



Meeting Date: 11/20/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Winston Wright, Associate Planner *Wiw* Agenda Item No. I-4  
 Reviewed By: City Manager *MB* City Attorney *Holmberg* Finance *SW* Other (Specify) \_\_\_\_\_

**DATE:** November 14, 2007

**TO:** City Council

**FROM:** Susan L. Martin, Planning Manager *SMo*  
Planning Division

**SUBJECT:** Appeal of the Planning Commission's Approval of Planning and Zoning Permit No. 07-510-03 (Special Use Permit) to Allow the Sale of Beer and Wine at the 4-Way Meat Market Located at 508 East Date Street. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033.

**RECOMMENDATION**

That City Council adopt a resolution to overturn the Planning Commission's approval of Planning and Zoning Permit No. 07-510-03 (Special Use Permit) to allow the sale of beer and wine at the 4-Way Meat Market located at 508 East Date Street.

**DISCUSSION**

On November 6, 2007, the City Council voted 5-to-0 to grant the appeal of the Planning Commission's approval of Planning and Zoning Permit No. 07-510-03 (Special Use Permit) to allow the sale of beer and wine at the 4-Way Meat Market located at 508 East Date Street. Attached is the revised resolution necessary to grant the appeal of the Planning Commission's decision and deny the special use permit to sell beer and wine.

**FINANCIAL IMPACT**

None.

Attachment #1 - Draft City Council Resolution

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,363

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD GRANTING THE APPEAL OF THE PLANNING COMMISSION'S DECISION AND DENYING THE SPECIAL USE PERMIT (PZ NO. 07-510-03) TO PERMIT THE SALE OF BEER AND WINE AT THE 4-WAY MEAT MARKET LOCATED AT 508 EAST DATE STREET. FILED BY SALVADOR AYALA, 508 EAST DATE STREET, OXNARD, CA 93033.

WHEREAS, the Planning Commission of the City of Oxnard approved Resolution No. 2007-39 filed by Salvador Ayala to permit the sale of beer and wine at the 4-Way Meat Market; and

WHEREAS, City Councilmember John Zaragoza appealed the decision of the Planning Commission; and

WHEREAS, the City Council conducted a hearing and received evidence in favor of and opposed to the application for a special use permit for the sale of beer and wine; and

WHEREAS, the California Code of Regulations does not require the preparation of environmental documents imposed by the California Environmental Quality Act when a project is denied.

NOW, THEREFORE, the City Council of the City of Oxnard finds as follows:

1. The denial of this permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The 4-Way Meat Market is located within 350 feet of Elm Elementary School.
3. The 4-Way Meat Market is located within 350 feet of a liquor store, a bar, and a restaurant serving alcohol. There is an undue concentration of alcohol sales in the area.
4. The 4-Way Meat Market is located in an area that has a crime rate 56% higher than the citywide crime rate.
5. The granting of this 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 would increase minor's exposure to alcohol and have a negative impact on public safety.

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6. The granting of this permit would be inconsistent with the *2020 General Plan* and other adopted standards of the City in that it would add to an undue concentration of facilities selling alcohol in the area of the subject market and exacerbate the problem of policing an area that already has an elevated crime rate as it relates to the City average.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the appeal of the Planning Commission action is approved, the Planning Commission action is denied, and Planning and Zoning Permit No. 07-510-03 is hereby denied.

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 6<sup>th</sup> day of November, 2007, by the following vote:

AYES: Councilmembers Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

NOES:

ABSENT:

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Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

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Daniel Martinez, City Clerk

  
Gary L. Gillig, City Attorney

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