



Meeting Date: 06 / 21 / 2011

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Brian Foote, AICP, Associate Planner *BF* Agenda Item No. L-6

Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *[Signature]* Other (Specify) _____

DATE: June 8, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *SM Martin*
Development Services Department

SUBJECT: Appeal of the Planning Commission's denials of requests for special use permits to allow Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control licenses at two existing Walgreens stores, located at 2303 East Vineyard Avenue and 481 South Ventura Road. Filed by attorney Jennifer Chavez, on behalf of Walgreens Co.

RECOMMENDATION

That City Council adopts resolutions denying the appeals and upholding the Planning Commission's denial of Planning and Zoning Permit Nos. 10-510-06 and 10-510-09.

SUMMARY

On March 17, 2011, the Planning Commission considered applications for special use permits to sell beer and wine for off-site consumption at three Walgreens stores. All three requests were denied, one of which was denied unanimously. On April 25, 2011, the City Clerk received timely notices appealing two of the Commission's decisions. The third decision (the unanimous denial) was not appealed. The Council public hearing was scheduled for June 21st at the appellant's request. The appellant raises several points, discussed below, questioning the validity of the findings of fact. Pursuant to section 16-548 of the City Code, the Council's review of an appeal from a Commission decision may be heard de novo, and the Council is not restricted to considering the grounds specified in the notice of appeal.

DISCUSSION

On March 17, 2011, the Planning Commission followed standard protocol by opening and closing separate public hearings for each application, heard testimony separately for each location, and considered the facts and circumstances unique to each location. The Commission then deliberated and voted on each application as separate agenda items. The Commission subsequently directed staff to prepare findings denying Special Use Permit (SUP) Nos. 10-510-06 and 10-510-09. On April 7, 2011, the Commission formally adopted resolutions denying the applications. These denials were based on findings that an overconcentration of alcohol outlets currently exists in the vicinity of each location,

and that the proposed use if approved would be likely to exacerbate police problems at the subject business and vicinity.

The grounds for appeal, as stated on the Notice of Appeal (Attachment 7), include a statement that "The Planning Commission decision was arbitrary and capricious and not supported by substantial evidence." The record of proceedings indicates that the decision was not arbitrary and capricious, and that the Commission considered and deliberated substantial evidence. The record shows that the evidence included the Police Department reports, testimony from the general public during the public hearing, and the Commissioner's testimony and observations from site visits. The Commission reviewed a vast amount of evidence prior to voting, and the record does not in any way indicate that the decisions were "arbitrary and capricious."

The appellant also submitted letters on May 5, 2011, as addenda to the Notices of Appeal, in which the appellant evaluates the findings of fact and explains why the Commission's decisions were made in error. The appellant does not provide further information or explanation as to why "The Planning Commission decision was arbitrary and capricious and not supported by substantial evidence" and submitted copies of staff's draft resolutions as proof of substantial evidence supporting approval. However, staff's draft resolutions were merely proposals that the Commissioners rejected after deliberation, and subsequently directed staff to revise the findings to accurately reflect the Commission's independent judgment.

The appellant's addenda are substantially identical in content, except for the locations of the respective stores, and are summarized and addressed below. A brief reiteration of the appellant's statement is printed in *italics* (please see Attachment 7 for appellant's analysis of each finding), with staff's response following in regular type.

- *Denial will deprive Walgreens of preservation and enjoyment of substantial property rights.*

The Commission determined that Walgreens could continue with its current operations and intensity of use consistent with the zoning (including retail goods, photo shop, mini-mart, pharmacy with drive-thru window, and existing hours of operation up to 24 hours daily), and therefore, the decision would not deprive the applicant of substantial property rights.

- *Granting the SUP would not adversely affect or be materially detrimental to adjacent uses, buildings or structures, or to public health, safety or general welfare, in that oversaturation of alcohol licenses currently does not exist in the vicinity of the location(s).*

For the store located at 481 South Ventura Road, the Commission determined that the neighborhood and vicinity currently has an overconcentration of off-sale alcohol licenses. One off-sale license (7-Eleven) is located adjacent to the Walgreens, plus three other off-sale licenses are located within 1000 feet of Walgreens (Vons, CVS Pharmacy, Oxnard Car Wash).

For the store located at 2303 North Vineyard Avenue, the Commission determined that the vicinity currently has an overconcentration of alcohol licenses, and a new ABC license would be incompatible with multiple-family residences in the vicinity. There are three off-sale licenses

located within 1000 feet of the Walgreens store (Circle K, Chevron, Food 4 Less), plus one bar/club adjacent to Walgreens and five other on-sale liquor licenses within 1000 feet. Although there was a presumption that undue concentration would not result (as defined in City Council Resolution No. 11,896), that presumption may be rebutted by a preponderance of the evidence in the record. The Commission weighed the evidence and exercised its independent judgment in making the decision.

- *The proposed use is not likely to create or significantly aggravate police problems within 1000 feet of the location(s).*

This is the first of two key findings specifically stated in Resolution No. 11,896 (part 3(a)). The Police reports state that crime rates in the vicinity of both locations exceed the Citywide average crime rate (95% and 15% higher, respectively). The Commission weighed all relevant evidence and testimony, rejected staff's interpretation of the crime data, and exercised its independent judgment to ascertain that approval would likely aggravate police problems. The Commission subsequently voted for denial. The appellant has not provided any new facts or data that contradicts the Police reports, invalidates the Planning Commission's findings or decisions, nor indicates that the Commission's actions were inconsistent with Resolution No. 11,896.

- *Granting the SUP would not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location(s).*

This is the second of two key findings specifically stated in Resolution No. 11,896 (part 3(b)). The appellant provides five paragraphs for rebuttals, paragraphs 'A' through 'E' in the letters (see Attachment 7). Those rebuttals are summarized below, and staff's response follows:

The appellant states that Walgreens is a pharmacy and should not be considered the same "type" of use as convenience markets or mini-marts, justifying this interpretation by citing the Oxnard City Code that separately lists convenience markets, mini-marts, and pharmacies as distinct uses. The appellant believes that adjacent retail markets (e.g. Vons and 7-Eleven) should not be considered the same "type" of retail use as Walgreens. However, the floor plans clearly label the majority of the floor area as "General Sales" with portions reserved for "Food Mart" or "Market." The Police reports are consistent with Resolution No. 11,896 (that clarifies "type" refers to the nature of the business) and identify Walgreens as a "Market" type of use, without making arbitrary distinctions between a Walgreens, Vons, 7-Eleven, Wal-Mart, Rite Aid, etc. Planning staff and the Police Department maintain that the word "Market" accurately describes the primary use in each Walgreens store.

The appellant states that: a) the sale of beer and wine will not alter the character of the surrounding neighborhood; b) the community will benefit from competition if Walgreens is allowed to sell beer and wine; and c) it is not the number of alcohol sales establishments that create problems for cities, but instead the quality of the operators. The Planning Commission considered all relevant evidence and testimony, deliberated each site separately during the public hearing, and arrived at different findings and conclusions that resulted in a majority voting to deny the applications.

The appellant also cites the Department of Alcoholic Beverage Control criteria for “undue concentration” (rather than the definition provided in City Council Resolution No. 11,896) to assert that the City generally does not suffer from an overconcentration of off-sale licenses. The ABC’s definition utilizes Census tract boundaries for determining concentrations; whereas City Council Resolution No. 11,896 utilizes a distance measurement to establish the 350- and 1000-foot boundaries around the subject location. The two methods of analysis are not comparable, and the former was not germane to the Planning Commission’s decisions. The Commission’s actions were consistent with Resolution No. 11,896.

For the store located at 481 South Ventura Road, the Commission determined that the preponderance of the evidence did not rebut the presumption of undue concentration (i.e. undue concentration was presumed because 7-Eleven is located adjacent to Walgreens). The Commission considered the evidence and testimony presented in the public hearing, and exercised its independent judgment to determine that an undue concentration existed.

For the store located at 2303 North Vineyard Avenue, the Commission likewise determined that the preponderance of the evidence indicated that an undue concentration existed in the vicinity. Although there was a presumption of no undue concentration (per the guidelines of Resolution No. 11,896 which states that there is a presumption of undue concentration only if the same type of use exists within 350 feet), the Commission determined that the evidence and testimony overcame that presumption.

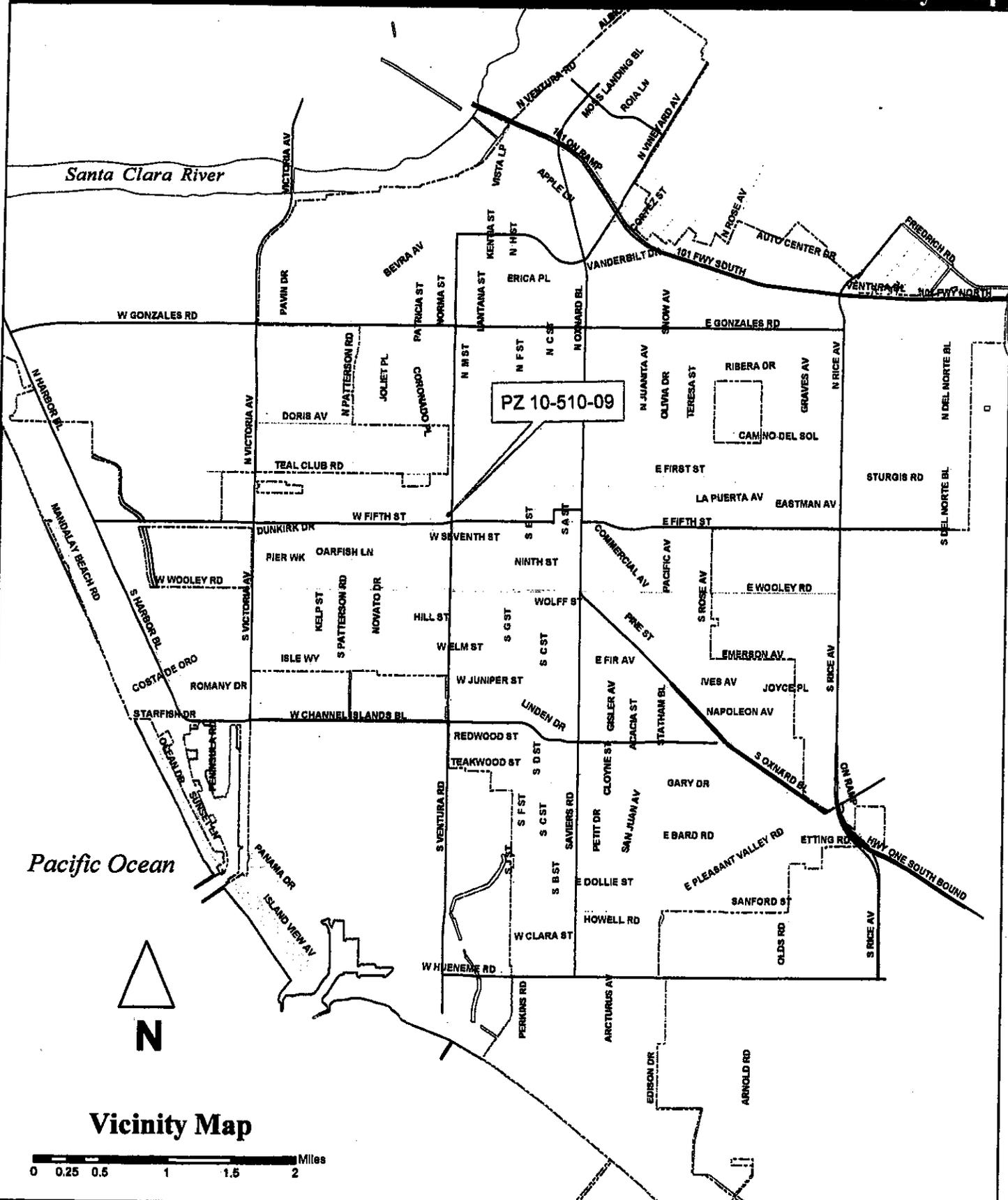
In summary, the Commission’s deliberations and actions were consistent with City Council Resolution No. 11,896. Planning staff revised the findings and resolutions as directed by the Commission. Therefore, staff recommends that Council uphold the Planning Commission decisions and deny the appeals.

FINANCIAL IMPACT

None associated with the appeals. The appellant paid the applicable filing fees.

- Attachment #1 – Vicinity Maps
#2 – City Council Resolutions
#3 – Planning Commission Resolution Nos. 2011 – 09 and 2011 – 10
#4 – Planning Commission Staff Report without attachments
#5 – Police Reports
#6 – Planning Commission Minutes
#7 – Notices of Appeal & Letters

Note: Attachment 7 has been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Friday prior.



PZ 10-510-09

Pacific Ocean



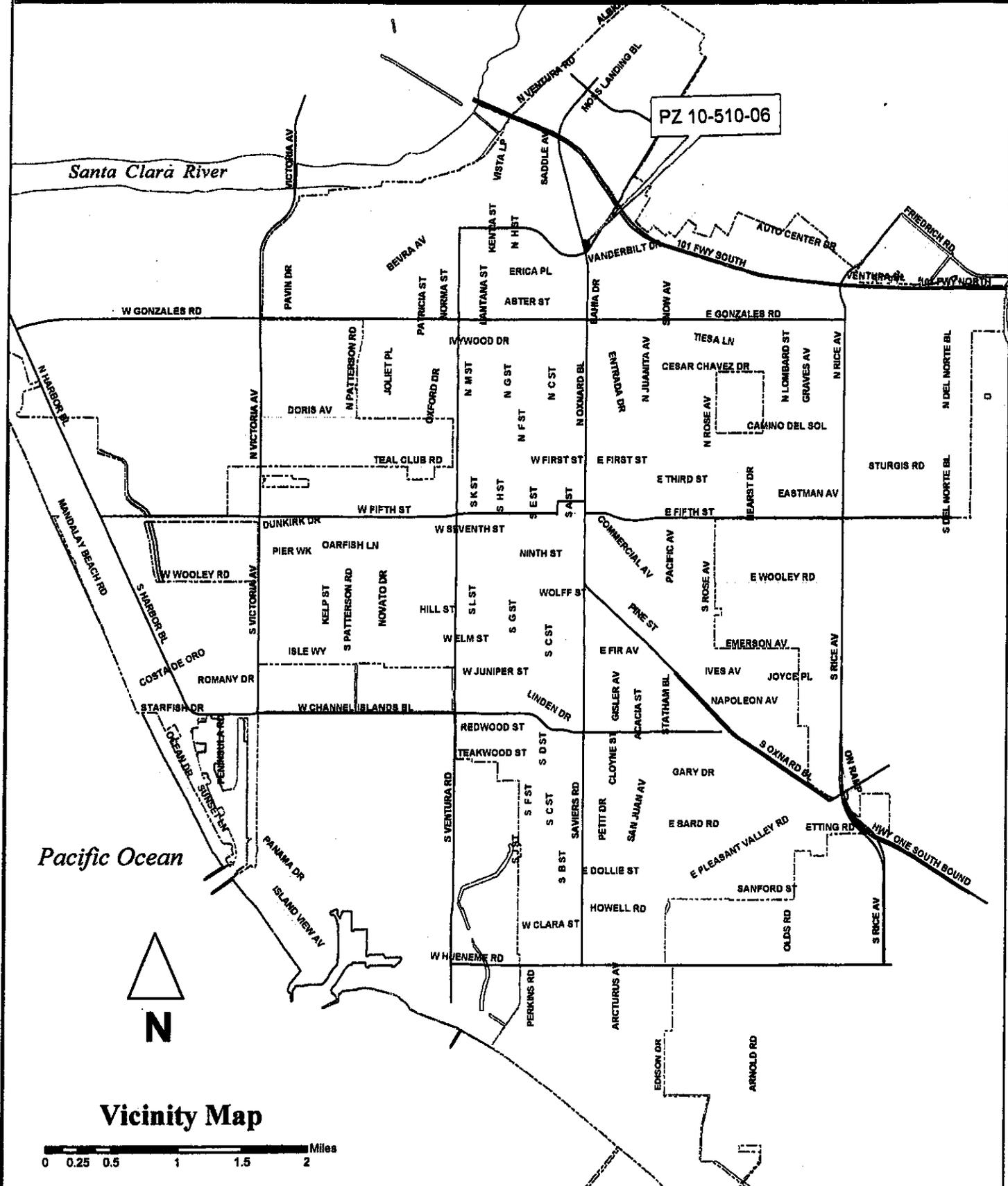
Vicinity Map



PZ 10-510-09
 Location: 481 S Ventura Rd
 APN: 183013030
 Walgreen's

ATTACHMENT 1
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PZ 10-510-06



Vicinity Map




 Oxnard Planning
 July 8, 2010

PZ 10-510-06
 Location: 2303 N Vineyard Av
 APN: 142002124
 Walgreen's

ATTACHMENT 1
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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF PLANNING AND ZONING PERMIT NO. 10-510-06 (SPECIAL USE PERMIT – ALCOHOL), A REQUEST TO PERMIT THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXSTING WALGREEN STORE, LOCATED AT 2303 NORTH VINEYARD AVENUE. FILED BY ATTORNEY JENNIFER CHAVEZ, LUCE FORWARD HAMILTON & SCRIPPS LLP, 600 W. BROADWAY, SUITE 2600, SAN DIEGO CA 92101, ON BEHALF OF WALGREEN CO.

WHEREAS, Planning Commission Resolution No. 2011-10 denied an application for Special Use Permit No. 10-510-06, filed by designated agent Jennifer Chavez on behalf of Walgreen Co.; and

WHEREAS, the Planning Commission's decision was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision denying the application, the staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, on June 21, 2011, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for a special use permit to sell beer and wine for off-site consumption at the property located at 2303 North Vineyard Avenue; and

WHEREAS, the record and the testimony at the public hearing in this matter indicate that the proposed use would adversely affect and be materially detrimental to adjacent uses and to the public health, safety and general welfare.

NOW, THEREFORE, based on the record and testimony received in this matter and the facts recited above, the City Council finds as follows:

1. There already exists three off-sale alcohol retail outlets within 1000 feet of the site, and approval of the project would result in an undue concentration of alcohol outlets.
2. The crime rate in the applicant's reporting district and all other districts within 1000 feet of the applicant is 95% higher than the average City-wide crime rate.
3. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied.
4. The preponderance of evidence overcame the presumption of no undue concentration.

5. The proposed off-site alcohol outlet would not serve the public's convenience or necessity.

6. The proposed use would adversely affect and be materially detrimental to adjacent uses, buildings and structures, and to the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby denies the appeal and upholds the Planning Commission's DENIAL of Planning and Zoning Permit No. 10-510-06, based on the findings set forth herein and in Planning Commission Resolution No. 2011-10, on file with the Planning Division and incorporated herein by reference.

PASSED AND ADOPTED this day of , 2011, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF PLANNING AND ZONING PERMIT NO. 10-510-09 (SPECIAL USE PERMIT – ALCOHOL), A REQUEST TO PERMIT THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT AN EXSTING WALGREEN STORE, LOCATED AT 481 SOUTH VENTURA ROAD. FILED BY ATTORNEY JENNIFER CHAVEZ, LUCE FORWARD HAMILTON & SCRIPPS LLP, 600 W. BROADWAY, SUITE 2600, SAN DIEGO CA 92101, ON BEHALF OF WALGREEN CO.

WHEREAS, Planning Commission Resolution No. 2011-09 denied an application for Special Use Permit No. 10-510-09, filed by designated agent Jennifer Chavez on behalf of Walgreen Co.; and

WHEREAS, the Planning Commission's decision was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the Planning Commission decision denying the application, the staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, on June 21, 2011, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for a special use permit to sell beer and wine for off-site consumption at the property located at 481 South Ventura Road; and

WHEREAS, the record and the testimony at the public hearing in this matter indicate that the proposed use would adversely affect and be materially detrimental to adjacent uses and to the public health, safety and general welfare.

NOW, THEREFORE, based on the record and testimony received in this matter and the facts recited above, the City Council finds as follows:

1. There already exists one off-sale alcohol retail outlet within 350 feet of the site, and three off-sale alcohol retail outlets within 1000 feet of the site, and approval of the project would intensify an existing undue concentration of alcohol outlets.
2. The crime rate in the applicant's reporting district and all other districts within 1,000 feet of the applicant is 15% higher than the average City-wide crime rate.
3. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied.

ATTACHMENT 2

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4. The presumption of undue concentration has not been rebutted by a preponderance of evidence.

5. The proposed off-site alcohol outlet would not serve the public's convenience or necessity.

6. The proposed use would adversely affect and be materially detrimental to adjacent uses, buildings and structures, and to the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby denies the appeal and upholds the Planning Commission's DENIAL of Planning and Zoning Permit No. 10-510-09, based on the findings set forth herein and in Planning Commission Resolution No. 2011-09, on file with the Planning Division and incorporated herein by reference.

PASSED AND ADOPTED this day of , 2011, by the following vote:

AYES:

NOES:

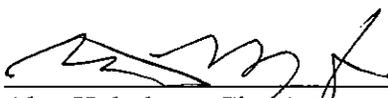
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

RESOLUTION NO. 2011 – 09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-510-9 (SPECIAL USE PERMIT – ALCOHOL), FOR A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL LICENSE WITHIN AN EXISTING WALGREEN DRUGSTORE, LOCATED AT 481 S. VENTURA ROAD (APN 183-0-130-305). FILED BY ATTORNEY JENNIFER CHAVEZ, LUCE FORWARD HAMILTON & SCRIPPS LLP, 600 W. BROADWAY, SUITE 2600, SAN DIEGO CA 92101, ON BEHALF OF WALGREEN CO.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-9 filed by attorney Jennifer Chavez on behalf of Walgreen Co. in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15270(a) of the State CEQA Guidelines provides that the California Environmental Quality Act does not apply to projects that are disapproved; and

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

1. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that oversaturation of alcohol licenses currently exists in the vicinity of the subject location.
3. The proposed use will result in or add to an undue concentration of establishments selling alcoholic beverages for off-site consumption within 1000 feet of the subject location. There is one establishment with the same Type 20 ABC license that exists within 350 feet of the proposed location, and therefore, there is a presumption that an undue concentration will result or be added to. In addition, there are three Off-Sale ABC licenses and two On-Sale ABC licenses within 1000 feet of the location. The Planning Commission finds that an undue concentration of alcohol uses currently exists, and that the presumption of undue concentration was not rebutted by a preponderance of evidence in the record of proceedings.
4. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied. The Planning Commission finds that the preponderance of the evidence indicates that area's crime rate is 15% higher than the citywide average crime rate, and the proposed Type 20

ABC license if approved may exacerbate the crime rate.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies Planning and Zoning Permit No. 10-510-9. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April, 2011, by the following vote:

AYES: Commissioners: Medina, Murguia, Guevara, Huber, Nash, Stewart, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: None


Patrick Mullin, Chair

ATTEST: 
Susan L. Martin, Secretary

RESOLUTION NO. 2011 – 10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-510-6 (SPECIAL USE PERMIT – ALCOHOL), FOR A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL LICENSE WITHIN AN EXISTING WALGREEN DRUGSTORE, LOCATED AT 2303 NORTH VINEYARD AVENUE (APN 142-0-021-240). FILED BY ATTORNEY JENNIFER CHAVEZ, LUCE FORWARD HAMILTON & SCRIPPS LLP, 600 W. BROADWAY, SUITE 2600, SAN DIEGO CA 92101, ON BEHALF OF WALGREEN CO.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-6, filed by attorney Jennifer Chavez on behalf of Walgreen Co. in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15270(a) of the State CEQA Guidelines provides that the California Environmental Quality Act does not apply to projects that are disapproved; and

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

1. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that apartments are located within 800 feet of the subject location. The proposed use if approved would be incompatible within the vicinity of multiple-family housing. The subject location is within 1600 feet of freeway access, is open to the public 24 hours daily, and approval of the proposed license is incompatible with the general welfare of the public due to the existing high crime rate in the vicinity.
3. The proposed use will result in or add to an undue concentration of establishments selling alcoholic beverages for off-site consumption within 1000 feet of the subject location. There are zero establishments with the same Type 20 ABC license that exist within 350 feet of the proposed location; however, there is one Type 48 (On-Sale General) ABC license within 350 feet of the location, there are three Off-Sale ABC licenses plus five On-Sale ABC licenses within 1000 feet of the location, and apartments exist in the vicinity of the location. The Planning Commission finds that an undue concentration of alcohol uses currently exists, and that the presumption of undue concentration was not rebutted by a preponderance of evidence in the record of proceedings.

4. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied. The Planning Commission finds that the preponderance of the evidence indicates that the area's crime rate is 95% higher than the citywide average crime rate and is considered to be significantly higher, and the proposed Type 20 ABC license if approved may exacerbate the crime rate.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies Planning and Zoning Permit No. 10-510-6. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April, 2011, by the following vote:

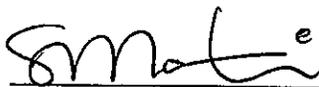
AYES: Commissioners: Medina, Murguia, Guevara, Huber, Nash, Stewart, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: None



Patrick Mullin, Chair

ATTEST: 

Susan L. Martin, Secretary



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Brian Foote, AICP, Associate Planner
DATE: March 17, 2011
SUBJECT: Planning and Zoning Permit No. 10-510-6 (Special Use Permit-Alcohol)
Walgreen's Store Located at 2303 North Vineyard Avenue.
Planning and Zoning Permit No. 10-510-7 (Special Use Permit-Alcohol)
Walgreen's Store Located at 2851 South Rose Avenue.
Planning and Zoning Permit No. 10-510-9 (Special Use Permit-Alcohol)
Walgreen's Store Located at 481 South Ventura Road.

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution approving Planning and Zoning Permit No. 10-510-6, subject to certain findings and conditions.
 - b) Adopt a resolution approving Planning and Zoning Permit No. 10-510-7, subject to certain findings and conditions.
 - c) Adopt a resolution approving Planning and Zoning Permit No. 10-510-9, subject to certain findings and conditions.

2) **Project Description and Applicant:** A request for special use permits to allow the California Department of Alcoholic Beverage Control to issue Type 20 (Off-Sale Beer & Wine) licenses to existing Walgreens stores located at 2303 North Vineyard Avenue, 2851 South Rose Avenue, and 481 South Ventura Road (see Attachment A). No new construction or intensification of existing use is proposed. Filed by attorney Jennifer La Fond Chavez, Luce Forward Hamilton & Scripps LLP, attorney for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.

3) **Existing & Surrounding Land Uses:** Walgreens is the sole occupant of each property. Surrounding land uses and zoning designations are listed in the following tables for each location.

ATTACHMENT 4
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Walgreen's Store Located at 2303 N. Vineyard Ave (PZ No. 10-510-6)

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	CR	Walgreens store
North	C-2-PD	CR	Tower Square retail center
South	C-2-PD	CSRS	Intersection, Chevron gas station
East	C-2-PD	CG	Courtyard Financial Plaza retail center
West	C-2-PD	CSRS	Vineyard Plaza shopping center

Walgreen's Store Located at 2851 S. Rose Ave (PZ No. 10-510-7)

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	CG	Walgreens store
North	C-2-PD	CG	Channel Pointe Plaza shopping center
South	C-2-PD	RLM	Vacant
East	C-2	CG	Arco gas station, Jack in the Box
West	C-2-PD	CG	Channel Pointe retail center

Walgreen's Store Located at 481 S. Ventura Rd (PZ No. 10-510-9)

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	AC	Walgreens store
North	C-2-PD	AC	McDonald's restaurant
South	C-2-PD	AC	Seven Eleven store with gas station
East	C-2-PD	AC	Westside Plaza shopping center
West	C-2-PD	AC	Trolley Plaza retail center

- 4) Background Information:** For the property at 2303 N. Vineyard Avenue, the Planning Commission approved Resolution No. 2000-30 on July 6, 2000, for a special use permit to construct the store and site. For the property at 2851 S. Rose Avenue, the Planning Commission approved Resolution No. 2003-43 on May 15, 2003, for a special use permit to construct the store and site. For the property at 481 S. Ventura Road, the Planning Commission approved Resolution No. 2008-11 on March 20, 2008, for a special use permit to demolish the site and construct a new store. At the time of approval for each S.U.P., Walgreens' policy did not allow the sales of alcoholic beverages. Walgreens' policy has been revised since then to include sales of beer and wine, in order to be competitive with similar retail drugstores.
- 5) Environmental Determination:** According to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving no expansion of an existing use may be found to be exempt from the requirements of CEQA. Staff has determined that there is no substantial evidence that the project for each location may have a significant effect on the environment, and recommends adopting the Notice of Exemption (Attachment C).

6) Analysis:

a) General Discussion: Walgreen's operates a pharmacy and retail store at each location, and each store includes a food mart, 1-hour photo, and drive-thru pharmacy window. The stores are independent structures with high visibility at each location, and each store is situated on its property with the front entrance facing the adjacent intersection. The following table summarizes the current operations at each store. The existing hours of operation are not proposed to change as part of this request.

Location	Store Size (Sq. Ft.)	Daily Hours	Total # Employees	Max. # Employees Per Shift
2303 N. Vineyard Ave	15,146	Open 24 hours	37	15
2851 S. Rose Ave	14,426	7:00 AM – 11:00 PM	40	15
481 S. Ventura Rd	14,410	8:00 AM – 10:00 PM	17	7

b) General Plan & Zoning Consistency: The zoning designation for each location is Commercial General (C-2-PD), and the existing retail uses are consistent with the General Plan and zone. The proposed ancillary sales of alcoholic beverages would be consistent with C-2-PD zoning, subject to approval of a special use permit in accordance with Zoning Code §16-136(A)(15).

c) Request for Sale of Alcoholic Beverages for Off-site Consumption: City Council Resolution No. 11,896 requires the Planning Commission to consider the Police report, as well as any other relevant evidence, in determining whether granting the permit would be detrimental to adjacent uses or buildings, or to the public health, safety or general welfare. Before making a determination, the Planning Commission must find that the proposal will not result in or add to an *undue concentration* of establishments selling alcoholic beverages at retail within 1000 feet of the location. The resolution states that there is a presumption of undue concentration if an establishment with the same type of license already exists within 350 feet; and that a presumption of undue concentration does not exist if an establishment with the same type of license does not exist within 350 feet. However, either presumption may be rebutted by a preponderance of the evidence, based on the facts of a particular case.

The applicant intends to file applications with the California Department of Alcoholic Beverage Control (ABC) for a Type 20 ABC license to permit sales of beer and wine for off-site consumption. A Type 20 ABC license does not allow sales of liquor or distilled spirits.

The beer and wine display areas are proposed to be located in the aisles with food items, and will include chilled alcoholic beverages within a cooler. The floor plans (Attachment B) identify the areas with alcohol. The application specifies a minimum of 2% and maximum of 5% of the existing floor area for alcohol displays. The hours of operation at each store will not change. Each application includes the following statement:

The proposed beer and wine sales complement Walgreens existing retail operation. The introduction of beer and wine will involve no physical changes to the interior space (other than some minor rearrangement of merchandise, shelving and coolers) nor to the building envelope. The initial sales program contemplates that approximately 47 square-feet of refrigerated and non-refrigerated space will be devoted to the sale of beer and wine and that approximately 18 square-feet of floor area will be devoted to the storage of beer and wine.

d) 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 reports (Attachment D) provide information regarding the number of incidents of police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages, and whether approval of the special use permit is likely to significantly aggravate policing problems. The table below summarizes the findings of the police report that has been prepared for each proposed license.

Store Location	Same Type Within 350 Ft. ?	Same Type Within 1,000 Ft. ?	Likely to Cause Police Problems ?	Undue Concentration as Defined in Reso. 11,896 ?	Recommend Approval ?
2303 N. Vineyard Ave	No	Yes (3)	No	No	Yes, with conditions
2851 S. Rose Ave	Yes (2)	No	No	Yes	Yes, with conditions
481 S. Ventura Rd	Yes (1)	Yes (4)	No	Yes	Yes, with conditions

The following discussion briefly summarizes the contents of the Police report for each location (Attachment D includes the complete reports). Each report is arranged with four sections: concentration of alcohol licenses; crime statistics review; police and community input; and conclusion. Crime statistics review refers to the average number of Part I crimes and Part II crimes that occur per reporting district (grid) during a selected 12-month period. The citywide average base number of Part I and Part II crimes per grid is currently 117. For reference, Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

I. 2303 North Vineyard Avenue

Concentration of Alcohol Sales: There are three Off-Sale alcohol outlets located within 1000 feet of the site but none within the 350 foot range that would be considered an undue concentration. There is a lively bar within 200 feet of Walgreens, but the two businesses are separated by a fenced-in flood control channel which makes any conflict between the two sites less of a risk. Also, the applicant has proposed to be open 24-hours, which can present some challenges during hours of prohibited alcohol sales. Alcohol is often a target for theft during such hours, and the Police Department recommends that the alcohol display areas be secured or otherwise inaccessible to customers during these times. The Police Department does not believe that the sale of alcohol at this site will significantly aggravate policing issues, but supports the addition of standard operating conditions to reduce the likelihood for problems.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) discussed this item at their monthly meeting and had some concerns about the number of disturbance calls to the site and the proximity to three other Off-Sale sites. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the SUP.

Crime Statistics Review: 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 229 during the same 12-month time period. This is 95% higher than the average crime rate citywide, which is generally considered to be significant. However, the elevated number of calls can primarily be attributed to the substantial commercial activity in the area. A higher-than-average crime rate in bustling commercial areas is not uncommon and the majority of police reports tend to be property crimes or relatively minor in nature. The Police Department does not consider this area to be a policing problem. In 2010, there were 16 disturbance related calls to the existing store and nine theft calls. The last six months of 2010 showed a 23% drop in police calls compared to the first six months.

Conclusion: The statistical analysis shows the area to have a crime rate that is significantly higher than the citywide average, but that the elevated numbers are not uncommon for busy commercial areas. The surrounding area is not considered to be a policing problem. The alcohol outlet density does not exceed City of Oxnard guidelines as the closest similar outlet is 400 feet away and across Oxnard Boulevard. The Police Department's experience is that the proposed license (Type 20 – Market), 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. The attached resolution lists the Police Department's recommended operating conditions.

II. 2851 South Rose Avenue

Concentration of Alcohol Sales: The primary concern of the Police Department is the density of Off-Sale alcohol outlets in the area and the close proximity to Channel Islands High School. The school is approximately 800 feet south of the proposed site and the shopping center is already a popular destination for students before and after school. The Police Department has observed activity at the store during the time immediately after school lets out and there is significant crowding of students in and around the store. The business typically assigns an employee to monitor the front door and regulate the number of students that are permitted in the store at any given time. This issue is going to remain a challenge for the store as adding alcohol increases the potential for thefts and underage access to alcohol.

The Youth Services Officer who is assigned to Channel Islands High School was equally concerned about the outlet's proximity, and expects that it will continue to be a challenge to keep students from taking advantage of the situation. Increased access and exposure to alcoholic beverages are directly related to incidences of youth consumption, and should be carefully considered when determining appropriate locations for new outlets. The Police Department has significant concerns about this site selling alcohol; however, the Police feel that many of their concerns can be effectively mitigated with the addition of thorough operating conditions on the SUP and by closely monitoring activity at the site.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) discussed this item at their monthly meeting and had serious concerns about the proximity to two other Off-Sale sites and to the high school. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the SUP. The Police Department advised the school administration about this proposal, and they were encouraged to provide feedback to the Planning Department or attend the hearing if desired.

Crime Statistics Review: 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 134 during the same 12-month time period. This is 14% higher than the average crime rate citywide, which is generally not considered to be significant. In 2010, there were 16 disturbance related calls to the existing store and eleven theft calls. The Police Department does not consider this area to be a policing problem.

Conclusion: The statistical analysis shows the area to have a crime rate that is consistent with the citywide average and the area is not considered to be a policing problem. The alcohol outlet density is an issue and there is a presumption of undue concentration as there are two similar alcohol outlets within 350 feet. The site's close proximity to Channel Islands High School is also a concern, and special operating conditions to directly address the risks associated with the increased youth presence are included in the resolution. The Police Department's experience is that the proposed license (Type 20 – Market), when properly regulated through conditions, does not normally aggravate policing issues as long as the

establishment complies with these regulations and operates responsibly. The attached resolution lists the Police Department's recommended operating conditions.

III. 481 South Ventura Road

Concentration of Alcohol Sales: The primary concern of the Police Department is the density of Off-Sale alcohol outlets in the area and the site's close proximity to a challenged neighborhood. The Police Department has significant concerns about this site selling alcohol; however, the Police Department feels that their concerns can be effectively mitigated with the addition of thorough operating conditions on the SUP and by closely monitoring activity at the site. Prohibiting the sale of single servings of alcohol and limiting certain types of sweetened malt beverages or energy drinks with alcohol are some of the recommended conditions.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) discussed this item at their monthly meeting and had serious concerns about the proximity to several other Off-Sale sites. They noted that there is already one Off-Sale outlet on three of the four corners at Fifth Street and Ventura Road and that adding another would offer no real benefit to the community. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the SUP.

Crime Statistics Review: 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 135 during the same 12-month time period. This is 15% higher than the average crime rate citywide, which is generally not considered to be significant. In 2010, there were 2 disturbance related calls to the existing store and 21 theft calls. The Police Department does not consider the immediate area to be a policing problem. However, the neighborhood southeast of the site across Ventura Road can be problematic with a crime rate that is nearly double the citywide average.

Conclusion: The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally considered to be a policing problem. The alcohol outlet density is an issue and there is a presumption of undue concentration as there is one similar alcohol outlet within 350 feet. The site's close proximity to a neighborhood that is often the source of policing problems is also a concern. The Police Department's experience is that the proposed license (Type 20 – Market), when properly regulated through conditions, does not normally aggravate policing issues as long as the establishment complies with these regulations and operates responsibly. The attached resolution lists the Police Department's recommended operating conditions.

7) Community Workshop: On August 3, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners in the neighborhoods adjacent to each location. A sign was posted at each location in front of the store. A total of 11 residents were in attendance, many of whom indicated general opposition to all three applications citing concerns about over-concentration of existing ABC licenses, and that Walgreen's representatives had stated in the hearings for the original special use permits that Walgreens policy did not include alcohol in the inventory. Attendees also mentioned particular concerns about the store located at 2851 S. Rose Avenue, including over-saturation of existing ABC licenses near the intersection of Rose Avenue and Channel Islands Boulevard, proximity to schools and minors, sales of single containers, and advertising in windows visible from the street.

A subsequent Community Workshop meeting was held on September 20, 2010. On September 8, 2010, notices were mailed to all property owners in the neighborhoods adjacent to each location. On September 9, 2010, a sign was posted at each location in front of the store. A total of 12 residents were in attendance, some of whom reiterated the concerns mentioned in the August 3rd meeting. No new information or concerns were expressed.

8) Appeal Procedure: In accordance with Section 16-545 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. Notice of Exemption
- D. Police Department Reports
- E. Resolutions

Prepared by: 
BF
Approved by: 
SM



Police Department

John Crombach, Police Chief

Date: February 10, 2011

To: Brian Foote, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 2303 E. Vineyard Ave. (Walgreens)

Re: PZ 10-510-6

Site Information:

The proposed site is at an existing drug store located at 2303 E. Vineyard Avenue on the northeast corner of Vineyard and Oxnard Boulevard. The front doors face southwest to the main parking lot and there is a drive-through lane for pharmacy orders behind the store. There are no adjoining businesses as the store occupies the entire pie-shaped parcel from the flood control channel located directly north of the building to the intersection of Vineyard and Oxnard Boulevard.

The site is generally bordered by commercial to the north, Oxnard Boulevard to the west, railroad tracks and commercial to the east and Vineyard Avenue to the south. The nearest residences are approximately 350 feet to the northwest across Oxnard Boulevard.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine for consumption off the premises. There are no similar Off-Sale alcohol outlets within 350 feet of the site but one (Circle-K) just outside of that range at 400 feet. There is a bar located within 200 feet and a total of three Off-Sale outlets within 1000 feet.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Q-Club	2362 N Oxnard Blvd.	Type 48	On-Sale General (Public Premises)	Bar	Beer, Wine and Spirits

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

1. Circle K (400 feet)	2323 N. Oxnard Blvd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
2. Food 4 Less	150 W. Esplanade	Type 21	Off-Sale General	Grocery Store	Beer, Wine and Spirits
3. Chevron	2231 N. Oxnard Blvd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
4. Rusty's Pizza	150 W. Vineyard	Type 41	On-Sale Beer and Wine (Eating Place)	Restaurant	Beer and Wine
5. El Portal	2311 N. Oxnard Blvd.	Type 41	On-Sale Beer and Wine (Eating Place)	Restaurant	Beer and Wine
6. Ozeki Noodle	349 W. Esplanade	Type 41	On-Sale Beer and Wine (Eating Place)	Restaurant	Beer and Wine
7. Kampai	2367 N. Oxnard Blvd.	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
8. Tower Club	300 E. Esplanade	Type 57	On-Sale General (Club)	Bar/Restaurant	Beer, Wine and Spirits

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of Part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 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 229 during the same 12-month time period. This is 95% higher than the average crime rate citywide which is generally considered to be significant. However, the elevated number of calls can primarily be attributed to the substantial commercial activity in the area. A higher-than-average crime rate in bustling commercial areas is not uncommon and the majority of police reports tend to be property crimes or relatively minor in nature. The Police Department does not consider this area to be a policing problem. In 2010, there were 16 disturbance related calls to the existing store and nine theft calls. The last six months of 2010 showed a 23% drop in police calls compared to the first six months.

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. All references to "police calls for service" may include *any* type of police response to the area in addition to those classified as Part I or II.

Police Department Input:

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem.

There is a railroad track that runs to the rear of the store and it is often used by transients as a path to move through north Oxnard. The general area from Esplanade to Oxnard Boulevard north of Vineyard is a popular place where homeless persons gather and solicit donations from other residents. It is not uncommon to see panhandlers near the larger stores in the area and the availability of alcohol is often a magnet for such activity. The applicant will need to be especially diligent that this site does not become a destination point for loitering and illegitimate activity. To reduce the likelihood that alcohol is consumed at or near the site, the sales of single servings is not recommended.

There are three Off-Sale alcohol outlets located within 1000 feet of the site but none within the 350 foot range that would be considered an undue concentration. There is a lively bar within 200 feet of Walgreens but the two businesses are separated by the fenced-in flood control channel which makes any conflict between the two sites less of a risk. Also, the applicant has proposed to be open 24-hours which can present some challenges during hours of prohibited alcohol sales. Alcohol is often a target for theft during such hours and it is recommended that the alcohol display areas be secured or otherwise inaccessible to customers during these times. The Police Department does not believe that the sale of alcohol at this site will significantly aggravate policing issues but supports the addition of standard operating conditions to reduce the likelihood for problems.

Community Input:

The Police Department was contacted by two residents regarding this application and both mentioned seeing an occasional presence of transients who ask for donations from passing customers. Neither said that they were overly concerned but pointed out the likelihood that the availability of alcohol may increase such activity and present a challenge for the store employees to monitor.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) discussed this item at their monthly meeting and had some concerns about the number of disturbance calls to the site and the proximity to three other Off-Sale sites. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the Permit.

Conclusion:

The statistical analysis shows the area to have a crime rate that is significantly higher than the citywide average but that the elevated numbers are not uncommon for busy commercial areas. The surrounding area is not considered to be a policing problem. The alcohol outlet density does not exceed City of Oxnard guidelines as the closest similar outlet is 400 feet away and across Oxnard Boulevard.

The Police Department's experience is that the proposed license (Type 20 – Market), 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 Resolution.

Police Standard Conditions (Off-Sale Alcohol Establishments)

- 1) All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved 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. (PL/PD)
- 3) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
- 5) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
- 6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

- 7) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
- 8) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)
- 9) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)
- 10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
- 11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 12) Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)
- 13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
- 14) Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured between the hours 12:00 midnight to 6:00 AM. (PD)
- 15) Coolers or displays containing alcoholic beverages shall be positioned so as to allow maximum visibility to cashiers, clerks, associates 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. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
- 16) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 17) No single containers, 12 oz. or 40 oz., of beer or malt liquor shall be sold.
- 18) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked

bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)

- 19) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)
- 20) No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
- 21) Alcoholic beverages shall not be sold between the hours from 12:00 midnight and 6:00 AM. (PD)
- 22) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 23) 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.
- 24) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 25) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
- 26) Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 27) When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

- 28) Permittee shall install height gauges at all exit doors.
- 29) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 30) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.
- 31) 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 install a video feedback monitor which displays the live feed from security cameras positioned nearby. The monitor shall, at a minimum, be displayed at each customer entrance. Permittee shall install an additional feedback monitor in the alcoholic beverage display area. (PD)
2. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 12:00 Midnight to 6:00 AM. (PD)



Police Department

John Crombach, Police Chief

Date: February 10, 2011

To: Brian Foote, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 481 S. Ventura Road (Walgreens)

Re: PZ 10-510-9

Site Information:

The proposed site is at an existing drug store located at 481 S. Ventura Road near the northwest corner of Fifth Street and Ventura Road. The front doors face north into the parking lot which is shared with several other businesses at a medium sized commercial center.

The site is generally bordered by commercial to the north, Fifth Street to the south, Oxnard Airport to the west and Ventura Road to the east. The nearest residences are approximately 450 feet to the southeast across Ventura Road.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine for consumption off the premises. There is one similar Off-Sale alcohol outlet within 350 feet of the site (Seven Eleven) and three others within 1000 feet. None of the nearby outlets are considered problematic.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Seven Eleven	1501 W. Fifth Street	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine

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

1. CVS	551 S. Ventura Road	Type 21	Off-Sale General	Pharmacy	Beer, Wine and Spirits
2. Vons	450 S. Ventura Road	Type 21	Off-Sale General	Pharmacy	Beer, Wine and Spirits
3. Oxnard Car Wash	655 S. Ventura Road	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
4. Chinaland	543 S. Ventura Road	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
5. Taqueria Tapatio	421 S. Ventura Road	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 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 135 during the same 12-month time period. This is 15% higher than the average crime rate citywide which is generally not considered to be significant. In 2010, there were 2 disturbance related calls to the existing store and 21 theft calls. The Police Department does not consider the immediate area to be a policing problem; however, the neighborhood southeast of the site across Ventura Road can be problematic with a crime rate that is nearly double 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. All references to "police calls for service" may include *any* type of police response to the area in addition to those classified as Part I or II.

Police Department Input:

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem. The number of disturbance related calls within 1000 feet of the site is higher than average and those that list alcohol as a contributing factor are consistent with averages citywide.

The primary concern of the Police Department is the density of Off-Sale alcohol outlets in the area and the site's close proximity to a challenged neighborhood. Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in

the surrounding community and also leads to other alcohol-related community problems.¹⁻²⁻³ The degree to which the outlets may negatively impact the neighborhood often depends upon the level of policy regulation applied by the local and state government through the application of preventative conditions of operation. That being said, it may be that under certain circumstances, no number of preventative conditions can mitigate the risks to the community.

The Police Department has significant concerns about this site selling alcohol; however, our conclusion is that many of our concerns can be effectively mitigated with the addition of thorough operating conditions on the Permit and by closely monitoring activity at the site. Prohibiting the sale of single servings of alcohol and limiting certain types of sweetened malt beverages or energy drinks with alcohol are some of the recommended conditions included below.

Community Input:

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) discussed this item at their monthly meeting and had serious concerns about the proximity to several other Off-Sale sites. They noted that there is already one Off-Sale outlet on three of the four corners at Fifth Street and Ventura Road and that adding another would offer no real benefit to the community. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the Permit.

Conclusion:

The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally considered to be a policing problem. The alcohol outlet density is an issue and there is a presumption of undue concentration as there is one similar alcohol outlet within 350 feet. The site's close proximity to a neighborhood that is often the source of policing problems is also a concern.

The Police Department's experience is that the proposed license (Type 20 – Market), 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 Resolution.

¹ Scribner RA; Cohen DA; Fisher W. Evidence of a Structural Effect for Alcohol Outlet Density: A Multilevel Analysis. *Alcoholism: Clinical & Experimental Research*. 24(2): 188-195, February 2000.

² LaBouvie E; Ontkush M. Violent crime and alcohol availability: relationships in an urban community. *Journal of Public Health Policy* 19(3): 303-318. 1998.

³ Scribner RA; Mackinnon D; Dwyer, J. The risk of assaultive violence and alcohol availability in Los Angeles County. *American Journal of Public Health* (85) 3: 335-340. 1995.

Police Standard Conditions (Off-Sale Alcohol Establishments)

- 1) All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved 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. (PL/PD)
- 3) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
- 5) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
- 6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 7) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
- 8) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

- 9) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
- 10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
- 11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 12) Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)
- 13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
- 14) Coolers or displays containing alcoholic beverages shall be positioned so as to allow maximum visibility to cashiers, clerks, associates 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. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
- 15) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 16) Beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 17) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (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". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)
- 19) No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)

- 20) Alcoholic beverages shall not be sold between the hours from 12:00 midnight and 6:00 AM. (PD)
- 21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 22) 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.
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 24) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
- 25) Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 26) When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
- 27) Permittee shall install height gauges at all exit doors.
- 28) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.

- 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 install a video feedback monitor which displays the live feed from security cameras positioned nearby. The monitor shall, at a minimum, be displayed at each customer entrance. Permittee shall install an additional feedback monitor in the alcoholic beverage display area. (PD)
2. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 12:00 Midnight to 6:00 AM. (PD)

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
MARCH 17, 2011

A. ROLL CALL

At 7:05 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Patrick Mullin, Anthony Murguia, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Chairman Mullin presided and called the meeting to order. Staff members present were: Ashley Golden, Principal Planner, Stephen Fischer, Assistant City Attorney; Senior Officer Cliff Waer, Police Department; Brian Foote, Associate Planner; Justin Beranich, Assistant Planner, and Lori Maxfield, Recording Secretary.

Pledge of allegiance to the flag of the United States of America led by Commissioner Medina.

B. PUBLIC COMMENTS

Mr. Larry Stein expressed his concern that the Planning Commission didn't attend the City Council meeting during appeals, to defend their decisions.

Ms. Shirley Godwin spoke on the SouthShore project with respect to housing; tourism; and location of commercial buildings.

Mr. Bert Perello stated that speakers should indicate when they're speaking on behalf of the applicant, as it slants how the Planning Commission interrupts their testimony.

C. READING OF AGENDA

Principal Planner Golden reviewed agenda including staff's request to continue Item G-5 (SouthShore Project, PZ 03-640-1; 03-560-1; 03-620-3; 07-300-16; 05-670-3) to April 7, 2011.

MOTION Commissioner Medina moved and Commissioner Nash seconded a motion to continue Item G-5 (PZ 03-640-1; 03-560-1; 03-620-3; 07-300-16; 05-670-3) to April 7, 2011, as requested by staff. The question was called and the motion carried unanimously.

D. STUDY SESSION

1. ALCOHOL POLICY TRAINING

Senior Officer Waer discussed his role as the Alcohol Compliance Officer including review of new ABC licenses; what lead up to the adopted policies; and how the community was involved.

He introduced Ms. Sharon O'Hara, Director of Community Action Resource Exchange, who was instrumental in developing alcohol policies in the City.

Ms. Sharon O'Hara gave the history of how the community alcohol problems were the catalyst for developing the local policies.

Senior Officer Waer discussed the early problem solving efforts; community policing; community goals; considerations for local ordinance and policy development; alcohol Special Use Permits; Police reports; findings of the Planning Commission; mitigating conditions; examples of other Oxnard regulations; prevention and enforcement strategies; accomplishments; cost recovery; how businesses are assessed fees; and displayed site photos depicting examples of signs; trash, and graffiti.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – March 3, 2011

MOTION Commissioner Guevara moved and Commissioner Huber seconded a motion to approve the minutes of March 3, 2011 as presented. The question was called and the motion carried 6-0-0-1, Commissioner Medina abstaining.

F. CONTINUED PUBLIC HEARINGS

1. ~~PLANNING AND ZONING PERMIT NO. 11-550-06 (Major Modification to Special Use Permit), A request to modify conditions that limit live entertainment at Casa Lopez, addressed at 325 South A Street. Currently, the banquet/restaurant facility is restricted to allow public events with live entertainment on alternate Fridays from 6:00 p.m. to 1:30 a.m. The applicant requests the allowance for live entertainment at public and private events between the hours of 6:00 a.m. and 1:30 a.m., Monday through Sunday. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated agent Osbaldo Lopez, on behalf of the property owner Lucilia Lopez, 325 South "A" Street, Oxnard, CA 93030.
PROJECT PLANNER: Justin Beranich~~

~~Assistant Planner Beranich presented the staff report including surrounding uses; two other establishments with alcohol sales in the downtown area; existing and proposed hours of operation; not considered a policing problem; and definition of what entertainment includes. He also displayed an aerial photo of the site; site and floor plans; and interior mezzanine.~~

~~Mr. Ozzie Lopez, applicant, gave a brief presentation including the history of the Planning Commission approval; responsible business owner since 2003, with no Police calls for service; sits on several boards that look for tourism in the downtown; restaurant would close at 1:30; majority of business was on the weekends, but would like the flexibility of extended hours; and no plans for music during the day.~~

Senior Officer Waer stated that several traffic accidents occurred at the intersection of Channel Islands Boulevard and Ventura Road, as it was a very busy intersection. He explained the procedure for determining the location of Police check points.

Mr. Migbel AlRabadi, applicant, gave a brief presentation including that he had been in business for 35 years; customers were required to come inside to purchase beer and wine; sign on the building was there when he bought the business, but he would remove it; hasn't had any nuisance problems; Police Department sent him a letter commending him for not selling to minors; hasn't had any thefts at another business he owns, as it has cameras.

Chairman Mullin opened the public testimony.

Mr. Oscar Askar, A-Z Liquors; Ms. Shirley Godwin; Mr. Arthur Joe; Mr. Touni Asaad, Allan's Liquor; Mr. Nizar Asaad; Mr. Clarence Franklin; Mr. Larry Stein; Mr. Gonzalo Hernandez; Mr. Dennis Ralph spoke in opposition to the request.

Mr. Bert Perello questioned the sign issue, and asked why Code Compliance wasn't handling it.

Ms. Vanessa Dixon spoke in favor of the request.

Chairman Mullin closed the public testimony.

Principal Planner Golden indicated that staff had received 22 letters in opposition, and two letters in support of the project.

Assistant City Attorney Fischer explained the procedure, should the Planning Commission vote to deny the project.

MOTION Commissioner Medina moved and Commissioner Guevara seconded a motion to deny PZ 10-510-14, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried unanimously.

2. PLANNING AND ZONING PERMIT NO. 10-510-9 (Special Use Permit – Alcohol). A request for approval of a special use permit to allow a Type 20 Alcoholic Beverage Control license for beer and wine sales at an existing 14,410 square-foot Walgreens drugstore. The project site is located at 481 S. Ventura Road. No changes are proposed to the existing hours of operation: 8:00 a.m. to 10:00 p.m. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report for PZ 10-510-9 (481 South Ventura Road); PZ 10-510-6 (2303 North Vineyard Avenue); and PZ 10-510-7 (2851 South Rose Avenue) including surrounding uses; proximity to the high school; Police Department concluded that none of the three locations would pose a policing problem; discussed number of alcohol licenses existing in each of

the areas; and discussed comments received at the Community Workshop. He also displayed the zoning and General Plan maps, and site and floor plans for each of the three locations.

Ms. Jennifer Chavez, attorney for Walgreen's, gave a brief presentation including the change in alcohol policy in the past year due to customer demand; only pharmacy items sold at drive-through; small percentage of floor area devoted to alcohol sales; annual employee training program; surveillance cameras; public view monitor in the store; will speak to corporate about training employees on sales to minors; regulate number of students permitted in the store at one time; and alcohol coolers would be locked and cages secured on warm items during off sale hours.

Chairman Mullin opened the public testimony on PZ 10-510-9 (481 South Ventura Road).

Mr. Dennis Ralph and Mr. Larry Stein spoke in opposition to the request.

Mr. Larry Godwin stated that each of the requests should be handled separately.

Assistant City Attorney Fischer explained that staff had clearly separated the locations during the presentation, and the Brown Act stated that the public be allowed to speak on each project, which the Planning Commission provided, and were therefore in compliance.

Chairman Mullin closed the public testimony on PZ 10-510-9 (481 South Ventura Road).

MOTION Commissioner Murguia moved and Commissioner Guevara seconded a motion to deny PZ 10-510-9, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried 6-1-0, Commissioner Huber voting no.

3. **PLANNING AND ZONING PERMIT NO. 10-510-6 (Special Use Permit – Alcohol).** A request for approval of special use permit to allow a Type 20 Alcoholic Beverage Control license for beer and wine sales at an existing 15,146 square-foot Walgreens drugstore. The project site is located at 2303 N. Vineyard Avenue. No changes are proposed to the existing hours of operation: 24-hours daily. The project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.

PROJECT PLANNER: Brian Foote

Chairman Mullin opened the public testimony on PZ 10-510-6 (2303 North Vineyard Avenue).

Mr. Bert Perello stated that community comments were not included in the staff report; crime rate was 95 percent higher than the citywide average; there must be accountability; and project was not mentioned at neighborhood council.

Mr. Larry Stein and Ms. Shirley Godwin spoke in opposition to the request.

Mr. Dennis Ralph indicated that the public hearing had not been opened on any of the items.

Chairman Mullin closed the public testimony on PZ 10-510-6 (2303 North Vineyard Avenue).

MOTION Commissioner Guevara moved and Commissioner Medina seconded a motion to deny PZ 10-510-6, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried 4-3-0, Commissioners Huber, Nash, and Stewart voting no.

4. ~~PLANNING AND ZONING PERMIT NO. 10-510-7 (Special Use Permit – Alcohol). A request for approval of special use permit to allow a Type 20 Alcoholic Beverage Control license for beer and wine sales at an existing 14,426 square-foot Walgreens drugstore. The project site is located at 2851 S. Rose Avenue. No changes are proposed to the existing hours of operation: 7:00 a.m. to 11:00 p.m. The project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.
PROJECT PLANNER: Brian Foote~~

~~Chairman Mullin opened the public testimony on PZ 10-510-7 (2851 South Rose Avenue).~~

~~Mr. Dennis Ralph; Ms. Rebecca Ralph; Mr. Larry Stein; Ms. Shirley Godwin; Mr. Al Velasquez spoke in opposition to the request.~~

~~Mr. Larry Godwin stated that the display was not visible; applicant was not thinking about where the best location would be; and the only visible employees were stocking.~~

~~Chairman Mullin closed the public testimony on PZ 10-510-7 (2851 South Rose Avenue).~~

MOTION Commissioner Guevara moved and Commissioner Stewart seconded a motion to deny PZ 10-510-7, and directed staff to return with a resolution with findings for denial. The question was called and the motion carried 7-0-0.

5. ~~PLANNING AND ZONING PERMIT NO. 03-640-1 (Specific Plan), 03-560-1 (Prezoning), 03-620-3 (General Plan Amendment), 07-300-16 (Tentative Tract Map No. 5427); and 05-670-3 (Development Agreement) for the SouthShore project. The SouthShore project is generally located on the north side of Hueneme Road, east of Edison Drive, west of Olds Road, and south of the Tierra Vista and Villa Capri Neighborhoods. This area (approximately 322 acres) proposes a mix of uses including up to 1,545 residential dwelling units of varying types and densities; a 9.6 acre elementary school; a 28.5 acre community park; 15.5 acres of neighborhood parks and greenbelts; a 34 acre lake and open space areas; a 4.2 acre mixed-use commercial marketplace; and approximately 37.2 acres of light industrial uses. A general plan amendment is proposed to change the 2020 Land Use Map for the specific plan area from low-medium density residential, general commercial, parks, and open space buffer to specific plan. The tentative tract map will allow for phased development within the project area over the next 30 years. The City Council certified the Final Environmental Impact Report for the SouthShore project on March 23, 2010 (FEIR No. 05-03). SouthShore application filed by Hearthside Homes/Ito Farms, 6 Executive Circle, Suite 250, Irvine, CA 92614.
PROJECT PLANNER: Kathleen Mallory~~

ITEM G-5 (PZ 03-640-1; 03-560-1; 03-620-3; 07-300-16; and 05-670-3) WAS CONTINUED ABOVE.

H. PLANNING COMMISSION BUSINESS

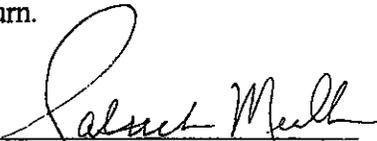
Commissioners Nash, Guevara, and Stewart discussed their attendance at the Planner's Institute in Pasadena.

Commissioner Huber announced that on March 22, 2011 the Navy would make a presentation before City Council on the Navy Land Use Plan.

I. PLANNING MANAGER COMMENTS

J. ADJOURNMENT

At 12:03 a.m., the Planning Commission concurred to adjourn.


Patrick Mullin, Chairman

ATTEST: 
Susan L. Martin, Secretary