



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: May 1, 2008

SUBJECT: Planning and Zoning Permit No. 07-510-12, (Special Use Permit) Located at 1710 Ives Avenue.

1) Recommendation: That the Planning Commission:

a) Approve Planning and Zoning Permit No. 07-510-12 for a Special Use Permit, subject to certain findings and conditions.

2) Project Description and Applicant: A request to permit wine sales within an existing industrial building, located on the southeast corner of Ives Avenue and Jones Way at 1710 Ives Avenue (APN 220-0-273-015). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Bernard Rosenson of the Wine Cask, Inc., 22900 Ventura Boulevard, Woodland Hills, CA 91364.

3) Existing & Surrounding Land Uses: The site contains a 14,890 square foot industrial building, 30 parking spaces and associated landscaping.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	ML-PD	Industrial Limited	Vacant industrial building
North	ML-PD	Industrial Limited	Automotive repair
South	BRP	Business Research Park	Industrial warehouse
East	ML-PD	Industrial Limited	Woodworking shop
West	BRP	Business Research Park	Vacant industrial building

4) Background Information: On January 17, 2002, the Planning Commission approved Special Use Permit No. 01-500-73 (Resolution 2002-02) which permitted the construction of a single-story, 14,890 square foot industrial building.

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 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 (see Attachment C).

6) Analysis:

a) General Discussion: The wine retail area of comprises 1,170 square feet of floor area within the 14,890 square foot industrial building (7.8%). The remaining 13,720 square feet will be used for warehousing. The proposed hours of operation are 10am to 7pm Monday through Sunday.

The business proposes to operate a warehouse, distribution facility, and incidental retail sale of wine only. A special use permit is required for off-site sales of any alcoholic beverage. No other alcoholic beverages besides wine will be sold for off-site consumption (see condition no.38). Section 16-190(f) of the City Code allows retail sales when incidental to a permitted use. This special use permit will automatically expire if the business no longer operates a wine warehousing and distribution operation from the property in question (see condition no. 17).

b) General Plan Consistency:

POLICY	DISCUSSION
<i>Safety Policy #35 (page IX-20) states that “The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations”</i>	Although there is no development associated with this proposal, the Police Department reviewed the proposed use for compliance with its safety and security requirements. The project is conditioned to include implementation measures that address their concerns.

c) Conformance with Zoning Development Standards: The proposed use is located in the Limited Manufacturing Planned Development (ML-PD) zone district. In accordance with the City Code, the proposed use may be permitted with an approved Special Use Permit. The proposed sale of wine is accessory to the primary use of warehousing and distribution, therefore the project conforms to the permitted uses of the Limited Manufacturing Zone.

d) Site Design: The site has two entrances, one is located off of Jones Way and the other is off of Ives Avenue. The main building entry opens into a reception area. A hallway connects the entry to the retail area. The retail area is located down a hallway through the reception area and past two administrative offices. Access to the warehouse area is gained through a man door in the front hallway and through the loading area located in the rear of the building. Public access is restricted to the reception and retail areas only.

- e) Request for Sale of Alcoholic Beverages for on-site consumption:** A license for Type 20, Off-site Beer and Wine, is pending with the State Department of Alcoholic Beverage Control (ABC) for the establishment. The State Department of Alcoholic Beverage Control does not permit on-site consumption with a Type 20 license.

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. There are no other ABC-licensed establishments within 1000 feet of the proposed site and the nearest alcohol outlet is Oxy Sushi at 2071 Statham (approximately 1,100 feet away).

Crime Statistics- 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 126.

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 118 during the same 12-month time period. This is approximately 6.5% below the average crime rate citywide. The heaviest concentration of incidents occurred east of the site along Rose Avenue and near the residences that are approximately 700 feet away. Disturbance-related calls and those that listed alcohol as a contributing factor were below average.

Additional Police Input- The Beat Coordinator for the area was contacted and said the surrounding area is not generally considered a policing problem but cautioned that there are significant police problems just outside of the 1000 foot radius that is normally considered as the area of influence for alcohol outlets. To help prevent problems, he supported the inclusion of the standard police conditions in the Planning Commission Resolution.

The ABC license requested allows for the sale of any beer or wine and the typical uses for such a license are convenience stores or markets. At this time, the Police Department is not desirous of supporting a conventional market or convenience store on this site but is *not opposed* to the limited use as proposed by the applicant. For this reason, a condition of approval is included that will allow the applicant to operate the facility as intended and described but that any future expansion of the use be limited or subject to additional review.

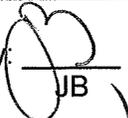
f) Police Outreach to the Community: At the time this report was submitted, the Responsible Alcohol Policy Action Coalition (RAPAC), who routinely comments on new applications, had not yet had the opportunity to discuss this particular proposal at their monthly meetings. The Police Department will seek out the group's leadership and provide them with details of this proposal so they may have the opportunity to voice their opinions at any upcoming hearings.

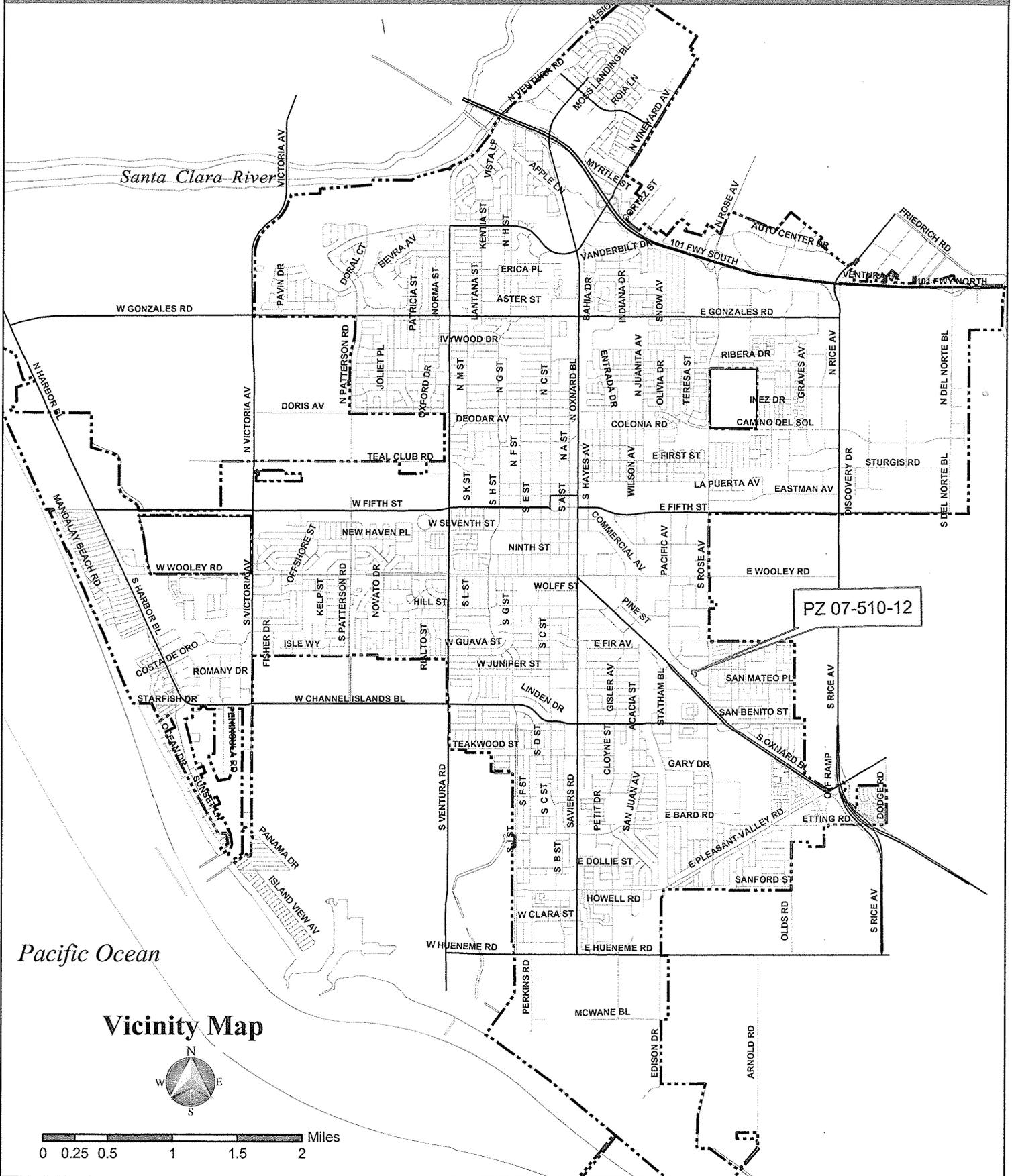
6) Community Workshop: The proposed project is not located in a neighborhood.

7) 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.

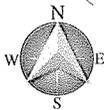
Attachments:

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

Prepared by:	 JB
Approved by:	 SM



Vicinity Map

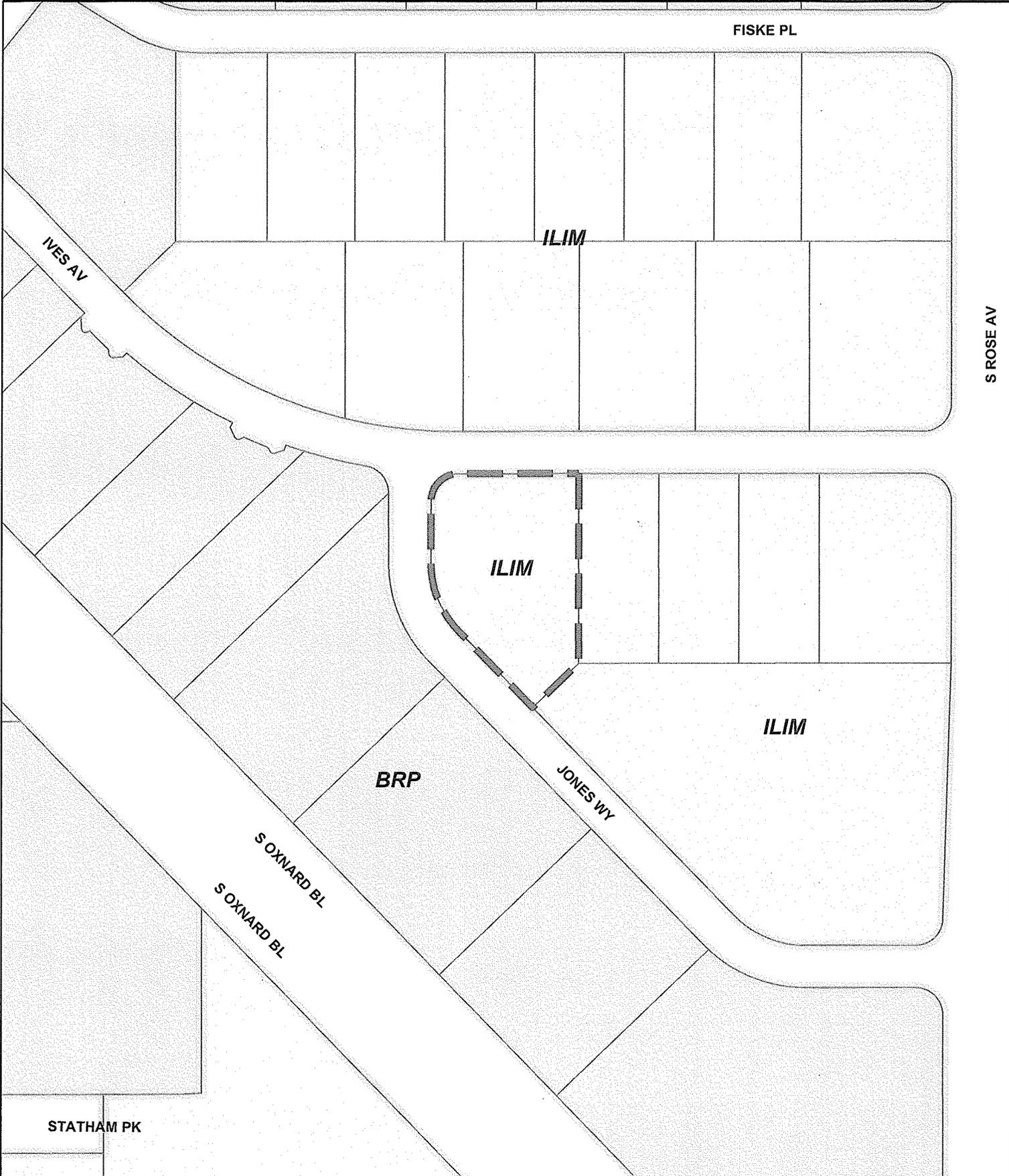


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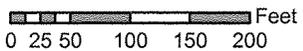
Oxnard Planning
November 28, 2007

PZ 07-510-12
Location: 1710 Ives Av
APN: 220027301
Bernard Rosenson

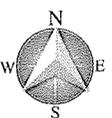


Oxnard Planning
November 28, 2007

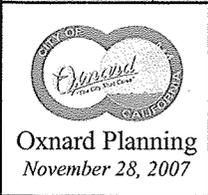
PZ 07-510-12
Location: 1710 Ives Av
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Bernard Rosenson



General Plan Map



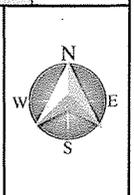
1:1,930



PZ 07-510-12
Location: 1710 Ives Av
APN: 220027301
Bernard Rosenson

0 25 50 100 150 200 Feet

Zone Map





NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 07-510-12 (Special Use Permit), a request to permit wine sales within an existing industrial building, located on the southeast corner of Ives Avenue and Jones Way at 1710 Ives Avenue (APN 220-0-273-015). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Bernard Rosenson, 22900 Ventura Boulevard, Woodland Hills, CA 91364.

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 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 entertainment and 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.

Date

Susan L. Martin, AICP
Planning Division Manager



Police Department

John Crombach, Police Chief

Date: April 2, 2008

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1710 Ives Avenue (Wine Cask Inc.)

Re: PZ 07-510-12

Site Information:

The proposed site is located on the southeast corner of Ives Avenue and Jones Way in an existing industrial building at 1710 Ives Avenue. The approximately 15,000 square foot building will be used primarily as a warehouse to store wine products from the company's off-site winery operations. The applicant has also requested to include a small display area (approximately 1,200 square feet) that is to highlight their wine products for off-site retail sale.

The site is generally bordered by Ives Avenue on the north, commercial to the east, and Jones Way to the west and south. The nearest residences are approximately 700 feet to the east, across Rose Avenue. There are no other ABC-licensed establishments within 1000 feet of the proposed site and the nearest alcohol outlet is Oxy Sushi at 2071 Statham (approximately 1,100 feet away). 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.

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 126.

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 118 during the same 12-month time period. This is approximately 6.5% below the average crime rate citywide. The heaviest concentration of incidents occurred east of the site along Rose Avenue and near the residences that are approximately 700 feet away. Disturbance-related calls and those that listed alcohol as a contributing factor were below average.

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

Police Department Input:

The Beat Coordinator for the area was contacted and said the surrounding area is not generally considered a policing problem but cautioned that there are significant police problems just outside of the 1000 foot radius that is normally considered as the area of influence for alcohol outlets. To help prevent problems, he supported the inclusion of the standard police conditions in the Planning Commission Resolution.

The applicant has proposed a fairly innocuous and atypical use for the license-type requested in that they only intend to sell relatively exclusive wines as well as limited production wines from their own vineyards. The ABC license requested allows for the sale of any beer or wine and the typical uses for such a license are convenience stores or markets. At this time, the Police Department is not desirous of supporting a conventional market or convenience store on this site but is *not opposed* to the limited use as proposed by the applicant. For this reason, the Police Department recommends that conditions be included that will allow the applicant to operate the facility as intended and described but that any future expansion of the use be limited or subject to additional review.

Community Input:

At the time this report was submitted, the Responsible Alcohol Policy Action Coalition (RAPAC), who routinely comments on new applications, had not yet had the opportunity to discuss this particular proposal at their monthly meetings. The Police Department will seek out the group's leadership and provide them with details of this proposal so they may have the opportunity to voice their opinions at any upcoming hearings.

Conclusion:

The statistical analysis shows the area to have a crime rate that is lower than the city-wide average and that disturbance-related calls are also below average. The area is generally not considered to be a policing problem and the addition of an Off-Sale alcohol outlet of this type should not significantly aggravate existing issues.

There are no similar uses within 350 feet of the proposed site so there is no issue of undue concentration by local standards. The guidelines for the Department of Alcoholic Beverage Control (ABC) use census tract populations to determine the "allowable" number of alcohol outlets in a particular census tract. In this case, the allowable number of Off-Sale outlets in the census tract has been exceeded so there is an issue of undue concentration by state standards. Because of that, ABC will require that the City of Oxnard declare that there is a "Public Convenience or Necessity" present to justify approving their ABC license.

The applicant has said that they only intend to sell relatively exclusive wines and that they are not interested in selling beer or operating as a typical market. While the Police Department would be hesitant to support a typical Off-Sale convenience store at this site, we are not opposed to the more subdued use as proposed. 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

- 1) Permittee and all sellers or servers of alcoholic beverages shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Applicant can contact Senior Officer Cliff Waer at cliffwaer@oxnardpd.org to make arrangements. (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. It shall not be considered a violation of this condition to display the business/company name when the name of the business includes any reference to 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 gondola 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) 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 involved in the sale or service of alcoholic beverages 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) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 15) No single containers, 12oz., 16oz., 20oz., 24oz., 32oz., or 40oz., of beer or malt liquor shall be sold. (PD)
- 16) 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 areas. (PD)
- 17) Alcoholic beverages shall not be sold between the hours 8:00 PM and 9:00 AM. (PD)
- 18) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 19) 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 (including the rear). 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.
- 20) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 21) 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.
- 22) Permittee shall have drop-safes installed or other cash management procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 23) Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
- 24) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 25) 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) As agreed, Permittee shall not sell any beer, malt beverages or other beverages with a beer or malt base, such as those commonly known as "alco-pops" or wine coolers.

RESOLUTION 2008 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 07-510-12 (SPECIAL USE PERMIT), TO ALLOW RETAIL WINE SALES (ABC LICENSE TYPE 20) IN AN EXISTING INDUSTRIAL BUILDING LOCATED AT 1710 IVES AVENUE, (APN 220-0-225-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BERNARD ROSENSON, 22900 VENTURA BOULEVARD, WOODLAND HILLS, CA 93164.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 07-510-12, a special use permit to allow retail wine sales in an existing industrial building located at 1710 Ives Avenue, filed by Bernard Rosenson, in accordance with sections 16-530 through 551 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. The presumption of undue concentration has been rebutted by a preponderance of the evidence.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

WHEREAS, the Planning Commission finds that the 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 16-530 through 551 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 May 1, 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)
10. 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

11. 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)
12. 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)
13. 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)
14. Within 30 days of approval of this permit, 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).

15. 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

16. 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)
17. This special use permit shall automatically expire without notice or hearing if the Permittee relocates or no longer conducts wine warehousing and distribution business at the subject site.

POLICE STANDARD CONDITIONS

18. 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.
19. 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)
20. Permittee shall be responsible for maintaining the area adjacent to the premises over which they have control, including the rear of the business, free of litter. (PL/PD)
21. 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)
22. Employees involved in the sale or service of alcoholic beverages 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)
23. 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)
24. 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)
25. 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)

26. 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)
27. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
28. 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 areas. (PD)
29. Alcoholic beverages shall not be sold between the hours 8:00 PM and 9:00 AM. (PD)
30. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
31. 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 (including the rear). 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.
32. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
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.
34. Permittee shall have drop-safes installed or other cash management procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
35. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

36. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
37. 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

38. Permittee shall not sell any beer, malt beverages or other beverages with a beer or malt base, such as those commonly known as “alco-pops” or wine coolers.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1st day of May, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary