



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner

DATE: August 21, 2008

SUBJECT: Planning and Zoning Permit No. 08-500-08 (Special Use Permit), for entertainment and the sale of alcohol for on-site consumption at 325 South "A" Street.

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning and Zoning Permit No. 08-500-08 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to add entertainment and to permit the on-site consumption of beer, wine, and distilled spirits (ABC License Type 47) within an existing banquet hall and restaurant (Casa Lopez) at 325 South "A" Street. The application was filed by Osbaldo Lopez, 325 South "A" Street, Oxnard, CA 93030, on behalf of Lucila Lopez.
- 3) **Existing & Surrounding Land Uses:** The site contains an existing commercial building of approximately 12,300 square feet and is currently occupied by Casa Lopez Mexican Restaurant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	CBD	CBD	Restaurant
North	CBD	CBD	Office Building
South	CBD	CBD	Commercial Building
East	CBD	CBD	Office/Retail
West	CBD	CBD	City Parking Structure

- 4) **Background Information:** On October 17, 1996, the Planning Commission adopted Resolution Number 96-18, approving a Special Use Permit (SUP) No. 96-5-46 for the operation of a coffee shop/nightclub selling alcoholic beverages, located at 325 South "A"

Street. On December 18, 1997, the Planning Commission adopted Resolution Number 97-55, which approved a major modification to SUP No. 96-5-46 for the conversion of a 2,500 square foot billiard area of the mezzanine into a lounge/dance floor, subject to certain conditions.

In early 2001, the Oxnard Police Department applied to the Planning Commission to revoke the SUP on several grounds specified in the Oxnard City Code (OCC), Section 34-157, including the grounds that the use for which the SUP was granted "...has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance". On April 5 and May 17, 2001, the Planning Commission held public hearings on the application for revocation of the SUP.

At the hearing in May, the Planning Commission directed staff to prepare a resolution revoking the SUP on the grounds that the uses for which the SUP was granted were exercised so as to be detrimental to the public health and safety and so as to constitute a nuisance. The Planning Commission adopted this resolution (No. 2001-34), on June 7, 2001. The Permittees filed an appeal of the Planning Commission's decision.

On July 17, 2001, the City Council voted to continue the public hearing regarding the appeal of the SUP to August 28, 2001. Despite this, on July 24, 2001, the City Council voted to advance the date of the public hearing from August 28, 2001 to August 2, 2001. Subsequent to this hearing, Resolution No. 12,024 was approved on August 3, 2001, which affirmed the Planning Commission's revocation of SUP No. 96-5-46.

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

5) Analysis:

- a) **General Discussion:** Since the revocation of the previous use permit in 2001, the site has been operated as a banquet facility. The Applicant is proposing variations to the restaurant use to provide for both dinner shows and private receptions. In all situations, alcohol service would be provided as part of the restaurant use.
- i) Sunday through Friday, the facility would be operated as a restaurant open to the public. The restaurant hours would be 6:00 a.m. through 10:00 p.m.
 - ii) On alternate Fridays, the facility would operate as a restaurant offering dinner shows that may include entertainment and/or dancing. These events would be open to all

members of the public subject to admission by ticket. The ticket would entitle patrons to a limited meal selection and the evening's entertainment. The restaurant's hours of operation during these evening would be from 6:00 p.m. to 1:30 a.m.

- iii) Each Saturday, the main floor would be used for private receptions while the mezzanine remains open to the public. Operating hours during these functions would be from 12:00 noon to 1:30 a.m.

In the event the Police Department is required to respond on-site to any inebriated person or nuisance condition, the Applicant has proposed reimbursing the City by posting a surety bond in the amount of \$10,000. A condition of approval requires the details of this bond to be agreed upon prior to the sale of alcohol at the location.

The proposed use supports the City's efforts to revitalize the Central Business District. In June 2005, the City Council adopted the Downtown Strategic Plan, which establishes goals for downtown Oxnard. The Plan acknowledges downtown as a special place, that "...has been a place to work, recreate, shop, gather for civic activities, or, simply, to hang-out". A particular goal of the Strategic Plan is to resurrect downtown Oxnard so that it will become a "modern downtown with the amenities and cultural attractions of a regional design center". Staff finds that the Applicant's objectives are consistent with the goals of the City's adopted Strategic Plan, and therefore, would recommend approval of the requested use.

b) General Plan Consistency:

POLICY	DISCUSSION
<p><i>Safety Policy #35B (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></p>	<p>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.</p>

- c) **Conformance with Zoning Development Standards:** The subject property is located within the Central Business District (CBD) zone. In accordance with the City Code, the proposed sale of alcohol for on-site consumption in conjunction with a restaurant may be permitted with an approved special use permit. Similarly, businesses operated as places of entertainment may be permitted with an approved special use permit.
- d) **Site Design:** The restaurant's tenant space is approximately 12,300 square feet. This is comprised of both the ground floor and partial mezzanine. The main floor is accessed

through entrances on "A" Street and the public alley to the west of the building. Both of these entrances lead through hallways to the main dining room which includes an existing dance floor and bar. Just before the hallway which accesses the entrances along the public alley, two staircases carry up to the interior mezzanine which is approximately 2,600 square feet.

- 6) Request for Sale of Alcoholic Beverages for On-Site Consumption:** The Oxnard Police Department prepared a report on August 6, 2008 which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of approval of this request. The report cites two other alcohol outlets within 350 of the subject parcel, qualifying the proposed use as "undue concentration". The Police Department's recommendation is for Casa Lopez to continue its current operation as a banquet facility with "one day event" licenses issued on a per-day basis.

As part of their review, the Police Department consulted with the Responsible Alcohol Policy Action Coalition (RAPAC). They are opposed to the proposed use.

The Five-Points North neighborhood association was also contacted for their feedback regarding this request. The association is also opposed to the proposed use.

The main concern of the Police Department is the Applicant's history as an alcohol licensee and the events which led up to the revocation of the previous use permit for alcohol. As indicated previously the Police do not have issues with the Applicant's operation as a banquet facility and have not denied any of the one-day event permits issued since then. As a land use, the proposed uses are consistent with the 2020 General Plan designation, Zoning, and the Oxnard Downtown Strategic Plan. Additionally, the Police report states that the area is not currently considered a policing problem. In terms of a land use, the proposed use is both consistent with the intention of the location and a desirable use of the site. For these reasons, Staff recommends that the project be approved.

- 7) Public Comment:** The Applicant provided the Planning Division with numerous letters from individuals, organizations, and businesses within the City. All of these letters spoke in support to the Applicant.
- 8) Community Workshop:** On July 9, 2008, the Applicant mailed notices of the Community Workshop meeting to all property owners within the Wilson neighborhood. 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 June 21, 2008. During this meeting, approximately eight individuals spoke to offer their support for the project.
- 9) Appeal Procedure:** In accordance with Section 16-545 (A) of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 working days of the date of the Planning Commission's decision.

Attachments:

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

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

CBD

CBD

W THIRD ST

CBD

S A ST

CBD

S B ST

CBD

CBD

CBD

CBD

W FOURTH ST

CBD

S B ST

CBD

CBD

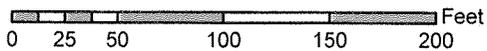
CBD

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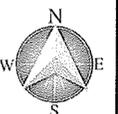


Oxnard Planning
August 14, 2008

PZ 08-500-08
Location: 325 S A St
APN: 187006009
Casa Lopez



General Plan Map



1:1,084

CBD

W THIRD ST

S BST

CBD

S AST

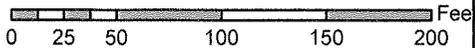
W FOURTH ST

S BST

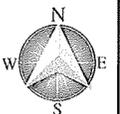


Oxnard Planning
August 14, 2008

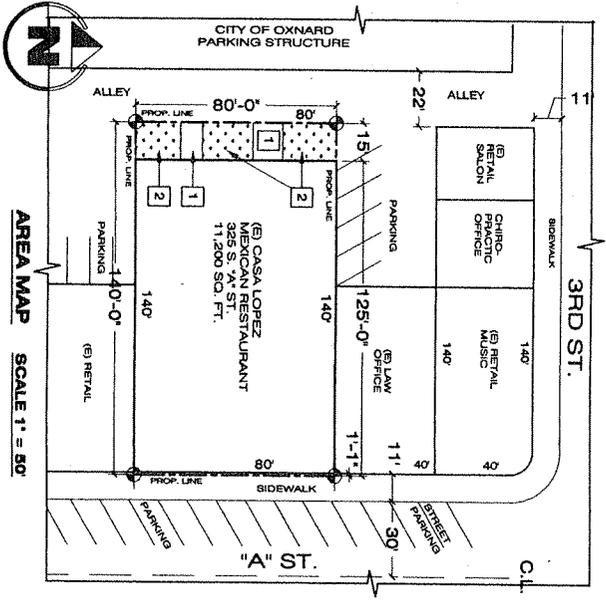
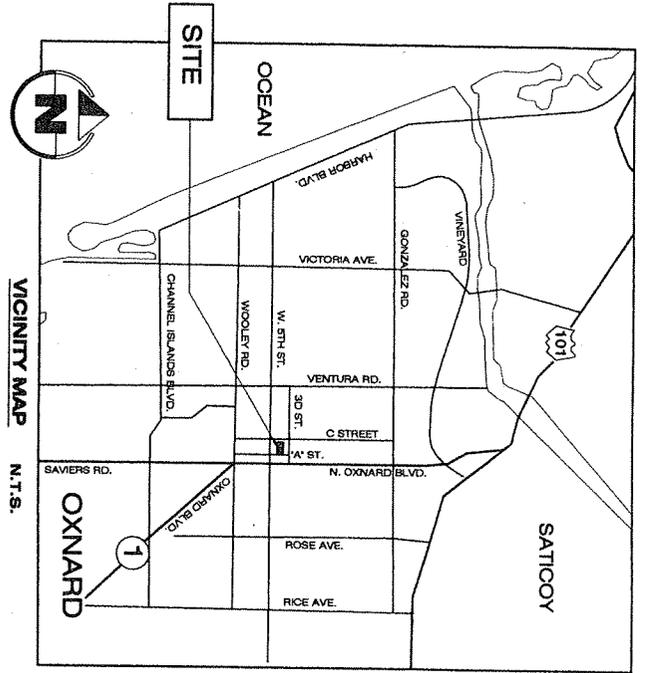
PZ 08-500-08
Location: 325 S A St
APN: 187006009
Casa Lopez



Zone Map



1:1,091

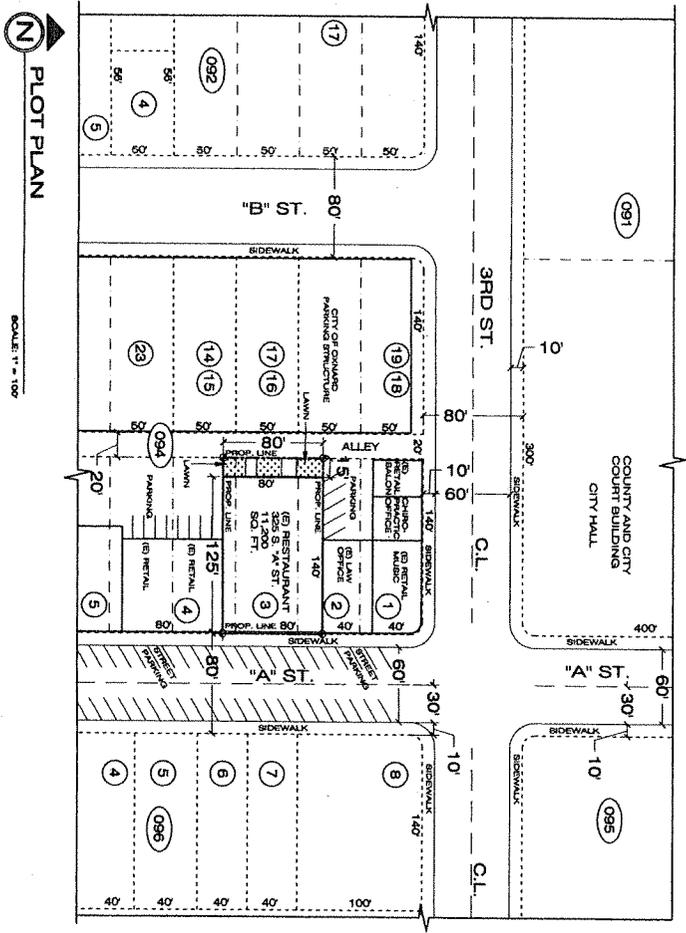


SYMBOLS	
(No)	LOT NUMBER
(No)	FLOOR NUMBER
(No)	ASSESSOR MAP
(No)	ASSESSOR MAP DIVISION
(No)	EXISTING BUILDING
(No)	PROJECT PROPERTY LINE

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KEYNOTE LEGEND
 1. (E) 12 FT. X 16 FT. CONCRETE WALKWAY AND EXT.
 2. (E) LANDSCAPED AREA WITH CURB

PROJECT DATA	
PROJECT ADDRESS:	838 SOUTH 'A' ST. OXNARD, CA 93030
ASSESSOR'S PARCEL NUMBER:	202-0-004-030
APPLICANT'S NAME:	OSVALDO LOPEZ / DAILY LOPEZ
APPLICANT'S ADDRESS:	325 S. 'A' ST. OXNARD, CA 93030
APPLICANT'S PHONE NUMBER:	805-246-9790
AGENTS NAME:	LIQUOR LICENSE PROFESSIONALS
AGENTS ADDRESS:	1111 CENTRAL WAY #100-040 OAKLAND, CA 94612
AGENTS PHONE NUMBER:	805-444-4299
ZONING OR OCCUPANCY GROUP:	CBO
TYPE OF CONSTRUCTION:	CONCRETE
DESCRIPTION OF USE:	RESTAURANT
NUMBER OF FLOORS:	TWO
TOTAL HEIGHT:	28 FEET
FIRST FLOOR AREA:	8700 SQ. FT.
SECOND FLOOR AREA:	2200 SQ. FT.
TOTAL LOT AREA:	11,200 SQ. FT.
TOTAL BUILT AREA:	12,000 SQ. FT.
EXISTING LANDSCAPE:	800 SQ. FT.
TOTAL LANDSCAPE:	28 ACRES

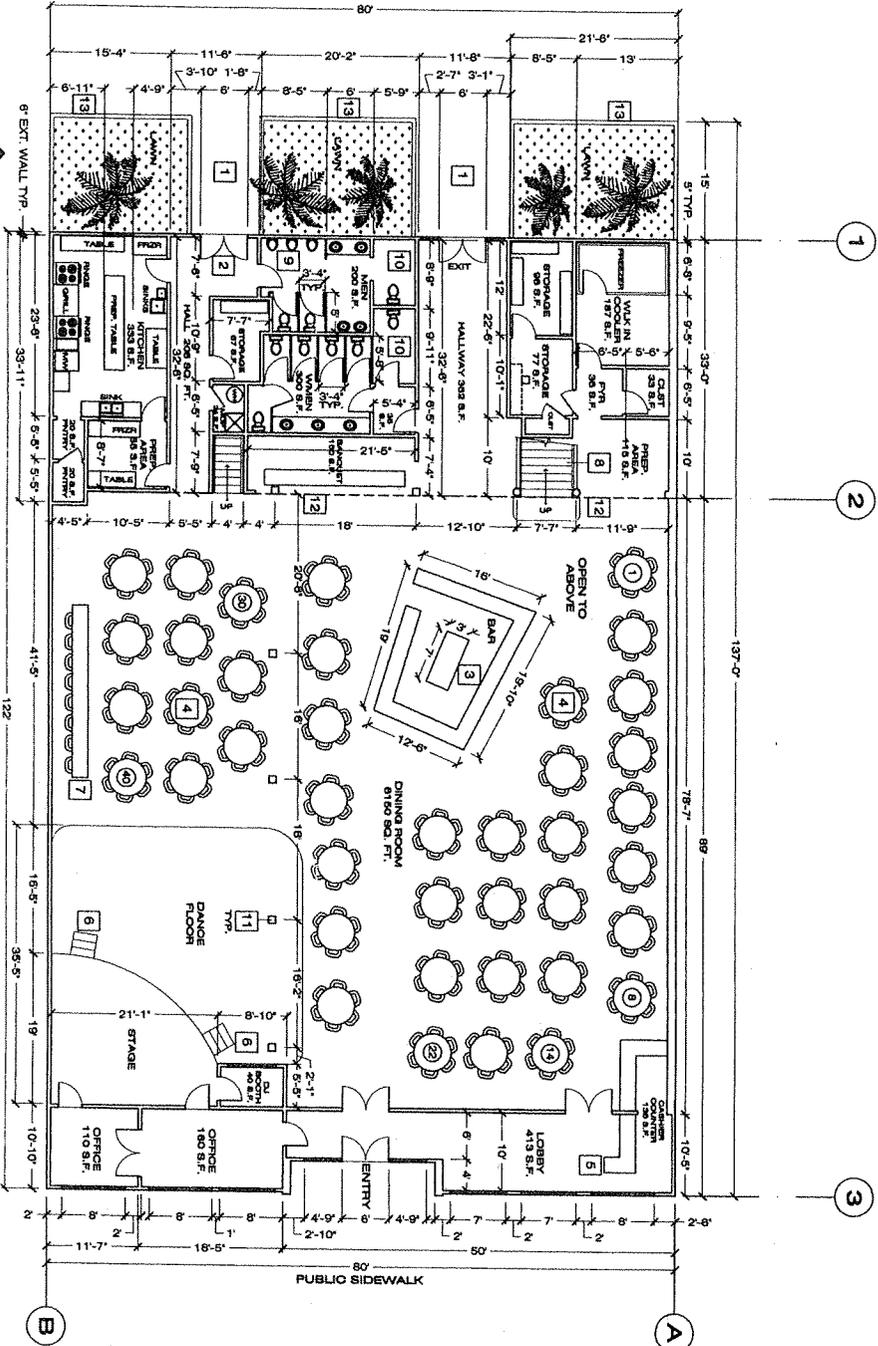
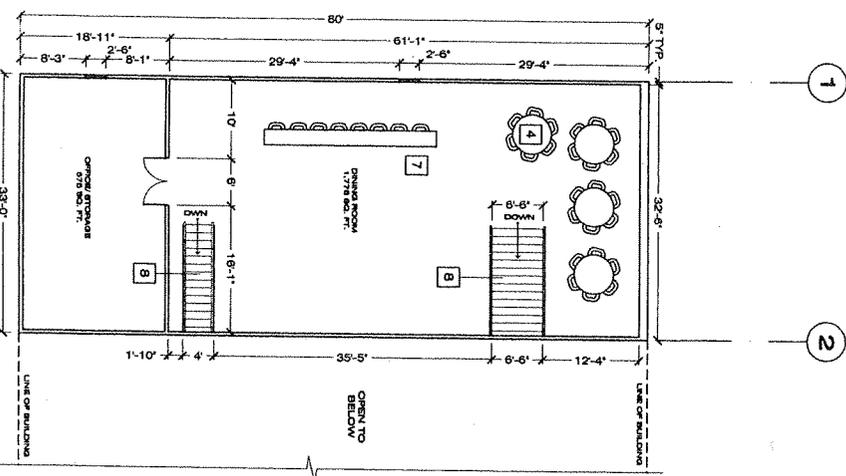


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PLANNING DIVISION
CITY OF OXNARD

SYMBOLS/ABBREV.	
1	TABLE NUMBER
4	KEYNOTE NUMBER
TYPE	APPLY IN ALL CASES WHETHER OR NOT SQUARE FOOT
S.F. / SQ. FT.	

- KEYNOTE LEGEND**
- 12 FT. X 16 FT. CONCRETE WALLWAY AND ENT.
 - SOLID CORE METAL DOUBLE DOOR EMERGENCY EXIT.
 - 32 INCH W. X 12 INCH H. SERVICE BAR COUNTER, WISOTLE AND GLASSWARE STORAGE AT CENTER.
 - 6 FEET DIAMETER DINING TABLE WITH 6 CHAIRS.
 - 32 INCH X 40 INCH H. X 16.5 FEET LENGTH CASHIER COUNTER.
 - EXISTING STAIRS TO STAGE AREA.
 - SUPPER TABLE.
 - STAIRCASE WITH HANDRAIL.
 - UNIMAL IN MEN'S ROOM.
 - HANDICAPPED BATHROOM STALL.
 - 12 INCH X 12 INCH COLUMN.
 - LINE OF 2ND FLOOR ABOVE.
 - LANDSCAPED AREA WITH CORN.



2ND FLOOR PLAN

1ST FLOOR PLAN



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 08-500-08 (Special Use Permit) A request to permit entertainment, dancing, and the on-site consumption of beer, wine, and spirits (ABC License Type 47) within an existing banquet hall and restaurant (Casa Lopez). The project is located within the Central Business District at 325 South "A" Street and is also commonly known as Assessor Parcel Number 202-0-094-035. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Osbaldo Lopez, 325 South "A" Street, Oxnard, CA 93030 on behalf of Lucila Lopez.

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 entertainment and the sales of distilled spirits, beer, and wine to the menu of an existing 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

Planning Division

214 South "C" Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417



Police Department

John Crombach, Police Chief

Date: August 6, 2008

To: Douglas Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 325 S. "A" Street (Casa Lopez)

PZ-08-500-08

Site Information:

The proposed site is located near the southwest corner of "A" Street and Third Street at 325 S. "A" Street. The building is an older, two-story structure with on-street customer parking on "A" Street and a large parking structure to the rear. The front door faces east and opens to a wide sidewalk along "A" street. There is also a rear door allowing access to and from the parking structure. The building is currently being used as a banquet facility for primarily private functions. Alcohol has been associated with the current use by means of licensed caterers for certain events. The site is generally bordered by "A" Street to the east, an alley and the parking garage to the west, Third Street to the north and commercial to the south. There are currently two similar uses within 350 feet of the site and eight similar uses within 1000 feet. The nearest residences are approximately 900 feet north and west of the building. The applicant has requested to obtain an ABC License Type-47 which is a restaurant that allows for the sale of beer and wine.

Outlet Density:

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Bahia Del Mar	349 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
2. Woolworth Building	401 S. "A" Street	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	BUSINESS TYPE	ALCOHOL ALLOWED
1. 5 th Street Steakhouse	241 W. Fifth St.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
2. Ruby's Café	350 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
3. Meson Viejo	124 E. Fifth St.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
4. Thai Peru	450 S. "B" Street	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
5. Capriccios	221 W. Fifth St.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
6. Tino's Pizza	509 S. "C" Street	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
7. Nuevo Carmelita	113 E. Fifth St.	Type 40	On-Sale Beer	Bar (minors allowed)	Beer only
8. Glass Bottle Liquor	344 S. "C" St.	Type 21	Off-Sale General	Liquor Store	Beer, Wine and Spirits
9. Circle 9 Market	521 S. "C" St.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
10. La Gloria Market	430 S. Oxnard Blvd.	Type 20	Off-Sale Beer and Wine	Market	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 145 during the same 12-month time period. This is 15% higher than the average crime rate citywide. The heaviest concentration of incidents occurred along Oxnard Boulevard between Third and Eighth Street. During one quarter in late 2007, there were approximately 86 reported disturbance-related events that required police response with the majority of those not resulting in a crime report or arrest. The number of events listing alcohol as a contributing factor is approximately 33% which is slightly higher than the citywide average of 25%. The area immediately surrounding the site has seen a continuing drop in calls for service and is generally no longer considered to be a 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 Input:

Applicant history with Police Department:

Prior to operating Casa Lopez, the applicant, Osbaldo Lopez, was previously the co-owner of Cloud 9 Hollywood Restaurant and Nightclub located at the same premises (325 S. "A" Street). Before Cloud 9, he was the owner and manager of Leonardo's Nightclub at 2951 Wagon Wheel in Oxnard. . Numerous citations for underage drinking were issued to patrons of Leonardo's when Mr. Lopez was the owner and it was not uncommon for patrons who had been involved in fights and even injured to be kicked-out with no call to the police or assistance offered to the victim. While the facility was licensed as a restaurant with the service of alcohol, any food items typically consisted of snack-type items and food service devices such as forks, napkins or condiments were not on any of the tables. Because of the license type held by Mr. Lopez, minors were permitted inside which added to the problem of underage drinking.

After Mr. Lopez opened Cloud 9, he quickly began to operate with no real food selection while still maintaining a restaurant license. The benefit to holding such a license is that they are far less tightly regulated, minors are permitted inside and they are easily granted as ABC assumes it is a restaurant environment.

In October of 1996, Lopez was granted a Special Use Permit to open Cloud 9 Hollywood as a "coffee shop/nightclub" with the sales of alcohol. In 1997, he was granted a major modification to remove pool tables and convert the business to a restaurant/nightclub. In 1999, he obtained a Type-47, On-Sale General license from ABC which allowed for the sale of beer, wine and distilled spirits in conjunction with the sale of food. As mentioned above, food service became sparse as the business began to operate more as a nightclub only.

In 2001, after years of unruly and nuisance activity at Cloud 9, the Oxnard Police Department applied to the Planning Commission to revoke the SUP based upon several grounds including that the use "had been so exercised as to be detrimental to the public health and safety or to constitute a public nuisance". This conclusion was supported by significant amounts of testimony and evidence which alleged that the business contributed to underage drinking, excessive intoxication, frequent police interventions and other disruptive behavior. Nearby business owners testified that they frequently had to clean up bottles, cans, vomit, feces, trash and other substances left behind by patrons of Cloud 9. The Police Department worked for more than a year to put together an indefensible case. In the mean time, countless resources were devoted to keeping the peace and on several occasions, multiple police units were required to disperse unruly crowds. One such response even required a "Code-Alpha" announcement (typically reserved for riotous activity) and officers donned their riot gear and formed skirmish lines to clear the street of unruly guests.

At the revocation hearing, Mr. Lopez testified that he sold “more food than alcohol” (as required by his ABC license) and provided documents allegedly supporting that claim. These documents were later proven to be false after an investigation revealed that Mr. Lopez had copied the receipts from another business and claimed them to be his own.

Mr. Lopez now claims that all of the problems experienced at Cloud 9 were the fault of his business partner at the time. While that may be partially true, Lopez managed the day-to-day operations of the facility and was present on virtually every weekend and usually when there were police responses. He was well aware of the unruly activity and continued to make excuses rather than to make genuine attempts to remedy the problems.

Both the Planning Commission and City Council ultimately voted unanimously to revoke the SUP and to only allow the business to remain open as a restaurant or other use without the sale of alcohol. This was the first and only time that the Planning Commission has taken such action and Cloud 9 remains the benchmark by which we justify the need for applying responsible operating conditions on new SUP's.

Recent Activity:

Since 2001 when Cloud 9 had their SUP to sell alcohol revoked, Mr. Lopez has severed his previous partnership and has changed the name of the business to Casa Lopez. He initially held infrequent dance events that were typically sponsored by local radio stations and did not include the service of alcohol. During the past few years, Mr. Lopez has remodeled the business and has been renting the facility for private events and a few public fundraisers. Most of the recent events have included the sale or consumption of alcoholic beverages which has been provided by licensed caterers. Basically, Casa Lopez has functioned as a banquet facility for weddings, quincenieras, anniversaries and other private parties. Casa Lopez typically provides all of the food items and the caterers provide the alcohol. Mr. Lopez has said he charges the caterers to be able to sell alcohol at his facility and uses several different caterers. He has hosted a few public fundraising events that have all been for various non-profit organizations (per ABC regulations, public events at unlicensed facilities are rarely granted and then must be only for fundraising). Recent events held at this location have been fairly problem-free and neighboring businesses have reported only occasional issues related to the current use.

The lack of problems is somewhat predictable considering that all of the events are private and usually of some celebratory nature. Arguably, public events with higher attendance are at a much greater risk of experiencing problems than the kind of functions typically hosted by Casa Lopez. Also, the alcohol is primarily monitored by the caterers as their own ABC license is at stake if there are problems.

Our most recent interactions with Mr. Lopez and the activities at his business are somewhat troubling. In October, I was speaking with neighboring business owners regarding this proposal when I saw Mr. Lopez in front of his business. As Lopez and I spoke, we walked through the business toward his bar. I asked him what he typically stocks and stores in the large bar and he said it was only sodas and water. As I got closer, I could see that there were sizeable padlocks on all of the doors to the coolers which seemed odd since Lopez claimed only sodas were stored

there. I asked if I could look inside and he agreed but said he did not have the keys . I found one unlocked cooler and discovered that it was stocked full of cold beer. Mr. Lopez appeared uncomfortable as I pressed him to find the keys. He ultimately “found” the keys on the counter directly in front of him. I opened each of the eight cooler doors and there were hundreds of bottles of cold beer and wine stored there. He explained that there was an event hosted on Sunday (it was now Tuesday) and the beer was leftover by the caterer. While unusual, it is not illegal for alcohol to be stored in unlicensed facilities.

Community Feedback

This proposal was shared with the Responsible Alcohol Policy Action Coalition (RAPAC) which is a coalition of residents that have been meeting and discussing alcohol-related community issues for more that 10 years. They regularly discuss new and problematic outlets and, among other things, provide feedback for Planning Commission consideration. RAPAC was unanimously opposed to this use and plan to speak at the hearing. They remember the nuisance activity when the applicant operated Leonardo’s and some members even contributed to the closure of Cloud 9. They pointed out that even the Planning Commission itself occasionally refers to Cloud 9 when rationalizing the need for responsible conditions on new outlets. They are familiar with the questionable character of Mr. Lopez and remember him providing false information at the revocation hearings.

This proposal was discussed with numerous nearby business owners, managers and employees. Many of the people I spoke with were around when Cloud 9 was at its worst. While some of them were understandably reluctant to condemn the proposed use, none were vocally in support with only one exception. At least two owners were shocked that Mr. Lopez would even consider such a request and indicated that they may testify at the hearing. Most said they would not welcome back the problems previously experienced.

The Five-Points North neighborhood association was contacted and was adamantly opposed to the use. They too, were familiar with the previous problems and could not offer support for the project.

Conclusion

The crime rate for the area surrounding the proposed site is slightly above average but is not currently considered a policing problem. There are two similar uses within 350 feet of the site and, consequently an issue of undue concentration.

The Police Department is opposed to the granting of this permit based upon the many factors described above. However, the primary basis for our opposition is the history and demonstrated behavior of the applicant when operating similar businesses. Typically, when reviewing other alcohol SUP applications, the Police Department must base our decision on our experiences with similar uses and try to forecast whether or not the use would likely be problematic or have a negative impact on the surrounding area. In this case, there is no guesswork involved as we have

the benefit of knowing first-hand what kind of businesses the applicant has previously operated and seen their negative impact on the community.

The Police Department believes that we would be gambling with the fate of the community in taking a chance that Mr. Lopez will be able to operate more responsibly than he has in the past. In revoking his previous SUP, the City devoted an enormous amount of resources and hundreds of man-hours to deal with the problems created by Cloud 9. To unnecessarily expose the City and the community to that risk again is not something the Police department can support.

The Police Department recommends that Casa Lopez be allowed to continue to operate as a successful banquet facility. As it is now, the Police department reviews each event held at the site through the "one day event" licensing process. I believe that this gives us the best control over the behavior of the establishment as we can simply deny or condition individual or multiple events should we begin to experience problems. This is far more advantageous than if the SUP is granted and then we spend another year and countless resources to revoke the permit.

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. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (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 per Oxnard City Code, 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 (typically more than 25% reduction) 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, 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 an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 32) 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)
- 33) 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 applicant has proposed to establish a bond that will be made available to the City in the event that significant resources are needed to address problems related to the use. The specific terms of the bond shall be negotiated to the satisfaction of the City prior to any sales of alcohol at the location.
- 2) The applicant shall provide the Police Department with prior notice for all public and private events that are expected to exceed 150 attendees. This notice shall be provided to the Alcohol Compliance Officer no more than 10 days prior to the event. Notice shall include, at a minimum, the dates, times, expected attendance, security guard information and description of the event.



LAZER BROADCASTING

July 15, 2008

City Of Oxnard
Doug Spondello
214 South "C" Street
Oxnard, CA 93030

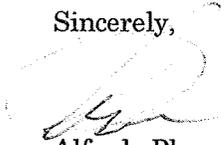
Re: Approval of Special Use Permit for Casa Lopez

Dear Mr. Spondello:

My name is Alfredo Plascencia owner of Lazer Broadcasting Corporation and Siglo 21, a Spanish weekly newspaper. I'm sending this letter in support of Casa Lopez to stay in business in the Downtown area. I support the issuance of the Special Use Permit because I feel there's a need for the residents of Oxnard to have a beautiful place like Casa Lopez where they can enjoy themselves.

I will try to attend the Community Workshop on Monday, July 21, 2008 to support the issuance of the Special Use Permit or I will send a representative of my company in my absence. Which ever the case might be, I would like to reiterate my approval on behalf of this letter.

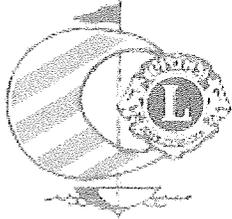
Sincerely,



Alfredo Plascencia
President/CEO

200 S. A Street, Suite 400, Oxnard, CA 93030

Ph: (805) 240-2070 Fax: (805) 240-5960



We Serve Because We Care

Channel Islands Lions Club

Oxnard, California 93030

Osbaldo,

On behalf of the Channel Islands Lions Club, I would like to thank you for your help with our First Annual Charity Casino Night on March 28, 2008. It was a fantastic event and an incredible success and we could not have done it without the support of you and your staff at Casa Lopez.

We had a woman from the Lions Club in Ventura come to our event, simply because it was a Lions Club event; she commented that this was the best Casino Night she had attended anywhere in the county and that she did not know that Down Town Oxnard could be such a desirable place for a night out. We had many people make comments like this and even more ask us when our next event at Casa Lopez would be. To the latter we said "as soon as possible!"

Osbaldo, we can not thank you enough for your efforts and we hope to collaborate on another Lions Club event with you soon.

Thank you sincerely,

Scott Feland

A handwritten signature in black ink, appearing to read 'Scott Feland', with a large, stylized flourish at the end.

President Channel Islands Lions Club

Rolando China and Gloria Massey China
1020 Stern Lane
Oxnard, California 93035-1748
(805) 807-3150 (Rolando) or (805) 236-6626 (Gloria)

July 11, 2008

City of Oxnard
Special Use Permit Department
305 W. Third Street
Oxnard, CA 93030

Re: Casa Lopez Special Use Permit – Letter of Support

Dear City of Oxnard Special Use Permit Chairman:

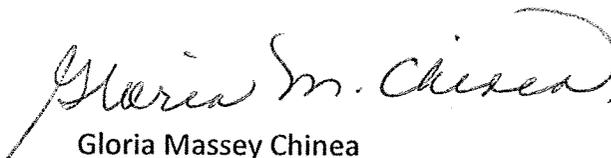
Our name is Rolando China and Gloria Massey China, residents of the City of Oxnard for the last 29 years. We migrated to Oxnard, California for professional reasons (Electrical and Electronic Engineer and Master in Public Health and Real Estate Investor). We relocated from an island called Puerto Rico in June of 1979 and have been a contributing citizen of the City of Oxnard. We chose the City of Oxnard because we felt that it would meet our expectations, and for us to have and begin to establish a young family. The City of Oxnard has delivered!!! It is a City that cares for their constituents and allows us to be heard when there is a need! We have raised our two girls in the City and they have been a product of the great Oxnard School District GATE program. Both of them have achieved their higher education goals and are also contributing to the growth of the cities they are living-in.

Coming from the Island of Puerto Rico specifically San Juan, one of the things that we were able to do when we lived in San Juan was to go to places like Casa Lopez to enjoy family get-togethers, musicals, live theater, nice dinner dance, an artistic shows and naturally being able to partake in great live music to be able to dance. That is one thing that Casa Lopez can bring to our beautiful City of Oxnard in the Downtown Area and maintain Downtown alive. They have demonstrated through the years that they can deliver quality programs with civic order. Osbaldo and Celi Lopez have demonstrated to be responsible and civic oriented business owners. Allowing this Special Use Permit to Casa Lopez will allow them as owners to have special events like weddings, fundraisers or any other functions without a constant request for the approval of the One Day permits. Mr. and Mrs. Lopez are very consciousness business owners and will have the necessary tools to address and manage this Special Permit. We look forward to continue to partake in the Special and Successful events sponsored by Casa Lopez with their new designation provided by the City of Oxnard.

Sincerely,



Rolando China
Oxnard Resident



Gloria Massey China
Oxnard Resident



Oxnard, California, June 9, 2006

Sr. Oswaldo López
Casa Lopez
325 S. A. Street
Oxnard, CA. 93030

Dear Mr. López:

First of all, we would like to apologize for taking so long in thanking you for your generous contribution for the "Cinco de Mayo" celebration.

Thanks to your contribution we were able to bring a festival full of colorful activities and a live concert to the members of our community. It was a great success.

Thank you very much for your assistance once more.

Sincerely yours,


Rosa Y. Gascoigne
President


Fernando Gamboa Rosas
Consul of Mexico in Oxnard



CASA

Court Appointed Special Advocates
FOR CHILDREN

Court Appointed Special Advocates of Ventura County
A powerful voice in a child's life®

*Interface Children Family
Services
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Marty de los Cobos
Judy Diaz
Ted England
Spencer Garrett
Tim Giles
Karen Henley
Mark Lisagor, DDS
Laura McAvoy
Kate McLean
Ron Polito
Mike Sedell
Ronald Smiley, PhD

CASA Council
Rosa Gascoigne, Chair
Angelica Abud
Marcia Bhattacharya
Pat Cobleigh
Marianne Escaron
Marta Garza-Laird
Mary Shepherd

Legal Advisors
Ana Aparicio
Susana Miller

CASA Staff
Cathy Ungar
Division Director

Sandi White
Program Director

Sue Komorowski
Case Manager

Gerry Rubey
Volunteer Case Manager

Marcie Sexauer
Advocate Training Coordinator

Casa Lopez Restaurant
325 A Street
Oxnard, CA 93030

April 2, 2007

Dear Osbaldo,

On behalf of Court Appointed Special Advocates (CASA) of Ventura County, the volunteers and the children we serve, I would like to thank you for sharing your time and restaurant with CASA.

The fashion show was fabulous! Casa Lopez was a great location for such an event, the place looked beautiful and we truly appreciate all that you did to make the show so successful. We know that you put in many, many hours and we cannot thank you enough. While we know that this check does not begin to cover your time spent and involvement, we do value your contribution that went into making the event wonderful for all.

With efforts from people like yourself and others we can ensure that all members of our shared community have the opportunity to thrive. Again, I want to express sincere thanks for your generosity and for joining us in our mission to support CASA of Ventura County. Your thoughtfulness is deeply appreciated.

Sincerely,

Sandi White
Program Director, CASA of Ventura County

Your contribution is tax deductible; our Federal Tax ID is #95-2944459

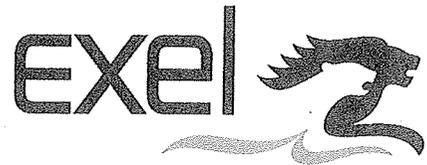
Office Address

1305 Del Norte Road,
Suite 130
Camarillo, CA 93010-8366
805-485-6114
Fax: 805-983-0789
E-mail: casa@icfs.org

*Thank-
you for
EVERYTHING!*



CASA is a Program of
Interface Children Family
Services



3-27-2007

To : Ossi and Celi at Casa Lopez

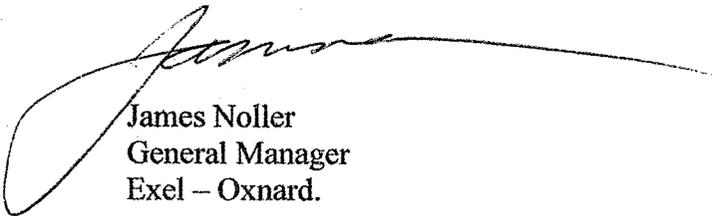
The Oxnard Exel Distribution Center recently held an employee appreciation party at Casa Lopez. Working with everyone at Casa Lopez was a pleasure and we all appreciated all the efforts you and your staff put into preparing for our event. We could not have asked for a more professional and accommodating host for our party.

Since we run a 24/7 operation not all of our associates were able to attend the event. Ossi and Celi went out of their way in order to prepare and deliver meals for the associates who could not attend as well as prepare an excellent meal for the associates attending the party. The atmosphere was great and everything went on without a hitch. They were able to meet several special requests through out the evening and were present during the whole event to make sure everything went smoothly.

When we plan our next event Casa Lopez will definitely be one of the first places we consider due to the professionalism of you and your staff.

Thanks again for a great event and we look forward to working with you in the future.

Sincerely



James Noller
General Manager
Exel - Oxnard.



**BOARD OF SUPERVISORS
COUNTY OF VENTURA**

800 SOUTH VICTORIA AVENUE, L#5239, VENTURA, CALIFORNIA 93009 (Mailing Address)
2900 SOUTH SAVIERS ROAD, 2nd FLOOR, OXNARD, CALIFORNIA 93033 (Location Address)

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KATHY I. LONG
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JOHN K. FLYNN

JOHN K. FLYNN
SUPERVISOR, FIFTH DISTRICT
(805) 487-6331
FAX NO. (805) 487-7692
E-Mail: john.flynn@ventura.org

November 8, 2007

Senior Officer Cliff Waer
Oxnard Police Department
251 South 'C' Street
Oxnard, CA 93030

Dear Senior Officer Waer:

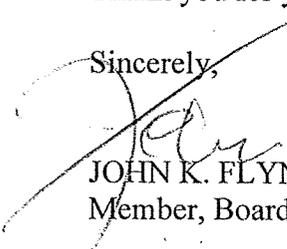
This letter is sent to you in support of the application of Mr. Osbaldo Lopez for a conditional use permit to sell alcohol at Casa Lopez, located at 325 South 'A' Street, Oxnard.

Mr. Lopez informs me that there is widespread support in the community for his application, and that he has not encountered any opposition to such application.

I understand that Mr. Lopez is awaiting a report from you regarding his application, and that once you act on it, it will then go to the Planning Commission. I hope that your report is soon forthcoming and that it advises approval of the application. Please send to me a copy of your report once it is finalized.

Thank you for your kind attention and consideration.

Sincerely,

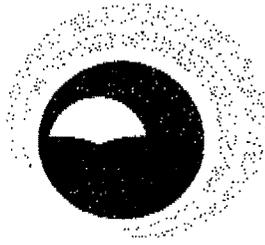

JOHN K. FLYNN
Member, Board of Supervisors

cc: Chief Crombach

Re: Casa Lopez Special Use Permit – Signature Page of Support from the Community

We the undersigned believe that Casa Lopez should be granted the Special Use Permit. We have seen the good work and civic responsibility that the Owners Osbaldo and Celi Lopez have in delivering services to the community. We need support and the opportunity to make our City of Oxnard Downtown businesses grow and be financially establish.

Name	Address	City	Phone
1 Nuris Danta	655 So. A Street Oxnard, CA 93030	Oxnard	805-377-7500
2 Juan Rodriguez	655 So A Street	OXNARD	7733063793
3 Bernardo Vergara	2425 So. 5th St	Oxn. CA	905-5129
4 Martin Ramirez	1133 E Thompson Blvd	Ventura	643-1106
5 Jesse Schren	535 C ST	OXNARD	483-1514
6 Nora Garcia	113 J St	Oxnard	488-3288
7 Jim Gilman	729 N. A ST	OX	9817110
8 OSCAR LABURO	1936 SAVIERA Rd	Oxnard	487-5154
9 Priscilla P. Jim	1000 S. Oxnard	Oxnard	240-2666
10 Miguel Jim	1000 S. Oxnard	Oxnard	240-2666
11			
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GOLD COAST™
HISPANIC CHAMBER OF COMMERCE

July 21, 2008

Mr. Spondello
214 South C Street
Oxnard CA, 93030

RE: Approval of Special Use Permit for Casa Lopez

Mr. Spondello:

The Gold Coast Hispanic Chamber of Commerce supports the granting of a Special Use Permit for Casa Lopez. Local businesses are represented by the Gold Coast Hispanic Chamber of Commerce and have had opportunities to come together for fundraising functions at the Casa Lopez location. Small businesses need the support of the City in order to grow and thrive. By granting the Special Use Permit Casa Lopez will be able to continue to support private citizens and community groups with events and functions. Please consider the granting of the Special Use Permit.

Sincerely,

Ashley Bautista
Executive Director
300 E. Esplanade Dr. Suite 1800
Oxnard CA, 93036
(805) 754-9095



North Side Little League



*P.O. Box 5584
Oxnard, CA 93031-5584
1401 North "F" Street
Eastwood Park
Fed Tax ID #23-7394877
www.ETEAMZ.COM/NSLL93036*

July 25, 2008

Doug Spondello
City of Oxnard
Planning Department
214 South C St.
Oxnard, Ca 93030

Re: Approval of Special Use Permit for Casa Lopez

Dear Mr. Spondello;

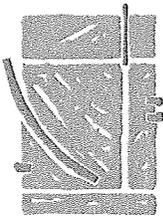
I want to Thank You for your time in reading this letter. I am the president of North Side Little League here in Oxnard. This League has been around for 56 years, we enhance kids lives through the sport of baseball. The Lopez's have been supporting our league with their location, CASA LOPEZ for a couple of years. We have our monthly board meetings in the second level of the place, and sometimes we even use it more then once a month for free. CASA LOPEZ has been a great asset for our North Side Little League. Not only does CASA LOPEZ let us hold our board meetings, we have benefited financially as well. We held our Casino Fundraiser there and it helped our league very much! Mr. Lopez has been a coach for our league in the past, and their boys have played there as well.

We would like for the City of Oxnard to APPROVE the Special Use Permit for CASA LOPEZ, so they can stay in business for themselves and at the same time, keep on helping their community, like our Little League of North Side.

Any question feel free to call me at (805) 983-2237.

Sincerely yours,

Joel Herman
President of North Side
Little League



LAUTERBACH & ASSOCIATES, ARCHITECTS, INC.

300 MONTGOMERY AVENUE • OXNARD, CALIFORNIA 93036 • (805) 988-0912 • FAX (805) 858-5072 • www.la-arch.com

Steven D. Geoffrion, Architect, AIA
David C. Kesterson, Architect, AIA
Mark S. Pettit, Architect, AIA NCARB
Ilona S. Scott, Architect, AIA NCARB

July 17, 2008

City of Oxnard
Planning Department
214 S. "C" Street
Oxnard, California 93030

Re: *Letter in support of Ozzie Lopez in his request to obtain a Special Use Permit.*

Project No.: 20-070105

To Whom it May Concern:

We are writing in support of our client Osbaldo Lopez who owns Casa Lopez located at 325 South "A" Street in Oxnard, CA 93030 in his attempt to apply and obtain a Special Use Permit for a liquor license.

It has been our pleasure to use his facility for our company's personal Christmas Party in the past. We have also attended functions such as the Lions Club Oxnard Noontimers events at his facility. In both instances we found the facility and circumstances to be very professional with a very pleasant atmosphere. We understand his predicament in asking for a liquor license for each event and he would have not been able to serve the events we attended without it.

Please call anytime with questions at (805) 988-0912.

Sincerely,
LAUTERBACH & ASSOCIATES, ARCHITECTS, INC.

Ilona S. Scott, AIA NCARB
Managing Architect
License No.: C11881

FBI LAW OFFICES
A PROFESSIONAL CORPORATION

309 S. "A" STREET
OXNARD, CA 93030
TELEPHONE: (805) 240-2655
FAX: (805) 483-1536

4015 PCH SUITE 207
TORRANCE, CA 90505
TELEPHONE: (310) 373-4190
FAX: (310) 373-4350

EMAIL: EFOBI@AOL.COM • IN RESPONSE REPLY TO:

OK

July 18,2008

Doug Spondello
214 South C Street
Oxnard, CA 93030

RE: Approval of Special Use Permit for Casa Lopez

Dear Mr. Spondello:

My name is Emmanuel F. Fobi I am the next door neighbor of CASA LOPEZ. My staff and I are very in favor of the City Of Oxnard to grant the Special Use Permit for Casa Lopez. Our offices would benefit from the extra foot traffic that would be triggered by their existence or business. The Lopez have ran their business in a very fine and professional manner. Lots of families, schools, charitable organizations have benefited from CASA LOPEZ.

When people walk by our office and through Casa Lopez cannot believe that such a beautiful place exist in Downtown Oxnard. We cant understand why a city like Oxnard wont approve such a beautiful place like Casa Lopez and the professionalism administration of Mr and Mrs. Lopez.

Once again as neighbors of Casa Lopez we are in favor of the City of Oxnard to Approve the Special Use Permit.

Any questions, you can reach us at (805) 240-2655

Sincerely,



Emmanuel F. Fobi
Attorney at Law

**LAW OFFICES OF ED K. BASSEY
ATTORNEY AT LAW
309 SOUTH "A" STREET
OXNARD, CA 93030
PHONE: (805)487-8689
FAX: (805)486-8868**

August 12, 2008

Doug Spondello
214 South "C" Street
Oxnard, CA 93030

RE: APPROVAL OF SPECIAL USE PERMIT FOR CASA LOPEZ

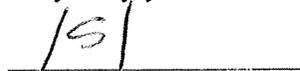
Dear Mr. Spondello,

My name is Attorney Ed K. Bassey. My office is next door to CASA LOPEZ. My staff and I are in favor of the City of Oxnard granting a Special use Permit for Casa Lopez. Our office would benefit from the extra foot traffic that may be triggered by the existence of the business. The Lopez's have ran their business in a very fine and professional manner. I am informed and believe that a lot of families, schools and charitable organizations have benefitted from CASA LOPEZ.

Once again as neighbors of CASA LOPEZ I am in favor of the City of Oxnard approving a Special use Permit for CASA LOPEZ.

Please feel free to contact me if you have any questions.

Very truly yours,



Ed K. Bassey
Attorney at Law

dictated but not read to expedite

RESOLUTION NO. 2008 – PZ 08-500-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-500-08 (SPECIAL USE PERMIT), TO ALLOW THE ON-SITE CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS (ABC LICENSE TYPE 47) WITHIN AN EXISTING BANQUET HALL AND RESTAURANT (CASA LOPEZ), LOCATED AT 325 SOUTH “A” STREET (APN 202-0-094-035), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OSBALDO LOPEZ, 325 SOUTH “A” STREET, OXNARD, CA 03030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-500-08, filed by Osbaldo Lopez in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, section 15401 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.

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 June 8, 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. 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. Entertainment uses not in conjunction with a private reception are limited to alternate Fridays.
(PL)
17. Restaurant operator is responsible for maintaining the cleanliness of the site and shall remove any litter on the property within 24 hours of appearance. (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. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (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 per Oxnard City Code, 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)
30. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
31. Sales of alcohol shall not occur between the hours of 1:00 a.m. and 6:00 a.m. (PL/PD)
32. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) 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)
33. 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.
34. 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)

35. 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)
36. 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.
37. 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)
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.
39. 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.
40. 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)
41. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
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 100 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 an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 48. 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)
- 49. 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

- 50. The applicant has proposed to establish a bond that will be made available to the City in the event that significant resources are needed to address problems related to the use. The specific terms of the bond shall be negotiated to the satisfaction of the City prior to any sales of alcohol at the location. (PL)
- 51. The applicant shall provide the Police Department with prior notice for all public and private events that are expected to exceed 150 attendees. This notice shall be provided to the Alcohol Compliance Officer no more than 10 days prior to the event. Notice shall include, at a minimum, the dates, times, expected attendance, security guard information and description of the event. (PL)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21 day of August, 2008, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Michael Sanchez, Chairman

ATTEST: _____
Susan L. Martin, Secretary