



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Justin Beranich, Assistant Planner
DATE: May 21, 2009
SUBJECT: Planning and Zoning Permit No. 08-510-16, (Special Use Permit), Located at 4238 Saviers Road.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 08-510-16 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit beer, wine and distilled spirits, dancing and entertainment at a proposed restaurant, known as Fresh Mex Bar and Grill, located at 4238 Saviers Road. This restaurant utilizes a location previously occupied by other eating establishments, encompassing 4,425 square feet of floor area. All activities will be conducted indoors. Dancing and entertainment activities are also requested at this location. Filed by designated Attorney in Fact Mr. Eddie Alvarado on behalf of Mr. Steve McCoy, P.O. Box 704, Oxnard, CA 93032.
- 3) **Existing & Surrounding Land Uses:** The .4 acre (19,565 sq/ft) site is developed with a single story commercial building with associated parking and landscaping.

Project Site	General Commercial	Commercial General	Single story commercial building
North	General Commercial	Commercial General	Commercial meat market (El Matador)
South	General Commercial	Commercial General	Commercial mini-market (Bard Market)
East	Single Family Residential	Residential Low	Single family residences
West	Commercial Office Planned Development	Residential Low	Commercial offices

4) Background Information: There are no planning permits for the original building; however, on November 16, 1972, the Planning Commission approved Special Use Permit No. 495 to construct a 27' x 65' addition to an existing restaurant.

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request is for on-site consumption of beer, wine and distilled spirits dancing and entertainment. There is no new development or expansion of development associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) General Discussion: The restaurant is 4,425 square feet with 287.5 square feet devoted to dancing and entertainment and seats a maximum of 250 people. The proposed hours of operation are between 10 A.M. and 10 P.M. Sunday through Wednesday, and between 8 A.M. and 2 A.M. Thursday, Friday and Saturday.

b) General Plan Consistency and Zoning Development Standards: The 2020 General Plan land use designation for the project site is Commercial General. Similarly, the zoning designation on the site is General Commercial (C-2). In accordance with the City Code, the proposed sale of alcohol for on-site consumption in conjunction a restaurant may be permitted with an approved special use permit. Similarly, businesses operated as places of entertainment may be permitted with an approved special use permit. In this regard, the proposed use is consistent with both the General Plan and zoning designations of the site.

The Safety Element of the 2020 General Plan lists policies consistent with the City's goal of the "Maintenance and enhancement of a safe community" (IX-16). Of these policies, number 35 states: "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations" (IX-20). Consistent with this, the Police Department has reviewed the proposed use for compliance to its safety and security requirements and has subsequently conditioned the project to include implementation measures which address their concerns.

c) Conformance with Zoning Development Standards: The proposed development is located in the General Commercial (C2) zone district. In accordance with the City Code, the proposed use may be permitted with an approved special use permit. The proposed sale of alcohol for on-site consumption, dancing and entertainment are accessory to the primary use of the restaurant, and conform to the conditionally permitted uses of the C2 zone.

- d) **Site Design:** The restaurant encompasses 4,425 square feet of floor area, inclusive of dining areas, a lounge/bar area, a banquet room, kitchen facilities, men and women's restrooms, an office area and dry storage. The building is accessed from the north. The dining areas offer a combination of booth and table seating. The lounge/bar area, located to the east of the entry, is comprised of ten bar stools and countertop space. The banquet room located in the south of the restaurant is where the applicant proposes to provide dancing and entertainment.

Outdoor dining and patio areas were not proposed nor analyzed as part of this SUP request. Conditions of approval require a major modification permit for any future outdoor uses. (Condition No.'s 17 and 53).

- e) **Request for Entertainment and Dancing:** The applicant proposes to use the banquet room to host large family dining and to provide public dancing and entertainment. The dance floor is 197.5 square feet of floor area with a separate 42 square foot area devoted for a disc jockey and another 48 square foot stage area for live entertainment. The proposed entertainment schedule is as follows: D.J. or live music from 6:00 p.m. through 1:00 a.m. on Thursdays and Fridays and 12:00 p.m. through 1:00 a.m. on Saturdays and Mariachi from 11:00 a.m. through 10:00p.m on Sundays. To minimize the impact on adjacent residential uses, condition No. 28 in the attached resolution prohibits any amplified sound from being audible outside the premise or causing a disruption to neighboring uses.

Dancing and entertainment are considered incidental to the primary use of the restaurant. Conditions of approval are included that regulate the use of amplified sound and the sale of food and alcoholic beverages to maintain dancing and entertainment as accessory uses (Condition No.'s 54, 55 and 56).

- f) **Request for Sale of Alcoholic Beverages for on-site consumption:** A license for Type 47, (On-sale Beer, Wine and Distilled Spirits for Bona-Fide Public Eating Place), is pending with the State Department of Alcoholic Beverage Control (ABC) for the establishment.

The Oxnard Police Department provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment D). This report 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 special use permit is likely to significantly aggravate policing problems. There is one other alcohol outlet within 350 feet of the proposed site which is an off-sale business (sales of alcohol for consumption off the premises).

Crime Statistics- 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 108 during the same 12-month time period. This is approximately 8% lower than the average crime rate citywide. The numbers and types of crimes were spread evenly throughout the surrounding area and those incidents that listed alcohol as a contributing factor were below average.

Additional Police Input- The Police Department has no significant concerns about reestablishing an alcohol outlet at this site. The Police Department does not report any policing problems nearby and indicates that the standard police conditions for this type of use would be sufficient to reduce the likelihood for problems.

The Police Department is concerned by the close proximity to residences east of the site. The applicant has proposed to include banquet facilities with occasional music and dancing. Such uses are often very lively and noise may be an issue if not adequately regulated. Conditions are included to minimize the disruption to nearby uses.

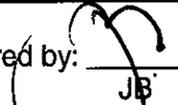
The Police Departments experience is that the proposed license (Type 47 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. The Police Department's recommended operating conditions are included in the proposed Planning Commission Resolution.

- g) **Community Workshop:** On February 12, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Bryce Canyon South and Blackstock South 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 February 23, 2009. Those in attendance who spoke, approximately 4 people, had concerns regarding oversaturation, hours of operation and family orientation.

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 working 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:

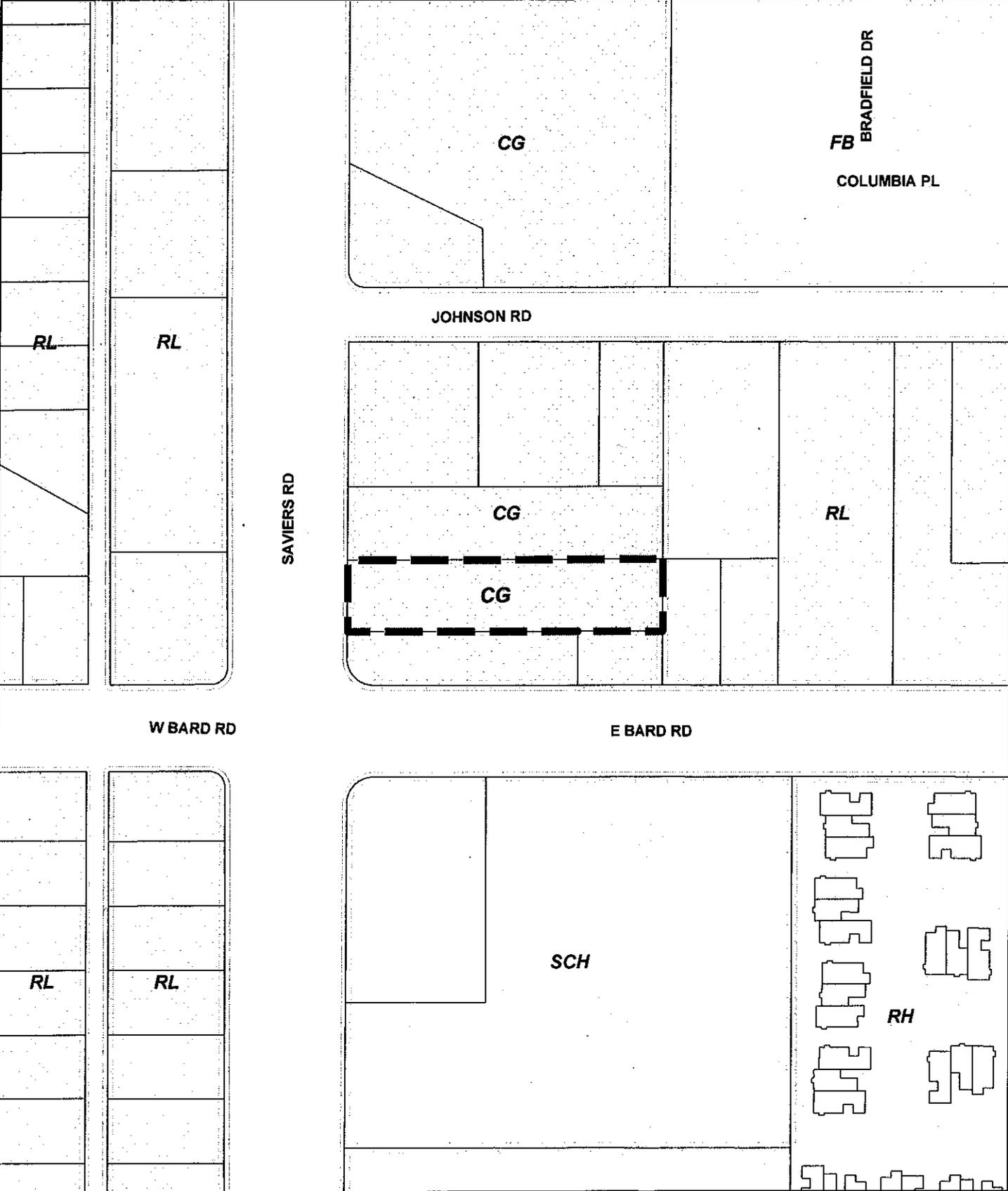
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Report
- E. Resolution

Prepared by: 
Approved by: 

Attachment A

Maps (Vicinity, General Plan, Zoning)

General Plan Map



Oxnard Planning
April 13, 2009

PZ 08-510-16
Location: 42380 Saviers Rd
APN: 222016038

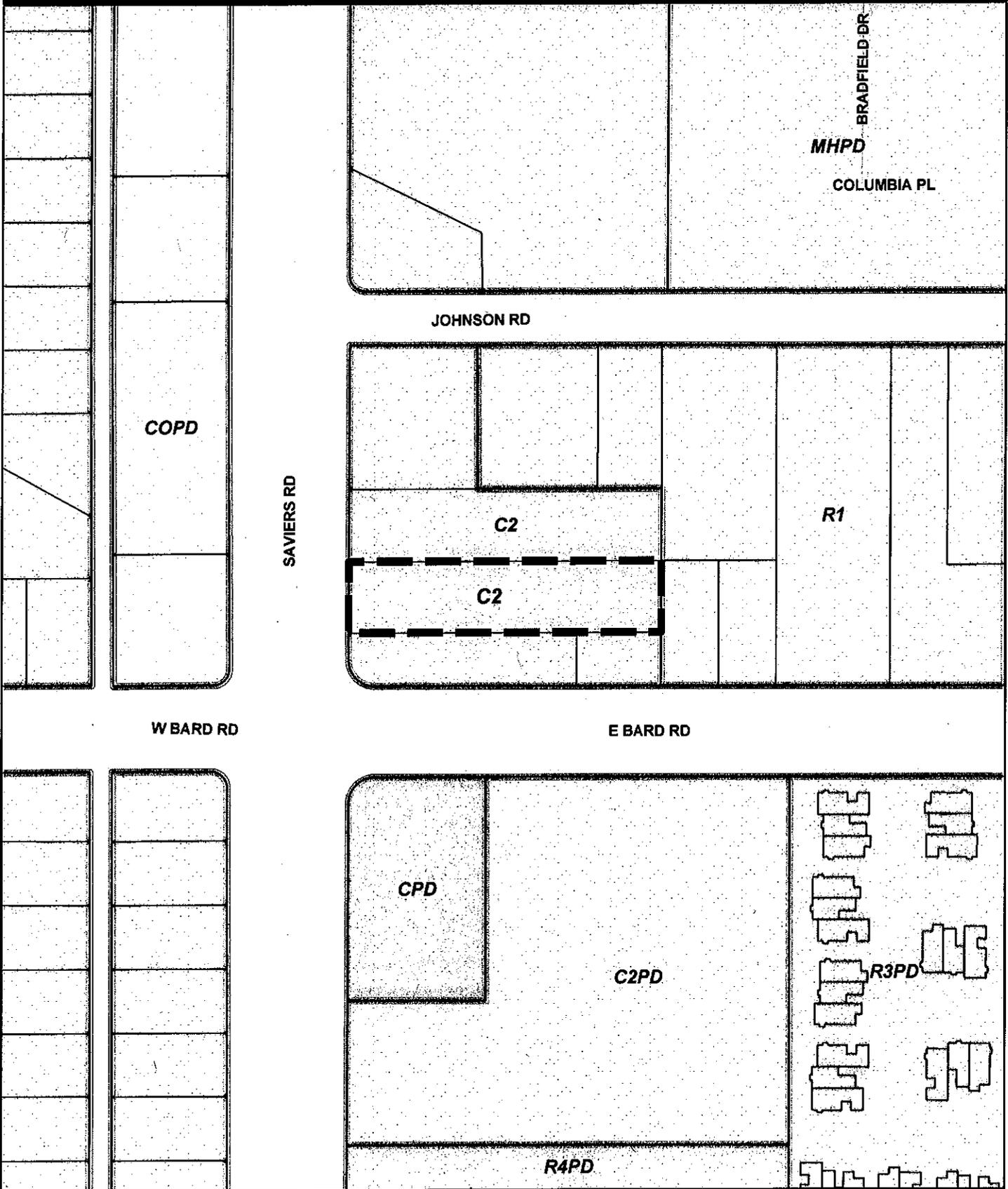


General Plan Map



1:1,498

Zone Map



PZ 08-510-16
Location: 42380 Saviers Rd
APN: 222016038
Eddie Alvarado

0 25 50 100 150 200 Feet

Zone Map



Attachment B
Reduced Project Plans

Attachment C

Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING & ZONING PERMIT NO. 08-510-16 (Special Use Permit), a request to permit beer, wine and distilled spirits, dancing and entertainment at a proposed restaurant, known as Fresh Mex Bar and Grill, located at 4238 Saviers Road (APN222-0-160-38). The restaurant encompasses 4,425 square feet of dining area and proposed hours of operation will be between 10 A.M. and 10 P.M. Sunday through Thursday, and between 8 A.M. and 2 A.M. Friday and Saturday. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Mr. Eddie Alvarado on behalf of Mr. Steve McCoy, P.O. Box 704, Oxnard, CA 93032.

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 Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request is for entertainment and on-site consumption of beer and wine. There is no new development or expansion of development associated with this request. 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

Attachment D

Police Report



Police Department

John Crombach, Police Chief

Date: March 11, 2009

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 4238 Saviers Road (Fresh Mex Bar & Grill) **PZ 08-510-16**

Site Information:

The proposed site is located in an existing, vacant building near the northeast corner of Bard Road and Saviers Road. The site has been vacant for more than two years and was most recently operated as Sandy's Steakhouse which sold food along with alcoholic beverages. The front doors face north to a parking lot that is shared with several other businesses in a small commercial complex. Other businesses nearby include a liquor store/market, bakery, Laundromat, cellular phone store and a meat market.

The site is generally bordered by commercial uses to the north, Bard Road and the South Oxnard Library to the south, residential to the east and Saviers Road and commercial to the west. The nearest residences are approximately 200 feet to the east and also west, across Saviers Road. There is one other alcohol outlet within 350 feet of the proposed site which is an off-sale business (sales for consumption off the premises).

The site has an existing banquet facility which is approximately 1000 square feet. The banquet room has a small dance floor and portable stage and the proposed use will include public dances and entertainment. The applicant has requested to obtain an ABC License Type-47 which is a restaurant that allows for the sale of beer, wine and distilled spirits.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Bard Market	151 E. Bard Rd.	Type 21	Off-Sale Beer, Wine & Spirits	Liquor Store/Market	Beer, Wine and Spirits

Community Input:

The Police Department contacted several of the nearby businesses to help determine if the use would be in conflict with the surrounding area. Most of the feedback was neutral or positive with none of the comments we received being in opposition to the proposed use. Virtually all of the businesses around the site close down relatively early which should minimize the potential conflict with the larger evening crowds from the proposed restaurant. A couple of the business owners nearby recalled when the site was operated as Sandy's Steakhouse and said there were relatively few problems with that business. That being said, those we spoke with were cautious and recognized that businesses that include music and dancing can be problematic if not operated responsibly.

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.

The Police Department is aware that the applicant has met with some residents in the area and has attended neighborhood meetings to discuss this proposal. We have been in touch with neighborhood leaders who have communicated to us some of the concerns of the residents and which generally reflect those of the Police Department. We were told that there may be additional discussions among the neighborhood groups to perhaps vote on an official position but at the time of this report, they did not express either support or opposition.

Conclusion:

The area is not generally considered to be a policing problem and the statistical analysis shows the area to have a crime rate that is 8% lower than the city-wide average. The types of crimes in the area are consistent with City averages and the number of violent crimes is not significant.

There are no similar uses within 350 feet of the site and no local issue of undue concentration. The California Department of Alcoholic Beverage Control uses census tract information to determine the allowable number of alcohol outlets in a particular area and also determined there is no issue of undue concentration for this use.

The primary issues regarding this proposal involve the large banquet facility and the inherent problems that are often associated with business that include music and dancing. The standard and special conditions recommended below should adequately mitigate the concerns mentioned in this report and will provide the Police Department with multiple enforcement options if problems do arise.

The Police Departments experience is that the proposed license (Type 47 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. Listed below are the Police Department's recommended operating conditions for the Planning Commission Resolution.

licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
- 12) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
- 14) Sales of alcohol shall not occur between the hours of 1:00 a.m. and 7:00 a.m. (PL/PD)
- 15) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)
- 16) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts exceeding 36oz total. (PD)
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)

- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 30) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
- 31) Permittee shall install an electronic intrusion detection system that detects portal openings and interior motion. (PD)
- 32) 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. (PD)
- 33) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

- 1) There shall be no live entertainment or amplified sound permitted in outdoor areas. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses.
- 2) There shall be only one means of access by patrons to and from the main dining and bar area. The east door to the banquet/dance facility may be used by customers when that portion of the business is in use as long as the area is adequately monitored by staff. All other doors shall not be used as a means of entry or exit except in cases of emergency.
- 3) In the event the applicant pursues the development of an outdoor patio area, the Police Department shall be given the opportunity to review the proposed addition and recommend appropriate preventative conditions.
- 4) Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is public dancing, there shall

Attachment E

Resolution

RESOLUTION (PZ 08-510-16)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 08-510-16 (SPECIAL USE PERMIT), TO ALLOW THE ON-SITE CONSUMPTION OF BEER, WINE AND DISTILLED SPIRITS (ABC LICENSE TYPE 47) AND DANCING AND ENTERTAINMENT IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 4238 SAVIERS ROAD, (APN 220-0-160-385), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MR. EDDIE ALVARADO, P.O. BOX 704, OXNARD, CA 93032.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 08-510-16, a special use permit to allow the on-site consumption of beer, wine and distilled spirits, and dancing and entertainment in an existing commercial building located at 4238 Saviers Road, filed by Eddie Alvarado, in accordance with sections 16-530 through 551 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, section 15301 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.
6. The presumption of undue concentration has been rebutted by a preponderance of the evidence, which shows that the establishment is in a retail center where restaurant establishments selling alcoholic beverages for consumption on the premises are appropriate.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

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 16-530 through 551 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	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 and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 15, 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 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 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, 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. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
7. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
8. Developer 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)
9. 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)
10. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

11. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
12. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-6)
13. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)
14. Within 30 days of approval of this permit, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

PLANNING DIVISION SPECIAL CONDITIONS

15. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)
16. This permit does not allow outdoor dining and or patio areas. Outdoor uses may only be conducted pursuant to a major modification of this permit. Approval of a major modification shall include police conditions that regulate alcohol use in such areas, and shall analyze code required parking for such expansion of use.

POLICE STANDARD CONDITIONS

17. 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. Training can be arranged through the Oxnard Police Department. Applicant can contact the Police Department's Alcoholic Compliance Officer to make arrangements (PL/PD)
18. 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)
19. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
20. 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.
21. 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)

22. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area.
23. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
24. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
25. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
26. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
27. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
28. 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)
29. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
30. Sales of alcohol shall not occur between the hours of 1:00 a.m. and 7:00 a.m. (PL/PD)
31. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
32. 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.

33. 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)
34. 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)
35. 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.
36. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 19, above, shall be adhered to regardless of where customers are seated. (PD)
37. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.
38. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.
39. 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)
40. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
41. 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)
42. 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)
43. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

44. 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)
45. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
46. 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)
47. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
48. 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. (PD)
49. 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

50. There shall be no live entertainment or amplified sound permitted in outdoor areas. Recorded music for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses.
51. There shall be only one means of access by patrons to and from the main dining and bar area. The east door to the banquet/dance facility may be used by customers when that portion of the business is in use as long as the area is adequately monitored by staff. All other doors shall not be used as a means of entry or exit except in cases of emergency.
52. In the event the applicant pursues the development of an outdoor patio area, the Police Department shall be given the opportunity to review the proposed addition and recommend appropriate preventative conditions through a major modification.
53. Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is public dancing, there shall be no persons under the age of 21 allowed within the premises. The only exception is when the premises is being used exclusively by a private party and is not open to the public. (PD)
54. When dancing or entertainment uses are being conducted, the service of alcoholic or any other beverages in bottles is strictly prohibited. (PD)

55. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. Permittee may, at Permittee's discretion, modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of May, 2009, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Dierdre Frank, Chairman

ATTEST: _____
Susan L. Martin, Secretary