RESOLUTION NO. 10-510-9

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

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

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

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

1. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.

2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that oversaturation of alcohol licenses currently exists in the vicinity of the subject location.

3. The proposed use will result in or add to an undue concentration of establishments selling alcoholic beverages for off-site consumption within 1000 feet of the subject location. There is one establishment with the same Type 20 ABC license that exists within 350 feet of the proposed location, and therefore, there is a presumption that an undue concentration will result or be added to. In addition, there are three Off-Sale ABC licenses and two On-Sale ABC licenses within 1000 feet of the location. The Planning Commission finds that an undue concentration of alcohol uses currently exists, and that the presumption of undue concentration was not rebutted by a preponderance of evidence in the record of proceedings.

4. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied. The Planning Commission finds that the preponderance of the evidence indicates that area's crime rate is 15% higher than the citywide average crime rate, and the proposed Type 20

ABC license if approved may exacerbate the crime rate.

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

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

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

_____
Patrick Mullin, Chair

ATTEST: _____
Susan L. Martin, Secretary