



Meeting Date: 11 / 09 / 10

| 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 (Info/consent) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

Prepared By: Juan Martinez, Associate Planner *JM* Agenda Item No. K-2

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

DATE: October 28, 2010

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager
Development Services Department

SUBJECT: Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), Play Billiards 658 South A Street

RECOMMENDATION

That City Council adopt a resolution approving Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), subject to the findings set forth in Planning Commission Resolution No. 2010-32.

DISCUSSION

On October 7, 2010, the Planning Commission adopted Resolution No. 2010-32 recommending that City Council approve the major modification request by Play Billiards. This request proposes to amend the subject special use permit by deleting conditions number 6 and 10, and amending condition No. 9 of City Council Resolution No. 10,920 adopted in 1995. In particular, conditions 6 and 10 restricting the location of alcohol availability and require uniformed security guards during weekend business hours. The applicant also requests, modifying condition 9 to extend the permitted hours of alcohol sales to 1:30A.M. No physical changes are proposed to the existing business location.

The Planning Commission adopted a resolution recommending City Council approval of the major modification request in a four to zero vote, with two members of the Planning Commission absent.

The Planning Commission staff report (Attachment 2) and the Police Department report (Attachment 3) provides a detailed analysis and information regarding the proposed amendment.

FINANCIAL IMPACT

None.

Attachment

1. Resolution
2. Planning Commission Staff Report Dated October 7, 2010 w/out Attachments
3. Police Report (Dated September 23, 2010)
4. Planning Commission Resolution No. 2010-32 (MJMD to SUP 1517)
5. Planning Commission Meeting Minutes (October 7, 2010)
6. Vicinity Map

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD TO APPROVE PLANNING AND ZONING PERMIT NO. 10-510-04 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 1517) TO AMEND THE SUBJECT SPECIAL USE PERMIT BY DELETING CONDITION NOS. 6 AND 10, AND AMENDING CONDITION NO. 9 OF CITY COUNCIL RESOLUTION NO. 10,920 TO MODIFY CONDITIONS RESTRICTING THE SALE AND SERVICE OF BEER AND DELETE UNIFORM SECURITY GUARD REQUIREMENTS WITHIN THE EXISTING BUSINESS (PLAY BILLIARDS) LOCATED AT 658 SOUTH A STREET. FILED BY STEVE CHOY 658 SOUTH A STREET, OXNARD, CA 93030.

WHEREAS, on October 7, 2010, the Planning Commission adopted Resolution No. 2010-32, recommending that the City Council approve Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit 1517), filed by Steve Choy, Play Billiards; 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. 10-510-04 (Major Modification to Special Use Permit 1517); and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2010-32, recommending approval of Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit 1517), subject to certain conditions; and

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

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Planning and Zoning Permit No. PZ 10-510-04 (Major Modification to Special Use Permit No. 1517) is approved, subject to the conditions set forth in Planning Commission Resolution No. 2010-32, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of November 2010, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: October 7, 2010

SUBJECT: Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), Play Billiards 658 South A Street

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that City Council approve Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), subject to certain findings and conditions.
- 2) **Project Description and Applicant:** The proposal requests to modify certain conditions pertaining to the sales and service of alcoholic beverages. In particular, conditions restricting hours of alcohol sales availability, security guard requirements, and prohibitions within the establishment. Play Billiards is located at 658 South A Street, within the Central Business District (CBD). Filed by Steve Choy, Play Billiards 658 South A Street, Oxnard, CA 93030.
- 3) **Existing & Surrounding Land Uses:** Play Billiards is located on the northeast corner of Seventh Street and A Street, within the Central Business District (CBD) zone.

| DIRECTION | ZONING | GENERAL PLAN LAND USE DESIGNATION | EXISTING LAND USE |
|--------------|--------|-----------------------------------|--------------------------------------|
| Project Site | CBD | Central Business District | Play Billiards |
| North | CBD | Central Business District | City Parking Lot and Church |
| East | CBD | Central Business District | Miramar Night Club |
| South | CBD | Central Business District | Commercial Retail Stores |
| West | CBD | Central Business District | Residential (Ground Level Mixed Use) |

- 4) **Background Information:** In accordance, with the approved special use permit, the premise is currently licensed and permitted to operate a billiards hall and arcade center. In September of 1993, City Council adopted Resolution No. 10,632, upholding the Planning Commission’s approval of Special Use Permit No. 1517 to permit the operation of the billiards and arcade center. Condition 22, of the resolution prohibited the sale and consumption of alcoholic beverages and Condition 23 restricted business hours to no later than 1:00 a.m.

In June of 1995, City Council adopted Resolution No. 10,920, approving a major modification to Special Use Permit No. 1517 to delete Condition Nos. 22 and 23 and amending Condition No. 28 to permit the sale and consumption of beer on the subject premise. With the removal of Condition No. 23, the business began operating on a 24-hour basis. In addition, 14 additional operating conditions were added to the special use permit.

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 existing special use permit conditions limiting hours and locations of alcohol service within the establishment, and the security guard requirement. 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 is requesting removal of condition Nos. 6 and 10, and text changes to Condition No. 9. The premise is currently prohibited to sell beer after 12:00 midnight on Sunday through Thursday. Approval of the request will allow the sale of beer until 1:30 a.m. (additional hour-in-half) seven days a week. In addition, with the initial application, the applicant was also requesting to include amendments to Condition No. 8 to allow live entertainment and amplified music. However, the applicant withdrew his request to amend Condition No. 8. As such, live entertainment, amplified music, or dancing on the premise will continue to be prohibited at all times. Following is a listing of how the conditions will be affected.

Condition No. 6 (Delete)

~~Two uniform security guards shall be present at the establishment from dusk until closing during weekends and one uniformed security guard shall be required during weekends.~~

Condition No. 9 (Amended)

The sales of beer shall not occur between the hours of 1:30a.m. and 6:00a.m. ~~on Sunday through Thursday shall not be permitted after 12:00 midnight and on Friday and Saturday no beer shall be permitted to be sold after 1:30a.m.~~ ^{days}

Condition No. 10 (Deleted)

~~The consumption of beer shall not be permitted at pool tables immediately adjacent to the video arcade games.~~

b) Conformance with Zoning Development Standards: The CBD zone permits a variety of commercial serving retail/service uses. The existing billiards facility was granted a special use

permit in 1993. Approval of this application is not expected to affect established occupancy and existing parking conditions.

- 7) Police Report:** The Police Report (Attachment B) reports that the crime rate in the vicinity of the premises is approximately 20% higher than the average crime rate citywide and that it is not considered to be significant. Although, the Police Department reports that this area is generally not considered a crime problem area, there are oftentimes issues involving nighttime establishments in the area. Four nearby nightclubs operating to the east of the subject premise have been identified as having three to four times the number of police calls for service. Significantly fewer police calls for service are attributed to Play Billiards than to nearby business establishments and Play Billiards is generally not considered to be a contributing factor to nighttime problems in the area.

Although, the Police Department does not oppose the requested condition modifications additional conditions are recommended to bring this operation up-to-date on current standards (See Attachment B).

- 8) Community Input:** On Friday, July 6, 2009, the applicant mailed notices of the Community Workshop meeting to all property owners within the Hobson Park Neighborhood. In addition, the project site was posted with Community Workshop information and a brief project description along with Applicant and City contact information. The Community Workshop was conducted on Monday, July 19, 2009. Representatives from Play Billiards were present and a total of 17 persons attended the meeting. At the time of the Community Workshop meeting, the application requested changes to Condition No. 8 (CC Reso. No. 10,920) to allow live entertainment and amplified music within the premise. However, the applicant decided not to proceed with any changes to Condition No. 8. Entertainment with amplified sound raised concerns from the community and City Staff. The front door to the establishment faces a residential development across the street and representatives raised noise and potential land use conflicts. No further review or analysis was performed to permit entertainment with amplified sound, since the applicant withdrew his request on changes to Condition No. 8.

At the Community Workshop, several persons spoke in favor and against the proposed changes. Members of the Downtown District Safety attended and spoke in support of the applicant's request, stating that the establishment was under new management. District Safety stated that nearby nightclubs and bars (i.e. El Cielito Lindo, El Miramar, and El Tapatío) may be the primary contributors to nighttime related incidents in the community. The new owner was described as having a proactive approach for dealing with problems before they occur and by working closely with Downtown District Safety and the Oxnard Police Department.

Several representatives from Park Avenue Church of Christ, which lies to the north, attended the meeting and several persons from the congregation sent in written letters expressing their opposition to the proposed changes. Concerns raised by church members range from incompatibility conflicts with the church to inappropriate activities taking place outside of the premise.

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. Police Report
- C. Project Plans
- D. Notice of Exemption
- E. Community Letters
- F. City Council Resolutions (10,632 and 10,920)
- G. Resolution

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



Police Department

John Crombach, Police Chief

Date: September 23, 2010
To: Juan Martinez, Associate Planner
From: Cliff Waer, Senior Alcohol Compliance Officer
Subject: 658 S. "A" Street (Play Billiards) **PZ-10-510-4**

Site Information:

The site is located on the northeast corner of "A" Street and Seventh Street and is currently being operated as a billiard hall doing business as Play Billiards. The building is a two-story structure with multiple pool tables, snack bar and video games on the bottom floor and an expansive upstairs loft that overlooks the ground floor on three sides. The upstairs areas are currently being used for storage purposes only and are not accessible to the general public. The applicant has indicated that portions of the second floor may ultimately be utilized as an alternate gaming area but has no immediate plans to expand the current use. The front doors open west toward "A" Street and there is an additional access door that opens south to Seventh Street.

The site is generally bordered by a small church and commercial uses to the north, Seventh Street to the south, commercial to the east and "A" Street with residential to the west. The nearest residences are directly across "A" Street approximately 75 feet to the west. Other nearby uses include a small church, a restaurant with nightclub and a funeral home.

There are multiple similar uses within 350 feet of the site and many others within 1000 feet. The applicant has an active Type-40 license which is one that allows for the sale of beer only with no requirement to serve food. Minors are permitted inside the business. The applicant has requested to modify the existing Special Use Permit to allow for more flexibility on extended operational hours and to loosen the strict security requirements.

Alcohol outlets located within 350 feet of the establishment include:

| BUSINESS NAME | LOCATION | LICENSE TYPE | LICENSE TITLE | LICENSE DESC. | ALCOHOL ALLOWED |
|------------------------|---------------------|--------------|----------------------------------|----------------------|------------------------|
| 1. El Coyote | 601 S. Oxnard Blvd | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 2. Mi Hacienda | 611 S. Oxnard Blvd | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 3. Mariscos El Meson | 124 E. Fifth St. | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 4. Nuevo Carmelita | 113 E. Fifth St. | Type 40 | On-Sale Beer | Bar (minors allowed) | Beer only |
| 5. Golden Chicken Inn | 701 S. Oxnard Blvd. | Type 40 | On-Sale Beer | Bar (minors allowed) | Beer only |
| 6. Cielito Lindo | 635 S. Oxnard Blvd. | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 7. Mona Lisa | 703 S. Oxnard Blvd. | Type 42 | On-Sale Beer and Wine | Bar (no minors) | Beer and Wine |
| 8. Miramar | 653 S. Oxnard Blvd. | Type 47 | On-Sale General | Restaurant | Beer, Wine and Spirits |
| 9. El Tapatio | 663 S. Oxnard Blvd. | Type 48 | On-Sale General (Public Premise) | Bar (no minors) | Beer, Wine and Spirits |
| 10. El Pollo Norteno | 715 S. Oxnard Blvd. | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 11. El Chilito | 735 S. Oxnard Blvd. | Type 41 | On-Sale Beer and Wine | Restaurant | Beer and Wine |
| 12. La Mexicana Market | 601 S. "A" St. | Type 20 | Off-Sale Beer and Wine | Market | Beer and Wine |

Crime Statistic Review:

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

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 141 during the same 12-month time period. This is 20% higher than the average crime rate citywide and is not considered to be significant. The number of disturbance calls that listed alcohol as a contributing factor was 42%.

Police calls for service directly attributed to Play Billiards were very few with only eight calls during the most recent 12 month period. Of those calls, only three were classified as disturbance related. In comparison, the business immediately to the east of Play had more than three times the number of police calls and four times the number of disturbances.

Police Department Input:

The Beat Coordinator for the area was contacted and said the surrounding area is not generally considered to be a crime problem but that there are oftentimes issues during the nighttime hours related to the nearby nightclub activity. There are four lively clubs near the intersection of Seventh and Oxnard Boulevard and as the bars close for the night, there are often disruptions and fights as the patrons clear the area. The frequency of problems in the area has decreased significantly as the police have worked with the business owners and intensified the late night police presence. The activity at Play Billiards is generally not considered to be a contributing factor to the nighttime problems and the proposed changes to the Special Use Permit are not likely to aggravate the existing issues.

This site was once the home of a very problematic alcohol establishment where nuisance activity was abundant and the need for police intervention was a regular occurrence. Problem activity included frequent fights, narcotic violations, drunken subjects and occasional large scale disruptions requiring multiple police units to resolve. The conditions placed upon the Special Use Permit were quite severe and atypical for similar uses; however, they were necessary to help reduce problems and give the Police Department tools to change the problem behavior.

Among the conditions on the permit was a requirement there be one to two uniformed security guards every evening, regardless of whether there was entertainment or dancing. Another condition limits hours of alcohol sales and a third restricts where alcohol can be served within the business. The applicant has requested that the condition requiring security be removed and that the hours of sale be extended to 1:30 a.m. throughout the whole week. Additionally, the applicant would like to remove the condition restricting where alcohol can be served within the business.

The Police Department has carefully considered the potential impact of the proposed changes and concluded that the relatively minor changes are neither likely to aggravate existing problems nor significantly increase the risks for nuisance activity. Specifically, the Police Department is not opposed to removing condition number six (security requirements) and number ten (hours of sale) on Resolution Number 10,920 dated June twentieth, 1995. Additionally, the Police Department is not opposed to allowing the sales of alcohol to be permitted between the hours of 6:00 a.m. and 1:30 a.m. every day of the week.

The Police Department recognizes the need to properly regulate alcohol outlets to reduce the likelihood that the business may have a negative impact on the surrounding neighborhood. With a relatively new residential complex less than 100 feet from the site, responsible business practices are now more crucial than ever to ensure a peaceful coexistence. For these reasons, the Police Department recommends that certain preventative conditions be included with this amendment in order to bring the Permit up to current standards and provide the best chance for success.

Community Input:

The Police Department did not directly contact any community groups or neighborhood representatives regarding this proposal. As this item was considered, we received many individual comments both for and against the proposed changes. Concerns such as noise and other potential conflicts should be adequately mitigated by the existing and newly proposed conditions.

Conclusion:

The statistical analysis shows the area to have a crime rate that is 20% higher than the city-wide average with the most significant incidents being associated with the activity from the nearby nightclubs. The site has not been a policing problem and police calls for service are far below similar businesses adjacent to the use.

The three conditions in question were originally added to the SUP when the site was considered a nuisance and may no longer be relevant or necessary. The proposed changes are not likely to aggravate existing problems provided the applicant operates responsibly and complies with the conditions and regulations in the existing and amended Permits. Listed below are the Police Department's recommended amendments and operating conditions for the Planning Commission Resolution:

Amended Conditions

1. Condition number 6 (six) on City of Oxnard Resolution number 10,920 shall be removed.
2. Condition number 10 (ten) on City of Oxnard Resolution number 10,920 shall be removed.
3. Condition number 9 (nine) on City of Oxnard Resolution number 10,920 shall be amended to read: The sale of alcohol shall not occur between the hours of 1:30 a.m. and 6:00 a.m.

Police Recommended New Conditions

1. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements
2. 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.
3. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses.
4. 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.

5. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
6. 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)
7. 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.
8. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances.
9. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises.
10. 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.
11. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times.

RESOLUTION NO. 2010-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 10-510-04 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 1517) TO AMEND THE SUBJECT SPECIAL USE PERMIT BY DELETING CONDITION NOS. 6 AND 10, AND AMENDING CONDITION NO. 9 OF CITY COUNCIL RESOLUTION NO. 10,920 TO MODIFY CONDITIONS RESTRICTING THE SALE AND SERVICE OF BEER AND DELETE UNIFORM SECURITY GUARD REQUIREMENTS WITHIN THE EXISTING BUSINESS (PLAY BILLIARDS) LOCATED AT 658 SOUTH A STREET. FILED BY STEVE CHOY 658 SOUTH A STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a major modification to amend Special Use Permit No. 1517 by deleting Condition Nos. 6 and 10, and amending Condition No. 9 for Play Billiards, located at 658 South A Street, Filed by Steve Choy, in accordance with Sections 16-561 of the Oxnard City Code; and

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

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the Permittee agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommend that the City Council approve Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517) to delete Condition Nos. 6 and 10, and amend

Condition No. 9 to read “The sales of beer shall not occur between the hours of 1:30a.m. and 6:00a.m.”, subject to the following conditions.

Note:

The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS

| | | | |
|----|----------------------------------|----|-----------------------------|
| CA | City Attorney | PL | Planning Division |
| DS | Devt Service/Eng Devt/Inspectors | TR | Traffic Division |
| PD | Police Department | B | Building Plan Checker |
| SC | Source Control | FD | Fire Prevention Bureau/Dept |
| PK | Parks Division | CE | Code Enforcement |
| BL | Business Licensing | | |

STANDARD PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated October 7, 2010, (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. By commencing any activity related to the project or using any structure authorized by this permit, Permittee accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
4. Permittee agrees, as a condition of adoption of this resolution, at Permittee’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Permittee’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

5. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
6. Permittee shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Permittee to occupy the project, Permittee shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, G-8)
7. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
8. Prior to issuance of building permits, Permittee shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING SPECIAL CONDITIONS

9. All permit conditions (except as amended) relating to Special Use Permit No. 1517 (City Council Resolution Nos. 10,632 and 10,920) shall be adhered to and shall remain in full force and in effect. (PL)

POLICE DEPARTMENT CONDITIONS

10. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements. (PD)
11. 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 Division 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)
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. (PD)

13. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
14. 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)
15. 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)
16. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
17. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PD)
18. 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)
19. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of October, 2010 by the following vote:

AYES: Commissioners: Okada, Mullin, Medina, Dean

NOES: Commissioners: None

ABSENT: Commissioners: Elliott, Frank


Dale Dean, Chair

ATTEST: 
Susan L. Martin, Secretary

Ms. Erika Marquez spoke in opposition to the alcohol sales, as children live nearby; alcohol is already sold in the area; and there's a lot of traffic on Gonzales Road, and if someone under the influence of alcohol was merging into traffic on Gonzales, there could be an accident.

Ms. Leonor Hurtado spoke in opposition to the alcohol sales as stores nearby already sell alcohol.

Ms. Carmen Villegas spoke in opposition to the alcohol sales, as several stores nearby currently sell alcohol. She wants Oxnard to be known not only for the boxers that come from the City, but for a City that doesn't have alcohol.

Mr. Roberto Marquez spoke in favor of the project, but in opposition to the alcohol. He stated that he has seen the damage that alcohol can do to families, and he wants to keep it out of the hands of children.

Ms. Sara Dunham spoke in favor of the project.

Mr. Felipe Villegas indicated he was a beat coordinator that has worked for over a year to reduce crime associated with teenagers using drugs and alcohol in the area. He stated that there were at least six or seven places nearby that currently sell alcohol, and adding another would be a terrible problem. He stated that he was in favor of the store, but not alcohol sales.

Ms. Isabel Mejia spoke in opposition to the sale of alcohol, as there is a lot of violence in the area, and fear in crossing on the streets due to people under the influence of alcohol, and having another store selling alcohol would aggravate the problem. She stated that she was in favor of the store, but not alcohol sales.

Assistant City Attorney Fischer recommended that the Planning Commission wait until all Commissioners making the decision were present before asking questions and deliberating.

Commissioner Medina suggested that staff prepare a summary of the speaker's comments for the absent commissioners to review.

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to continue Item F-2 (PZ 10-500-01; 10-570-01; 10-510-13) to October 21, 2010. The question was called and the motion carried 3-0-1-2, Commissioner Okada abstaining, and Commissioners Elliott and Frank absent.

3. PLANNING AND ZONING PERMIT NO. 10-510-04 (Major Modification to Special Use Permit No. 1517) a request to amend a special use permit to modify certain conditions restricting sales and service of alcoholic beverages (i.e. hours of alcohol sales availability, security guard requirements, and prohibitions within the establishment). Play (billiards) is located at 658 South A Street, within the Central Business District (CBD). The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Steve Choy, Play (Billiards) 658 South A Street, Oxnard, CA 93030.

PROJECT PLANNER: Juan Martinez

Commissioner Okada returned to the dais.

Associate Planner Martinez presented the staff report including surrounding uses; modifying conditions pertaining to the restriction on the hours of sales and service of beer, security guard requirements, and prohibitions within the establishment; added Police conditions would bring the operation up to date with current standards; at Community Workshop, concerns were raised regarding incompatibility and conflicts with the residential related to noise and illicit activities due to nighttime entertainment uses; and Police report indicated that crime in the area was 20 percent higher than the City average, but changes would not aggravate existing Police problems. He also displayed photos of the site.

Chairman Dean opened the public testimony.

Mr. Chris Taylor, manager of Play Billiards, indicated there was currently a camera facing the register; checking into installing additional cameras, possibly from public City parking lots; working with other City businesses, as well as with the Police Department to lower crime; and testing hidden cameras.

Planning Manager Martin stated that Condition No. 18 speaks to installation and maintenance of a video surveillance system.

Mr. Abel Magana, Executive Director for the Oxnard Downtown Management District, speaking for the board of directors, spoke in favor of the project.

Mr. Joshua Walker, Account Manager for the Downtown District Safety Team, spoke in favor of the project.

Senior Officer Waer indicated that prior to Police concentrating their efforts on rebranding the downtown, the crime rate was 150 percent higher than the City average. Conditions were imposed on this business to address problems, and have since been mitigated, and are no longer relevant.

Chairman Dean closed the public testimony.

MOTION Commissioner Okada moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council approval of PZ 10-510-04, a major modification to Special Use Permit No. 1517 to amend the subject Special Use Permit by deleting Condition Nos. 6 and 10, and amending Condition No. 9 of City Council Resolution No. 10,920 to modify conditions restricting the sale and service of beer and delete uniform security guard requirements within the existing business located at 658 South A Street. The question was called and the motion carried 4-0-2, Commissioners Elliott and Frank absent.

3. A request that the Planning Commission receive comments on the Draft Environmental Impact Report (DEIR) No. 06-01 for the Sakioka Farms Specific Plan. The Sakioka Farms Specific Plan encompasses 430 acres immediately south of Highway 101 (Ventura Freeway) between Rice Avenue to approximately 700 feet east of Del Norte Boulevard, and extends approximately 3,500 feet to the south. The area is currently in agricultural production, but planned and zoned for business park and limited manufacturing development. The proposed Specific Plan would provide the framework, guidelines, standards, and regulations for orderly, phased, market-responsive development of master

