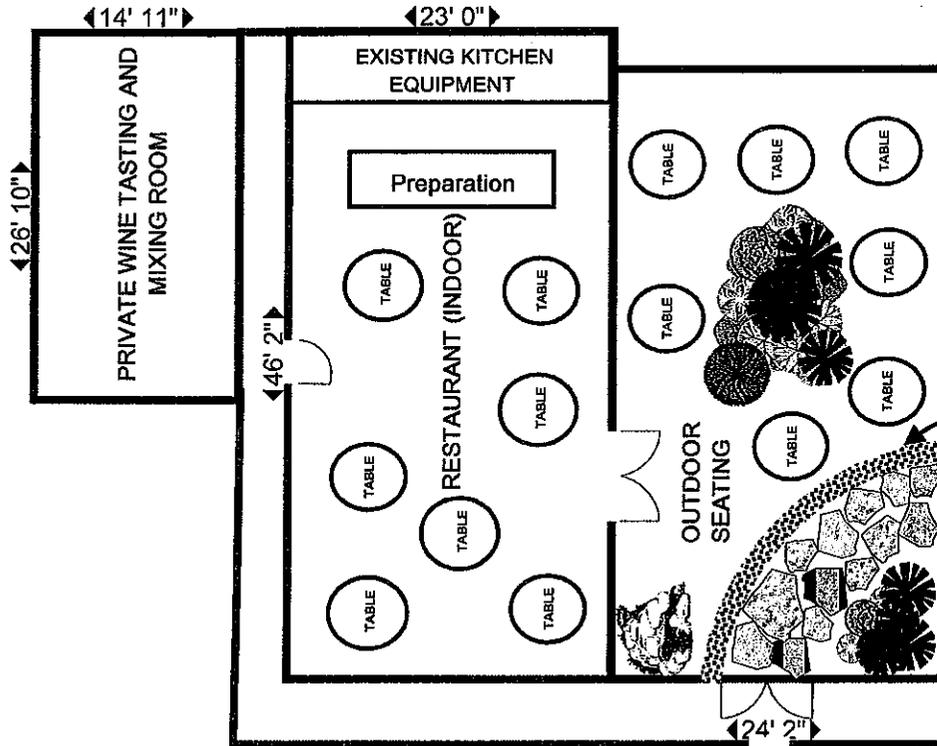
701 Del Norte Blvd.
Oxnard, CA



Sample 5' Planter Box/Trellis



Sample Decorative Wrought Iron Gate/Fence



JUPITER COURT

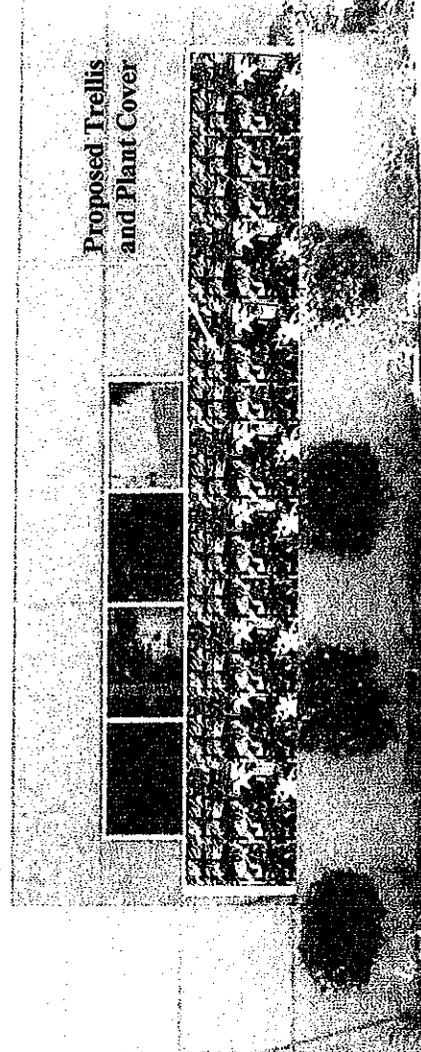
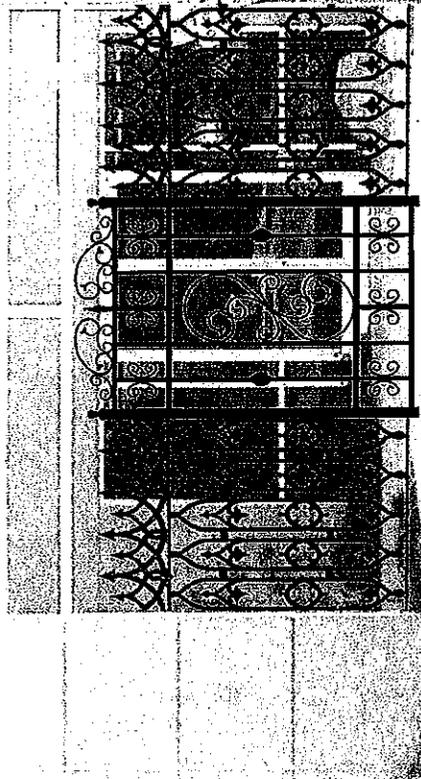


AREA BREAKDOWN

| | |
|---|---------------------------|
| Wine Tasting, Wine and Art Sales & Storage: | Total Square Feet = 1,811 |
| Private Wine Tasting: | Total Square Feet = 380 |
| Restaurant (Indoor): | Total Square Feet = 1,060 |
| Outdoor Seating: | Total Square Feet = 1,104 |
| TOTAL SQUARE FEET: | 4,355 |

5' Planter Box/Trellis
Dividing Partition

6' Decorative
Wrought Iron
Gate and Fence



Proposed Trellis
and Plant Cover

Channel Islands Winery
701 Del Norte Blvd.
Oxnard, CA

TRELLIS AND GATE

PARKING ANALYSIS:

CHANNEL ISLANDS WINERY

| SPACE | SQ. FT. | REQ. PARKING |
|--|---------|--------------|
| Warehouse 1 per 1000 | 27480 | 27 |
| Shipping 1 per 1000 | 5400 | 5 |
| Mfg. 1 per 500 | 9920 | 20 |
| Wine Tasting / Res- taurant 1 per 75 up to 6,000 | 4355 | 58 |
| TOTAL PARKING REQUIRED: | | 110 |

PARKING ANALYSIS:

ENTIRE FACILITY

| SPACE | SQ. FT. | REQ. PARKING |
|--|---------|--------------|
| Warehouse 1 per 1000 | 99006 | 99 |
| Mfg. 1 per 500 | 9920 | 20 |
| Office | 11648 | 47 |
| Wine Tasting / Res- taurant 1 per 75 up to 6,000 | 4355 | 58 |
| TOTAL PARKING REQUIRED: | | 224 |
| TOTAL PARKING PROVIDED: | | 226 |

Channel Islands Winery Square

Footage Breakdown:

| | |
|-------------------------|---------------|
| Warehouse/Storage: | 27,480 |
| Shipping/Receiving: | 5,400 |
| Manufacturing: | 9,920 |
| Wine Tasting - Public: | 1,811 |
| Wine Tasting - Private: | 380 |
| Restaurant - Indoor: | 1,060 |
| Restaurant - Outdoor: | <u>1,104</u> |
| TOTAL: | 47,155 |

**Channel Islands Winery
701 Del Norte Blvd.
Oxnard, CA**

PARKING ANALYSIS

Attachment "C": Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 09-510-02 (Special Use Permit) a request to allow wine tasting, the sale of wine for off-site consumption, and the sale of beer and wine for consumption on-site at a proposed winery and ancillary cafe located at 710 North Del Norte Boulevard. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Douglas Scott, Channel Islands Winery, 710 North Del Norte Boulevard, Oxnard CA 93030, on behalf of the property owner.

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 Report



Police Department

John Crombach, Police Chief

Date: August 26, 2009

To: Douglas Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 710 Del Norte Boulevard (Channel Islands Winery) **PZ 09-510-02**

Site Information:

The proposed site is located at 710 Del Norte Boulevard where there is an existing cold storage and distribution facility. The applicant has proposed to use a portion of the facility to manufacture, sell and store their own wine products and to utilize their existing Type-02 (winery) Alcoholic Beverage Control license to offer on-site tastings and off-site retail sales of their alcohol products. The applicant is proposing to have a small restaurant with indoor and outdoor seating amounting to approximately 2000 square feet of space. There will be a similarly sized wine tasting and product display area with a smaller, private tasting area also available.

The site is surrounded by several other industrial uses and agricultural to the west. There are no sensitive uses that may be negatively impacted by the proposed use and no similar alcohol outlets within 350 feet. The applicant is requesting to transfer their existing Type-02 ABC (winery) license and exercise the privileges allowed for such a license at this site.

Alcohol outlets located within 1000 feet of the establishment include:

| BUSINESS NAME | LOCATION | LICENSE TYPE | LICENSE TITLE | LICENSE DESC. | ALCOHOL ALLOWED |
|---------------------------|---------------------|--------------------|---|----------------------------|------------------------|
| 1. Herzog Winery | 3201 Camino Del Sol | Type-02 Type-47 | Winery and On-Sale General (eating place) | Wine making and restaurant | Beer, Wine and Spirits |
| 2. Rancho Ventavo Cellars | 701 Del Norte #205 | Type-02 | Winery | Wine making | Beer and Wine |

| | | | | | |
|---|--------------------|--|--|---|------------------------|
| 3. Kysela Imports (business closed but active license) | 701 Del Norte #155 | Type-17 Type-09 Type-20 Type-18 | Distributor Importer B/W Off-Sale Beer and Wine Spirits Whsle. | Wholesale Distributor plus Off-Sale retail privileges | 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 34 during the same 12-month time period. This is approximately 71% lower than the average crime rate citywide. Property crimes and commercial burglaries were the most frequently reported incidents and the number of incidents that listed alcohol as a contributing factor were far below the citywide average.

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.

Police Department Input:

The Beat Coordinator for the area surrounding the proposed site had no significant concerns regarding the proposed use. He said the crime rate in the area is very low and the majority of reported incidents tend to be property crimes that are generally minor in nature. There was a recent surge in commercial burglaries to several of the industrial businesses throughout the area but that issue has subsided and should not be aggravated by the proposed use.

According the Department of Alcoholic Beverage Control, their existing Type-02 ABC license was obtained by the applicant more than 40 years ago and, consequently, has some unique features that are not typical of newer winery licenses. Their license allows for the on-site consumption of any of their own wine products and they can offer full glasses of wine to customers at any time. Additionally, as long as they have an operational restaurant and are serving food or if they are hosting a private event, they can sell *any* beer or wine products regardless of the brand or manufacturer. This license also allows the business to sell not only their own wine for off-site consumption but they may even sell any other manufacturers wine products. This privilege is unique to this older license and could potentially allow the business to operate as a typical market. Such a use at this site is not desired by the Police Department and conditions of operation are included to address this issue.

While these license privileges are not necessarily problematic for the Police Department, it is important to note that there will potentially be much more than just wine tasting taking place at the facility. The business can basically operate as a typical restaurant with the sales of all kinds of beer and wine that is not limited to those produced by the winery.

Community Input:

The Police Department visited several nearby businesses to determine appropriate compatibility and there were no negative comments from any of the persons we spoke with. The Responsible Alcohol Policy Action Coalition (RAPAC) will be contacted by the Police Department prior to the Planning Commission hearing so they may provide any comments at the hearing if necessary.

Conclusion:

The statistical analysis shows the area to have a crime rate that is approximately 71% lower than the city-wide average and is not considered a policing problem. Disturbance calls and those involving alcohol are well below citywide average and there is no issue of an undue concentration of alcohol outlets.

The Police Departments experience is that the proposed use, 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 of alcoholic beverages shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (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) Sales of alcoholic beverages (other than for "tasting" per ABC license Type-02 guidelines) shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 4) When security personnel are present or required, 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.
- 5) 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)
- 6) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no on-site alcohol service areas, other than those designated as tasting areas, which are designed or used as a standing area only or as a combined standing and seating area.

- 7) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)
- 8) 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. The display of official business names or logos that have alcoholic beverages included in them is permitted (PL/PD)
- 9) Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)
- 10) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged. (PD)
- 11) Alcoholic beverages shall be served in standard sizes, not greater than 32 oz., that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts.
- 12) 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 and other adjacent areas under Permittee's reasonable control. (PD)
- 13) If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly permitted through the City of Oxnard Planning Department and the Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
- 14) 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)
- 15) 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)
- 16) 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. (PD)
- 17) 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. (PD)
- 18) 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)
 - 19) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
 - 20) 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)
 - 21) No pay phone on the exterior of the premises within 100 feet of the front door shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
 - 22) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
 - 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
 - 24) 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)
 - 25) Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
 - 26) Prior to issuance of Certificate of Occupancy, Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
 - 27) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
 - 28) If the project property is already occupied or use has already been initiated, Permittee shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-9)
 - 29) 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) 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)
- 2) 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)
- 3) 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)
- 4) 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)
- 5) Any emergency exit gate/door on the patios shall not be used as a means of access or egress by patrons to and from the licensed premises and, other than during emergencies or for handicapped access per ADA guidelines, shall be kept closed at all times. The gate shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit or handicapped access only and that an alarm will sound if opened.
- 6) There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served.
- 7) Permittee shall in good faith maintain and operate the business as originally proposed which is as a specialty shop that focuses on the sale and tasting of fine wines. The business shall not be permitted to operate as a common market with mass-produced, low-priced wine products that are typically sold in package stores.

Attachment "E": Draft Resolution

RESOLUTION NO. PZ 08-510-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-510-02 (SPECIAL USE PERMIT), TO ALLOW WINE TASTING, THE SALE OF WINE FOR OFF-SITE CONSUMPTION, AND THE SALE OF BEER AND WINE FOR CONSUMPTION ON-SITE AT A PROPOSED WINERY AND ANCILLARY CAFÉ LOCATED AT 710 NORTH DEL NORTE BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DOUGLAS SCOTT, CHANNEL ISLANDS WINERY, 710 NORTH DEL NORTE BOULEVARD, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-510-02, filed by Douglas Scott 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 project 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 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.

- 7. 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.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

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

| DEPARTMENTS AND DIVISIONS | | | |
|---------------------------|---------------------------------|----|-----------------------|
| CA | City Attorney | PL | Planning Division |
| DS | Dev Services/Eng Dev/Inspectors | TR | Traffic Division |
| PD | Police Department | B | Building Plan Checker |
| SC | Source Control | FD | Fire Department |
| PK | 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 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. Prior to placing or constructing any signs on the project property, Permittee shall obtain a sign permits from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
7. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
9. 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)
10. 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)
11. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

12. 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)
13. 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)
14. Within 30 days of approval of this permit, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

PLANNING DIVISION SPECIAL CONDITIONS

15. The ancillary café and retail sale of merchandise at the subject site shall only be allowed as an incidental and accessory use to the onsite wine manufacturing, compounding, processing, packaging, warehousing, and distribution business. This permit does not authorize a convenience market or delicatessen. (PL)
16. Retail and foodservice uses granted in conjunction with this permit shall be operated by Channel Islands Winery and not rented, leased, or otherwise sublet to any other person or entity. (PL)
17. This special use permit is issued exclusively to Channel Islands Winery and may not be transferred to a different business. (PL)
18. This special use permit shall automatically expire without notice or hearing if Channel Islands Winery relocates or otherwise no longer conducts wine manufacturing, compounding, processing, packaging, warehousing, and distribution business at the subject site in substantially the same manner as is described by and depicted in the plans associated with this application. (PL)

POLICE DEPARTMENT STANDARD CONDITIONS

19. Permittee and all sellers or servers of alcoholic beverages shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
20. 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)
21. Sales of alcoholic beverages (other than for "tasting" per ABC license Type-02 guidelines) shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to

ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)

22. When security personnel are present or required, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
23. 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)
24. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no on-site alcohol service areas, other than those designated as tasting areas, which are designed or used as a standing area only or as a combined standing and seating area. (PD)
25. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)
26. 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. The display of official business names or logos that have alcoholic beverages included in them is permitted (PL/PD)
27. Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)
28. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged. (PD)

29. Alcoholic beverages shall be served in standard sizes, not greater than 32 oz., that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts. (PD)
30. 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 and other adjacent areas under Permittee's reasonable control. (PD)
31. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly permitted through the City of Oxnard Planning Department and the Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
32. 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)
33. 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)
34. 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. (PD)
35. 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. (PD)
36. 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)
37. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
38. 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)
39. No pay phone on the exterior of the premises within 100 feet of the front door shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

40. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
41. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
42. 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)
43. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
44. Prior to issuance of Certificate of Occupancy, Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
45. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
46. If the project property is already occupied or use has already been initiated, Permittee shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-9)
47. 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 DEPARTMENT SPECIAL CONDITIONS

48. 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)
49. 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)
50. 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)

51. 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)
52. Any emergency exit gate/door on the patios shall not be used as a means of access or egress by patrons to and from the licensed premises and, other than during emergencies or for handicapped access per ADA guidelines, shall be kept closed at all times. The gate shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit or handicapped access only and that an alarm will sound if opened. (PD)
53. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
54. Permittee shall in good faith maintain and operate the business as originally proposed which is as a specialty shop that focuses on the sale and tasting of fine wines. The business shall not be permitted to operate as a common market with mass-produced, low-priced wine products that are typically sold in package stores. (PD/PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of September, 2009, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary