PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: October 18, 2007

SUBJECT: Planning and Zoning Permit No. 07-510-06 (Special Use Permit)
Shark's Sports Grill, 2701 South Rose Avenue

1 **Recommendation:**
That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 07-510-06 (Special Use Permit) to allow the on site sale of beer and wine (ABC License Type 41) within an a proposed restaurant (Shark's Sports Grill), subject to certain findings and conditions.

2 **Project Description and Applicant:**
The applicant is requesting a Special Use Permit to allow the sale of beer and wine (ABC License Type 41) as part of the food & beverage service within a proposed restaurant. The unoccupied, 2,420 square foot proposed restaurant site is located at 2701 South Rose Avenue, within a newly construction, multi-tenant commercial shopping center. Filed by Eugene Hernandez, 2011 Hazeltine Drive, Oxnard, CA 93030.

3 **Existing and Surrounding Land Use:**
The site is located on the southwest corner of Rose Avenue and South Oxnard Boulevard. The table following describes the land uses that are adjacent to the subject site.

SURROUNDING LAND USES			
DIRECTION	**ZONING**	**GENERAL PLAN**	**EXISTING LAND USE**
PROJECT SITE	C2-PD	Commercial Neighborhood	Multi Tenant Commercial Center/ Unoccupied Tenant Space
North	BRP	Business and Research Park	Undeveloped Parcel, Channel Islands Business Center
East	R-1	Residential Low	Lemonwood Neighborhood Residential- Single Family Houses
South	C2-PD	Commercial Neighborhood	General Commercial Center
West	R-2	Residential Low Medium	Single Family Homes

4 **General Plan Policies and Land Use and Zoning Designation Conformance:**
The 2020 General Plan land use designation for the project site is General Commercial which is compatible with the existing land use and C2-PD zoning of the site. The C-2 zone permits a variety of commercial retail/services uses. Restaurants are listed as a permitted use. However, in accordance with City Code Section 16-136, ancillary sales of alcoholic beverages require the approval of a special use permit. Approval of this special use permit with the proposed conditions is consistent and conforms to current review policies and standards of the General Plan, the C2 zoning designation, and policies for reviewing use permits involving alcoholic beverages.

5 **Environmental Determination:**
The 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 expansion of 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.

6 **Analysis:**

a. ***General Discussion:***
A special use permit is required for sales and service of alcoholic beverages. The 2,420 square foot restaurant will be located within a multi-tenant commercial shopping center. The restaurant front door faces west into the center's parking lot and no outdoor restaurant seating is proposed. The establishment proposes to operate two-eight hour shifts with 8 employees (max) per shift between the hours of 11:00AM to 11:00 PM. The restaurant is expected to serve meals with incidental sales and service of alcoholic beverages during regular business hours, in accordance with the conditions of the special use permit.

b. ***Site and Circulation and Parking Design Analysis:***
All buildings, parking layout, vehicular ingress/egress and site improvements exist within the multi-tenant commercial center. A parking analysis was not required for this application request, since the off-street parking requirements were analyzed with the review and approval of the commercial center. The standard parking requirements for a commercial/retail shopping center require that off-street parking be provided at one parking stall for every 250 square feet of gross floor area.

c. ***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 feet or 1000 feet so there is no issue of undue concentration. The only other alcohol outlet within a 1,000 foot radius is an ARCO AM/PM gas station mini-mart possessing a Type 21 for off-site sales, which is located near the Rose Avenue and Channel Islands Boulevard intersection.

Crime Statistics 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 139 during the same 12-month time period. This is consistent with the average crime rate citywide. The heaviest concentration of incidents occurred east of the site and across Oxnard Boulevard near the residences. Disturbance-related calls were very low and those that listed alcohol as a contributing factor were below average.

Police Department Input:
The Police Beat Coordinator for the area was contacted and had no significant concerns regarding the proposed alcohol outlet in this particular area. The surrounding areas are not generally considered a crime problem but there are significant police problems just outside of the 1000 foot radius.

The Police Department is concerned about the proximity of the proposed site to Channel Islands High School. The school is approximately 1200 feet south of the proposed site and the shopping center is very likely to be a popular destination for students before and after school.

The Police Department reports that the Community Alcohol Policy Action Coalition (RAPAC) has discussed this proposal at their monthly meetings and shared the concern about the proximity to the high school.

d. Community Input:
On Monday, August 20, 2007, the applicant and staff from the Planning Division attended a community workshop held in the City of Oxnard Community Room. The meeting was advertised in the Ventura County Star and the applicant mailed notices to all property owners within the Lemonwood/Eastmont Neighborhood, College Estates Neighborhood, and the residential community located directly west of the newly constructed shopping center. In addition, the applicant posted an informational 4'X4' sign on the project site. Seven community members attended the community workshop

meeting and several concerns were raised regarding the proposed use and establishment. The concerns raised and discussed related to the proximity of the Channel Islands High School; Potential conflicts with the proposed establishment and the future sport park proposed next to the college; Persons expressed concerns involving the bar design, arcade area and whether the establishment would function as a family restaurant. At the meeting, it was indicated that the development approval of the commercial center had deed restrictions prohibiting alcohol establishments within the shopping center. The development approval did not involve for discretionary review and approval any alcohol establishments. Per the C-2 zone, alcohol establishment require discretionary review by the Planning Commission and the granting of a special use permit.

In addition, the site's posting was recently updated to provide the community with on-site notice of the Planning Commission hearing. As of the completion of this report, Staff did not receive any objections or correspondence relating to the approval of this application.

7 **Attachments:**

A. Resolution
B. Vicinity, Zone, & General Plan Maps
C. Reduced Project Plans of Existing Restaurant
D. Police Report
E. Notice of Exemption

Prepared by: _____
JM

Approved by: _____
SLM

ATTACHMENT A

PLANNING AND ZONING RESOLUTION

RESOLUTION NO. 2007-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT NO. PZ 07-510-06, SUBJECT TO CERTAIN CONDITIONS, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (ABC LICENSE TYPE 41) AT A PROPOSED RESTAURANT (SHARK'S SPORTS GRILL), LOCATED AT 2701 SOUTH ROSE AVENUE. FILED BYEUGENE HERNANDEZ, 2011 HAZELTINE DRIVE, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit for the sale and on-site consumption of beer and wine (ABC License Type 41) at a proposed restaurant (Shark's Sports Grill), located at 2701 South Rose Avenue, filed by Eugene Hernandez, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15301 of Title 14 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, subsection (c) of section 753.5 of Title 14 of the California Code of Regulations exempts from the filing fee called for by subdivision 711.4(c) of the Fish and Game Code projects for which the lead agency claims a "de minimis exemption" based on certain information and declarations; and

WHEREAS, the Project meets the criteria for claiming a "de minimis exemption" and the Planning and Environmental Services Manager intends to complete a Certificate of Fee Exemption (DFG 753.5--5/91) for the Project, retain the original, and file two copies of the Certificate with the County Clerk, along with the Notice of Determination for the Project; 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 presumption of undue concentration is overcome by evidence that the subject property is in a shopping center where establishments selling alcoholic beverages are an expected use.

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 Planning and Zoning Permit No. PZ 07-510-6 (Special Use 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.

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

	City Attorney		Planning Division
	Devt Service/Eng Devt/Inspectors		Traffic Division
	Police Department		Building Plan Checker
	Source Control		Fire Prevention Bureau/Dept
	Parks Division		Code Enforcement
	Business Licensing		

STANDARD PROJECT CONDITIONS

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

2. This permit is granted for the plans dated October 18, 2007, ("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. By commencing any activity related to the project or using any structure authorized by this permit, Permittee 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. Permittee agrees, as a condition of adoption of this resolution, at Permittee'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. Permittee'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. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

6. Permittee shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Permittee to occupy the project, Permittee shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, *G-8*)

7. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, *G-10*)

8. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

9. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

10. Permittee 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*)

11. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

12. Prior to issuance of building permits, Permittee shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

13. 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 DEPARTMENT CONDITIONS

14. 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)

15. 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)

16. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers, who are waiting to be seated for the service of food, are served alcoholic beverages in any lounge, bar or staging area. 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)

17. 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.

18. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit 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)

19. 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.

20. 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)

21. 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)

22. 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)

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

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

25. 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)

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

27. 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)

28. Sales of alcohol shall not occur between the hours of 1:00 a.m. and 6:00 a.m. (PL/PD)

29. 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)

30. 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.

31. 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)

32. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed through the Department of Alcoholic Beverage Control and 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)

33. 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)

34. 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.

35. 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)

36. 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.

37. 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.

38. 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)

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

40. 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)

41. No new pay phone on the exterior of the premises shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

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

43. 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)

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

45. 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)

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

47. 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)

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

49. 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)

50. 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)

51. 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)

52. 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)

53. 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 CONDITION

54. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff and how potential truants will be handled.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of October 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

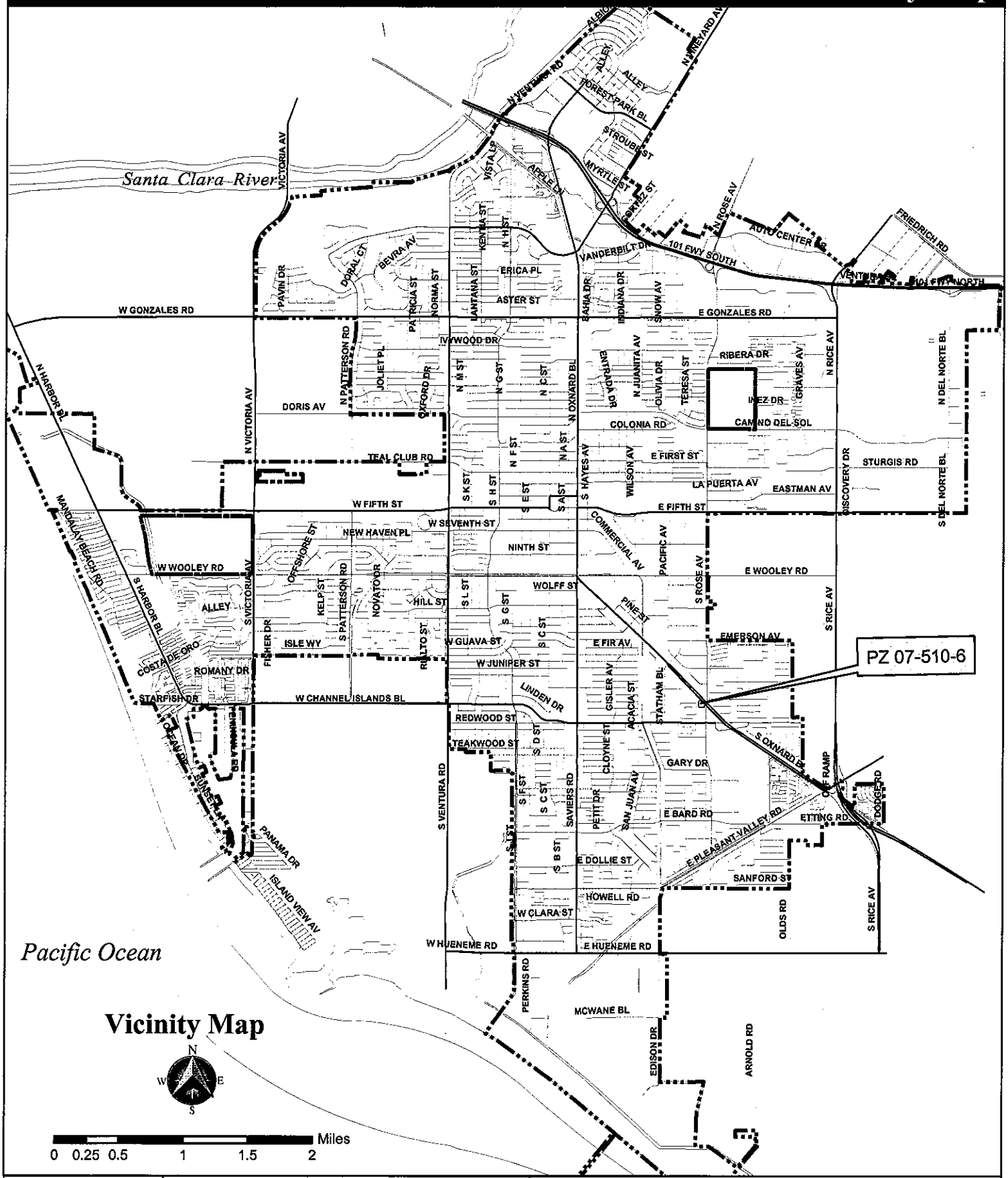
_____
Dr. Sonny Okada, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT B

VICINITY, ZONING, AND GENERAL PLAN MAP

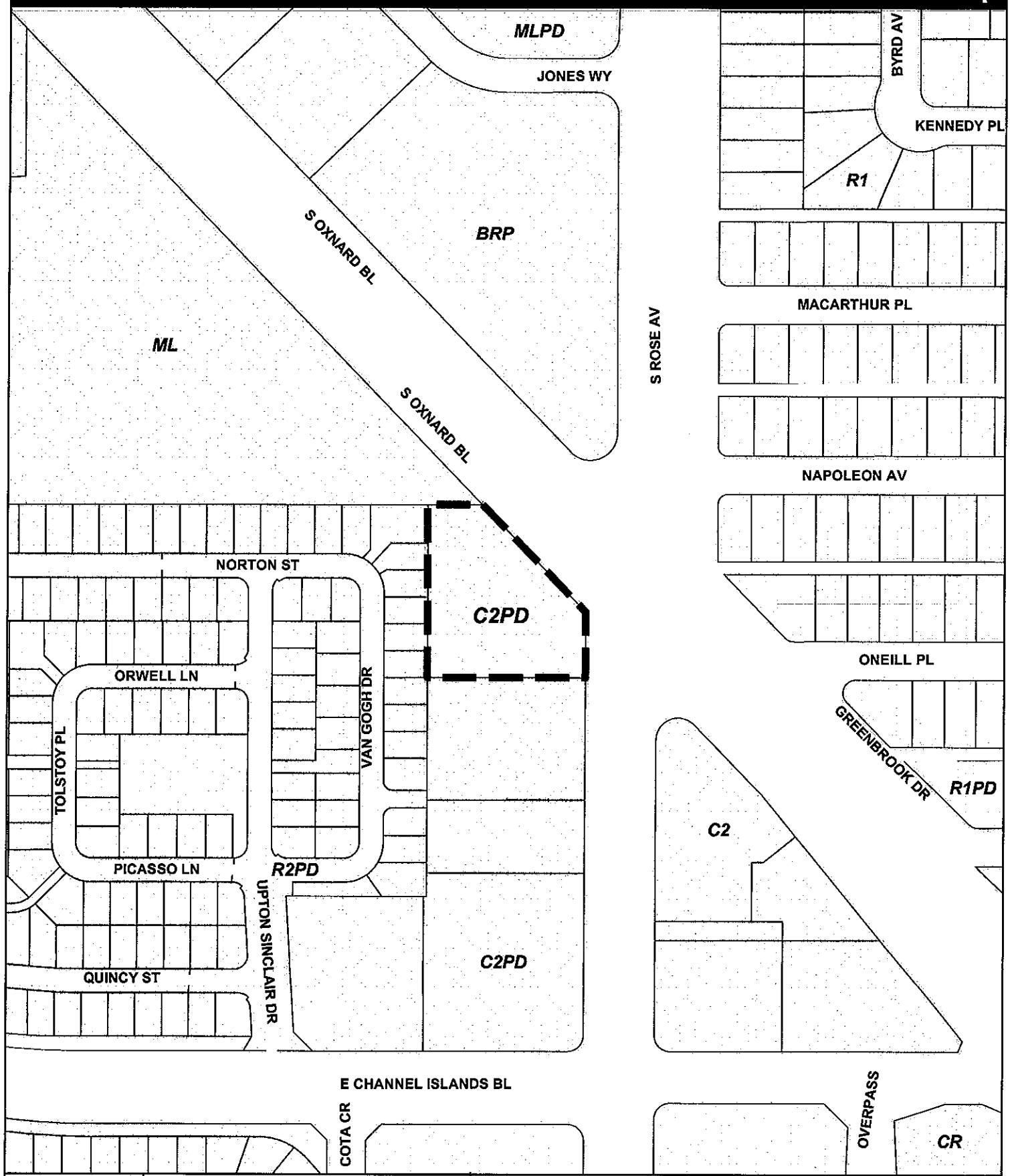
Vicinity Map



Oxnard Planning
July 2, 2007

PZ 07-510-6
Location: 2701 S Rose Av
APN: 220031001
Shark's Sports Grill

Zone Map



Oxnard Planning
July 2, 2007

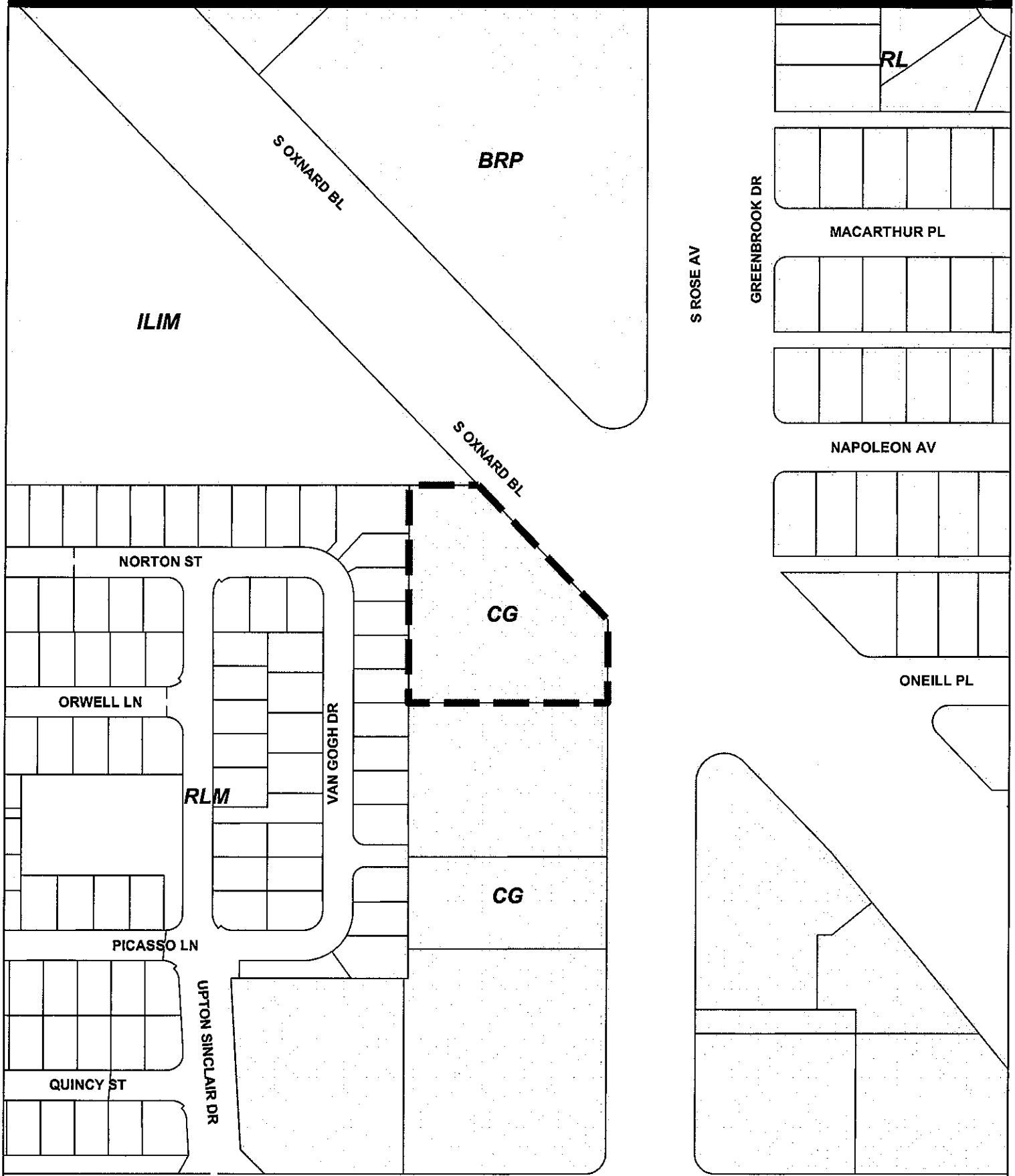
PZ 07-510-6
Location: 2701 S Rose Av
APN: 220031001
Shark's Sports Grill

0 37.5 75 150 225 300 Feet

Zone Map

N W E S

General Plan Map



Oxnard Planning
July 2, 2007

PZ 07-510-6
Location: 2701 S Rose Av
APN: 220031001
Shark's Sports Grill

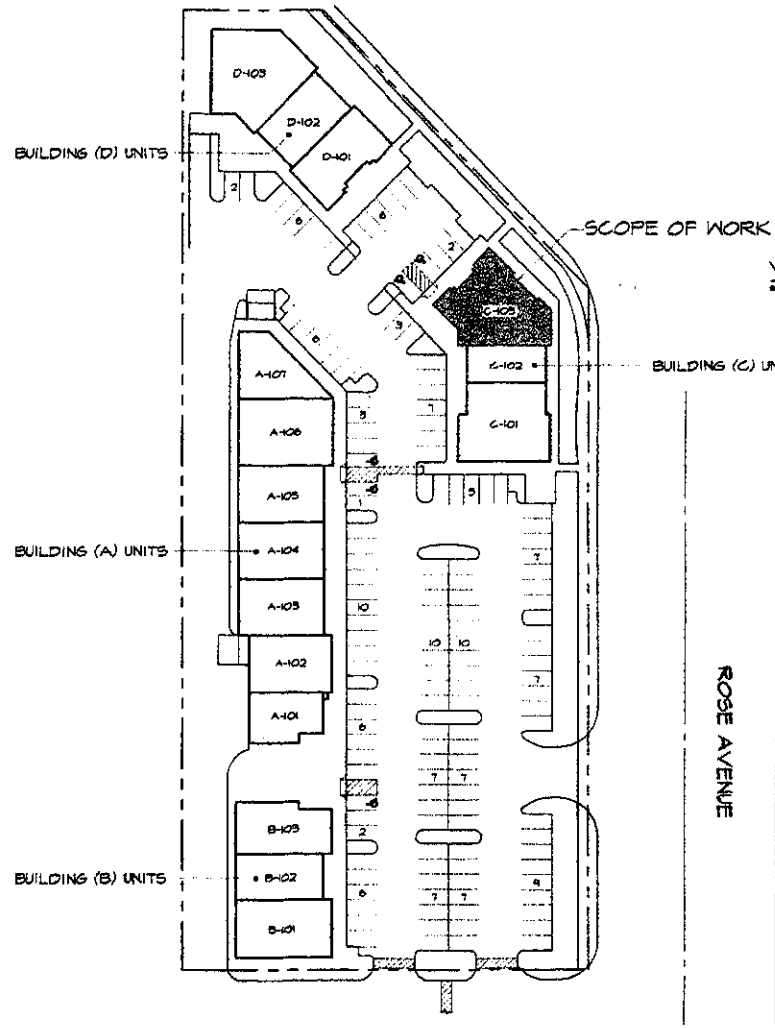
0 37.5 75 150 225 300 Feet

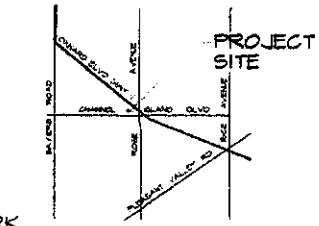
General Plan Map

N W E S

ATTACHMENT C

REDUCED PROJECT PLANS





VICINITY MAP

SCALE: N.T.S.

SITE ANALYSIS:

APN:	220-0-310-656
ZONE:	C2PD
OCCUPANCY:	M
TYPE:	V NR
FULLY SPRINKLER.	
ONE STORY.	
BUILDING (C):	
HEIGHT:	54'-10" MAX.
SUITE UNIT 103:	2,420 SQ. SF.
ALLOWABLE AREA:	8,000 SF. X 3"=24,000 SF. 6,000 SF. > 12,800 SF.

AREA OF PARKING:

BUILDING AREA TOTALS:	29,800 SQ. SF.
AREA BREAK DOWN:	12,900 SF. TOTAL AREA BUILDINGS (A) 5,300 SF. TOTAL AREA BUILDINGS (B) 6,000 SF. TOTAL AREA BUILDINGS (C) 6,000 SF. TOTAL AREA BUILDINGS (D) 29,800 SF. TOTAL AREA
SUMMARY OF PARKING REQUIRED:	29,800 SF. / 250 = 118 STALLS REQUIRED
SUMMARY OF PARKING PROVIDED:	5 HANDICAP W/VAN DROP OFF AREA 139 STANDARD PARKING STALLS 4 MOTORCYCLE PARKING STALLS 147 STALLS TOTAL PARKING PROVIDED

BUSINESS'S

BUILDING (A) UNITS:	A-101	JERSEY MIKE'S SUB
	A-102	VACANT
	A-103	VACANT
	A-104	SERGUROS CON"TE
	A-105	FASHION BAR
	A-106	PARTY GRAH
	A-107	M DEPORTES MORELIA
BUILDING (B) UNITS:	B-101	ROSE DENTAL GROUP
	B-103	CHARO CHICKEN
BUILDING (C) UNITS:	C-101	TACO MI PUEBLO
	C-102	SPRINT
	C-103	SHARK'S SPORTS GRILL
BUILDING (D) UNITS:	D-101	VACANT
	D-102	H&R BLOCK
	D-103	KARATE FOR KIDS

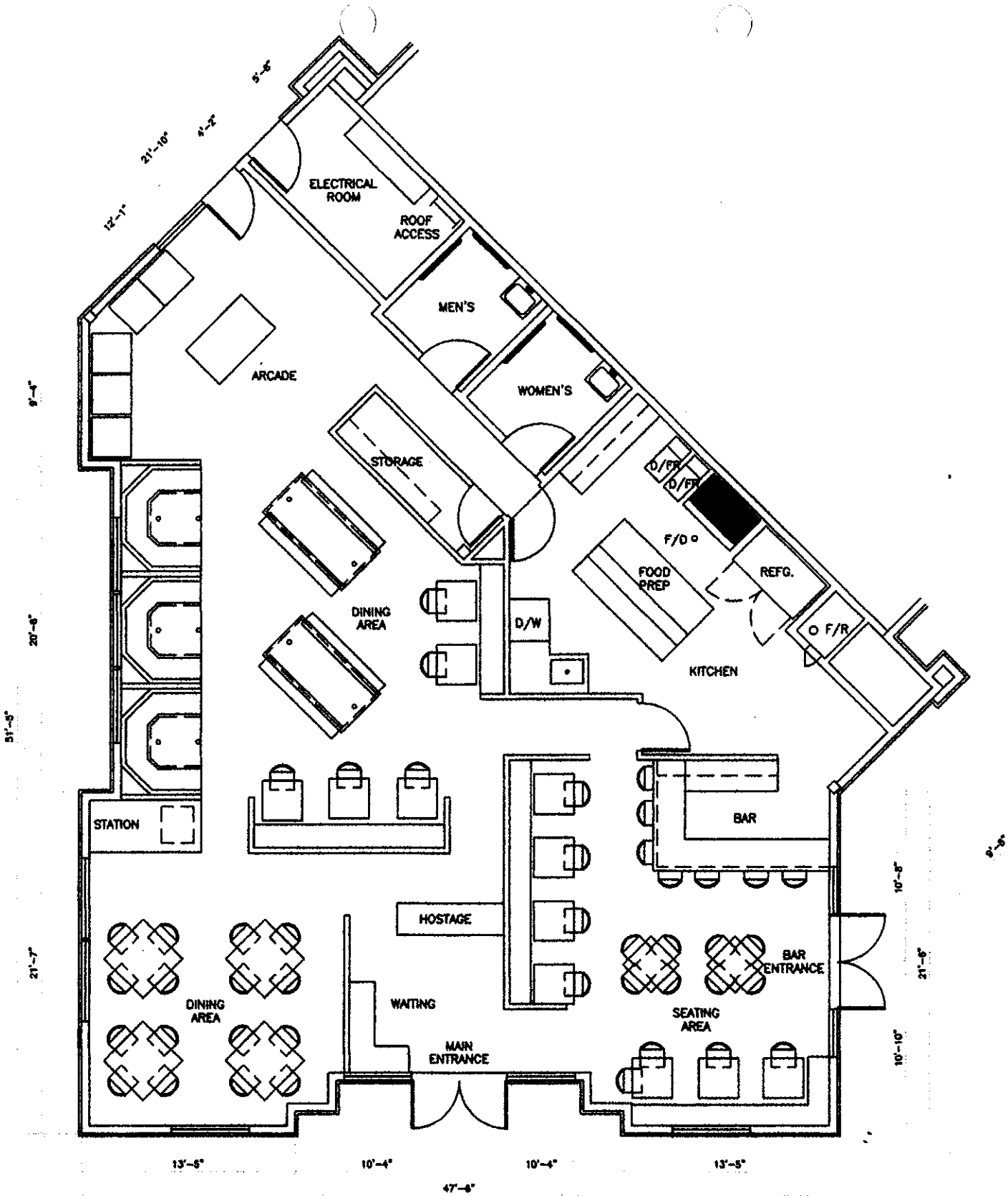
EXISTING SITE PLAN

SCALE: 1/4" = 1'-0"

SHARK'S SPORTS GRILL

2701 NORTH ROSE AVE OXNARD, CALIFORNIA

JUNE 21, 2007



PROPOSED FLOOR PLAN

SCALE : 1/4" = 1'-0"

SHARK'S SPORTS GRILL

2701 NORTH ROSE AVE OXNARD, CALIFORNIA

ATTACHMENT D

POLICE DEPARTMENT REPORT

Police Department

John Crombach, Police Chief

Date: September 20, 2007

To: Juan Martinez, Associate Planner

From: Cliff Waer, Alcohol Compliance Officer

Subject: 2701 S. Rose Ave. (Shark's Sports Grill) **Re: PZ 07-510-06**

Site Information:

The proposed site is located in a newly constructed shopping center on the northwest corner of Rose Avenue and Channel Islands Boulevard. The suite is presently unoccupied and is situated near the northeast portion of the shopping center, closest to the intersection of Oxnard Boulevard and Rose Avenue.

The site it is generally bordered by Oxnard Boulevard on the north, Channel Islands Boulevard on the south, Rose Avenue to the east and residences to the west. The nearest residences are approximately 200 feet to the west and Channel Islands High School is approximately 1200 feet to the south. The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-41 which is an On-Sale License that allows for the sale of beer and wine with food.

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

There are no alcohol outlets within 350 feet of the proposed site.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. ARCO – AM/PM	2850 S. Rose Ave.	Type 20	Off-Sale Beer and Wine	Gas Station / Market	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 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 139 during the same 12-month time period. This is consistent with the average crime rate citywide. The heaviest concentration of incidents occurred east of the site and across Oxnard Boulevard near the residences. Disturbance-related calls were very low and those that listed alcohol as a contributing factor were below 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 was contacted and had no significant concerns regarding this use. He said the surrounding area is not generally considered a crime problem but cautioned that there are significant police problems just outside of the 1000 foot radius normally considered as the area of influence for alcohol outlets. To help prevent problems, he supported the inclusion of the standard police conditions in the Planning Commission Resolution

The Police Department is somewhat concerned about the proximity of the proposed site to Channel Islands High School. The school is approximately 1200 feet south of the proposed site and the shopping center is very likely to be a popular destination for students before and after school. Numerous studies have shown that youth exposure to alcohol significantly impacts underage consumption. Increased access and exposure to alcoholic beverages are directly related to incidences of youth consumption and should be carefully considered when determining appropriate locations for new outlets.[1]-[2]

Community Input:
The Responsible Alcohol Policy Action Coalition (RAPAC) has discussed this proposal at their monthly meetings and echoed the concern about the proximity to the high school. They believed that the overall shopping center would likely be an inviting "hang-out" for students and that such a use would be unfitting so close to the school. They had concerns about the seemingly mixed-message of a "family restaurant" with a bar area that is nearly as large as the main dining area. Members discussed the proposed arcade area and felt that including such an area added to the confusing niche the business was trying to fill (one participant added "is it a bar, is it a family restaurant or is it a amusement center? ...pick one). Basically, they felt that having a family

[1] G. Hastings, S. Anderson, E. Cooke, and R. Gordon,"Alcohol advertising and marketing and young people's drinking:a review of the research," *Journal of Public Health Policy* 26 (2005):296-311.

[2] L.B. Snyder, F.F.Milici, M. Slater, H. Sun, and Y. Strizhakova,"Effects of alcohol advertising exposure on drinking among youth," *Archives of Pediatrics and Adolescent Medicine* 160 (2006):18-24.

restaurant with a sports theme and arcade was fine but including a large bar as a prominent feature was an improper combination if it is truly going to be considered a family-friendly business. Members had one suggestion that the applicant consider toning down the bar and replacing the traditional "bar stool" with pub tables and chairs.

Conclusion:

The statistical analysis shows the area to have a crime rate that is equal to the city-wide average and that disturbance-related calls are below average. There are no similar uses within 350 feet of the proposed site so there is no issue of undue concentration. The guidelines for the Department of Alcoholic Beverage Control (ABC) use census tracts to determine the "allowable" number of alcohol outlets in a particular census tract. In this case, the census tract surrounding this proposal allows for eight On-Sale Outlets. Currently, there is only one On-Sale license in the tract so there is no undue concentration by state or local standards

The proximity to Channel Islands High School is the only significant issue to consider. The applicant has proposed a sports bar and grill that includes a large bar area that is separate form the dining area. The proposal also includes an arcade which is appealing to younger customers. Community members pointed out that the combined use of a restaurant, substantial bar and arcade seemed at odds with each other and was not exactly "family oriented". With the proximity to the school, careful consideration should be given to the design and layout of the business to keep the environment family oriented and not a mix of conflicting uses.

It is the experience of the Police Department that similar uses, when responsibly operated and adequately conditioned, do not typically increase policing problems. The Police Department believes that the potential negative impacts of this use can be effectively mitigated through the adoption of all of the conditions of operation detailed in the attached Planning Commission resolution.

Police Standard Operating Conditions

1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. 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, who are waiting to be seated for the service of food, are served alcoholic beverages in any lounge, bar or staging area. 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 1:00 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 and other adjacent areas under Permittee's reasonable control. (PD)

19) If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed through the Department of Alcoholic Beverage Control and 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)

20) 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)

21) 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.

22) 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)

23) 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.

24) 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.

25) 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)

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

27) 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)

28) No new pay phone on the exterior of the premises shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

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

30) 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)

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

32) 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)

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

34) 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)

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

36) 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)

37) 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)

38) 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)

39) 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)

40) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

1. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff and how potential truants will be handled.