



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner

DATE: August 21, 2008

SUBJECT: Planning and Zoning Permit No.08-500-02 (Special Use Permit), Located at 2350 North Vineyard Avenue, Suite “B-5”

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-500-02 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit the on-site consumption of beer and wine (ABC License Type 41) within a proposed restaurant (Sushi and Yakitori Kiraku) at 2350 Vineyard Avenue, Suite “B-5” within the Courtyard shopping center. The application was filed by Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036, on behalf of the property owner, Duesenberg Investment Company.
- 3) **Existing & Surrounding Land Uses:** The proposed restaurant is located within a 1,241 square foot tenant space at an existing 12,680 square foot commercial center. This center is known as, “the Courtyard” and is adjacent to the Financial Plaza.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	Commercial General/Commercial Office	The Courtyard/Offices
North	C-2-PD	Commercial Office	Offices
South	C-2-PD	Commercial General	Auto Repair Shop
East	C-2-PD	Commercial Office	Offices
West	C-2-PD	Commercial Regional	Multi-Tenant Commercial Center

- 4) **Background Information:** The Courtyard was approved by Special Use Permit PZ 97-5-98, which Planning Commission resolution 98-30 ratified on July 16, 1998. On January 27,

2004 the Planning Manager approved a Minor Modification (PZ 03-140-71) to the use permit, which allowed for the accommodation of a projection sign.

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

6) Analysis:

a) General Discussion: The proposed hours of operation are Monday through Sunday from 10:30 a.m. through 10:30 p.m. While outdoor seating in the adjacent common courtyard is made available to the restaurant's patrons, alcoholic beverages are not proposed nor allowed within this area. Should the Applicant desire to provide alcoholic beverage service in the courtyard, a subsequent permit would be required for such expansion of use.

b) General Plan Consistency: The General Plan Land Use designation for the subject parcel is bifurcated between General Commercial and Commercial Office. The Courtyard is located within the portion of the site designated for General Commercial. The proposed use is consistent with this designation.

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

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial-Planned Development (C-2-PD) zone district. In accordance with the City Code, the proposed sale of alcohol for on-site consumption in conjunction with a restaurant may be permitted with an approved special use permit.

d) Site Design: The restaurant is located within tenant space "B-5". The main entrance is through a set of double doors accessed from the common area courtyard. Immediately inside is the 429 square foot dining area for patrons on the easterly portion of the restaurant with nine tables. On the westerly portion of the restaurant is a service area where the food will be prepared and sushi bar seating for patrons.

where the food will be prepared and sushi bar seating for patrons.

- e) **Request for Sale of Alcoholic Beverages for on-site consumption:** The Oxnard Police Department prepared a report on June 3, 2008 which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of the approval of this request. The report cites another alcohol outlet within 350 feet of the subject parcel, qualifying the area for "undue concentration". However, the police find that the existing establishment should not conflict with the proposed use, as it is a private facility (Topa Tower Club) located on the top floor of the Financial Tower.

The Police Department's primary concern regarding this proposal is the potential for customers to take their alcoholic beverages outside to the tables in the courtyard. Employees and management will need to take extra precautions to ensure that they are closely monitoring their customers and that they do not contribute to problems associated with drinking in public. The Police Department proposes a special condition that will require the Applicant to post prominent signs near the exits indicating that it is unlawful to remove alcohol from the premises and that violators may be cited.

As part of their review, the Police Department consulted with the Responsible Alcohol Policy Action Coalition (RAPAC). They felt that the proposed use was appropriate for the site providing there were adequate conditions to minimize the risk of customers taking alcohol outside.

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

- 7) **Community Workshop:** On July 9, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Rio Lindo 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 July 21, 2008. There were no public comments on this matter.
- 8) **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.

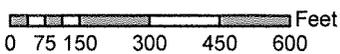
Attachments:

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

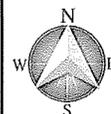
Prepared by: <u>DS</u> DS
Approved by: <u>SM</u> SM



PZ 08-500-02
 Location: 2350 N Vineyard Av
 APN: 142002260
 Sushi & Yakatori kiraku



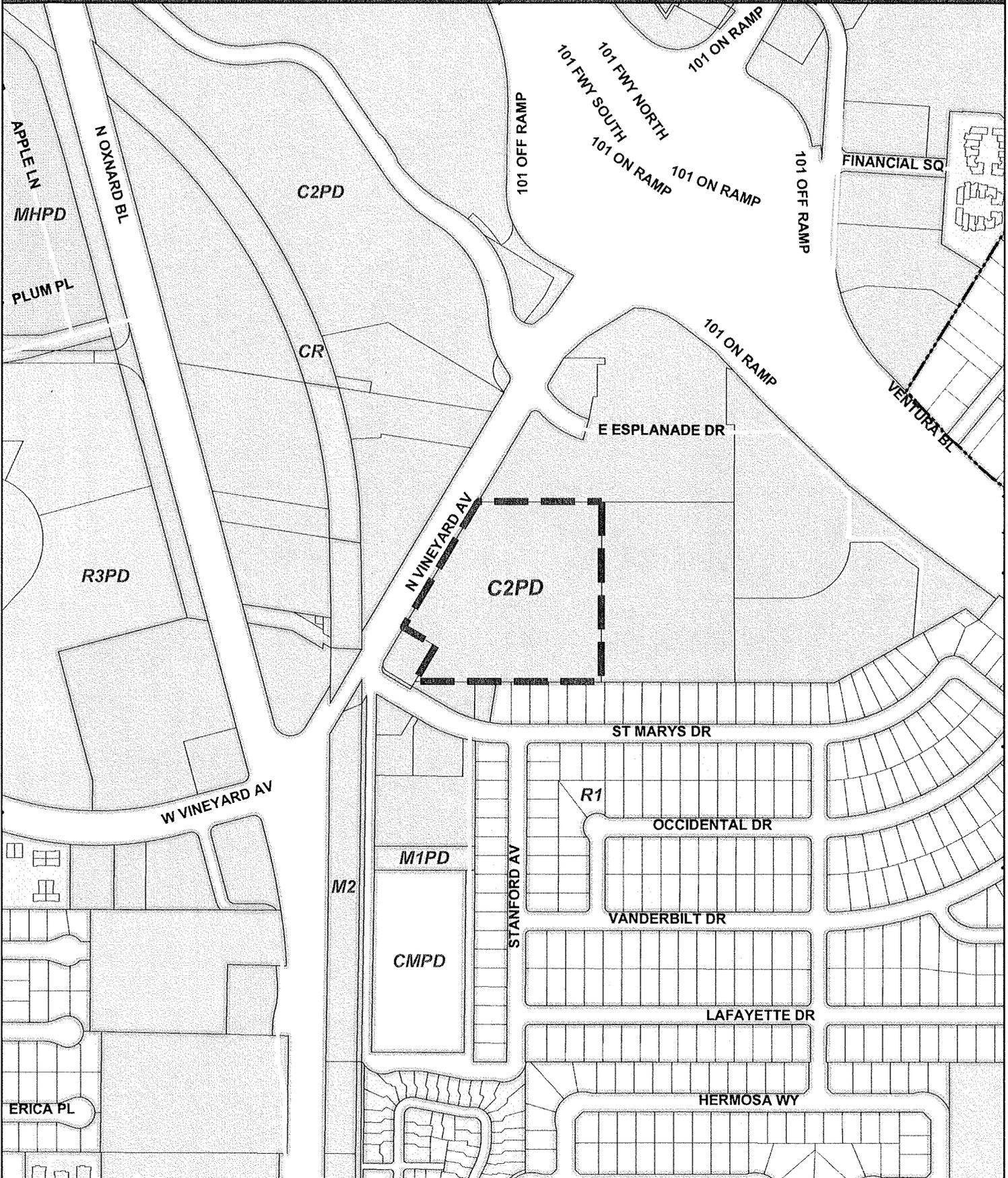
General Plan Map



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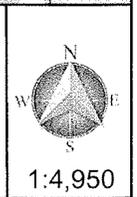
Oxnard Planning
 August 14, 2008

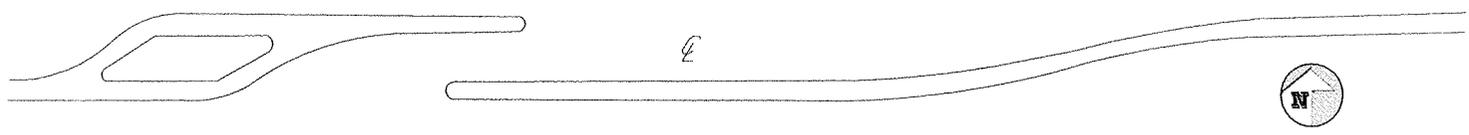
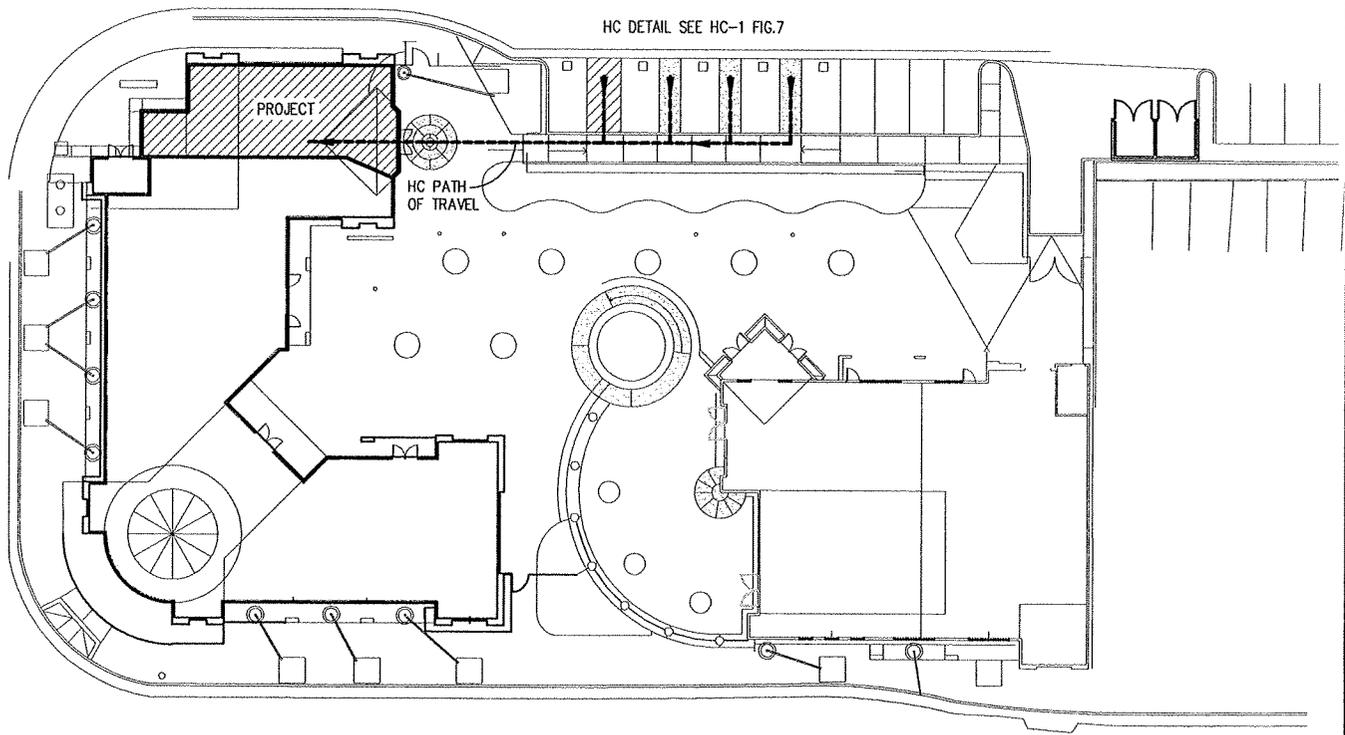
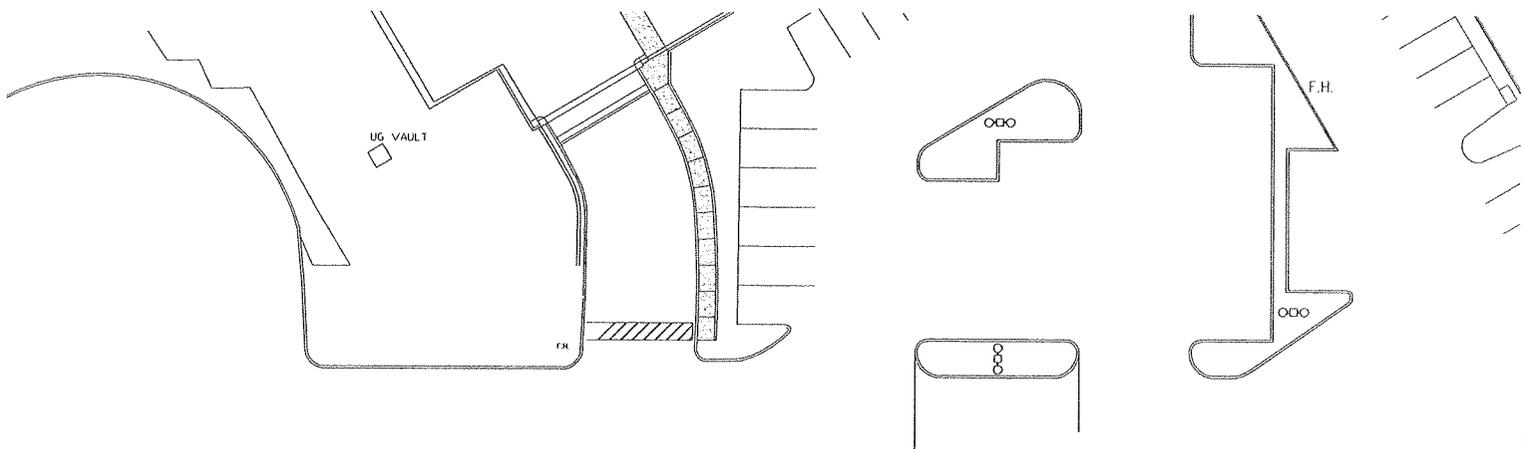


PZ 08-500-02
 Location: 2350 Vineyard Av
 APN: 142002260
 Sushi and Yakatori Kiraku

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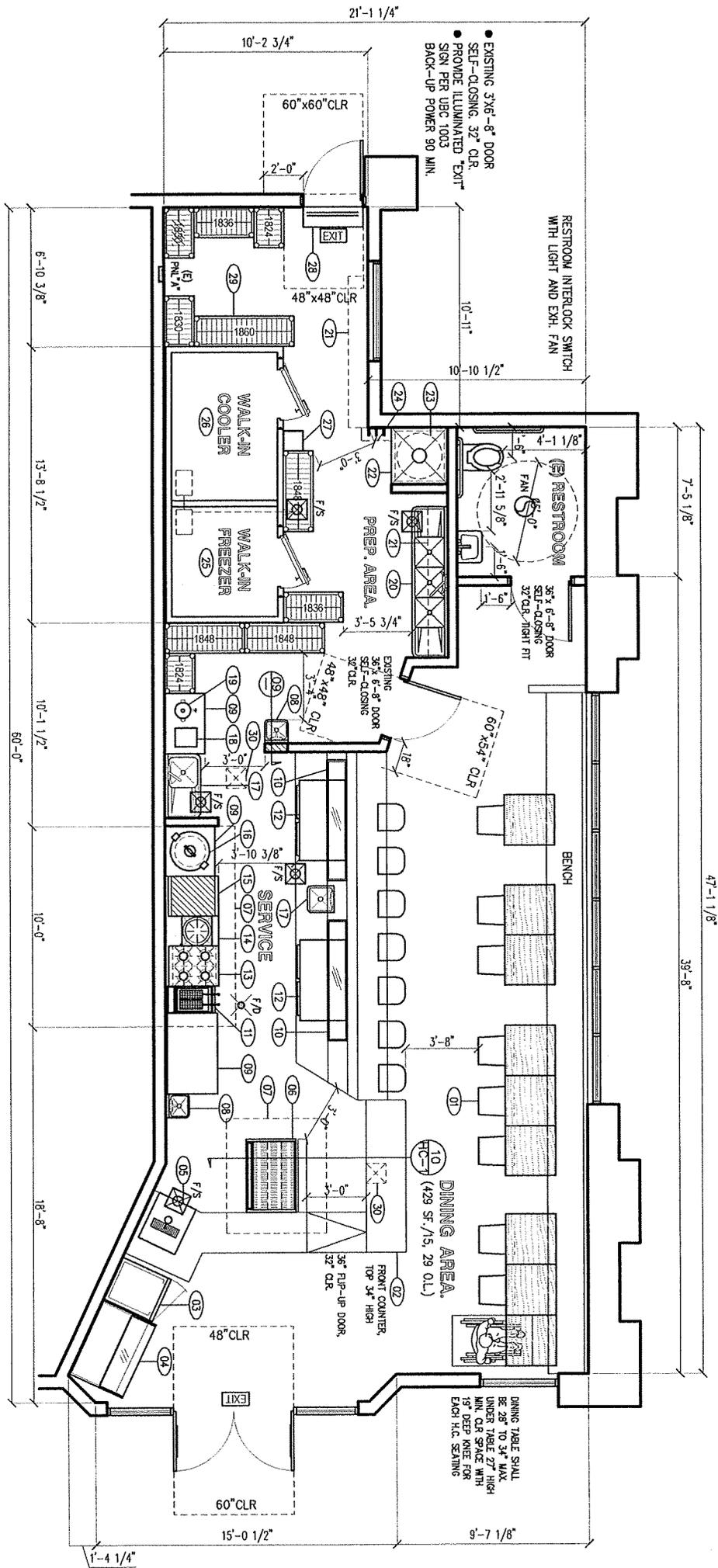
Zone Map





SITE PLAN

N.T.S.	08
EXP 8001	





NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 08-500-02 (Special Use Permit) a request to permit the on-site consumption of beer and wine (ABC License Type 41) within a proposed restaurant (Sushi and Yakitori Kiraku) at 2350 Vineyard Avenue, Unit "B-5" and also commonly known as Assessor Parcel Number: 142-0-022-605. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard CA, 93036.

Finding:

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

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

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

Date

Susan L. Martin, AICP
Planning Division Manager

RESOLUTION NO. 2008 – PZ 08-500-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-500-02 (SPECIAL USE PERMIT), TO ALLOW THE ON-SITE CONSUMPTION OF BEER AND WINE (ABC LICENSE TYPE 41) WITHIN A PROPOSED RESTAURANT (SUSHI AND YAKITORI KIRAKU), LOCATED AT 2350 NORTH VINEYARD AVENUE, SUITE “B-5,” (APN 142-0-022-605), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ELIZABETH CALLAHAN, 400 ESPLANADE DRIVE, SUITE 301, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. [08-500-02], filed by Elizabeth Callahan 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.
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 16-545 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 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*)

POLICE STANDARD 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 11:00 p.m. and 7:00 a.m. (PL/PD)
15. Alcoholic beverages shall not be offered at significantly reduced prices that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
16. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts.
17. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is

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

18. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
19. Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift.
20. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
21. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.
22. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.
23. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
24. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
25. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
26. No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
27. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
28. Any rear door of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does

not constitute a violation. (PD)

29. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
30. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
31. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
32. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
33. Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
34. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE SPECIAL CONDITIONS

1. Permittee shall post prominent signs near the exit indicating that it is unlawful to remove alcohol from the premises and that violators may be cited. (PD)

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



Police Department

John Crombach, Police Chief

Date: June 3, 2008

To: Douglas Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 2350 E. Vineyard #B-5 (Sushi & Yakitori Kiraku) **PZ-08-500-02**

Site Information:

The proposed site is located within the food court of the Topa Financial Plaza at Esplanade Drive and Vineyard Avenue. The Topa Plaza includes numerous office buildings, two, high-rise towers, a hotel and a large parking structure. The proposed use is within an existing, unoccupied building and was most recently a Quizno's Restaurant. The site shares a large, open courtyard with four other food and/or beverage establishments. None of these nearby locations in the food court currently sell alcoholic beverages.

The front door of the business opens directly to the walkway entering the courtyard and there is no rear access. The site is generally bordered by Vineyard Ave. to the north and the Topa Financial Plaza on all other sides. The nearest residences are approximately 300 feet to the west and are part of the Rio Lindo neighborhood. There is currently one similar use within the 350 feet of the site which is the Topa Tower Club at the top floor of Tower II. The applicant has requested to obtain an ABC License Type-41 which is a restaurant that allows for the sale of beer and wine.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Topa Tower Club	300 Esplanade	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits

Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Baker's Square	2420 E Vineyard Ave	Type 41	On-Sale Beer and Wine	Restaurant	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 221 during the same 12-month time period. This is 75% higher than the average crime rate citywide. The vast majority of incidents occurred across Vineyard Avenue in the area of the Food-4-Less grocery store and the Target department store. Two-thirds of the events were thefts or other property-related crimes associated with the larger stores and, even with the above average crime rate, the area is generally not considered to be a policing problem. The numbers of disturbance-related incidents that list alcohol as a contributing factor were consistent with the citywide average.

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

Police Department Input:

The Beat Coordinator responsible for organizing police services in the area surrounding the proposed site has no serious concerns about adding an alcohol outlet at this location. The primary concern noted by the Beat Coordinator and other District Officers is that customers may wish to take their alcohol outside to the common courtyard area where most visitors to the food court typically choose to eat. Outdoor areas like this are generally unrestricted and unmonitored and allowing the consumption of alcohol under such circumstances could aggravate policing problems. The Police Department believes that this concern can be sufficiently mitigated with appropriate conditions of operation. The applicant has indicated that they do not intend to utilize any outdoor seating for their customers or create any patio seating area other than what is provided of the overall development.

Community Input:

This application was reviewed with members of The Responsible Alcohol Policy Action Coalition (RAPAC) and they shared the concern about outdoor seating. They felt that the proposed use was appropriate for the site as long as there were adequate conditions that would minimize the risk of customers taking alcohol outside. Members suggested that management should adopt a written policy that clearly describes the actions employees should take when

customers attempt to take alcohol outside and should be responsible to monitor the courtyard by making frequent checks during busy periods. They felt that staff should be ultimately responsible for any problems and, since their customers could be cited for drinking in public, that employees should also be cited for allowing the violation.

Conclusion:

The statistical analysis shows the area to have a crime rate that is 75% greater than the city-wide average with most of the incidents being theft-related and a below average number violent or personal crimes. The Police Department does not consider this area to be a policing problem.

There is one similar use within 350 feet so there is a local issue of undue concentration; however it is at 22nd floor of Tower II and is a private club that should not conflict with the proposed use. There is also one other On-Sale alcohol outlet (Baker's Square) located within 1000 feet of the site.

The primary issue regarding this proposal is the potential for customers to take their alcoholic beverages outside to the tables in the courtyard. Observations of the Police Department are that the majority of daytime visitors to the food court either take their meals outside or to-go. Employees and management will need to take extra precautions to ensure they are closely monitoring their customers and that they do not contribute to problems associated with drinking in public.

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

Police Standard Operating Conditions

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

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

- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
- 12) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 14) Sales of alcohol shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (PL/PD)
- 15) Alcoholic beverages shall not be offered at significantly reduced prices that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
- 16) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts.
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)
- 18) Prominent signs shall be posted stating, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)

- 19) Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift.
- 20) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
- 21) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.
- 22) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.
- 23) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 25) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
- 26) No pay phone on the exterior of the premises shall be allowed within 50 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 27) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 28) Any rear door of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

- 30) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
- 31) Permittee shall install height gauges at all exit doors prior to final inspection. (PD)
- 32) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 33) Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 34) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

- 1) Permittee shall post prominent signs near the exit indicating that it is unlawful to remove alcohol from the premises and that violators may be cited.