



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Linda Windsor, Associate Planner

DATE: February 19, 2009

SUBJECT: Planning and Zoning Permit No. 08-510-14, (Special Use Permit-Alcohol)
Located at 1291 South Victoria Avenue

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-510-14 for a special use permit for alcohol sales, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow off-site general alcohol sales (beer, wine, and spirits; ABC License Type 21) within an existing 51,000 square foot grocery store (Vons), located at 1291 South Victoria Avenue, within the Seabridge Marketplace shopping center. Filed by designated Attorney in Fact, Christina Avila, Vons/Safeway, 618 Michillinda Avenue, Arcadia, CA 91007.
- 3) **Existing & Surrounding Land Uses:** The subject site is located within the recently completed Seabridge Marketplace. Vons has occupied this space since the shopping center opened (approximately two years ago).

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	CPC (Coastal Planned Community)	VS (Visitor Serving)	Vacant tenant space in Seabridge Shopping Center
North	CPC	VS (Visitor Serving)	Seabridge Shopping Center
South	CPC	VS (Visitor Serving)	Seabridge public area
East	R-1-PD (garden apartment planned development)	RL (Residential Low)	Townhomes (across Victoria Avenue)
West	CPC	VS (Visitor Serving)	Waterway

4) Background Information: The Planning Commission approved Resolution No. 02-106 on December 5, 2002, approving a coastal development permit to allow construction of the Seabridge planned community on 135 acres within the Mandalay Bay Specific Plan area. A tentative subdivision map and development agreement were also approved in conjunction with the coastal development permit. The Seabridge Marketplace shopping center was approved as part of the development, and Vons is within this shopping center. Two minor modifications for site plan and elevation architectural treatment adjustments have been approved for the areas of the shopping center related to Vons, and three alcohol use permits have been approved for restaurants (Smokey's BBQ, Anaba Sushi, and Round Table Pizza).

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "existing structures" may be found to be exempt from the requirements of CEQA. This proposal consists of adding alcohol sales to an existing grocery store. 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: Vons operates a full-service market, including an in-store bakery, florist, pharmacy, deli and Starbuck's coffee bar at this location. Operating hours are from 6 a.m. to midnight daily, with an average of 25 employees; 12 per shift.

This Vons Supermarket relocated to the Seabridge site from Port Hueneme (Channel Islands Boulevard and Victoria Avenue). As part of the move, Vons applied to the State Department of Alcoholic Beverage control (ABC) to transfer their ABC license to the new location at the Seabridge Marketplace. Due to miscommunication, Vons opened in December 2006 with alcohol sales in error. The omission of a valid Special Use Permit was discovered by staff in December 2008. Since then, Vons has worked diligently with staff to bring the alcohol sales into compliance with the City Code.

As the anchor to this shopping center, Vons occupies 51,000 square feet of building area, at the southern edge of the site. The main entrances face north, toward the parking area, and service doors lead to the loading area at the southwest corner of the building. The west side of the store abuts the walkway along the waterway.

b) General Plan Consistency: General Plan/Coastal Plan Consistency: The General/Coastal Plan and zoning land use designation for the subject property is Mandalay Bay Specific Plan and the proposed use is consistent with the project site's zoning designation of Coastal Planned Community (CPC). The CPC permits a variety of commercial retail/service uses consistent with the Coastal Neighborhood Commercial and Coastal Visitor-Serving Commercial zones. Retail uses are listed as principally permitted uses; and ancillary sales of alcoholic beverages require approval of a special use permit.

Approval of this special use permit is consistent with the policies and standards of the General/Coastal Plan and the CPC zoning designation.

- c) Request for Sale of Alcoholic Beverages for On-site Consumption:** The applicant has been issued a license by the state Department of Alcoholic Beverage Control (ABC) for a Type 21 License. This Type 21 License (Off-sale General) allows sales of beer, wine and distilled spirits for off-site consumption. As stated previously, this license was transferred from a previous location.

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, whether there is a presumption of undue concentration of establishments selling alcoholic beverages and whether approval of the coastal development permit is likely to significantly aggravate policing problems.

Concentration of Alcohol Sales: There are no similar uses within 350 feet of the site, three on-sale alcohol outlets within 350 feet (Round Table Pizza, Anaba Sushi and Smokey's BBQ), and two additional on-sale alcohol outlets within 1000 feet (Me-n-Ed's Pizza, and Yolanda's Restaurant, both in the Phase II area of the Seabridge shopping center.

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

The average number of Part I and II crimes in the applicant's reporting district and all other districts within 1000 feet of the applicant is 126 during the same 12-month time period. This is 7% above the average crime rate citywide, the Police Department does not consider this amount significant. The heaviest concentration of incidents occurred across Victoria Avenue near the more densely populated apartments and condominiums. The majority of events were thefts or other property-related crimes and the area is generally not considered a police problem. The numbers of disturbance-related incidents that list alcohol as a contributing factor is below the citywide average.

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

Additional Police Input: The Police Department has no serious concerns about adding an alcohol outlet in this area other than to note that be more outlets will likely be proposed as the shopping center fills and at that time, density may become an issue.

Outdoor seating exists along the walkways in front and back of the buildings, and a large

common area is near this business. The scenic and inviting nature of the area is likely to attract many customers from throughout the complex. The Police Department's concern is that customers purchasing alcohol from this business would take their drinks outside. Since the outside area is unrestricted and unmonitored, the Police Department states that creating an environment that contributes to or invites consumption of alcohol under these circumstances could aggravate or create policing problems. The Police Department has recommended conditions minimizing the availability of single servings of certain alcoholic beverages as a method to reduce the likelihood for future problems. The applicant's current business practice of providing limited sales of specialty beers and micro-brews is consistent with the Police Department's recommended conditions.

The Responsible Alcohol Policy Action Coalition (RAPAC) discussed this proposal, agreeing with the concern about alcohol being consumed in the shopping center's outdoor seating areas. They recommended limiting the sale of single servings of alcohol. This restriction is included in the recommended conditions of approval.

Conclusion: There are three on-sale outlets within 350 feet of the site, but no similar uses, so no issue of undue concentration exists, in accordance with City Council Resolution No. 11,896. The state Department of Alcoholic Beverage Control also does not consider this area to have an undue concentration of off-sale outlets.

The Police Department's experience is that this proposed license type (Type 21 - Market) does not normally aggravate policing issues, when properly regulated through conditions imposed by the Planning Commission, as long as the establishment complies with these regulations and operates responsibly. The Police Department's recommended operating conditions are included in the attached resolution.

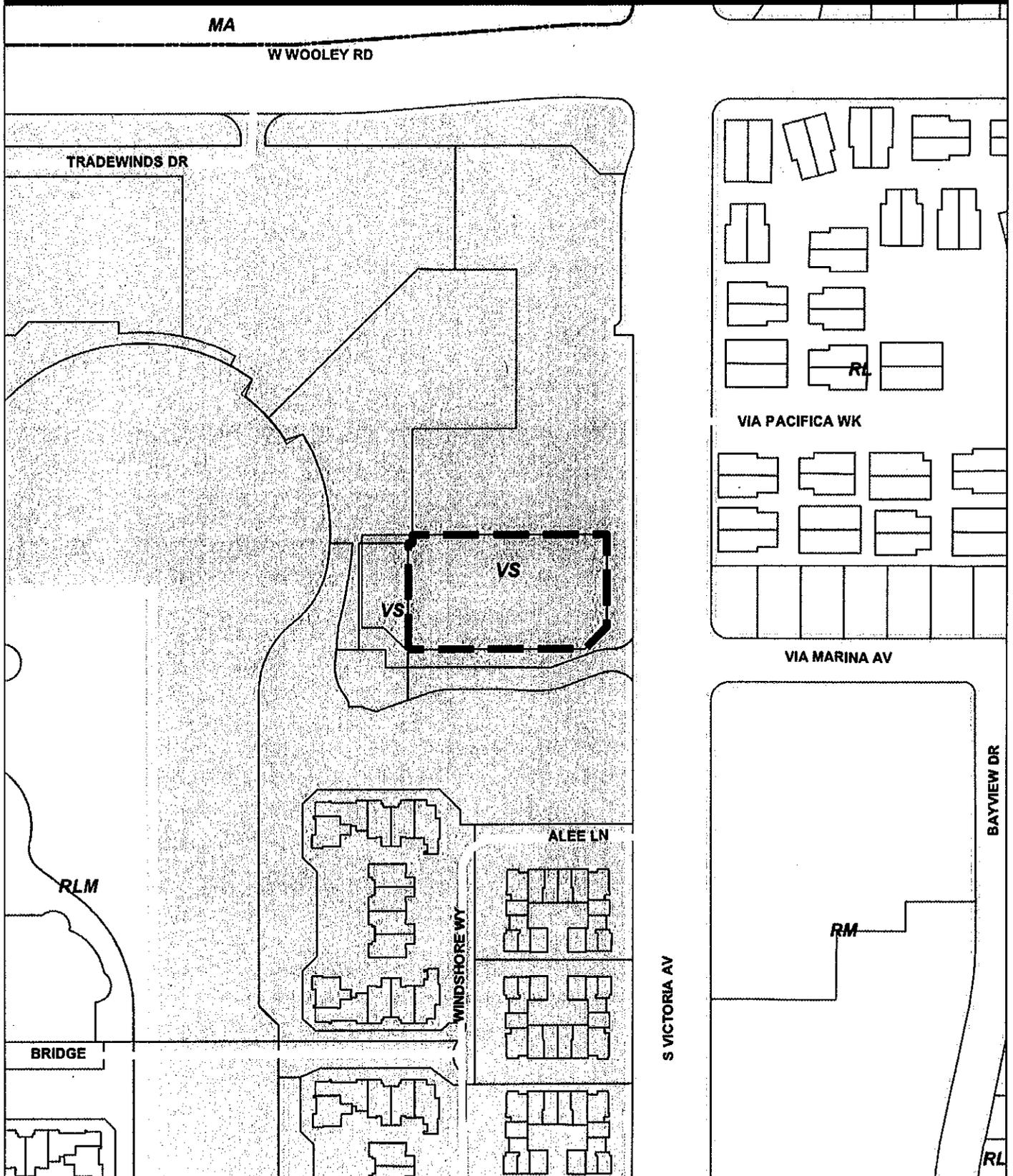
- 7) Community Workshop:** On January 9, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Channel Islands and Via Marina Neighborhoods. The applicant also posted such notice on the project site with a brief description of the project and contact information. The Community Workshop was conducted on January 26, 2009 for six projects. Of the 53 people who attended the workshop, no one attended the meeting specifically for this project. However, some concerns were identified by attendees that the City has allowed Vons to sell alcohol without an approved special use permit. Staff acknowledged that this is an unusual situation, where a business was able to transfer their ABC license without an approved use permit. However, the applicant has diligently pursued proper permitting as soon as the oversight was discovered.
- 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: <u>LJW</u> LJW
Approved by: <u>SM</u> SM

General Plan Map



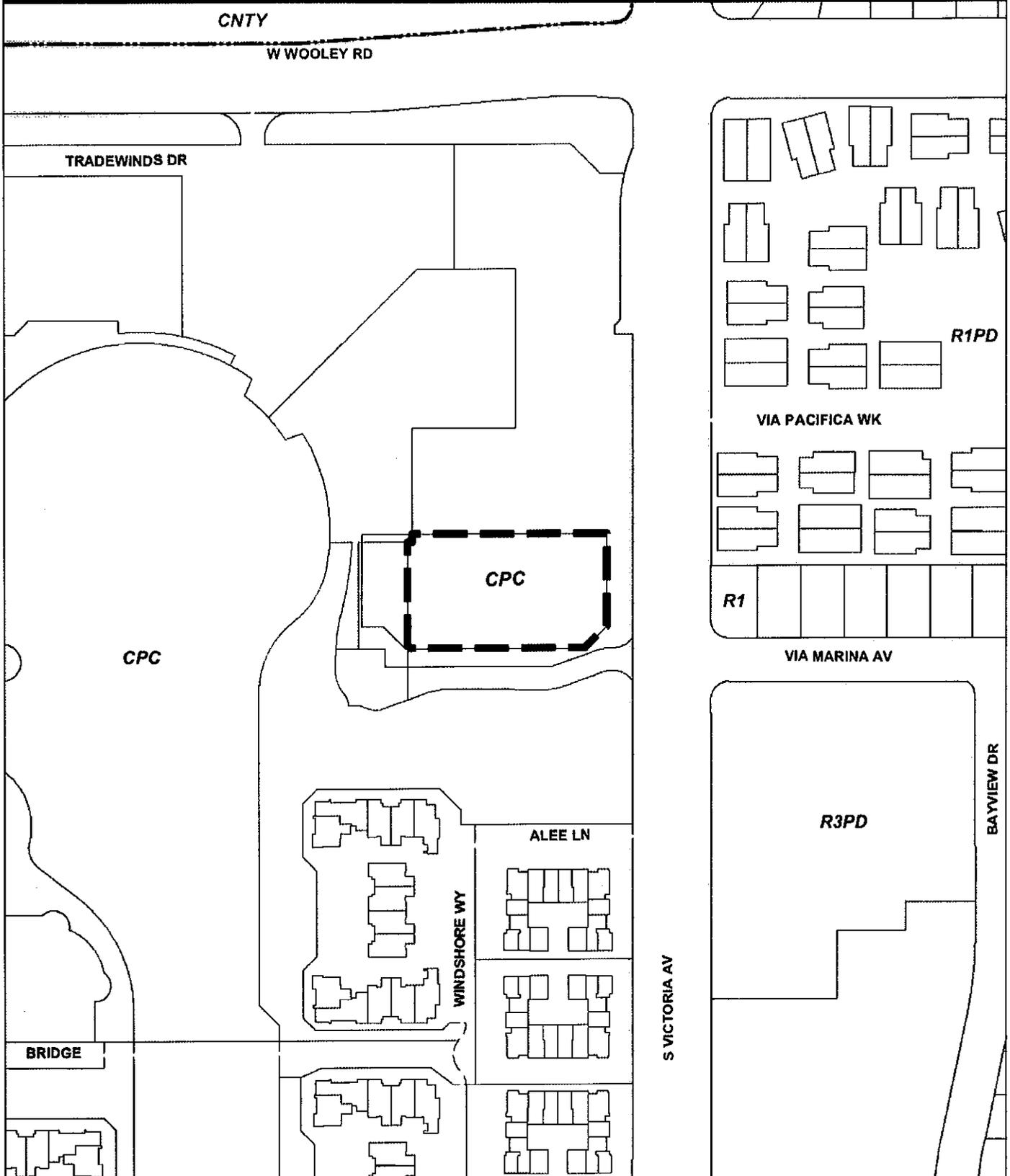
PZ 08-510-14
Location: 1291 S Victoria Av
APN: 188025025
Vons/Safeway

0 37.575 150 225 300 Feet

General Plan Map

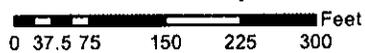


Zone Map



Oxnard Planning
January 2, 2009

PZ 08-510-14
Location: 1291 S Victoria Av
APN: 188025025
Vons/Safeway

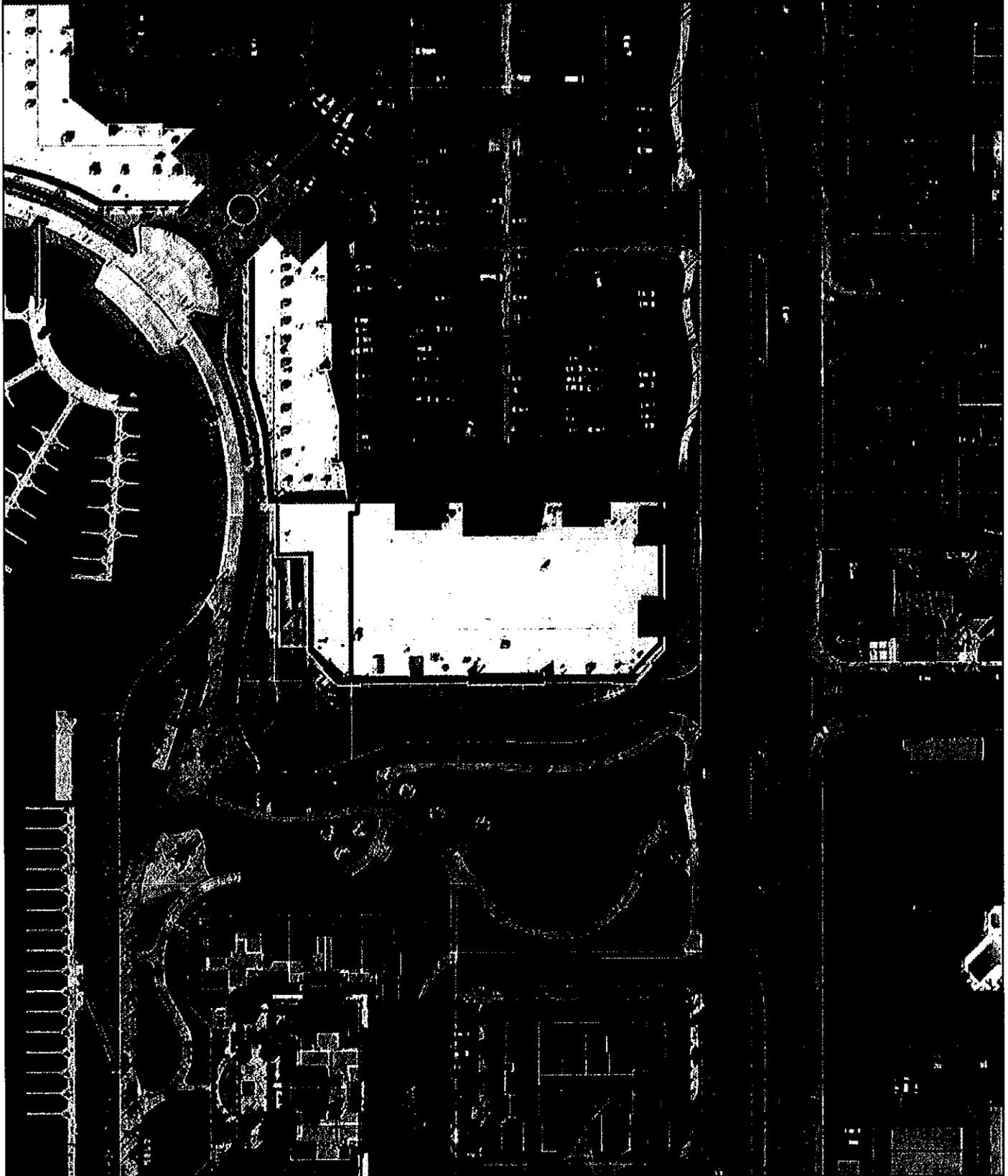


Zone Map



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Aerial Map



Oxnard Planning
January 2, 2009

PZ 08-510-14
Location: 1291 S Victoria Av
APN: 188025025
Vons/Safeway



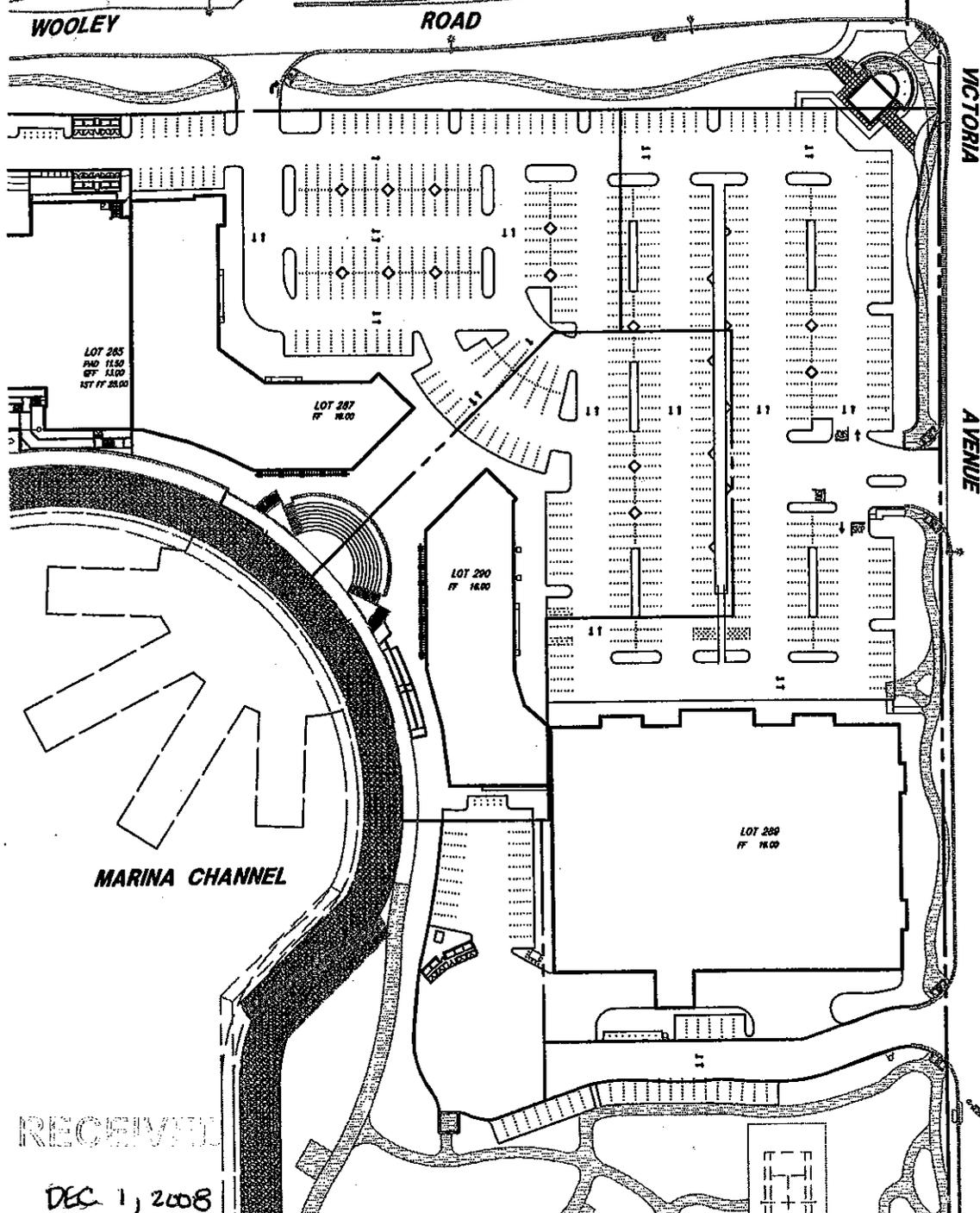
Aerial Map

2007 Aerial



1:1,367

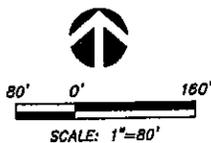
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RECEIVED

DEC 1, 2008

PLANNING DIVISION
CITY OF OXNARD



4171 MARKET ST. STE. 4A
VENTURA, CALIF. 93003
PHONE 805/854-8977
FAX 805/854-8979

SEABRIDGE
NORTH RETAIL SITE PLAN

SHEET
1 OF 1
JUL 17, 2005



SAFEMWAY
 128 BROADWAY, SUITE 200, OXNARD, CA 93030
 (805) 325-1100
 FAX (805) 325-1101
 WWW.SAFEMWAY.COM

VONS
 A SAFEMWAY COMPANY
 FOOD AND CONSTRUCTION DEPARTMENT
 128 BROADWAY, SUITE 200, OXNARD, CA 93030
 (805) 325-1100
 FAX (805) 325-1101
 WWW.SAFEMWAY.COM

#2825 - 2006 NEW STORE
WOODLEY RD. & VICTORIA AVE
OXNARD, CA

FIXTURE PLAN
 #2825

DATE: 11/15/06
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]

LEGEND

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HVAC / REFRIGERATION
 MACHINE ROOM MEZZANINE

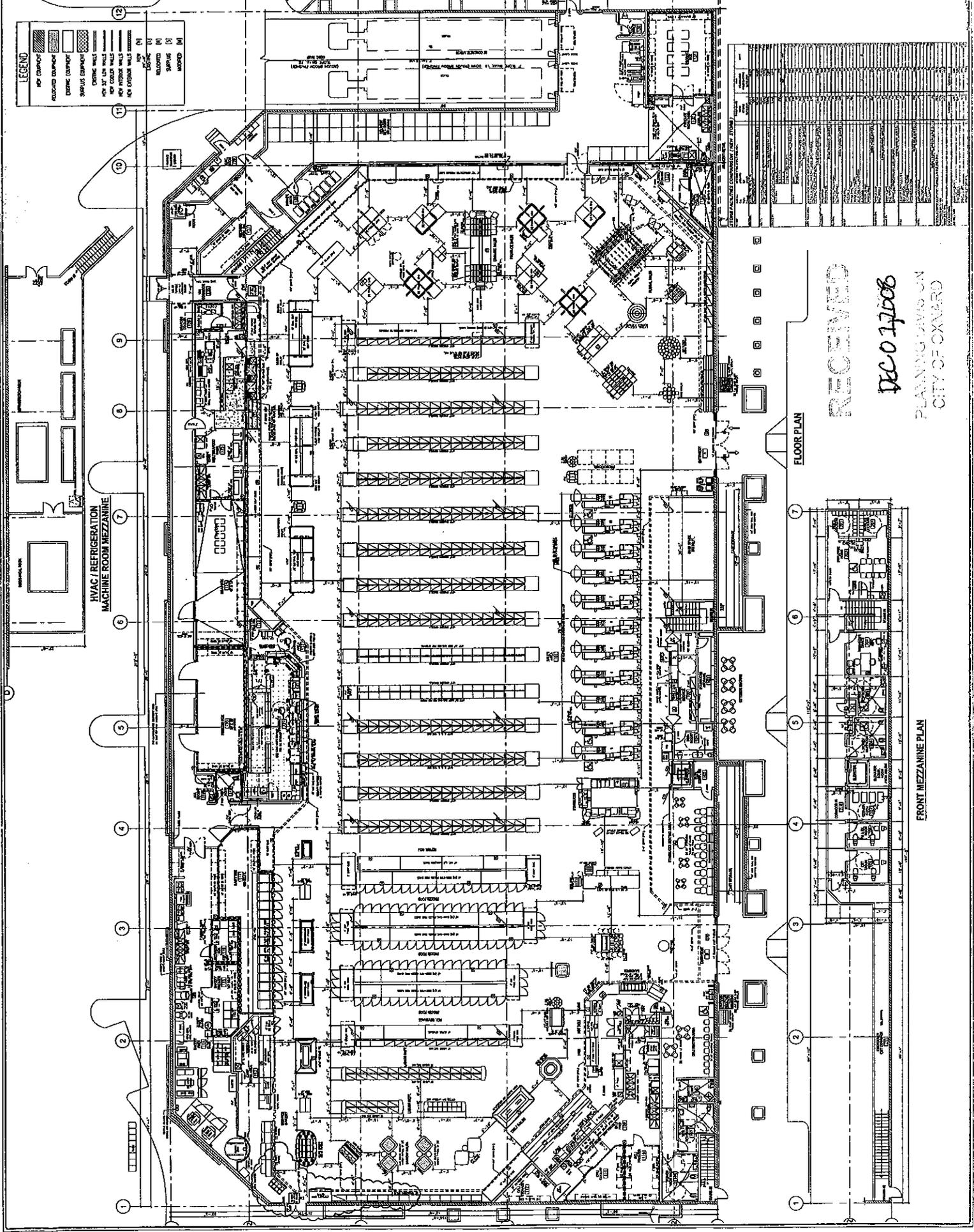
FLOOR PLAN

RECEIVED

DEC 0 1 2006

PLANNING DIVISION
 CITY OF OXNARD

FRONT MEZZANINE PLAN





NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 08-510-14 (Special Use Permit for Alcohol) a request to permit general alcohol sales for off-site consumption at an existing supermarket, located at 1291 South Victoria Avenue. The Vons supermarket is located at the Seabridge Marketplace Shopping Center. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines for Existing Facilities. Filed by Vons/Safeway, 618 Michillinda Avenue, Arcadia, CA 91007

Finding:

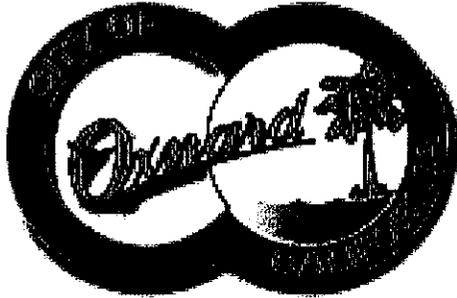
The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- 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 involving existing facilities may be found to be exempt from the requirements of CEQA. The proposed project consists of continuing alcohol sales within an existing business. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager



Police Department

John Crombach, Police Chief

Date: January 21, 2009
To: Linda Windsor, Associate Planner
From: Cliff Waer, Senior Alcohol Compliance Officer
Subject: 1291 S. Victoria Ave. (Vons Market)
PZ-08-510-14

Site Information:

The proposed site is an existing grocery store located within the Seabridge Shopping Center at 1291 S. Victoria Avenue which is near the southwest corner of Victoria Avenue and Wooley Road. The suite is situated near the south end of the complex with the front doors facing north into the parking lot. The shopping center has a long, meandering walkway along the harbor to the west where there is a small amphitheatre and common seating area. The nearest residences are directly behind the site, approximately 200 feet away, and are separated by a loading zone and open/recreation area. The site is generally bordered by Victoria Ave. and residences to the east, the harbor and residences to the west, agriculture to the north and residential to the south. There are currently no similar uses within 350 feet of the site and four On-Sale outlets in the same center. The applicant currently sells alcohol and has a valid ABC License Type-21 which is an Off-Sale General that allows for the sale of beer, wine and distilled spirits. They are requesting a Special Use Permit to continue to exercise the privileges of the ABC license.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Round Table Pizza	1213 S. Victoria Ave.	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
2. Anaba Sushi	3941 Tradewinds	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
3. Camino Real (Recently closed)	3960 Tradewinds	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine

4. Smokey's BBQ (under construction)	1201 S. Victoria	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits
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Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Me-n-Ed's Pizza	1601 S. Victoria	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
2. Yolanda's Restaurant	1601 S. Victoria Ave.	Type 47	On-Sale General	Restaurant	Beer, Wine and Spirits

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 126 during the same 12-month time period. This is 7% above the average crime rate citywide and is not considered significant. The heaviest concentration of incidents occurred across Victoria Ave. near the more densely populated apartments and condominiums. The majority of events were thefts or other property-related crimes and the area is generally not considered to be a police problem. The numbers of disturbance-related incidents that list alcohol as a contributing factor are below the citywide 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, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:

This particular development is situated alongside the newly constructed bay and has a small, unique amphitheater behind the complex, facing the water. There is outdoor seating along the walkways in the front and rear of the buildings and also in a large common area dividing the complex. This area is very scenic and inviting and will likely be used by many customers throughout the complex. The concern of the Police Department would be that customers purchasing alcohol at the proposed site may choose to consume their drinks on the property. Outdoor areas like this are generally unrestricted and unmonitored. Creating an environment that contributes to or invites the consumption of alcohol under such circumstances could aggravate policing problems. Conditioning the business to minimize the availability of single servings of certain alcoholic beverages can be an effective way to reduce the likelihood for problems. The applicant currently sells a small variety of single servings of alcohol which are generally limited

to specialty beers and micro-brews. The applicant has indicated that they are agreeable to continuing this policy and offering only a limited variety of specialty beers in single servings and will not offer mass-produced, inexpensive beers or malt liquors other than those in their original multi-pack containers.

Community Input:

The Responsible Alcohol Policy Action Coalition (RAPAC) discussed this proposal approximately two years ago when they became aware that there would be a grocery store at the new Seabridge center. Members expressed some concern about customers possibly taking the alcohol out to the seating areas and consuming it in public. To reduce that likelihood, they suggested limiting the sale of single servings of alcohol. Members also suggested having all distilled spirits displayed in locked cabinets and only accessible with the assistance of an employee. It was pointed out that another Vons in Oxnard began locking up their distilled spirits after experiencing a significant theft problem. The strategy worked well and did not significantly affect the sales of distilled spirits.

Conclusion:

The statistical analysis shows the area to have a crime rate that is 7% above average which is not necessarily considered significant. Most of the incidents were listed as property crimes and very few violent or personal crimes. The Police Department does not consider this area to be a policing problem.

There are four (On-Sale) alcohol outlets within 350 feet of the site but no similar uses so there is no issue of undue concentration. The California Department of Alcoholic Beverage Control also does not consider this area to have an undue concentration of Off-Sale outlets.

The primary issue regarding this proposal is the potential for problems related to the outdoor seating. Since the site overlooks a scenic bay, customers are more likely to take advantage of the outdoor seating and businesses selling alcohol at this complex are going to face unique challenges to ensure that their customers do not contribute to problems by consuming alcohol where it is not permitted or desired. This relatively minor issue should be effectively mitigated through adequate conditions of operation.

The Police Departments experience is that the proposed license (Type 21 - 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 Planning Commission Resolution.

Police Standard Conditions (Off-Sale Alcohol Establishments)

- 1) All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. (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 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 or at any time within eight (8) hours prior to the beginning of their shift. (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 control (including the rear of the business) in an effort to prevent 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 separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks 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 the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
- 15) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 16) No single containers, 12 oz. or 40 oz. of beer or malt liquor shall be sold. (PD)
- 17) No fortified wine products shall be sold with an alcohol content greater than 14% by volume with the exception of the following products (provided they are consistent with those permitted by their Alcoholic Beverage Control License): Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth. (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 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)
 - a. 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.
 - b. 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 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) 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 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.

RESOLUTION NO. 2008 – PZ 08-510-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-510-14 (SPECIAL USE PERMIT - ALCOHOL), TO ALLOW OFF-SITE GENERAL ALCOHOL SALES (BEER, WINE, AND SPIRITS; ABC LICENSE TYPE 21) WITHIN AN EXISTING 51,000 SQUARE FOOT GROCERY STORE (VONS), LOCATED AT THE SOUTHWEST CORNER OF WOOLEY ROAD AND SOUTH VICTORIA AVENUE, ALSO KNOWN AS 1291 SOUTH VICTORIA AVENUE, WITHIN THE SEABRIDGE MARKETPLACE (APN 188-250-255), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ATTORNEY IN FACT, CHRISTINA AVILA, VONS/SAFEWAY, 618 MICHILLINDA AVENUE, ARCADIA, CA 91007.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-14, filed by Attorney-in-Fact, Christina Avila, Vons/Safeway in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, Section 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the 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. That the proposed development is in conformance with adopted goals, policies and standards of the Mandalay Bay Specific Plan.

7. The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages off-site consumption within 1000 feet of the subject location.
8. 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.

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	Public Works, 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 plans dated December 1, 2008 (“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 minor modification may be granted for

minimal changes or increases in the extent of alcohol use. A major modification shall be required for substantial changes in such use. (PL, G-2)

3. By commencing any activity related to the project or using any structure authorized by this permit, Developer 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. Developer agrees, as a condition of adoption of this resolution, at Developer'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. Developer'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. Developer 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, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

POLICE STANDARD OPERATING CONDITIONS

7. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. (PL/PD)
8. 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)
9. 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)

10. 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.
11. 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.
12. 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)
13. 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)
14. 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)
15. Employees involved in the sale or service of alcoholic beverages 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)
16. 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)
17. 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)
18. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
19. 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)
20. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks 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 the cashiers or

clerks have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)

21. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
22. No single containers, 12 oz. or 40 oz. of beer or malt liquor shall be sold. (PD)
23. No fortified wine products shall be sold with an alcohol content greater than 14% by volume with the exception of the following products (provided they are consistent with those permitted by their Alcoholic Beverage Control License): Port, Sherry, Saké, Marsala, Madiera, Muscat and Vermouth. (PD)
24. Prominent signs shall be posted stating, in effect, "No persons under 21 will be sold 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)
25. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
26. Alcoholic beverages shall not be sold between the hours 12:00 midnight and 6:00 AM. (PD)
27. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
28. 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)
 - a. 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.
 - b. 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.
29. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
30. Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.

31. 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).
32. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
33. Permittee shall install height gauges at all exit doors.
34. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
35. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
36. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE SPECIAL CONDITIONS

37. 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)
38. The sale of single containers 16 oz., 20 oz., 24 oz., or 32 oz. of beer or malt liquor shall be limited to specialty beers or micro-brews. The sale of mass-produced, low priced beer or malt liquor in single servings is prohibited and is only allowed in the manufacturers original multi-pack containers.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of February, 2009, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Deirdre Frank, Chairperson

ATTEST: _____
Susan L. Martin, Secretary