



Meeting Date: 10-5-10

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

Prepared By: Juan Martinez Associate Planner *jm* Agenda Item No. 0-1

Reviewed By: City Manager *[Signature]* City Attorney *SMT* Finance *[Signature]* Other (Specify) Police Dept *[Signature]*

DATE: September 16, 2010

TO: City Council

FROM: Susan L. Martin, AICP Planning Manager *[Signature]*
Development Services Department

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

RECOMMENDATION

That City Council accepts and review status report prepared by the Police Department.

DISCUSSION

On October 1, 2009, the Planning Commission adopted a resolution approving a special use permit to allow alcohol to be catered and served at certain events held within an existing 20,000 (approx) square foot assembly hall located at the subject address. On November 17, 2009, City Council upheld the Planning Commission's decision and approved the applicant's request to allow alcohol to be catered within the premise. At the time the special use was approved, the City Council requested that a six-month and one-year status report to make sure that the location did not become a nuisance once alcohol was allowed at the site.

The police report analyzes and provides 6-month comparisons. Although, the Police report shows that "total calls for service" and "disturbance-related" calls were down nearly 50-percent, the lack of parking has been an issue and the Police report sites four letters received by Ed Gurrola, an adjacent property owner. The letters describe and analyze parking issues. However, the 2003, special use permit established facility occupancy to a maximum of 650 persons and the 2009 major modification approval did not propose to intensify existing conditions as they related to parking.

The Planning Commission staff report (Attachment 2) provides application details and complete analysis of the initial application.

FINANCIAL IMPACT

None.

Attachment:

1. Police report w/ Letters
2. PC Staff Report (October 1, 2010)
3. CC Staff Report (November 4, 2010)
4. CC Resolution No. 13,749 (Upholding Planning Commission Approval)
5. Vicinity Map



Police Department
John Crombach, Chief of Police

August 25, 2010

To: Juan Martinez, Associate Planner
From: Cliff Waer, Senior Officer
Subject: 451 W. Hueneme Road (El Rodeo Community Center)

Per City Council request, I have prepared a six-month status report regarding the activity at the El Rodeo Community Center located at 451 W. Hueneme Road. This request was made by Mayor Holden at the time the Special Use Permit was amended in November, 2009 and was intended to make sure the location did not become a nuisance once alcohol was allowed at the site. The site had previously been in operation as a banquet hall for public and private events but had a condition in the SUP that prohibited alcohol from being served. The SUP was ultimately amended to allow alcohol to be catered to the site providing they adhere to the additional conditions of the SUP such as the requirement to obtain Police Department approval for each event through the "One Day Event Permit" process.

The Police Department reviewed all calls for service to the business for the first six months of 2010 and compared that to the last six months of 2009 (when alcohol was generally not available). The number of calls for service to the business from January-June 2010 was approximately half the total for the previous six month period. Both "total calls for service" and "disturbance-related" were down nearly 50%.

Review Period	Total Police Calls	Disturbance Related
Jan-June 2009 <i>(no alcohol)</i>	7	3
July-Dec 2009 <i>(no alcohol)</i>	17	10
Jan-June 2010 <i>(alcohol permitted)</i>	9	5

The Beat Coordinator advised that the location has not been a policing problem and that frequent "bar checks" by patrol officers during events have not resulted in any violations. The Police Department continues to review each event through the "One day Event Permit" process which allows us to further regulate the operations if necessary.

The lack of adequate parking has been the primary issue and the Police Department has received four letters of complaint from Mr. Ed Gurrola, who is the owner of the commercial properties adjacent to the El Rodeo. Mr. Gurrola cited two separate events in June and August that have resulted in overflow parking onto his property. He is also concerned that that customers are routinely forced to park along busy city streets which he feels presents an unsafe condition for the pedestrians. Mr. Gurrola has noted a few other minor conditional violations which are being investigated by the Police Department and will be resolved soon. Copies of each of the letters of complaint are attached for review.

The Police Department does not consider the site to be a nuisance as calls for service are comparatively low and disturbances are few. The availability of alcohol has not resulted in a significant increase in problems and police calls for service are consistent with 2009 totals when alcohol was not permitted. The parking issues remain a concern but conflicts have been limited with only two reported incidents in the past six months. The Police Department will continue to work together with the owner to resolve any issues that may arise and ensure the business does not become problematic or have a negative impact on the surrounding area.

Ed and Elaine Gurrola

4101 Romany Drive • Oxnard, California 93035-2927 • Phone: (805) 985-0997

June 29, 2010

Officer Cliff Waer
Oxnard Police Department
251 S. C Street
Oxnard CA 93030

RECEIVED

JUN 29 2010

PLANNING DIVISION
CITY OF OXNARD

RE: Resolution Number 13,749 - November 17, 2009 (El Rodeo)

Dear Officer Waer,

I understand that you are compiling a report to the City Council relative to the Rodeo Community Center's performance during the past six months.

Please be advised that my two centers are still impacted with the Rodeo's overflow parking whenever they have capacity crowds, as happened a few days ago on June 25, 2010. Overflow parking commenced about 9pm and continued until 2am. On-street highway parking spaces were filled from Bay Marina Center's Hueneme Road entrance, all the way to J Street. In my previous communications with the city I have voiced my concern relative to the safety of Rodeo's patrons who are forced to park on highway parking space. There were no security guards at the Rodeo's Perkins Road parking lot entrance.

Even though there is a signal light at the corner of Perkin's and Hueneme Road, that area is a dangerous safety hazard zone. The highway light standard in place there has a history of being demolished. Last week it was destroyed again. A quick call to the traffic or street department who is responsible for light post replacement will give you the number of times the street light servicing that corner has been demolished.

In your police report to the City Council on November 17, 2009, you clearly described the Rodeo's parking situation. You pointed out: "...the parking lot is woefully inadequate when they have a capacity crowd. This has caused some conflict with neighboring uses as guests of El Rodeo park in adjoining shopping centers. This is an issue we have been working to resolve but there are simply too few parking spaces available." **There are only 171 parking spaces to service the entire Rodeo shopping center complex.**

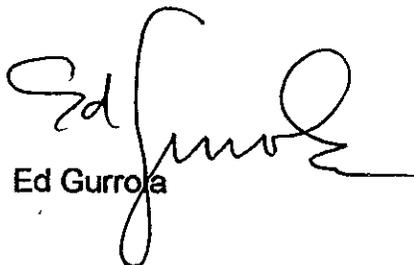
There is no solution to this problem under the existing 650 occupancy limit. Please remember that there are seven other businesses that share the Rodeo parking lot with Mr. Espino. The only solution would be to limit occupancy to 300 and to permanently post a security guard at

ATTACHMENT 1
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the Rodeo's Perkins Road parking lot entrance to direct Rodeo patrons not to park on my lots. For you information, your Police Operating Condition Item 18, Pay Phones, has been continuously violated by Espino. He has an exterior pay phone 43 feet from the front door.

Please feel free to call me.

Very truly yours,



Ed Gurroja

CC: Mayor Tom Holden
Councilwoman Dr. Irene Pinkard
Councilman Andres Herrera
Councilman Dean Maulhardt
Councilman Bryan MacDonald
Associate Planner Juan Martinez ✓

Ed and Elaine Gurrola

4101 Romany Drive • Oxnard, California 93035-2927 • Phone: (805) 985-0997

July 7, 2010

Officer Cliff Waer
Oxnard Police Department
251 S. C Street
Oxnard CA 93030

RE: Resolution Number 13,749 - November 17, 2009 (El Rodeo)

Dear Officer Waer,

The paramount problem with Mr. Espino's Rodeo activity is the lack of Rodeo off-street parking for its patrons during major events. I'm taking the liberty of providing you with some facts, that you may or may not be aware of. I hope they will provide you with some input when you compile your report.

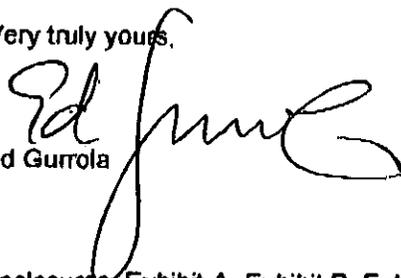
It was during the early part of this year, 2010, that I became aware of the fact that Mr. Espino had gone to the city on April 14, 2008 and terminated his Rodeo "billiards hall" use. He applied for a new business permit on that same date which was that of "assembly" use.

When Mr. Espino applied for his original business license on November 15, 2002, it was for a "billiards hall" use. In staff's report dated June 5, 2003 page 4, Item d, "Circulation and Parking Analysis... the off-street parking requirements of a billiards hall... required that the applicant provide 142 spaces." Copy of page 4 is provided for your convenience. See Exhibit C. When he terminated the billiard hall use on April 14, 2008, he relinquished that 142 space requirement, under which he had obtained the original business license. See Exhibit A. Under the new business license dated April 14, 2008, he clearly confirms that the building is to be used as a "banquet hall... public dancing... etc." A copy of that land use permit application is enclosed for you convenience. See Exhibit B.

The parking requirement for banquet halls, etc., is covered under city code off-street parking requirements, under Miscellaneous (44) which requires one (1) parking space for each 35 s.f. of **GROSS FLOOR AREA**. The Rodeo is a 20,300 s.f. structure divided by 35 s.f., requiring that applicant provide 580 off-street parking spaces. Exhibit D is the attached code for you review. Mr. Juan Martinez of the Planning Department is aware of the assembly type use of the Rodeo.

Mr. Espino just doesn't have enough parking spaces for his Rodeo "assembly" type use.

Very truly yours,


Ed Gurrola

Enclosures: Exhibit A, Exhibit B, Exhibit C, Exhibit D

CC: Mayor Tom Holden
Councilwoman Dr. Irene Pinkard
Councilman Andres Herrera
Councilman Dean Maulhardt
Councilman Bryan MacDonald
Associate Planner Juan Martinez ✓

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Ed and Elaine Gurrrola

4101 Romany Drive • Oxnard, California 93035-2927 • Phone: (805) 985-0997

8/17/2010

Officer Cliff Waer
Oxnard Police Department
251 S. C
Oxnard, Ca 93030

Ref: Resolution 13,749
11/17/2009 (El Rodeo)

Dear Officer Waer:

For the past several weeks Mr. Espino has allowed an outdoor barbecue to operate on his premises, but not in conformance with the conditions imposed on him under "Planning Special Conditions" pages 24 and 25, Items 12 and 19, enclosed for your convenience.

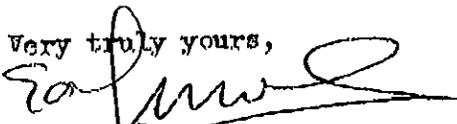
Several says ago I took the liberty of taking 2 photos of the BBQ "set-up" that he has been using. It is unscreened and is positioned immediately in front of the building's main entrance. He also has a table with seating immediately in the outdoor alcove of the main entrance. According to Item 12, permittee shall provide seating inside for persons purchasing BBQ food.

The BBQ can be seen as far away as Saviers Road. Page 10, enclosed, shows where BBQ is to be positioned. Where is the screening? It looks very "tacky" and does not convey a good impression to visitors to Oxnard and the general public.

I just finished paying \$5000 to have the entire Ormond Beach Center painted. I will begin painting the Bay Marina Center on Thursday. I am thoroughly frustrated with Mr. Espino's "cavalier" approach in not following the city's mandated permit conditions. It seems that he ignores conditions until he is caught!

Further, Item 12 mandates that the outdoor barbecue not operate in conjunction with any other scheduled activity or event. Please be advised that when he promotes a public dance, he operates his BBQ in the back parking lot of his building, in direct defiance of Item 12 condition.

Very truly yours,


Ed Gurrrola

CC: Mayor Tom Holden, Irene Pinkard, Andres Herrera, Dean Maulhardt, Bryan MacDonald, Juan Martinez

Enc: Pages 10, 24 and 25 of Resolution
2 Photos of BBQ location

ATTACHMENT 1

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Ed and Elaine Gurrola

4101 Romany Drive • Oxnard, California 93035-2927 • Phone: (805) 985-0997

August 25, 2010

Officer Cliff Waer
Oxnard Police Department
251 S. C Street
Oxnard CA 93030

Re: Resolution 13,749
11/17/2009 (El. Rodeo)

Dear Officer Waer,

On August 20, 2010 the Rodeo featured a popular Mexican singer by the name of Ramon Ayala. Again the Rodeo had an extreme overflow parking crowd that occupied my two shopping centers. Judging from the heavy traffic congestion, it is estimated that the Rodeo occupancy limit of 650 was greatly exceeded. In my estimation, the Rodeo attendance was between 900-1000. Patrons were still going to the Rodeo after 11:30pm.

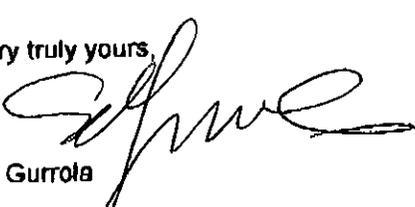
As you may be aware, the Hueneme Road highway directly in front of the Rodeo, and extending from close to Courtland Drive all the way west to J Street, is under construction and the city has posted "No Parking at any time" signs. In effect, you have a one lane road going westward to Port Hueneme. There were at least 100 overflow Rodeo patrons parking their cars there- completely ignoring the "No Parking" signs. Many of the Rodeo overflow patrons were even "jumping" their cars over the city sidewalk curb to park in my barricaded vacant lot which is located between the La Cita and my Bay Marina complexes. I notified the police dispatcher of this situation at about 11pm.

In past communications with you, I have apprised you of the extremely dangerous highway parking situation and of the Rodeo patrons illegally parking on my two centers. I believe that you are placing the city of Oxnard in an extremely vulnerable liability position, in the first scenario above, should a Rodeo patron be injured or even killed. It is not a question as to whether an accident will occur, but rather, when!

You have had the authority each time Mr. Espino requested a permit, to reduce the Rodeo's large occupancy limit sufficiently, which would eliminate this ongoing problem. This problem is not going away, it can only get worse. As I see it, the solution is directly in your hands! Should a fatality or major accident occur, the question will be asked as to why someone didn't do something to avoid such a situation.

On this same night of August 20, there was a self contained mobile catering vehicle about 10 ft. long by 5 ft. wide, with ample room inside for the food dispenser to stand erect. It was parked directly under my parking lot light standard, closest to Perkins Road. When I arrived at the center about 10:30pm, I chased the caterer off. The catering unit was so large that it had to be towed away by a pickup. On the lower left corner of the unit, the address of 451 W. Hueneme Road (Rodeo's) was neatly painted. Please advise Mr. Espino to keep his unit off my property. Incidentally, the pay phone I reported to you, that was about 35 ft. from the Rodeo's entrance has been removed.

Very truly yours,


Ed Gurrola

CC: Mayor Tom Holden
Councilwoman Dr. Irene Pinkard
Councilman Andres Herrera
Councilman Dean Mauhardt
Councilman Bryan MacDonald
Associate Planner Juan Martinez ✓

ATTACHMENT 1
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Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: October 1, 2009

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

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

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

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

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

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving existing facilities where there is negligible or no expansion of use may be found to be exempt from the requirements of CEQA. This proposal would not affect approved occupancy levels and would only amend an existing special use permit condition prohibiting alcohol availability. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (See Attachment D).

6) Analysis:

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

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

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

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

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

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

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

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

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

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

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

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

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Police Report
- D. Resolution No. 2003-77, (PZ 02-520-09-SUP)
- E. Notice of Exemption
- F. Resolution

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



Meeting Date: 11/17/2009

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

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

Reviewed By: City Manager *gpb*, City Attorney *SMF*, Finance *JC*, Other (Specify) _____

DATE: November 4, 2009

TO: City Council

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

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

RECOMMENDATION

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

DISCUSSION

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

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

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

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

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

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

FINANCIAL IMPACT

None.

Attachment:

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

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

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,749

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

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

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

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

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

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

1. The proposed use is in conformance with the 2020 General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to uphold the Planning Commission's decision of October 1, 2009 approving Planning and Zoning Permit No. 09-550-06 (Major Modification To Special Use Permit 020-520-09) subject to the findings and conditions set forth in Planning Commission Resolution No. 2009-37, on file in the Planning Division, and incorporated herein by reference, and subject to the following additional condition identified as No. 46 (Number follows last sequential reference number of Resolution No. 2009-37):

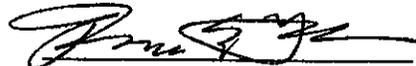
46. Permittee or designee shall closely monitor on-site parking conditions during event hours to avoid potential parking impacts that may affect nearby properties. (PL,PD)

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

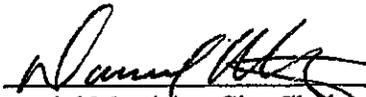
AYES: Councilmembers Holden, Maulhardt and Pinkard.

NOES: Councilman MacDonald.

ABSENT: Mayor Pro Tem Herrera.

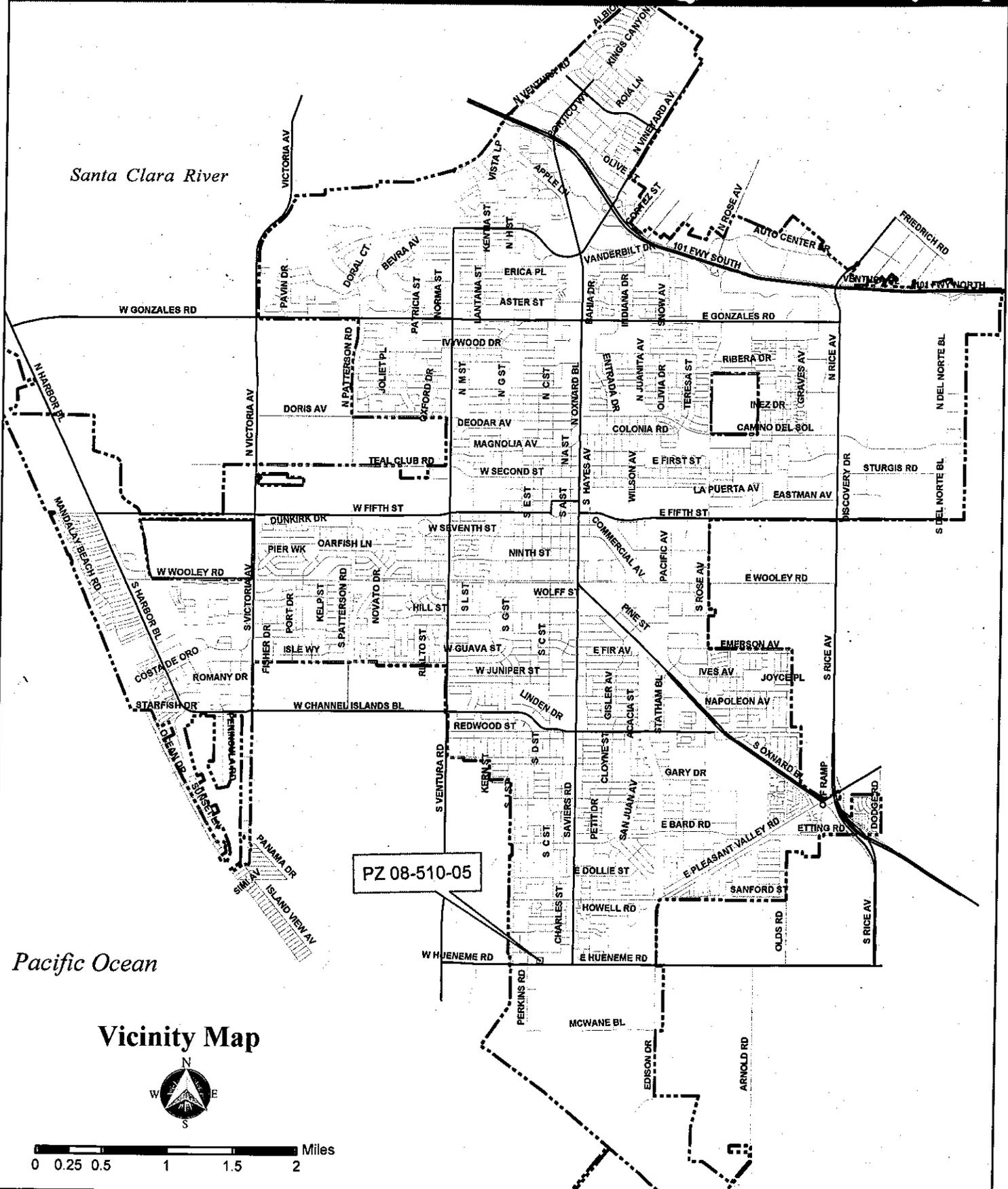

Dr. Thomas E. Holden, Mayor

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Alan Holmberg, City Attorney



PZ 08-510-05

Pacific Ocean

Vicinity Map



PZ 08-510-05
 Location: 451 W Hueneme Rd
 APN: 222008257
 El Rodeo Community Center

ATTACHMENT 5
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