



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: May 15, 2008

SUBJECT: Planning and Zoning Permit No. 08-510-1, (Special Use Permit) Located at 1900 South Victoria Avenue.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-510-1 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit on-site beer, wine and distilled spirit consumption at a proposed restaurant known as Old Dublin Pub and Grill, located on the northeast corner of Hemlock Street and Victoria Avenue. This business is addressed at 1900 South Victoria Avenue, within the Channel Islands Shopping Center (APN 187-0-060-095). Filed by Bill Tucker, 5010 Parkway Calabasas, Calabasas, CA 91302.
- 3) **Existing & Surrounding Land Uses:** The proposed restaurant, known as Old Dublin Pub and Grill, is located within a 4,650 square foot pad building which is part of the Channel Islands Shopping Center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial-Planned Development	Commercial Neighborhood	Commercial shopping center
North	Garden Apartment	Residential Medium	Residential apartments
South	n/a Port Hueneme	n/a Port Hueneme	Residential
East	Multiple Family Planned-Development	Residential Medium	Residential apartments
West	Coastal Planned Unit Community	Visitor Serving	Residential

- 4) **Background Information:** On January 8, 1970, the Planning Commission approved Planned Development Permit No. 126 (Resolution 3001) which permitted the construction of a district shopping center including a service station, food market and restaurant. On August 17, 1978, the Planning Commission approved Special Use Permit No. 790, for a restaurant

known as the Alamo, to allow a dining room addition, office storage area, loft area and dance floor.

The restaurant building has been vacant since August 2007 and needs re-painting, landscape maintenance and parking lot improvements. The majority of the Chanel Islands Shopping Center has been vacant for several years. Conditions of approval are included that require the building to be painted, landscaping for the entire site to be improved and the parking lot to be paved and striped prior to the initiation of this use (see condition no's 18, 19 and 21).

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, wine and distilled spirits. No new construction or expansion of existing facilities are requested at this time. 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 proposed hours of operation are Monday through Sunday 11:00 am – 2:00 a.m. The request does not include outdoor dining, entertainment or nightclub activities.

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>	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 General Commercial Planned Development (C2-PD) zone district. In accordance with the City Code, the proposed use may be allowed with an approved special use permit. The proposed sale of alcohol for on-site consumption is accessory to the primary use of the restaurant, and conforms to the permitted uses of the C2-PD zone.

d) Site Design: The building’s main entry faces the parking lot to the east. The entry opens into the lobby, with the bar area located to the right, and the dining area to the left. Maximum occupant load is 74 persons.

The floor plan submitted shows the entry opening into a lobby area with a wrap around bar area to the right and dining area to the left. At the time this report is being written, tenant improvements are being made to modify the previously approved floor plan for the site. A condition of approval is included which requires a new floor plan to be submitted and approved to the satisfaction of the Police Department (see condition no. 17).

- e) Request for Sale of Alcoholic Beverages for on-site consumption:** A license for Type 47 (On-Sale General for Bona-Fide Public Eating Place), is pending with the State Department of Alcoholic Beverage Control (ABC) for the establishment. ABC would require the maintenance of this facility as a bona-fide eating place.

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 is currently one Off-Sale General (Type 21) outlet in the same center and no similar uses within 350 feet.

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 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 88 during the same 12-month time period. This is 36% lower than the average crime rate citywide. Approximately 23% of the calls for service were disturbance-related with the majority being to the north and along Hemlock Street. It should be noted that the residences across Hemlock to the south of the business are within the boundaries of the City of Port Hueneme and that criminal statistics were not available for this area.

Additional Police Input- The building for this proposal is a stand-alone structure along the west perimeter of the center and is surrounded by landscaping and a small parking lot of its own. The owner of the property has proposed to eventually demolish the site and build a condominium complex for which the plans are currently being circulated. Because of this pending redevelopment, the proposed use will likely be short-lived; which, unless adequately conditioned, can present a multitude of potential problems.

At the time of this report, the condition of the landscaped areas immediately surrounding the building was appalling and entirely overgrown with excessive weeds, trees, shrubs and even trash. While the applicant has been working to repair and remodel the structure, it was unclear who would be responsible for the landscape improvements. The concern of the Police Department is that the existing condition of the site creates an environment that lends itself to an increased risk of experiencing problems.

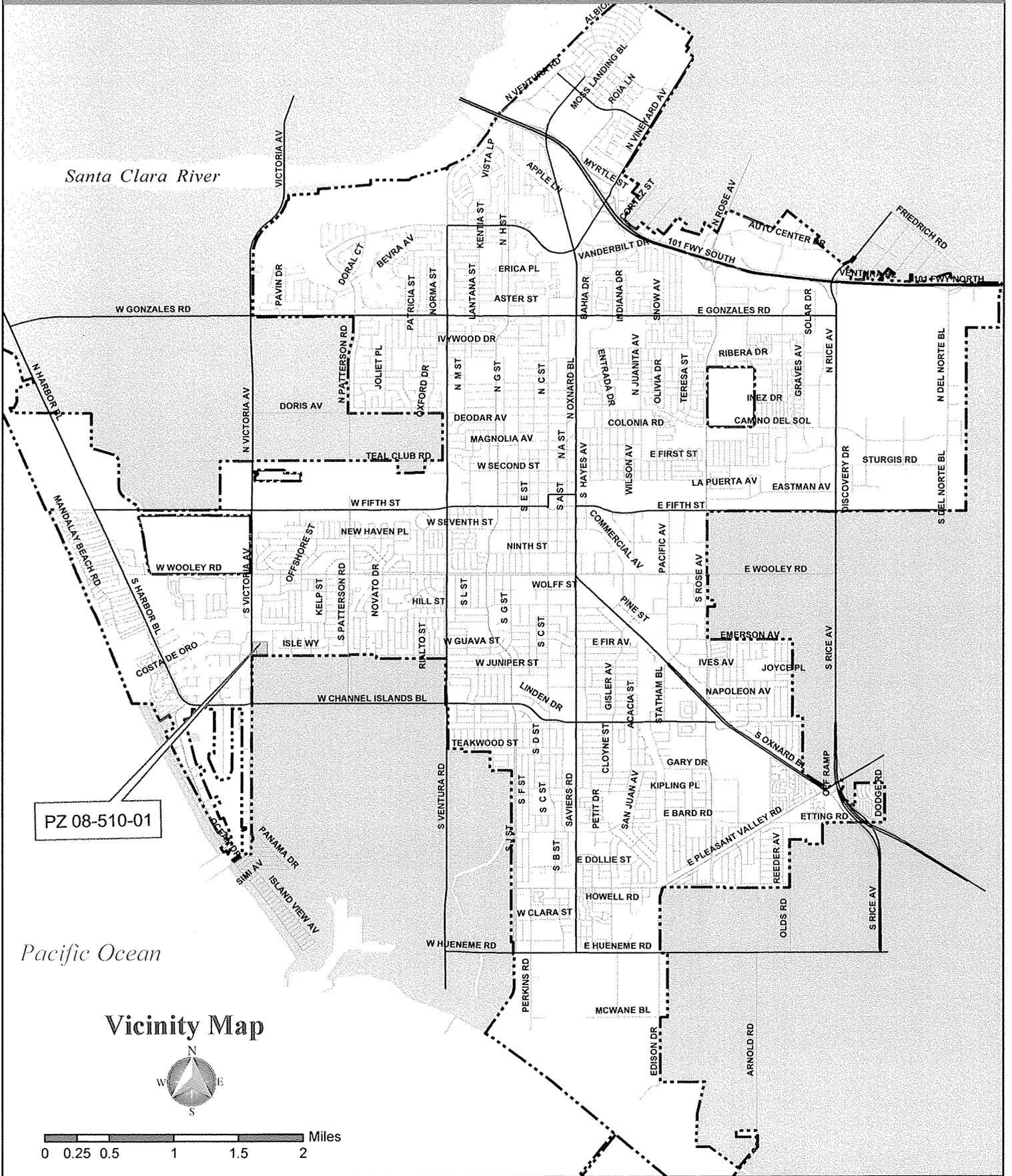
Another concern of the Police Department is the prior history of the proposed site. This building was most recently operated as Champ's Bar and had a notorious reputation for frequent disturbances, excessively intoxicated customers, rowdy behavior and overall poor management. The Police Department is concerned that the site does not become the nuisance that it once was and recommends comprehensive conditions be adopted to ensure the best chances for success while not being a drain on local resources.

- f) **Police Outreach to the Community:** During the course of the Police Department's review, The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had a chance to discuss this proposal at their monthly meetings. The Police Department will contact the Coalition leadership and inform them of the upcoming hearing opportunities should they have additional comments. The Police Department had no additional contact with neighborhood groups prior to the submission of this report.
- 6) **Community Workshop:** On April 10, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Via Marina and Channel Islands Neighborhoods. The applicant also provided notice on the project site with a brief description of the project and contact information for the Community Workshop, conducted on April 21st. Comments received at the meeting include concerns about site conditions and duration of the proposed use.
- 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.

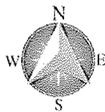
Attachments:

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

Prepared by: 
Approved by: 



Vicinity Map

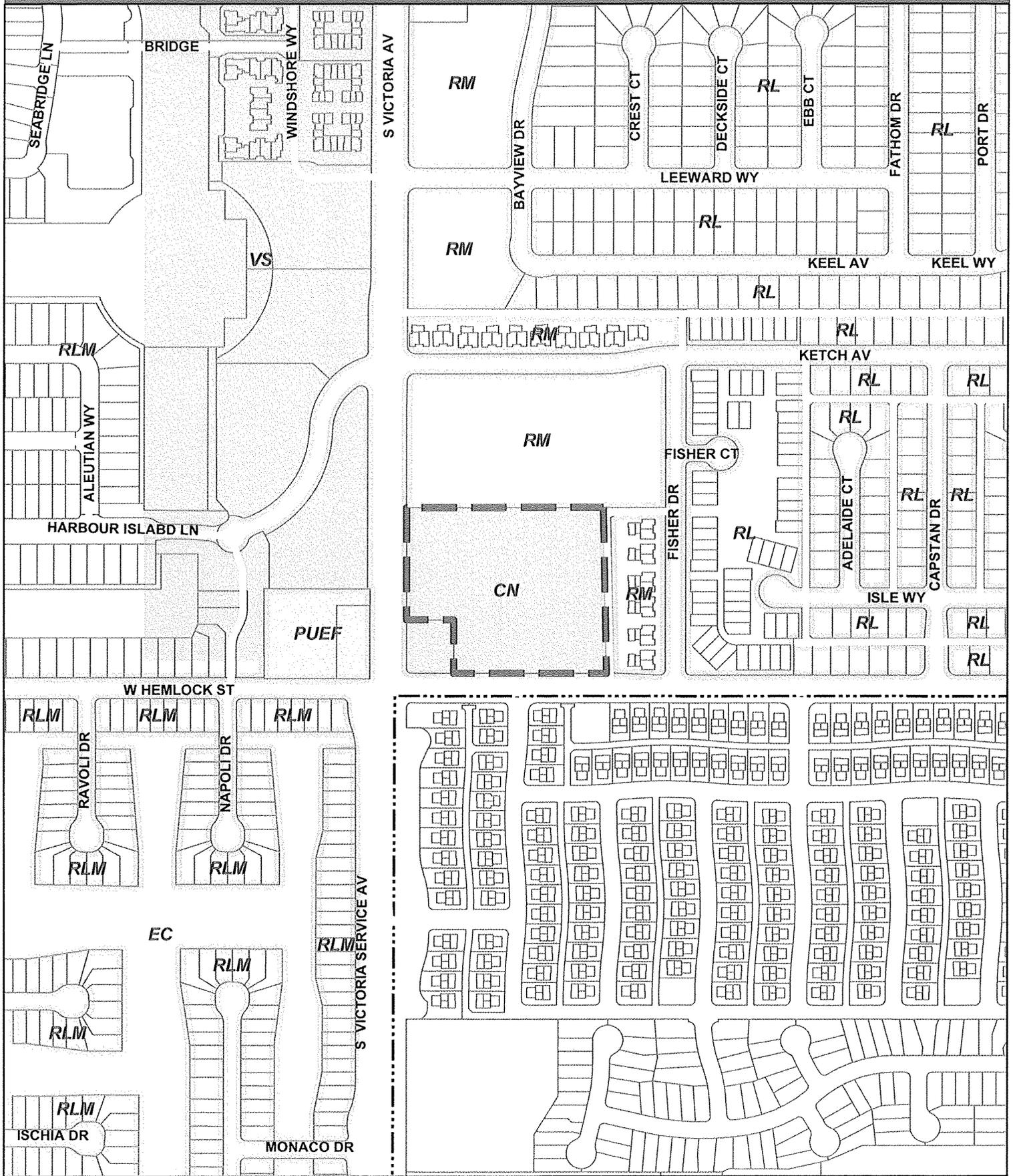


0 0.25 0.5 1 1.5 2 Miles



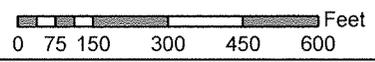
Oxnard Planning
February 7, 2008

PZ 08-510-01
Location: 1900 S. Victoria Av
APN: 187006009
Bill Tucker



Oxnard Planning
February 7, 2008

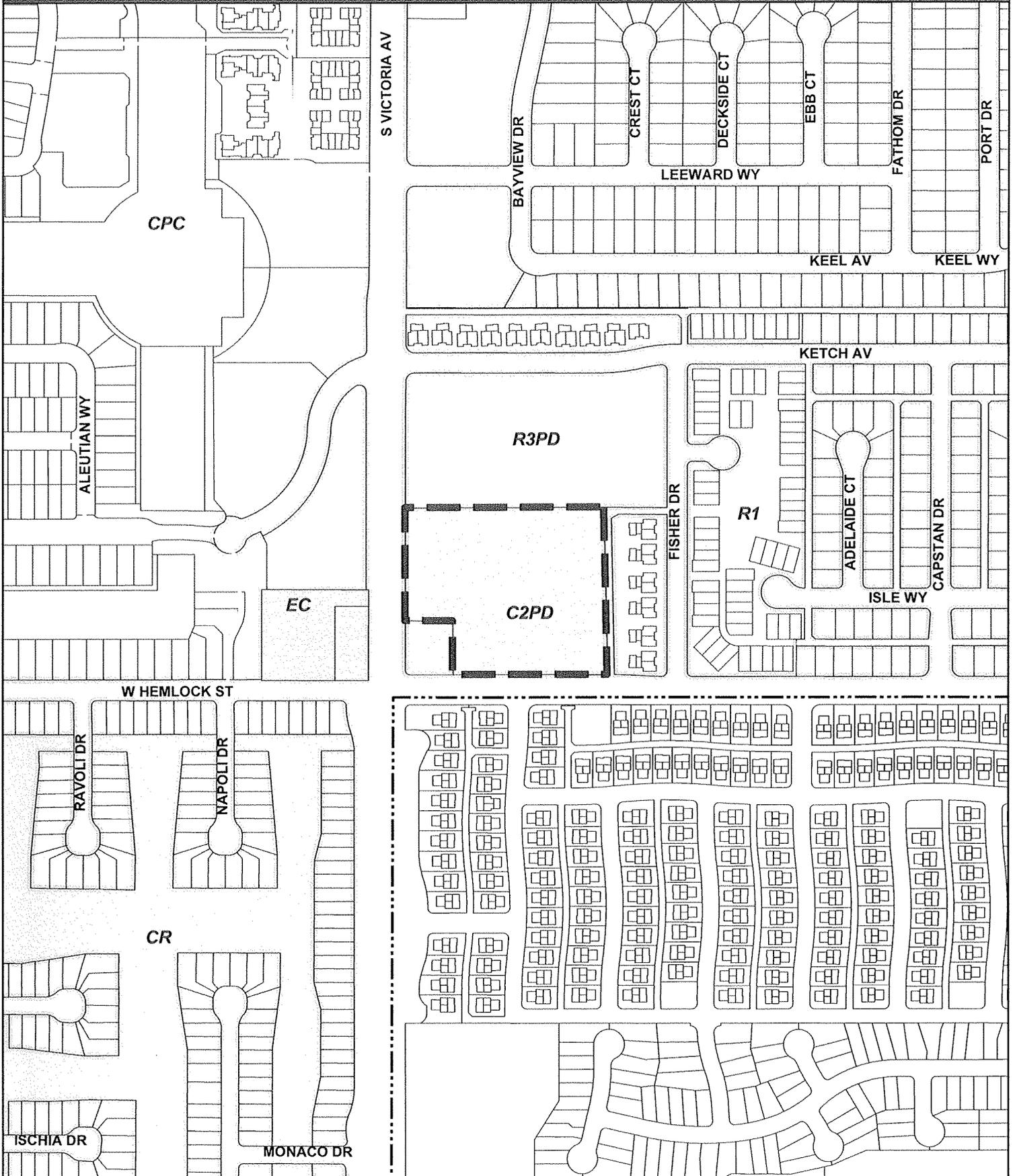
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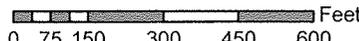
General Plan Map



1:4,587



PZ 08-510-01
 Location: 1900 S. Victoria Rd
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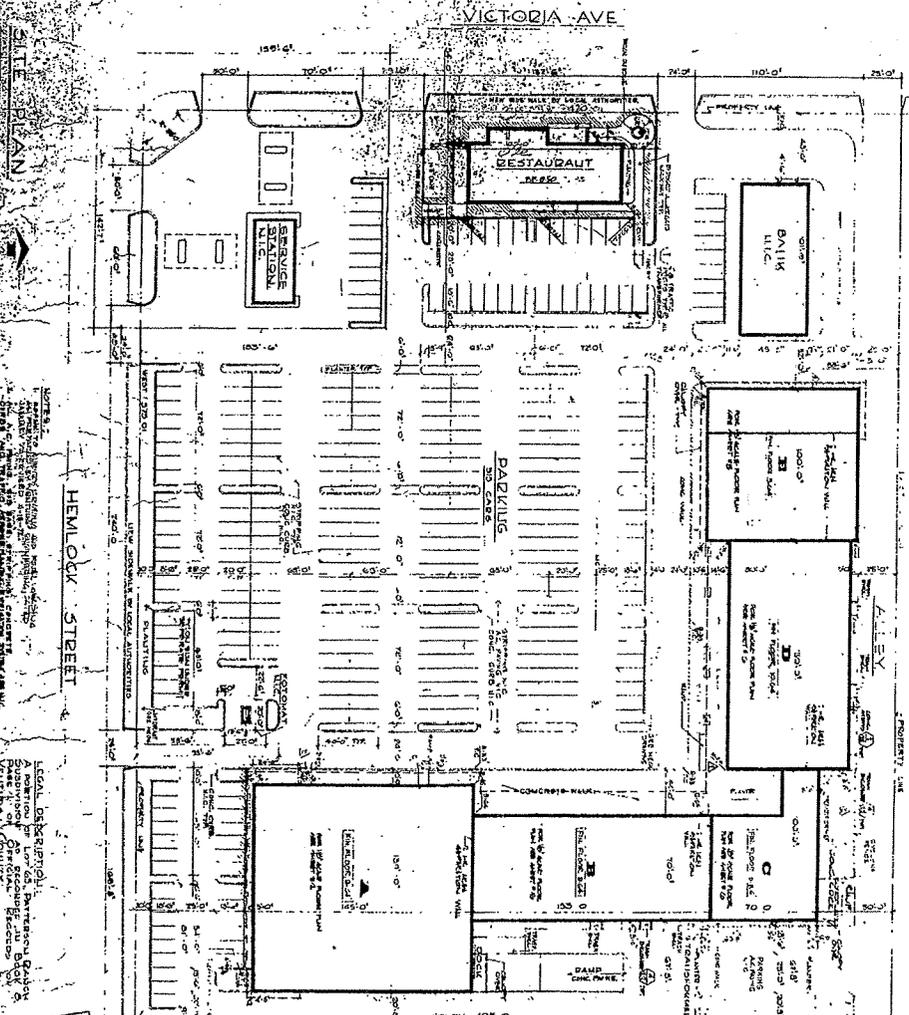
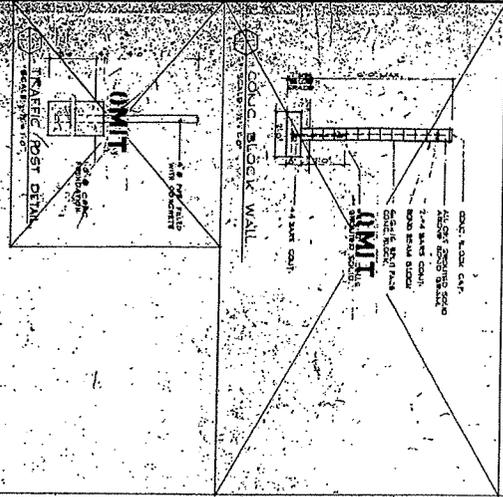

 0 75 150 300 450 600 Feet

Zone Map



1-1450

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND SIDEWALKS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND PLANTS TO REMAIN.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND PAVEMENTS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FOUNDATIONS AND STRUCTURES.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING ELEVATIONS AND FINISHES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.



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1450

GIS GENERAL INVESTMENT SERVICES OAKLAND, CALIFORNIA	SHEET TITLE Site Plan	JOB NO. 955-122	DEAN VIDRIKSEN, A.A. ARCHITECT & ASSOCIATES CALIFORNIA LICENSE # 0-2488 1840 VENTURA BOULEVARD, SHERMAN OAKS, CALIFORNIA 91403 - 782-1769
	DATE 6-21-72	DRAWN G.P.	



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 08-510-1 (Special Use Permit), a request to permit on-site beer, wine and distilled spirit consumption at a proposed restaurant, located on the northeast corner of Hemlock Street and Victoria Avenue (1900 South Victoria Avenue), within the Channel Islands Shopping Center (APN 187-0-060-095). The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Bill Tucker, 5010 Parkway Calabasas, Calabasas, CA 91302.

Finding:

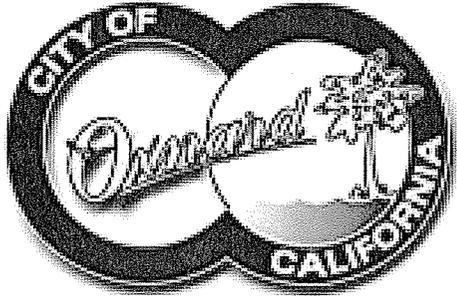
The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- 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: February, 18, 2008

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1900 S. Victoria Ave. (Old Dublin Pub and Grill)

PZ-08-510-1

Site Information:

The proposed site is located at the northeast corner of Hemlock Street and Victoria Avenue at 1900 S. Victoria Avenue. The shopping center is an older, dilapidated complex that once was home to a large grocery store but that is now mostly vacant and poorly maintained. It is surrounded by residential developments on three sides and commercial to the east. The site is a stand-alone building on the west side of the commercial center with the front doors opening into the parking lot. There is currently one Off-Sale outlet in the same center and no similar uses within 350 feet. The site was most recently operated as a sports bar (Champ's) that was considered a significant policing problem and that ultimately closed for business in October, 2007. The applicant has requested to obtain an ABC License Type-47 which is a restaurant that allows for the sale of beer, wine and distilled spirits.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Channel Islands Spirits	3725 W Hemlock St.	Type 21	Off-Sale General	Liquor 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 88 during the same 12-month time period. This is 36% lower than the average crime rate citywide. Approximately 23% of the calls for service were disturbance-related with the majority being to the north and along Hemlock Street. It should be noted that the residences across Hemlock to the south of the business are within the boundaries of the City of Port Hueneme and that criminal statistics were not available for this area. While the Oxnard Police Department does not consider the area in its own jurisdiction immediately surrounding the site to be particularly problematic, the high density residences to the south along Halyard and Crossjack in Port Hueneme have traditionally been a significant policing problem.

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 proposed site is located in a rundown, nearly vacant shopping center known as the Channel Islands Center. The owner of the property has proposed to eventually demolish the site and build a condominium complex for which the plans are currently being circulated. Because of this pending redevelopment, the proposed use will likely be short-lived; which, unless adequately conditioned, can present a multitude of potential problems.

The actual building for this proposal is a stand-alone structure along the west perimeter of the center and is surrounded by landscaping and a small parking lot of its own. At the time of this report, the condition of the landscaped areas immediately surrounding the building was appalling and entirely overgrown with excessive weeds, trees, shrubs and even trash. While the applicant has been working to repair and remodel the structure, it was unclear who would be responsible for the landscape improvements. Code Compliance is working with the owner and applicant to abate the exterior nuisance conditions as well as significant code issues inside. The concern of the Police Department is that the existing condition of the site creates an environment that lends itself to an increased risk of experiencing problems (broken window theory). We recommend that the Permit be conditioned to require reasonable improvements to the exterior and that at a minimum, customer safety related code violations be corrected prior to occupancy.

Another concern of the Police Department is the prior history of the proposed site. This building was most recently operated as Champ's Bar and had a notorious reputation for frequent disturbances, excessively intoxicated customers, rowdy behavior and overall poor management. The applicant has indicated that he is familiar with the reputation of the previous use and is prepared to deal with potential problems. The Police Department is concerned that the site does not become the nuisance that it once was and recommends comprehensive conditions be adopted to ensure the best chances for success while not being a drain on local resources.

Community Input:

During the course of the Police Department's review, The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had a chance to discuss this proposal at their monthly meetings. The Police Department will contact the Coalition leadership and inform them of the upcoming hearing opportunities should they have additional comments. The Police Department had no additional contact with neighborhood groups prior to the submission of this report.

Conclusion:

The statistical analysis shows the area to have a crime rate that is 36% lower than the city-wide average with most of the incidents occurring to the north and south of the site. The Police Department does not generally consider this area to be a policing problem; however, the residential neighborhood immediately to the south of the site in Port Hueneme has traditionally been a policing challenge. .

There is one Off-Sale use within 350 feet and no others located within 1000 feet.

The primary issues regarding this proposal are the horrendous conditions of the surrounding property and the poor history of the previous use. Additionally, due to the likely short-term nature of this use, there is a potential risk of problems as the window of opportunity to recover the initial financial investment is reduced. Such problems may include indifferent or apathetic management, irresponsible practices due to the increased financial risk and a laissez-faire attitude as the business may have nothing to lose.

The Police Department's experience is that the proposed license (Type 47 - 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 standard and special 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 1:00 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 100 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) The exterior pay phones north of the front entrance on the northeast corner of the building shall be removed.
- 2) Prior to occupancy, Permittee shall comply with Code Compliance deficiencies related to the safety of occupants.
- 3) Prior to occupancy, the areas immediately surrounding the exterior of the site, including the landscaping, shall be reasonably cleaned and trimmed to the satisfaction of the Police Chief or his designee and shall be maintained in good condition.
- 4) This Special Use Permit is valid for a period of three years from the date of issue or until the site is demolished for improvements or redevelopment, whichever is sooner.

RESOLUTION 2008 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-510-1 (SPECIAL USE PERMIT), TO ALLOW THE ON-SITE CONSUMPTION OF BEER, WINE AND DISTILLED SPIRITS (ABC LICENSE TYPE 47) IN A PROPOSED RESTAURANT LOCATED AT 1900 SOUTH VICTORIA AVENUE, (APN 187-0-060-095), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BILL TUCKER, 5010 PARKWAY CALABASAS, CALABASAS, CA 91302.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-1, a special use permit to allow the on-site consumption of beer, wine and distilled spirits in a proposed restaurant located at 1900 South Victoria Avenue, filed by Bill Tucker, 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, which shows that the establishment is in a retail center where restaurant establishments selling alcoholic beverages for consumption on the premises are appropriate.
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 15, 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. Within three months of approval of this Special Use Permit (PZ 08-510-1), Developer shall improve landscaping for the entire center in conformance with approved landscaping plans on file for Planned Development Permit No. 126.
18. Within three months of approval of this Special Use Permit (PZ 08-510-1), Developer shall complete parking lot improvements for the entire center, including resurfacing and re-striping, in accordance with the approved parking plans and the City Code.
19. Within three months of approval of this Special Use Permit (PZ 08-510-1), Developer shall paint the restaurant building in conformance with the approved paint palette of SUP No. 790.
20. Prior to initiation of the sale of alcohol at this location, Developer shall submit a letter to the Planning Manager stating Special Conditions 18, 19, and 20 have been completed. Initiation of the sale of alcohol at this location shall not commence until the Planning Manager has verified completion of the stated items.

POLICE STANDARD CONDITIONS

21. 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)
22. 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)
23. 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)
24. 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.

25. 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)
26. 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.
27. 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)
28. 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)
29. 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)
30. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
31. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
32. 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)
33. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

34. Sales of alcohol shall not occur between the hours of 1:00 a.m. and 6:00 a.m. (PL/PD)
35. 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)
36. 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.
37. 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)
38. 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)
39. 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.
40. 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)
41. 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.
42. 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.
43. 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)

44. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
45. 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)
46. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
47. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
48. 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)
49. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
50. 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)
51. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
52. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
53. 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)
54. 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

55. The exterior pay phones north of the front entrance on the northeast corner of the building shall be removed.
56. Prior to opening to the general public, Permittee shall comply with Code Compliance deficiencies related to the safety of occupants.

57. Prior to building permit issuance, the areas immediately surrounding the exterior of the site, including the landscaping, shall be reasonably cleaned and trimmed to the satisfaction of the Police Chief or his designee and shall be maintained in good condition.
58. This Special Use Permit is valid for a period of three years from the date of issue or until the site is demolished for improvements or redevelopment, whichever is sooner.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of May, 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary