



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Linda Windsor, Associate Planner

**DATE:** November 17, 2011

**SUBJECT:** Planning and Zoning Permit No. 11-510-08, (Special Use Permit-Alcohol),  
Located at 1901 North Oxnard Blvd. (Carriage Square Shopping Center).

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-510-08 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval of a special use permit to sell beer and wine for off-site consumption from a convenience market (7-Eleven) to be located within an existing building at 1901 North Oxnard Blvd. Filed by Ralph Deppisch, Luminous Companies, 4340 Von Karman Ave, #110, Newport Beach, CA 92660.
- 3) **Existing & Surrounding Land Uses:** The site is developed with an existing building divided into three tenant spaces, within the Carriage Square Shopping Center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-2-PD	Commercial: Community	Commercial (2 tenants: donut shop and credit union; 7-11 under construction)
North	C-2-PD	Commercial: Community	Commercial (restaurant, auto parts store under construction)
South (across Gonzales Rd)	C-2-PD	Commercial: General	Commercial (Bank)
East (across Oxnard Bl)	M-2, C-2-PD	Open Space Buffer, Commercial: General	Railroad tracks/right-of-way, shopping center
West	C-2-PD	Commercial: Community	KFC (open) and Lowe's (under construction)

- 4) **Background Information:** On July 6, 2006, the Planning Commission adopted Resolution Nos. 2006-39, -40, -41 and -42, approving PZ Nos. 05-500-2, 06-510-5, 06-500-6 (special use permits) and recommending to the City Council approval of a tentative parcel map (PZ

No. 05-300-6) for redevelopment of the Carriage Square shopping center. On December 7, 2006, the City Council approved resolutions (Nos. 13,176; 13,177; and 13,179) upholding the Planning Commission's approval of the three special use permits and approving the tentative parcel map (No. 13,178). Special Use Permit No. 05-500-2 (special use permit) included demolition of the former Carriage Square shopping center buildings, except for the IHOP restaurant adjacent to (north of) the subject site. The existing 188,082 square foot shopping center was replaced with a 228,773 square foot shopping center, including the Lowe's home improvement store, with associated parking, landscaping and circulation. The main special use permit also includes administrative relief to reduce the required number of parking spaces; increase the building height (for Lowe's only); and site plan modifications for reduced parking space size and changes in the landscape configuration. Special Use Permit No. 06-510-5 allowed the onsite relocation of alcohol sales for off-site consumption (Carriage Square Wine & Spirits, a tenant within the previous shopping center). Special Use Permit No. 06-500-6 allowed onsite relocation of the existing KFC fast food restaurant with drive-through facilities (now completed). The Tentative Parcel Map divided the existing three lots into seven lots. The parcel map was approved by the City Council on December 7, 2010.

Special Use Permit No. 06-510-5 expired in 2008 and Carriage Square Wine & Spirits decided not to remain within the rebuilt shopping center, so the application was not extended. The Planning Manager approved a minor modification (PZ No. 09-140-27) in September 2009 which included renovation of the building in which 7-Eleven will be located, rather than replacing it with two buildings, as approved by the special use permit in 2006. This building is divided into three tenant spaces. On August 4, 2010, the Planning Manager approved Minor Modification (PZ No. 10-140-08), which included approval of the final design for remodeling the two pad buildings near the intersection of Oxnard Boulevard and Gonzales Road (including IHOP and this building).

As of this writing, the new KFC is completed and operating; the IHOP renovation is completed; and the Lowe's Home Improvement Warehouse is nearly finished with their interior improvements and merchandise stocking for a late November opening. An O'Reilly Auto Parts store is almost finished being built north of the IHOP restaurant. Staff is working with the shopping center developer to finalize the design of the building at Citrus Grove Lane and North Oxnard Boulevard. The building where 7-Eleven will be located has been renovated, and a credit union and donut shop have moved into two of the three spaces.

- 5) Environmental Determination:** In accordance with Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines (the "General Rule" exemption), the proposed project is not subject to environmental review. This exemption states that when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is not subject to the California Environmental Quality Act. The convenience store is permitted by right in the C-2-PD zone, and therefore is not subject to environmental review. Since alcohol sales is an ancillary use to the convenience store use, the proposed alcohol sales use for the convenience store does not

increase the intensity of the use, or change the approved land uses on the project site. The addition of the alcohol use would not create a significant effect on the environment. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

## 6) Analysis:

- a) **General Discussion:** The tenant space to be occupied by 7-Eleven is located on the south end of Building 5 of the Carriage Square shopping center, near the intersection of Gonzales Road and Oxnard Blvd. Interior improvements (“tenant improvements”) for the convenience store (7-Eleven) are currently under construction within a 2526 square foot space. As part of the building plan review for the tenant improvements, the Planning Division added a special condition that no alcohol may be sold or displayed until this special use permit is approved, the appeal period has elapsed, and the alcohol license is issued by the State Department of Alcoholic Beverage Control.

According to 7-Eleven, alcohol accounts for only 10% of their total sales. This low figure shows that the alcohol sales is ancillary to all other retail sales from the convenience store. The store is proposed to operate 24 hours, 7 days per week. Six to seven employees would be employed at the store (one to two per shift).

- b) **General Plan Consistency:** The Carriage Square Shopping Center project was approved under the 2020 General Plan, and the land use designation for this property is Commercial: Community. In approving the special use permit for the shopping center, the Planning Commission and City Council determined that the proposed shopping center is consistent with the 2020 General Plan. The retail uses, such as a convenience store, within this building are the type of uses expected for a neighborhood or community shopping center. The shopping center continues to be consistent with the 2030 General Plan.
- c) **Request for Sale of Alcoholic Beverages for On-site Consumption:** The applicant has filed an application with the Department of Alcoholic Beverage Control (ABC) for a Type 20 License at the subject location, and requires City of Oxnard approval of this special use permit prior to sales of beer and wine. A Type 20 License (Off-sale Beer and Wine) allows purchase of beer and wine for consumption off the site.
- 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 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.

- i) **Concentration of Alcohol Sales:** No similar alcohol outlets are within 350 feet, and the closest off-sale outlet (Smart & Final) is 50 feet outside the 1000 foot radius. Other alcohol outlets within 1000 feet from the subject site include three restaurants with beer and wine sales. Since these existing businesses are outside the 350 foot radius, the subject request does not create or add to a presumption of undue concentration.
- ii) **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 is 129 during the same 12-month time period. This is 10% higher than the average crime rate citywide, which is generally not considered to be significant. The Police report points out that among the six other 7-Eleven stores in Oxnard, the average number of disturbances and thefts is much less than another convenience store chain which has several outlets in Oxnard. The Police Department attributes minimizing police problems at 7-Eleven stores to effective corporate policies.

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

- iii) **Additional Police Input:** The Police Department states 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 lower than average and those that list alcohol as a contributing factor are also below average.

The Police Department's primary concern is related to the subject site's location near Pacifica High School, because of the potential for additional exposure to alcohol as students commute to and from school. In addition, the large number students frequenting these type of stores during school commuting hours can overwhelm employees of the store, and loitering in the patio area adjacent to the store could be disruptive. The Police Department has recommended several special conditions to help the applicant and schools prevent and mitigate these types of problems.

- iv) **Conclusion:** The Police Department's statistical analysis shows that the area has a crime rate that is slightly higher than the city-wide average and. the Police Department does not consider this area to be a policing problem.

There is not a local issue of undue concentration. According to Department of Alcoholic Beverage Control guidelines, there is no issue of undue concentration under State criteria.

The Police Department's experience is that the proposed license (Type 20 – Off-sale Beer and Wine), 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 Police Department's standard and special recommended operating conditions have been incorporated into the attached Planning Commission resolution.

**7) Community Workshop:** On September 9, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Orchard, Rio Lindo, Carriage Square and West Village 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 September 19, 2011, and the subject permit was the only project scheduled for review. Three people attended the meeting, one of which was in favor, one against and the third neutral. The issue discussed was the potential for high school students to buy alcohol at this location. The applicant explained 7-Eleven's interlock system which requires the cashier to verify each alcohol buyer's age before the cash register will allow completion of the sale. Two of the people attending stated that high school students will always find a way to obtain alcohol (legal or not) and the responsibility for preventing illegal alcohol consumption by minors should rest with parents, not with government agencies.

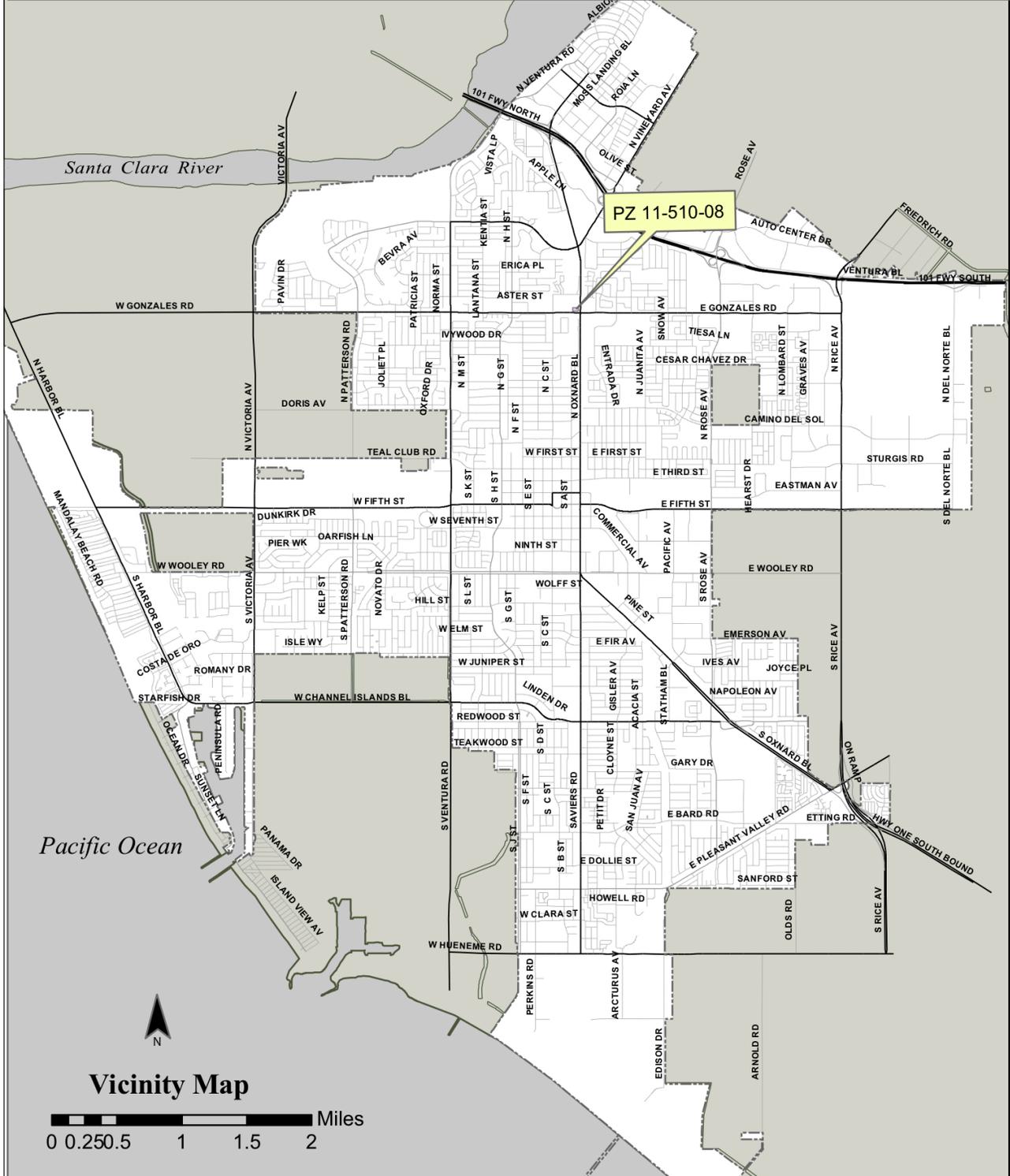
**8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of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

**Attachments:**

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

Prepared by: _____ LJW
Approved by: _____ SM

# Vicinity Map

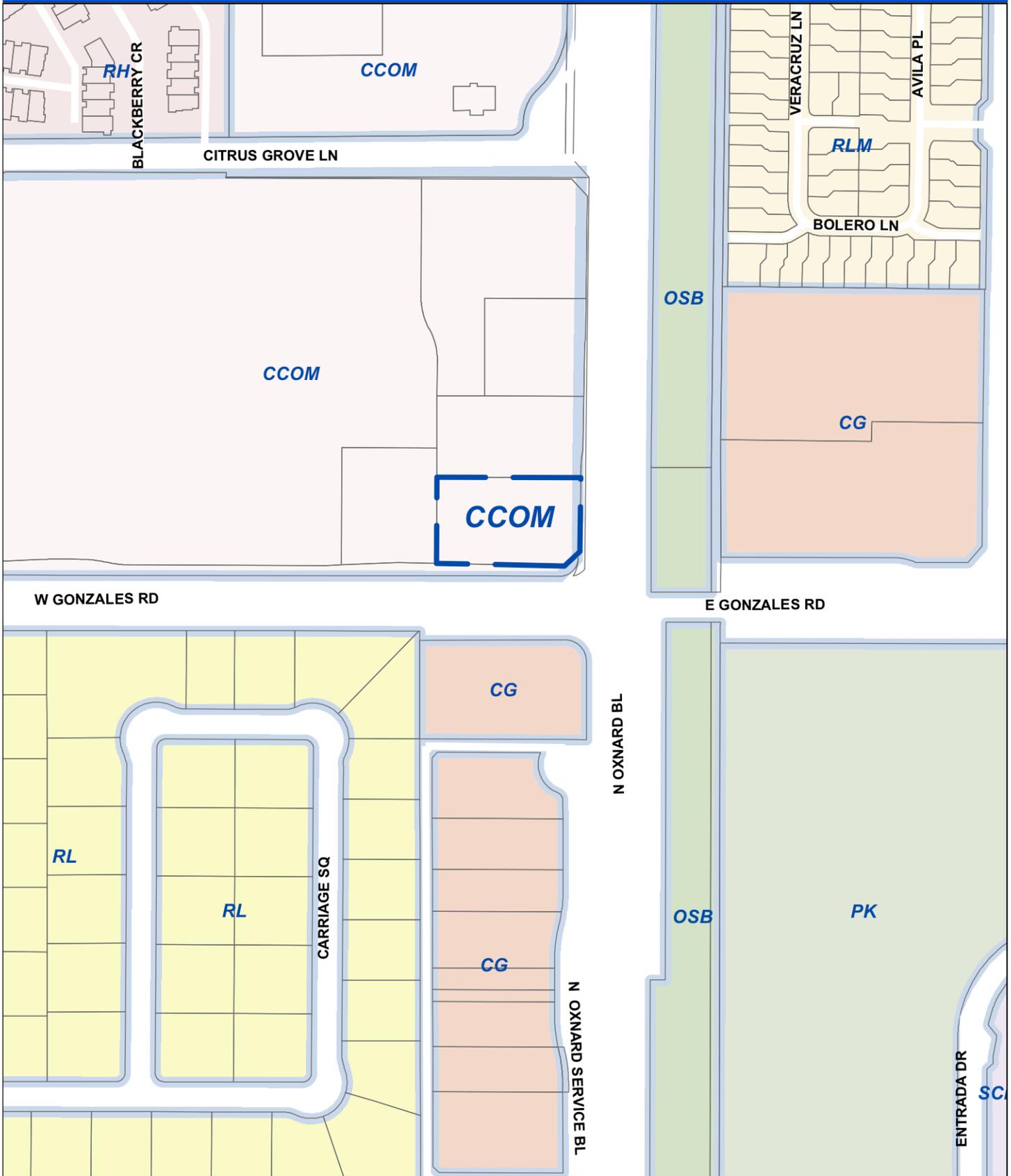


## Vicinity Map



PZ 11-510-08  
 Location: 1901 N Oxnard Bl  
 APN: 139025012  
 7-Eleven

# General Plan Map



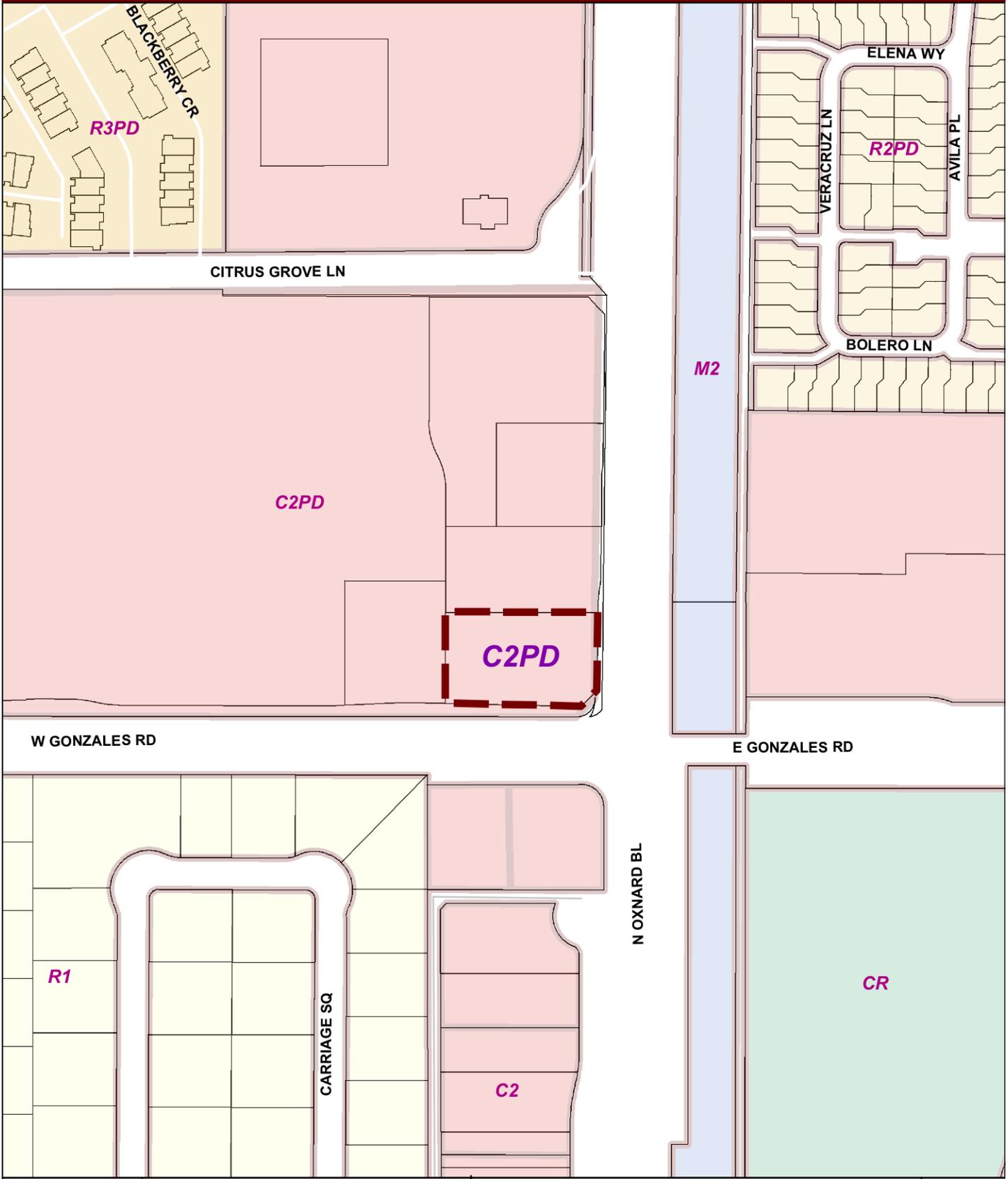
PZ 11-510-08  
 Location: 1901 N Oxnard Bl  
 APN: 139025012  
 7-Eleven  
 0 50 100 200 300 400 Feet

## General Plan Map

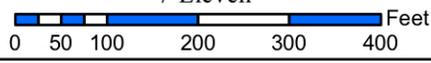


1:2,651

# Zone Map



PZ 11-510-08  
Location: 1901 N Oxnard Bl  
APN: 139025012  
7-Eleven

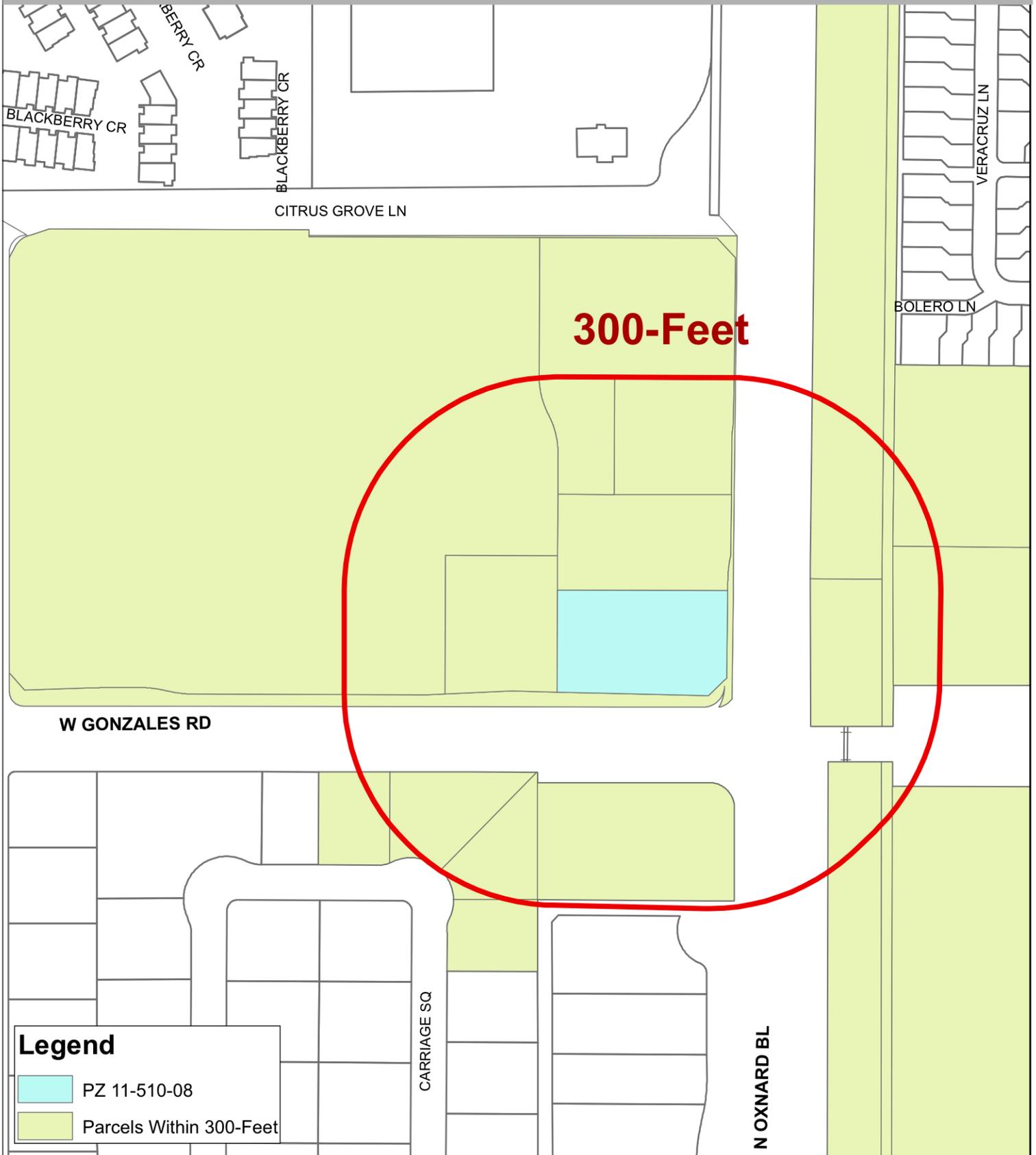


## Zone Map



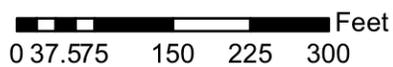
1:2,514

# Radius Map



Oxnard Planning  
June 3, 2011

PZ 11-530-08  
Location: 1901 N Oxnard Bl  
APN: 139025012  
7-Eleven



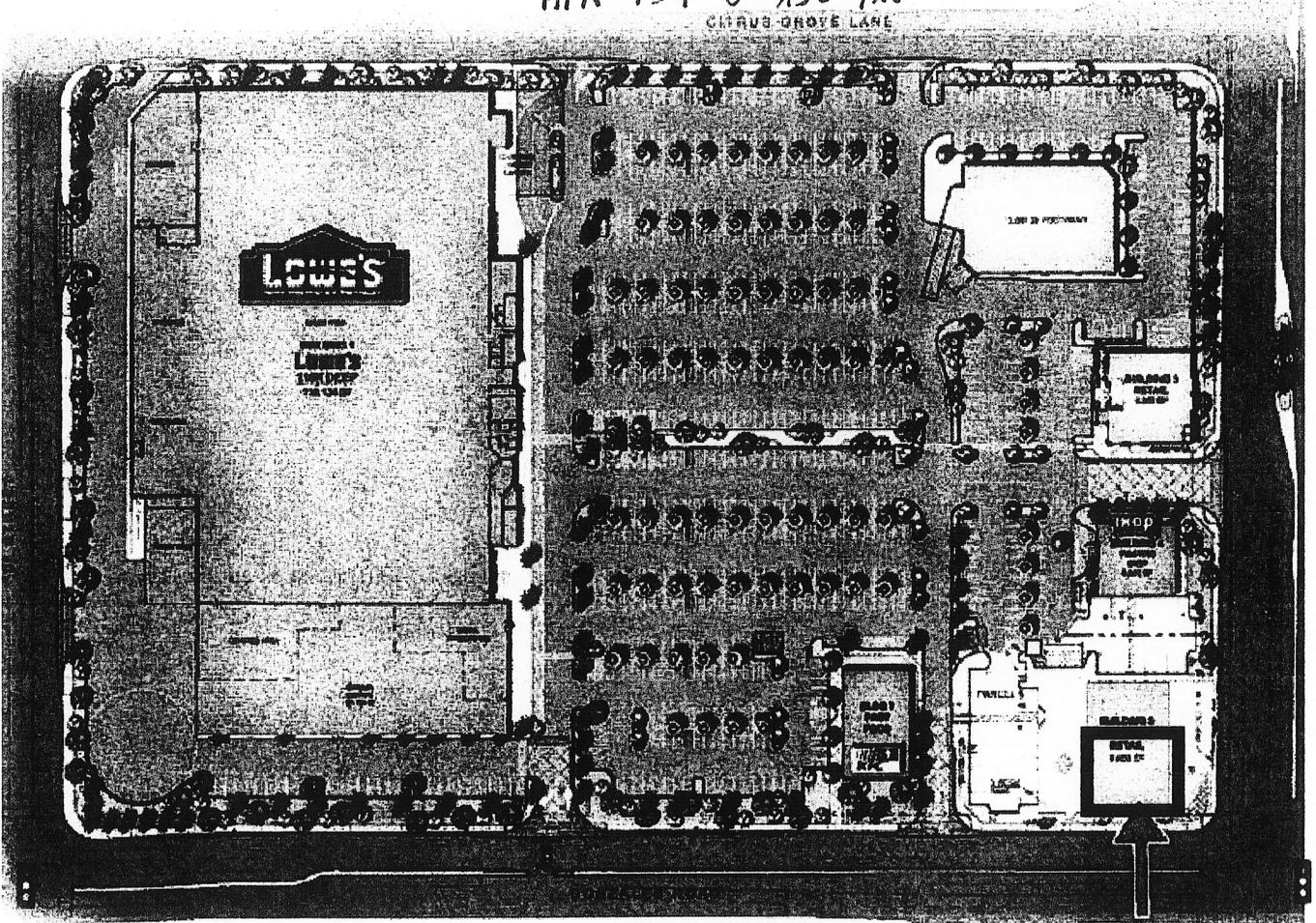
## Radius Map



Oxnard BLVD

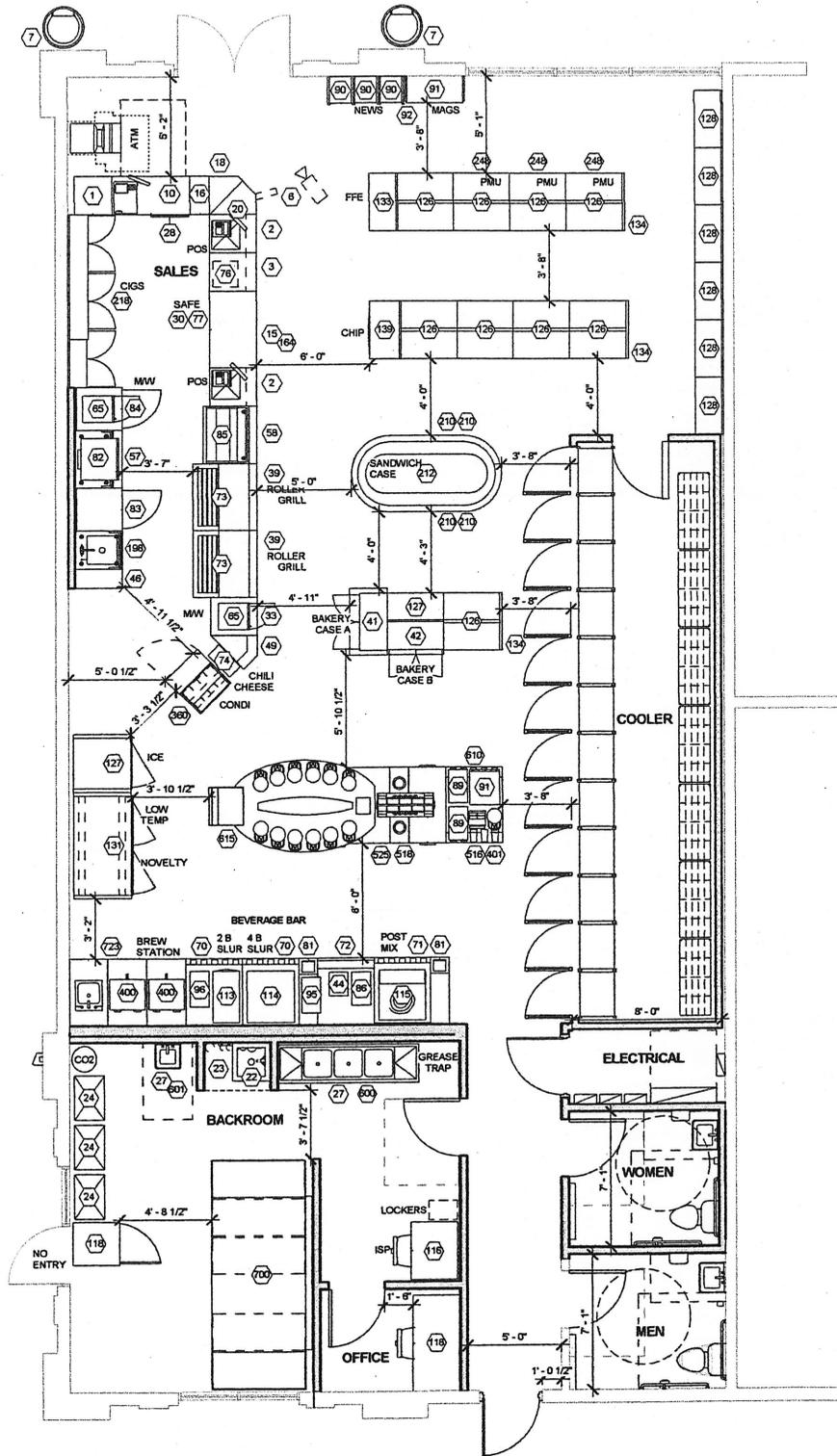
APN 139-0-750-125

CITRUS GROVE LANE



2,500 SF  
in Southern End Cap  
7-11 location

Gonzalez Rd



**LAYOUT INFORMATION**

ROLLER GRILLS	2
SANDWICH CASE	CID
VAULT DOORS	12
LOW TEMP DOORS	1
ICE MERCHANDISER	1 DR
NOVELTY CASE	1 DR
BAKERY CASE	2
SLURPEE BARRELS	6
GONDOLA UNITS	19
END CAPS	2
HIGHWALLS	6
TOTAL	27

TOTAL SQ FT = 2,526  
 SALES FLOOR AREA = 1,471



EXISTING CONDITIONS SHOWN IN THESE PRELIMINARY DRAWINGS ARE BASED ON DRAWINGS AND/OR INFORMATION PROVIDED TO HFA BY THE OWNER OR THE OWNER'S DULY AUTHORIZED REPRESENTATIVE. HFA HAS NOT FIELD VERIFIED THE EXISTING CONDITIONS INFORMATION AND ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS OF THIS INFORMATION.



## NOTICE OF EXEMPTION

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

PLANNING AND ZONING PERMIT NO. 11-510-8 (Special Use Permit - Alcohol), a request to allow an sale of beer and wine for off-site consumption as part of a convenience store to be operated by 7-Eleven, Inc., located at 1901 North Oxnard Boulevard, in the Carriage Square Shopping Center.. The convenience market is proposed to be open 24 hours, seven days per week. Filed by designated agent Ralph Deppisch, Luminous Companies, 4340 Von Karman Ave, #110, Newport Beach, CA 92660.

### ***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)

\_\_\_\_\_  
*Signed original on file with Planning Division*

Susan L. Martin, AICP  
Planning Division Manager



## Police Department

Jeri Williams, Police Chief

Date: September 27, 2011

To: Linda Windsor, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1901 N. Oxnard Blvd. (7-Eleven)

**Re: PZ 11-510-11**

**Site Information:**

The proposed site is at an existing, vacant space in a building that was recently remodeled as part of the new Carriage Square commercial development. The building is situated on the southeast corner of the lot near the intersection of Gonzales Road and Oxnard Boulevard and the space borders Gonzales Road on the south side. The front doors face west toward the parking lot that is shared with other commercial uses including a Lowes Home Improvement store that is in the final stages of completion, a restaurant, and future fast food location. The overall Carriage Square Center stretches from Oxnard Boulevard west to “C” Street and Gonzales Road south to Citrus Grove Lane.

The site is generally bordered by commercial to the north and west, Gonzales Road to the south and Oxnard Boulevard to the east. The nearest residences are approximately 275 feet to the southwest across Gonzales Road and separated from the site 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 no similar Off-Sale alcohol outlets within 350 feet of the site and the nearest Off-Sale outlet is Smart & Final located approximately 1000 feet to the north.

**Alcohol Outlets located within 1000 feet of the proposed site include:**

1. Smart & Final	2059 N. Oxnard Blvd.	Type 21	Off-Sale General	Grocery	Beer, Wine and Spirits
2. Toppers	111 E. Gonzales Rd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
3. Hunan Garden	1621 N. Oxnard Blvd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
4. Carrows	1601 N. Oxnard Blvd.	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 129 during the same 12-month time period. This is 10% higher than the average crime rate citywide which is generally not considered to be significant.

There are currently six, 7-Eleven stores in Oxnard, none of which are considered to be problem or nuisance establishments. The average number of disturbances at each store is 11 per year and the average number of thefts is five. Contrast that to another convenience store chain that has several outlets in Oxnard where the annual number of disturbances was 22 and the average number of thefts was 36. The Police Department only points this out to give perspective to the numbers and types of calls that are typical of similar stores and to demonstrate that other stores operating under the Applicant's corporate policies seem to be effective at minimizing problems.

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 lower than average and those that list alcohol as a contributing factor are also below average.

The primary concern of the Police Department is the site's close proximity to Pacifica High School. The school is approximately 1,200 feet east of the proposed site and the business is very likely to be a popular destination for students as they commute to and from school. 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.<sup>1-2</sup>

Our experience with other alcohol outlets in Oxnard that are near middle schools or high schools is that there is often a heavy influx of students during the commuting hours that can often overwhelm the employees. A few businesses have had to develop preventative policies such as limiting the number of students that can be present inside the store at any one time. Not allowing them to bring in backpacks or other large storage bags is another effective strategy to reduce the likelihood for theft related problems.

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<sup>1</sup> 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.

<sup>2</sup> 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.

The Youth Services Officer that monitors Pacifica High agreed that the students may take advantage of the situation and flood the store after school. Additionally, if the site has an area surrounding the building that is conducive to loitering or is inviting to students, they may experience problems with lingering crowds outside that may be disruptive. Among the items recommended to minimize the potential for problems is to include 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.

While the Police Department is somewhat concerned about the potential conflict with the school, our conclusion is that our concerns can be effectively mitigated with the addition of thorough operating conditions 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 alcoholic energy drinks that are popular with young drinkers are some of the recommended conditions included below.

**Community Input:**

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) will be informed of the details of this proposal in order to discuss it at their monthly meetings. Any concerns can be expressed at the hearing. Surrounding neighborhood councils are advised of the proposal via the neighborhood packet and no comments were received by the Police Department.

**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 not an issue and there is no presumption of undue concentration. The site's close proximity to Pacifica High School is of some concern but can be effectively mitigated by including preventative operating conditions with the resolution.

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)**

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- 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, after due process that shall include communication with the owner, 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 aisle. (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 40 oz. 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)

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.

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 (burglary alarm) 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)

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## **Police Special Conditions**

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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)
1. 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)
2. Permittee shall cooperate fully with staff from Pacifica 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)
3. The sale of flavored malt beverages (commonly referred to as alcopops) or energy drinks containing alcohol is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)
4. The use of self-checkout for alcoholic beverages is prohibited.

RESOLUTION NO. 2011 – 11-510-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-510-08 (SPECIAL USE PERMIT-ALCOHOL) TO ALLOW SALES OF BEER AND WINE FOR CONSUMPTION OFF THE PREMISES AT A CONVENIENCE STORE, LOCATED AT 1901 NORTH OXNARD BOULEVARD (APN 139-0-250-125), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED FOR 7-ELEVEN, INC., BY DESIGNATED AGENT RALPH DEPPISCH, LUMINOUS COMPANIES, 4340 VON KARMAN AVE, #110, NEWPORT BEACH, CA 92660.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-510-08, filed by Ralph Deppisch, Luminous Companies, for 7-Eleven, Inc., in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15061 (b)(3) 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 proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 1000 feet of the subject location.
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, provided the applicant complies with the standard and special Police conditions included herein.

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	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 April 11, 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 20 license to sell alcoholic beverages on the project property from the State Department of Alcoholic Beverage Control. (PL)
4. 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)
5. 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)
6. 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)
7. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
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. Applicant shall remove any and all graffiti or other marks upon the premises or on any adjacent area under the control of the Applicant, 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**

10. Applicant may not modify any use approved by this permit unless the Planning Division Manager determines that Applicant has provided the parking required by the City Code for the modified use. (PL, PL-7)
11. 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).

12. 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)
13. 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)
14. Before the City issues building permits, Applicant shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

### **POLICE DEPARTMENT STANDARD CONDITIONS**

15. 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)
16. 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)
17. 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, after due process that shall include communication with the owner, 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)
18. 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.
19. 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.

20. Deleted (Text combined into condition 10). (PL/PD)
21. 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)
22. 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)
23. 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)
24. 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)
25. 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)
26. 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)
27. 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)
28. 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 aisle. (PD)
29. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
30. 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.
31. 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)

32. 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)
33. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
34. Alcoholic beverages shall not be sold between the hours from 12:00 midnight and 6:00 AM. (PD)
35. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
36. 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)

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.

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.

37. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
38. 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.
39. 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).
40. 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.
41. Permittee shall install height gauges at all exit doors.
42. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.
43. 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.

44. 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**

45. 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)
46. 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)
47. Permittee shall cooperate fully with staff from Pacifica 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)
48. The sale of flavored malt beverages (commonly referred to as alcopops) or energy drinks containing alcohol is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)
49. The use of self-checkout for alcoholic beverages is prohibited

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

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Patrick Mullin, Chairman

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