



Meeting Date: 11/17/2009

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Juan Martinez, Associate Planner *jm* Agenda Item No. L-1

Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *[Signature]* Other (Specify) _____

DATE: November 4, 2009

TO: City Council

FROM: Susan L. Martin, AICP
Planning Division Manager *smartin*

SUBJECT: Appeal of Planning and Zoning Permit No. 09-550-06 (Major Modification to Special Use Permit No. 02-520-09), El Rodeo Community Center, 451 West Hueneme Road.

RECOMMENDATION

That City Council adopt a resolution upholding the Planning Commission's decision to approve Planning and Zoning Permit No. 09-550-06 (Major Modification to Special Use Permit No. 02-520-09), subject to the findings and conditions set forth in Planning Commission Resolution No. 2009-37.

DISCUSSION

On October 1, 2009, the Planning Commission adopted a resolution approving a special use permit to allow alcohol to be catered and served at certain events held within an existing 20,000 (approx) square foot assembly hall located at 451 West Hueneme Road, within the Southwinds Neighborhood. Those events are permitted on a case-by-case basis via a one-day event permit process. This request does not involve the ongoing sale of alcohol at a retail facility, and the standards under City Council Resolution No. 11,896 do not apply in this situation.

At the Planning Commission hearing, several members from the community expressed concerns related to the number of retail restaurant establishments in the area that sell alcohol. An adjacent commercial property owner and nearby business owners expressed an issue with inadequate parking on the shared parking lot during large events at the El Rodeo Community Center. Several members from the community, local businesses and various non-profit organizations attended the meeting to voice their support of this request (Attachment 6). Various public and private events are conducted at the El Rodeo Community Center by non-profit organizations for activities such as community fundraising, and large family social gatherings, including public functions. The Police Department reported that it would not be opposed to allowing alcohol at catered events provided that use remained subject to conditions already imposed on the current use permit as well as additional

alcohol conditions that would further enable the Police to regulate the use. The one-day event permit process would also allow the Police Department to consider events on a case-by-case basis.

The Commission clarified that parking was not an issue for their consideration at this time. The parking plan was reviewed and approved with the original special use permit approval, and the proposed alcohol catering services would not alter the expected number of occupants. In 2003, the special use permit approval restricted and established facility occupancy to a maximum of 650 persons, although the facility had occupancy of 2500 persons before the use lost its non-conforming status. The Planning Commission also acknowledged that the premise would not be granted an alcohol license and that the requirement of a one-day event permit to allow a licensed third party caterer would allow the Police Department the discretion to not approve events should policing issues arise due to events at which alcohol is proposed to be served. The Planning Commission approved the project with a four-to-two vote, with one the Planning Commissioner absent.

On Wednesday, October 14, 2009, an adjacent commercial property owner filed an appeal on the basis that allowing the availability of alcohol at the premise "will negatively impact the welfare, safety and quality of life of the inhabitants of the Southwinds Neighborhood, property owners, and business owners, and will further strain the resources of our financially strapped Police Department."

The Planning Commission staff report (Attachment 2) provides the project details and information regarding the site and development improvements proposed.

FINANCIAL IMPACT

None.

Attachment:

1. Resolution Upholding the Planning Commission Approval
2. Planning Commission Staff Report Dated October 1, 2009 w/out Attachments
3. Police Report
4. Planning Commission Resolution No. 2009-37 (MJMD:SUP02-520-09)
5. Planning Commission PowerPoint Presentation of October 1, 2009
6. Planning Commission Meeting Minutes of October 1, 2009
7. Correspondence in Favor and Against
8. Vicinity Map

Note: Attachments No. 7 have been provided to the City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday, October 16, 2009.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE PLANNING AND ZONING PERMIT NO. 09-550-06 (MAJOR MODIFICATION TO SPECIAL USE PERMIT 020-520-09), A REQUEST TO AMEND THE SUBJECT SPECIAL USE PERMIT TO ALLOW ALCOHOL TO BE CATERED AND SERVED WITHIN AN EXISTING 20,000 (APPROX.) SQUARE FOOT ASSEMBLY HALL LOCATED AT 451 WEST HUENEME ROAD. FILED BY ELIO ESPINO, EL RODEO COMMUNITY CENTER 451 WEST HUENEME ROAD, OXNARD, CA 93036.

WHEREAS, on October 1, 2009, the Planning Commission adopted Resolution No. 2009-37, approving Planning and Zoning Permit No. 09-550-06 (Major Modification To Special Use Permit 020-520-09), filed by Elio Espino, El Rodeo Community Center ; and

WHEREAS, City Council has considered the appeal filed by Ed and Elaine Gurrola, and has carefully reviewed the decision of the Planning Commission and all documents constituting the Planning Commission's record pertaining to Planning and Zoning Permit No. 09-550-06; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 09-550-06; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the operation, repair, maintenance, permitting, leasing, or minor alteration of existing structures or facilities involving negligible expansion of use beyond that existing from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

WHEREAS, after due study, deliberation and public hearing, the City Council finds pursuant to Section 16-531 and 16-549(E), that the following circumstances exist:

1. The proposed use is in conformance with the 2020 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.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to uphold the Planning Commission's decision of October 1, 2009 and approve Planning and Zoning Permit No. 09-550-06 (Major Modification To Special Use Permit 020-520-09) subject to the findings and conditions set forth in Planning Commission Resolution No. 2009-37, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 17th day of November 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: October 1, 2009

SUBJECT: Planning and Zoning Permit No. 09-550-06 (Major Modification to Special Use Permit No. 02-520-09), El Rodeo Community Center, 451 West Hueneme Road.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-550-06 (Major Modification to Special Use Permit No. 02-520-09), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** The proposal requests to modify an approved special use permit to allow alcohol to be catered and served at certain events held within an existing 14,820 square foot assembly hall located at 451 West Hueneme Road, within the Southwinds Neighborhood. Filed by Elio Espino, El Rodeo Community Center 451 West Hueneme Road, Oxnard CA 93036.
- 3) **Existing & Surrounding Land Uses:** The El Rodeo Community Center is located within an older commercial strip center.

DIRECTION	ZONING	GENERAL PLAN LAND USE DESIGNATION	EXISTING LAND USE
Project Site	C-2	Commercial General	El Rodeo Community Center
North	R-4	Residential High	Apartments
East	C-2	General Commercial	La City Restaurant Night Club
South	M1-PD	Residential Medium	Vacant Parcel/(Non-Conforming)
West	C-2	Residential Low	Vincent Party Supplies/ (Non-Conforming)

- 4) **Background Information:** In accordance, with the approved special use permit, the premise is currently holding public and private events involving dancing and entertainment that may include live music or a DJ. In the 80's, the 14,820 square foot building was used as a roller skating facility (Skate Palace).

In September of 2003, the Planning Commission adopted a resolution (2003-77) allowing public dancing, private recreational activities, and outdoor BBQ's within the subject premise. The special use permit included a condition prohibiting the sale or availability of alcohol on the premise.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving existing facilities where there is negligible or no expansion of use may be found to be exempt from the requirements of CEQA. This proposal would not affect approved occupancy levels and would only amend an existing special use permit condition prohibiting alcohol availability. 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 D).

6) Analysis:

a) General Discussion: The applicant's request would affect Condition No. 16 of Special Use Permit No. 02-520-09. Currently, Condition No. 16, states, "*No alcoholic beverages shall be provided on site either by sale, private party, or catering company at any time...*" With the approval of this permit request, the business operator could not store or serve alcoholic beverages on-site. Instead, the business operator would be restricted to seek and arrange for sale and service from an ABC State licensed caterer.

b) Conformance with Zoning Development Standards: The C-2 zone permits a variety of commercial serving retail/service uses; however, the existing commercial recreational use was granted a special use permit in accordance with City Code Section Nos. 16-530 through 16-553. In September of 2003, the Planning Commission granted the subject special use permit with certain conditions to prohibit alcohol availability, restricting event days and times, and occupancy limitations of no more than 650 occupants. Approval of this application is not expected to affect established occupancy and existing parking conditions.

7) Police Report: The Police Report (Attachment C) reports that crime rate is approximately 10% higher than the average crime rate citywide and that it may not be considered significant. Police calls for service and crime types are described as being consistent with citywide averages; however, the report indicates that the residential areas to the north account for a higher percentage of police calls for service than the businesses along Hueneme Road. However, incidents listing alcohol as a contributing factor were slightly above average.

Although, the Police Department is not opposing the application, conditions restricting events having alcohol catered have been incorporated into the draft resolution. The Police report describes certain issues currently affecting the Southwinds Neighborhood and the commercial vicinity. A five-year federal revitalization grant designed to improve the quality of life in the community, known as "Weed and Seed," is in its final year. Although substantial focus and resources have been devoted to the area under the Weed and Seed grant, gang presence is still a Police concern and maintaining a clean, safe neighborhood has been an ongoing challenge.

Another area of concern, is the potential conflicts that may arise with nearby alcohol outlets; since, surrounding establishments may be considered existing non-conforming. Because nonconforming alcohol establishments have minimal or no operating conditions that would facilitate Policing intervention to deal with potential policing problems, they present special enforcement challenges. On the other hand, the subject premise has an extensive list of conditions associated with the use permit for the site and the added alcohol conditions would enable the Police Department to leverage and mitigate issues or non-compliance by the operator. Parking is also identified as an issue that has caused conflicts with neighboring uses.

Private or promoter events held on site are required to go through the City's One-Day Event Permit, which the Police Department reviews on a case by case basis and may be further restricted through that process. In the event that issues should arise, the One-Day Event Permit process will allow the Police Department the ability to monitor events and mitigate potential issues that may arise or negatively affect the surrounding area, and also allow the City to prohibit the serving of alcohol at a particular catered event, if appropriate.

- 8) Community Input:** On Friday, July 6, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Southwinds Neighborhood. The applicant also posted such notice on the project site with a brief description of the project and contact information. The Community Workshop was conducted on Monday, July 20, 2009. Representatives from EL Rodeo Community Center were present and a total of 12 persons attended the meeting. Besides the feedback obtained at the community workshop, staff has received numerous letters and signature affidavits in support and in opposition to the application request.

Jerry Dannenberg, the Hueneme Elementary School District Superintendent, submitted a letter in opposition stating that the subject location is within 600 feet of Art Haycox Elementary School and 300 feet of the District's Education Office.

Other letters received cite that there are various alcohol outlets already operating along Hueneme Road offering alcohol for either on-site or off-site consumption. Although, the alcohol establishments vary and range from 2 markets, 2 bars, and 2 restaurants, the proposed amendment would simply be an introduction of an ancillary service to the premise since the assembly use is already permitted. Further, the business operator is not seeking approval for the premise to be granted an Alcohol Beverage License from the State. Instead, each event wishing to have alcohol available will seek approval of a One-Day Event Permit from the Licensing Division, which is reviewed by various City Departments, including the Police Department. In accordance with the State's (Alcohol Beverage Control) Catering Permit, caterers must also obtain authorization from ABC for each catered event by summiting necessary application submittal requirement to the State prior to each event.

Our office is also in receipt of various letters from an adjacent property owner, owning both the Bay Marina and Ormond Beach Centers, which are neighboring shopping centers. The owner cites historic information about the premise predating 2001 when the premise operated and was formally known as

the Skate Palace. Prior to 2001, under different ownership, the premise was licensed and used as an assembly hall; however the premise did not possess a special use permit. Due to a lapse of time of City and State (ABC) license renewals, the non-conforming use, which included alcohol permits from the State, were no longer permitted to continue as provided by the non-conforming use provisions of the City Code. In 2003, the use was re-established when the Planning Commission granted the subject special use permit. However, occupancy was restricted from a capacity of 2,500 to 650 persons maximum and alcohol availability or sales was strictly prohibited. Although, the adjacent property owners have expressed that parking is a concern when events take place, the review of this application did not analyze off-street parking requirements since the parking and occupancy restrictions were part of the initial special use permit. Therefore, this request is not being considered an intensification or change in use and is not subject to parking review.

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. Police Report
- D. Resolution No. 2003-77, (PZ 02-520-09-SUP)
- E. Notice of Exemption
- F. Resolution

Prepared by:	<u>JM</u> JM
Approved by:	<u>SM</u> SM



Police Department

John Crombach, Police Chief

Date: September 14, 2009
To: Juan Martinez, Associate Planner
From: Cliff Waer, Senior Alcohol Compliance Officer
Subject: 451 W. Hueneme Road (El Rodeo) **PZ 02-520-09**

Site Information:

The proposed site is located in an existing, occupied building that is part of a small strip mall on Hueneme Road between Courtland Avenue and Perkins Road. The front doors face south to a parking lot that is shared with several other businesses in the shopping center. The original use for the structure was a skating rink but it has more recently been used to rent out for private events and public dances or concerts. Other businesses nearby include a bar, market, restaurants and an adult education center.

The site is generally bordered by residential to the north, Hueneme Road to the south and commercial to the east and west. The nearest residences are approximately 80 feet to the north where there are densely populated apartments along Cuesta Del Mar. There is one other alcohol outlet (La Cita Bar) within 350 feet of the proposed site which is an On-Sale business (sales for consumption on the premises). The applicant has requested to amend their existing Special Use Permit which now prohibits the availability of alcohol to instead allow for on-site consumption. The applicant is not seeking to obtain his own Alcoholic Beverage Control License; rather, he is requesting permission to have the site catered for certain events and have the caterer provide alcohol to the guests. Typically, catering licenses allow for the sale of beer, wine and spirits.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. La Cita Bar	441 W Hueneme Rd	Type 48	On-Sale General	Bar	Beer, Wine and Spirits

Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Taqueria Corporales	601 W Hueneme Rd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
2. La Cocina Rica	201 W Hueneme Rd.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
3. Tex Mex Cantina	651 W Hueneme Rd.	Type 40	On-Sale Beer	Bar	Beer and Wine
4. La Tapatia Market	211 W Hueneme Rd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
5. J&A Market	609 W Hueneme Rd.	Type 20	Off-Sale Beer and Wine	Market	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 a recent 12-month time period. This is approximately 10% higher than the average crime rate citywide and is not considered significant. The numbers and types of crimes were consistent with citywide averages with the residential areas to the north accounting for a higher percentage of police calls for service than the businesses along Hueneme Road. Those incidents that listed alcohol as a contributing factor were slightly above average.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:

The Beat Coordinator for the area was contacted and had concerns about granting an unrestricted permit to sell alcohol at the site. He said that even though the area currently enjoys a crime rate that is not, in itself, indicative of a problem, he considers the area to be a policing concern. The Southwinds area is currently the focus of a five-year federal "Weed and Seed" neighborhood revitalization grant that was developed precisely to improve the quality of life in the community. The grant is in its final year and the neighborhood has seen many improvements since the project began. Since quality of life issues are not quite as tangible as are statistics related to police calls for service, the relatively low crime rate may not necessarily present a clear picture of the issues

being faced in the neighborhood. Gang presence is still a major concern and maintaining a clean, safe neighborhood has been an ongoing challenge. Many resources have been devoted to the area and officers focus much of their patrol time in the neighborhood to assure we do not lose ground on the accomplishments made through the grant project.

An additional concern is the potential conflict with some of the surrounding uses in the shopping center. Directly next door to the proposed site is the La Cita bar which is a problematic location requiring an inordinate amount of police intervention. During a recent 12 month period, police responded to the bar a total of 73 times with the majority of those being disturbance related. Conversely, the El Rodeo had only 10 calls for service during the same time period with six of those being disturbances. It can be argued that the primary factor contributing to the significant discrepancy between the two businesses is the availability of alcohol. However, the bar operates with virtually no operating conditions and we have very few enforcement options to effectively deal with the problems. The El Rodeo currently has an extensive list of operating conditions on their existing SUP, Dance Permit and on each One-Day Event Permit. This seems to indicate that the right set of conditions can, in fact, minimize the number and types of problems and give law enforcement an abundance of tools to use when problems do arise. An additional issue that currently exists in the area is the lack of available parking. The El Rodeo has a very large capacity (650 persons) and the parking lot is woefully inadequate when they have a capacity crowd. This has caused some conflict with neighboring uses as guests of El Rodeo park in adjoining shopping centers. This is an issue we have been working to resolve but there are simply too few parking spaces available.

The consensus is that the surrounding community is definitely improving but that adding a high risk business that could possibly become a nuisance will distract our efforts in the neighborhood and is not desirable. The Police Department would be strongly opposed to an unconditional granting of this permit as the risk factors are far too high and the damage to the neighborhood would significant. That being said, our review of requests to allow alcohol at any particular site is meant to determine if it is likely that the sale or availability of alcohol will negatively impact the neighborhood or aggravate existing policing problems. If so, can we create operating conditions that can mitigate the negative impact and allow the business a chance to succeed. In this case, we believe that there may be an opportunity to condition the use to the extent that is acceptable to the Police Department and that also protects the neighborhood.

Because the El Rodeo facility is primarily rented to private parties or promoters, they are currently required to obtain a City of Oxnard One-Day Event Permit for each event or gathering held there. This allows the Police Department to review each event on its own merit and condition it appropriately. When problems have occurred, we have been able to immediately address the issues by adding relevant conditions to all future events. Events could even be denied if we felt the risk was too great or previous problems too severe. The same would be true if the business were to now be allowed to have alcohol. One condition would require the applicant to continue to obtain the One-Day Event Permits, giving us great authority to immediately address potential problems. For instance, if the site begins to experience an increase in problems or is negatively impacting the surrounding area, we could condition the One-Day Permit to prohibit alcohol, increase security, reduce the occupancy or any number of additional requirements. This could be permanent or temporary, depending upon the situation. This is a very comfortable position for the Police Department since it puts the responsibility directly on the applicant to

prove they can effectively manage the business while allowing the City the ability to immediately take enforcement action or deny the availability of alcohol at future events.

Community Input:

This issue has been the topic of much discussion in the Southwinds neighborhood primarily through the grant project team meetings. No official consensus was apparent and input ranged from tepid support to absolute opposition. The Police Department received several letters from a nearby property owner opposed to the use and other residents have called voicing concerns. The Police Department contacted several of the nearby businesses to help determine if the current use has negatively impacted their business. Of the 30 businesses we spoke with, two said there was a significant negative impact.

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.

Conclusion:

The area is generally considered to be a policing problem and the statistical analysis shows the area to have a crime rate that is 10% higher than the city-wide average. Quality of life issues are the greatest concern in the area as the crime statistics alone do not indicate a serious problem. The types of crimes in the area are consistent with City averages and the number that listed alcohol as a contributing factor is higher than average. There is one similar use within 350 feet of the site and a total of six within 1000 feet.

The primary issues regarding this proposal include the overcrowding and lack of parking and the potential conflict with the surrounding uses. The more significant concern is the inherent high risk of adding alcohol to a business with such a high capacity and where dancing and entertainment is the norm. The Police Department is unequivocally opposed to the unconditional granting of this Permit; however, if the business can be required to continue to obtain One-Day Event Permits as it currently does, we are not opposed to the use.

Listed below are the Police Department's recommended operating conditions for the Planning Commission Resolution.

RESOLUTION NO. 2009-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-550-06 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 02-520-09) TO AMEND THE SUBJECT SPECIAL USE PERMIT TO ALLOW ALCOHOL TO BE CATERED AND SERVED WITHIN AN EXISTING 14,820 SQUARE FOOT ASSEMBLY HALL LOCATED AT 451 WEST HUENEME ROAD. FILED BY ELIO ESPINO, EL RODEO COMMUNITY CENTER 451 WEST HUENEME ROAD, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a major modification to amend Condition No. 16 of the subject special use permit to allow alcoholic beverages to be catered to the premise, located at 451 West Hueneme Road, Filed by Elio Espino, in accordance with Sections 16-561 of the Oxnard City Code; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirements for the preparation of documents imposed by the California Environmental Quality Act; and

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That 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. That the site for the proposed project 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. That 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. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the Permittee agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being 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 Planning and Zoning Permit No. 09-550-06 (Major Modification to Special Use Permit No. 02-520-09), 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.

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	Devt Service/Eng Devt/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	Parks Division	CE	Code Enforcement
BL	Business Licensing		

STANDARD PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated October 1, 2009, (“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 Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. By commencing any activity related to the project or using any structure authorized by this permit, Permittee accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
4. Permittee agrees, as a condition of adoption of this resolution, at Permittee’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. Permittee’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)
5. Any covenants, conditions, and restrictions (CC&R’s) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R’s and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

6. Permittee shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Permittee to occupy the project, Permittee shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, G-8)
7. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
8. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
9. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
10. Permittee 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)
11. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
12. Prior to issuance of building permits, Permittee shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING SPECIAL CONDITINOS

13. All permit conditions relating to Planning and Zoning Permit No. 02-520-09 (Special Use Permit) shall remain in full force and effect.

POLICE DEPARTMENT CONDITIONS

14. 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)
15. 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)
16. 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.

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 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. The premises shall be equipped with an adequate number of seats to accommodate customers.
19. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
20. 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)
21. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
22. Sales of alcohol shall not occur between the hours of 1:00 a.m. and 7:00 a.m. (PL/PD)
23. 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 and those conducting events at the permitted premises 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)
24. 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)
25. 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)

26. 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)
27. Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)
28. 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)
29. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
30. 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)
31. 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)
32. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
33. 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)
34. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
35. 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)
36. Permittee shall install an electronic intrusion detection system that detects portal openings and interior motion. (PD)

*PZ 09-550-06
(MJMD to SUP-02-520-09)
El Rodeo Community Center
451 West Hueneme Road*

Elio Espino
Property & Business Owner
October 1, 2009

Application Request

PZ 09-550-06 (MJMD:SUP 02-520-09) to modify an approved SUP to allow alcohol to be catered and served at certain events held in an existing assembly hall located at 451 West Hueneme Road, within the Southwinds Neighborhood.



October 1, 2009
Planning Commission

2

Condition Affected

In September of 2003, SUP was granted, establishing the assembly hall with a condition prohibiting alcohol to be served on-site

Condition No. 16 of the approved special use permit, states that *“No alcoholic beverages shall be provided on site either by sale, private party, or catering company at any time..”*



October 1, 2009
Planning Commission

3

New Project Information

Staff report and 2003 SUP record of file describe the premise as being 14,820 square feet. However, the facility is approximately 20,000 square feet, an oversight of an excess of 5,000 square feet.



October 1, 2009
Planning Commission

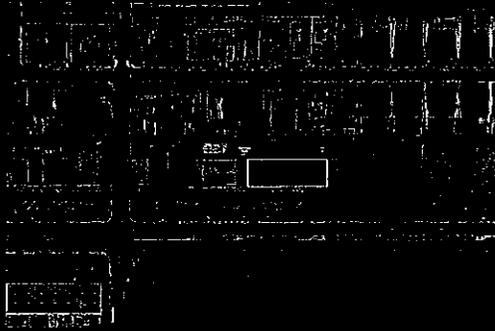
4

Surrounding Uses

- Apartments
- La Cita Restaurant Night Club
- Undeveloped Lot
- Shopping Center

Site Information

- 20K sf Roller Skating Facility
- Public Hall w/ dancing and Alcohol room permitted from 1985-2001.
- Prior to 2001, occupancy of 2,500 persons.
- 2003 SUP approval restricted occupancy to 650 persons.



October 1, 2009
Planning Commission

5

Community Input

- Numerous letters in opposition from neighboring property owners, business operators and community representatives.
- Hueneme School district has expressed its opposition, stating that Art Haycox Elementary School and their District Educational Office is within close proximity.



October 1, 2009
Planning Commission

6

ATTACHMENT 5
PAGE 3 OF 6 3

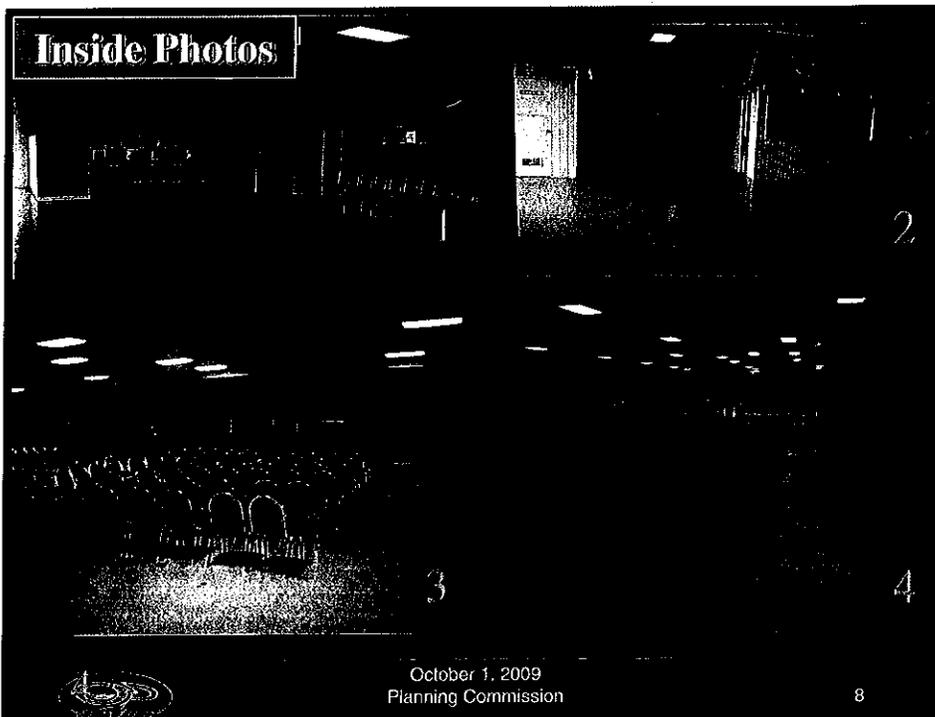
Requirements for Alcohol Caterer's Permit

- Caterer must be licensed by the State
- Alcohol Beverage Control (State-Ventura Office) permit, prior to each event
- One-Day Event Permit from City Licensing
 - Police review and condition
 - Events reviewed on case-by-case basis
 - Approvals are not guaranteed



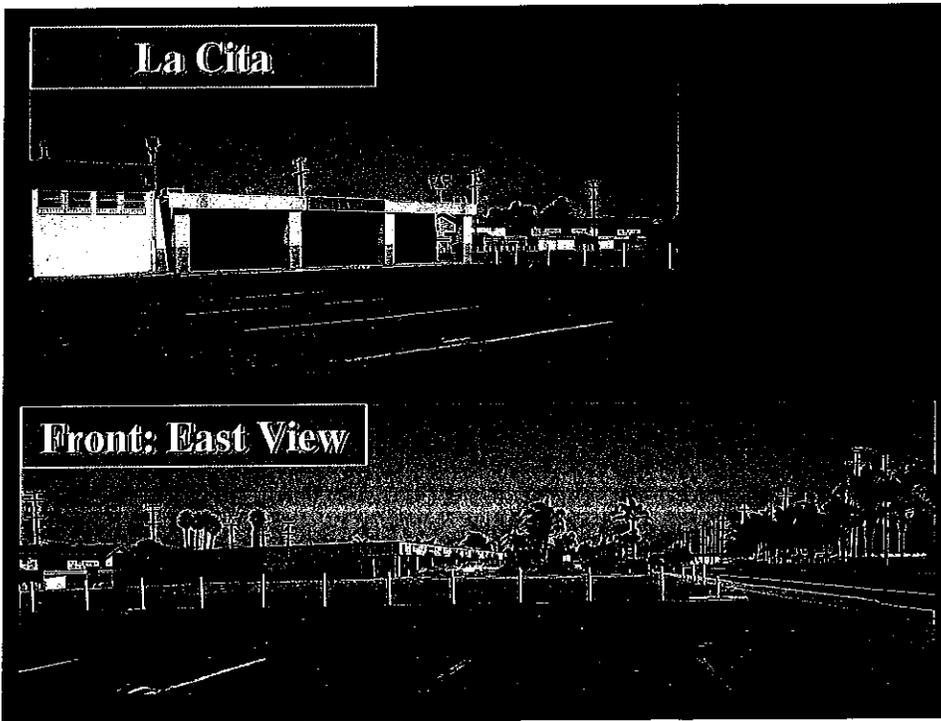
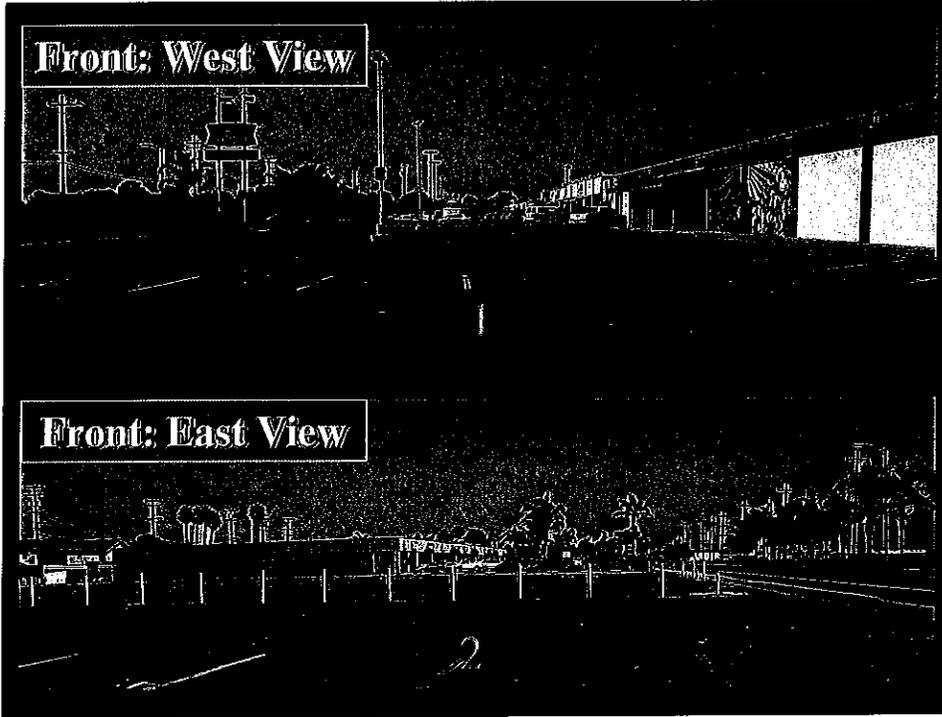
October 1, 2009
Planning Commission

7



October 1, 2009
Planning Commission

8



Staff's Recommendation:

That the Planning Commission adopt a resolution approving Planning and Zoning Permit No. 09-550-06 (MJMD:SUP 02-520-09), subject to making necessary changes acknowledging square footage discrepancies and certain findings and conditions



October 1, 2009
Planning Commission

11

North Juanita Avenue, subject to certain findings and conditions. The question was called and the motion carried 6-0-1, Commissioner Elliott absent.

3. PLANNING AND ZONING PERMIT NO. 09-550-06 (Major Modification to PZ 02-520-09-Special Use Permit), a request to modify the previously approved special use permit conditions to allow alcohol to be catered and served at events held within an existing 14,820 square foot assembly hall located at 451 West Hueneme Road. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Elio Espino, El Rodeo Community Center, 451 West Hueneme Road, Oxnard, CA 93036.
PROJECT PLANNER: Juan Martinez

Assistant City Attorney Fischer explained his discussion and instruction to Commissioner Medina regarding a letter staff received requesting that Commissioner Medina recuse himself due to a conflict of interest, for his participation in the project when it was previously heard by the City Council.

Commissioner Medina stated that at the time he was acting as a member of the public; he was not a Planning Commissioner; and he had no personal or financial involvement in the project. He indicated that he would view the project objectively, and solely on the merits presented to the Planning Commission.

Associate Planner Martinez presented the staff report including the modification to the approved Special Use Permit to allow alcohol to be catered and served; maximum seating capacity was reduced from 2,500 to 650; previous and surrounding uses of the site were discussed; numerous letters in favor and opposition were received; each event must be reviewed by the Police Department. He also displayed interior and exterior site photos.

Chair Frank opened the public testimony.

Mr. Elio Espino, applicant, and Mr. Jim Hensley gave a brief presentation on the project indicating the need for a safe social location; has worked with the Southwinds Neighborhood; has not made a profit at this location since its opening; averaged two events per month; suggested that the adjacent property owner (Mr. Gurrola) work with him for both to succeed; stated that he would have control of what caterer was used; discussed the type of activities; and indicated there was only one entrance and exit with a guard, to prevent any minors from entering the area where alcohol was served.

Mr. William Terry and Ms. Kelly Lenhart spoke in opposition to the project due to overconcentration.

Mr. Ed Gurrola, owner of the shopping center, spoke in opposition to the project indicating the history of Police calls from January, 2007 through July, 2009 in the area, and the surrounding community was improving, but allowing alcohol would distract from that improvement.

Ms. Camille Rodriguez de Gurrola spoke in opposition to the project due to shortage of parking; overconcentration; concerned with existing surrounding uses that sell alcohol creating increased litter and drinking in the parking lot.

Ms. Elaine Gurrola, owner of the two shopping centers in the area, spoke in opposition to the project stating that approval would create a bar; indicated that each caterer would be limited to 24 events per year; within the two shopping centers, there are 33 "Mom and Pop" shops giving it a village concept.

Mr. Ventura Fernandez, Southwinds Neighborhood Chairman, spoke in favor of the project stating that the crime in the area was coming from other businesses that Mr. Gurrola owns, not El Rodeo Community Center; he would close the La Cita Bar, if he could; the applicant purchased computers for the youth to keep them off the street; and other organizations sell alcohol without problems.

Ms. Nancy Pedersen spoke in opposition to the project stating there was a shortage of parking; the Hueneme School opposed the project; and she was concerned that RAPAC didn't give input, as they were unable to meet.

Mr. Arturo Murillo, rents from Mr. Gurrola, spoke in opposition to the project due to shortage of parking, and his concern that competition may drive him out of business.

Ms. Pat Brown stated that she attended the Community Workshop on the project where the two property owners were unable to reach agreement; and suggested either valet or shuttle to reduce parking problem.

Ms. Angelina Magana and Mr. Elio Lopez spoke in favor of the project indicating that 75 percent of the events were family oriented; and were concerned that problems were coming from other businesses.

Mr. Manuel Lopez, representing a non-profit organization, spoke in favor of the project stating that he used the facility for fund raising to send money to the needy in Mexico.

RECESS Chair Frank called a recess at 8:30 p.m. The meeting reconvened at 8:41 p.m. with all Commissioners present, except Commissioner Elliott.

Mr. Tony De La Torre spoke in favor of the project as it was a family oriented operation.

Mr. Guillermo Gonzalez spoke in favor of the project stating that security would be provided to prohibit alcohol access to minors.

Mr. Jesus Ortiz spoke in favor of the project indicating that it was difficult to succeed in this type of business without an alcohol license.

Mr. Gerardo Ceja, representing a business in downtown, spoke in favor of the project stating that he had done several events for the radio station at El Rodeo free to the public; no halls in Oxnard can handle the capacity of these types of events; and people are renting a warehouse to hold events where alcohol is being served, but without the benefit of security.

Ms. Gloria Romano, member of the Saviers Road Design Team, spoke in opposition to the project stating that not all Latinos need alcohol to have fun; this shouldn't be a test case; if problems already exist, why add another potential problem; and Mr. Espino knew when he opened the business that alcohol was not allowed.

Mr. Miguel Garcia and Mr. Juan Melgoza spoke in favor of the project stating that the applicant supported local youth; the business was well maintained; and this type of business was needed in the community.

Mr. Wilber Quintanilla, one of Mr. Gurrola's tenants, spoke in opposition to the project stating that the tenants are not the problem; there was a correlation between alcohol and criminal activity; the area had decreasing crime due to the restriction on serving of alcohol; he doesn't want to change to status quo; and the business purpose should be determined whether it should be a community center, or a night club.

Mr. Roberto Garcia spoke in favor of the project as the business was clean and secure; no parking problem exists; it would bring families together; and the applicant should be given a chance.

Mr. Alberto Castro, manager of the security company that the applicant uses, spoke in favor of the project indicating that one security guard was required for every 50 people, with an increase when alcohol was being served.

Mr. Ernest Stein stated that the applicant asked a certain youth organization to speak in favor of the application in exchange for allowing them to do certain activities on the property.

Mr. Emmanuel Espino, manager of the business, spoke in favor of the project stating that while working with Officer Waer, they began regulating the parking, and have not had any issues; Mr. Gurrola refused to work with them on parking; 90 percent of the events begin after the other businesses are closed; and the crime rate doesn't apply to them, since they are not serving alcohol.

Mr. Elio Espino stated that he had a maximum of one to two events per week; alcohol was no required at all events; he has guards to ensure that parking was only on his lot; he has live music and dancing; and the clients pay for security for private events.

Chair Frank closed the public testimony.

Senior Officer Waer gave crime statistics for properties on Cuesta Del Mar; indicated that the Police Department had focused a concentrated effort in the Southwinds area; crime rate in the area was 10 percent higher than the City average; only one or two locations of this type in the City have high capacity; quality of life issue was of more concern; there was a large influx of unregulated events in industrial sites in the eastern portion of the City, which was a reflection of the economy, with many being cited for no security; and the Weed and Seed project has made a lot of accomplishments in the last five years, with the program scheduled to end in December.

Commissioner Medina stated that he had gotten a call from Mr. Espino; and Commissioner Dean stated that he had gotten a call from Mrs. Gurrola.

The Planning Commission discussed their concerns with the anticipated grant funding ending on the Weed and Seed Project, what the long term effects on the neighborhood might be; and the parking issue was not a part of their decision on the project.

MOTION Commissioner Sanchez moved and Commissioner Okada seconded a motion to adopt a resolution granting PZ 09-550-06 (Major Modification to Special Use Permit 02-520-09) to amend the subject Special Use Permit to allow alcohol to be catered and served within an existing 14,820 square foot assembly hall located at 451 West Hueneme Road, subject to certain findings and conditions. The question was called and the motion carried 4-2-1, Commissioners Frank and Dean voting no, and Commissioner Elliott absent.

G. PLANNING COMMISSION BUSINESS

Commissioner Sanchez stated that the developers of the Wagon Wheel project had gotten a court judgment to remove the motel from the site.

Commissioner Frank reminded everyone of the Multi-Cultural Festival on Saturday, October 3, 2009; and that the proposed Seabridge School site would go before the City Council on October 13, 2009.

H. PLANNING MANAGER COMMENTS

I. ADJOURNMENT

At 9:50 p.m., the Planning Commission concurred to adjourn.

Deirdre Frank, Chair

ATTEST: _____
Ashley Golden, Secretary



Vicinity Map



Oxnard Planning
July 1, 2009

PZ 09-550-06
Location: 451 W Hueneme Bl
APN: 222008257
El Rodeo Community Center

ATTACHMENT 8
PAGE 1 OF 1