



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.

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

Project Site	Zoning	Future Use	Existing 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)

Project Site	Zoning	Future Use	Existing 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)

Project Site	Zoning	Future Use	Existing 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	Number of Employees	Off-site Employees Available
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' RC?	Same Type Within 1,000' RC?	Likely to Cause Public Nuisance?	Undue Concentration as Defined in Res. 11,896?	Recommended 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.

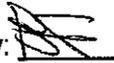
7) Community Workshop: On August 3, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners in the neighborhoods adjacent to each location. A sign was posted at each location in front of the store. A total of 11 residents were in attendance, many of whom indicated 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:

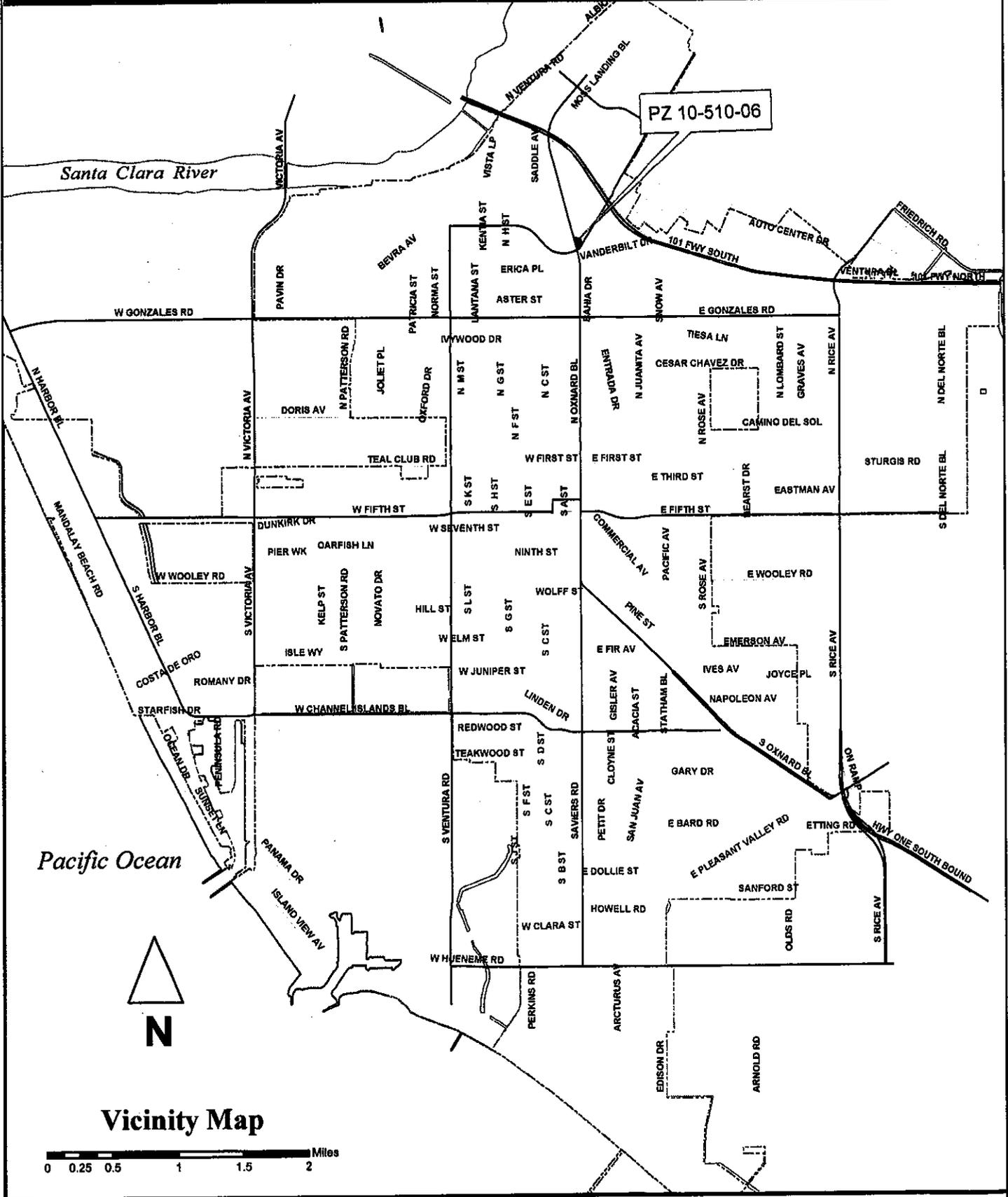
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Department Reports
- E. Resolutions

Prepared by:	 BF
Approved by:	 SM

ATTACHMENT A

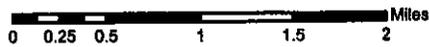
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Vicinity Map



PZ 10-510-06

Vicinity Map

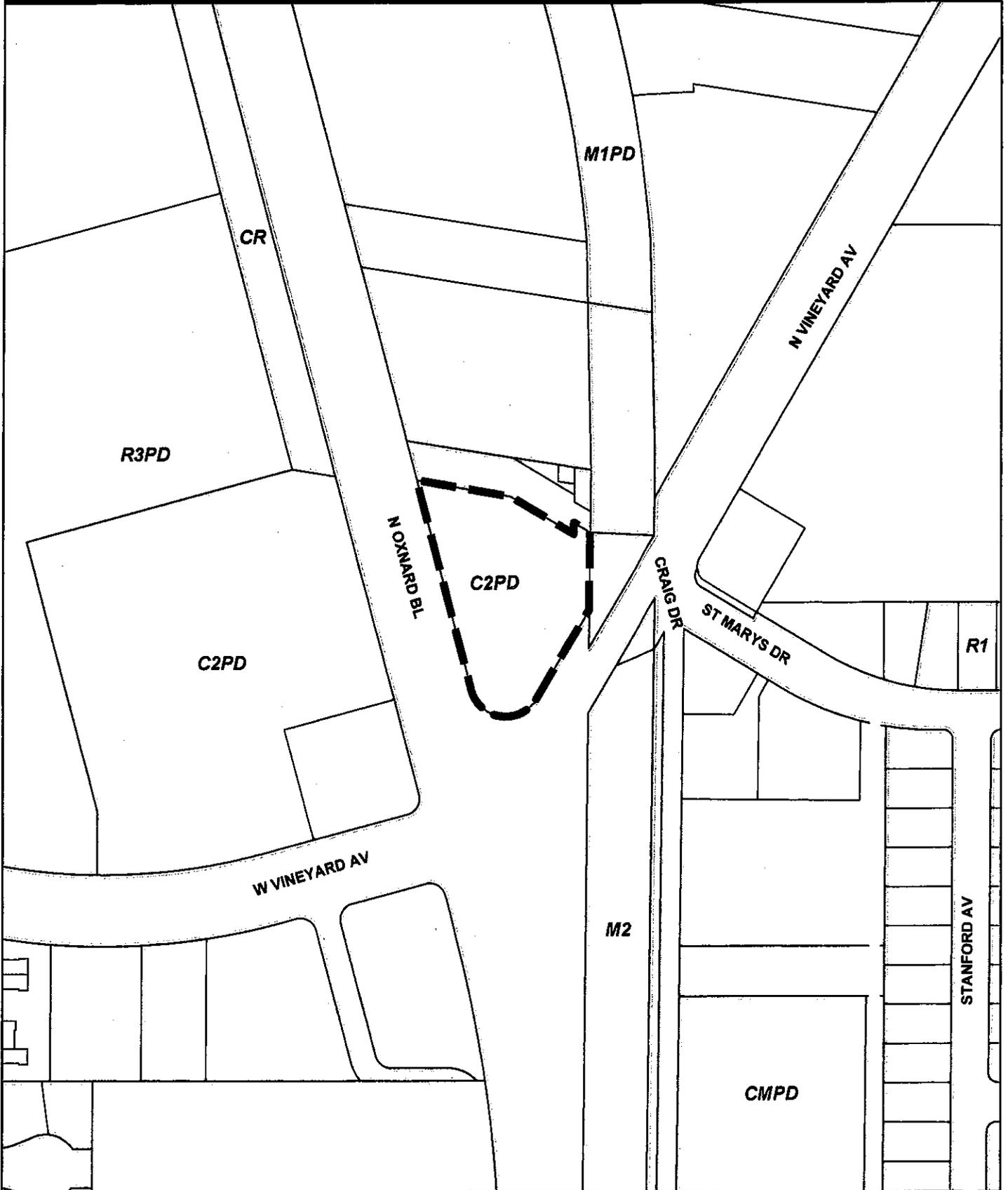


Oxnard Planning

July 8, 2010

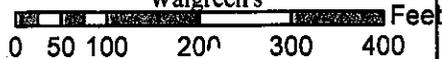
PZ 10-510-06
 Location: 2303 N Vineyard Av
 APN: 142002124
 Walgreen's

Zone Map



Oxnard Planning
July 13, 2010

PZ 10-510-06
Location: 2303 N Vineyard Av
APN: 2142002124
Walgreen's

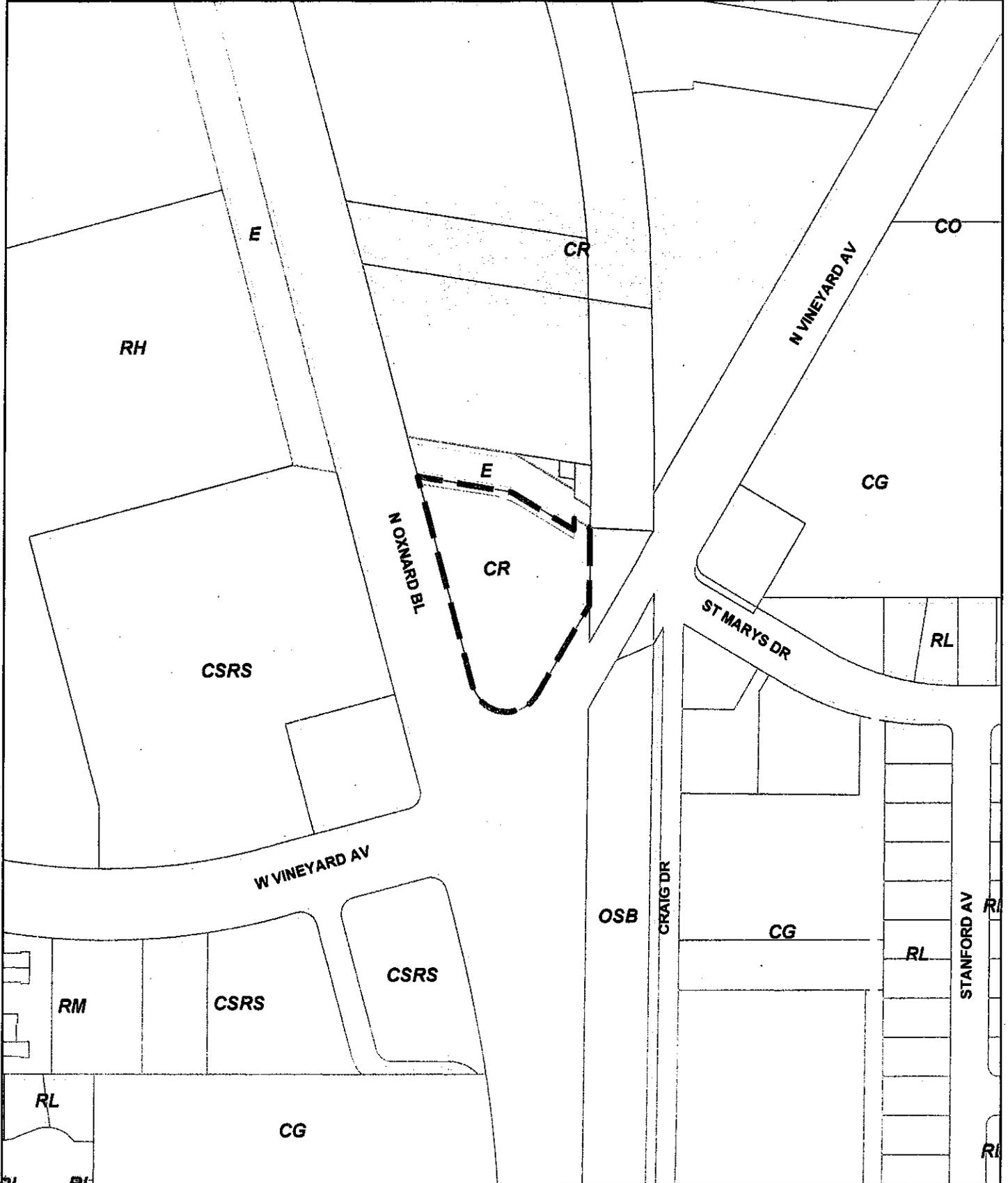


Zone Map

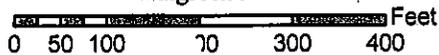


1:2,480

General Plan Map



PZ 10-510-06
Location: 2303 N Vineyard Av
APN: 2142002124
Walgreen's

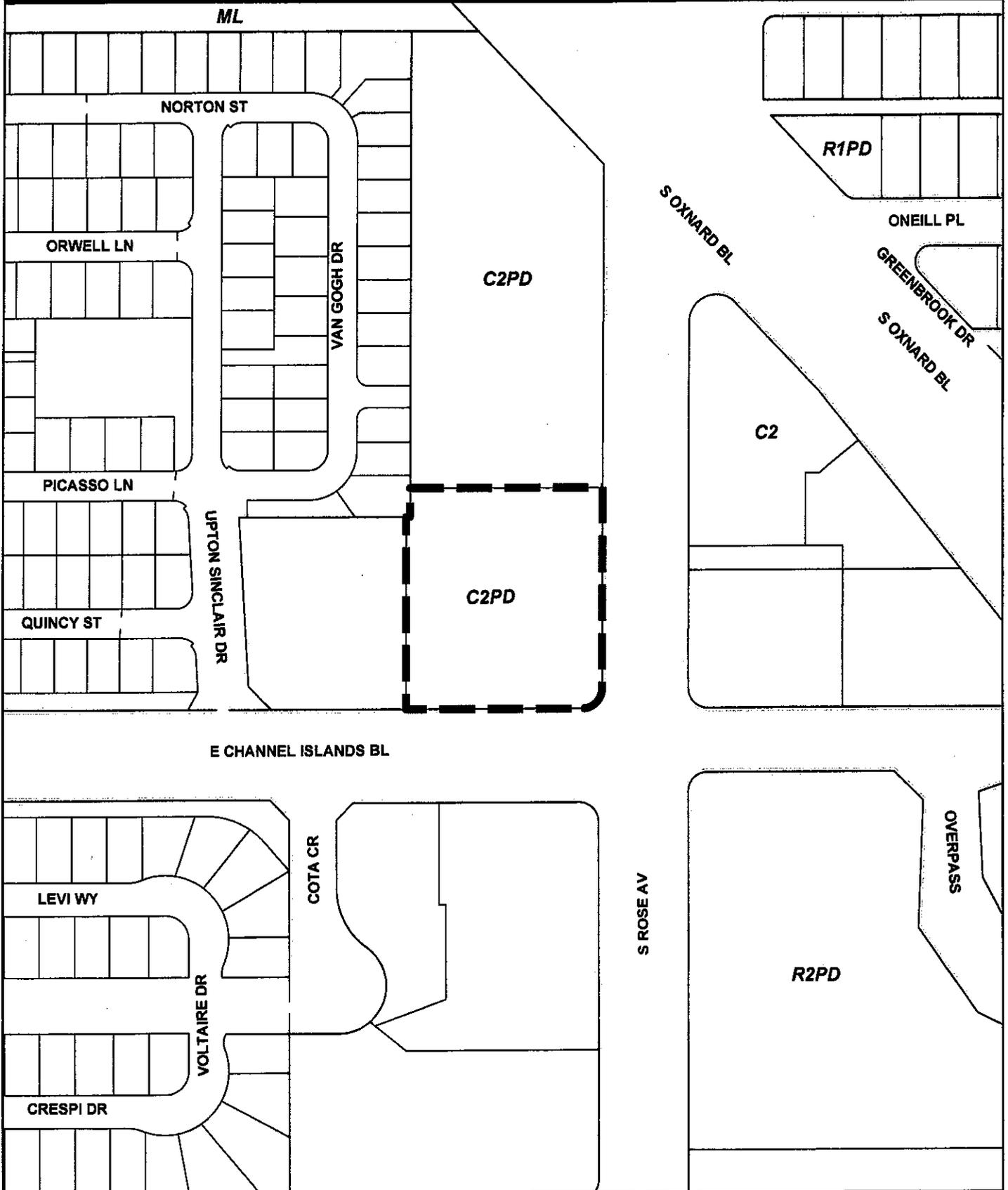


General Plan Map



1:2,472

Zone Map



E CHANNEL ISLANDS BL

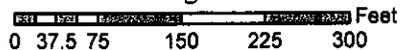
S ROSE AV

OVERPASS



Oxnard Planning
July 14, 2010

PZ 10-510-07
Location: 2851 S Rose Av
APN: 220031066
Walgreen's

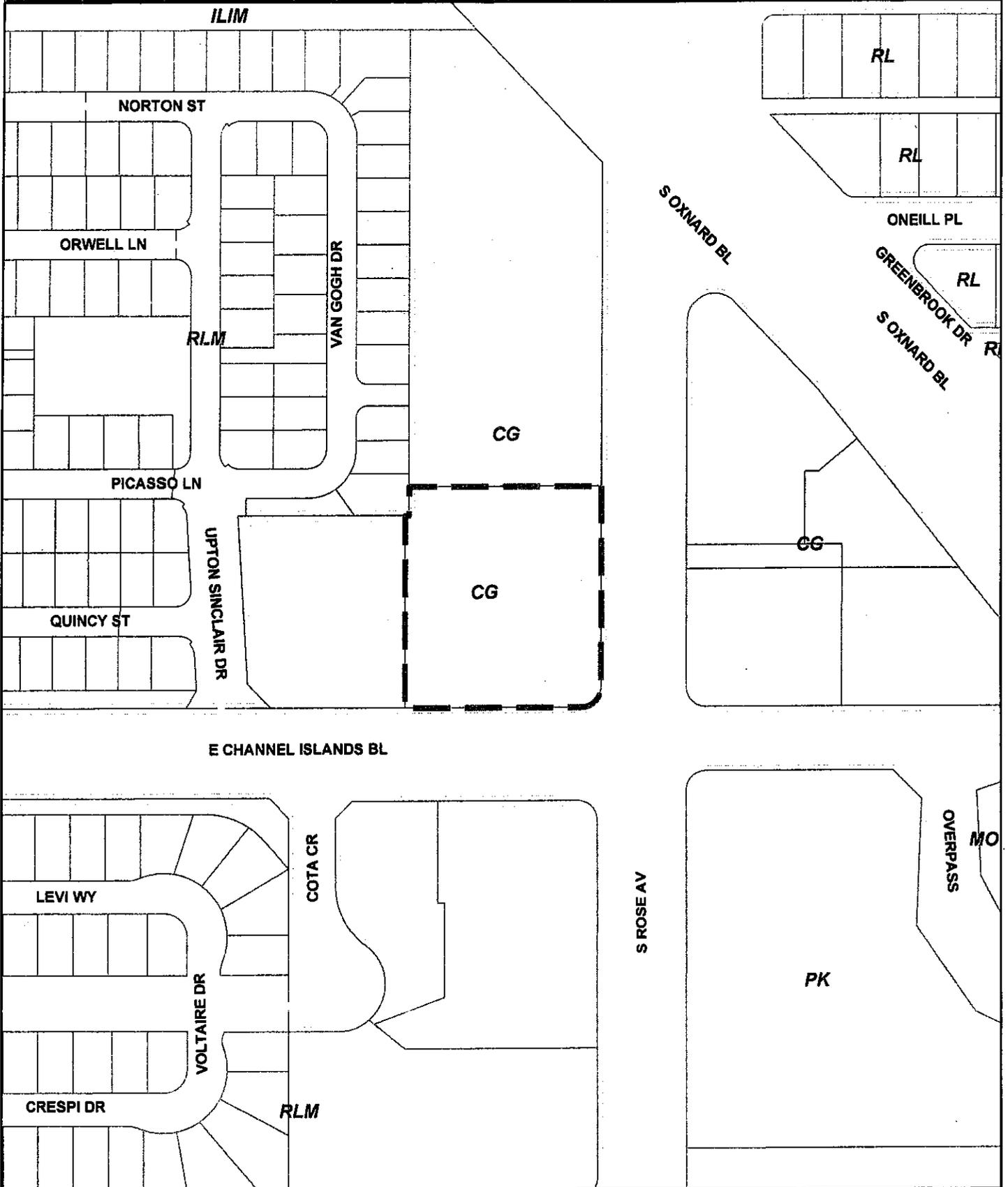


Zone Map



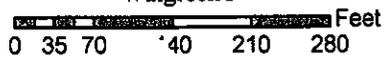
1:2,044

General Plan Map



Oxnard Planning
July 14, 2010

PZ 10-510-07
Location: 2851 S Rose Av
APN: 220031066
Walgreen's



General Plan Map



1:2,032

Zone Map

S VENTURA RD

C2PD

C2PD

C2

W FIFTH ST

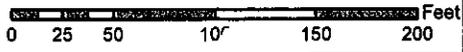
NORSEMAN CT

R4PD



Oxnard Planning
July 15, 2010

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

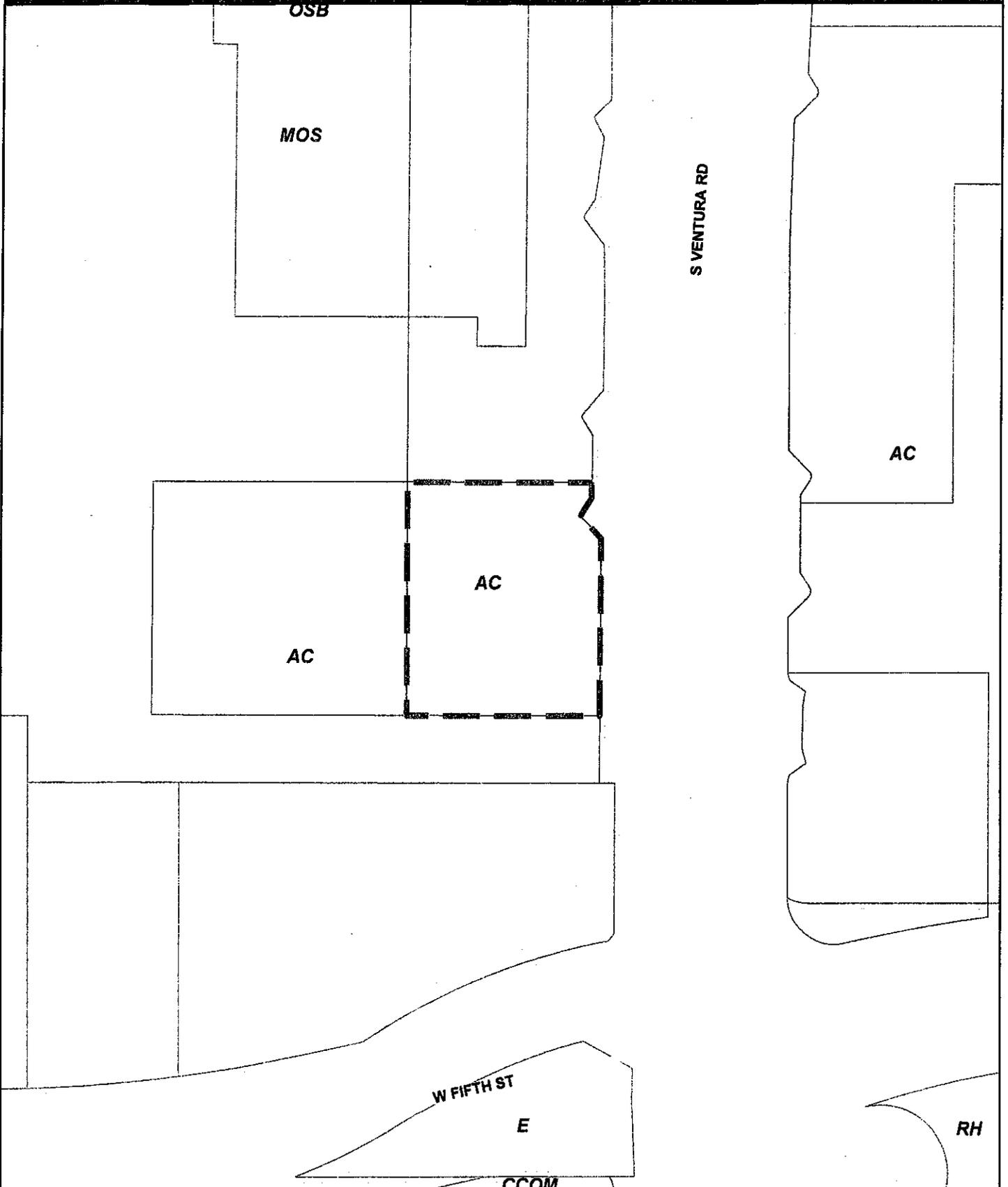


Zone Map



1:1,127

General Plan Map



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

0 25 50 100 150 200 Feet

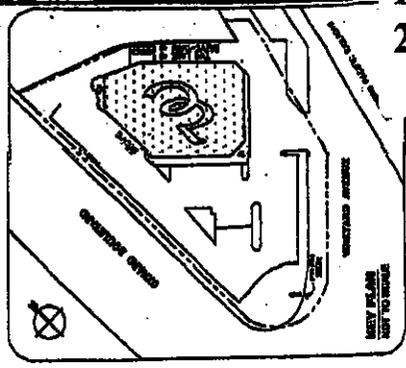
General Plan Map



ATTACHMENT B

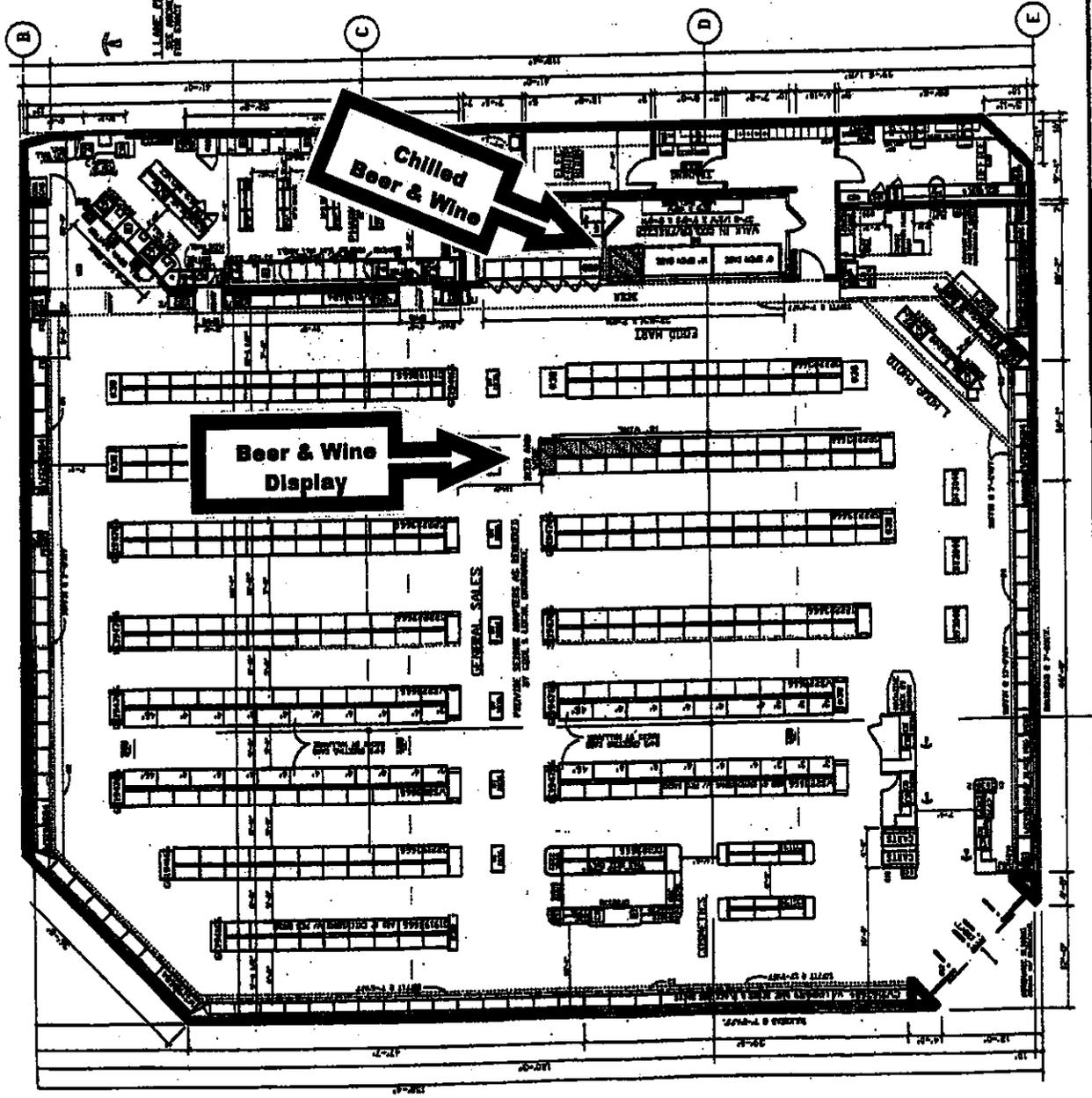
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PZ #10-510-6
2303 N. Vineyard Ave.



This plan only illustrates the initial phase of beer and wine sales/storage. The approval authorizes a beer and wine sales area of at least 2% of the building's gross floor area.

L.L.B.E. ARCHITECTS P.C.
1000 N. VINEYARD AVE.
SUITE 100
DANFORTH, CA 94526

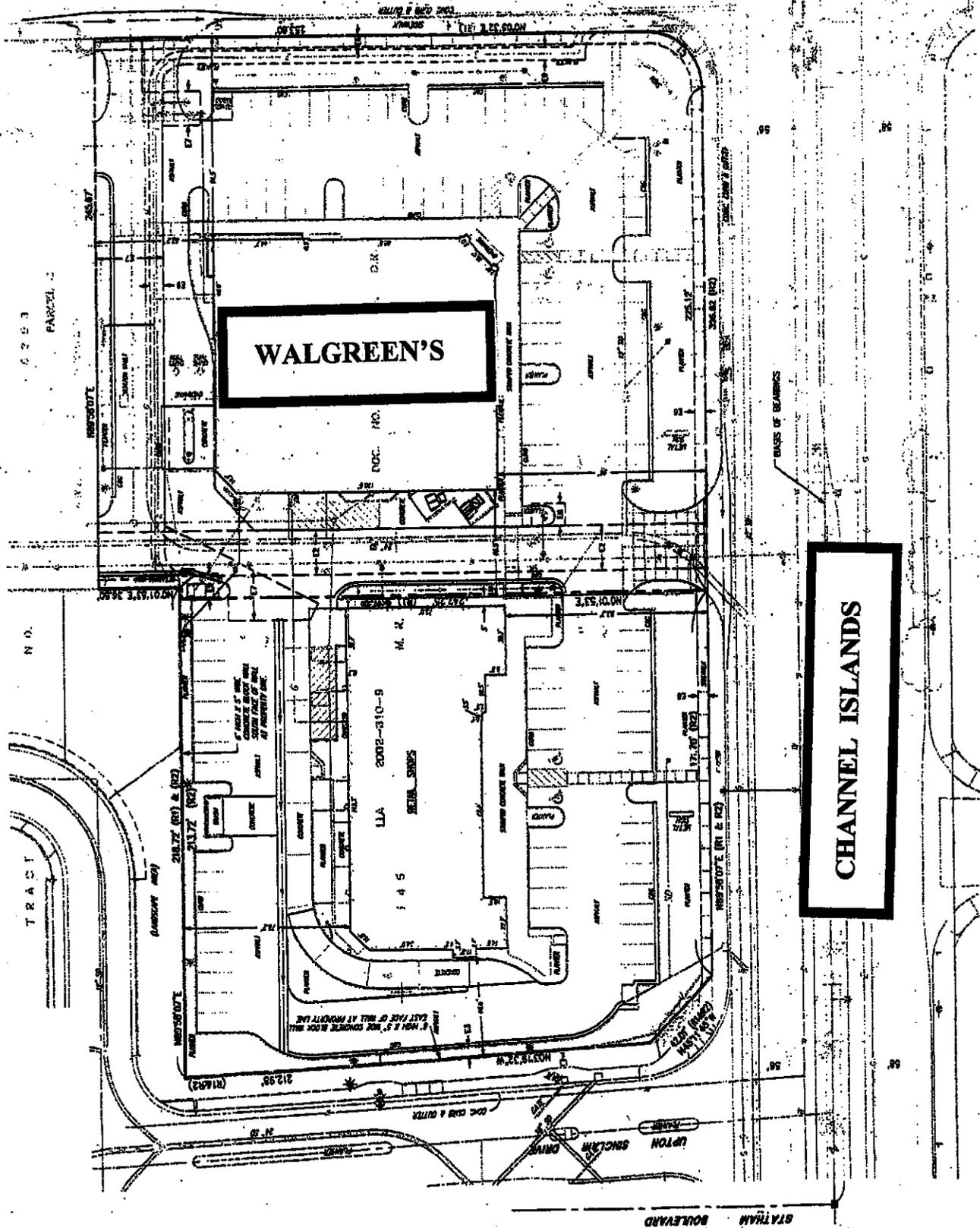


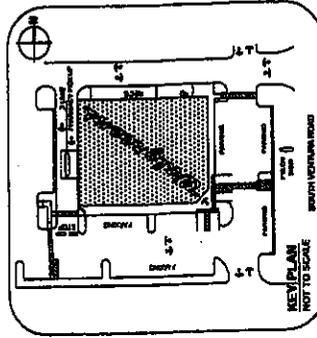
ROSE AVE.

PZ #10-510-7
2851 S. Rose Ave.

WALGREEN'S

CHANNEL ISLANDS

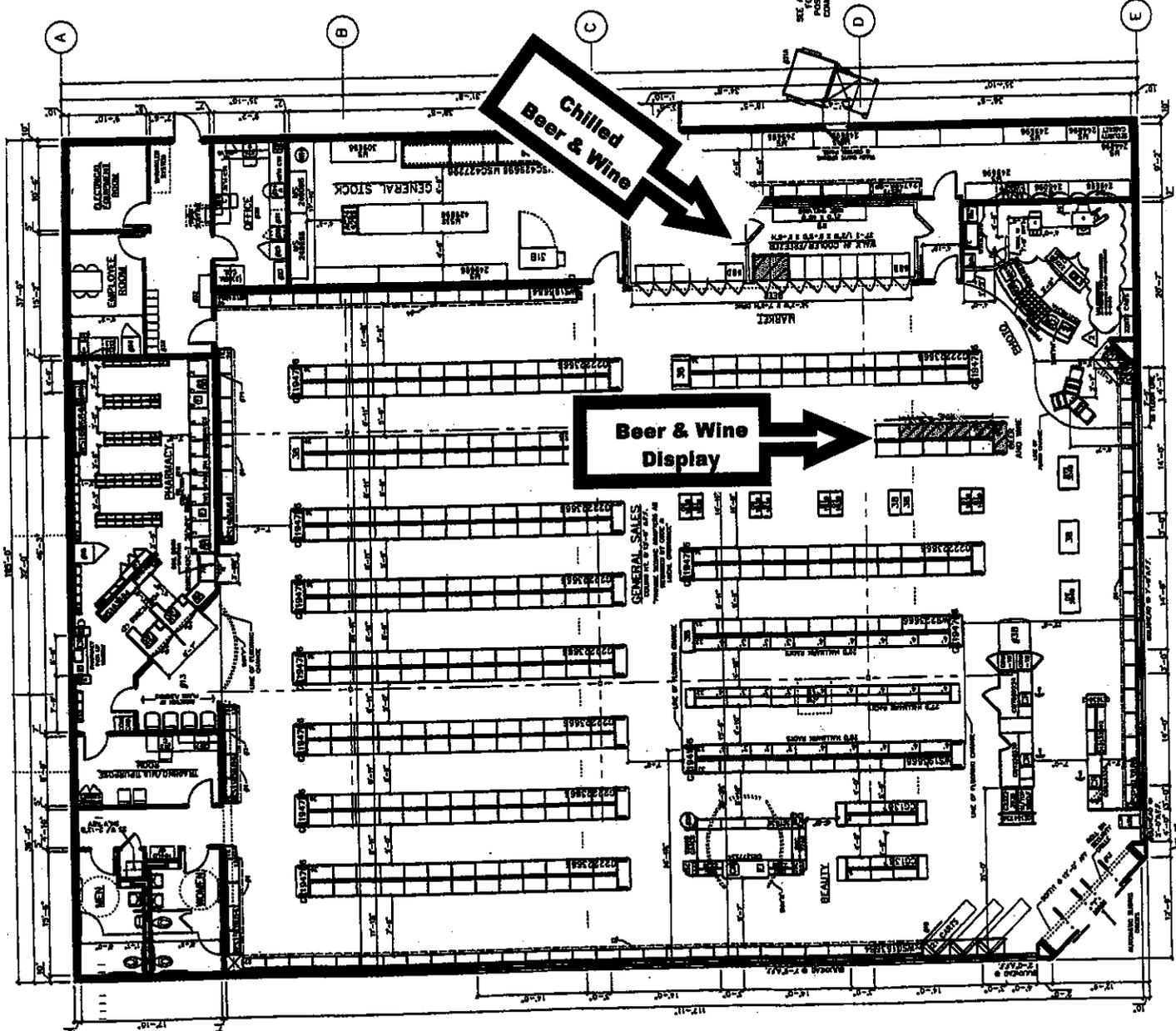




SEE ARCHITECTURAL DRAWINGS FOR EXACT LOCATION & POSITION OF COMPACTOR & COMPACTORY TIRE DRUMS

Chilled Beer & Wine

Beer & Wine Display



ATTACHMENT C

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NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 10-510-6 (Special Use Permit – Alcohol). A request for approval of a special use permit to allow a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control license for beer and wine sales at an existing Walgreens drugstore. The project site is located at 2303 North Vineyard Avenue. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.

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, §15301 – Existing Facilities
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

Supporting Reasons: In accordance with Section 15301 of the *CEQA Guidelines*, projects involving existing facilities may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

SUSAN L. MARTIN, AICP
Planning Manager



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 10-510-7 (Special Use Permit – Alcohol). A request for approval of a special use permit to allow a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control license for beer and wine sales at an existing Walgreens drugstore. The project site is located at 2851 South Rose Avenue. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.

Finding:

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Supporting Reasons: In accordance with Section 15301 of the *CEQA Guidelines*, projects involving existing facilities may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

(Date)

SUSAN L. MARTIN, AICP
Planning Manager



NOTICE OF EXEMPTION

Project Description:

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 (Off-Sale Beer & Wine) Alcoholic Beverage Control license for beer and wine sales at an existing Walgreens drugstore. The project site is located at 481 South Ventura Road. Filed by attorney Jennifer Chavez, agent for Walgreens Co., 600 W. Broadway, Suite 2600, San Diego CA 92101.

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).

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(Date)

SUSAN L. MARTIN, AICP
Planning Manager

ATTACHMENT D

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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: 2851 S. Rose Ave. (Walgreens) **Re: PZ 10-510-7**

Site Information:

The proposed site is at an existing drug store located at 2851 S. Rose Avenue on the northwest corner of Channel Islands Blvd. and Rose Avenue. The front doors face southeast to the parking lot and there is a drive-through lane for pharmacy orders on the south side of the store. The business is part of a large commercial center that extends from Channel Islands Boulevard north to Oxnard Boulevard and includes several restaurants and other commercial uses.

The site is generally bordered by commercial to the north, Channel Islands Boulevard to the south, Rose Avenue to the east and commercial/residential to the west. The nearest residences are approximately 75 feet to the west and are separated from the parking lot by a block wall.

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 two similar Off-Sale alcohol outlets within 350 feet of the site (Fresh and Easy and Arco Gas).

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Fresh & Easy	1750 E. Channel Islands Blvd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
2. Arco Gas	2850 S. Rose Ave.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine

3. Tacos Mi Pueblo	2701 S. Rose Ave.	Type 41	On-Sale Beer and Wine (eating place)	Restaurant	Beer and Wine
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Alcohol Outlets located within 1000 feet of the proposed site include:

1. Sharks Grill	2701 S. Rose Ave.	Type 41	On-Sale Beer and Wine (eating place)	Restaurant	Beer and Wine
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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 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.

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 and those that list alcohol as a contributing factor are relatively low and the other alcohol outlets nearby are not considered to be problematic.

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. Among other things, she recommended specific conditions such as security cameras with feedback monitors that would give school staff the ability to review the recordings and help identify problem students.

Numerous studies have shown that youth exposure to alcohol significantly impacts underage consumption. 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.¹⁻²

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 two other Off-Sale sites and to the high school. Some of those who were present had personally observed the rush of students to the store after school hours and expect that the availability of alcohol with compound the problem. Members were encouraged to attend the Planning Commission hearing should they wish to express their support or opposition to the granting of the Permit. The Police Department advised the school administration about this proposal and they were encouraged to provide feedback to the Planning Department or attend the hearings if desired.

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 below.

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 G. Hastings, S. Anderson, E. Cooke, and R. Gordon, "Alcohol advertising and marketing and young people's drinking: a review of the research," *Journal of Public Health Policy* 26 (2005):296-311.

² L.B. Snyder, F.F. Milici, M. Slater, H. Sun, and Y. Strizhakova, "Effects of alcohol advertising exposure on drinking among youth," *Archives of Pediatrics and Adolescent Medicine* 160 (2006):18-24.

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, Madera, 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)
3. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a written policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff, the Youth Services Officer and how potential truants will be handled. (PD)
4. The sale of flavored malt beverages (commonly referred to as alcopops) and energy drinks containing alcohol is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. (PD)
5. There shall be no deliveries of alcoholic beverages permitted during typical high school commuting hours. Specifically, deliveries of alcohol are prohibited between 7:30 a.m. and 8:30 a.m. and between 2:30 p.m. to 3:30 p.m. (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)

ATTACHMENT E

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RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-6 (SPECIAL USE PERMIT – ALCOHOL), TO ALLOW 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), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. 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 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental 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. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. 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. The site for the proposed use 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. 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. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages 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, and therefore, there is a presumption that an undue concentration will not result or be added to.

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. The preponderance of the evidence indicates that the area is not considered to be a policing problem, statistical analysis shows the area's crime rate to be higher than the citywide average but is attributable to minor commercial or property crimes due to a bustling commercial area, the Type 20 ABC license does not normally aggravate policing issues as long as the establishment complies with regulations and conditions of approval, and the proposed retail of alcohol will be an ancillary use with the alcohol display area occupying no more than 5% of the floor area of the store.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated June 7, 2010 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of alcohol use. A major modification shall be required for substantial changes in such use. (PL, G-2)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
5. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION SPECIAL CONDITIONS

7. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

POLICE STANDARD CONDITIONS

8. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. (PL/PD)
9. 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)
10. 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)

11. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds. (PD)
12. 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. (PD)
13. 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)
14. 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)
15. 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)
16. 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)
17. 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)
18. 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)
19. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
20. 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)

21. 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)
22. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks, 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 the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)
23. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
24. 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. (PD)
25. 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)
26. Prominent signs shall be posted stating, in effect, "No persons under 21 will be sold 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)
27. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
28. Alcoholic beverages shall not be sold between the hours 12:00 midnight and 6:00 AM. (PD)
29. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)
30. 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.

31. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
32. 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. (PD)
33. 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). (PD)
34. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register. (PD)
35. Permittee shall install height gauges at all exit doors. (PD)
36. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
37. 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. (PD)
38. 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

39. 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)
40. The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, drive-thru window or a slide-out tray to the exterior of the premises. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of March, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Patrick Mullen, Chair

ATTEST:

Susan L. Martin, Secretary

RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-7 (SPECIAL USE PERMIT – ALCOHOL), TO ALLOW A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL LICENSE WITHIN AN EXISTING WALGREEN DRUGSTORE, LOCATED AT 2851 SOUTH ROSE AVENUE (APN 220-0-310-665), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. 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. 10-510-7 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 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental 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. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. 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. The site for the proposed use 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. 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. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages off-site consumption within 1000 feet of the subject location. There are two establishments with the same Type 20 ABC license that exist within 350 feet of the proposed location, and therefore, there is a

presumption that an undue concentration will result or be added to. However, the preponderance of the evidence indicates that the area is not considered to be a policing problem, statistical analysis shows the area's crime rate to be consistent with the citywide average and is not considered to be significant, and the proposed retail of alcohol will be an ancillary use with the alcohol display area occupying no more than 5% of the floor area of the store.

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. The preponderance of the evidence indicates that the area is not considered to be a policing problem, statistical analysis shows the area's crime rate to be consistent with the citywide average and is not considered to be significant, and the Type 20 ABC license does not normally aggravate policing issues as long as the establishment complies with regulations and conditions of approval.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated June 7, 2010 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of alcohol use. A major modification shall be required for substantial changes in such use. (PL, G-2)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
5. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION SPECIAL CONDITIONS

7. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

POLICE STANDARD CONDITIONS

8. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. (PL/PD)

9. 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)
10. 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)
11. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds. (PD)
12. 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. (PD)
13. 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)
14. 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)
15. 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)
16. 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)
17. 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)
18. 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)

19. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
20. 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)
21. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks, 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 the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)
22. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
23. 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. (PD)
24. 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)
25. Prominent signs shall be posted stating, in effect, "No persons under 21 will be sold 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)
26. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
27. Alcoholic beverages shall not be sold between the hours from 12:00 midnight and 6:00 AM. (PD)
28. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco. (PD)
29. 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.
30. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
31. 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. (PD)
32. 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). (PD)
33. 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. (PD)
34. Permittee shall install height gauges at all exit doors. (PD)
35. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
36. 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. (PD)
37. 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

38. 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)
39. The sale and delivery of alcoholic beverages shall be made to persons who are within the licensed premises only and not through a pass-out window, drive-thru window or a slide-out tray to the exterior of the premises. (PD)
40. 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)

41. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a written policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff, the Youth Services Officer and how potential truants will be handled. (PD)
42. The sale of flavored malt beverages (commonly referred to as alcopops) and energy drinks containing alcohol is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. (PD)
43. There shall be no deliveries of alcoholic beverages permitted during typical high school commuting hours. Specifically, deliveries of alcohol are prohibited between 7:30 a.m. and 8:30 a.m. and between 2:30 p.m. to 3:30 p.m. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of March, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Patrick Mullen, Chair

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2011 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-9 (SPECIAL USE PERMIT – ALCOHOL), TO ALLOW 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), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. 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 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental 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. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. 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. The site for the proposed use 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. 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. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages 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. However, the preponderance of the evidence indicates that the area is not considered to be a policing problem, statistical analysis shows the area's crime rate to be consistent with the citywide average and is not considered to be significant, and the proposed retail of alcohol will be an ancillary use with the alcohol display area occupying no more than 5% of the floor area of the store.

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. The preponderance of the evidence indicates that the area is not considered to be a policing problem, statistical analysis shows the area's crime rate to be consistent with the citywide average and is not considered to be significant, and the Type 20 ABC license does not normally aggravate policing issues as long as the establishment complies with regulations and conditions of approval.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated June 28, 2010 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of alcohol use. A major modification shall be required for substantial changes in such use. (PL, G-2)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
5. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

PLANNING DIVISION SPECIAL CONDITIONS

7. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

POLICE STANDARD CONDITIONS

8. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. (PL/PD)

9. 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)
10. 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)
11. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds. (PD)
12. 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. (PD)
13. 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)
14. 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)
15. 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)
16. 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)
17. 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)

18. 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)
19. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
20. 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)
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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of March, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Patrick Mullen, Chair

ATTEST:

Susan L. Martin, Secretary