



*Planning Division*

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Linda Windsor, Associate Planner

**DATE:** October 20, 2011

**SUBJECT:** Planning and Zoning Permit No. 11-510-4, (Major Modification to Special Use Permit No. 801 - Alcohol), Located at 611 and 613 S. Oxnard Blvd.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-510-4 for a Major Modification to Special Use Permit No. 801 - Alcohol, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to modify an existing special use permit which allows on-site sales of beer and wine with meals, to allow on-site sales of beer, wine and distilled spirits with meals, within an existing restaurant (Sol de Pacifico). The proposal also includes a request for a nightclub with dancing and live entertainment. The property is located at 611 and 613 South Oxnard Boulevard, within the Central Business District (CBD), in the Oxnard Central City Redevelopment (CCRP) Area.
- 3) **Existing & Surrounding Land Uses:** The project site is an existing restaurant with an existing special use permit and alcohol license for on-site beer and wine sales as part of a restaurant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	CBD	Central Business District	Restaurant serving beer and wine with meals
North	CBD	Central Business District	Record store, restaurant, insurance agency
South	CBD	Central Business District	City parking lot
East	CBD	Central Business District	Fast food restaurants, retail
West	CBD	Central Business District	Restaurant, city parking

**4) Background Information:** On August 28, 1975, the Planning Commission adopted Resolution No. 4756, approving Special Use Permit No. 632, a request to permit the sale of alcoholic beverages in conjunction with an existing restaurant at 611 South Oxnard Boulevard only, known as El Tepiquena. When SUP No. 632 was approved, the restaurant only occupied 611 South Oxnard Boulevard (1500 square feet). On October 26, 1979, the Planning Commission denied Special Use Permit No. 801, which included a request to expand the restaurant (El Taco Loco in 1978) and its alcohol use into the 1950 square foot adjoining space at 613 South Oxnard Boulevard. On May 29, 1979, the City Council overturned the Planning Commission's denial on appeal, (Resolution No. 7659), granting the approval for a three-year period. The three-year period ended on May 29, 1982 and the operator at that time applied for an extension of the alcohol sales on February 2, 1983. On April 7, 1983, the Planning Commission adopted Resolution No. 6548, approving an extension (called an "amendment" at that time) to SUP No. 801. This approval allowed alcohol sales as part of the restaurant for an indefinite period. The restaurant has changed owners and names to the current Sol del Pacifico. The applicant has operated this restaurant since 2006 and the name was changed to Sol del Pacifico in 2008.

When SUP No. 632, SUP No. 801, and the amendment to SUP 801 were approved, zoning on the subject site was General Commercial (C-2). This zoning was changed to Central Business District (CBD) in 1987 as part of the zone change for the entire Central Business District area.

The current (and past) Alcoholic Beverage Control license issued by the State of California allows beer and wine service only as part of the restaurant. Distilled spirits have never been sold as part of restaurants on this site.

Several code compliance cases are active on this project site, including building construction without building permits; installation of a sign violating City Code, and occupying an unreinforced masonry building without providing notice to occupants. The applicant has also allowed dancing in the business without a City-approved dance permit. The applicant's actions to resolve these issues are included in the **Analysis** section of this report.

**5) Environmental Determination:** This project is among the classes of projects listed in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts the permitting and licensing of existing facilities from environmental review where there is negligible or no significant expansion of an existing use. Since the subject project request is to add distilled spirits to their existing approval to sell beer and wine from an existing restaurant, a Notice of Exemption will be filed (see Attachment C).

**6) Analysis:**

**a) General Discussion:** Restaurants are listed as principally permitted uses; however, the nightclub, and sale of alcohol for on-site consumption requires the approval of a special use permit. These two adjoining buildings have been

occupied by various restaurants and other retail businesses since the buildings were built in 1944. As approved by the amendment to SUP No. 801 described above, the restaurant and its associated alcohol use at 611 South Oxnard Boulevard were expanded into and connected to 613 South Oxnard Boulevard.

Operating hours for this restaurant (both now and if the SUP is approved) are:

- Tuesday through Thursday: 7 AM to 10:00 PM
- Friday, Saturday and Sunday: 7 AM to 1 AM
- Monday: Closed

As defined in the CBD zone listing of Conditionally Permitted Uses (Section 16-148 (C)), a nightclub is "...characterized by the following principal uses of the floor area within the nightclub:

- 1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
- 2) Patron dancing;
- 3) Seating for patrons. Alcohol may be served in association with an on-site ancillary restaurant.

This request for a nightclub on the project site is consistent with this definition, except the restaurant is the primary use, not an ancillary use. If the Planning Commission approves this special use permit, the applicant would continue to be required to apply for dance and entertainment permits through the City Business Licensing Division. The Police Department reviews every dance and entertainment permit and applies conditions of approval (or denies the permit) as necessary.

The restaurant is part of the downtown (Central Business District) area and is adjacent to a public parking lot. In accordance with City Code Section 16-150 (J), the uses proposed by this permit do not increase the parking requirements for the subject project.

The restaurant currently employs 4 persons, with 2 employees on each of two shifts. The applicant states that more employees would be on duty if the Commission approves the nightclub portion of this request. Specifically, when no entertainment is planned, each of the two shifts would have three employees on duty. Six employees would be on duty during shifts when entertainment is scheduled. The restaurant provides seating for 126 persons, with an additional 340 square feet of dedicated dance floor, 189 square feet of stage area and a bar with 4 stools. The applicant does not propose to change the occupant load for the building.

The applicant has begun working to resolve the active Code Compliance cases related to the subject property. These actions include the subject application, submittal of an application and plans for a Downtown Design Review Permit to obtain approval for design of the work done to the building façade along Oxnard Boulevard and for a permanent sign. The Downtown Design Review Committee was scheduled to review the request on October 13, 2011. As of this writing, the meeting had not yet occurred. Staff

will present the results of the DDRC review at the Commission meeting. Assuming the DDRC approves the design, the next action would be to apply for and receive building permits. In addition, the applicant intends to reinforce the building from its unreinforced masonry status to meet the appropriate life safety requirements for the number of patrons that the applicant expects. Conditions are included in the attached resolution requiring approval of the Building and DDRC permits, completion of work associated with these permits, and final inspections by the City. These conditions must be implemented before the City of Oxnard will authorize issuance of the upgraded alcohol permit by the Department of Alcoholic Beverage Control. The applicant had already submitted this special use permit application at the time that dancing was held without a permit.

- b) General Plan Consistency:** The 2020 General Plan and proposed 2030 General Plan designate the subject parcels as Central Business District. The underlying zoning designation is CBD (Central Business District), which is consistent with the General Plan land use designation. Approval of this special use permit for alcohol is consistent with the applicable policies and standards of the 2020 and 2030 General Plan.
- c) Request for Sale of Alcoholic Beverages for On-site Consumption and Nightclub Request:** The applicant has filed an application with the Department of Alcoholic Beverage Control (ABC) for an upgrade to a Type 47 License, which requires City of Oxnard approval of a special use permit prior to receiving their upgraded alcohol license. The Type 47 License (On-sale Beer, Wine and Spirits – Eating Place) allows alcohol sales in conjunction with a restaurant. The proposal for a nightclub was also reviewed by the Police Department.

  - i) Police Department Review:** The Police Department reviewed the proposed alcohol use change as required by City Council Resolution No. 11,896 for sale of alcoholic beverages and also reviewed the nightclub request. The Police Department’s report (Attachment D) provides information regarding the number of incidents of police response, and whether there is a presumption of undue concentration of establishments selling alcoholic beverages that is likely to significantly aggravate policing problems.

**Concentration of Alcohol Sales:** Seven alcohol licenses are within 350 feet of the subject site. Of these, three are restaurants with On-Sale Beer and Wine licenses; one is a restaurant with On-Sale Beer, Wine and Distilled Spirits; one is a bar/nightclub; and one is a market. A billiard hall within this radius is currently closed, but has maintained their alcohol license. Seventeen other alcohol outlets are within 1000 feet of the subject site, including 14 restaurants, two bars; a winegrower/tasting room, and a market. Though this area has the highest concentration of alcohol outlets in the city, the Police Department has worked extensively with downtown business owners to implement a “...comprehensive and collaborative community strategy” to reduce Policing problems in the City’s downtown. The Police report states that the number

and severity of crimes downtown has been steadily decreasing in recent years.

**Crime Statistics Review:** For comparison purposes, the Police Department calculates the average number of Part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.<sup>1</sup>

The average number of Part I and II crimes in the applicant's reporting district and all other districts within 1000 feet is 137 during the same 12-month time period. This rate is approximately 17% higher than the average crime rate citywide and is not considered to be significant. According to the Police report, the heaviest concentration of these crimes is on both sides of Oxnard Boulevard from Fourth Street to Eighth Street. In addition, the number of incidents relating to alcohol in this area is higher than the city average.

The Police Department has cited the subject business twice during the past year for hosting dances or entertainment without the proper licenses or permits. One of these violations occurred after the owner had submitted this application. No other disturbance calls to this site occurred during the past year.

**Additional Police Input:** The Police Report states that the Police Department generally does not consider this area to be a police problem, and does not expect the upgrade of the alcohol license to significantly aggravate existing policing problems. However, the Police Department expressed caution that adding a dance club of this size would present some policing challenges. The Police Department also continues to be cautious about the high concentration of and potential for additional alcohol outlets in the downtown area. In addition, the Police Department has concerns about the increase in the number of businesses which have added or are seeking to add dancing and entertainment recently. On the other hand, the downtown area previously had a crime rate three times above the citywide average, which the Police Department attributes primarily to the high concentration of problematic bars and nightclubs with older alcohol licenses that were issued before the City adopted the Special Use Permit process and the associated operating restrictions. The Police Department states that the high concentration of these alcohol outlets, including those with dancing and entertainment, can require additional policing resources to keep the downtown area safe and inviting for customers.

The Police Department is cautious about upgrading alcohol licenses and allowing additional entertainment and dancing in this area of the City. However, the Police Department states that they are not opposed to this proposal, and expects the Police Department's standard conditions and additional special conditions included in the

---

<sup>1</sup> 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, other liquor law violations, drunkenness, and disorderly conduct.

resolution will adequately lessen their concerns mentioned in their report and provide the Police Department with multiple enforcement options if problems occur.

ii) **Conclusion:** As stated above, the Police Department's statistical analysis shows the area to have a crime rate that is 17% higher than the citywide average and the area has the highest concentration of alcohol outlets than anywhere else in the city. Four restaurants and one nightclub (both land use types with alcohol sales) are within 350 feet, and a total of 14 additional restaurants selling alcohol are within 1000 feet of the subject site.

City Council Resolution No. 11,896 states "...there is a presumption that an undue concentration will result or be added to if the establishment for which the special use permit is applied will be located less than 350 feet from another establishment of the same type." According to this resolution, this is an area with an "undue concentration." The resolution also states that a presumption of undue concentration may be rebutted by a preponderance of evidence, based on the facts of the particular case.

The Police Department states that a disproportionate amount of Police resources are used to diminish the effects of existing "problematic" alcohol outlets within the downtown. However, the steady decline in the crime rate suggest that the Police Department's close monitoring and special operating conditions for this area have been effective in reducing community problems and risks related to alcohol availability.

Based on the facts presented in this staff report regarding police problems in this area, the concentration of other alcohol outlets in the immediate vicinity, and the applicant's past practices, Planning Division staff recommends that the Planning Commission approve this upgraded alcohol request and nightclub request for a three-year period only. The applicant could apply to the Planning Commission for an extension for the alcohol use and nightclub prior to the end of the three year period. In providing a three-year time period for this permit, there is no assumption that the Planning Commission will renew the application.

At the time of the Planning Commission hearing on the extension, the Police Department would provide a report evaluating the level of police problems in the area that can be directly attributed to this business. If the Planning Commission does not approve an extended time period for the special use permit, the applicant's business would be able to return to the format that it was previously (on-site beer and wine sales as part of a restaurant). Special conditions detailing these provisions are included in the draft resolution.

**7) Community Workshop:** On March 11, 2011, the applicant mailed notices of the Community Workshop to all property owners within the Hobson Park East and Five Points Northeast Neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on March 21, 2011. Thirty-six people attended the meeting and 2 people designated that they attended the meeting for this specific SUP. The primary discussion item was related to the number of

alcohol outlets in this part of the City. The Police Department's report confirms the density of these alcohol outlets, but also states that the Police Department's collaborative and cooperative program with the local businesses, combined with special operating conditions, has helped reduce the crime rate dramatically in this area. In addition, as stated in the Police report, the crime rate in this area of the city is not significantly higher than in other areas of the city. The three-year time limit for approval of this special use permit will provide a trial period for this applicant.

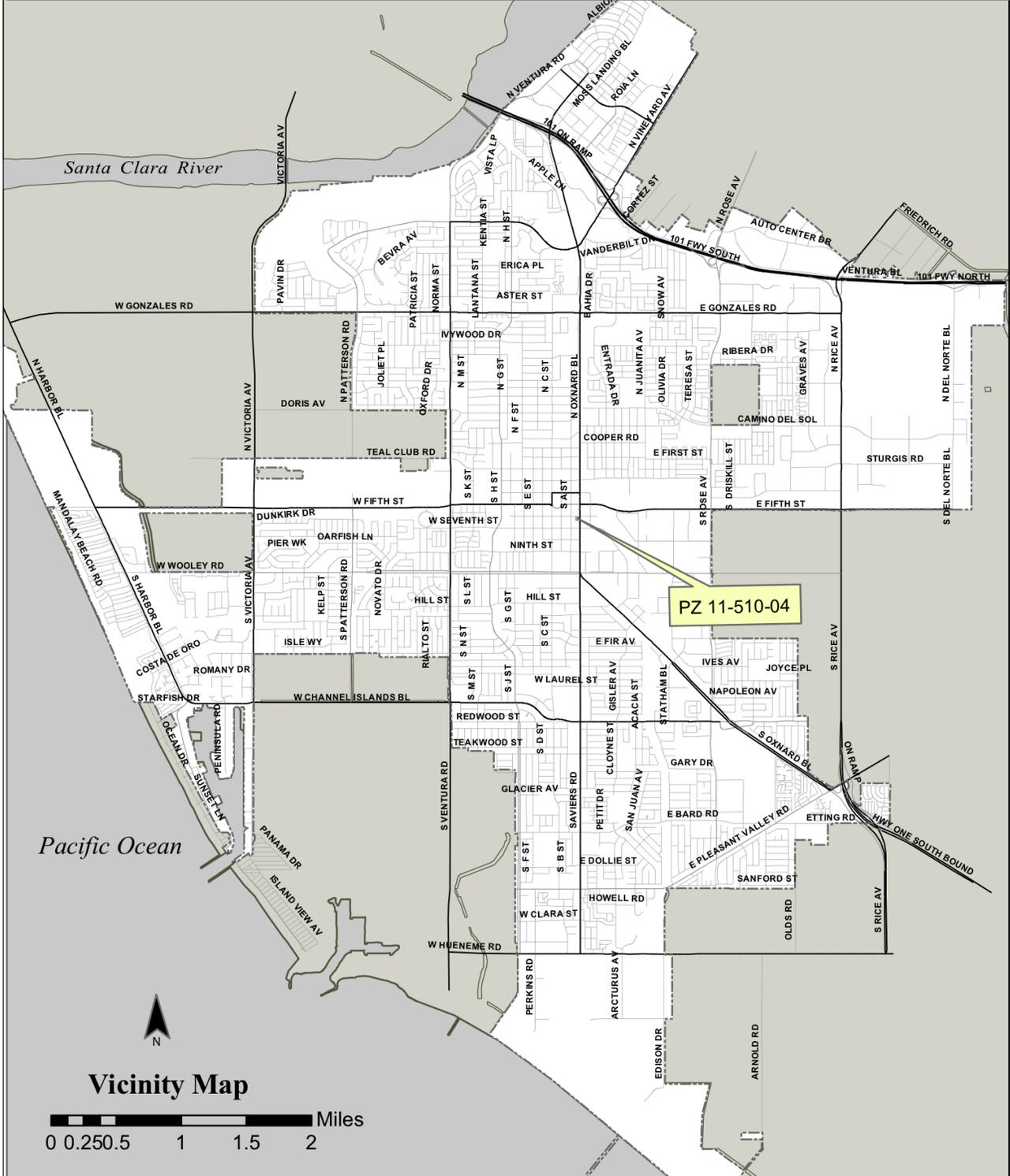
**8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

**Attachments:**

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

Prepared by: _____ LJW
Approved by: _____ SM

# Vicinity Map



PZ 11-510-04  
 Location: 611, 613 S Oxnard Bl  
 APN: 202014501  
 Sol Del Pacifico

# General Plan Map



PZ 11-510-04  
Location: 611, 613 S Oxnard Bl  
APN: 202014501  
Sol Del Pacifico

0 15 30 60 90 120 Feet

## General Plan Map



# Zone Map



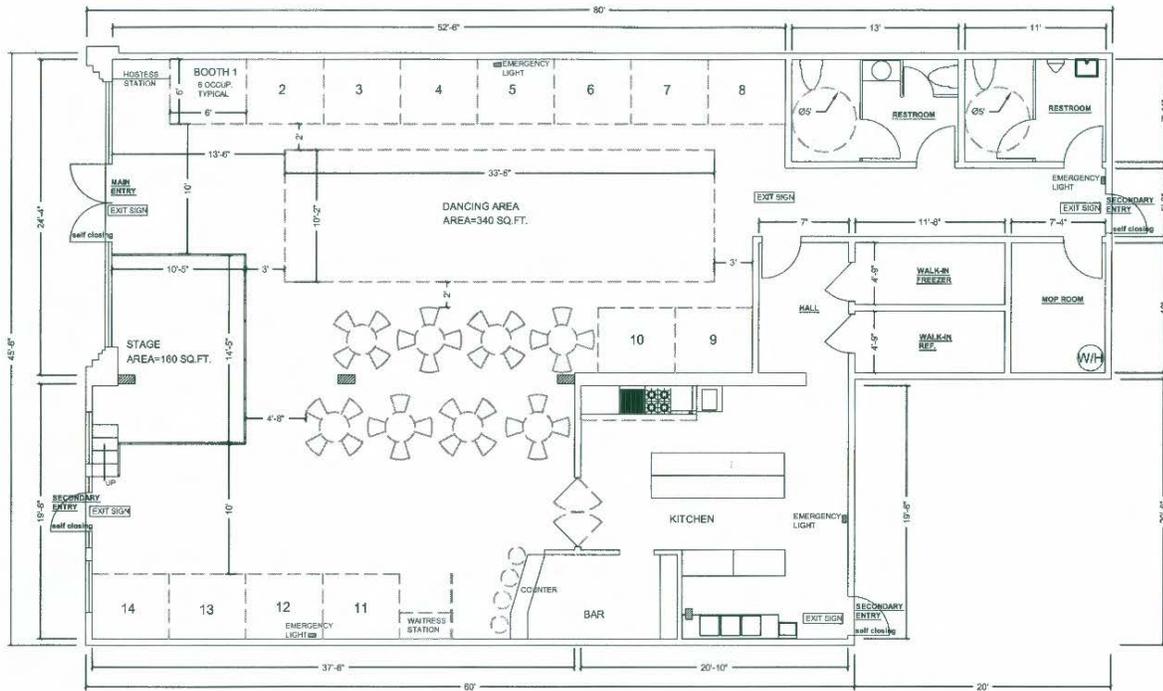
PZ 11-510-04  
Location: 611, 613 S Oxnard Bl  
APN: 202014501  
Sol Del Pacifico

0 12.525 50 75 100 Feet

## Zone Map



1:977



**EL SOL DEL PACIFICO  
RESTAURANT  
611 & 613 S. OXNARD BLVD.**

**FLOOR PLAN**

EXISTING AREA :3,206 SQ.FT.

- FIXED SEATING:
- 14 BOOTHS x 6 OCCUPANTS = 84 OCCUPANTS
- NON-FIXED SEATING:
- 8 TABLES x 4 OCCUPANTS = 32 OCCUPANTS
- 4 BAR STOOLS x 1 OCCUPANTS = 4 OCCUPANTS
- TOTAL OCCUPANCY = 120





## NOTICE OF EXEMPTION

### ***Project Description:***

PLANNING AND ZONING PERMIT NO. 11-510-4 (Major Modification to Special Use Permit - Alcohol), a request to allow an existing restaurant (Sol del Pacifico) to serve beer, wine, and distilled spirits for on-site consumption (ABC License Type 47). This approval would be a change from the restaurant's existing special use permit that allows service of beer and wine for on-site consumption (ABC License Type 41). The proposal also includes a request for a nightclub with dancing and live entertainment. The restaurant is located at 611 and 613 South Oxnard Boulevard. Filed by Hekar Rivera, designated agent, 5374 Heather St., Camarillo, CA 93012, for Omar and Ignacio Gaytan, 611 South Oxnard Boulevard.

### ***Finding:***

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

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

***Supporting Reasons:*** In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects which exempts the permitting and licensing of existing facilities where there is negligible or no significant expansion of an existing use may be found to be exempt from the requirements of CEQA. The proposed project consists of changing an alcohol use and adding a nightclub with the same occupancy load as the existing restaurant. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
SIGNATURE ON FILE WITH PLANNING DIVISION

Susan L. Martin, AICP  
Planning Division Manager



## Police Department

Jeri Williams, Police Chief

Date: July 6, 2011

To: Linda Windsor, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 611 S. Oxnard Boulevard (El Sol Del Pacifico)

**PZ 11-510-04**

### **Site Information:**

The proposed site is an existing restaurant doing business as Sol Del Pacifico and is located at 611 and 613 S. Oxnard Boulevard. The building has two front doors that face east toward Oxnard Boulevard and a rear door that opens to the west alley. There is a public parking lot immediately south of the site that bisects the buildings along the 600 block of Oxnard Boulevard. Other businesses nearby include an insurance office, discoteca, restaurant and a nightclub.

The site is generally bordered by commercial uses to the north, south and west and Oxnard Boulevard to the east. The nearest residences are approximately 350 feet to the west on "B" Street and 425 feet to the east along Meta Street. There are multiple similar alcohol outlets within 350 feet of the proposed site and many more within 1000 feet.

The site has an existing Type 41 ABC License which allows for the sale of beer and wine with food. The proposed use will include adding the ability to host public dances and entertainment along with an upgrade in the ABC license to a Type-47 which is an On-Sale general (eating place) that allows for the sale of beer, wine and distilled spirits with food.

### **Alcohol outlets located within 350 feet of the establishment include:**

<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>LICENSE TYPE</b>	<b>LICENSE TITLE</b>	<b>LICENSE DESC.</b>	<b>ALCOHOL ALLOWED</b>
1. Restaurante Miramar	653 S. Oxnard Blvd.	Type-47	On-Sale General (eating place)	Restaurant	Beer, Wine and Spirits
2. El Tapatio	663 S. Oxnard Blvd.	Type-48	On-Sale General (public premises)	Bar/ Nightclub	Beer, Wine and Spirits
3. El Dorado	601 S. Oxnard	Type-41	On-Sale Beer	Restaurant	Beer and

	Blvd		and Wine (eating place)		Wine
4. Cielito Lindo	635 S. Oxnard Blvd.	Type-41	On-Sale Beer and Wine (eating place)	Restaurant	Beer and Wine
5. Golden Chicken Inn	701 S. Oxnard Blvd.	Type-40	On-Sale Beer	Restaurant	Beer
6. Play Billiards (closed but still licensed)	658 S. "A" Street	Type 40	On-Sale Beer	Billiard Hall	Beer
7. La Mexicana Market	601 S. "A" Street	Type-20	Off-Sale Beer and Wine	Market	Beer and Wine

Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. La Dolce Vita	740 S. "B" Street	Type-47	On-Sale General (eating place)	Restaurant	Beer, Wine and Spirits
2. Fifth Street Steakhouse	241 E. Fifth St.	Type-47	On-Sale General (eating place)	Restaurant	Beer, Wine and Spirits
3. Sugar Beets	455 S. "A" Street	Type-47	On-Sale General (eating place)	Restaurant	Beer, Wine and Spirits
4. El Parian	155 E. Seventh St.	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
5. Meson Viejo	124 E. Fifth St.	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
6. Iron Horse Grill	221 W, Fifth St.	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
7. The Kitchen	529 S. "A" Street	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
8. China Square	455 S. "B" Street	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
9. El Chilito	733 S. Oxnard Blvd.	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
10. Pollo Norteno	715 S. Oxnard Boulevard	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
11. Pilars Café	746 S. "A" Street	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
12. Fresh & Fabulous	401 S. "A" Street	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
13. Nuevo Carmelita	113 E. Fifth St.	Type-40	On-Sale Beer	Restaurant	Beer Only

14. Texas Place	204 E. Fifth St.	Type-40	On-Sale Beer	Bar	Beer Only
15. Mona Lisa	703 S. Oxnard Boulevard	Type-42	On-Sale Beer and Wine	Public Premises (Bar)	Beer and Wine
16. Rancho Ventavo Cellars	741 S. "A" Street	Type-02 (Duplicate)	Winegrower	Wine tasting and off-site sales	Beer and Wine
17. La Gloria Market	430 S. Oxnard Boulevard	Type-20	Off-Sale Beer and Wine	Market	Beer and Wine

**Crime Statistics Review:**

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

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 137 during the same 12-month time period. This is approximately 17% higher than the average crime rate citywide which is generally not considered to be significant. The numbers and types of crimes were spread evenly throughout the surrounding area with the heaviest concentration along both sides of Oxnard Boulevard from Fourth Street to Eighth Street. The number of incidents that listed alcohol as a contributing factor is above citywide averages.

The business has been cited by the Police Department twice during the past year for hosting dances or entertainment without the proper licenses or permits. One of those came after the owner had already submitted this proposal. There were no other disturbance calls to this site during the past year.

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, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

**Police Department Input:**

The Beat Coordinator for the downtown area was contacted and said the surrounding area is generally not considered to be a policing problem. He said the proposed use would not likely significantly aggravate existing problems but that adding another moderate-sized dance club downtown would present some policing challenges. The Police Department continues to be cautious about the overall density of alcohol outlets concentrated in the downtown area and the ever-increasing number of those that include dancing or entertainment as part of their routine operations. The Central Business District (CBD) currently has nearly 35 active ABC-licensed establishments and maintains the highest concentration of alcohol outlets as does anywhere else in the City. As the downtown continues to be redeveloped and revitalized, even more outlets are likely to be added or modified, resulting in higher density and increased risks. The downtown area once had a crime rate that was more than three times higher than the citywide average.

Perhaps the single most influential factor that had negatively impacted the quality of life downtown was the high concentration of problematic bars and nightclubs. Most were woefully under regulated leaving the City with very few tools to influence responsible practices and modify undesirable activity.

Since the implementation of a comprehensive and collaborative community strategy to reduce problems downtown, the number and severity of crimes has been steadily decreasing. Improved regulations and enhanced monitoring of activity at the existing alcohol outlets has been a particularly effective strategy at minimizing problems and is a focal point of our overall efforts. There has been a recent trend for businesses that were once exclusively restaurants to now include music, entertainment and dancing along with the service of food. There are currently 22 On-Sale alcohol outlets within 1000 feet of the proposed site. Of those, at least 12 have dancing or entertainment on a consistent basis and a few others offer such activity on an occasional basis. While this type of activity can often be an effective method of drawing in more customers and improving overall sales, it can also bring with it an increased risk of experiencing problems. Businesses that include lively, nightclub-type activity are among some of the most high risk and problematic of all alcohol outlet types. Having a high concentration of businesses of this kind in close proximity to each other may be typical of “entertainment districts” but can also be very high maintenance and require a significant amount of resources to effectively preserve an inviting, safe environment.

That being said, the thorough conditions of operation that have been standard for all new alcohol outlets during the past several years has been very effective at reducing community problems and the risks related to the availability of alcohol as is demonstrated by the plummeting crime rate in the downtown area. The downtown policing team spends a significant amount of time monitoring the existing alcohol outlets and making sure they remain in compliance with local standards and operating responsibly. However, without that persistent oversight, we run the risk of losing ground on the progress we have made. Adding too many high-risk businesses may ultimately stress the ability of the Police Department to effectively maintain a safe environment. This business has a fairly high capacity at 280 persons. If permitted, it will be one of the larger dance facilities downtown as most businesses with entertainment or dancing have a capacity that is less than half than that of the proposed site. It has been the experience of the Police Department that as the occupancy load increases, so do the risks of experiencing problems.

While it is not the position of the Police Department to oppose the granting of this permit, it is important to understand the existing conditions in the area. This proposal, perhaps innocuous by itself, will add one more layer of risk to the downtown and should not be taken lightly. The Police Department has recommended several operating conditions to ensure that the success of this business does not come at the expense of the community.

**Community Input:**

At the time this report was submitted, the Responsible Alcohol Policy Action Coalition (RAPAC), who routinely comments on new applications, had not yet had the opportunity to discuss this particular proposal at their monthly meetings. The Police Department will seek out the group’s leadership and provide them with details of this proposal so they may have the opportunity to voice their opinions at any future hearings. No other community input was solicited or received by the Police Department.

**Conclusion:**

The statistical analysis shows the area to have a crime rate that is 17% greater than the city-wide average which reflects a sharp decrease from earlier reports that were more than 150% higher than average. The area has the highest concentration of alcohol outlets than does anywhere else in the city and some of those licenses were issued more than 20 years ago and have no preventative conditions of operation attached to them since SUP's were not required at the time they obtained their ABC license. The Central Business District as outlined by the City of Oxnard currently has at least 35 active ABC licenses within its boundaries and there are six similar businesses within 350 feet of the site.

The Police Department's continued concern is that we do not hastily and unwisely add many more alcohol outlets or modify the existing nature of the businesses as the primary solution for a revitalized downtown. Especially considering that we are already devoting a significant amount of city resources to mitigate existing problematic outlets in the downtown area.

While cautious, the Police Department is not opposed to the proposal to upgrade the license to permit entertainment and dancing and allow for the sale of beer, wine and distilled spirits. The standard and special conditions recommended below should adequately mitigate the concerns mentioned in this report and will provide the Police Department with multiple enforcement options if problems do arise.

The Police Department's experience is that the proposed license (Type 47 - Restaurant), 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 Planning Commission Resolution.

## **Police Standard Operating Conditions**

---

- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 4) When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and

make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

- 5) 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)
- 6) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
- 7) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
- 12) 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)

- 13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
- 14) Sales of alcohol may only occur between the hours of 7:00 am and 10:00 pm on Tuesday through Thursday and between the hours of 7:00 am and 1:00 am on Friday, Saturday and Sunday, unless other hours are specifically approved by the Police Chief as part of a dance or entertainment permit. In no case shall alcohol be sold between the hours of 1:30 am and 6:30 am. (PL/PD)
- 15) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)
- 16) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts exceeding 36oz total. (PD)
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (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”. (PD)
- 19) 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)
- 20) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
- 21) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
- 22) 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 in the Oxnard

City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)

- 23) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 25) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
- 26) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 27) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
- 28) 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 does not constitute a violation. (PD)
- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 30) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
- 31) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (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) 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) There shall be no live entertainment or amplified sound permitted in outdoor areas. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses.
- 2) There shall be only one means of access by patrons to and from the main dining and bar area. All other doors shall not be used as a means of entry or exit except in cases of emergency.
- 3) Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is public dancing, there shall be no persons under the age of 21 allowed within the premises. The only exception is when the premises is being used exclusively by a private party and is not open to the public. (PD)
- 4) During ancillary use, the service of alcoholic or any other beverages in bottles is strictly prohibited. (PD)
- 5) Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. Permittee may, at Permittee's discretion, modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items. (PD)

RESOLUTION NO. 2011 – 11-510-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-510-04 MAJOR MODIFICATION TO SPECIAL USE PERMIT-ALCOHOL) TO ALLOW AN EXISTING RESTAURANT TO SELL BEER, WINE AND SPIRITS IN A RESTAURANT, AND OPERATE A NIGHTCLUB, INCLUDING DANCING AND LIVE ENTERTAINMENT, LOCATED AT 611 AND 613 SOUTH OXNARD BOULEVARD (APN 202-0-145-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HEKAR RIVERA FOR IGNACIO AND OMAR GAYTAN, 611 SOUTH OXNARD BLVD, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-510-04, filed by Hekar Rivera for Ignacio and Omar Gaytan, 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 State 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 presumption of undue concentration has been rebutted by a preponderance of evidence which shows that the number and severity of crimes in the immediate vicinity of the subject site has been steadily decreasing since the Police Department implemented a comprehensive and collaborative community strategy to reduce crime problems downtown, including improved operating regulations and monitoring of activity at alcohol uses in the immediate vicinity. At its current

level, the crime rate is not considered to be significantly higher than the average crime rate citywide. The Police Department reports that it has received no alcohol-related calls for service regarding the site within the past 12 months.

WHEREAS, the Planning Commission finds that, based upon the facts presented in the Planning Division staff report and Police Department report for the subject request, a high concentration of alcohol outlets exists in the immediate vicinity; that, compared to other areas of the City, a disproportionate amount of police resources is required for this area (especially along Oxnard Boulevard between Fourth and Eighth Street, where the subject site is located), and the applicant’s past practices have resulted in City code violations, approval of this permit application shall be for a limited time period, with the ability for the applicant to submit an application for approval of an extended time period.

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*).

<b>DEPARTMENTS AND DIVISIONS</b>			
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	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 floor plan dated September 27, 2011 (“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 major modification shall be required for changes in the alcohol use. (PL, *G-2*)
3. This permit shall automatically be null and void 12 months from the date of issuance, unless Applicant has received a Type-47 license to sell alcoholic beverages on the project property from the State Department of Alcoholic Beverage Control. (PL)
4. This permit is granted for a three-year period, beginning on the date required building improvements are completed and a certificate of occupancy is received from the City of Oxnard for such improvements. Should applicant desire to extend the time period for the uses approved herein, applicant shall submit an application for a modification to this permit no later than six months prior to the expiration date of this approval. In considering an extended time period for this permit, the Planning Commission may extend any or all of the uses approved by this permit, giving consideration to policing problems directly related to alcohol use and dance/entertainment at subject site, and other requirements then in effect.
5. By commencing any activity related to the project or using any structure authorized by this permit, Applicant 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*)
6. Applicant agrees, as a condition of adoption of this resolution, at Applicant’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. (CA, *G-6*)
7. Applicant 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, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)
8. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)
9. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

10. Applicant shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL/PD)

#### **PLANNING DIVISION STANDARD CONDITIONS**

11. Applicant shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project (including, but not limited to, façade improvements, signs and other building improvements). (PL, *PL-3*)
12. Applicant agrees to participate in a water conservation program that includes retrofitting water fixtures existing on the project property with water conserving devices meeting current City Code requirements. Among the requirements of such a program might be refitting existing toilets, faucets, and other fixtures and items that consume water within the structure. (PL, *PL-14*)
13. Applicant shall install toilets that have automatic flush sensors in all public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL)
14. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

#### **PLANNING DIVISION SPECIAL CONDITIONS**

15. Prior to Planning Division clearance of the alcohol license review from the Department of Alcohol Control or approval of a Dance or Entertainment Permit for the subject site, Applicant shall obtain approval of a Downtown Design Review Permit for façade improvements to the building, and complete construction of all improvements consistent with and required by such permit. (PL)
16. Prior to Planning Division clearance of the alcohol license review from the Department of Alcohol Control or approval of a Dance or Entertainment Permit for the subject site, all required on-site improvements for the project, including reinforcing the masonry structure and implementing other improvements required to meet the Building Code and life safety requirements required by the City Building Official, shall be completed and receive a final inspection from the City. (DS, *G-4*)
17. Applicant shall remove the temporary banner from the building. (PL/B, *G-10*)
18. This approval does not constitute approval of individual dance or entertainment permits for the subject property, as issued by the License Division and reviewed by the Police Department.

## **POLICE DEPARTMENT STANDARD CONDITIONS**

19. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
20. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
21. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
22. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
23. 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)
24. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
25. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

26. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
27. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
28. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
29. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
30. 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)
31. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
32. Sales of alcohol may only occur between the hours of 7:00 AM and 10:00 PM on Tuesday through Thursday and between the hours of 7:00 AM and 1:00 AM on Friday, Saturday and Sunday, unless other hours are specifically approved by the Police Chief as part of a dance or entertainment permit. In no case shall alcohol be sold between the hours of 1:30 AM and 6:30 AM. (PL/PD)
33. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
34. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts exceeding 36oz total. (PD)
35. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)

36. 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”. (PD)
37. 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)
38. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
39. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
40. 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 in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
41. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
42. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
43. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
44. Permittee shall regularly police the area under Permittee’s control and shall not permit the loitering of persons about the premises. (PL/PD)
45. 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 does not constitute a violation. (PD)
46. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

47. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
48. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
49. 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)
50. 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 DEPARTMENT SPECIAL CONDITIONS**

51. There shall be no live entertainment or amplified sound permitted in outdoor areas. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses.
52. There shall be only one means of access by patrons to and from the main dining and bar area. All other doors shall not be used as a means of entry or exit except in cases of emergency.
53. Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is public dancing, there shall be no persons under the age of 21 allowed within the premises. The only exception is when the premises is being used exclusively by a private party and is not open to the public. (PD)
54. During ancillary use, the service of alcoholic or any other beverages in bottles is strictly prohibited. (PD)
55. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. Permittee may, at Permittee's discretion, modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items. (PD)

**DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS**

56. Applicant shall maintain parking lots free of litter and debris. Applicant shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Applicant may not discharge any cleaning agent into the storm drain system. (DS-84)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of October, 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Patrick Mullin, Chair

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