



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner *DS*

DATE: November 19, 2009

SUBJECT: Planning and Zoning Permit No. 09-510-06, (Special Use Permit), Located at 961 North Rice Avenue, Unit Five.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 09-510-06 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow wine tasting and the sale of wine for off-site consumption at a proposed 5,614 square foot winery, located at 961 North Rice Avenue, Unit Five. Filed by Elizabeth Callahan, EDCO, 400 East Esplanade Drive, Suite 301, Oxnard CA 93036, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The winery, known as Magnavino, is proposed at a 31,679 square foot multi-tenant industrial building located at the southwest corner of North Rice Avenue and Latigo Avenue. The following table describes the land uses immediately adjacent to the site.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	M-1-PD	Industrial Light	Manufacturing and Industrial
North	M-L-PD	Industrial Limited	Manufacturing and Industrial
South	M-1-PD	Industrial Light	Manufacturing and Industrial
East	M-1-PD	Industrial Light	Procter and Gamble Plant
West	M-1-PD	Industrial Light	Manufacturing and Industrial

4) **Environmental Determination:** This project is among the classes of projects listed in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which categorically exempts existing facilities from environmental review where there is negligible or no significant expansion of an existing use. Since there is no substantial evidence that the proposed project may have a significant adverse effect on the environment, a notice of exemption will be filed (see Attachment "C").

5) **Analysis:**

- a) **General Discussion:** The applicant proposes a wine bottling, distribution, fermentation and warehouse facility as the principally permitted use at this location. Ancillary uses consisting of a wine tasting room and retail area, require the approval of a special use permit. The tasting room and retail area would be staffed by one employee and the business is proposed to keep the following schedule:

Days	Open	Close
Monday to Friday	5:00 PM	7:00 PM
Saturday and Sunday	11:00 AM	6:00 PM

- b) **Conformance with General Plan Land Use Designation and Zoning Development Standards:** The 2020 General Plan land use designation for the subject site is Industrial Light. The corresponding zoning designation of Light Industrial-Planned Development (M-1-PD) lists "manufacturing, compounding, processing, packaging, and treatment of products indoors" as a permitted use. Similarly, a "wine tasting use, in conjunction with a wine manufacturing facility" is an accessory use permitted within the M-1-PD zone, with approval of a 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 policy, 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) **Site Design:** The 3.3 acre parcel is accessed from driveways on Latigo and North Rice Avenues. The parcel is developed with two multi-tenant industrial buildings totaling 46,335 square feet of office and manufacturing space.

The Applicant's tenant space is located within the 31,679 square foot building at the north of the property. Magnavino Winery's storage, production area, and offices will occupy approximately 5,614 square feet (12%) of the total building area. The wine tasting and retail area will occupy 1,688 square feet (5%).

- 6) **Request for Sale of Alcoholic Beverages for On-Site Consumption:** The Oxnard Police Department prepared a report on October 23, 2009, which analyzed the site and surrounding area for any potential policing problems which might be intensified as a result of the approval of this request (See Attachment "D"). As the report cites no other alcohol outlets within 1,000 feet of the subject parcel, there is no concern for an oversaturation of alcohol outlets in this area. While crime within this reporting district is 7% higher than the average crime rate

city wide, the Police Department does not consider the area to be a policing problem and cite ~~property crimes and commercial burglaries to be the most frequently reported incidents~~. The Police Department also note that the number of incidents in the area that list alcohol as a contributing factor are far below the citywide average.

The police report notes that due to a recent change in the law regarding the Alcoholic Beverage Control's (ABC) regulation of type 02 or winery licenses, the Licensee will be afforded the option of serving full glasses of wine during operating hours, free of charge. This type of use is not desirable to the Police Department as it would permit the business to operate as a wine bar. The issue has been discussed with the applicant and conditions have been included to directly address these concerns. The applicant has agreed to the proposed conditions of approval.

The overall finding of the police report was that, when properly regulated through conditions imposed by the Planning Commission, the proposed use does not normally aggravate policing issues.

- 7) Public Outreach:** This project is not located within an established neighborhood or adjacent to any residential uses and therefore did not participate in a Community Workshop meeting. The Police Department has contacted the Responsible Alcohol Policy Action Coalition (RAPAC) as well as nearby businesses regarding this request. No written correspondence was received.
- 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.

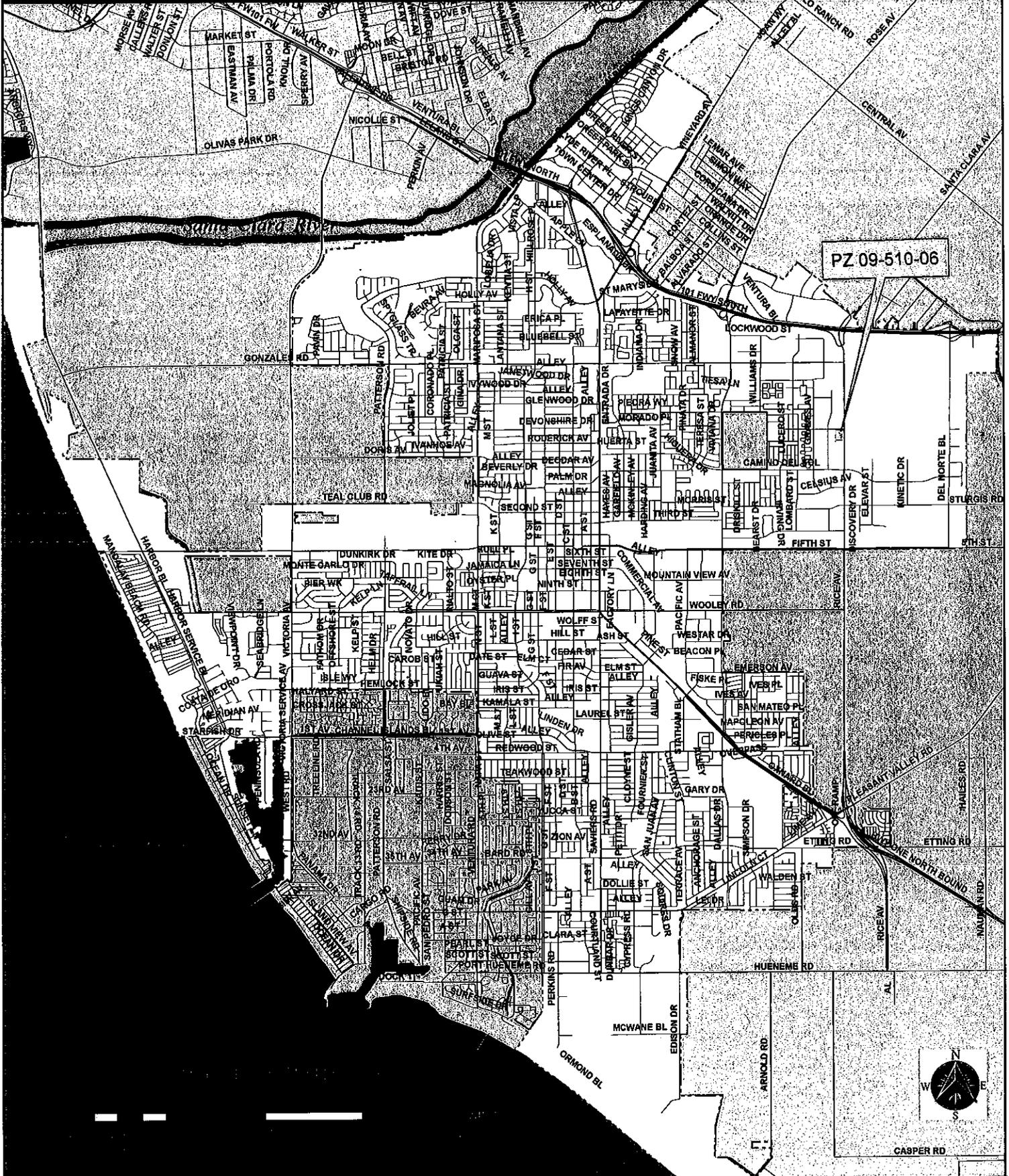
Attachments:

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

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

**Attachment “A”: Maps
(Vicinity, General Plan, Zoning)**

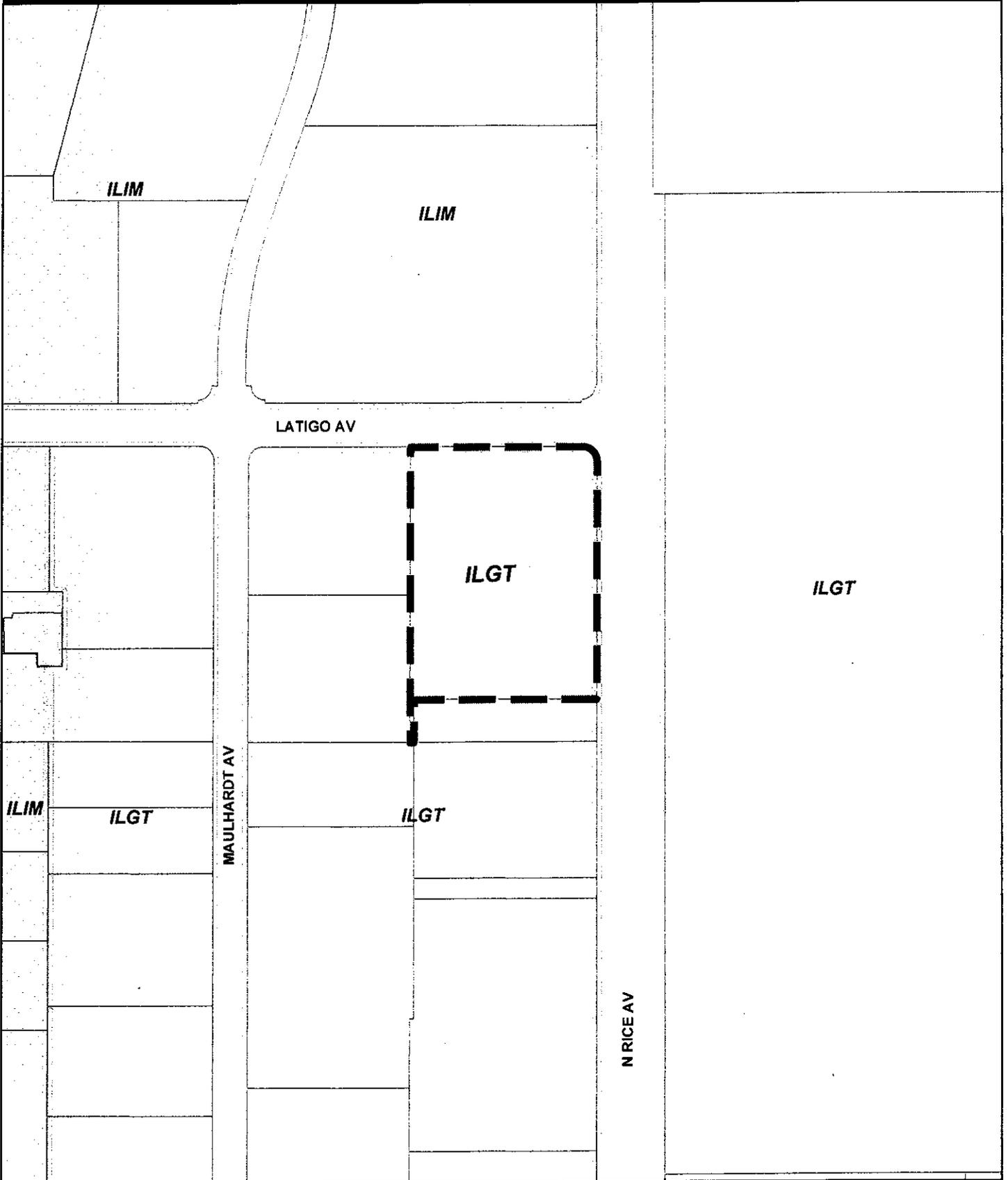
Vicinity Map



Oxnard Planning
September 22, 2009

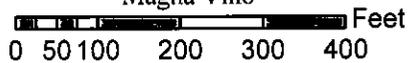
PZ 09-510-06
Location: 961 N Rice Av #5
APN: 214003402
Magna Vino

General Plan Map



Oxnard Planning
September 23, 2009

PZ 09-510-06
Location: 961 N Rice Av #5
APN: 214003402
Magna Vino

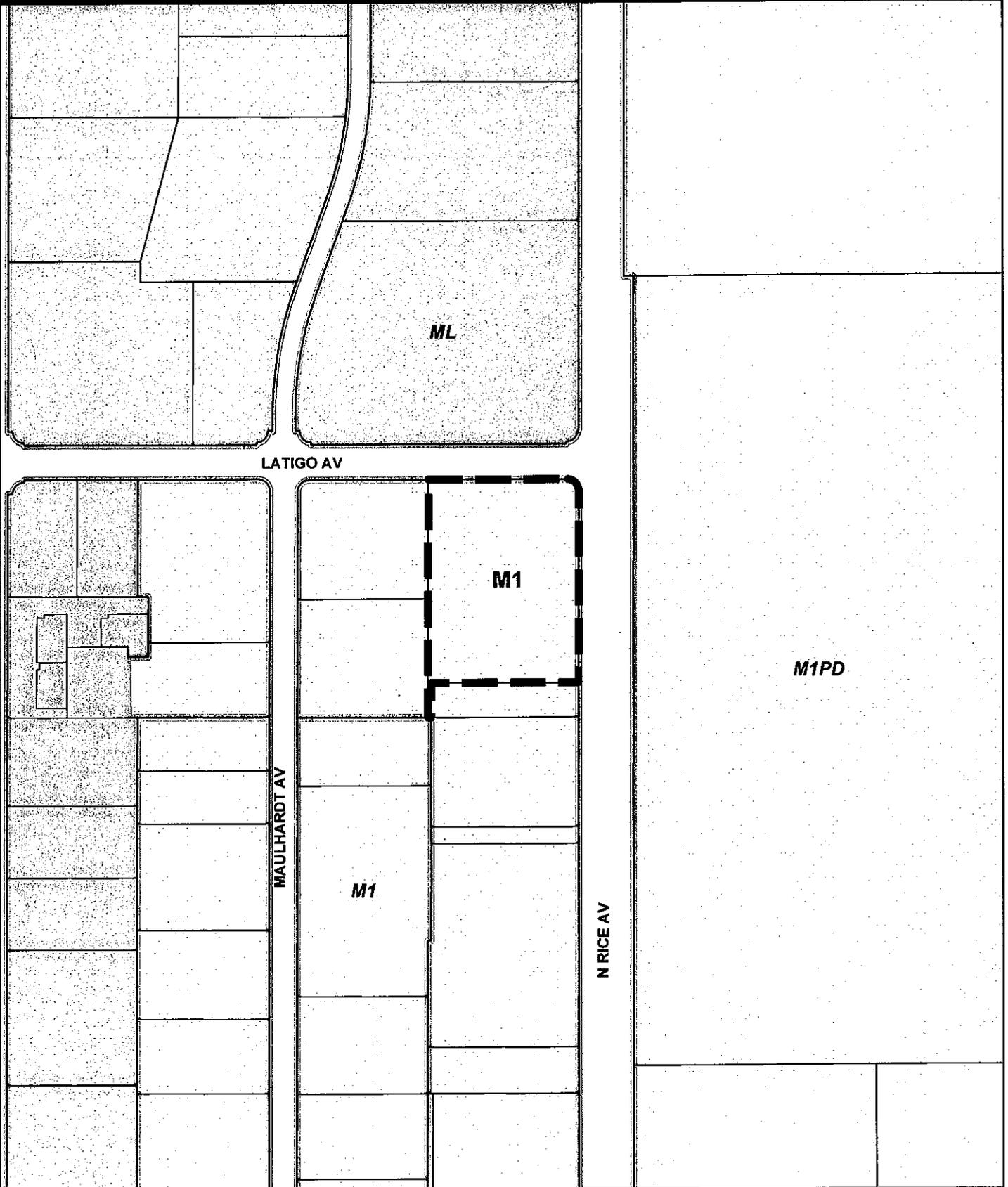


General Plan Map



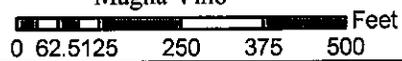
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Zone Map



Oxnard Planning
September 23, 2009

PZ 09-510-06
Location: 961 N Rice Av #5
APN: 214003402
Magna Vino

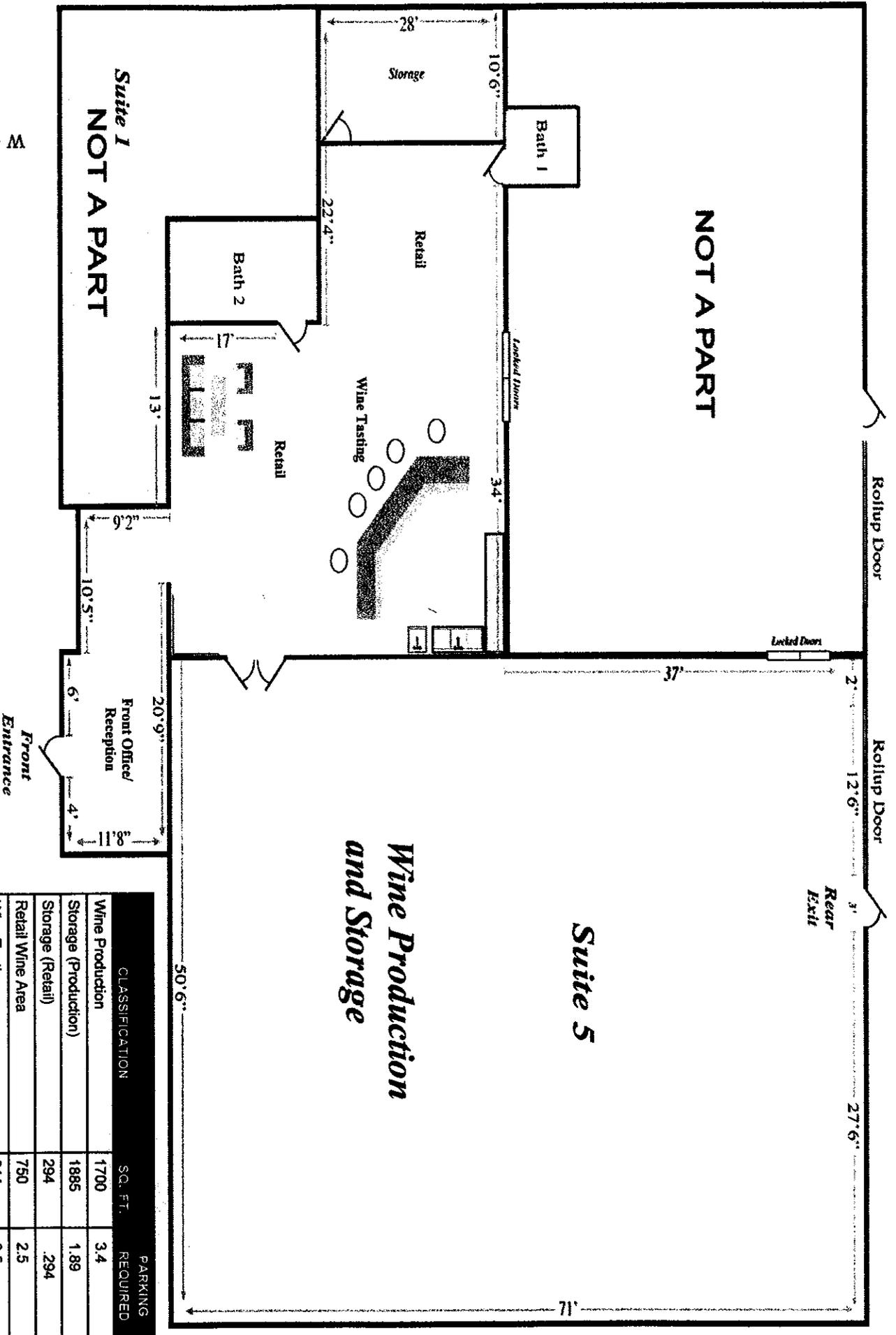
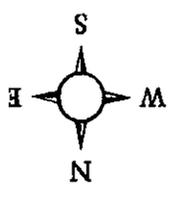


Zone Map

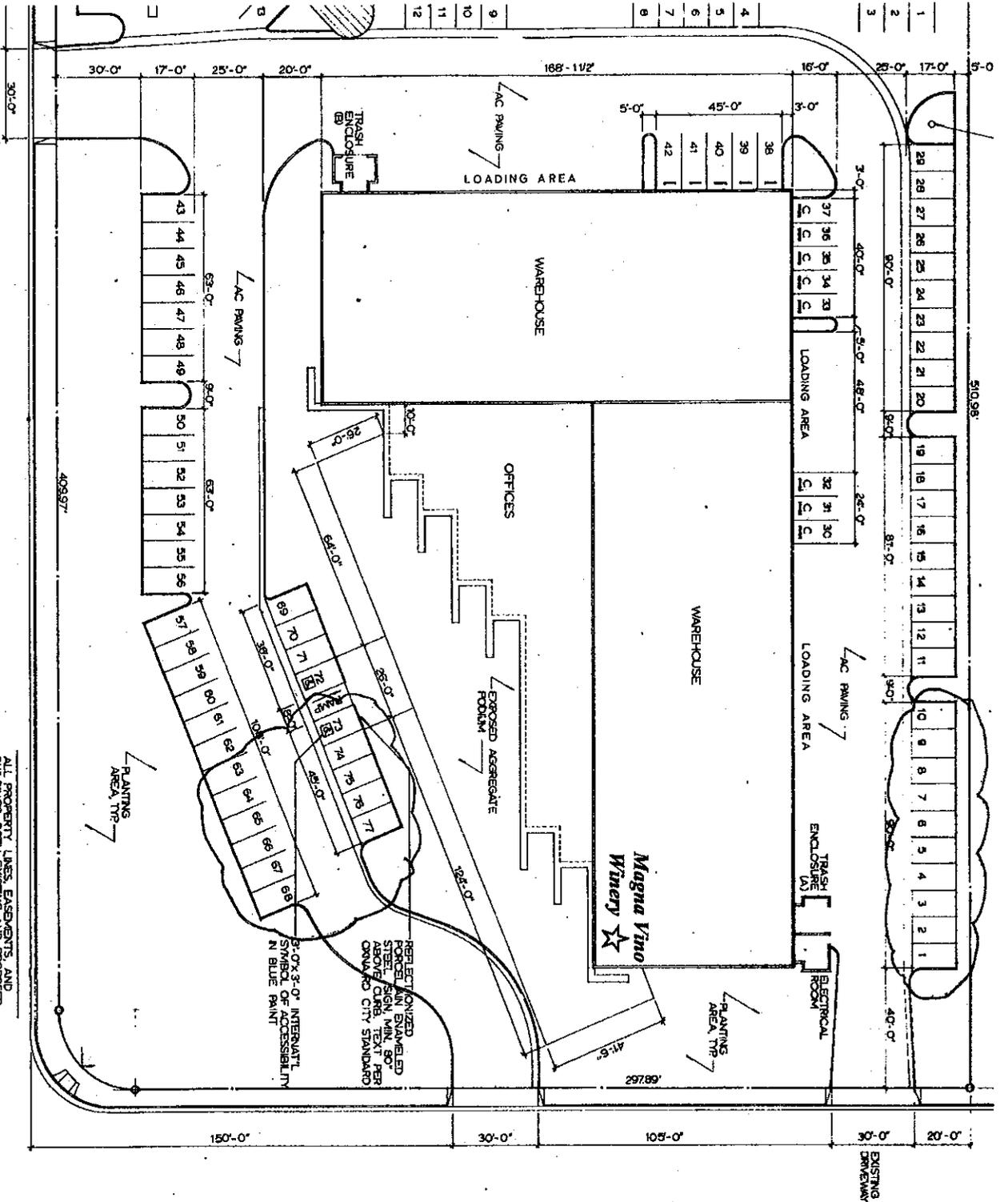


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Attachment “B”: Reduced Plans



CLASSIFICATION	SQ. FT.	PARKING REQUIRED
Wine Production	1700	3.4
Storage (Production)	1885	1.89
Storage (Retail)	294	.294
Retail Wine Area	750	2.5
Wine Tasting	644	8.5
Office/Reception	205	1
TOTAL PARKING REQUIRED	5614	18
PARKING PROVIDED		21



RICE AVENUE

LATIGO AVENUE

Magna Vino
Winery

ALL PROPERTY LINES, EASEMENTS, AND SETBACKS BOTH EXISTING AND PROPOSED ARE SHOWN ON THIS SITE PLAN.

REFLECTORIZED PORCELAIN ENAMELED STEEL SIGN WITH 80° ABOVE CURB, TEXT PER OXNARD CITY STANDARD

8'-0" X 3'-0" INTERNATIONAL SYMBOL OF ACCESSIBILITY IN BLUE PAINT



MAGNA VINO
SITE PLAN
SCALES AS NOTED

MAULHARDT
INDUSTRIAL CENTER

S.W. CORNER OF LATIGO
AND RICE AVENUES
OXNARD, CALIFORNIA

A1

Attachment "C": Notice of Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 09-510-06 (Special Use Permit) a request to allow wine tasting and the sale of wine for off-site consumption at a proposed winery located at 961 North Rice Avenue, Unit Five. Filed by Elizabeth Callahan, EDCO, 400 East Esplanade Drive, Suite 301, Oxnard CA 93036, on behalf of the property owner.

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).

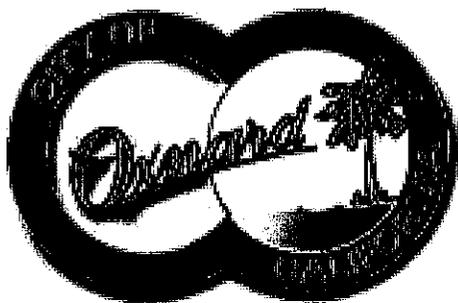
- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15301 of the California Code of Regulations, projects involving "...the operation, ...permitting, leasing, licensing, ... of existing public or private structures, and facilities, ... involving negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. The proposed project is a request for the addition of beer and wine to the menu of an already permitted restaurant. It does not involve any new development, or expansion of building or floor area. 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: October 23, 2009

To: Douglas Spondello, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 961 N. Rice Avenue #5 (Magnavino Winery) **PZ 09-510-06**

Site Information:

The proposed site is located at the southwest corner of Rice Avenue and Latigo Avenue in the Maulhardt Industrial Center. The suite is situated at the northernmost end of the complex and the front doors open to the parking lot facing east to Rice Avenue. There is additional parking to the rear of the building where there are pedestrian access doors and a large, roll-up delivery door.

Other uses at the industrial complex include an insurance agency, an outpatient therapy center, computer repair, and baseball batting cages. There are no similar alcohol outlets within 350 feet of the site and no ABC-licensed establishments of any kind within 1000 feet. The nearest residences are approximately 1000 feet west of the site along Graves Avenue.

The site is generally bordered by Latigo Avenue to the north, Rice Avenue to the east and commercial uses to the south and west. The applicant has proposed to use a portion of the facility to manufacture, sell and store their own wine products and to use a Type-02 (Winery) Alcoholic Beverage Control license to offer on-site tastings and off-site retail sales of their alcohol products.

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 125 during the same 12-month time period. This is

approximately 7% higher than the average crime rate citywide and is not considered to be significant. Property crimes and commercial burglaries northeast of the site were the most frequently reported incidents and the number of incidents that listed alcohol as a contributing factor were far 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:

The Beat Coordinator for the area surrounding the proposed site had no significant concerns regarding the proposed use. He said the area is generally not considered to be a policing problem and the majority of reported incidents tend to be property crimes that are generally minor in nature. There was a recent surge in commercial burglaries and thefts to several of the industrial businesses and parked vehicles throughout the area but that issue has subsided and should not be aggravated by the proposed use.

Typically, wineries of this type pose a very little risk to the surrounding community as long as they are operated responsibly and comply with community standards. This is partly due to the fact that the privileges permitted by the Type-02 (Winery) license have been effectively regulated by the state and sales or service to the general public for on-site consumption has been limited to "tasting" sizes only (typically one or two ounces each). Wine may be served by the full glass only during private events that are not open to the public. This regulation helps to ensure the location remains a true tasting site for the purposes of sampling the products offered by the winery rather than to potentially devolve into a "wine bar" where customers can sit for hours consuming wine by-the-glass while not being required to offer any food or other beverage services. This type of use would not be desirable or appropriate for the site and in the past, would not be permitted by state regulation anyway.

However, as of January 2010, a new law will permit all Type-02 and Type-02 Duplicate licensees to serve wine by the glass at all times (even free of charge) whether open to the general public or during private events. While many wineries may choose to continue to offer only smaller, sample sizes, there would be no regulation requiring them to do so and at any time may sell wine by the full glass. This would be tantamount to permitting a conventional bar to operate at the site as there would be no food service requirement or other risk-reducing factors necessary to serve guests full-sized drinks. Rather than rely upon the business to self-regulate and choose not sell by the glass, the Police Department strongly recommends conditioning the business to comply with the previous regulations which permits "tasting" sizes only and allows the service of full glasses of their products only during such times that there are private events or when there is a bona-fide restaurant facility being operated at the site.

Lastly, the Type-02 license generally limits the sale and service of alcoholic beverages to those items being produced solely by the licensed winery. However, alcohol from other sources may be served during private events not open to the public. Wineries may serve any beer or wine product from any source during these private events. This type of use is not necessarily a serious concern

of the police department rather than a point to consider when deciding the appropriateness of granting the permit and how it may impact the surrounding area.

Community Input:

The Police Department visited several nearby businesses to determine appropriate compatibility and there were no significant concerns from any of the persons we spoke with. Some minor items of concern were discussed including the potential conflict with the primarily youth-serving batting cages in the same complex. Employees suggested the rear doors to the winery be closely monitored or remain closed as young people often loiter around the complex as they go to and from the facility. It is not uncommon for persons to gather to the rear of the complex where stored alcohol products may be easily accessible if not secured or carefully monitored. The conditions recommended below address this issue

The Responsible Alcohol Policy Action Coalition (RAPAC) will be contacted by the Police Department prior to the Planning Commission hearing so they may provide any comments at the hearing if necessary.

Conclusion:

The statistical analysis shows the area to have a crime rate that is approximately 7% higher than the city-wide average and is not considered to be a policing problem. Disturbance calls and those involving alcohol are well below citywide average and there is no issue of an undue concentration of alcohol outlets.

Due to a recent change in the law, the Licensee will have the option to serve full glasses of wine at all times and can even give the alcohol to guests free of charge. This type of use is not desirable to the Police Department as it would permit the business to operate as a wine bar if they so choose. This issue has been discussed with the applicant and we have included conditions to directly address our concerns.

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

Police Standard Operating Conditions

- 1) Permittee and all sellers or servers of alcoholic beverages 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. (PL/PD)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) When security personnel are present or required, 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.
- 4) 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)
- 5) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no on-site alcohol service areas, other than those designated as tasting areas, which are designed or used as a standing area only or as a combined standing and seating area.
- 6) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)
- 7) 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. The display of official business names or logos that have alcoholic beverage names included in them is permitted (PL/PD)
- 8) Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)

- 9) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged. (PD)
- 10) Alcoholic beverages served in containers other than their original packaging shall be served in standard sizes, not greater than 32 oz. that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts.
- 11) 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 and other adjacent areas under Permittee's reasonable control. (PD)
- 12) If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly permitted through the City of Oxnard Planning Department and the Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
- 13) 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)
- 14) 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)
- 15) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
- 16) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
- 17) 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)
- 18) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

- 19) 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)
- 20) No pay phone on the exterior of the premises within 100 feet of the front door shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 21) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 22) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 23) 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)
- 24) Prior to issuance of Certificate of Occupancy, Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 25) Permittee shall bolt down or otherwise secure all cash registers counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 26) If the project property is already occupied or use has already been initiated, Permittee shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-9)
- 27) 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) Displays or storage of alcoholic beverages shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy or unobstructed path to any entry or exit. (PD)
- 2) During all hours of retail sales, the showroom containing alcoholic beverages shall be adequately monitored by employees and the sales area shall not be left unattended.

Buzzers, bells or other sounding or warning devices that alert employees when a customer has entered the business shall not be considered a replacement for adequate monitoring and visual observation of the retail area. (PD)

- 3) No alcohol shall be offered to the general public completely free of charge. A nominal fee that is consistent with the industry standard shall be charged for all wine tasting or sampling. At the discretion of the Permittee, the fees may be refunded or credited to the customer as long as the customer purchases bottled wine for off-site consumption at the time of the tasting. Customers that are members of "wine clubs" or who are participating in other promotional programs that require the customers to purchase a predetermined amount of product throughout the year may, at Permittee's discretion, have the fee waived. Permittee shall keep accurate records of those persons participating in such promotional programs and make them available to the Police Department upon demand. (PD)
- 4) It shall not be a violation of any condition above that prohibits the consumption of alcohol by on-duty employees as long as the consumption is for the purposes of quality control only and the sample size is consistent with industry standards (typically one ounce). At no time shall any employee become impaired or intoxicated while working. (PD)
- 5) During such times that the business is open to the general public, alcoholic beverages served for on-site consumption shall be limited to sampling or tasting sizes that are consistent with the industry standard and shall not be served by the full glass (typically six ounces). Standard sized alcoholic beverages may be served to guests during private events only as per the terms of the California Alcoholic Beverage Control Type-02 license.
- 6) 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 operational necessities does not constitute a violation. (PD)

Attachment “E”: Resolution

RESOLUTION NO. PZ 09-510-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-510-06 (SPECIAL USE PERMIT), TO ALLOW WINE TASTING AND THE SALE OF WINE FOR OFF-SITE CONSUMPTION AT A PROPOSED WINERY LOCATED AT 961 NORTH RICE AVENUE, UNIT FIVE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY ELIZABETH CALLAHAN, EDCO, 400 EAST ESPLANADE DRIVE, SUITE 301, OXNARD, CA 93036, ON BEHALF OF THE PROPERTY OWNER.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 09-510-06, filed by Elizabeth Callahan on behalf of the property owner, 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 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 proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied.
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 16-545 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 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 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. Prior to placing or constructing any signs on the project property, Permittee shall obtain a sign permits from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
 7. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
 8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
 9. 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)
 10. 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)
 11. 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

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*).

POLICE DEPARTMENT STANDARD CONDITIONS

15. Permittee and all sellers or servers of alcoholic beverages 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. (PL/PD)
16. 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)
17. When security personnel are present or required, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
18. 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)
19. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no on-site alcohol service areas, other than those designated as tasting areas, which are designed or used as a standing area only or as a combined standing and seating area. (PD)
20. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)
21. 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. The display of official business names or logos that have alcoholic beverage names included in them is permitted (PL/PD)

22. Sales of alcohol shall not occur between the hours of 12:00 a.m. and 6:00 a.m. (PL/PD)
23. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged. (PD)
24. Alcoholic beverages served in containers other than their original packaging shall be served in standard sizes, not greater than 32 oz. that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts. (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 and other adjacent areas under Permittee's reasonable control. (PD)
26. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly permitted through the City of Oxnard Planning Department and the Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
27. 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)
28. 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)
29. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
30. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
31. 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)
32. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

33. 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)
34. No pay phone on the exterior of the premises within 100 feet of the front door shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
35. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
36. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
37. 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)
38. Prior to issuance of Certificate of Occupancy, Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
39. Permittee shall bolt down or otherwise secure all cash registers counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
40. If the project property is already occupied or use has already been initiated, Permittee shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-9)
41. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE DEPARTMENT SPECIAL CONDITIONS

42. Displays or storage of alcoholic beverages shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy or unobstructed path to any entry or exit. (PD)
43. During all hours of retail sales, the showroom containing alcoholic beverages shall be adequately monitored by employees and the sales area shall not be left unattended. Buzzers, bells or other sounding or warning devices that alert employees when a customer has entered the business shall not be considered a replacement for adequate monitoring and visual observation of the retail area. (PD)
44. No alcohol shall be offered to the general public completely free of charge. A nominal fee that is consistent with the industry standard shall be charged for all wine tasting or sampling. At the discretion of the Permittee, the fees may be refunded or credited to the customer as long as the customer purchases bottled wine for off-site consumption at the time of the

tasting. Customers that are members of "wine clubs" or who are participating in other promotional programs that require the customers to purchase a predetermined amount of product throughout the year may, at Permittee's discretion, have the fee waived. Permittee shall keep accurate records of those persons participating in such promotional programs and make them available to the Police Department upon demand. (PD)

45. It shall not be a violation of any condition above that prohibits the consumption of alcohol by on-duty employees as long as the consumption is for the purposes of quality control only and the sample size is consistent with industry standards (typically one ounce). At no time shall any employee become impaired or intoxicated while working. (PD)
46. During such times that the business is open to the general public, alcoholic beverages served for on-site consumption shall be limited to sampling or tasting sizes that are consistent with the industry standard and shall not be served by the full glass (typically six ounces). Standard sized alcoholic beverages may be served to guests during private events only as per the terms of the California Alcoholic Beverage Control Type-02 license.
47. 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 operational necessities does not constitute a violation. (PD)

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

AYES:

NOES:

ABSENT:

Deirdre Frank, Chair

ATTEST: _____
Susan L. Martin, Secretary