



Meeting Date: 12/16/2008

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

Prepared By: Douglas Spondello, Assistant Planner *DS* Agenda Item No. 4-1

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: November 25, 2008

TO: City Council

FROM: Susan L. Martin, AICP *[Signature]*
Planning Manager

SUBJECT: Planning and Zoning Permit No. 08-510-03 (Special Use Permit) to permit the sale of beer and wine for off site consumption at an existing Chevron gas station and mini-mart, located at 2901 Saviers Road. Filed by Shaheen Azar.

RECOMMENDATION

That City Council adopt a resolution denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 08-510-03.

DISCUSSION

On November 6, 2008, the Planning Commission voted 3-1 to approve Special Use Permit (SUP) No. 08-510-03 (Resolution No. 2008-68), to allow for the sale of beer and wine for off-site consumption at an existing Chevron gas station and mini-mart. No physical expansion to the existing structures is proposed with this request.

On November 17, 2008, a staff appeal of the Planning Commission's decision was filed with the City Clerk, requesting that the City Council review issues of undue concentration posed by the number of alcohol outlets in the proximity.

The Oxnard Police Department provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment 1). This report provides information regarding the number of incidents of police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages, and whether approval of the special use permit is likely to significantly aggravate policing problems. There is currently one Off-Sale General (Type 21) outlet (Liquor Cellar) within 350 feet of the project site and consequentially, there is an issue of undue concentration.

The crime rate in the applicant's report district is 25% higher than the citywide average. The area south of the subject site has a significant number of disturbance related calls, but is generally not considered

to be a policing problem. Although the crime rate is higher than the citywide average and there is an off-sale general outlet within 350 feet of the subject parcel, it is the Police Department's experience that there should not be an increase in policing problems provided that this approval is adequately conditioned and that this outlet is operated responsibly.

Chevron operates as a mini-mart, selling a variety of products as a convenience to customers who primarily patronize the Chevron station to fuel their vehicles. According to the police report, this is negligibly a different type of business and clientele than that served by the nearby liquor store. Similarly, the proposed use differs as the mini-mart proposes to retail beer and wine only, not distilled spirits.

ALTERNATIVES

Should the City Council decide to deny the use request, staff recommends that City Council adopt a resolution denying Planning and Zoning Permit No. 08-510-03 subject to certain findings and conditions.

FINANCIAL IMPACT

There is no estimated financial impact to the current FY budget (FY 2008-2009).

(DS)

- Attachment #1 - Police Report
#2 - Planning Commission Staff Report without Attachments
#3 - Planning Commission Resolution No. 2008-68
#4 - Minutes from November 6, 2008 Planning Commission Meeting
#5 - Letter Requesting Appeal
#6 - City Council Resolution upholding the Planning Commission action
#7 - City Council Resolution granting the applicant's appeal of the Planning Commission's action



Police Department
John Crombach, Police Chief

Date: September 18, 2008
 To: Douglas Spondello, Assistant Planner
 From: Cliff Waer, Senior Alcohol Compliance Officer
 Subject: 2901 Saviers Road (Chevron Market) Re: PZ 08-510-03

Site Information:

The proposed site is located on the southwest corner of Channel Islands Boulevard and Saviers Road. The building was remodeled in early 2008 and currently operates as a gas station / mini-mart without the sale of alcohol. The business lies within the Bryce Canyon North neighborhood and also shares a boarder with Blackstock North and Cal-Gisler neighborhoods.

The site it is generally bordered by Channel Islands Boulevard on the north, Saviers Road to the east, and commercial to the south and west. The nearest residences are approximately 250 feet to the west and there is a liquor store approximately 150 feet to the west. The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Liquor Cellar	150 W Chammel Isl.	Type 21	Off-Sale Beer, Wine & Spirits	Liquor Store	Beer, Wine & Spirits
2. Puerto Vallarta Restaurant	3021 Saviers	Type 47	On-sale General	Restaurant	Beer, Wine & Spirits

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Ambiente Latino	3035 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
2. Mariscos Ixtapa	3045 saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
3. Taqueria Hernandez	3105 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
4. Taco De Mexico	3101 Saviers	Type 41	On-Sale Beer and Wine (food)	Restaurant	Beer and Wine
5. Sam's Saloon	3129 Saviers	Type 48	On-Sale General	Bar	Beer, Wine & Spirits
6. Rite Aid	2661 Saviers	Type 21	Off-Sale General	Market	Beer, Wine & Spirits

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 146 during the same 12-month time period. This is 25% higher than the average crime rate citywide and is on the threshold of what the Police Department would consider to be significant.

The heaviest concentration of incidents occurred north of the site at the Centerpoint Mall and south of the site along the strip-mall in the 3000-3100 block of Saviers. In the area south of the site along the strip-mall, there were approximately 50 disturbance related police *calls for service* which are not necessarily Part I or II crimes. There was only one such call directly related to the Chevron station.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct. Any reference to "police calls for service" may include any type of police response to the area.

Police Department Input:

The Beat Coordinator for the area was contacted and said the surrounding area is not generally considered a crime problem but that the area along the 3000 block of Saviers can be problematic

at times. Most of the disturbance incidents within 1000 feet of the proposed site occurred in the nighttime hours and are associated with the many On-Sale alcohol outlets located in the older strip-mall.

The Police Department's primary concern is the proximity of the proposed business to another Off-Sale site, the Liquor Cellar at 150 West Channel Islands Road. Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in the surrounding neighborhood and also leads to other alcohol-related community problems. The degree to which the outlets may negatively impact the neighborhood often depends upon the level of policy regulation applied by the local government through the application of preventative conditions of operation. That being said, it may be that under certain circumstances, no number of preventative conditions can mitigate the risks to the neighborhood and allowing two Off-Sale outlets within 150 feet of each other should be carefully considered.

During a recent visit to the site to investigate the appropriateness of the use, a person was observed to the rear of the Liquor Cellar drinking a beer wrapped in a paper bag. Restricting the sale of single servings, certain malt liquors and fortified wines can often minimize the chances that customers will consume their alcohol purchases on or near the site. The Police Department strongly recommends that if the Planning Commission desires to approve the use, that all of the proposed police conditions be applied to allow for the best opportunity for the business to be successful while reducing the risks to the surrounding neighborhood.

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 Liquor Cellar. One of the members had recently visited the site and was impressed by the results of the recent remodeling project and hoped the business would choose not to sell alcohol. The group generally opposed the use based upon the crime rate and proximity to a similar use.

Nearby businesses including the medical clinic just south of the site were contacted by the Police Department for their input. Staff members at the clinic were initially very sour to the idea of adding another alcohol outlet and worried about the potential negative impact to their business and to their patients. We discussed many of the potential conditions of operation and they ultimately did not oppose the use. The comments and concerns of both RAPAC and the nearby businesses contributed to the proposed police conditions.

Conclusion:

The statistical analysis shows the area to have a crime rate that is higher than the city-wide average and that the area south of the site have a significant number of disturbance-related calls. The area is generally not considered to be a policing problem but the crime rate is high enough to be of some concern.

There is one similar use within 350 feet of the proposed site so there is an issue of undue concentration by local standards. The Police Department recognizes that the nearby alcohol outlet is considered a "liquor store" and primarily functions to sell alcoholic beverages; in contrast, the

proposed use is a mixed-use market which offers many other products, serves as a convenience to customers and is a demonstrably different environment than most liquor stores. Still, their close proximity is of concern and mitigation measures must be thorough to minimize problems. It is the experience of the Police Department that similar uses, when responsibly operated and adequately conditioned, do not typically increase policing problems.

Police Standard Conditions (Off-Sale Alcohol Establishments)

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
- 2) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 3) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
- 5) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
- 6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 7) The Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
- 8) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

- 9) Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)
- 10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
- 11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 12) Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
- 14) Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured during the hours from 11:00 PM to 6:00 AM. (PD)
- 15) Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned near the middle of the store where the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
- 16) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 17) No single containers, 12 oz, 16 oz, 20 oz., 24 oz., 32 oz., or 40 oz., of beer, wine or malt liquor shall be sold.
- 18) No fortified wine products shall be sold with an alcohol content greater than 14% by volume. This does not exclude Permittee from selling Port, Sherry, Marsala, Madiera, Muscat, Saki and Vermouth fortified products unless otherwise prohibited.
- 19) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)

- 20) No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
- 21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 22) Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
 - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.
 - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 24) Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
- 25) Permittee shall have drop-safes installed to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 26) Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
- 27) Permittee shall install height gauges at all exit doors.
- 28) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
- 30) The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.

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

Police Special Conditions

1. Permittee shall install an additional security camera on the exterior of northwest corner of building. The camera should face north to monitor activity along the pathway that is partially hidden by the trash enclosure. (PD)



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Douglas Spondello, Assistant Planner
DATE: November 6, 2008
SUBJECT: Planning and Zoning Permit No.08-510-03 (Special Use Permit), located at 2901 Saviers Road.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-510-03 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit the sale of beer and wine for off-site consumption (ABC License Type 20) at an existing gas station and mini-mart (Chevron) located at 2901 Saviers Road. No physical expansion to the existing structures are proposed with this request. Filed by Shaheen Azar, 2901 Saviers Road, Oxnard, CA 93033.
- 3) **Existing & Surrounding Land Uses:** The site is developed with a Chevron service station consisting of a 2,668 square foot mini-mart, a vehicle fueling area under a 1,795 square foot canopy.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	Commercial: General	Gas Station/Mini-Mart
North	C-PD	Commercial: Regional	Centerpoint Mall
South	C-2-PD	Commercial: General	Community Memorial Hospital
East	C-2-PD	Commercial: General	Bank/Office Building
West	C-2-PD	Commercial: General	Neighborhood Shopping Center

- 4) **Background Information:** Planning Commission Resolution No. 3697 approved Special Use Permit (SUP) 457 on April 29, 1972 allowing for the reorientation and remodeling of an existing and non-conforming automobile service and fueling station. A minor modification permit for site changes was approved on August 4, 1995. On January 25, 2006, Major Modification No. 06-550-02 was applied for to permit the conversion of an auto service building to a mini-mart as well as for the sale of beer and wine for off-site consumption. The

applicant withdrew this request. On March 1, 2007, Minor Modification No. 07-140-03 permitted the conversion of an auto service building to a mini-mart without alcohol sales.

5) Environmental Determination: This project is among the classes of projects listed in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which *categorically exempts existing facilities from environmental review where there is negligible or no significant expansion of an existing use.* Since there is no substantial evidence that the proposed project may have a significant adverse effect on the environment, a notice of exemption will be filed (see Attachment "C").

6) Analysis:

a) General Plan Consistency: The General Plan Land Use designation for the subject parcel is General Commercial. The proposed use is consistent with this designation.

The Safety Element of the 2020 General Plan lists policies consistent with the City's goal of the "Maintenance and enhancement of a safe community" (IX-16). Of these policies, number 35 states: "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations" (IX-20). Consistent with this, the Police Department has reviewed the proposed use for compliance to its safety and security requirements and has subsequently conditioned the project to include implementation measures which address their concerns.

b) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial-Planned Development (C-2-PD) zone district. In accordance with the City Code, the proposed sale of packaged alcoholic beverages from a mini-mart and in conjunction with a fueling station may be permitted with an approved special use permit.

c) Site Design: The 18,880 square foot lot provides vehicle access along Channel Islands Boulevard and Saviers Road. In addition to the parking spaces at vehicle fueling stations, five parking spaces are provided along the southern property line. The mini-mart building is situated along the western property line.

d) Request for Sale of Alcoholic Beverages for On-Site Consumption: The Oxnard Police Department prepared a report on September 18, 2008 which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of the approval of this request (see Attachment "E"). The report cites one alcohol outlet within 350 feet of the subject parcel which also retails alcohol for off-site consumption, qualifying the area for "undue concentration". The two existing alcohol retailers function as a liquor store and restaurant respectively. In contrast, the subject property operates as a mini-mart which sells a variety of products.

As part of their review, the Police Department consulted with the Responsible Alcohol Policy Action Coalition (RAPAC). They had concerns about the proximity of the proposed use from the nearby liquor store and generally opposed the use based on the crime rate and proximity to existing alcohol outlets.

The Police Department also contacted nearby businesses for their input, including the adjacent medical clinic to the south of the subject parcel. After discussing the conditions of approval, staff at the clinic ultimately did not oppose the use.

The comments and concerns of both RAPAC and the nearby businesses contributed to the conditions of approval.

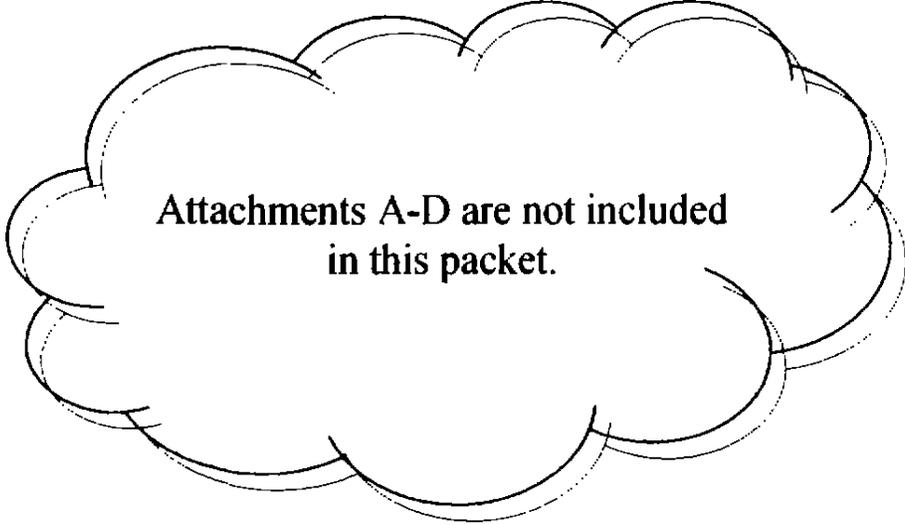
The overall finding of the Police report was that, when properly regulated through conditions imposed by the Planning Commission, the proposed use does not normally aggravate policing issues.

- 7) **Public Comment:** The Planning Division received one letter from the Saviers Road Design Team expressing their opposition to the proposed use (see Attachment "D").
- 8) **Community Workshop:** On September 3, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Bryce Canyon North, Blackstock North, and Cal-Gisler Neighborhoods. The Applicant also provided notice on the project site which included a brief description of the project and contact information for the Community Workshop meeting, which was conducted on September 15, 2008. There were four members of the public to comment on the project, each of whom expressed concern regarding the proximity of adjacent alcohol outlets.
- 9) **Appeal Procedure:** In accordance with Section 16-545 (A) of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 days.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Public Comment Letter
- E. Police Report
- F. Resolutions

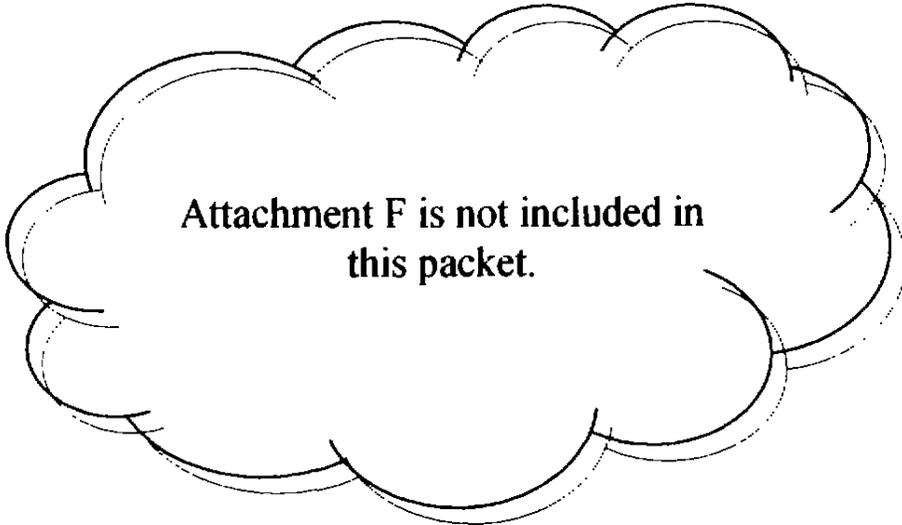
Prepared by: <u>DS</u> DS
Approved by: <u>SM</u> SM



**Attachments A-D are not included
in this packet.**

Attachment E is not included.

**Please see Attachment # 1
of the City Council staff report.**



**Attachment F is not included in
this packet.**

RESOLUTION NO. 2008 – 68

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. [08-510-03] (SPECIAL USE PERMIT), TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 20) AT AN EXISTING GAS STATION AND MINI-MART, LOCATED AT 2901 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY SHAHEEN AZAR, 2901 SAVIERS ROAD, OXNARD, CA 93033.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-03, filed by Shaheen Azar in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, section 15301 of the California Code of Regulations exempts the project from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. That the public's convenience and necessity will be served by the issuance of this permit.
7. The presumption of undue concentration has been rebutted by a preponderance of evidence, and is mitigated by the applicant's acceptance of the conditions in this resolution.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable

manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated May 23, 2008 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

5. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. 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. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
8. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
9. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION STANDARD CONDITIONS

10. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
11. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-6)
12. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)

POLICE DEPARTMENT STANDARD CONDITIONS

13. Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
14. 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)
15. 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)

16. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
17. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
18. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
19. The Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
20. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)
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. (PD)
22. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
23. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
24. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
25. In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is

prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

26. Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured during the hours from 11:00 PM to 6:00 AM. (PD)
27. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned near the middle of the store where the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
28. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
29. No fortified wine products shall be sold with an alcohol content greater than 14% by volume. This does not exclude Permittee from selling Port, Sherry, Marsala, Madiera, Muscat, Saki and Vermouth fortified products unless otherwise prohibited.
30. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)
31. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
32. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
33. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
 - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.
 - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall

allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

34. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
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.
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).
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.
38. Permittee shall install height gauges at all exit doors.
39. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
40. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
41. The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.
42. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE DEPARTMENT SPECIAL CONDITIONS

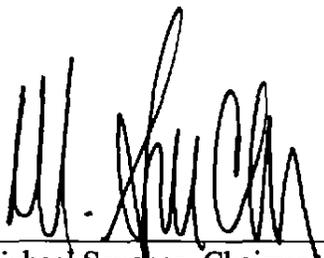
43. Permittee shall install an additional security camera on the exterior of northwest corner of building. The camera should face north to monitor activity along the pathway that is partially hidden by the trash enclosure. (PD)
44. No single containers, 12 oz, 16 oz, 20 oz., 24 oz., 32 oz., 40 oz., etc., of beer or malt liquor shall be sold.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6 day of November, 2008, by the following vote:

AYES: Commissioners: Okada, Elliott, Sanchez

NOES: Commissioners: Dean

ABSENT: Commissioners: Frank, Pinkard, Medina



Michael Sanchez, Chairman

ATTEST: 

Susan L. Martin, Secretary

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 6, 2008

A. ROLL CALL

At 7:03 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Chairman Michael Sanchez, Randall Elliott, and Dale Dean were present. Chair Sanchez presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager. James Rupp, Assistant City Attorney; Douglas Spondello, Assistant Planner; Officer Cliff Waer, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Planning Manager Martin reviewed the agenda.

D. STUDY SESSION-Constructing Connections Task Force

1. Presentation on Child Care Facilities Development

Ms. Tanya McMahan, Child Development Resources, gave the presentation including streamlining the child care development process; who was involved in facilitating a streamline of the process; the greatest need was for infants and toddlers; explained how Riverside handled the child care licensing process; the feasibility of opening child care facilities; financing, and quality and educational components of the process.

Ms. Patti McWaters, Work Life Program, County of Ventura, discussed the facility challenges for profit and non-profit operators; time and cost required to secure the permit; and explained that they were focused on child care centers, and not private homes. She explained what the Planning Commission could do including making child care a priority in the General Plan; expedite the child care center permit process; waive or reduce the traffic mitigation fee; and encourage developers to provide a provision for child care in sizable residential and commercial projects.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – October 16, 2008

MOTION Commissioner Elliott moved and Commissioner Dean seconded a motion to approve the minutes of October 16, 2008 as presented. The question was called and the motion carried 4-0-3, Commissioners Frank, Pinkard, and Medina absent.

F. CONTINUED PUBLIC HEARINGS

NOVEMBER 6, 2008

OXNARD PLANNING COMMISSION

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ATTACHMENT 4
PAGE 1 OF 3

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 08-510-03 (Special Use Permit) a request to permit the sale of beer and wine for off-site consumption (ABC License Type 20) at an existing gas station and mini-mart (Chevron) located at 2901 Saviers Road. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Shaheen Azar, 2901 Saviers Road, Oxnard, CA 93033.
PROJECT PLANNER: Douglas Spondello

Assistant Planner Spondello presented the staff report including surrounding uses; zoning designations; loading zones; and a letter received from the Saviers Road Design Team. He also displayed an aerial view of the site; site photo; and site and floor plans.

Officer Waer stated that there were not significant sales of alcohol in the area. He also explained the increased security measures at the problem areas, and indicated the applicant already had surveillance cameras in place.

Mr. Shaheen Azar, applicant, gave a brief presentation including his experience in running a service station for 23 years; the remodel of the station; agreed to all proposed conditions; and indicated that he was at the site at least six days a week.

Chair Sanchez opened the public testimony.

Ms. Pat Brown, member of the Saviers Road Design Team and RAPAC, expressed the concerns of Mr. and Mrs. Godwin that the crime rate of the project site was higher than the City average; and this request was needed as the liquor store located behind the project site was sufficient.

Mr. Gonzalo Hernandez, owner of Liquor Cellar, spoke in opposition to the project stating that the area was oversaturated.

Mr. Joseph Hidalgo spoke in opposition to the project due to oversaturation.

Mr. Shaheen Azar stated that he ran a convenience store, not a liquor store, and the proposed conditions would prevent any problems that the speakers suggested.

Chair Sanchez closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Elliott seconded a motion to adopt a resolution granting PZ 08-510-03, a Special Use Permit to allow the sale of beer and wine for off-site consumption at an existing gas station and mini-mart located at 2901 Saviers Road, subject to certain findings and conditions. The question was called and the motion carried 3-1-3. Commissioner Dean voting no, and Commissioners Frank, Pinkard, and Medina absent.

Commissioner Dean stated that the Planning Commission should decide how many liquor establishments should be allowed in the community.

H. PLANNING COMMISSION BUSINESS

Commissioner Sanchez congratulated Dr. Pinkard for her election to the City Council.

I. PLANNING MANAGER COMMENTS

J. ADJOURNMENT

At 8:42 p.m., Commissioner Elliott moved and Commissioner Dean seconded a motion to adjourn. The motion carried 4-0-3, Commissioners Frank, Pinkard, and Medina absent.

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary

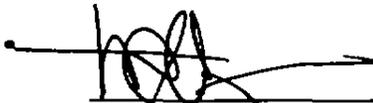


NOTICE REQUESTING REVIEW

I, Matthew Winegar, request that the City Council review the November 6, 2008 decision of the Planning Commission approving Planning and Zoning Permit No. 08-510-03, a Special Use Permit allowing the sale of beer and wine for off-site consumption at an existing gas station and mini-mart (Chevron, located at 2901 Saviers Road), on the following grounds:

- () To provide efficient and coordinated review of a multiple permit project.

- (X) For City Council consideration of the above-referenced project, including issues of over-saturation.

 11/17/08
(Signature and Date)

cc: City Attorney
Development Services Director
Project Planner
Applicant

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. [PZ 08-510-03]

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 08-510-03 (SPECIAL USE PERMIT) TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 20) AT AN EXISTING GAS STATION AND MINI-MART, LOCATED AT 2901 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY SHAHEEN AZAR, 2901 SAVIERS ROAD OXNARD, CA 93033.

WHEREAS, Planning Commission Resolution No. 2008-68 approved an application for Special Use Permit No. 08-510-03 filed by Shaheen Azar; and

WHEREAS, the Planning Commission's decision was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision approving the application, the staff report, and minutes of testimony at the Planning Commission public hearing; and

WHEREAS, on December 16, 2008, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for an SUP to sell beer and wine for off-site consumption at the property located at the southeast corner of Channel Islands Boulevard and Saviers Road;

WHEREAS, Section 15301 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application.

NOW, THEREFORE, the City Council of the City of Oxnard makes the following findings of fact:

1. The conditions attached to the permit will significantly reduce any negative consequences of allowing an off-site alcohol outlet on the site.
2. As conditioned, the permit will serve the public's convenience and necessity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oxnard that the Planning Commission's approval of Special Use Permit No. 08-510-03 is hereby upheld subject to the conditions set forth in Planning Commission Resolution No. 2008-68 on file in the Planning Division of the Development Services Department,

ATTACHMENT 6

PAGE 1 OF 2

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PASSED AND ADOPTED this 16th day of December 2008, by the following vote:

AYES:

NOES:

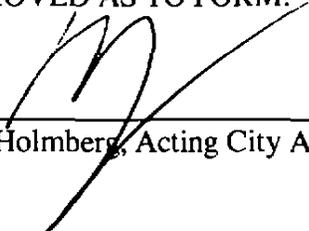
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, Acting City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. [PZ 08-510-03]

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 08-510-03 (SPECIAL USE PERMIT) REQUESTING TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 20) AT AN EXISTING GAS STATION AND MINI-MART, LOCATED AT 2901 SAVIERS ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY SHAHEEN AZAR, 2901 SAVIERS ROAD OXNARD, CA 93033.

WHEREAS, Planning Commission Resolution No. 2008-68 approved an application for Special Use Permit No. 08-510-03 filed by Shaheen Azar; and

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WHEREAS, Section 15301 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application.

NOW, THEREFORE, the City Council makes the following findings of fact:

1. There already exists an off-site alcohol outlet within 350 feet of the site.
2. The crime rate in the report district for the site is 25% higher than the City wide average.
3. The proposed off-site alcohol outlet would not serve the public's convenience and necessity.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby DENIES these permits.

PASSED AND ADOPTED this 16th day of December 2008, by the following vote:

AYES:

NOES:

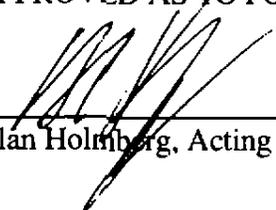
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, Acting City Attorney