



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Brian Hann, Associate Planner

**DATE:** October 16, 2008

**SUBJECT:** Planning and Zoning Permit No. 08-510-07 (Special Use Permit) Located at 600 South Victoria Avenue, Suite A-500.

- 1) **Recommendation:** That the Planning Commission deny Planning and Zoning Permit No. 08-510-07 for a special use permit, subject to certain findings and conditions.
  
- 2) **Project Description and Applicant:** A proposal for a high-end liquor store to sell beer, wine and distilled spirits for consumption off the premises (ABC License Type 21-Package Store) located in an existing 1500 square foot tenant space at Rancho Victoria Plaza. The project, Victoria Wine and Spirits, will be addressed at 600 South Victoria Avenue, Suite A-500. The proposed project is exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines. Filed on behalf of Investec Commercial by designated Attorney in Fact, Maha Barakat of 11590 Northdale Drive, Moorpark, CA 93021.
  
- 3) **Existing & Surrounding Land Uses:** The proposed tenant space, which is currently unoccupied, is located in the Rancho Victoria Plaza shopping center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD (General Commercial Planned Development)	CG (Commercial General) & OSB (Open Space Buffer)	Rancho Victoria Plaza
North	C-2-PD (General Commercial Planned Development)	CG (Commercial General)	Rancho Victoria Plaza
South	R-1-PD (Single Family Residential Planned Development)	RL (Residential Low 3-17 DU)	Single family residential
East	C-2-PD (General Commercial Planned Development)	CG (Commercial General) & OSB (Open Space Buffer)	Open space buffer and single family residential
West	County	MA (Misc Ag/Planning Reserve)	Agriculture

**4) Background Information:** With regard to property history, Fidelity National Title previously occupied the tenant space proposed for use by Victoria Wine and Spirits. The Rancho Victoria Plaza commercial center was constructed in 1997 and began tenant occupancy in March of 1998.

**5) Analysis:**

**a) Discussion:** The liquor store proposes to operate from 9 AM to 9 PM every day. Approximately two employees per shift are anticipated with two shifts per day. No wine tasting is proposed as part of this request. The applicant proposes to operate an “upscale” shop that specializes in fine California wines, pricey liquors and fine cigars. As a true specialty liquor store at this location, negative impacts to the community would be minimal and the Police Department would require conditions of approval to ensure such upscale specialty retail does not evolve into a typical liquor store. However, the applicant has indicated that he is not agreeable with the conditions supporting the upscale specialty use and would want the ability to sell popular, low-priced alcoholic beverages that are typically offered in common liquor and convenience stores.

The Police Department primary is primarily concerned with the close proximity of the site to two existing Off-Sale outlets and nearby residential communities. There is one similar use, an AM/PM Minimart, within 350 feet of the proposed site and thus there is an issue of undue concentration by local standards (City Council Resolution No. 11,896). The Minimart generated an inordinate number of police calls for service during the past 12 months and 65 percent of which were disturbance-related.

Without specific and enforceable conditions clarifying the proposed use as an upscale specialty liquor shop, the Police Department cannot support the requested alcohol use permit. The Police Department believes that adding another typical liquor store in this area would aggravate existing problems related to the number of policing incidents.

**b) General Plan Consistency:** The General Plan land use designation for the subject property is CG (Commercial General).

POLICY	DISCUSSION
<p><i>Safety Policy #35 (page IX-20) states that “The City should require the Police Department to Review all proposed development projects for potentially dangerous situations, and implement its recommendations”.</i></p>	<p>Although there is no development associated with this proposal, the Police department reviewed the proposed use for compliance with its safety and security requirements. The project is conditioned to include implementation measures that address the concerns of the Police Department. However, the applicant does not accept these conditions. Therefore, consistency with this policy cannot be found.</p>

- c) Conformance with Zoning Development Standards:** The project site's zoning designation is C-2-PD (General Commercial Planned Development). Under the City's C-2-PD zoning, uses involving "sale of alcoholic beverages for consumption off-site" are permitted only on approval of a special use permit.
- d) Site Design:** The liquor store would be located in the center tenant space of the Rancho Victoria Plaza and with the front door facing Victoria Avenue. The liquor store customer service area would contain approximately two large refrigerators with 19 glass doors, a small ice cream freezer, a soda dispenser, three coffee pots, and three and one-half rows of shelving served by two cash registers. The nearest residential neighborhood (Orbela community) is located directly behind the project site with pedestrian gates connecting the neighborhood to the center. A second residential neighborhood is located approximately 150 feet to the south of the project site.
- e) Request for Sale of Alcoholic Beverages for Off-site Consumption:** The Type 21 License (Off-sale General – Package Store) authorizes the sale of beer, wine and distilled spirits for consumption off premises where sold. Minors are allowed on the premises. The applicant states they have an existing ABC License that they plan to transfer from a previous Semi Valley store to the liquor store project site in Oxnard.
- f) Police Department Review:** The Police Department reviewed the proposed alcohol use as required by City Council Resolution No. 11,896 for sale of alcoholic beverages. The Police Department's memo (Attachment D) also provides information regarding the number of incidents requiring police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages and whether approval of the coastal development permit is likely to significantly aggravate policing problems.

Concentration of Alcohol Sales:

- (1) There is one alcohol outlet within 350 feet of the proposed location:
  - (a) AM PM Market at 500 S Victoria Ave (Type 20 - Off Sale Beer & Wine - Convenience Market).
- (2) There are three alcohol outlets within 1000 feet of the proposed location:
  - (a) Mobil Market at 490 S Victoria Ave (Type 20 - Off Sale Beer & Wine - Convenience Market).
  - (b) Pirates Grog-n-Grub at 450 S Victoria Ave (Type 47 - On Sale Beer, Wine and Distilled Spirits for consumption - Restaurant), and,
  - (c) Genmai Sushi at 3623 W Fifth St. (Type 41 - On Sale Beer & Wine for consumption - Restaurant).

Crime Statistics Review: For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

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 138 during the same 12-month time period. This is 18% higher than the average crime rate citywide. The area is generally not considered to be a policing problem.

The heaviest concentration of incidents occurred south of the site and into the residential neighborhood. Most of the events reported in this area involved property crimes with violent incidents being relatively minimal. The nearest similar use (AM PM Market), which is approximately 350 feet north of the site, had 23 police calls for service during the most recent 12-month period and 15 of those calls were disturbance-related.

*Additional Police Input:* There are newly constructed residences directly behind the proposed liquor store site, less than 100 feet, and more residences are located approximately 150 feet to the south. When the Police Department reviews an application to sell alcoholic beverages, two of most significant factors that help to determine the appropriateness of such a use are the outlet density issue and the proximity to residences. Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in the surrounding neighborhood and can also lead to other alcohol-related community problems.

The California Department of Alcoholic Beverage Control (ABC) regulates the number of certain alcohol outlets that are permitted in a specific geographical area. This is usually determined based upon census tract populations and is designed to protect communities from having an over concentration of alcohol outlets. In this case, the number of allowable Off-Sale outlets has been exceeded by ABC guidelines. In order for a License to be granted, the City of Oxnard will be required to submit a formal recommendation to ABC that there is a "public convenience or necessity". In other words, ABC will not grant the License unless the City requests that they disregard their density guidelines because the use is a necessity or convenience to the residents and will benefit the community.

*Police Community Outreach:* Due to planned meeting schedules, the Responsible Alcohol Policy Action Coalition (RAPAC) did not have the opportunity to discuss this proposed liquor store. The Police Department will communicate with the group prior to the Planning Commission hearing to ensure they have an opportunity to voice any concerns. Nearby businesses voiced concerns with the proposed liquor store.

- 6) Community Workshop:** On September 5, 2008, the applicant mailed notices of the Community Workshop meeting to all property owners within the Sea View Estates Neighborhood. The applicant also posted such notice in the storefront window of the project site with a brief description of the project and contact information. The Community Workshop was conducted on September 15, 2008. Approximately 20 community members attended the workshop which contained for different projects on the agenda. Some

community members indicated that there were enough liquor stores in the area already and some others voiced opposition to any wine tasting on the premises. The owner stated that no wine tasting would take place. One attendee supported the proposal for fine wines on the west side of Oxnard.

**7) Appeal Procedure:** In accordance with Section 17-58(H) of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Police Department Memo
- D. Resolution

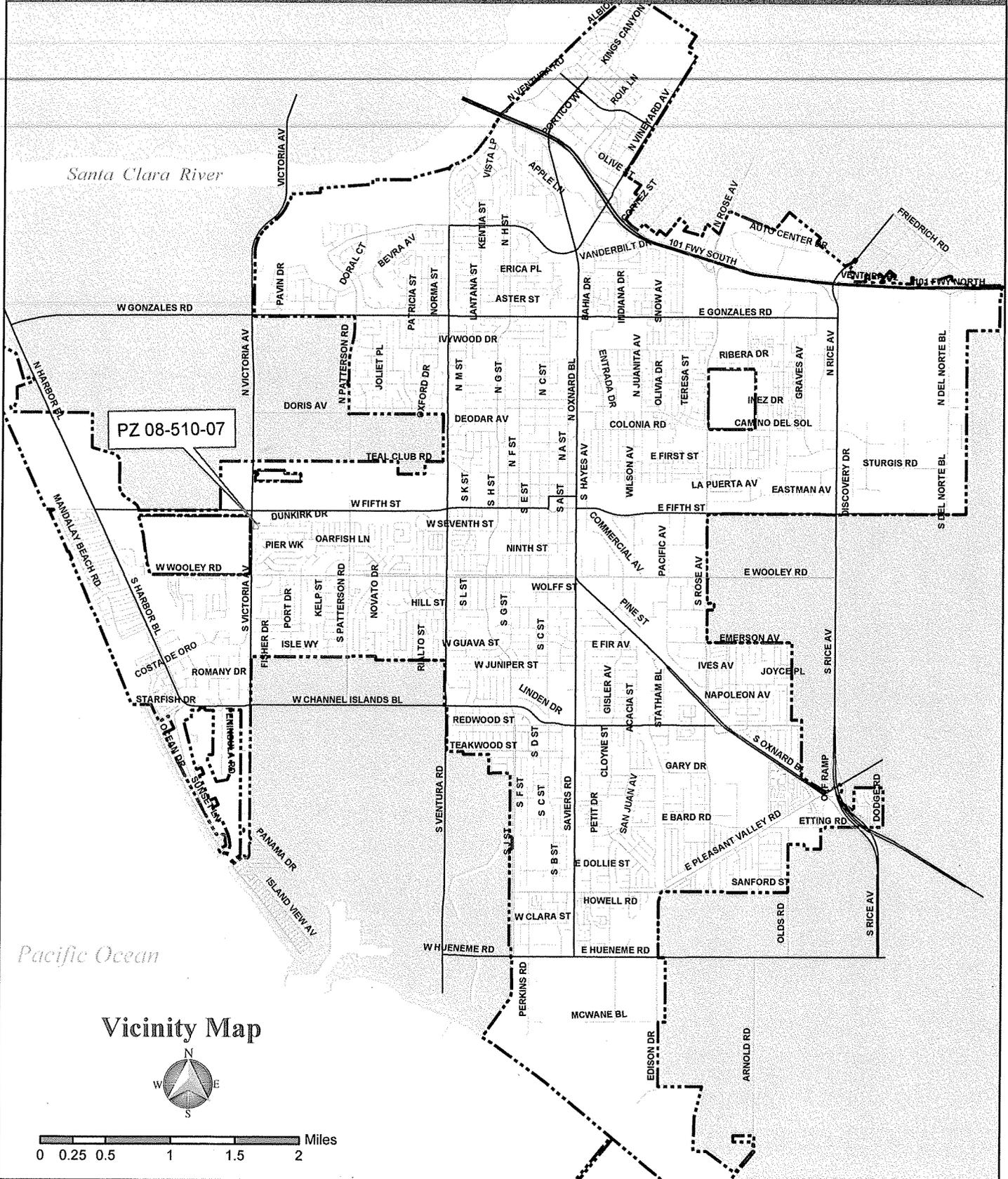
Prepared by: <u>BH</u> BH
Approved by: <u>SM</u> SM

---

# ATTACHMENT A

*Maps (Vicinity, General Plan, Zoning)*

# Vicinity Map



## Vicinity Map



0 0.25 0.5 1 1.5 2 Miles



Oxnard Planning  
September 22, 2008

PZ 08-510-07  
Location: 600 S. Victoria Av  
APN: 185017010  
Victoria Wine & Spirits

# General Plan Map

MA

AC

W FIFTH ST

SOUTHAMPTON PL

MA

CG

JOLLY ROGER WY

CG

DUNKIRK DR

RL

MONTE CARLO DR

RL

NANTUCKET PKWY

RL

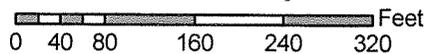
SHALLOWS DR

RL

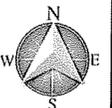


Oxnard Planning  
September 22, 2008

PZ 08-510-07  
Location: 600 S. Victoria Av  
APN: 185017010  
Victoria Wine & Spirits



General Plan Map



1:1,970

W FIFTH ST

CR

CNTY

C2PD JOLLY ROGER WY

SOUTHAMPTON PL

C2PD

DUNKIRK DR

R1PD

MONTE CARLO DR

S VICTORIA AV

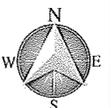
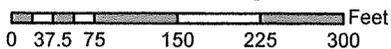
NANTUCKET PKWY

SHALLOWS DR

R1

Zone Map

PZ 08-510-07  
Location: 600 S. Victoria Av  
APN: 185017010  
Victoria Wine & Spirits



1:1,983



Oxnard Planning  
September 22, 2008

---

# **ATTACHMENT B**

## *Reduced Project Plans*

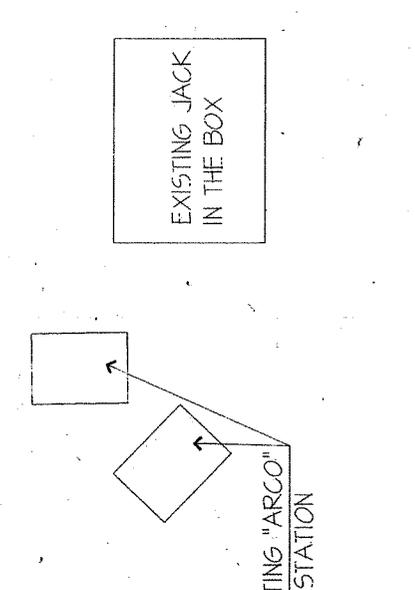
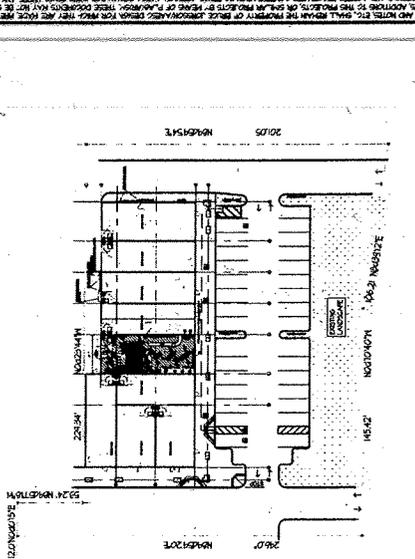
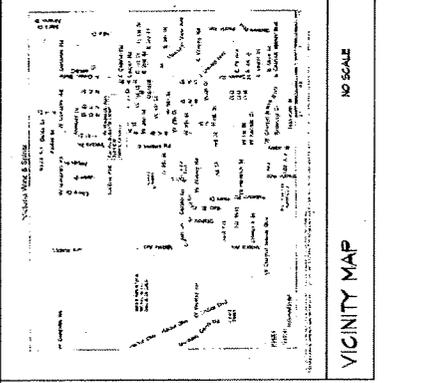
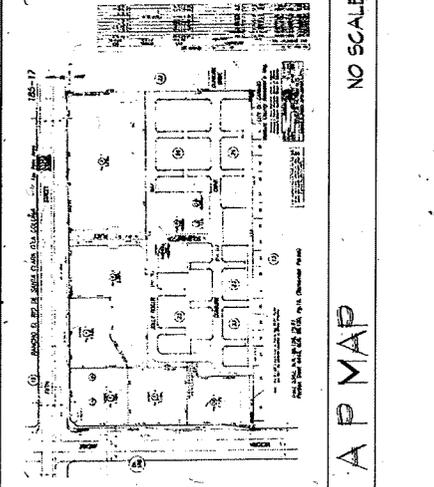
PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: SITE PLAN  
 PROJECT NUMBER: 05-10-002  
 DATE: JULY 08TH 2008  
 SCALE: AS NOTED  
 SHEET NUMBER: 2

OWNER INFORMATION:  
 OWNER: VICTORIA MINE AND SPIRITS, KAHANEVSKAYA OTHMAN  
 800 SOUTH VICTORIA AVENUE-500, OXNARD/CALIFORNIA 93030  
 805-462-0022  
 ANR1830-10-05

DESIGNER INFORMATION:  
 DESIGNER: AESC DESIGN  
 10000 VANILLA AVE. SUITE 100, VANUZA, CA 94134  
 415-754-1100  
 DATE: 07/08/08

PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: SITE PLAN  
 PROJECT NUMBER: 05-10-002  
 DATE: JULY 08TH 2008  
 SCALE: AS NOTED  
 SHEET NUMBER: 2

NOTICE: THESE DOCUMENTS, DRAWINGS, SPECIFICATIONS, AND OTHER INFORMATION, INCLUDING ALL NOTICES, SHALL REMAIN THE PROPERTY OF AESC DESIGN. NO PART OF THESE DOCUMENTS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AESC DESIGN. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THESE DOCUMENTS SHALL BE SUBJECT TO LEGAL ACTION. THE USER OF THESE DOCUMENTS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. AESC DESIGN SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DOCUMENTS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREIN. AESC DESIGN SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING REAL ESTATE, ARISING FROM THE USE OF THESE DOCUMENTS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. AESC DESIGN SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DOCUMENTS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED HEREIN.



PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: SITE PLAN  
 PROJECT NUMBER: 05-10-002  
 DATE: JULY 08TH 2008  
 SCALE: AS NOTED  
 SHEET NUMBER: 2

PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: SITE PLAN  
 PROJECT NUMBER: 05-10-002  
 DATE: JULY 08TH 2008  
 SCALE: AS NOTED  
 SHEET NUMBER: 2

PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: SITE PLAN  
 PROJECT NUMBER: 05-10-002  
 DATE: JULY 08TH 2008  
 SCALE: AS NOTED  
 SHEET NUMBER: 2

**SITE PLAN**

01/08/2008

TOTAL LEASE AREA: 150000 SF.  
 TOTAL LEASE AREA: 150000 SF.

VICTORIA AVENUE

FIFTH STREET

EXISTING "ARCO" GAS STATION

EXISTING JACK IN THE BOX

PROJECT DATA:  
 TENANT IMPROVEMENTS TO VANILLA SHELTER STRUCTURE FOR  
 FOR A NEW MARKET WITH ALKALINE SALES

PROJECT DATA:  
 TOTAL GROSS SF LEASE AREA, 10000  
 BUILDING CODE, INT  
 OCCUPANT GROUP, GROUP B

EXISTING: 6 PARKING SPACES PROVIDED  
 OCCUPANT LOAD CALCULATIONS (INT) (USE 1 TABLE 8-1)

OCCUPANT	SF	LOAD	EXIT
RETAIL SERVICE	10000	200	1
STORAGE	5000	100	0
TOILET/OTHERS	5000	100	0
TOTALS	15000	300	1
SKY RIGID TOTALS	1500	30	1
INTERIOR EXIT REQUIRED	1		
INTERIOR EXIT PROVIDED	2		

RESIDENTIAL COMMERCIAL TENANT IMPROVEMENT  
 PLANNING PLANS & CONSTRUCTION DOCUMENTS  
 POST OFFICE BOX # 5374 (805)701-5200  
 VENTURA, CALIFORNIA 93005  
 E-MAIL: b.jones@aaesc.com  
 FAX: 805-441-2610, 805-701-5200 - DATE: 07/08/08

PROJECT TITLE: TENANT IMPROVEMENTS  
 SHEET TITLE: FLOOR PLAN  
 PROJECT INFORMATION:  
 100 SOUTH VICTORIA PLAZA, SUITE 200, OAKLAND, CALIFORNIA 94612  
 805-441-2610

DESIGNED BY: B. JONES  
 CHECKED BY: B. JONES  
 DATE: JULY 08TH, 2008  
 SCALE: AS NOTED  
 JOB NUMBER: 2008-01  
 SHEET NUMBER: 3  
 TOTAL PAGES IN THIS SET: 10

AAESC DESIGN  
 PROVIDE AND INSTALL AT: FLOORING  
 SALES/DISPLAY ROLL SHEET VINYL QUARRY TILE BASE  
 STORAGE ROLL SHEET VINYL QUARRY TILE BASE  
 HC TOILET ROLL SHEET VINYL QUARRY TILE BASE  
 PROVIDE AND INSTALL AT: CEILINGS  
 SALES/DISPLAY WASHABLE CEILING TILES  
 STORAGE WASHABLE CEILING TILES  
 EX. TOILET EX. 5'0" 6'0"

FLOOR FINISH LEGEND  
 ROLL SHEET VINYL QUARRY TILE BASE  
 WASHABLE CEILING TILES  
 EX. TOILET  
 EX. 5'0" 6'0"

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING

APPROVED FLOORING MATERIALS (NOT LIMITED TO THE FOLLOWING)  
 SELF-CURED 4" IP THE WALL WITH 3/8" RAUING  
 4" QUARRY TILE BASE WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 THE WALL WITH 3/8" RAUING  
 4" CERAMIC TILE BASE WITH 3/8" RAUING  
 CONTINUOUS EPoxy MATERIAL 4" IP  
 THE WALL WITH 3/8" RAUING



FLOOR PLAN  
 TENANT LEASE WORKING AREA: 5000.00 SQ. FT.  
 TOTAL TENANT LEASE WORKING AREA: 5000.00 SQ. FT.

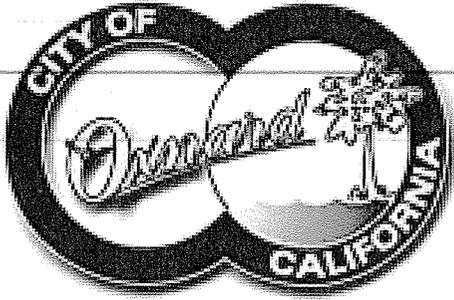
ITEM NO.	QTY.	NAME	BASE MANUFACTURER	REMARKS	HOT WATER	COLD WATER	WASTE PIPE	VENT PIPE	FINT. UNITS	BTU CFH	6/8 PIP	REMARKS	VOLTAGE	AMPS	WATS	REMARKS
1	1	WALK-IN REFRIGERATOR	KOOLSTAR	10'X10'		F5		2'		625K	5/8"	1-1/2"	115/60/1	15.0		WITH (6) 18" DOORS
2	1	WALK-IN FREEZER	KOOLSTAR	10'X10'		F5		2'		625K	5/8"	1-1/2"	115/60/1	15.0		WITH (6) 18" DOORS
3	3	GLASS DOOR REFRIG.	TRIE	NOL #674-61		3/4" 3/4"	F5	2'								
4	1	HORIZ. ICECREAM FREEZ.	TRIE	NOL #11F-5FL		3/4" 3/4"	F5	2'								
5	1	SODA DISPENSER	CORNELIUS	NOL #HD300 150		3/4" 3/4"	F5	2'								
6	1	GLASS DOOR FREEZER	TRIE	NOL #520M-12F		1/2"										
7	3	COFFEE POT	BIRN	NOL #23050-0008		1/2"										
8	2	CASH REGISTER	SAMSUNG	NOL #55001												
9	1	AIR CURTAIN	MARS	NOL #23050-0008												
10	1	CONDOLA SHELVING	TRU CHANGS	NOL #42800												
11	1	HOP SINK	ZERN	NOL #42800		3/4" 3/4"	F5	2'								
12	1	ICE MACHINE	ICE-O-MATIC	NOL #ICE0500		1/2"	F5	2'								
13	1	FLOOR SINK	ZERN	NOL #FD2316 (12X12)		1/2"	F5	2'								
14	4	STAGKABLE LOCKERS	KLETON	MAN 5 TIER 12"X24"X2"												
16	1	DOOR-HOT WATER TANK	BY OWNER			1" 3/4"				075K	0.68	1/2"	120/60/1			

EQUIPMENT SCHEDULE  
 ALL EQUIPMENT MUST BE NSF APPROVED  
 ELECTRICAL  
 PLUMBING

---

**ATTACHMENT C**

*Police Department Memo*



**Police Department**  
John Crombach, Police Chief

Date: October 6, 2008  
To: Brian Hann, Associate Planner  
From: Cliff Waer, Senior Alcohol Compliance Officer  
Subject: 600 S. Victoria Ave. Suite A-500 (Victoria Wine and Spirits) **Re: PZ 08-510-07**

**Site Information:**

The proposed site is located on the southeast corner of Fifth Street and Victoria Avenue and is part of a small, L-shaped commercial center that has six individual storefronts. The front door of the site is situated in the middle of the shopping center and faces west towards the parking lot and Victoria Avenue. The suite was most recently operated as a small bank branch and is currently unoccupied. The business lies within the Sea View Estates neighborhood.

The nearest residences are less than 100 feet east of the site with additional residences located approximately 150 feet to the south. Businesses at the shopping center include a hair salon and day spa (directly alongside the proposed site) a Subway restaurant and donut shop. The site is generally bordered by Victoria Avenue to the west, Fifth Street and commercial uses to the north, and residential uses to the east and south. The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-21, which is an Off-Sale License that allows for the sale of beer, wine and distilled spirits (package store).

**Alcohol outlets located within 350 feet of the proposed site include:**

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. AM PM Market	500 S Victoria Ave.	Type 20	Off-Sale Beer, and Wine	Convenience Market	Beer and Wine

Alcohol outlets located within 1000 feet of the proposed site include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Mobil Market	490 S Victoria Ave.	Type 20	Off-Sale Beer and Wine	Convenience Market	Beer and Wine
2. Pirates Grog-n-Grub	450 S Victoria Ave.	Type 47	On-Sale Beer, Wine and Spirits (food)	Restaurant	Beer, Wine & Spirits
3. Genmai Sushi	3623 W Fifth	Type 41	On-Sale Beer and Wine (food)	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 117.

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 138 during the same 12-month time period. This is 18% higher than the average crime rate citywide. The area is generally not considered to be a policing problem.

The heaviest concentration of incidents occurred south of the site and into the residential neighborhood. Most of the events reported in this area involved property crimes with violent incidents being relatively minimal. The nearest similar use (AM PM Market), which is approximately 350 feet north of the site, had 23 police calls for service during the most recent 12-month period and 15 of those calls were disturbance-related.

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. Any reference to “police calls for service” may include any type of police response to the area and are not specific to the Part I or II crime category.

**Police Department Input:**

The police Beat Coordinator was contacted and said the surrounding area is not generally considered a crime problem; however, the two markets that sell alcohol on the corner of Fifth and Victoria generate significant traffic and an inordinate amount of police activity. He had concerns about the outlet density in this area and that parking and congestion are already an issue in the complex. The Beat Coordinator felt that adding another retail market to the center will likely aggravate the existing conditions.

The Police Department's primary concern is the close proximity of the proposed business to two other Off-Sale alcohol outlets. Additionally, there are newly constructed residences directly behind the site, less than 100 feet from the building, and more residences approximately 150 feet to the south. When the Police Department reviews an application to sell alcoholic beverages, two of most significant factors that help to determine the appropriateness of such a use are the outlet density issue and the proximity to residences. Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in the surrounding neighborhood and can also lead to other alcohol-related community problems.

The applicant has indicated that he does not intend to operate the business as a typical liquor store and intends to offer primarily fine wines, liquors, micro-brews and cigars. He presented the Police Department with an example of products he plans to highlight which included some products priced over \$100 each and listed many locally produced wine products. The applicant stated in his letter that they will "specialize in fine local wines and focus on California wineries based in the Central Coast". The applicant later seemingly contradicted that type of business plan by stating the he would also sell some popular, low-priced domestic beers and wines that are typical of common convenience and liquor stores.

In the letter he provided, the applicant claimed to be an experienced liquor store owner and listed three other locations in the County he has operated. One of those locations was the "Le Town Market" which was located at 2505 E. Ventura Blvd. before it was razed in order to make room for the newly proposed freeway interchange. That particular location was among the most dilapidated and unsightly liquor outlets in the City of Oxnard. In fact, photos of the interior and exterior of the store are still used by the Police Department during training seminars to demonstrate how some stores are often maintained in an unacceptable manner and can blight the neighborhood.

The Police Department recognizes that operating the business as a true specialty shop may not necessarily present the same kinds of risks and potential negative impact as would a typical liquor store; however, the ABC license type that is requested (Type-21) allows for the sale of any kind of alcoholic beverage and does not ensure that the business will always be operated as proposed. Without specific local conditions carefully regulating the business to operate as proposed by the applicant, the business may at any time modify the use and become another ordinary liquor store. Such a use would not be supported by the Police Department.

The Police Department worked extensively with the applicant to craft conditions of operation that would allow the business the best opportunity to be successful while still protecting the surrounding community. The applicant originally told the Police Department that he would agree to any condition that would require the business to operate in a manner that is consistent with a specialty shop (as he had already proposed) and not as a common liquor store. One such condition offered to the applicant stated simply that:

"The business shall not be permitted to operate as a common liquor store with mass-produced, low-priced beer or wine products that are typically sold in liquor or package stores and at no time shall any alcoholic beverages be sold on the premises for less than \$10.00".

The applicant has now made it clear that, in order to be successful, he would also need to sell popular, low-priced alcoholic beverages that are typically offered in common liquor and convenience stores. As stated earlier, the Police Department cannot support a use that is essentially the same as the two nearby markets and the Police Department does not believe that a mere offering of some specialty items meets the standard of a “specialty” or “niche” shop.

**Community Input:**

The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had the opportunity to discuss this proposal at the time this report was submitted. The Police Department will communicate with the group prior to the Planning Commission hearing to ensure they have an opportunity to voice any concerns.

Nearby businesses including the day spa just south of the site were contacted by the Police Department for their input. Staff members at the spa were very concerned about the potential conflict with their business and said that, among other things, spa customers may be uncomfortable visiting their business with a liquor store next door. The manager indicated they opposed the use and planned to attend the hearing.

**Conclusion:**

The statistical analysis shows the area surrounding the site to have a crime rate that is 18% higher than the city-wide average but is not generally considered to be a policing problem. There is one similar use within 350 feet of the proposed site so there is an issue of undue concentration by local standards. That nearby alcohol outlet generated an inordinate number of police calls for service during the past 12 months and 15 of those were disturbance-related which is of some concern to the Police Department. The applicant’s history of operating similarly licensed outlets in Oxnard is a dubious one and his previous business remains an example of how not to maintain such an outlet.

The California Department of Alcoholic Beverage Control (ABC) regulates the number of certain alcohol outlets that are permitted in a specific geographical area. This is usually determined based upon census tract populations and is designed to protect communities from having an over concentration of alcohol outlets. In this case, the number of allowable Off-Sale outlets has been exceeded by ABC guidelines. In order for a License to be granted, the City of Oxnard will be required to submit a formal recommendation to ABC that there is a “public convenience or necessity”. In other words, ABC will not grant the License unless the City requests that they disregard their density guidelines because the use is a necessity or convenience to the residents and will benefit the community.

The primary concern of the Police Department is the sites close proximity to two other Off-Sale outlets and to nearby residences. The Police Department is concerned about the potential negative impact that a liquor store would have on the area and are opposed to the use if operated in a manner that is typical of a traditional liquor store. The applicant has said they intend to operate an “upscale” store that focuses on fine California wines, pricey liquors and fine cigars;

however, they have so far refused to accept conditions of operation that will ensure they actually operate in such a manner.

While a true specialty shop may offer a reduced risk of creating a significant negative impact and is a little more amenable to the Police Department, it will be difficult to regulate without thorough local conditions. Without very specific and enforceable conditions that limit the use to a specialty shop that carries moderate to expensive alcohol items, the site could evolve into a common liquor store which is not a desirable use. The Police Department is not convinced that another liquor store in an area where there are already two nearby options for residents is a "necessity or convenience" to the community and, instead, believe that adding such an outlet would actually aggravate existing problems.

## **Police Standard Operating Conditions**

### **Off-Sale Alcohol Outlets (Liquor Store)**

---

1. Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
2. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Displaying a business name that includes any reference to alcoholic beverages is not considered a violation of this condition. (PL/PD)
3. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
4. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
5. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within forty-eight (24) hours of being applied. (PL/PD)
6. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. (PL/PD)
7. 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. (PD)
8. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. (PL/PD)
9. 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 and other adjacent areas under Permittee's reasonable control. (PD)

---

10. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)
11. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
12. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
13. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
14. Alcoholic beverages shall not be sold between the hours of 10:00 p.m. and 8:00 a.m.
15. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. (PD)
16. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
17. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
18. No single containers, 12 oz., 16 oz., 20 oz., 24 oz., 32 oz., or 40 oz., of beer or malt liquor shall be sold.
19. No fortified wine products shall be sold with an alcohol content greater than 14% by volume with the exception of the following products (provided they are consistent with those permitted by their Alcoholic Beverage Control License): Port, Sherry, Marsala, Madiera, Saki, Muscat and Vermouth. (PD)
20. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)

- a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.
  - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
21. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
  22. Businesses will contact The Oxnard Police Crime Prevention Officer at (805) 385-8349 to discuss enrollment in and compliance with the Oxnard Police Department "Crime Free Business Program."
  23. 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.
  24. Permittee shall have drop-safes installed to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
  25. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
  26. Permittee shall install height gauges at all exit doors.
  27. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
  28. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
  29. The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.
  30. 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 in good faith maintain and operate the business as originally proposed which is as a specialty shop that focuses on moderate to expensive fine wines and spirits, fine cigars and micro-brews. The business shall not be permitted to operate as a common liquor store with mass-produced, low-priced beer or wine products that are typically sold in liquor or package stores. No alcohol product shall be sold for less than \$10.00 at any time (The \$10.00 minimum price shall increase in relation to the Consumer Pricing Index for inflation for the Ventura County region with 2008 utilized as the base year). (PD)  
(PD)
2. The business shall be maintained in a condition that is consistent with the tasteful standards that are typical of specialty shops and shall not allow the facility to become excessively dilapidated, unkempt or unsightly. (PD)

---

# **ATTACHMENT D**

*Resolution*

RESOLUTION NO. 2008-510-07

~~A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD, DENYING PLANNING AND ZONING PERMIT NO. PZ 08-510-07 (SPECIAL USE PERMIT) FOR ON-SITE SALES OF BEER, WINE AND DISTILLED SPIRITS FOR CONSUMPTION OFF THE PREMISES (ABC LICENSE TYPE 21-PACKAGE STORE) LOCATED IN AN EXISTING 1500 SQUARE FOOT TENANT SPACE AT RANCHO VICTORIA PLAZA. THE PROJECT, VICTORIA WINE AND SPIRITS, IS ADDRESSED AT 600 SOUTH VICTORIA AVENUE, SUITE A-500 (APN 185-0-170-105). FILED ON BEHALF OF INVESTEC COMMERCIAL BY ATTORNEY IN FACT MAHA BARAKAT OF 11590 NORTHDAL DRIVE, MOORPARK, CA 93021.~~

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-07, filed on behalf of Investec Commercial, in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is not in conformance with the adopted policies of the City of Oxnard.
2. The proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The proposed use will result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1,000 feet of the location for which the special use permit is applied.
4. The proposed use is likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.
5. The proposed use will not serve the public's convenience or necessity.

---

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16<sup>th</sup> day  
of October, 2008, by the following vote:

---

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

\_\_\_\_\_  
Michael Sanchez, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary