



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Justin Beranich, Assistant Planner

DATE: March 3, 2011

SUBJECT: Planning and Zoning Permit No. 10-550-06 (Major Modification to Special Use Permit No. 08-500-08), located at 325 South "A" Street.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-550-06 for a Major Modification to Special Use Permit No. 08-500-08, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to modify conditions that limit live entertainment and alcohol sales 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. and permitted to sell alcohol between 6:00 a.m. and 1:00 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 and to permit the sale of alcohol until 1:30 a.m. Filed by designated agent Osbaldo Lopez, on behalf of the property owner Lucilia Lopez, 325 South "A" Street, Oxnard, CA 93030.
- 3) **Existing & Surrounding Land Uses:** The subject site is developed with a single-tenant commercial building.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Central Business District (CBD)	Central Business District	Restaurant and banquet facility
North	Central Business District (CBD)	Central Business District	Professional commercial offices
South	Central Business District (CBD)	Central Business District	Multi-tenant commercial building
East	Central Business District (CBD)	Central Business District	Retail medical equipment business
West	Central Business District (CBD)	Central Business District	Parking structure

- 4) **Background Information:** On October 17, 1996, the Planning Commission adopted Resolution Number 96-18, approving a Special Use Permit (SUP) No. 96-5-46 for the

operation of a coffee shop/nightclub selling alcoholic beverages, located at 325 South "A" Street. On December 18, 1997, the Planning Commission adopted Resolution Number 97-55, which approved a major modification to SUP No. 96-5-46 for the conversion of a 2,500 square foot billiard area on the mezzanine into a lounge/dance floor, subject to certain conditions.

In 2001, the Oxnard Police Department initiated revocation of the SUP as specified in the City Code, Section 34-157 (subsequently renumbered 16-552), including the grounds that the use for which the SUP was granted "...has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance". The Planning Commission revoked the SUP. Following Permittee's appeal, the City Council affirmed the Planning Commission's revocation of SUP No. 96-5-46 on August 3, 2001.

On August 21, 2008, the Planning Commission approved Special Use Permit No. 08-500-08, via Resolution No. 2008-51, to allow limited entertainment uses and the on-site consumption of beer, wine and distilled spirits (ABC License Type 47). This approval restricted entertainment uses, not in conjunction with a private reception, to alternate Fridays and prohibited the sale of alcohol between 1:00 a.m. and 6:00 a.m.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving the permitting of existing facilities may be found to be exempt from the requirements of CEQA. The request amends operating conditions of an existing banquet hall and restaurant to allow public and private events with entertainment Monday through Sunday from 6:00 a.m. and 1:30 a.m. and to permit the sale of alcohol until 1:30 a.m. There is no development or building expansion associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: Casa Lopez operates within an approximate 12,300 square foot commercial building that is comprised of both a ground floor and partial mezzanine. The main floor is accessed through entrances on "A" Street and the public alley. Both of the entrances lead through hallways and enter the main dining room which includes a dining area, dance floor and bar. Just before the hallway, which accesses the entrance from the public alley, two staircases lead up to the interior mezzanine which is approximately 2,600 square feet.

Casa Lopez is permitted to operate as a restaurant open to the public Sunday through Friday, from 6:00 a.m. through 10:00 p.m. On alternate Fridays, the facility is permitted to offer dinner shows that may include entertainment and/or dancing in conjunction with a meal. These events are open to members of the public subject to ticketed admission. The ticket entitles patrons to a limited meal selection and the evening's scheduled

entertainment. The hours of operation during these events are from 6:00 p.m. to 1:30 a.m. On Saturdays, the main floor is used for private receptions while the mezzanine remains open to the public. The operating hours during these functions are from 12:00 p.m. to 1:30 a.m. In all circumstances, the sale of alcohol is incidental to food service and required to end at 1:00 a.m. As part of this request, the Applicant is also requesting the sale of alcohol be extended to end at 1:30 a.m.

The request amends Condition Nos. 16 and 31 in Resolution No. 2008-51 that restricted entertainment to alternate Fridays and the hours of alcohol sales from 6:00 a.m. to 1:00 a.m. and would be allowed to offer entertainment and alcohol sales Monday through Sunday from 6:00 a.m. to 1:30 a.m. The site could still operate as a banquet hall and restaurant during these hours, and may conduct private and public events subject to admission or ticketed entry. All other conditions in Resolution No. 2008-51 are incorporated into this approval and shall remain in full force and effect. The on-site consumption of alcohol would continue to be incidental to the sale of food and be permitted from 6:00 a.m. and 1:30 p.m.

- b) **General Plan Consistency:** The Safety Element of the 2020 General Plan lists policies consistent with the City's goal of the "Maintenance and enhancement of a safe community" (IX-16). Of these policies, number 35 states: "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations" (IX-20). Consistent with this, the Police Department has reviewed the proposed use for compliance to its safety and security requirements and has subsequently conditioned the project to include implementation measures which address their concerns.
- c) **Downtown Strategic Plan Consistency:** The proposed use supports the City's efforts to revitalize the Central Business District. In June 2005, the City Council adopted the Downtown Strategic Plan, which establishes goals for downtown Oxnard. The Plan acknowledges downtown as a special place, that "...has been a place to work, recreate, shop, gather for civic activities, or, simply, to hang-out". A particular goal of the Strategic Plan is to resurrect downtown Oxnard so that it will become a "modern downtown with the amenities and cultural attractions of a regional design center". Staff finds the request is consistent with the goals of the City's adopted Strategic Plan, and therefore, recommends approval of the requested use.
- d) **Zoning Code Compliance:** The subject property is located within the Central Business District (CBD) zone. In accordance with City Code Section 16-148, businesses that operate as a place of entertainment may be permitted with an approved special use permit.
- e) **Police Department Review:** The Oxnard Police Department prepared a report on February 14, 2011 which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of approval of this request (Attachment D).

The report provides information regarding the number of incidents of police response, and whether the proposed request is likely to significantly aggravate policing problems.

- i) **Concentration of Alcohol Sales:** There are two on-sale alcohol establishments within 350 feet of the site and eight alcohol outlets within 1000 feet and consequently a presumed issue of undue concentration. There is one Off-Sale license within 350 feet.

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

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 125 during the same 12-month time period. This is 7% higher than the average crime rate citywide and not considered to be significant. The number of events listing alcohol as a contributing factor is slightly higher than the citywide average. The area immediately surrounding the site has seen a continuing drop in calls for service and is generally no longer considered to be a policing problem.

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

Additional Police Input: The Police Department recognizes that the business has operated responsibly during the last two years and that recent events have been fairly problem-free, however, there is a concern public events with entertainment may have a greater risk of aggravating policing problems *than* the private functions typically hosted by Casa Lopez.

While the Police Department is not opposed to this type of use, it will need to be closely monitored.

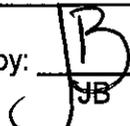
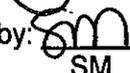
Conclusion: The crime rate for the area surrounding the proposed site is slightly above average but is not currently considered a policing problem. There are two similar uses within 350 feet of the site and, consequently a presumed issue of undue concentration.

- 7) **Community Workshop:** On February 4, 2011, the applicant mailed notices of the Community Workshop to all property owners within the Wilson Neighborhood. The applicant also provided notice on the project site with a brief description of the project and contact information for the Community Workshop, conducted on February 14, 2011. During the workshop, approximately 4 people spoke expressed support of the business and were in favor of granting the request.

8) Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 days. 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 Report
- E. Resolution

Prepared by:	 JB
Approved by:	 SM

ATTACHMENT A
Maps
(Vicinity, General Plan, Zoning)

General Plan Map

CBD

CBD

W THIRD ST

S B ST

CBD

CBD

CBD

S A ST

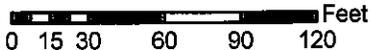
CBD

W FOURTH ST



Oxnard Planning
March 23, 2010

PZ 09-520-02
Location: 532 S Oxnard Bl
APN: 2010211218
Robert Wademan

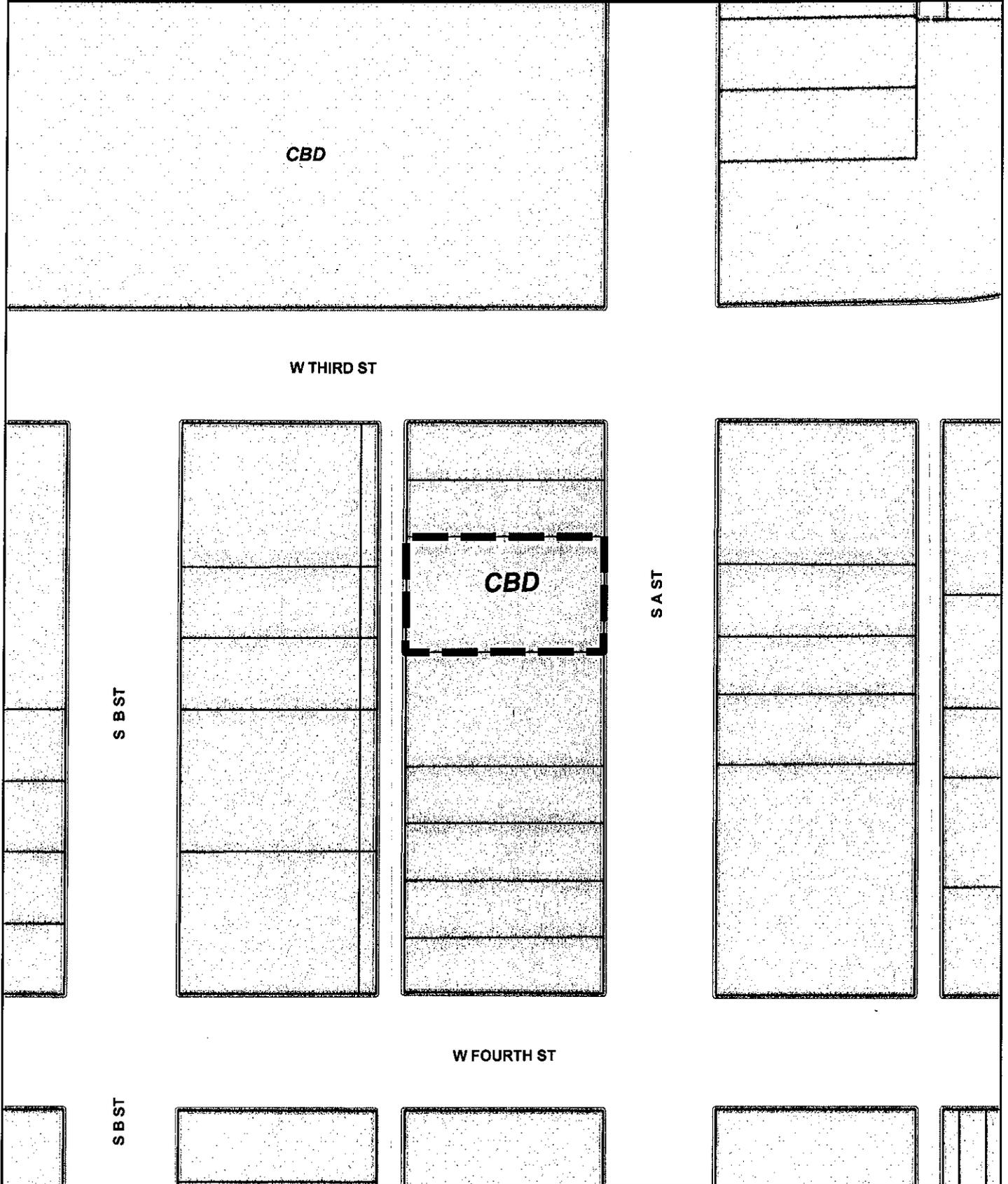


General Plan Map



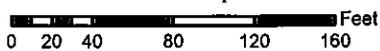
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Zone Map



Oxnard Planning
January 28, 2011

PZ 10-550-06
Location: 325 S A St.
APN: 202009403
Casa Lopez



Zone Map



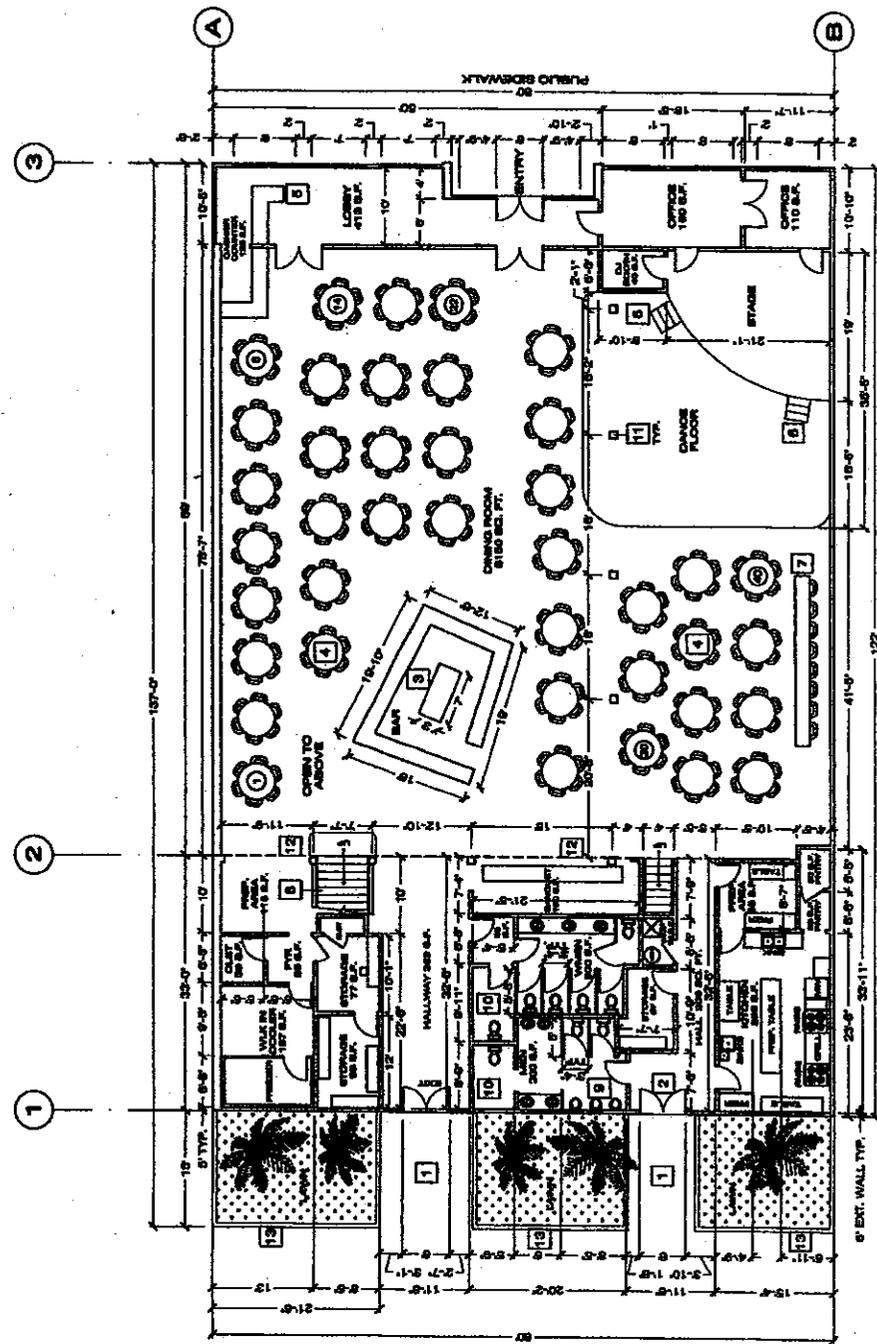
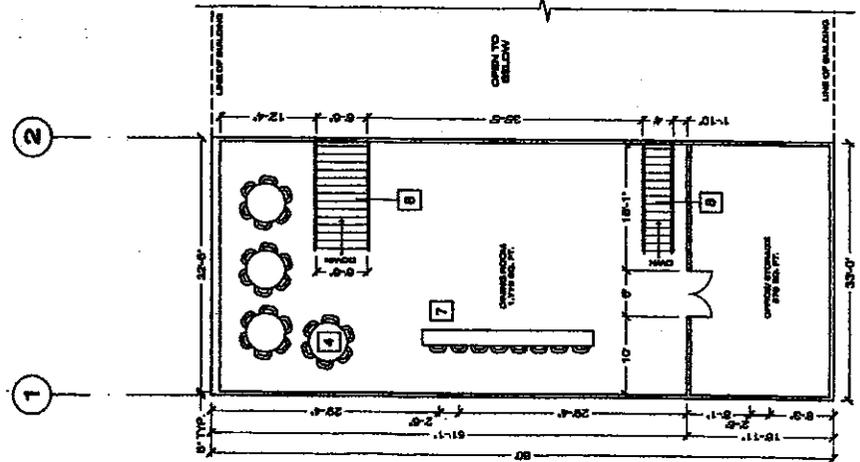
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ATTACHMENT B
Reduced Project Plans

RECEIVED
 JUN 07 2007
 PLANNING DIVISION
 CITY OF OXNARD

SYMBOLS/ABREVT.	
①	TABLE NUMBER
④	SEVNOTE NUMBER
⑤	APPLY TO ALL CHAIRS
⑥	APPLY TO ALL CHAIRS
⑦	APPLY TO ALL CHAIRS
⑧	APPLY TO ALL CHAIRS
⑨	APPLY TO ALL CHAIRS
⑩	APPLY TO ALL CHAIRS
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- NO SEVNOTE LEGEND**
1. 10 1/2 FT. X 18 FT. CONCRETE WALKWAY AND EXT.
 2. 36 SOLID CORE METAL DOUBLE DOOR EMERGENCY EXIT.
 3. 60 23 INCH W. X 48 INCH H. SERVICE BAR COUNTER VASITILE AND GLASSWARE STORAGE AT CENTER.
 4. 87 8 FIRST DIAMETER CHINA TABLE WITH 8 CHAIRS.
 5. 88 23 INCH X 40 INCH H. X 16 1/2 FIRST LEANING CHAIRS COUNTER.
 6. 89 23 INCH X 40 INCH H. X 16 1/2 FIRST LEANING CHAIRS COUNTER.
 7. 90 BARFRET TABLE.
 8. 91 STAIRCASE WITH HANDRAIL.
 9. 92 LATERAL IN HALLWAY ROOM.
 10. 93 HANGING BATHROOM STALL.
 11. 94 18 INCH X 18 INCH COLUMNS.
 12. LINE OF 93 SECOND FLOOR ABOVE.
 13. 95 LANDSCAPED AREA WITH CURB.



ATTACHMENT C
Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

A request to amend conditions of approval to allow entertainment in conjunction with and private events with live entertainment between the hours of 6:00 a.m. to 1:30 a.m., Monday through Sunday, and permit alcohol sales until 1:30 a.m., at an existing banquet and restaurant facility, located at 325 South A Street, known as Casa Lopez. Filed by designated agent Osbaldo Lopez, on behalf of the property owner Lucilia Lopez, 325 South "A" Street, Oxnard, CA 93030.

Finding:

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

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

Supporting Reasons: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request amends operating conditions of an existing banquet hall and restaurant to allow public and private events with entertainment Monday through Sunday from 6:00 a.m. and 1:30 a.m. and to permit the sale of alcohol until 1:30 a.m. There is no development or building expansion associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

Planning Division

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

ATTACHMENT D
Police Report



Police Department

John Crombach, Police Chief

Date: February 14, 2011

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

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

PZ-10-550-06

Site Information:

The proposed site is located near the southwest corner of "A" Street and Third Street at 325 S. "A" Street. The building is an older, two-story structure with on-street customer parking on "A" Street and a large parking structure to the rear. The front door faces east and opens to a wide sidewalk along "A" street. There is also a rear door allowing access to and from the parking structure. The building is currently being used as a restaurant and banquet facility for primarily private functions with public events permitted on alternating Fridays. The site is generally bordered by "A" Street to the east, an alley and the parking garage to the west, Third Street to the north and commercial to the south. There are currently two similar uses within 350 feet of the site and five similar uses within 1000 feet. The nearest residences are approximately 900 feet north and west of the building. The applicant has requested to amend the existing Special Use Permit to allow public events as desired and extend the hours of operation until 1:30 A.M. The Applicant currently holds an ABC License Type-47 which is a restaurant that allows for the sale of beer, wine and spirits.

Outlet Density:

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Bahia Del Mar	349 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits

2. Fresh and Fabulous	401 S. "A" Street	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
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Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Sugar Beets	455 S "A" St.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
2. Ruby's Café	350 S. Oxnard Blvd.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
3. El Patron Grill	231 W. Fifth St.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
4. China Square	450 S. "B" Street	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
5. Nuevo Carmelita	113 E. Fifth St.	Type 40	On-Sale Beer	Bar (minors allowed)	Beer only
6. Glass Bottle Liquor	344 S. "C" St.	Type 21	Off-Sale General	Liquor Store	Beer, Wine and Spirits
7. Circle 9 Market	521 S. "C" St.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
8. La Gloria Market	430 S. Oxnard Blvd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine

Crime Statistic Review:

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 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 125 during the same 12-month time period. This is 7% higher than the average crime rate citywide and not considered to be significant. The number of events listing alcohol as a contributing factor is slightly higher than the citywide average. The area immediately surrounding the site has seen a continuing drop in calls for service and is generally no longer considered to be a policing problem.

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

Police Input:

The Police Beat Coordinator who is responsible for the area surrounding this site said the location is generally not considered to be a policing problem. Since 2008 when the Applicant was granted a Special Use Permit to sell alcohol (his first SUP at this site had been revoked in 2001 for nuisance activity) it has functioned primarily as a banquet facility for weddings, quincenieras, anniversaries and other private parties. The business was originally proposed to be a restaurant with daily offering of meals but only recently began to function as a typical restaurant. They have been providing food at any events held there but no real offering of food throughout the week as one would expect (and is required by ABC regulations) for a restaurant. Recent events held at this location have been fairly problem-free and neighboring businesses have reported only occasional issues related to the current use.

The lack of problems is somewhat predictable considering that most of the events are private and usually of some celebratory nature. Arguably, public events with higher attendance are at a much greater risk of experiencing problems than the kind of functions typically hosted by Casa Lopez. In 2008, to ease the concerns of the Police Department, the Applicant originally proposed a condition that limits public events to alternating Fridays. Their request at this time is to strike that condition and allow the business to host both public and private events at their discretion. The Applicant has referred to the proposal as a "supper club" with guests purchasing tickets for entertainment and the food will be included with the purchase price. While the Police Department is not opposed to this type of use, it is important to note that prior to having his last SUP revoked for blatant nuisance activity at this site, he was operating the business much in the same way with no emphasis on the restaurant operations. Adding the ability to host frequent public events raises the risks of having problems and will need to be closely monitored.

The Applicant has also requested to extend the time that the sales of alcohol are permitted from 1:00 A.M. to 1:30 A.M. During the most recent 12-month period, the Police Department responded to the business a total of six times with only two being disturbance related. Due primarily to the lack of significant problems recently, the Police Department is not opposed to the requested changes.

Community Feedback

This proposal was shared with the Responsible Alcohol Policy Action Coalition (RAPAC) which is a coalition of residents that have been meeting and discussing alcohol-related community issues for more than 10 years. The members expressed some nervousness about providing the business with more latitude when the current regulations seem to be effectively keeping problems to a minimum.

Conclusion

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

The business has been operating responsibly with very few calls for service for the past two years but public events have been infrequent. The Police Department recognizes that extending the hours and allowing public events on a regular basis increases the risks of experiencing problems; however, the Police Department is not opposed to amending the Permit as requested so long as the Applicant remain in compliance with all other terms and conditions of the previous Special Use Permit and continue to operate responsibly.

ATTACHMENT E
Resolution

RESOLUTION NO. 2011-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-550-06 (MAJOR MODIFICATION), TO MODIFY SPECIAL USE PERMIT NO. 08-500-08 TO ALLOW ENTERTAINMENT USES MONDAY THROUGH SUNDAY WITHIN AN EXISTING BANQUET HALL AND RESTAURANT (CASA LOPEZ), LOCATED AT 325 SOUTH "A" STREET (APN 202-0-094-035), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OSBALDO LOPEZ, 325 SOUTH "A" STREET, OXNARD, CA 03030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-550-06, filed by Osbaldo Lopez in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, section 15301 of the California Code of Regulations exempts the project from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The presumption of undue concentration has been rebutted by a preponderance of evidence, which shows that the establishment is in a commercial area where the multiple restaurant and entertainment establishments selling alcoholic beverages for consumption on the premises is appropriate.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby modifies Special Use Permit No. 08-500-08 by amending Condition Nos. 16 and 31 to read as follows:

16. Entertainment uses shall be limited between the hours of 6:00 a.m. and 1:30 a.m., Monday through Sunday.

31. Sales of alcohol shall not occur between the hours of 1:30 a.m. and 6:00 a.m. (PL/PD)

BE IT FURTHER RESOLVED that, except as specifically modified by this resolution, the conditions of approval for Special Use Permit No. 08-500-08 as set forth Resolution No. 2008-51 remain in full force and effect.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 3 day of March, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Patrick Mullin, Chairman

ATTEST: _____
Susan L. Martin, Secretary