



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Jodi La Chance, Assistant Planner
DATE: March 20, 2008
SUBJECT: Planning and Zoning Permit No. 07-510-11, (Special Use Permit), located at 3942 Tradewinds Drive.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 07-510-11, a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for a special use permit (SUP) to sell beer and wine for on-site consumption at a proposed restaurant (Anaba Sushi). The project site is located at 3942 Tradewinds Drive, in the Seabridge shopping center, (APN: 188-0-250-07), and the Mandalay Bay Specific Plan area. It is also situated within the Channel Islands Neighborhood, and adjacent to the Via Marina neighborhood as identified in the City of Oxnard General Plan. Filed by Elizabeth Callahan, EDCO, 400 Esplanade Dr., Ste. 301, Oxnard 93036, on behalf of Minsoo Kim, restaurant owner.
- 3) **Existing & Surrounding Land Uses:** The 2500 square foot restaurant, Anaba Sushi, is proposed to be located within the Seabridge Shopping Center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	CVC (Coastal Visitor-Serving Commercial)	VS (Visitor Serving)	Vacant tenant space in Seabridge Shopping Center
North	County (across Wooley Road)	MA (Miscellaneous Agriculture)	Agricultural (across Wooley Rd.)
South	CVC	VS	Commercial – Retail Uses; Harbor
East	R1-PD (single family residential – planned development) (across Victoria)	RL (Residential low)	Single-family townhomes (across Victoria)
West	CVC/ CNC (Coastal Neighborhood Commercial) - (beyond Seabridge Lane)	VS	Commercial-Retail Uses (restaurants, stores, offices, etc.)

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

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

- 6) **Analysis:**
 - a) **General Discussion:** Anaba Sushi is a new restaurant anticipated to open shortly at the Seabridge shopping center. Proposed hours of operation would be 11:00 AM to 2:30 PM, and 5:00 PM to 10:00 PM, seven days a week. Approximately 12 employees would be hired, with six employees per shift.

The Anaba Sushi restaurant will occupy a single suite 2,500 square feet in size, and will be situated at the western end of the Seabridge shopping center. The suite is situated with the front doors facing north into the parking lot, and the rear door open to a pedestrian walkway that meanders behind the shopping center complex and alongside the harbor. There is a small outdoor amphitheater within 100 feet of the rear doors, which has built-in seating that overlooks the harbor. There is also common outdoor seating along the walkways in the front and rear of the building and in a large common area dividing the wings of the shopping center complex. The applicant's request does not include the creation of any segregated outdoor dining area. The Oxnard Police Department has noted concerns with consumption of alcohol in common/open outdoor seating arrangements and has recommended several mitigating conditions to address this aspect of the site design.

 - b) **Relevant Project and Property History, Related Permits:** On December 5, 2002, the Planning Commission approved Resolution No. 02-106 (PZ No. 01-500-93), for a Coastal Development Permit to allow the construction of a planned community on 135 acres within the Mandalay Bay Specific Plan area, commonly known as the Seabridge project. A tentative subdivision map and development agreement were also approved in conjunction with the above-mentioned coastal development permit.

- c) **Request for Sale of Alcoholic Beverages for On-Site Consumption:** The applicant has filed an application for a Type 41 License with the Department of Alcoholic Beverage Control (ABC), and is waiting for City of Oxnard approval of this Special Use Permit application prior to opening for business. The Type 41 License (On-sale Beer and Wine – Eating Place), allows alcohol sales in conjunction with a restaurant.
- 7) **Police Department Input:** The Oxnard Police Department provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment D). This report provides information regarding the number of incidents of police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages and whether approval of the special use permit is likely to significantly aggravate policing problems.
- a) **Concentration of Alcohol Sales:** There is currently one similar use within 350 feet (Round Table Pizza), and one Off-Sale alcohol outlet within 1,000 feet (Vons Grocery Store), located in the Seabridge shopping center. There is also one additional alcohol outlet currently pending for a newly proposed restaurant just east of the site and within 350 feet (Bear Rock Café).
- b) **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 162 during the same 12-month time period. This is 16% higher than the average crime rate citywide. The heaviest concentration of incidents occurred across Victoria Avenue near the more densely populated apartments and condominiums. The majority of events were thefts or other property-related crimes and the area is generally not considered a police problem. The numbers of disturbance-related incidents that list alcohol as a contributing factor are below the citywide average.
- For reference, the category of Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.
- c) **Additional Police Input:** The Police Department has no serious concerns about adding an alcohol outlet in this particular area other than to note that there will likely be more outlets proposed as the site becomes fully occupied and density may become an issue.

The area to the east and south of the proposed site had previously experienced a run of property crimes, many of which were associated with the construction site itself. The most recent statistics indicate the problem has subsided as the site development is near completion.

This particular development is situated alongside the newly constructed bay and has a small, unique amphitheater behind the complex, facing the water. There is outdoor seating along the walkways in the front and rear of the buildings and also in a large common area dividing the complex. This area is very scenic and inviting. The concern of the police department would be that customers purchasing alcohol at the proposed site would take their drinks outside. The Police Department believes that this concern can be sufficiently mitigated with appropriate conditions of operation.

d) **Conclusion:**

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

The primary issue regarding this proposal is the potential for customers to take their alcoholic beverages outside. Also, this location has both front and rear customer access. Typically, the Police Department does not recommend the use of a rear door for customer access as it creates a more difficult environment for employees to monitor. Because of the way this site is situated and for the convenience of the customers, the standard condition restricting access to or from the rear door has been removed. The Police Department will closely monitor this situation and will work with the applicant should any problems arise.

The Police Departments experience is that the proposed license (Type 41 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly.

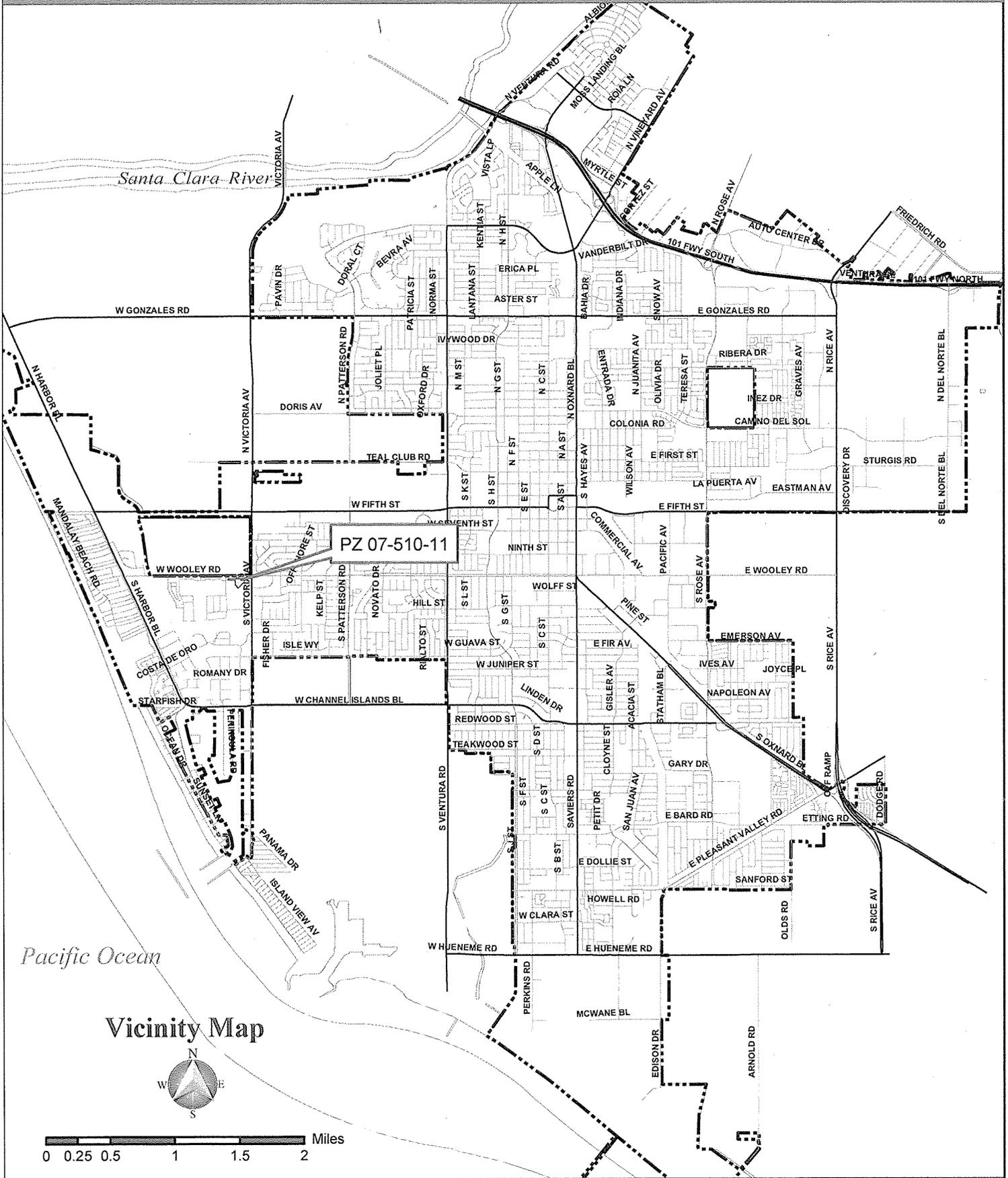
- 8) **Community Input:** The proposed project was agendized for a Community Workshop on February 25, 2008. The applicant mailed notices to the Channel Islands and Via Marina Neighborhoods, and posted the site for the Community Workshop on February 13, 2008. Three people attended the workshop. Attendees spoke in favor of approval of the project and raised no issues. The Responsible Alcohol Policy Action Coalition (RAPAC) discussed this proposal at their monthly meetings and shared the concern about outdoor seating. They felt that the proposed use would be appropriate for the site with sufficient operating conditions to minimize the potential of customers taking their alcoholic beverages outside. The coalition also gave some consideration to the fact that future businesses locating in Seabridge may have an interest in alcohol sales, and determined that such proposals would be carefully

analyzed to ensure that the area does not become a problem environment.

9) **Attachments:**

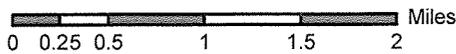
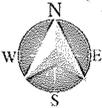
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Report
- E. Resolution

Prepared by:  JL
Approved by:  SM



PZ 07-510-11

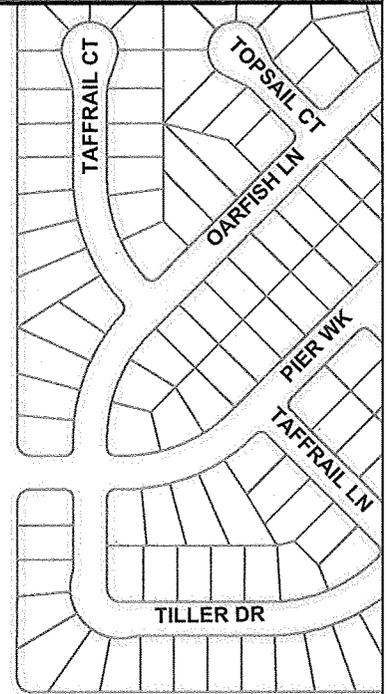
Vicinity Map



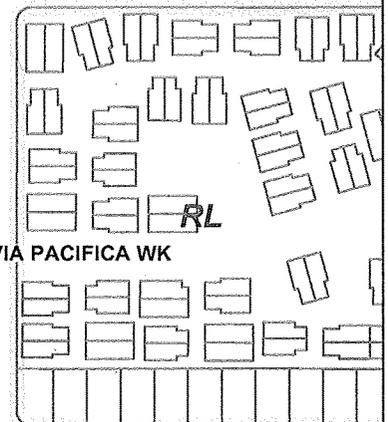
Oxnard Planning
October 15, 2007

PZ 07-510-11
Location: 33942 Tradeswinds Dr
APN: 188025007
Min Soo Kim- Anaba Sushi

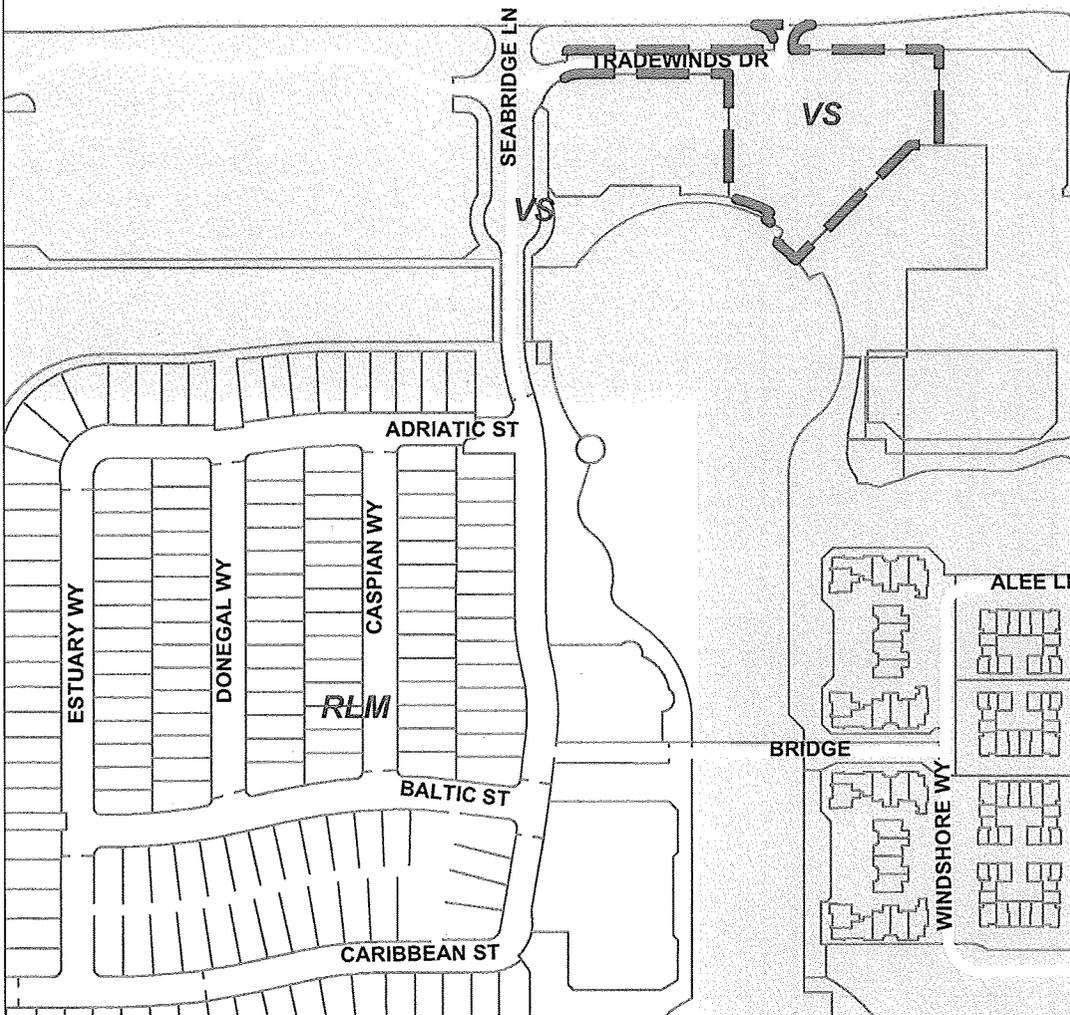
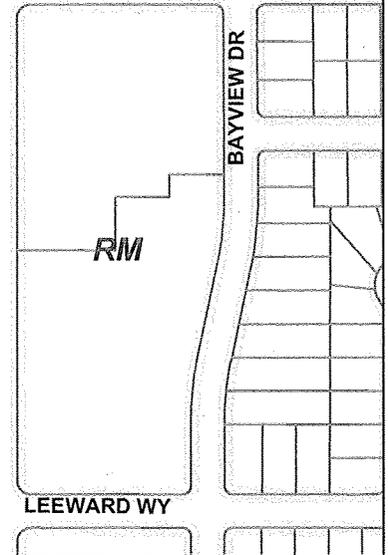
MA



W WOOLEY RD



VIA MARINA AV

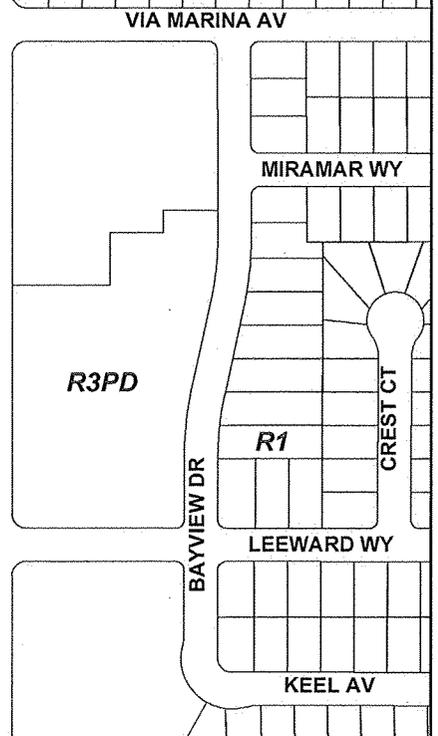
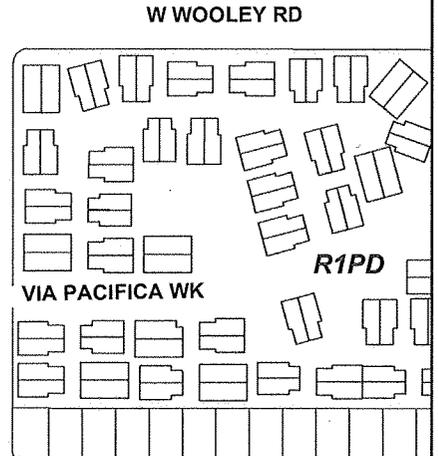
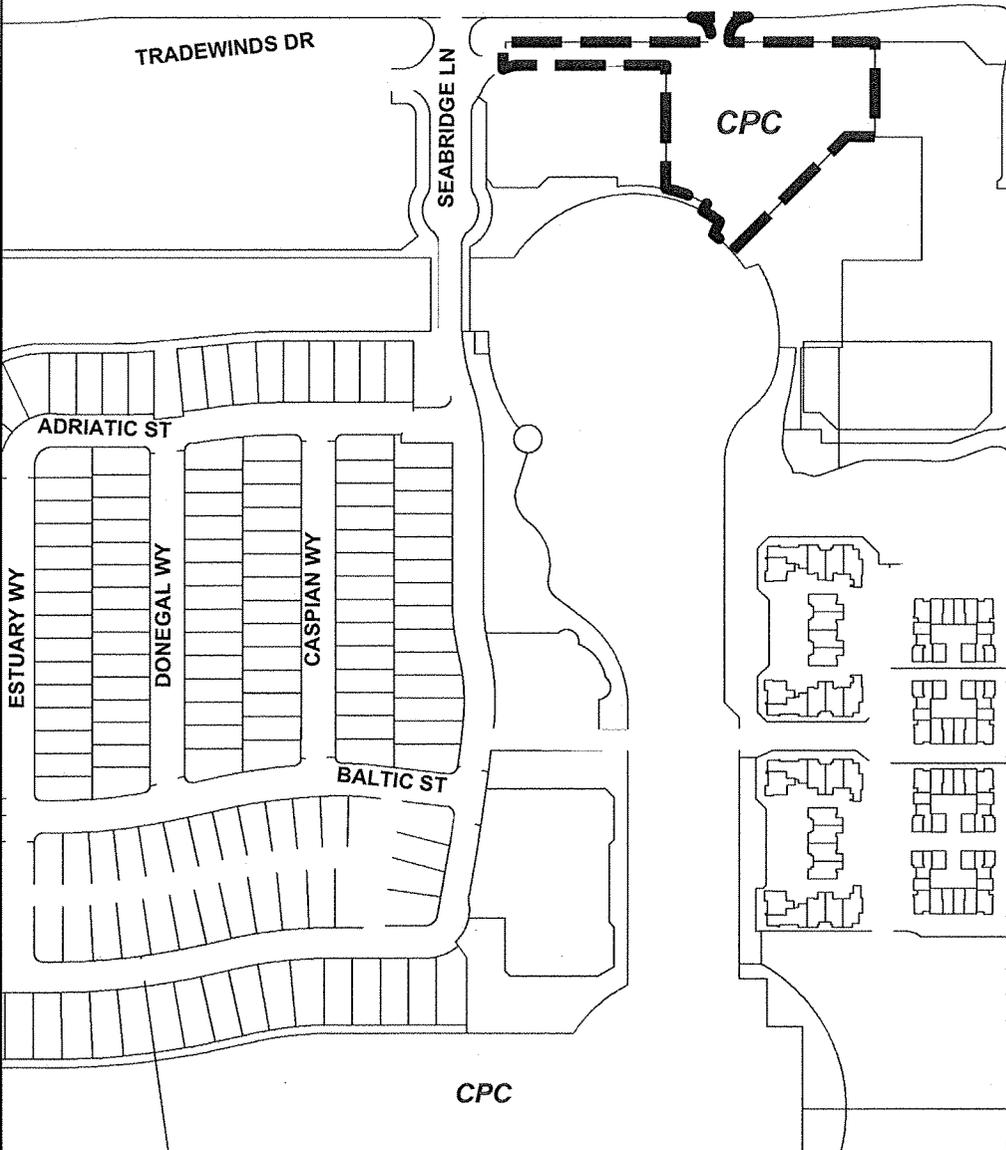
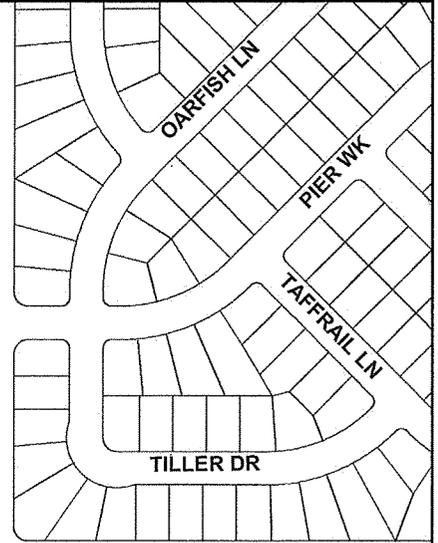
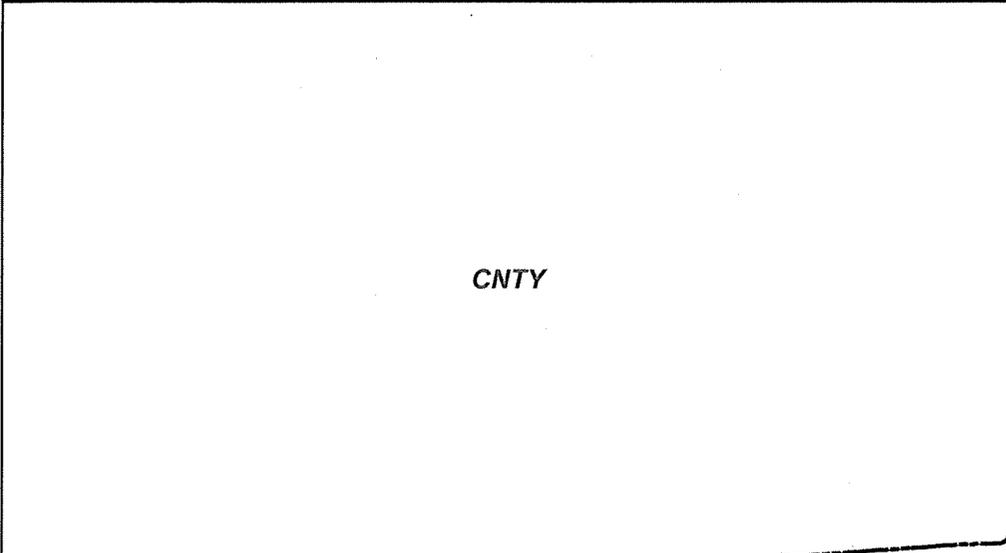


PZ 07-510-11
 Location: 33942 Tradeswinds Dr
 APN: 188025007
 Min Soo Kim- Anaba Sushi

General Plan Map



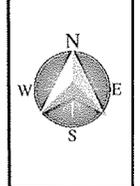
Zone Map

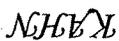


PZ 07-510-11
 Location: 33942 Tradeswinds Dr
 APN: 188025007
 Min Soo Kim- Anaba Sushi

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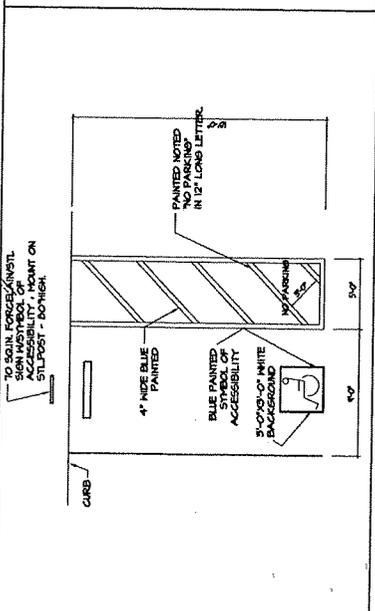
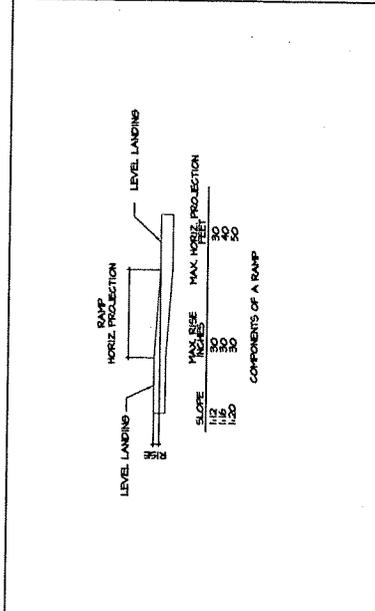
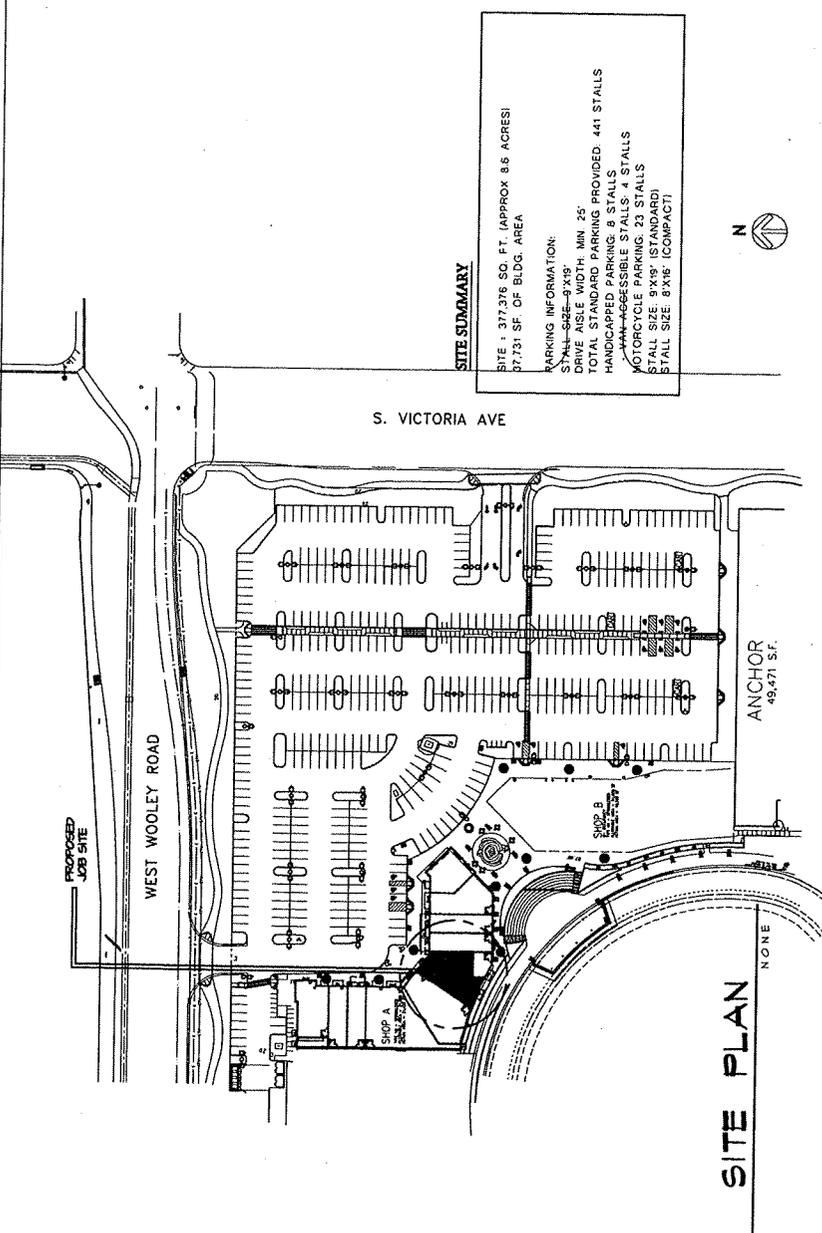
Zone Map





HEALTH DEPARTMENT NOTES:

- FLOOR SINKS NOT BE LOCATED NEXT TO THE WALL UNDER THE DISPLAY CASES. FLOOR SINKS SHALL BE INSTALLED WITH A 1/4" SLOPE TO THE DRAIN. DRAINING AND INSPECTION. THEY SHOULD BE AT LEAST HALF EXPOSED UNDER THE DISPLAY CASES AND FIT FLUSH WITH THE FLOOR. CONDENSATE LINES SHALL SLOPE 1/4" PER FOOT AND TERMINATE A MINIMUM OF 1' ABOVE THE RIM OF THE SINK.
- MULK-IN BOXES SHALL BE SEALED TO ADJACENT WALLS.
- THE DOMESTIC WATER SUPPLY TO THE PRODUCE SINK SHALL BE PROTECTED BY AN APPROVED BACKFLOW PREVENTION DEVICE OR AN APPROVED AIR GAP AT THE WATER OUTLET.
- REGRESSED HOT WATER FLOOR DRAIN. DOMESTIC WATER SUPPLY BE AGAINST BACKFLOW BY APPROVED PRESSURE TYPE VACUUM BREAKER. INSURE A MINIMUM OF 12" ABOVE ALL DOWNSTREAM PLUMBING AND MUST BE ACCESSIBLE FOR TEST AND MAINTENANCE.
- SLOP SINKS, UTILITY SINKS AND ANY HOSE PIPES WHERE DOMESTIC WATER BACKFLOW PREVENTION DEVICES INSTALLED OR SINK MUST HAVE APPROVED BACKFLOW PREVENTION DEVICES INSTALLED.
- ALL KITCHEN EQUIPMENT SHALL CONFORM WITH THE NATIONAL SANITATION FOUNDATION STANDARDS FOR MATERIAL, FABRICATION AND DESIGN. EQUIPMENT AND FIXTURES TO THE WALL WITH CLEAR SILICONE SEALANT TYPE.
- ALL CONSTRUCTION AND EQUIPMENT INSTALLATIONS ARE SUBJECT TO ONSITE INSPECTIONS FINAL INSPECTION AND APPROVAL IS REQUIRED PRIOR TO BEGINNING OPERATION.
- FLOORS SHALL SLOPE A MINIMUM OF 28 (1/4" PER FOOT) TO FLOOR DRAINS TYPICAL.
- ALL PLUMBING, ELECTRICAL AND GAS LINES TO BE CONCEALED WITHIN THE WALLS. ALL ELECTRICAL AND GAS LINES NOT CONCEALED TO BE SECURED 6 INCHES OF FLOOR AND 24" INCHES FROM WALLS AND CEILING USING OFFSET BRACKETS.
- ALL LAVATORIES OR HAND SINKS TO HAVE A COMBINATION FAUCET OR PERMIXING FAUCET CAPABLE OF SUPPLYING WARM WATER FOR A MINIMUM OF 10 SECONDS.
- JANITORIAL SINK FAUCETS TO BE PROVIDED WITH AN APPROVED BACK FLOW PREVENTION DEVICE.
- AN APPROVED BACK FLOW PREVENTION SHALL BE PROPERLY INSTALLED AND A SOURCE OF CONTAMINATION.
- SHELVING OVER NET AREAS (SINK, HOP SINK, ETC.) TO BE METAL.
- A MINIMUM OF 20 FT. CANDLE/25 LUX OF LIGHT MEASURED 30 INCHES OFF COUNTERS IN ALL FOOD PREPARATION, MANUFACTURING, PACKAGING AND PROCESSING AREAS. A MINIMUM OF 10 FT. CANDLE/100 LUX OF LIGHT MEASURED 30 INCHES OFF A MINIMUM OF 10 FT. CANDLE/100 LUX OF LIGHT MEASURED 30 INCHES OFF. A MINIMUM OF 10 FT. CANDLE/100 LUX OF LIGHT MEASURED 30 INCHES OFF. ALL FOOD AND UTENSIL STORAGE ROOMS, REFRIGERATED CASES, AND ALL FOOD AND UTENSIL STORAGE ROOMS. FACILITY TO BE PROVIDED WITH A MINIMUM OF 20 FT. CANDLE/25 LUX OF LIGHT MEASURED 30 INCHES OFF FLOOR SINKS GENERAL CLEAN UP ACTIVITIES.
- DIRECTIONS OF UTENSIL SINKS, THE MINIMUM SIZE SINK COMPARTMENT SHALL BE 18" DEEP (OR 18"x20"x12" DEEP) WITH MINIMUM 10" DRAIN BOARD AT THE END OF THE SINK. THE SINK SHALL BE INSTALLED WITH A 1/4" SLOPE. HOWEVER IT MUST BE CAPABLE OF ACCOMMODATING THE LARGEST UTENSIL TO BE WASHED.
- GARBAGE DISPOSAL UNIT TO BE NOT PLACED INTO AND COMPARTMENT OF A SINK. UTENSIL WASHING SINK IT MAY BE PLACED INTO THE DRAIN BOARD OF SINK. THE DISPOSAL UNIT SHALL BE INSTALLED IN THE DRAIN BOARD SPACE THAT THE DISPOSAL UNIT OCCUPIES IN THE DRAIN BOARD. GARBAGE DISPOSAL UNITS ARE CONNECTED DIRECTLY TO THE SEWER.
- LIGHT FIXTURES IN THE FOOD PREPARATION, OPEN FOOD STORAGE & UTENSIL OF RIMS SHALL BE TO BE PROTECTED AGAINST BREAKAGE THROUGH THE USE OF PLASTIC SHIELDS, PLASTIC SHELVES, SHATTER PROOF BULBS AND OR OTHER APPROVED DEVICES.
- EXTERIOR DOORS SHALL BE SELF-CLOSING & FIT TO A MAXIMUM 1/4" AT THE BASE AND SIDES.
- PROVIDE PERMANENTLY MOUNTED SINGLE SERVICE SOAP & TOWEL DISPENSERS AT ALL HAND WASH BASINS.
- BESTROOM DOORS MUST BE TIGHT FITTING AND EQUIPPED WITH SELF-CLOSING DEVICES.
- SEAL ALL CRACKS & GEBURES IN COATERS, CASSETS, ARCADE METAL, FLASHING, SINK BACKS FLASHES AND AROUND PIPES AND CONDIT WITH A NOT-HARDENING SILICONE SEALANT.
- FINISHES IN ALL AREA OTHER THAN THE CUSTOMER WAITING AREA MUST BE SMOOTH NON-ABSORBENT, EASILY CLEANABLE AND LIGHT IN COLOR.
- FLOORING UNDER EQUIPMENT AND AT THE COVES SHALL BE COMPLETELY.
- ALL EQUIPMENT INCLUDING SHELVING MUST BE SUPPORTED BY 2" X 4" INCHES HIGH ROUND METAL LEGS. CASTOR OR COMPLETELY SEALED BY 2" X 4" INCHES FOUR INCH HIGH CONTINUOUSLY COVERED BASE OR CONCRETE CURB TO FACILITIES EASY TO CLEANING.
- WHERE PIPE LINES ENTER A WALL CEILING OR FLOOR, THE OPENING AROUND THE LINE SHALL BE TIGHTLY SEALED.
- ALL EQUIPMENT WHICH GENERATED CONDENSATE OR SIMILAR EQUIPMENT SHALL BE INSTALLED WITH A DRAIN LINE THAT DRAIN INTO A FLOOR SINK. FLOOR DRAINS ARE NOT TO BE USED IN LINE OF FLOOR SINKS.



SITE PLAN

RECOMMENDED SINGLE PARKING STALLS



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 07-510-11 (Alcohol Special Use Permit), a request to allow beer and wine sales (ABC License Type 41), for on-site consumption within a proposed 2,500 square foot restaurant (Anaba Sushi), located at the southwest corner of Wooley Road and Victoria Avenue, at 3942 Tradewinds Drive, in the Seabridge Shopping Center, (APN: 188-0-250-07). The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. The application was filed by Elizabeth Callahan, EDCO, 400 Esplanade Dr., Ste. 301, Oxnard 93036, on behalf of the business owner Minsoo Kim.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects involving "...the operation, ...permitting, leasing, licensing, ... of existing public or private structures, and facilities, ... involving negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. The proposed project is a request for the addition of beer and wine to the menu of an already permitted restaurant. It does not involve any new development, or expansion of building or floor area. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

Date

Susan L. Martin, AICP
Planning Division Manager



Police Department
John Crombach, Police Chief

Date: January 24, 2008
To: Jodi La Chance, Assistant Planner
From: Cliff Waer, Senior Alcohol Compliance Officer
Subject: 3942 Tradewinds Dr. (Anaba Sushi)

PZ-07-510-11

Site Information:

The proposed site is located within the Seabridge shopping center at 3942 Tradewinds Drive which is near the southwest corner Victoria Ave. and Wooley Road. The suite is situated near the west end of the complex with the front doors facing north into the parking lot. The rear doors open to a pedestrian walkway that meanders behind the complex and alongside the harbor. There is also a small, outdoor amphitheater within 100 feet of the rear doors. The site is generally bordered by Victoria Ave. and residences to the east, the harbor and residences to the west, agriculture to the north and commercial/residential to the south. There is currently one similar use within the complex (Round Table Pizza) and one Off-Sale outlet (Vons Grocery Store) in the same center. There is also one additional alcohol outlet currently proposed just east of the site and within 350 feet (Bear Rock Café). The applicant has requested to obtain an ABC License Type-41 which is a restaurant that allows for the sale of beer and wine.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Round Table Pizza	1213 S. Victoria Ave.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine

Alcohol outlets located within 1000 feet of the establishment include:

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

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 139.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 162 during the same 12-month time period. This is 16% higher than the average crime rate citywide. The heaviest concentration of incidents occurred across Victoria Ave. near the more densely populated apartments and condominiums. The majority of events were thefts or other property-related crimes and the area is generally not considered a police problem. The numbers of disturbance-related incidents that list alcohol as a contributing factor are below the citywide average.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:

The Police Department has no serious concerns about adding an alcohol outlet in this particular area other than to note that there will likely be more outlets proposed as the site becomes fully occupied and density may become an issue. The area to the east and south of the proposed site had previously experienced a run of property crimes, many of which were associated with the construction site itself. The most recent statistics indicate the problem has subsided as the site development is near completion.

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

Community Input:

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

Conclusion:

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

There is one similar use within 350 feet and one more newly proposed restaurant also within 350 feet. There is also one Off-Sale alcohol outlet (Vons) located within 1000 feet of the site and there is very likely to be a few more similar uses as other spaces become occupied.

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

The Police Departments experience is that the proposed license (Type 41 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. Listed below are the Police Department's recommended operating conditions for the Planning Commission Resolution.

Police Standard Operating Conditions

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 4) When security personnel are present or required, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.
- 5) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 6) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area.
- 7) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the

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

- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (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) Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)
- 15) 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)
- 16) 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.
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
- 18) 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)

- 19) 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.
- 20) 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)
- 21) 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.
- 22) 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.
- 23) 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)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 25) 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)
- 26) No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 27) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
- ~~28) 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)~~
- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

- 30) 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)
- 31) Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
- 32) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 33) 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)
- 34) 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 post prominent signs near each of the exits indicating that it is unlawful to remove alcohol from the premises and that violators may be cited.

RESOLUTION NO. 2008 – [PZ 07-510-11]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD, APPROVING PLANNING AND ZONING PERMIT NO. PZ 07-510-11, ALCOHOL-SPECIAL USE PERMIT, TO ALLOW BEER AND WINE SALES FOR ON-SITE CONSUMPTION WITHIN A 2,500 SQUARE FOOT RESTAURANT (ANABA SUSHI), LOCATED AT THE SOUTHWEST CORNER OF WOOLEY ROAD AND VICTORIA AVENUE, AT 3942 TRADEWINDS DRIVE, IN THE SEABRIDGE SHOPPING CENTER AND THE MANDALAY BAY SPECIFIC PLAN AREA (APN 188-0-250-07), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ELIZABETH CALLAHAN, EDCO, 400 ESPLANADE DRIVE, SUITE 301, OXNARD 93036, ON BEHALF OF MINSOO KIM 2110 POSADA DRIVE, OXNARD 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-510-11, filed by Elizabeth Callahan, EDCO, on behalf of Minsoo Kim 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 Title 14 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 Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. 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. The site for the proposed use 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. 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. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

6. That the proposed development is in conformance with adopted goals, policies and standards of the Mandalay Bay Specific Plan.
7. The presumption of undue concentration has been rebutted by a preponderance of evidence, which shows that the establishment is in a retail center where the possibility of additional restaurant establishments selling alcoholic beverages for consumption on the premises is appropriate.
8. 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 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.

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning 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 September 28 ,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 (“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. Any covenants, conditions, and restrictions (CC&Rs) 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&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)
6. 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*)
7. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, *G-9*)
8. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
11. 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*)
12. 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*)
13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

PLANNING DIVISION STANDARD CONDITIONS

14. 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*)
15. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
16. Within 30 days of approval of this permit, Developer shall provide to the Planning Division Manager a disk in DWG format of a 100-foot scale site plan of the project as approved. (PL, *PL-50*)

PLANNING DIVISION SPECIAL CONDITIONS

17. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

POLICE STANDARD CONDITIONS

18. 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)
19. 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)

20. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
21. 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.
22. 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)
23. 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
24. 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)
25. 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)
26. 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)

27. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
28. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
29. 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)
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31. Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)
32. 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)
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- not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
38. 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.
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 42. 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)
 43. No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
 44. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
 45. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
 46. 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)
 47. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
 48. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (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. 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

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

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of March, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary