

## RESOLUTION XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-510-14 (SPECIAL USE PERMIT), TO ALLOW THE SALE OF BEER, WINE AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 21) IN AN EXISTING CONVENIENCE MARKET LOCATED AT 1420 WEST CHANNEL ISLANDS BOULEVARD, (APN 205-0-192-145). FILED BY DESIGNATED AGENT MIGBEL ALRABADI, 711 WEST CHANNEL ISLANDS BOULEVARD, PORT HUENEME, CA 93035.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-14, a special use permit to allow the sale of beer, wine and distilled spirits for off-site consumption in an existing convenience market located at 1420 West Channel Islands Boulevard, filed by designated agent Migbel Al Rabadi, in accordance with sections 16-530 through 551 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, and consideration of the Police Department's report and all other relevant evidence in the record before the Planning Commission, that the following circumstances exist:

1. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that it may exacerbate traffic congestion in the area and intensify the frequency of accidents and road hazards. Specifically, the traffic circulation patterns on-site and within the adjacent intersection of Channel Islands Boulevard and Ventura Road have existing conditions that are hazardous to pedestrians and motorists frequenting the area.
3. There is a presumption of undue concentration pursuant to Section 3(b) of City Council Resolution No. 11,896 in that two establishments of the same type are located within 350 feet of the subject location. Furthermore, this presumption has not been rebutted by a preponderance of the evidence in the record before the Planning Commission. Approval of this special use permit would add to an existing undue concentration of alcoholic beverage retail establishments within 350 feet of the subject location, and would thus be inconsistent with the adopted standards of the City.

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

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

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

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Patrick Mullin, Chairman

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