



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Justin Beranich, Assistant Planner

**DATE:** April 15, 2010

**SUBJECT:** Planning and Zoning Permit No. 10-510-01, (Special Use Permit), Located at 1355 South C Street.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-510-01 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit beer and wine sales for off site consumption at an existing grocery and meat market, known as Fierros Meat Market, located at 1355 South C Street. The market encompasses 3,000 square feet of floor area and the hours of operation are between 8 A.M. and 9 P.M. Monday through Sunday. Filed by designated Attorney in Fact Mr. Harold Jung on behalf of Reverend J. J. Taylor, 1238 East Fifth Street, Oxnard, CA 93030.
- 3) **Existing & Surrounding Land Uses:** The .2 acre site is developed with a single story commercial building with associated parking.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Neighborhood Shopping Center	Residential Low Medium	Single story commercial building
North	Garden Apartment	Residential Low Medium	Apartments
South	Single Family Residential	Residential Low	Single Family Residences
East	Garden Apartment	Residential Low Medium	Church
West	Garden Apartment	Residential Low Medium	Apartments

- 4) **Background Information:** On October, 30, 1950, the City issued Building Permit No. 2513 for the construction of a single story commercial building. There are no prior planning permits issued for this site.

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

**6) Analysis:**

**a) General Discussion:** This permit request is solely to permit beer and wine sales for off-site consumption. No changes to the floor plan or the exterior of the building are proposed as part of this permit.

**b) General Plan Consistency and Zoning Development Standards:** The 2020 General Plan land use designation for the project site is Residential Low Medium. Alternately, the zoning designation on the site is Neighborhood Shopping Center (C-1). In accordance with the City Code, the incidental sales of alcohol for off-site consumption associated with a convenience market may be permitted with an approved special use permit.

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

**c) Conformance with Zoning Development Standards:** The proposed development is located in the Neighborhood Shopping Center (C1) zone district. In accordance with the City Code, the proposed use may be permitted with an approved special use permit. The proposed sale of beer and wine for off-site consumption is accessory to the primary use of the convenience market, and conforms to conditionally permitted uses of the C1 zone.

**d) Site Design:** The market is located on the eastern half of the property facing C Street with off-street parking located in the rear. The market encompasses 3,000 square feet of floor area, inclusive of office, storage, restrooms and retail areas. The public access is from an entrance on C Street and deliveries and employees enter through a back door facing the parking lot on the west elevation.

- e) Request for Sale of Alcoholic Beverages for on-site consumption:** A license for Type 20, (Off-sale Beer and Wine), is pending with the State Department of Alcoholic Beverage Control (ABC) for the establishment.

The Oxnard Police Department provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment D). This report provides information regarding the number of incidents of police response, whether there is a presumption of undue concentration of establishments selling alcoholic beverages and whether approval of the special use permit is likely to significantly aggravate policing problems. There are no similar alcohol outlets within 350 feet of the proposed site and two similar off-sale alcohol outlets within 1,000 feet (sales of alcohol for consumption off the premises).

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

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 146 during the same 12-month time period. This is 25% higher than the average crime rate citywide and is near the threshold at which the police department considers it to be significant.

Additional Police Input- The Police Department believes the surrounding area is generally not considered to be a serious crime problem but that the area along Saviers Road east of the site can be problematic at times. The Police Department's primary concern is that the site is literally surrounded by residential uses and is only 700 feet from Haydock Elementary School. An additional concern is that the rear parking lot lacks any natural surveillance and can not be seen by employees from inside the business.

The Police Department is not convinced that allowing alcohol to be sold at the business will significantly aggravate the existing problems as long as thorough mitigating conditions are included with the permit. The Police Department's experience is that this type of license (Type 20 – Off-Sale Beer and Wine), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. This particular proposal has a few unique concerns which are why the Police Department recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

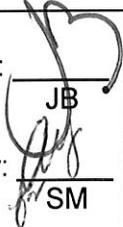
- 7) Community Workshop:** On March 11, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Kamala-Durley Park Neighborhood. The applicant also posted such notice on the project site with a brief description of the project and contact information. The Community Workshop was conducted

on March 22, 2009. The one person in attendance who spoke regarding the application expressed support of the project.

**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 working days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

**Attachments:**

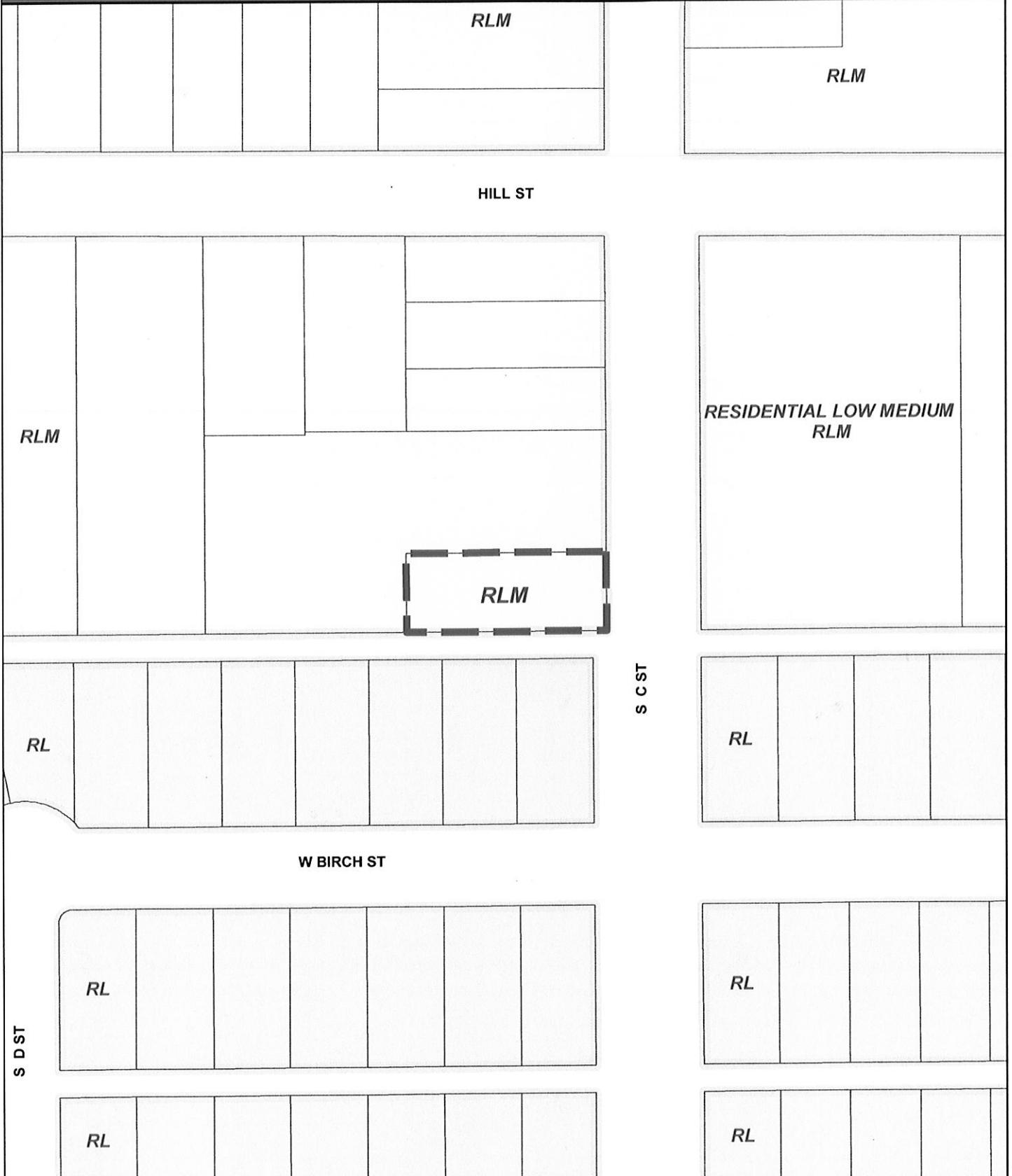
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Report
- E. Resolution

Prepared by:	
Approved by:	

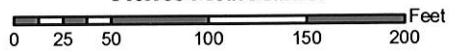
**Attachment A**  
**Maps (Vicinity, General Plan, Zoning)**



# General Plan Map



PZ 10-510-01  
Location: 1355 S CT St  
APN: 2020112510  
Fierros Meat Market

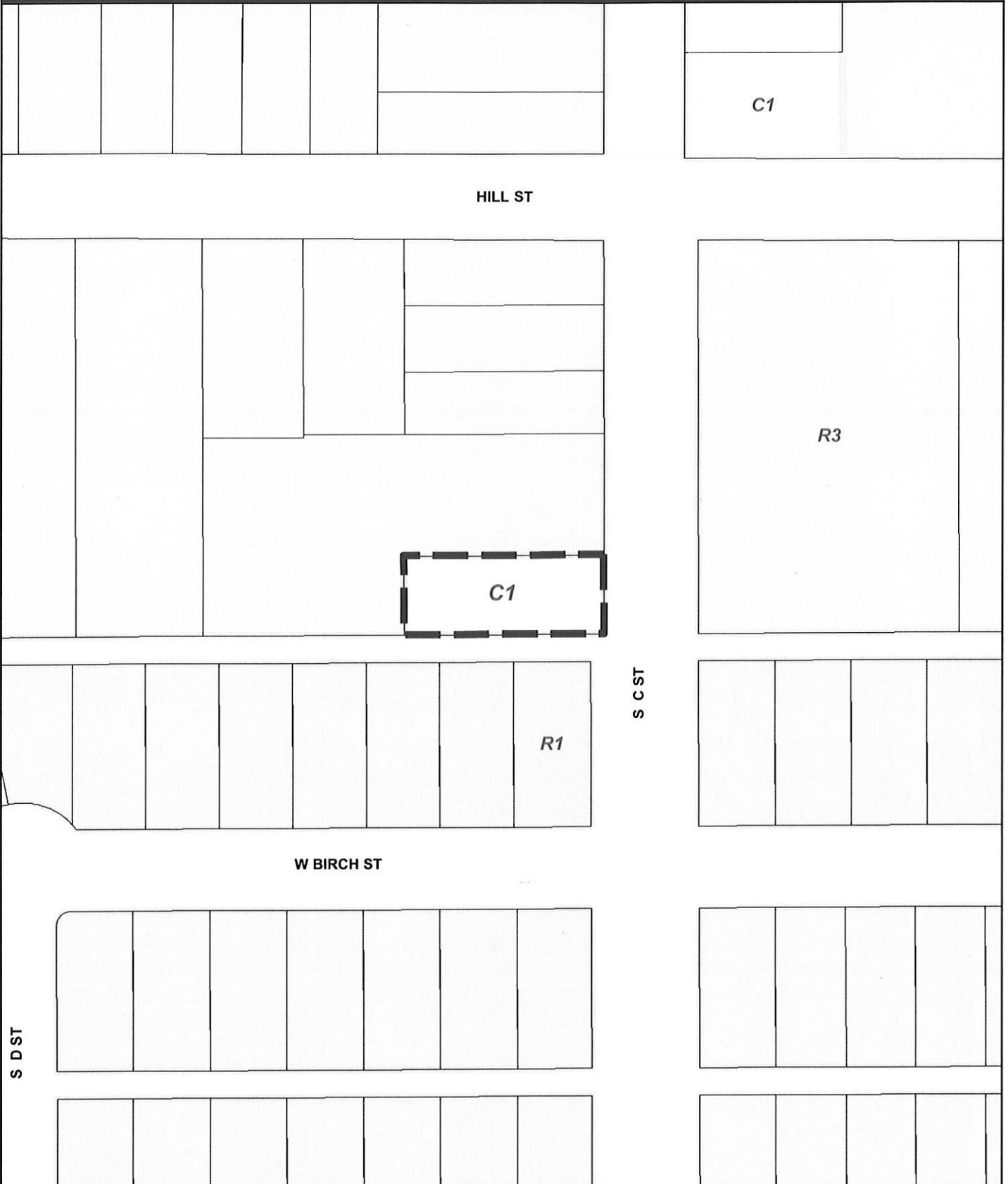


General Plan Map

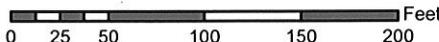


1:1,172

# Zone Map



PZ 10-510-01  
Location: 1355 S CT St  
APN: 2020112510  
Fierros Meat Market



## Zone Map

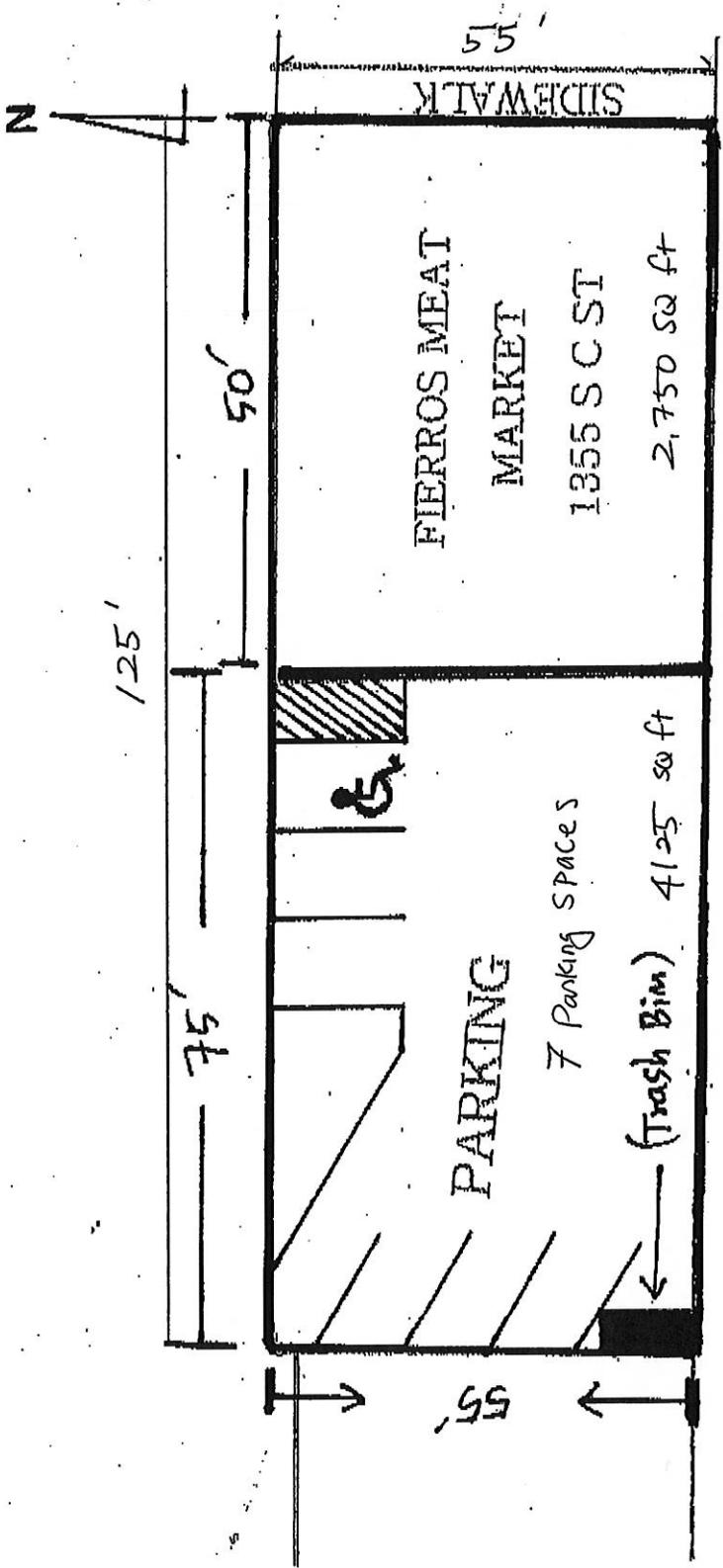


1:1,179

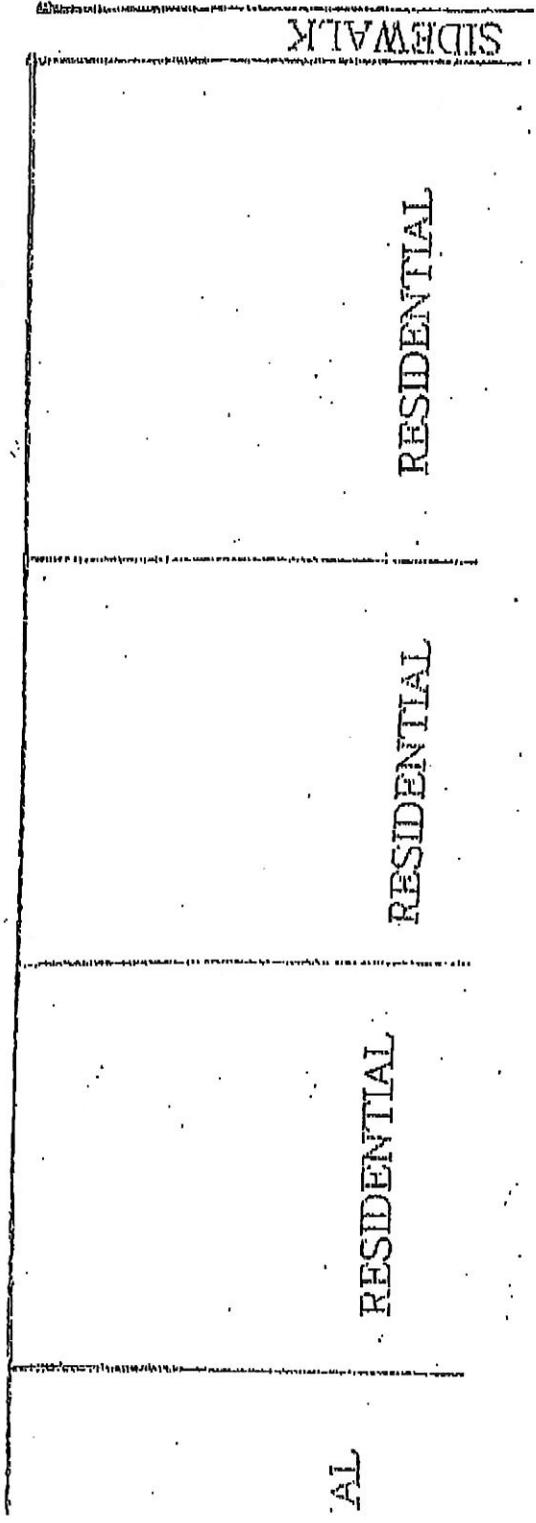
**Attachment B**  
**Reduced Project Plans**

SOUTH "C" ST

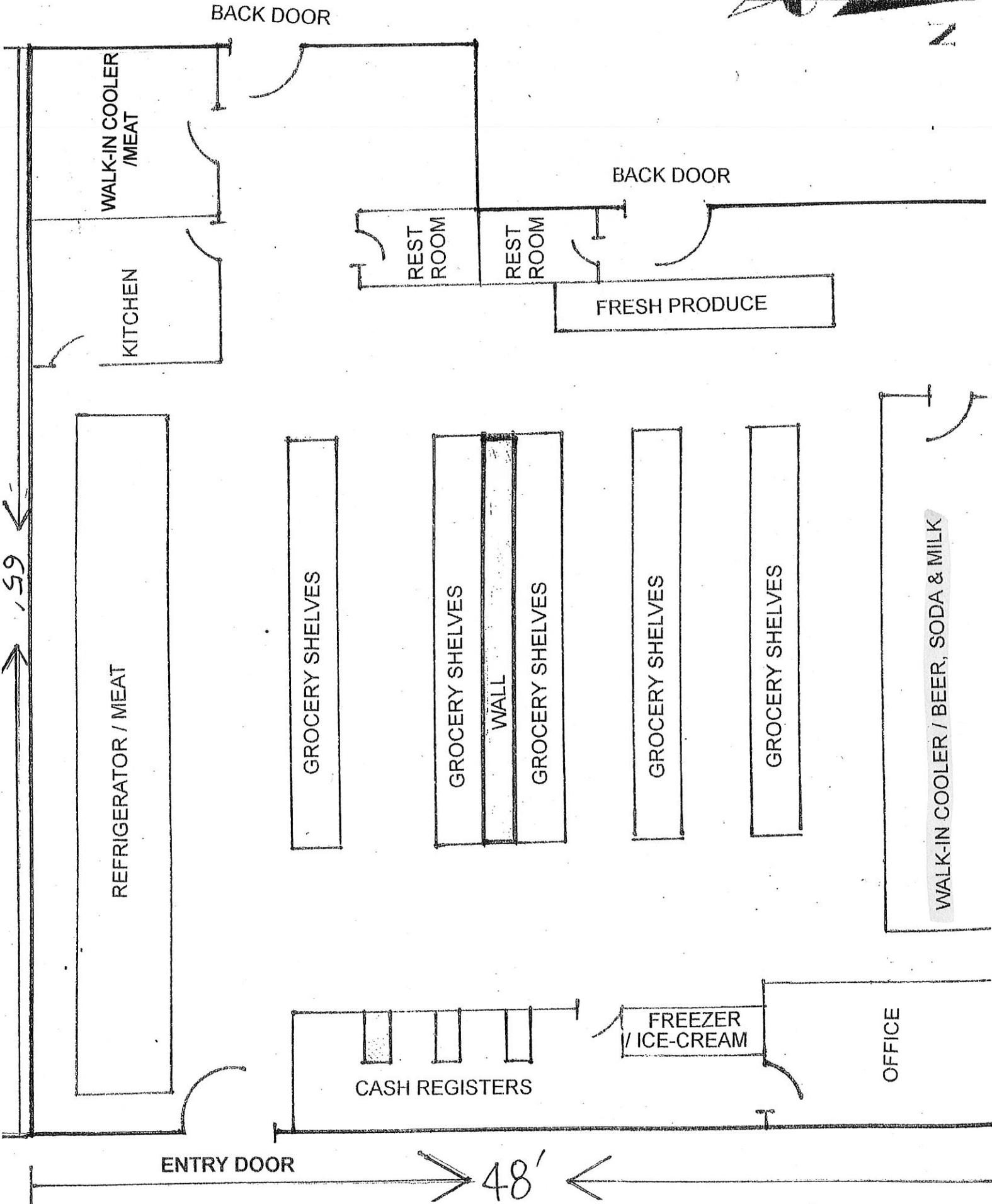
SIDEWALK



ALLEY



FIERROS MEAT MARKET  
1355 S C ST  
OXNARD CA 93033



**Attachment C**  
**Notice of Exemption**



## NOTICE OF EXEMPTION

### *Project Description:*

PLANNING & ZONING PERMIT NO. 10-510-01 (Special Use Permit), ), a request to permit beer and wine sales for off site consumption at an existing grocery and meat market, known as Fierros Meat Market, located at 1355 South C Street. The market encompasses 3,000 square feet of floor area and the hours of operation are between 8 A.M. and 9 P.M. Monday through Sunday. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by designated Attorney in Fact Mr. Harold Jung on behalf of Reverend J. J. Taylor, 1238 East Fifth Street, Oxnard, CA 93030.

### *Finding:*

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

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

**Supporting Reasons:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request is for entertainment and on-site consumption of beer and wine. There is no new development or expansion of development associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

\_\_\_\_\_  
Date

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Susan L. Martin, AICP  
Planning Division Manager

**Attachment D**  
**Police Report**



## Police Department

John Crombach, Police Chief

Date: March 23, 2010

To: Justin Beranich, Assistant Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1355 S. "C" Street (Fierro's Meat Market)

**Re: PZ 10-510-01**

### **Site Information:**

The proposed site is located on the northwest corner of "C" Street and the south alley of Hill Street and is currently being operated as a meat market and convenience store. The front doors open to "C" Street and customer parking is primarily along the street in front of the store with additional parking to the rear of the building. Access to the business from the rear lot is via the south alley where pedestrians and vehicles must share the space and conflicts are unavoidable.

The site is generally bordered by residential uses on all sides with the closest homes within 60 feet of the business. There is a church across the street and Kamala School is located approximately 700 feet northwest of the site. The surrounding residences are a mixture of single family homes and apartment complexes with the most densely populated areas being east of the site along Hill Street.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine for consumption off the premises. There are no similar alcohol outlets within 350 feet of the site. Within a 1000 foot radius from the business there are two similar Off-Sale outlets. Just outside the 1000 foot radius that is normally considered to be the area of influence for this type of business, there is one additional Off-Sale outlet (7-11 at Wooley and "C" Street) and two On-Sale sites.

### **Alcohol outlets located within 1000 feet of the proposed site include:**

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Goode Liquor	1271 Saviers	Type 21	Off-Sale General	Liquor store	Beer, Wine & Spirits

2. Crown Market	1309 Saviers	Type 21	Off-Sale General	Liquor store	Beer, Wine & Spirits
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**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 146 during the same 12-month time period. This is 25% higher than the average crime rate citywide and is near the threshold at which the police department considers it to be significant.

The heaviest concentration of incidents occurred east of the site along Hill Street up to Saviers Road. In that area, there are densely populated apartment complexes and a pair of small commercial centers that generate a significant number of police calls. Problems associated with the Goode Liquor store at the corner of Hill and Saviers accounted for an inordinate number of calls; however, that issue has been largely resolved and the number of incidents has dropped by nearly 70% in recent months. The frequency of police calls in the area that list alcohol as a contributing factor is slightly above 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. Any reference to "police calls for service" may include any type of police response to the area.

**Police Department Input:**

The Beat Coordinator for the area was contacted and said the surrounding area is generally not considered to be a serious crime problem but that the area along Saviers Road east of the site can be problematic at times. He said many of the problems were associated with the activity in and around the Goode Liquor store where loitering, fights, drinking and other nuisance behavior was commonplace. After months of a focused effort to minimize problems at the site, disturbance related incidents have been drastically reduced and police calls for service have remained nearly 70% lower for the past several months.

The Police Department's primary concern is that the site is literally surrounded by residential uses and is only 700 feet from Haydock Elementary School. The Police Department recognizes that markets and similar uses can often present an environment that contributes to loitering, drinking in public and other problems. By their nature, such uses generally have a high volume of customer traffic which can often conflict with the peaceful existence of the residents nearby. That being said, the business already operates as a community market with a moderate amount of pedestrian traffic associated with the use. Adding alcohol may not noticeably increase the amount of activity in the surrounding area and mitigating conditions of operation should help minimize potential conflicts.

Studies also show that, as alcohol availability increases in a particular neighborhood, alcohol related problems and crime in general also tend to increase. That is especially true as it relates to minors and increased access to alcohol. A study conducted in Los Angeles concluded that youth crime is more prevalent in areas with greater alcohol outlet density.<sup>1</sup> With this site being so close to a school, youth access should be carefully considered and measures need to be taken to minimize the potential for problems. Restricting the sale of single servings and certain “kid-friendly” malt liquors may help to reduce youth access.

An additional observation by the Police Department is that the rear parking lot lacks any natural surveillance and can not be seen by employees from inside the business. Conditions like these often contribute to problem behavior as they provide an inviting environment that is difficult to monitor and control. Alcoholic beverages purchased at the business can easily be taken to this fairly hidden area and be consumed with little chance of detection. Strategically placed CCTV cameras and frequent monitoring by staff will be essential to ensure that nuisance behavior is minimized.

### **Community Input:**

The Police Department contacted the Principal and staff of Haydock Elementary School to make sure they were aware of the proposal and had an opportunity to voice any concerns they may have. At the time this report was submitted, staff at the school had not yet provided us with any feedback but we plan to continue to communicate with the school so that their concerns can be adequately addressed.

### **Conclusion:**

The statistical analysis shows the area to have a crime rate that is 25% higher than the citywide average which is on the threshold of what would be considered significant. Problems in the area are concentrated east of the site toward Saviers Road where there was a problematic liquor establishment that has recently shown great improvement. The area is generally not considered to be a significant policing problem. There are no similar uses within 350 feet of the proposed site and two within 1000 feet so there is no issue of undue concentration by local standards.

The guidelines for the California Department of Alcoholic Beverage Control (ABC) use census tract populations to determine the “allowable” number of alcohol outlets in a particular census tract. In this case, the census tract surrounding this proposal allows for six (6) Off-Sale Outlets. The granting of this license would bring the total in the census tract to seven (7) which exceeds their recommended allowance. Because of this over-concentration by California standards, ABC requires that the City of Oxnard present an official finding stating that the “public convenience or necessity” will be served by the issuance of this license before it will be granted.

There are many concerns with this application and the Police Department remains somewhat apprehensive due to the elevated crime rate and the close proximity to an elementary school and residences. While there are no similar outlets within 350 feet of the site, the general area has

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<sup>1</sup> Alcohol outlet density and Mexican American youth violence. Maria L. Alaniz and Robert Nash Parker. Prevention Research Center. 1998

several nearby locations that are convenient for neighborhood residents to purchase alcohol and adding another outlet may not be a necessity. That being said, we are not convinced that allowing alcohol to be sold at the business will significantly aggravate the existing problems as long as thorough mitigating conditions are included with the permit. The fact that the outlet is currently a successful meat market already suggests that the business will not necessarily rely upon excessive sales of alcohol to remain profitable and they are offering the product as a convenience to their customers. The Police Departments experience is that this type of license (Type 20 – Off-Sale Beer and Wine), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. This particular proposal has a few unique concerns which is why the Police Department recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

## **Police Standard Conditions**

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- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
- 2) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 3) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the Manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
- 4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
- 5) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
- 6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 7) The Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
- 8) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

- 9) Employees shall not be allowed to consume alcoholic beverages at any time during their shift or at any time within eight (8) hours prior to the beginning of their shift. (PD)
- 10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
- 11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
- 12) Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
- 13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
- 14) Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured during the hours from 9:00 PM to 6:00 AM. (PD)
- 15) Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)
- 16) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
- 17) No single containers, 12 oz, 16 oz, 20 oz., 24 oz., 32 oz., or 40 oz., of beer, or malt liquor shall be sold.
- 18) No fortified wine products shall be sold with an alcohol content greater than 14% by volume. This does not exclude Permittee from selling Port, Sherry, Marsala, Madiera, Muscat, Saki and Vermouth fortified products unless otherwise prohibited.
- 19) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)

- 20) No open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)
- 21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
- 22) Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
  - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores’ registers or entering/exiting the business.
  - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
- 23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
- 24) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
- 25) Permittee shall have drop-safes installed or develop other cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
- 26) Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
- 27) Permittee shall install height gauges at all exit doors.
- 28) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
- 29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
- 30) The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.

- 31) 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**

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1. The sale of flavored malt beverages (commonly referred to as “alcopops”) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike’s Hard Lemonade, Bacardi Silver and Jack Daniel’s Lynchburg Lemonade.
2. The pay phones to the front (east) of the store shall be removed.
3. In addition to police condition #22 above describing minimum CCTV requirements, security cameras shall also be installed as necessary to adequately monitor the rear parking lot. And south side of the building.

**Attachment E**  
**Resolution**

## RESOLUTION 2010-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-01 (SPECIAL USE PERMIT), TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (ABC LICENSE TYPE 20) IN AN EXISTING CONVENIENCE MARKET LOCATED AT 1355 SOUTH C STREET, (APN 203-0-112-510), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT MR. HAROLD JUNG, 16055 VENTURA BOULEVARD, ENCINO, CA 91436.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-01, a special use permit to allow the sale of beer and wine for off-site consumption in an existing convenience market located at 1355 South C Street, filed by designated agent Harold Jung, in accordance with sections 16-530 through 551 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The establishment is in a retail center where convenience markets selling alcoholic beverages for consumption off the premises are appropriate, and 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 16-530 through 551 of the Oxnard City Code.

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“Planning Division”), and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated March 10, 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 and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

4. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
5. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
6. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
7. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
8. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
9. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
10. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

#### **PLANNING DIVISION STANDARD CONDITIONS**

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

### **PLANNING DIVISION SPECIAL CONDITIONS**

15. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

### **POLICE STANDARD CONDITIONS**

16. Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
17. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
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. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.
20. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.
21. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
22. The Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)
23. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and

from the licensed premises. Temporary use of these doors for delivery of supplies or disposal of trash does not constitute a violation. (PD)

24. 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)
25. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)
26. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)
27. Permittee shall regularly police the area under Permittee's control (including the rear of the business) in an effort to prevent the loitering of persons about the premises. (PL/PD)
28. In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
29. Coolers shall be maintained in such a way as to allow for them to be locked during hours of prohibited sale and shall, in fact, be secured during the hours from 9:00 PM to 6:00 AM. (PD)
30. Coolers or displays containing alcoholic beverages shall be separate from other coolers or displays and shall be positioned so as to allow maximum visibility to cashiers, clerks or employees. Alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where the cashiers or clerks have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)
31. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
32. No single containers, 12 oz, 16 oz, 20 oz., 24 oz., 32 oz., or 40 oz., of beer, or malt liquor shall be sold.
33. No fortified wine products shall be sold with an alcohol content greater than 14% by volume. This does not exclude Permittee from selling Port, Sherry, Marsala, Madiera, Muscat, Saki and Vermouth fortified products unless otherwise prohibited.
34. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or coolers. (PD)

35. No open floor displays of alcoholic beverages are allowed, including but not limited to “beer mountains” and portable coolers. (PD)
36. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
37. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)
  - a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores’ registers or entering/exiting the business.
  - b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.
38. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
39. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery.
40. Permittee shall have drop-safes installed or develop other cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically \$50).
41. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.
42. Permittee shall install height gauges at all exit doors.
43. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
44. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.

45. The subject Alcoholic Beverage License shall not be exchanged or upgraded for any other type Alcoholic Beverage License without Planning Commission or City Council approval.
46. 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**

47. The sale of flavored malt beverages (commonly referred to as “alcopops”) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike’s Hard Lemonade, Bacardi Silver and Jack Daniel’s Lynchburg Lemonade.
48. The pay phones to the front (east) of the store shall be removed.
49. In addition to police condition #37 above describing minimum CCTV requirements, security cameras shall also be installed as necessary to adequately monitor the rear parking lot and south side of the building.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15<sup>th</sup> day of April, 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

\_\_\_\_\_  
Randall Elliott, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary