PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Chris Williamson, AICP Senior Planner

DATE: February 1, 2007

SUBJECT: Planning and Zoning Permit No. 06-510-6 (Special Use Permit - Alcohol)

1. **Recommendation**:
That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 06-510-6 (Special Use Permit) to permit the on-site consumption of beer and wine with meals (ABC License Type 41) within the new Round Table Pizza restaurant located at 1213 S. Victoria Avenue (Seabridge shopping center), subject to certain findings and conditions.

2. **Project Description and Applicant:**
An application for a Special Use Permit to allow the on-site consumption of beer and wine with meals (ABC License Type 41) within a new restaurant in the Seabridge shopping center located on the southwest corner of Wooley Road and Victoria Avenue. Filed by Roundtable Development Company, 1320 Willow Pass Road, Concord, CA, 94520.

3. **Existing Land Use:**
The subject project site is located within the just completed Seabridge shopping center. The Roundtable storefront has not been previously occupied.

4. **General Plan Policies and Land Use Designation Conformance:**
The General/Coastal Plan and zoning land use designation for the subject property is Mandalay Specific Plan and the proposed use is consistent with the project site's zoning designation of Coastal Visitor Serving (CVC). The CVC permits a variety of commercial retail/service uses. Restaurants are listed as a permitted use, however ancillary sales of alcoholic beverages require the approval of a special use permit. Approval of this special use permit is consistent with the policies and standards of the General/Coastal Plan and the CVC zoning designation.

5. **Environmental Determination:**
The project is among the classes of projects listed in Article 19 (Section 15301, Existing Facilities) of Division 6 of Title 14 of the California Code of Regulations as categorically exempt from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act.

6. **Surrounding Zoning and Land Uses:**

Location	Zoning	Land Use
Project Site	CVC	Seabridge Shopping Center (Vons)
North	County	Agriculture (outside CURB)
South	R-3-C	Seabridge multifamily residential
East	R1	Deckside Villas residential
West	R-3-C	Westport residential

7. **Analysis:**

a. *General Discussion:*
The applicant is requesting approval of a Special Use Permit to allow on site sale and consumption of beer and wine within the new 3,500 square foot restaurant. The restaurant proposed business hours from 11 am to 10 pm. The store is situated near the center of the complex with the front doors facing east into the parking lot and the rear doors open to a pedestrian walkway that meanders behind the complex and alongside the harbor. No outdoor restaurant seating is proposed although the shopping center management has placed tables and seating in the central plaza area. There is a small, outdoor amphitheater within 100 feet of the rear doors.

b. *Compliance with City of Oxnard Alcohol Standards:*
Based on the criteria approved by the City Council in Resolution No. 11,896, the Police Department analyzes the number of establishments selling alcoholic beverages within 1,000 feet of the proposed location. The Police Department provides information regarding the number of incidents to which the police have had to respond (exclusive of traffic stops), whether a presumption of undue concentration exists, and whether approval of the special use permit is likely to significantly aggravate police problems.

Undue Concentration Factor: There are no similar uses within 350 or 1000 feet so there is no issue of undue concentration. The only other alcohol outlet within a 1,000 foot radius is the Type 21 off-site sales at the Vons market, also located in the Seabridge shopping center.

Crime Statistic Review: For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district during a selected 12-month period. The average city-wide, base number of Part I and II crimes is currently 139. The average number of Part I and II crimes in the subject reporting district and all other districts within 1,000 feet of the applicant is 162 during the same 12-month time period, 16% greater than the city-wide average with most of the incidents being property crimes and very few violent or personal crimes. Therefore, the Police Department does not consider this area to be a policing problem.

Police Department Input:

The police Beat Coordinator for the area, Senior Officer Martin Polo, had no serious concerns about adding an alcohol outlet in this particular area. The only concern of the police department would be that customers purchasing alcohol at the proposed site (and likely other future alcohol sites within this complex) would take their drinks outside. The applicant has indicated that they do not intend to provide outdoor seating for their customers, although customers could "take-out" their pizza, but not their beer and/or wine, to the patio seating provided by the shopping center management. Condition No. 26 requires that Round Table post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited in the parking lot, walkways and patio areas within the Seabridge shopping center.

c. *Community Input:*

The Responsible Alcohol Policy Action Coalition (RAPAC) has discussed this proposal at their monthly meetings and shared the concern about outdoor seating. They felt that the proposed use was appropriate for the site as long as there were adequate conditions that would minimize the risk of customers taking alcohol outside. The application was also presented at the December 18, 2006 Community Workshop and no one spoke in opposition.

Attachments:

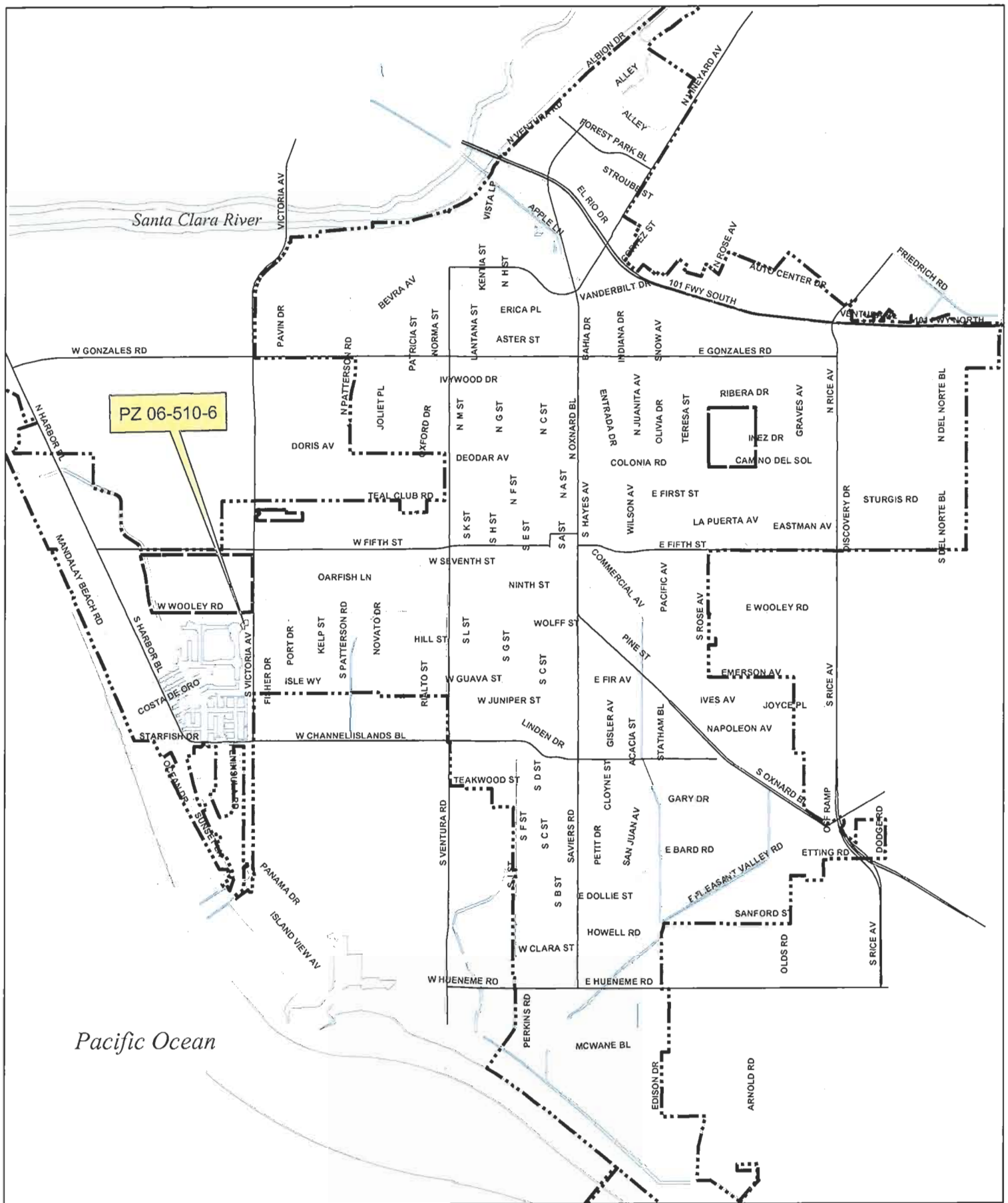
A. Vicinity Map, General Plan Map, and Zone Map
B. Site and Floor Plans
C. Police Report dated December 27, 2006
D. Draft Resolution

Prepared by: CW

Approved by: SM

Attachment A

Vicinity Map, General Plan Map, and Zone Map



Vicinity Map

PZ 06-510-6

Location: 1213 S. Victoria Av.

APN: 188025008

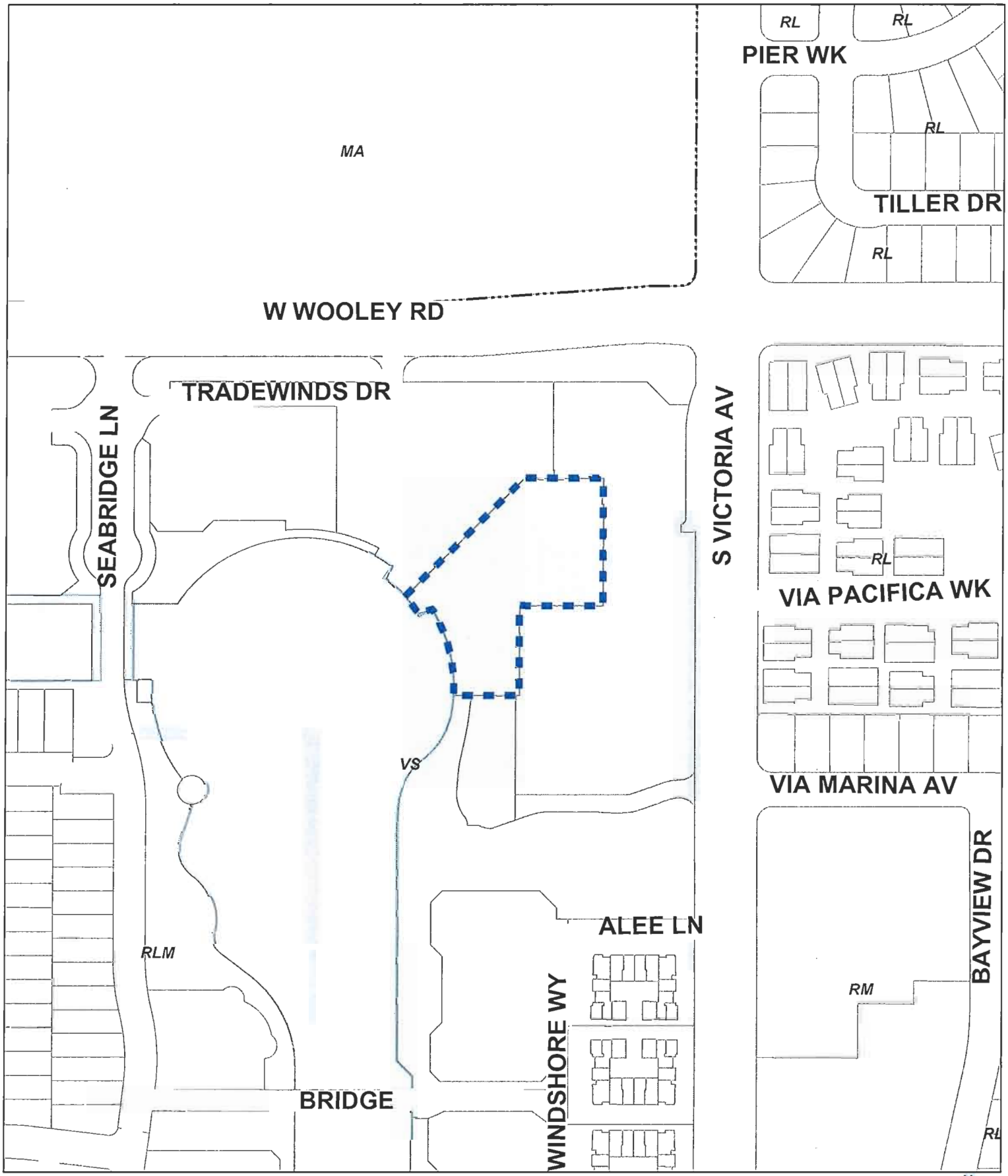
Round Table

Miles

0 0.25 0.5 1 1.5 2

Oxnard Planning

December 5, 2006

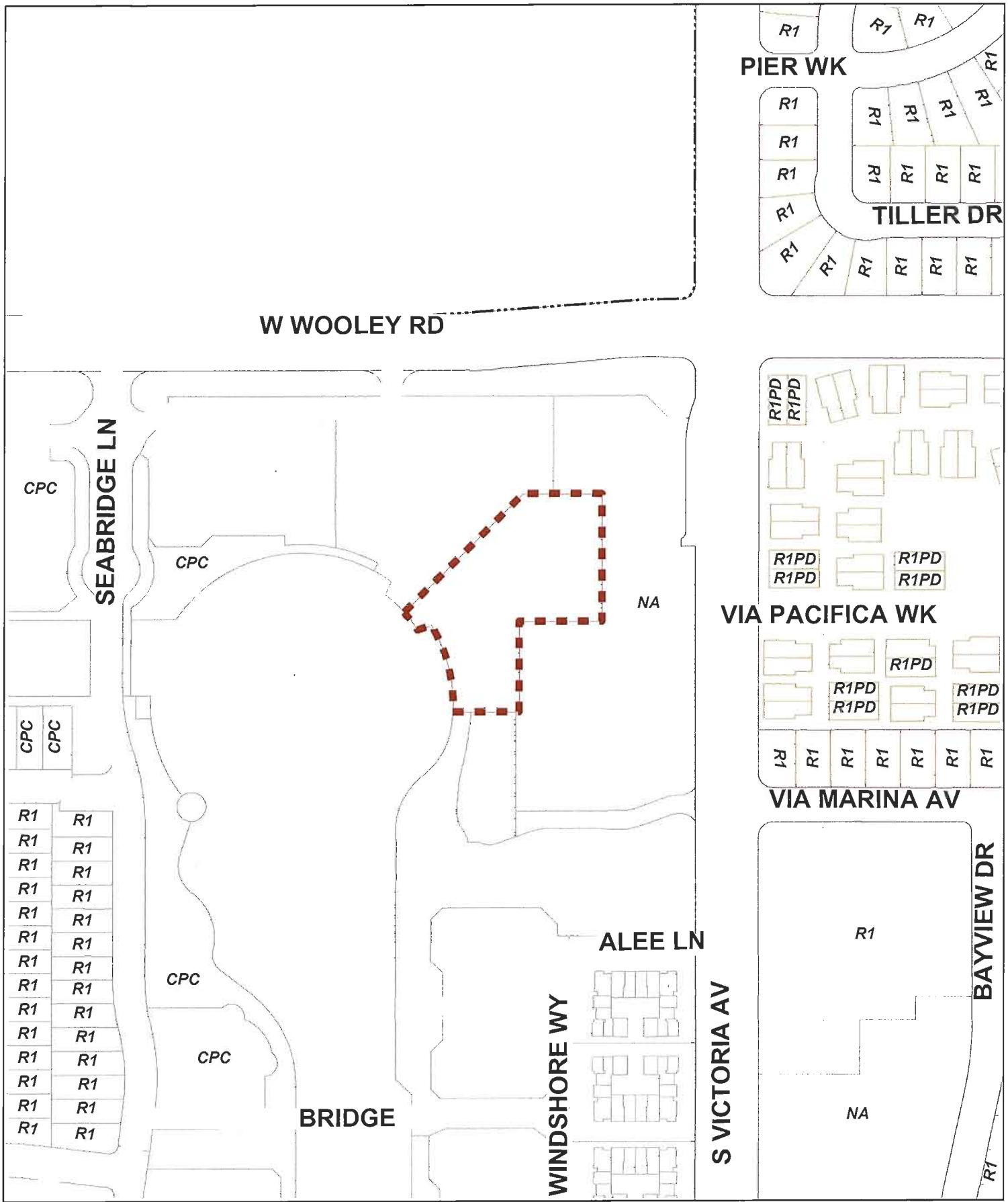


General Plan Map

PZ 06-5510-6
Location: 1213 S. Victoria Av.
APN: 188025008
Round Table

0 50 100 200 300 400 Feet

Oxnard Planning
December 5, 2006



Oxnard Planning
December 5, 2006

Zone Map
PZ 06-5510-6
Location: 1213 S. Victoria Av.
APN: 188025008
Round Table

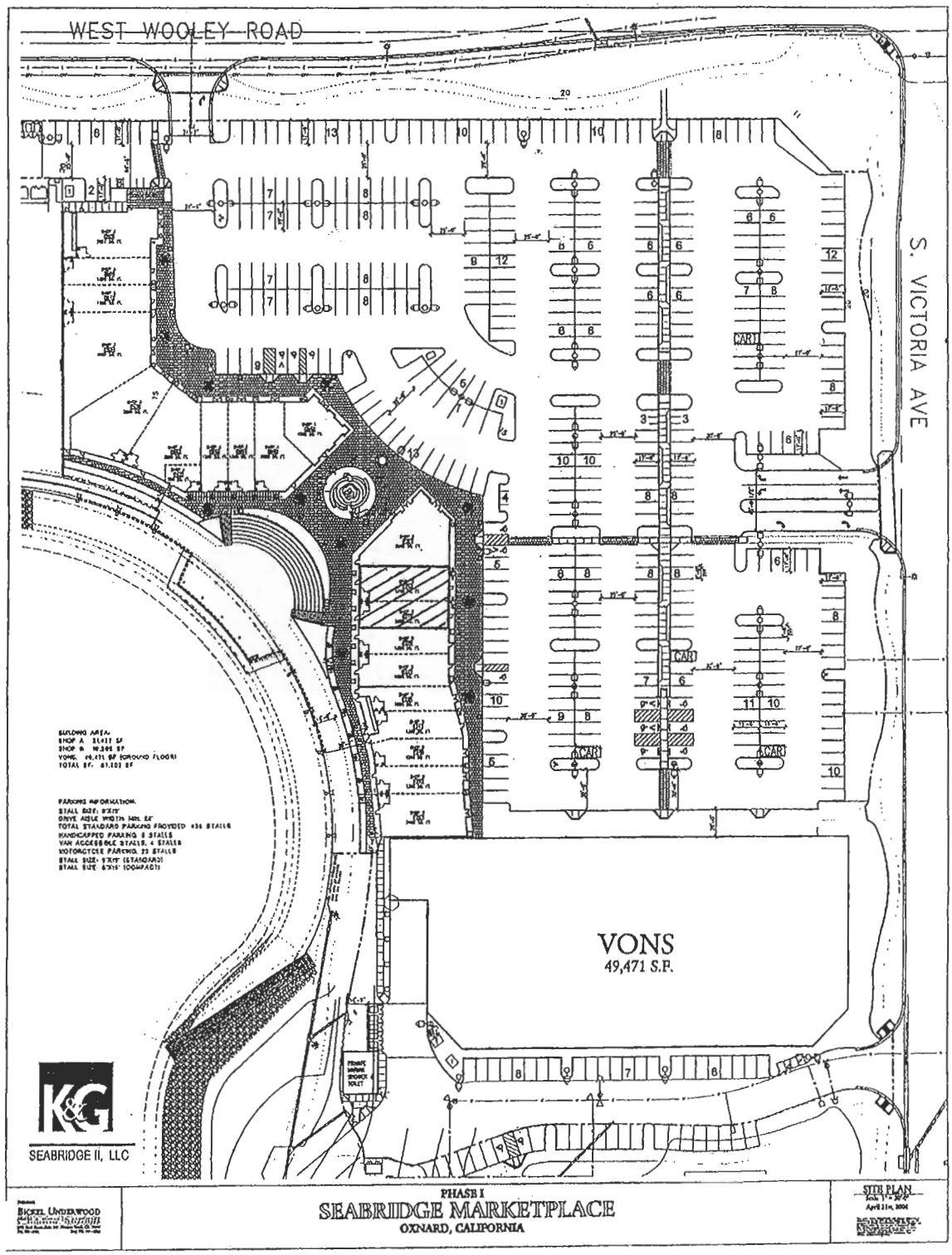
0 50 100 200 300 400 Feet

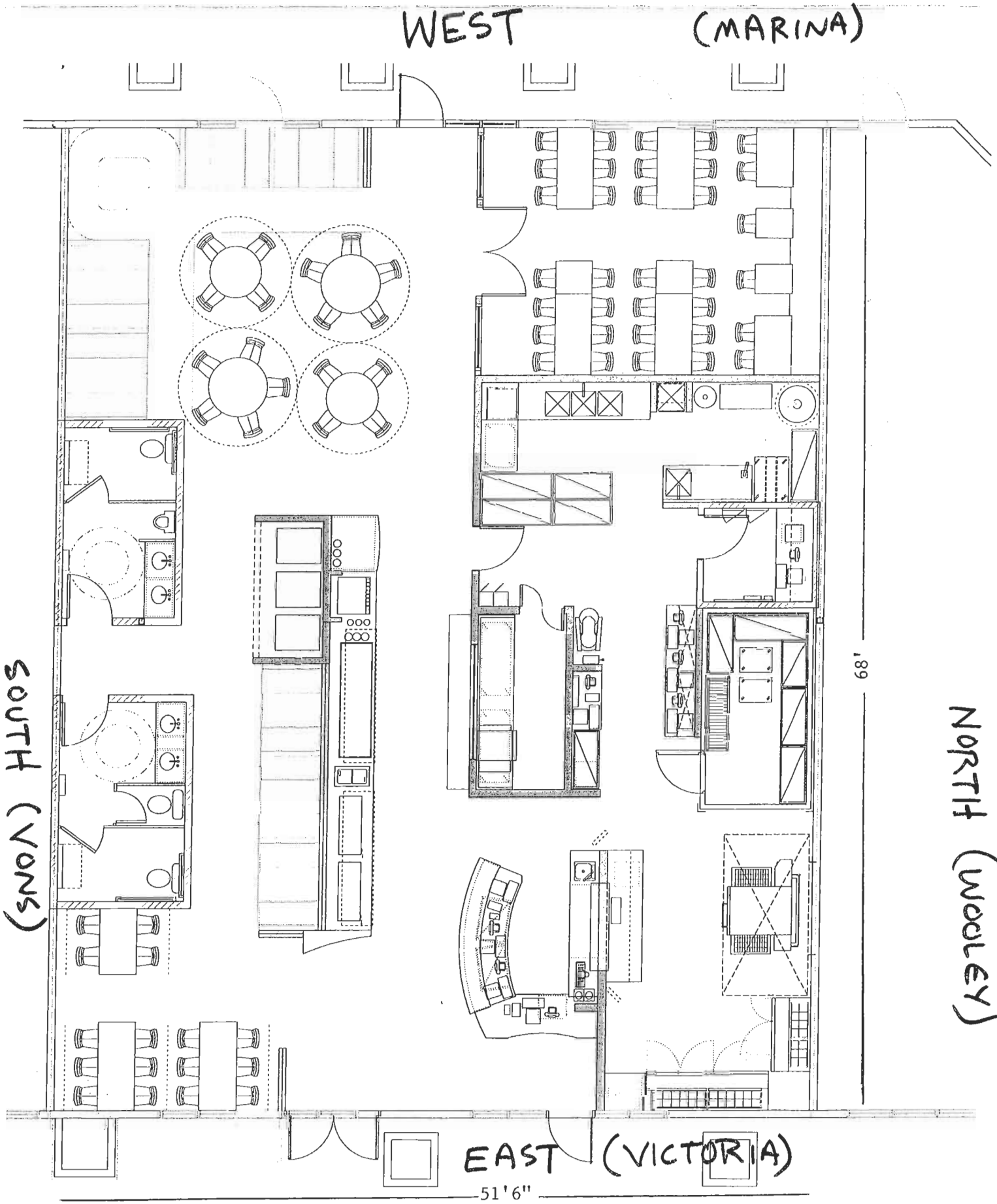
Attachment B

Site and Floor Plans

EXHIBIT A

SITE PLAN





FORSHER+GUTHRIE
TEN H STREET SAN RAFAEL, CA
T: 415.459.1445
F: 415.459.1124

Round Table PIZZA
Seabridge Marketplace
Oxnard, California

SK-FINAL
July 19, 2006
FLOOR AREA 3502± SF
SEATING: 112

Attachment C

Police Report
December 27, 2006

Police Department
John Crombach, Police Chief

Date: December 27, 2006

To: Chris Williamson, Senior Planner

From: Cliff Waer, Alcohol Compliance Officer

Subject: 1213 S. Victoria Avenue (Round Table Pizza) **PZ-06-510-06**

Site Information:
The proposed site is located within the newly constructed Seabridge shopping center at 1213 S. Victoria Avenue. The suite is situated near the center of the complex with the front doors facing east into the parking lot. The rear doors open to a pedestrian walkway that meanders behind the complex and alongside the harbor. There is a small, outdoor amphitheater within 100 feet of the rear doors. The site is generally bordered by Victoria Ave. and residences to the east, the harbor and residences to the west, agriculture to the north and commercial/residential to the south. There are currently no similar uses within the complex and one Off-Sale outlet (Vons Grocery Store) within 350 feet. The applicant has requested to obtain an ABC License Type-41 which is a restaurant that allows for the sale of beer and wine.

Alcohol outlets located within **350 feet** of the establishment includc:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Vons Grocery	1218 S. Victoria Ave.	Type 21	Off-Sale General	Grocery Store	Beer, Wine and Spirits

Alcohol outlets located within **1000 feet** of the establishment include:

There are no additional alcohol outlets located within 1000 feet of this site.

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 139.

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 162 during the same 12-month time period. **This is 16% higher than the average crime rate citywide.** The heaviest concentration of incidents occurred across Victoria Ave. near the more densely populated apartments and condominiums. The majority of events were thefts or other property-related crimes.

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 police Beat Coordinator for the area, Senior Officer Martin Polo, had no serious concerns about adding an alcohol outlet in this particular area. He noted that the area to the east and south of the proposed site had previously experienced a run of property crimes, many of which were associated with the construction site itself. The most recent statistics indicate the problem has subsided as the site development is near completion.

This particular development is situated alongside the newly constructed bay and has a small, unique amphitheater behind the complex, facing the water. There is outdoor seating along the walkways in the front and rear of the buildings and also in a large common area dividing the complex. This area is very scenic and inviting and will likely be used by many customers throughout the complex. The concern of the police department would be that customers purchasing alcohol at the proposed site (and likely other future alcohol sites within this complex) would take their drinks outside. Outdoor areas like this are generally unrestricted and unmonitored and allowing the consumption of alcohol under such circumstances could aggravate policing problems. The Police Department believes that this concern can be sufficiently mitigated with appropriate conditions of operation. The applicant has indicated that they do not intend to utilize any outdoor seating for their customers or create any patio seating area other than what is provided of the overall development.

Community Input:
The Responsible Alcohol Policy Action Coalition (RAPAC) has discussed this proposal at their monthly meetings and shared the concern about outdoor seating. They felt that the proposed use was appropriate for the site as long as there were adequate conditions that would minimize the risk of customers taking alcohol outside. They also recognized that the overall development will likely attract other businesses that may intend to sell alcoholic beverages and that careful consideration should be given to each use to ensure that the businesses are successful and the area does not become a problem environment.

Conclusion:

The statistical analysis shows the area to have a crime rate that is 16% greater than the city-wide average with most of the incidents being property crimes and very few violent or personal crimes. The Police Department does not consider this area to be a policing problem.

There are no similar uses within 350 or 1000 feet so there is no issue of undue concentration. There is one Off-Sale alcohol outlet (Vons) located within 350 feet of the site and there is very likely to be a few more similar uses as other spaces become occupied.

The primary issue regarding this proposal is the potential for customers to take their alcoholic beverages outside to the very accommodating outdoor tables. Since the site overlooks a scenic bay, customers are more likely to take advantage of the outdoor seating and businesses selling alcohol at this complex are going to face unique challenges to ensure that their customers do not contribute to problems by consuming alcohol outside. Also, this location has both front and rear customer access. Typically, the Police Department does not recommend the use of a rear door for customer access as it creates a more difficult environment for employees to monitor. Because of the way this site is situated and for the convenience of the customers, the standard condition restricting access to or from the rear door has been removed. The Police Department will closely monitor this situation and will work with the applicant should any problems arise.

The Police Departments experience is that the proposed license (Type 41 - Restaurant), 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

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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. 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 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 service area that is designed or used as a standing area only or as a combined standing and seating area.

7) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the

licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)

9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)

11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)

12) 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)

13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

14) Alcoholic beverages shall be served only in mugs, glasses or clear plastic cups. The service of alcoholic beverages in bottles or cans is strictly prohibited. (PD)

15) Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)

16) Alcoholic beverages shall not be offered at significantly reduced prices that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

17) 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.

18) 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)

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". (PD)

20) 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.

21) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)

22) 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.

23) 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.

24) 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)

25) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

26) 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)

27) No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

28) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

~~29) Any rear door of the premises shall be equipped on the inside with an automatic locking device and 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)~~

30) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

31) 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)

32) Permittee shall install height gauges at all exit doors prior to final inspection. (PD)

33) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

34) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601. (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) Permittee shall have drop-safes installed to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50). (PD)

37) Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register. (PD)

38) 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

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1) Permittee shall post prominent signs near each of the exits indicating that it is unlawful to remove alcohol from the premises and that violators may be cited.

2) The enclosed room in the northwest corner of the business shall not be capable of being locked from the inside. For optimal monitoring by employees, the windows to this room shall not be covered or obscured at any time that there are customers present.

Attachment D

Draft Resolution

RESOLUTION NO. 2007-[PZ 06-510-06]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT NO. PZ 06-510-06, SUBJECT TO CERTAIN CONDITIONS, TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 41) FOR ON-SITE CONSUMPTION WITHIN A NEW RESTAURANT (ROUND TABLE PIZZA), LOCATED AT 1213 S. VICTORIA AVENUE, IN THE CHANNEL ISLANDS NEIGHBORHOOD. FILED BY ROUND TABLE DEVELOPMENT COMPANY, 1320 WILLOW PASS ROAD, CONCORD, CA, 94520.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit for the sale of beer and wine (ABC License Type 41) for on-site consumption within a new restaurant, located at 1213 S. Victoria Avenue, filed by Round Table Pizza Development Company, in accordance with Sections 34-146 through 34-157.1 of the Oxnard City Code and 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 us will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

6. The presumption of undue concentration has been rebutted by a preponderance of the evidence, which shows that the establishment is in a retail center where restaurant establishments selling alcoholic beverages for consumption on the premises are appropriate.

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 Permittee agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being 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 34-155 of the Oxnard City Code.

STANDARD PROJECT CONDITIONS

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
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Parks	CE	Code Enforcement

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans ("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 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. This permit shall automatically become null and void 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a building permit and the construction of substantial improvements, or the beginning of the proposed use. (PL, *G-3*)

4. 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*)

5. 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, donc 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*)

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. Prior to issuance of building permits, 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-26*).

PLANNING SPECIAL CONDITIONS

8. This permit shall automatically be null and void 12 months from the date of issuance, unless Permittee or successor in interest has received from the State Department of Alcoholic Beverage Control a Type 41 license to sell alcoholic beverages on the project property. (PL)

POLICE CONDITIONS

9. 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. Training can be arranged through the Oxnard Police Department. (PL/PD)

10. 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)

11. Sales of alcoholic beverages 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.

12. 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.

13. 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)

14. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area.

15. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

16. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)

17. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

18. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)

19. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)

20. 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)

21. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

22. Alcoholic beverages shall be served only in mugs, glasses or clear plastic cups. The service of alcoholic beverages in bottles or cans is strictly prohibited. (PD)

23. Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)

24. Alcoholic beverages shall not be offered at significantly reduced prices that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

25. 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.

26. 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 within the Seabridge shopping center and/or under the Permittee's reasonable control. (PD)

27. 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)

28. 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.

29. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)

30. 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.

31. 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.

32. 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)

33. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

34. 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)

35. No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

36. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

37. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

38. 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)

39. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)

40. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

41. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601. (PD)

42. 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)

43. Permittee shall have drop-safes installed to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50). (PD)

44. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register. (PD)

45. 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)

46. Permittee shall post prominent signs near each of the exits indicating that it is unlawful to remove alcohol from the premises and that violators may be cited.

47. The enclosed room in the northwest corner of the business shall not be capable of being locked from the inside. For optimal monitoring by employees, the windows to this room shall not be covered or obscured at any time that there are customers present.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of February, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Dr. Sonny Okada, Chairperson

ATTEST: _____
Susan L. Martin, Secretary