



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: November 9, 2009

SUBJECT: Planning and Zoning Permit No. 09-510-04, (Special Use Permit), Located at 3650 Saviers Road.

- 1) **Recommendation:** That the Planning Commission deny Planning and Zoning Permit No. 09-510-04 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow the sale of beer and wine for off-site consumption at an existing 76 service station and food mart, located at 3650 Saviers Road. The service station and food mart encompass 1,294 square feet of floor area. No expansion of the service station facility or the food mart area is proposed as part of this request. Filed by designated Attorney in Fact Mr. Leon Felus on behalf of Mr. Hune Lee, 3650 Saviers Road, Oxnard, CA 93033.
- 3) **Existing & Surrounding Land Uses:** The .4 acre (17,954 sq/ft) site is developed with a single story service station and fueling canopies with eight fuel pumps.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C2-PD	Commercial General	Automobile service station and food mart
North	C2-PD	Commercial General	Commercial shopping center
South	C2-PD	Commercial General	Commercial shopping center
East	R-1	Residential Low	Commercial liquor store (Four Guys Liquor)
West	CO-PD	Residential Low	Commercial offices

- 4) **Background Information:** On July 14, 1977, the Planning Commission conditionally approved Special Use Permit No. 743, via Resolution No. 5354, allowing the expansion of an existing service station to include a snack shop for the sale of packaged snack items. A minor modification was approved in 1987 allowing construction of a new driveway on Yucca Street and a second fueling island and pump dispensers. On November 17, 2005, the Planning Manager approved Minor Modification No. 05-140-72 for the repainting of facades

and columns, the monument sign structure and the accent band on the south and west sides of the building.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “minor alteration of existing...structures” may be found to be exempt from the requirements of CEQA. The request is to allow beer and wine sales for off-site consumption. There is no new development or expansion of development associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: The service station building totals 1,294 square feet with 870 square feet devoted to the food mart, restroom and storage areas and an attached 424 square foot, single car service bay. The existing hours of operation are between 5 a.m. and 10 p.m. Monday through Thursday, 6:00 a.m. through 11:00 p.m. Friday and Saturday and 6:00 a.m. through 10:00 p.m. on Sundays. No changes to the current operational period are proposed at this time.

On October 21, 2009, Code Compliance staff contacted the property owner for changing signs and initiating changes to the floor plan, including adding a wall within the service bay to expand the food mart and closing a service bay door, without proper City permits. The expansion of the food mart and new signs were not included with this request. Therefore, analysis of compliance with City Code will be addressed as part of subsequent building permits for the work.

b) General Plan Consistency and Zoning Development Standards: The 2020 General Plan land use designation for the project site is Commercial General. Similarly, the zoning designation on the site is General Commercial (C-2). In accordance with the City Code, the proposed sale of alcohol for off-site consumption in conjunction with a convenience store 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 site is developed with a 1,294 square foot food mart and attached automobile service bay. There is an attached 1,077 square foot fueling canopy to the west and a detached 706 square foot fueling canopy to the south with a total of four pump islands. The site contains eight off-street parking stalls for food mart customers and a 12' x 40' loading zone along the east property line. The site is improved with associated landscaping and trash enclosure. Any subsequent building or floor plan changes will be reviewed for compliance with the City Code through the building permit process.
- d) Request for Sale of Alcoholic Beverages for on-site consumption:** A license for Type 20, (Off-sale Beer and Wine), is pending with the State Department of Alcoholic Beverage Control (ABC) for the establishment.

The Oxnard Police Department provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment D). This report provides information regarding the number of incidents of police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages and whether approval of the special use permit is likely to significantly aggravate policing problems. There are two similar alcohol outlets within 350 feet of the site (El Maguey Liquor and Four Guy's Liquor). Within a 1000 foot radius from the business there are four On-Sale outlets and two additional similar Off-Sale locations.

Crime Statistics- 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 subjects reporting district and all other districts within 1000 feet of the applicant is 122 during the same 12-month time period. This is 4% higher than the average crime rate citywide and is not considered to be significant.

The heaviest concentration of incidents occurred along the Saviers Road corridor north and south of the site and along Samuel Avenue. In the area north of the site, along the strip-mall, there were approximately 25 disturbance related police calls for service which are not necessarily Part I or II crimes. The number of incidents in the area that list alcohol as a contributing factor is above the citywide average.

Additional Police Input- The Police Department's primary concern is the proximity of the proposed business to several other Off-Sale alcohol outlets. The Four Guys Liquor store, which sells beer, wine and distilled spirits, is directly next door to the site and the El Maguey liquor store is 150 north of the site. There are a total of four Off-sale alcohol outlets within 1000 feet of the proposed site and total of four On-Sale businesses. Just outside the 1000 foot radius normally considered to be the area of influence for the proposed license type, there are several more On-Sale and Off-Sale businesses and the

corridor along Saviers Road from Channel Islands to Pleasant Valley road is saturated with nearly two dozen alcohol outlets.

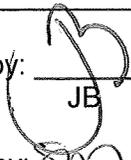
The Police Department recommends denial of this request, citing undue concentration of similar outlets and the likelihood that existing policing problems would be aggravated should this request be approved.

7) Community Workshop: On October 7, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Bryce Canyon North, Bryce Canyon South and Blackstock South Neighborhoods. A notice was properly posted on the project site for the meeting with a brief description of the project and contact information. The Community Workshop was conducted on October 19, 2009. Those in attendance who spoke, approximately five people, had concerns regarding oversaturation, on-site parking, and public drunkenness.

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 Project Plans
- C. Notice of Exemption
- D. Police Report
- E. Resolution

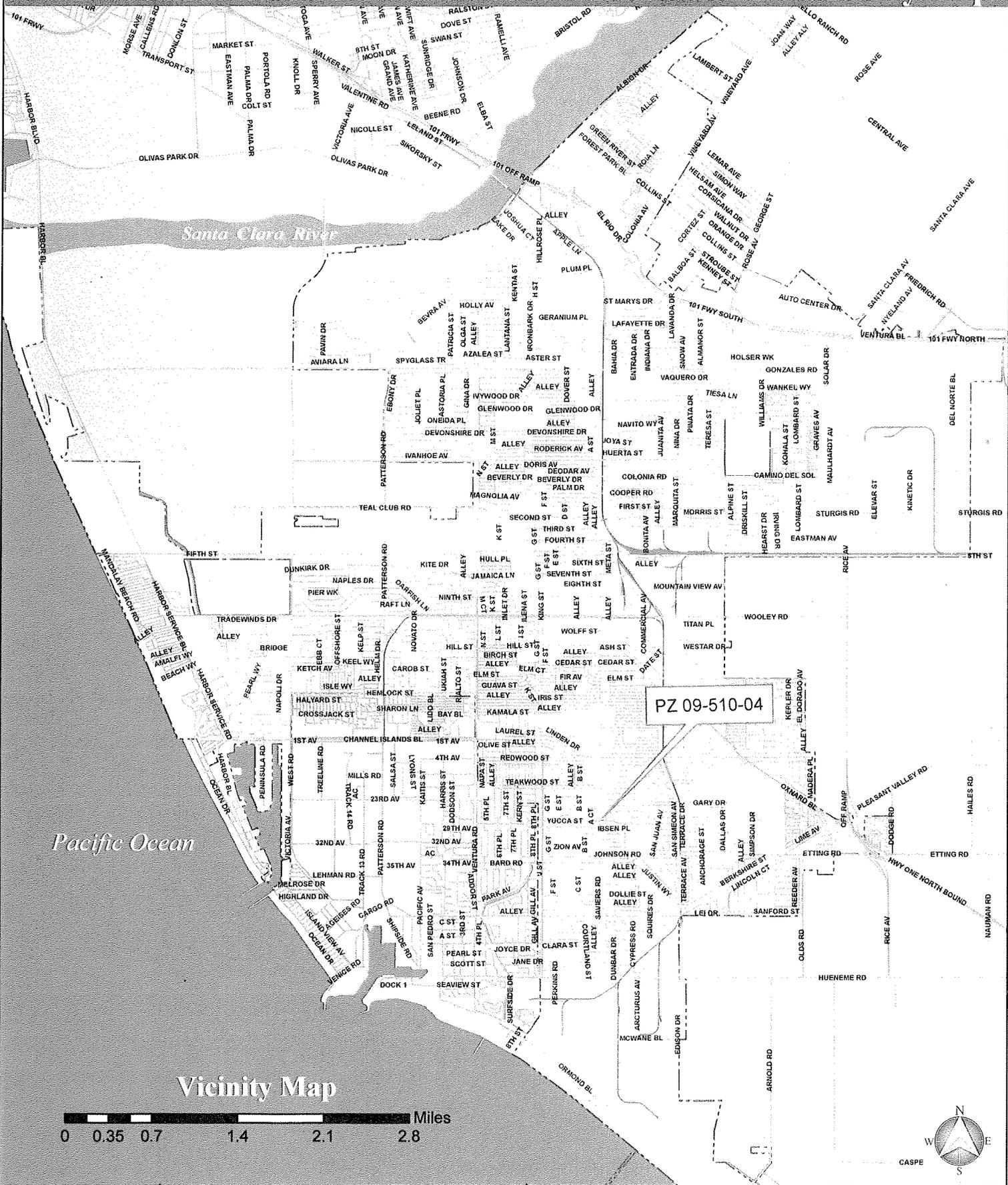
Prepared by:  JB
Approved by:  SM

Attachment A

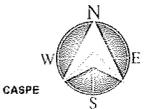
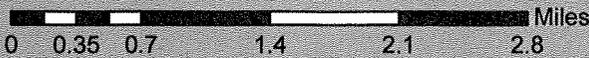
Maps

Vicinity, General Plan, Zoning

Vicinity Map



Vicinity Map



Oxnard Planning

August 13, 2009

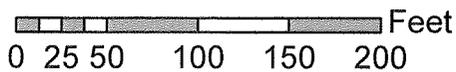
PZ 09-510-04
 Location: 3650 Saviers Rd.
 APN: 219042306

General Plan Map

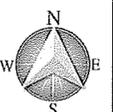


Oxnard Planning
August 13, 2009

PZ 09-510-04
Location: 3650 Saviers Rd.
APN: 219042306



General Plan Map

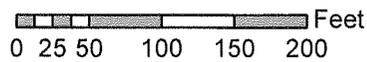


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Zone Map



PZ 09-510-04
Location: 3650 Saviers Rd.
APN: 219042306



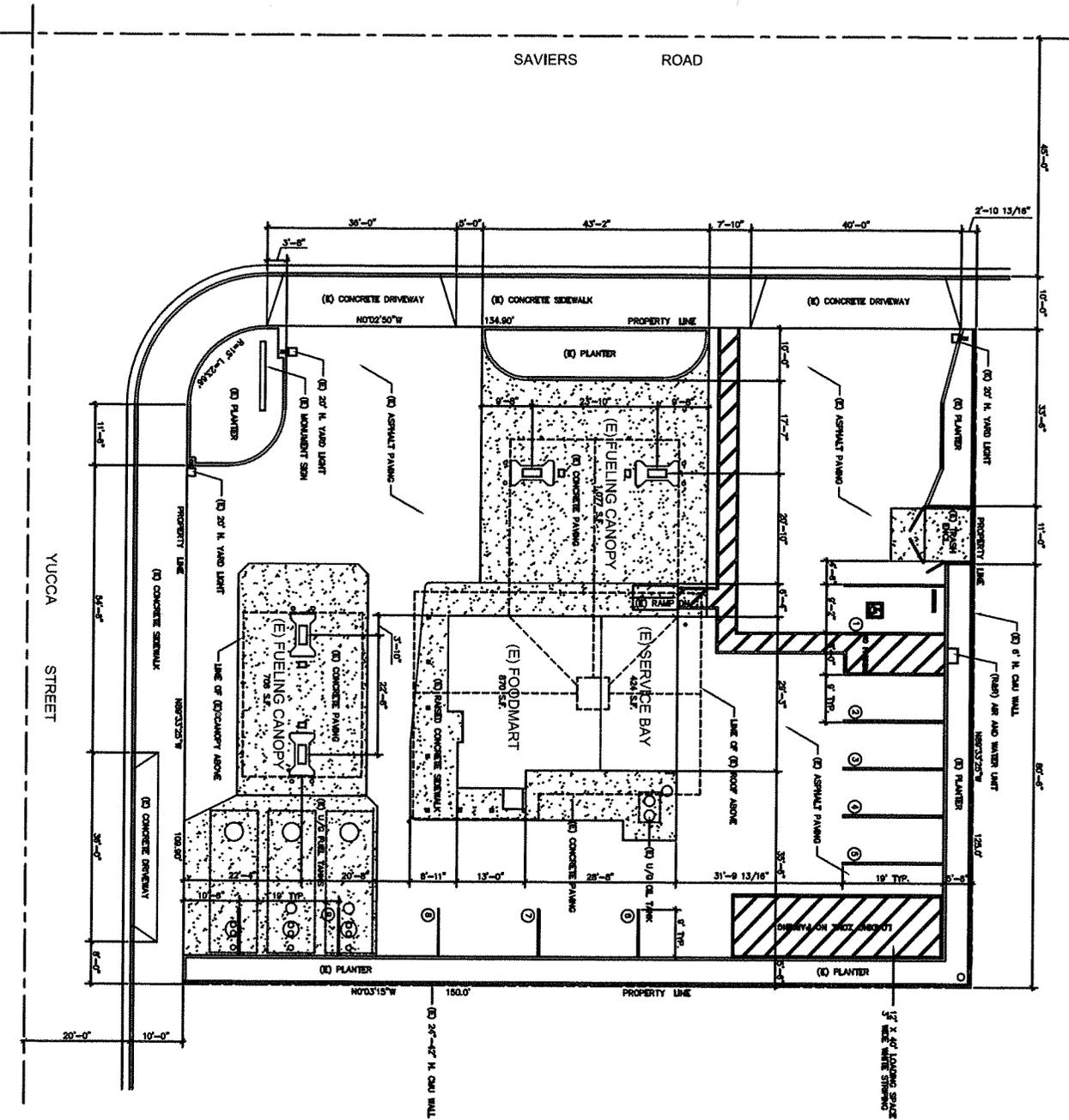
Zone Map



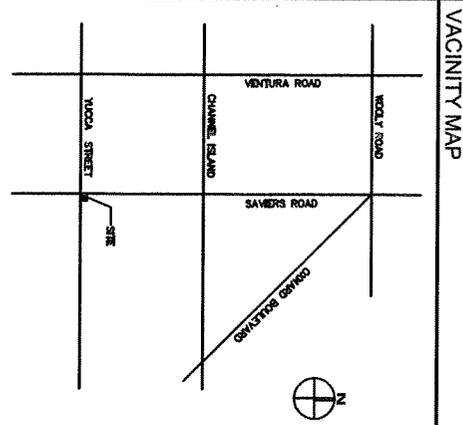
1:1,586

Attachment B

Reduced Project Plans



SITE PLAN
1" = 10'



SUMMARY DATA

SITE ADDRESS: 3650 SAVIERS ROAD
DESIGN USE: CONVENIENCE FOODMART WITH FUELING
PROPOSED USE: CONVENIENCE FOODMART (BEER AND WINE) WITH FUELING
CODE COMPLIANCE: 2007 CALIFORNIA BUILDING CODES
OWNER: C-2 GENERAL COMMERCIAL
CONTRACT: 16288 S.F.
CONSTRUCTION TYPE: (1) PROPOSED
STORIES: (NO) EXISTING; (NO) PROPOSED
BUILDING AREA: 670 S.F. PROPOSED (EXISTING) (5.6K SF OF SITE)
FUELING CANOPY AREA: 1,244 S.F. TOTAL (EXISTING) (5.6K SF OF SITE)
OCCUPANCY: (1) PROPOSED; (1) PROPOSED
PARKING REQUIRED: 1771 S.F. TOTAL (EXISTING) (11.3K SF OF SITE)
PARKING PROVIDED: 9 SPACES (1 VAN ACCESSIBLE HANDICAPPED)
LANDSCAPING: 2108 S.F. (11.3K SF OF SITE)

SAVIERS ROAD/VILERO
3650 SAVIERS ROAD
ORANGE, CALIFORNIA 92668

1500 E. GULF AVENUE
SUITE 400
VILERO
VILERO 310.821.2222
VILERO 310.821.2222
Email: svillers@vilerobro.com

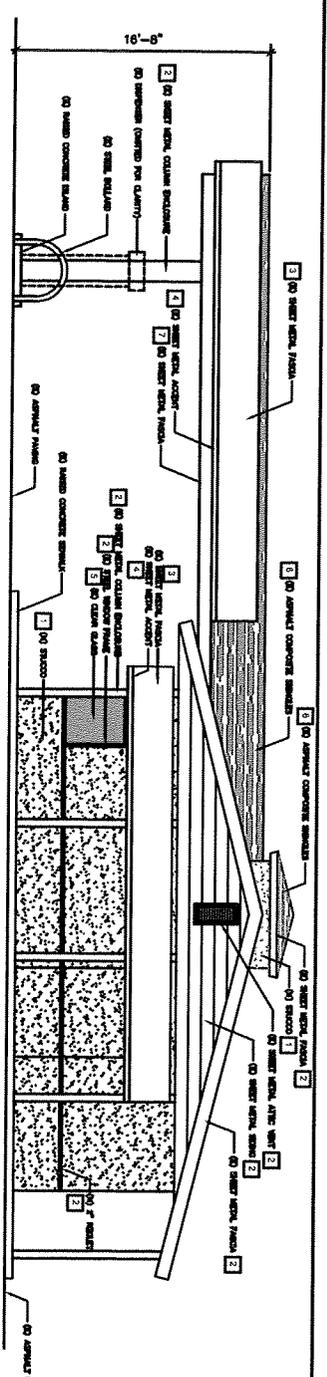
CONVENTIONAL
USE PERMIT FOR
GREEN AND WINE

3650 SAVIERS ROAD
ORANGE, CALIFORNIA

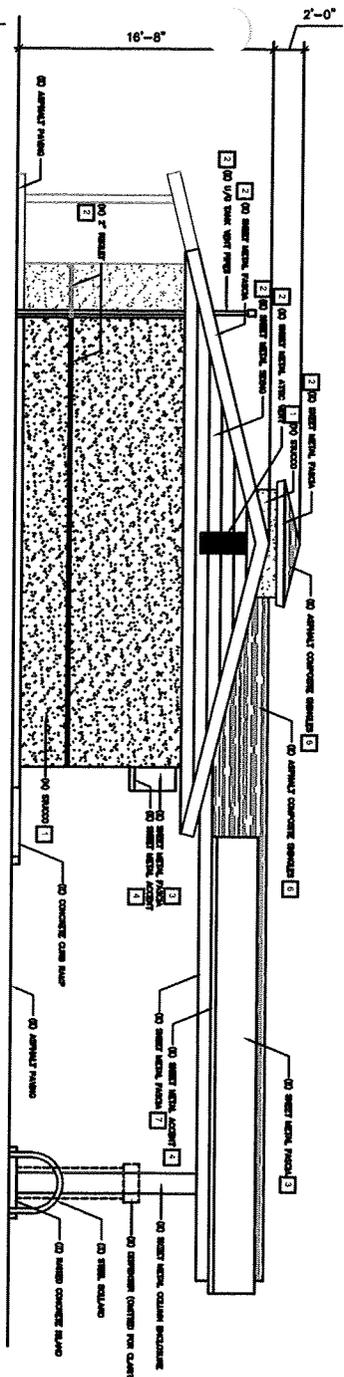
7.16.08 LEP 0913

SITE PLAN

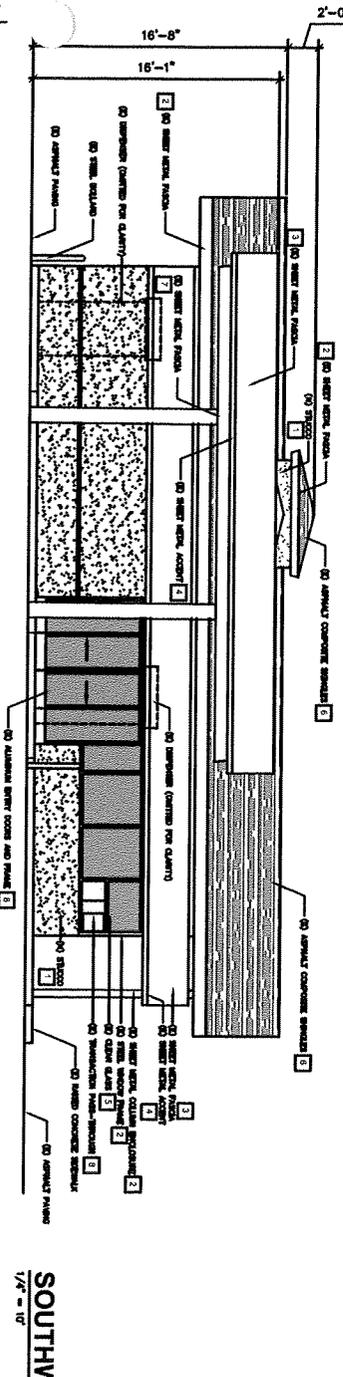
A1



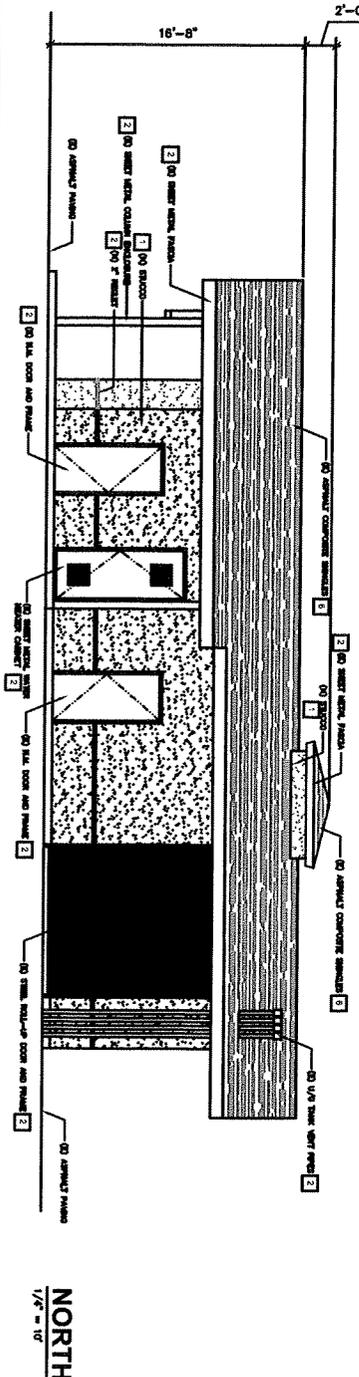
SOUTHEAST ELEVATION
1/4" = 10'



NORTHWEST ELEVATION
1/4" = 10'



SOUTHWEST ELEVATION
1/4" = 10'



NORTHEAST ELEVATION
1/4" = 10'

MATERIAL AND COLOR LEGEND			
MARK	DESCRIPTION	MARK	DESCRIPTION
1	LIGHT SAND STUCCO - LIGHT TAN	3	CLEAR GLASS
2	SHEET METAL SIDING - LIGHT TAN	4	ASPHALT SHINGLES - LIGHT BROWN
3	SHEET METAL SIDING - VALENSO BLUE	7	SHEET METAL SIDING - OFF-WHITE
4	SHEET METAL SIDING - VALENSO YELLOW	8	CLEAR ANODIZED ALUMINUM



LEON E. PALLAS, ARCHITECT
14200 Palmdale Way
Palmdale, CA 93550
Phone: 805.251.2725
Fax: 805.251.2725
Email: leon@leonepallas.com



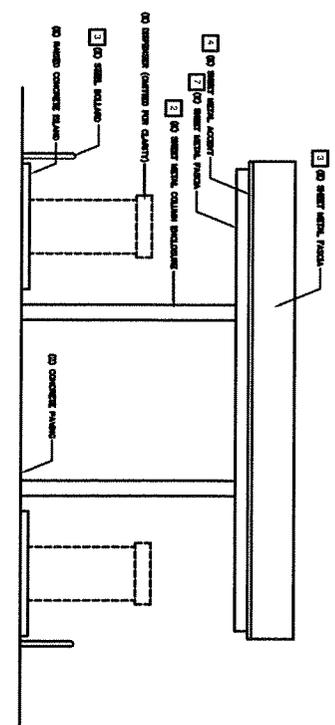
CONDITIONAL
USE PERMIT FOR
BEERS AND WINE

3650 SAVERS ROAD
CANAAN, CALIFORNIA

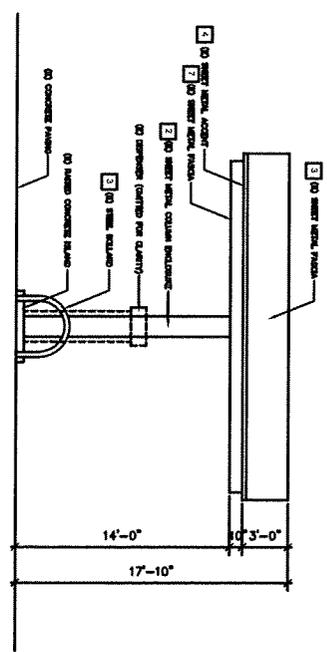
DATE: 7/16/09
PROJECT: LEF 0913
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: [Scale]

A3

NO.	DESCRIPTION	NO.	DESCRIPTION
1	LIGHT SAND STUCCO - LIGHT TAN	3	CLEAR GLASS
2	SHEET METAL SING - LIGHT TAN	4	ASPHALT SHINGLES - LIGHT BROWN
3	SHEET METAL FASCIA - WALBRO BLUE	5	SHEET METAL SING - OFF-WHITE
4	SHEET METAL FASCIA - WALBRO YELLOW		



NORTHWEST ELEVATION
SOUTHWEST ELEVATION
1/4" = 1'



NORTHEAST ELEVATION
SOUTHWEST ELEVATION
1/4" = 1'

SAWERS ROAD WALBRO
3650 SAWERS ROAD
CANTON, OH 44705



STONE EBERS ARCHITECTS
14000 Paramount Way
Mentor, OH 44130
Phone: 216.251.0000
Fax: 216.251.0000
Email: StoneEbers@stoneebers.com

NO.	DATE	REVISION/DESCRIPTION

CONDITIONAL
USE PERMIT FOR
BEER AND WINE

3650 SAWERS ROAD
CANTON, OH 44705

PROJECT NO. 218.09
DATE 09.13
CANOPY
ELEVATIONS

A4

Attachment C

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 09-510-04 (Special Use Permit), a request to allow the sale of beer and wine for off-site consumption at an existing 76 service station and food mart, located at 3650 Saviers Road. The service station and food mart encompass 1,294 square feet of floor area. No expansion of the service station facility or the food mart area is proposed as part of this permit request. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Mr. Leon Felus on behalf of Mr. Hune Lee, 3650 Saviers Road, Oxnard, CA 93033.

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 Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request is for entertainment and on-site consumption of beer and wine. There is no new development or expansion of development associated with this request. 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: October 22, 2009

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 3650 Saviers Road (Saviers Road Valero)

Re: PZ 09-510-04

Site Information:

The proposed site is located on the northeast corner of Yucca Street and Saviers Road and is currently being operated as a gas station with a 24-hour mini-mart. The front doors face Saviers Road and customer parking is primarily along the northern edge of the property. There is a small commercial center (Saviers Plaza) directly north of the site where there are several businesses including a liquor store, bar, massage parlor, coin-op laundry and two restaurants. There is a second liquor store (Four Guys Liquor) directly east of the site with a short, block wall and landscaping separating the two sites.

The site is generally bordered by commercial uses to the north and east, Saviers Road to the west and Yucca Street to the south. The nearest residences are approximately 150 feet to the east and south where there are densely populated apartment complexes mixed with single family homes.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine for consumption off the premises. There are two similar alcohol outlets within 350 feet of the site (El Maguey Liquor and Four Guy's Liquor). Within a 1000 foot radius from the business there are four On-Sale outlets and two additional similar Off-Sale locations.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Four Guys Liquor	121 E. Yucca	Type 21	Off-Sale General	Liquor Store	Beer, Wine and Spirits

2. El Maguey Liquor	3610 Saviers Road	Type 21	Off-Sale General	Liquor Store	Beer, Wine and Spirits
3. Puerto Nuevo	3600 Saviers	Type 47	On-Sale General (food)	Restaurant	Beer, Wine and Spirits
4. Los Compadres	3706 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
5. La Isla Bonita (pending)	3630 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Ralphs	3443 Saviers	Type 21	Off-Sale General	Grocery store	Beer, Wine & Spirits
2. Mariscos El Pulpo	3550 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
3. El Matador Market	3801 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine

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 122 during the same 12-month time period. This is 4% higher than the average crime rate citywide and is not considered to be significant.

The heaviest concentration of incidents occurred along the Saviers Road corridor north and south of the site and along Samuel Avenue. In the area north of the site, along the strip-mall, there were approximately 25 disturbance related police *calls for service* which are not necessarily Part I or II crimes. The number of incidents in the area that list alcohol as a contributing factor is above 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. Any reference to “police calls for service” may include any type of police response to the area.

Police Department Input:

The Beat Coordinator for the area was contacted and said the surrounding area is generally not considered to be a serious crime problem but that the general area along Saviers Road between Channel Islands Boulevard and Yucca can be problematic at times. He said many of the problems are associated with the nighttime activity related to the disproportionate number of alcohol establishments in the area. Many of the nearby restaurants and bars host dancing and nightclub-type activity after dinner hours and disturbances as well as other nuisance activities are common.

The Police Department’s primary concern is the proximity of the proposed business several other Off-Sale alcohol outlets. The Four Guys Liquor store, which sells beer, wine and distilled spirits, is directly next door to the site and the El Maguey liquor store is 150 north of the site. There are a total of four Off-sale alcohol outlets within 1000 feet of the proposed site and four more On-Sale businesses. Just outside the 1000 foot radius normally considered to be the area of influence for the proposed license type, there are several more On-Sale and Off-Sale businesses and the corridor along Saviers Road from Channel Islands to Pleasant Valley road is saturated with nearly two dozen alcohol outlets.

Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in the surrounding neighborhood and also leads to other alcohol-related community problems.¹⁻²⁻³ The fact that the number of police incidents in the area that listed alcohol as a contributing factor is well above the citywide average adds credibility to the studies and supports their findings. The degree to which the outlets may negatively impact the neighborhood often depends upon the level of policy regulation applied by the local government through the application of preventative conditions of operation. That being said, it may be that under certain circumstances, no number of preventative conditions can mitigate the risks to the community. That, in fact, is the determination of the Police Department in this case as we are opposed to the granting of the Permit due to the undue concentration of similar outlets and the likelihood that it would aggravate existing policing problems.

Community Input:

The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had the opportunity to discuss this proposal at their monthly meetings. The Police Department will seek out the coalition’s leadership so that they may provide comments, if desired, at the Planning Commission hearing. The group has generally opposed to any new Off-Sale outlets along this corridor based upon the crime rate and proximity to similar uses. No other community groups were contacted by the Police Department at the time of this report.

¹ Scribner RA; Cohen DA; Fisher W. Evidence of a Structural Effect for Alcohol Outlet Density: A Multilevel Analysis. *Alcoholism: Clinical & Experimental Research*. 24(2): 188-195, February 2000.

² LaBouvie E; Ontkush M. Violent crime and alcohol availability: relationships in an urban community. *Journal of Public Health Policy* 19(3): 303-318. 1998.

³ Scribner RA; Mackinnon D; Dwyer, J. The risk of assaultive violence and alcohol availability in Los Angeles County. *American Journal of Public Health* (85) 3: 335-340. 1995.

Conclusion:

The statistical analysis shows the area to have a crime rate that is consistent with the citywide average but that there are occasional problems associated with the many alcohol outlets along Saviers Road. The area is generally not considered to be a significant policing problem. There are two similar uses within 350 feet of the proposed site so there is an issue of undue concentration by local standards.

We conclude that adding the availability of alcohol at this site is likely to aggravate policing problems and significantly alter the existing environment by presenting an unnecessary risk to the surrounding area. Additionally, the neighborhood has many options in close proximity to purchase alcoholic beverages and the addition of another outlet in a saturated area is of no convenience or necessity to residents. For these reasons, the Police Department is opposed to the granting of the Permit.

Police Standard Conditions (Off-Sale Alcohol Establishments)

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
- 2) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 3) 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)
- 4) 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.
- 5) 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 by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
- 6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 7) The Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
- 8) 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 or disposal of trash does not constitute a violation. (PD)

- 9) 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)
- 10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
- 11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 12) Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 13) In the areas surrounding the business the 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)
- 14) Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured during the hours from 11:00 PM to 6:00 AM. (PD)
- 15) Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned near the middle of the store where the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)
- 16) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 17) No single containers, 12 oz, 16 oz, 20 oz., 24 oz., 32 oz., or 40 oz., of beer, or malt liquor shall be sold.
- 18) No fortified wine products shall be sold with an alcohol content greater than 14% by volume. This does not exclude Permittee from selling Port, Sherry, Marsala, Madiera, Muscat, Saki and Vermouth fortified products unless otherwise prohibited.
- 19) 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". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)

- 20) No open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)
- 21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 22) Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
 - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores’ registers or entering/exiting the business.
 - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 24) 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.
- 25) Permittee shall have drop-safes installed or develop other cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 26) Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
- 27) Permittee shall install height gauges at all exit doors.
- 28) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.

- 30) The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.
 - 31) 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)
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Attachment E

Resolution

RESOLUTION 2009-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 09-510-04 (SPECIAL USE PERMIT), TO ALLOW THE SALES OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 20) IN AN EXISTING SERVICE STATION AND FOOD MART LOCATED AT 3650 SAVIERS ROAD, (APN 219-0-423-060), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED ATTORNEY IN FACT MR. LEON FELUS ON BEHALF OF MR. HUNE LEE, 3650 SAVIERS ROAD, OXNARD, CA 93033.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-510-04, a special use permit to allow the sales of beer and wine for off-site consumption in an existing commercial service station and food mart located at 3650 Saviers Road, filed by Designated Attorney in Fact Mr. Leon Felus on behalf of Hune Lee, in accordance with sections 16-530 through 551 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. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that it may exacerbate the crime rate in the area.
3. As indicated in the Police Department's report regarding the subject application, the issuance of a special use permit for the sale of beer and wine for offsite consumption may aggravate police problems within 1000 feet of the location for which the special use permit is applied.
4. There is a presumption of undue concentration pursuant to Section 3(b) of City Council Resolution No. 11,896 in that two establishments of the same type are located within 350 feet of the subject location, which presumption has not been rebutted by a preponderance of the evidence in the record before the Planning Commission. There are four off-sale outlets within 1000 feet of the subject location and four more On-Sale businesses. As such, approval of this special use permit would result in or add to an undue concentration of alcoholic beverage retail establishments within 1000 feet of the subject location.

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

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of November, 2009, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary