



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Sondello, Assistant Planner

**DATE:** July 1, 2010

**SUBJECT:** Planning and Zoning Permit No. 10-510-03 (Special Use Permit for Alcohol),  
Walmart, 2001 North Rose Avenue.

- 1) Recommendation:** That the Planning Commission adopt a resolution denying Planning and Zoning Permit No. 10-510-03, subject to certain findings.
- 2) Project Description and Applicant:** A request to permit the sale of beer, wine, and distilled spirits for off-site consumption at an existing Walmart Supercenter Store, located at 2001 North Rose Avenue. Filed by Designated Agent Lisa Kolieb, 11355 West Olympic Boulevard, Los Angeles, CA 90064.
- 3) Existing & Surrounding Land Uses:** The 176,709 square foot Walmart Supercenter is located within a multi-tenant regional shopping center (Shopping at the Rose), at the northwest corner of Rose Avenue and Gonzales Road. The following table describes the land uses immediately adjacent to the site:

DIRECTION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Business Research Park (BRP)	Commercial Specialized RS (CS-RS)	Shopping at the Rose Regional Shopping Center
North	BRP	CS-RS	Shopping at the Rose and 101 Freeway
East	BRP	BRP	Rose Crossing Shopping Center
South	General Commercial Planned Development (C-2-PD)	Commercial General	Rose Ranch Shopping Center
West	Single-Family Residential (R-1)	Residential Low	Single-Family Residential

- 4) **Background Information:** The City Council approved Special Use Permit (SUP) No. 1489, Tract No. 4827, and certified Final EIR 90-5 for Shopping at the Rose in 1992. Since this time, several administrative minor modifications for various alterations and additions to the subject building have been approved.
- 5) **Environmental Determination:** Section 15270(a) of the California Environmental Quality Act (CEQA) finds that projects which are to be denied or rejected are statutorily exempt from the requirement for environmental review.

**6) Analysis:**

- a) **General Discussion:** Walmart has been operating at the subject property since the building was constructed in 1993. The market employs approximately 500 persons and is open seven days a week, between the hours of 6:00 AM and 11:00 PM. The proposal to sell beer, wine, and distilled spirits is equivalent to an Alcoholic Beverage Control (ABC) License Type No. 21.
- b) **Conformance with General Plan and Zoning Designation Policies:** The 2020 General Plan land use designation is Commercial Specialized RS. The zoning designation on-site is for Business Research Park (BRP). The sale of alcoholic beverages is allowed within the BRP zone, subject to the approval of a 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 determined that approval of this request would be in conflict with Policy 35 of the 2020 General Plan's Safety Element and City Council Resolution 11,896, which adopted standards for determining applications for special use permits to sell alcoholic beverages.

- c) **Site Design:** The Walmart building is situated on a 14-acre parcel, within the Shopping at the Rose center. The site is accessed from driveways on Rose Avenue and Gonzales Road. Alcohol is proposed to be sold from 60 lineal feet of existing merchandise area within the store, located at the rear of the grocery section. This display area is comprised of a 32 foot long beer cooler (currently displaying juices) and 28 feet of gondola shelving. Neither are proposed to be locked or secured. No modifications to the exterior building or site are proposed with this request.

- 7) **Police Department Review and Recommendation:** The Oxnard Police Department has provided a report with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages (Attachment "C").

Overconcentration of Alcohol Outlets- The police report provides analysis regarding the presumption of undue concentration of establishments selling alcoholic beverages and reports on the number of police response incidents and whether approval of the special use permit is likely to significantly aggravate policing problems.

According to the police report, two establishments of the same type are located within 350 feet of the subject location. Furthermore, there are seven off-sale outlets within 1,000 feet of the project location, four of which sell distilled spirits. In light of these facts, the police report notes an existing undue concentration in the area which exceeds both state and local standards. The report finds that approval of this special use permit would intensify this undue concentration.

The report also notes that, based on the experience of the Police Department and research into the subject, there is a documented and direct correlation between the number of alcohol outlets within a given community and the rate of DUI and alcohol related crime. In the opinion of the Police Department, no number of preventative conditions can serve to mitigate the risks to the community posed by approval of the project request.

Crime Statistics- For comparison purposes the Police Department calculated the average number of Part I and II crimes that occur per reporting district (grid), during a selected 12-month period. 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.

The average citywide, per grid base number of Part I and II crimes, is currently 117. The average number of Part I and II crimes occurring within the applicant's reporting district and all other districts within 1,000 feet of the applicant is 215 during the same 12-month time period. This is 83% higher than the average crime rate citywide. Incidents at St. John's Hospital were not included in this figure, as they were not considered relevant to the proposal. The heaviest concentration of incidents occurred within the Shopping at the Rose center, at Walmart. Within 1,000 feet of the project site, a total of 369 Part I and II crimes were reported; this number is 195% above the citywide average. Walmart accounts for approximately 65% of all crimes reported in the shopping center, with high numbers of theft and disturbance related incidents.

The police report also notes that Walmart has the highest number of calls for police service in the city. In light of the significant policing issues at the business and immediate vicinity, the police report concludes that approval of the project would result in an increased number of policing problems.

- 8) Community Workshop:** On April 2, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Rio Lindo Neighborhood. Notice of the meeting was also posted on the project site and included a brief description of the project and contact information. The Community Workshop was conducted on Monday, April 19, 2010. The

one member of the public in attendance at that meeting spoke in opposition to this project, claiming that there were already too many licensed premises in the area and that the use would likely result in an increase to policing problems at the center.

**9) Issues for Planning Commission Consideration:** Planning Staff and the Police Department recommend denial of this application due to the existing concentration of alcohol outlets and the notably high crime rate at the subject property and vicinity. The police report indicates that outlets that sell distilled spirits are generally considered to have a greater likelihood of policing problems than outlets that only sell beer and wine. It is the expressed opinion of the Police Department that conditions imposed on this project could not mitigate potential risks to the community and that the granting of this permit would unduly intensify existing policing problems.

If it is the intention of the Planning Commission to approve this request, City Council Resolution No. 11,896 requires that the presumption of undue concentration be rebutted by a preponderance of the evidence, based on the facts of this particular case. Furthermore, in order for the applicant to receive a license from the Alcoholic Beverage Control Department, the California Business and Professions Code requires the local governing body to determine that this application serves public convenience or necessity in cases where there is an undue concentration as defined by State statute.

In the event that the Planning Commission should decide to grant approval of this permit, the project should be referred back to Staff, so that this project can be reconsidered with standard and special project conditions.

**10)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 (Dated May 26, 2010)
- D. Resolution

Prepared by:

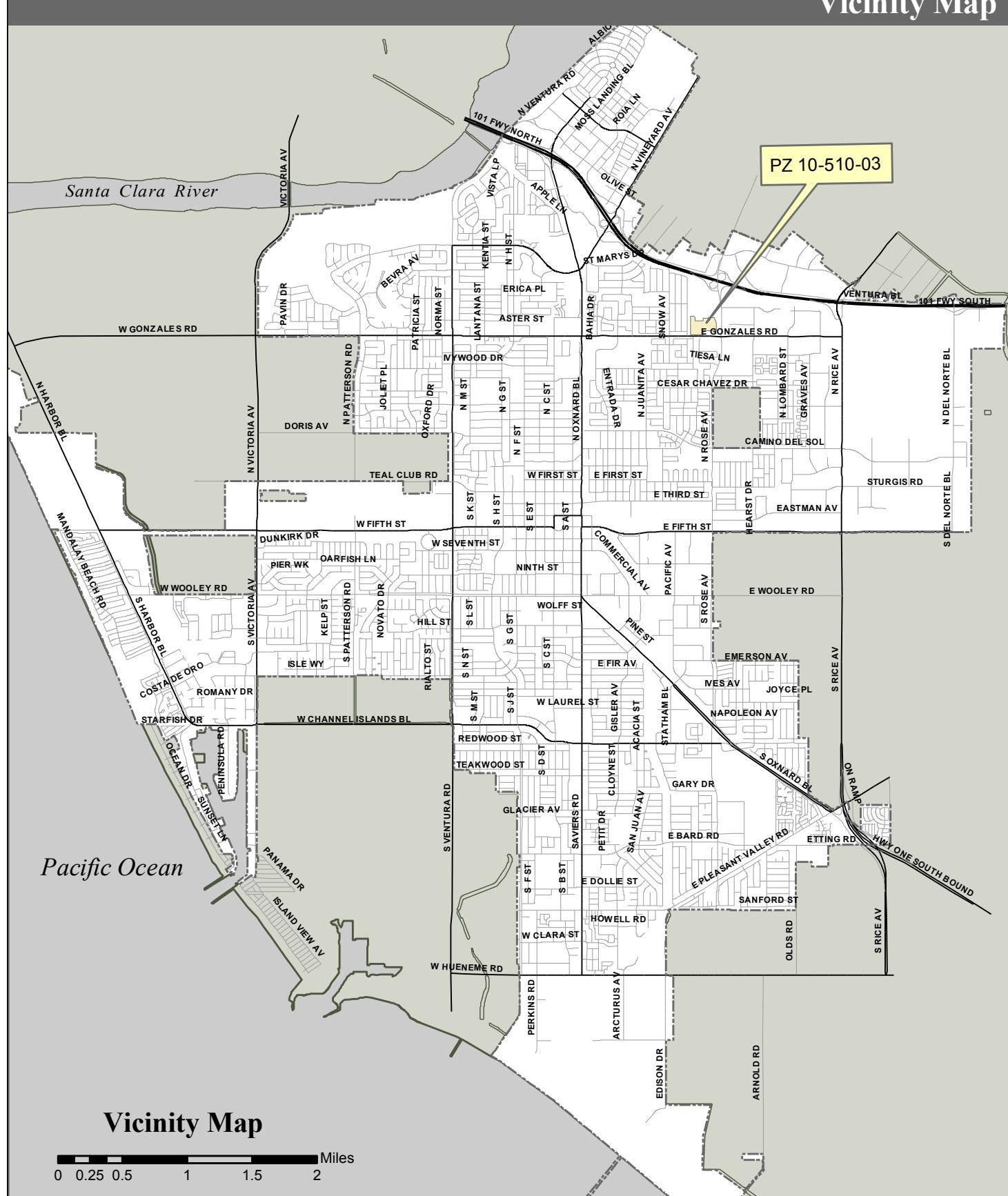
  
DS

Approved by:

  
SM  
SM

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

# Vicinity Map

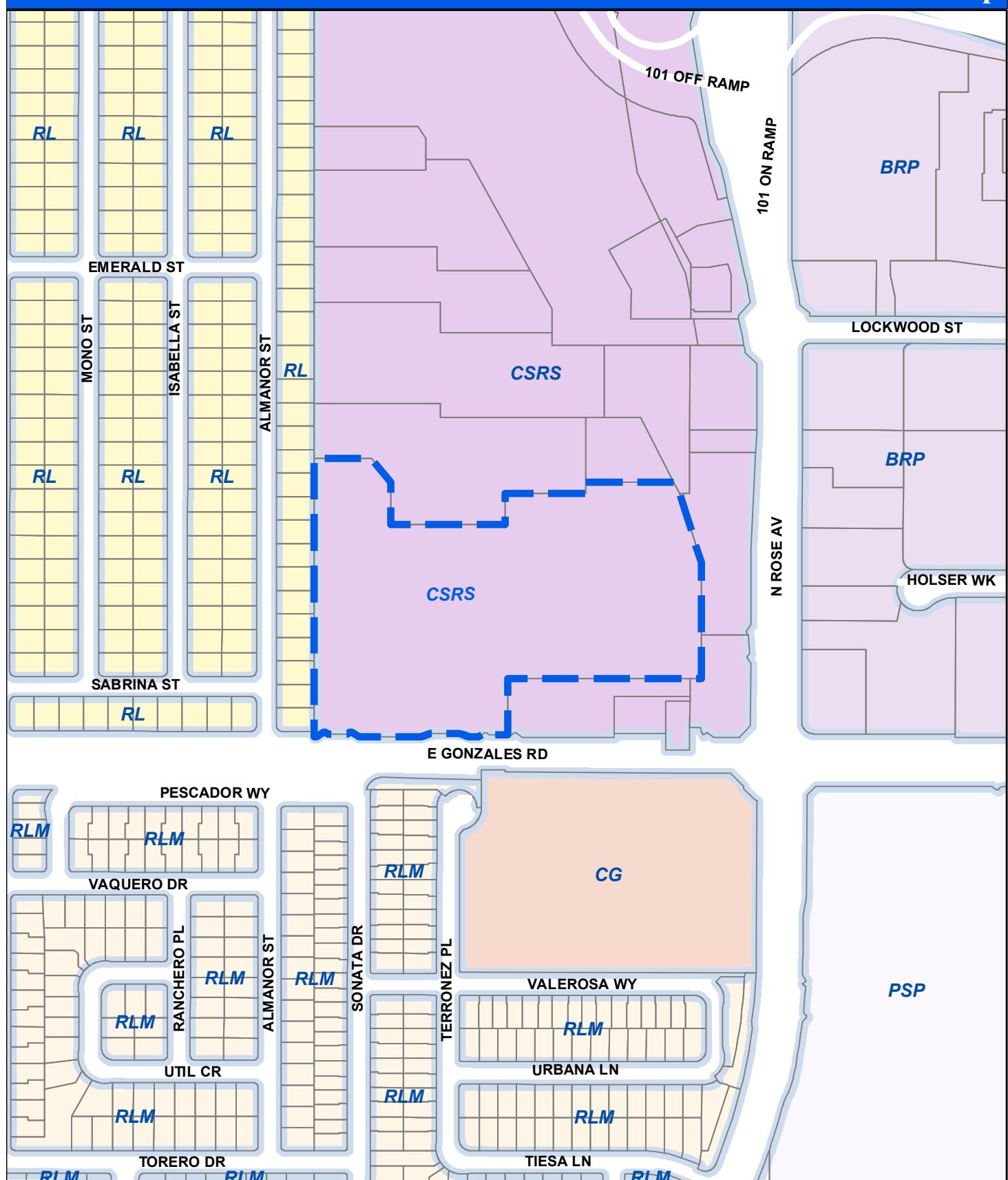


Oxnard Planning

March 3, 2010

PZ 10-510-03  
Location: 2001 N Rose Av  
APN: 142021121  
Walmart

# General Plan Map



# Zone Map



Oxnard Planning  
March 3, 2010

PZ 10-510-03  
Location: 2001 N Rose Av  
APN: 142021121  
Walmart

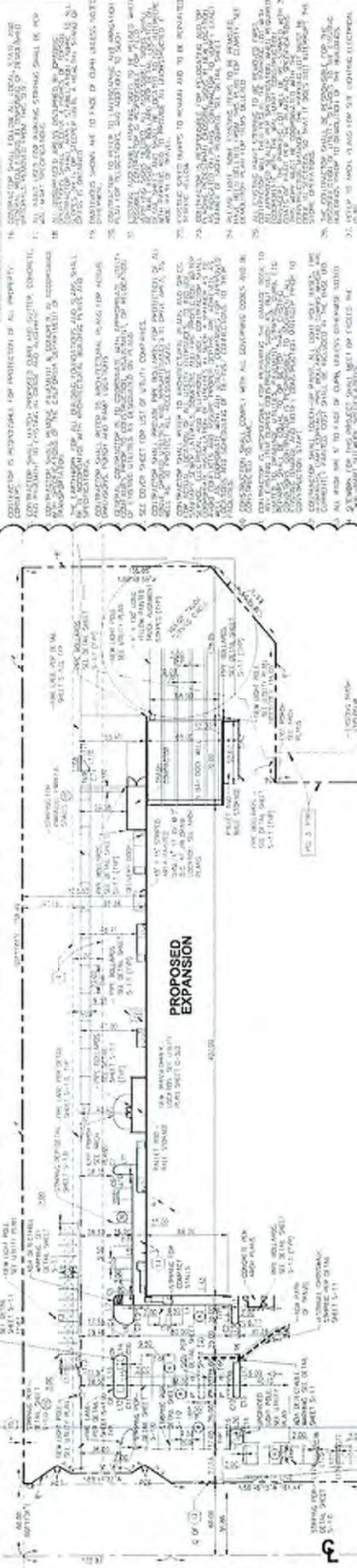
0 100 200 400 600 800 Feet

Zone Map



Attachment “B”: Reduced Project Plans

## SITE PLAN NOTES



GONZALES ROAD

WAL-MART  
STORE NO. 2032-02  
EXISTING 146,645 SF (APPROX)  
PROPOSED 174x227 (APPROX)  
FF = 78.85

## CURB INFORMATION

LOC / LINE	NUMBER	LINE / SIDE	LINE / SIDE	LINE / SIDE	LINE / SIDE
1	100-000	100-000	100-000	100-000	100-000
2	100-000	100-000	100-000	100-000	100-000
3	100-000	100-000	100-000	100-000	100-000
4	100-000	100-000	100-000	100-000	100-000
5	100-000	100-000	100-000	100-000	100-000
6	100-000	100-000	100-000	100-000	100-000
7	100-000	100-000	100-000	100-000	100-000
8	100-000	100-000	100-000	100-000	100-000
9	100-000	100-000	100-000	100-000	100-000
10	100-000	100-000	100-000	100-000	100-000
11	100-000	100-000	100-000	100-000	100-000
12	100-000	100-000	100-000	100-000	100-000
13	100-000	100-000	100-000	100-000	100-000
14	100-000	100-000	100-000	100-000	100-000
15	100-000	100-000	100-000	100-000	100-000
16	100-000	100-000	100-000	100-000	100-000
17	100-000	100-000	100-000	100-000	100-000
18	100-000	100-000	100-000	100-000	100-000
19	100-000	100-000	100-000	100-000	100-000
20	100-000	100-000	100-000	100-000	100-000
21	100-000	100-000	100-000	100-000	100-000
22	100-000	100-000	100-000	100-000	100-000
23	100-000	100-000	100-000	100-000	100-000
24	100-000	100-000	100-000	100-000	100-000
25	100-000	100-000	100-000	100-000	100-000
26	100-000	100-000	100-000	100-000	100-000
27	100-000	100-000	100-000	100-000	100-000
28	100-000	100-000	100-000	100-000	100-000
29	100-000	100-000	100-000	100-000	100-000
30	100-000	100-000	100-000	100-000	100-000
31	100-000	100-000	100-000	100-000	100-000
32	100-000	100-000	100-000	100-000	100-000
33	100-000	100-000	100-000	100-000	100-000
34	100-000	100-000	100-000	100-000	100-000
35	100-000	100-000	100-000	100-000	100-000
36	100-000	100-000	100-000	100-000	100-000
37	100-000	100-000	100-000	100-000	100-000
38	100-000	100-000	100-000	100-000	100-000
39	100-000	100-000	100-000	100-000	100-000
40	100-000	100-000	100-000	100-000	100-000
41	100-000	100-000	100-000	100-000	100-000
42	100-000	100-000	100-000	100-000	100-000
43	100-000	100-000	100-000	100-000	100-000
44	100-000	100-000	100-000	100-000	100-000
45	100-000	100-000	100-000	100-000	100-000
46	100-000	100-000	100-000	100-000	100-000
47	100-000	100-000	100-000	100-000	100-000
48	100-000	100-000	100-000	100-000	100-000
49	100-000	100-000	100-000	100-000	100-000
50	100-000	100-000	100-000	100-000	100-000
51	100-000	100-000	100-000	100-000	100-000
52	100-000	100-000	100-000	100-000	100-000
53	100-000	100-000	100-000	100-000	100-000
54	100-000	100-000	100-000	100-000	100-000
55	100-000	100-000	100-000	100-000	100-000
56	100-000	100-000	100-000	100-000	100-000
57	100-000	100-000	100-000	100-000	100-000
58	100-000	100-000	100-000	100-000	100-000
59	100-000	100-000	100-000	100-000	100-000
60	100-000	100-000	100-000	100-000	100-000
61	100-000	100-000	100-000	100-000	100-000
62	100-000	100-000	100-000	100-000	100-000
63	100-000	100-000	100-000	100-000	100-000
64	100-000	100-000	100-000	100-000	100-000
65	100-000	100-000	100-000	100-000	100-000
66	100-000	100-000	100-000	100-000	100-000
67	100-000	100-000	100-000	100-000	100-000
68	100-000	100-000	100-000	100-000	100-000
69	100-000	100-000	100-000	100-000	100-000
70	100-000	100-000	100-000	100-000	100-000
71	100-000	100-000	100-000	100-000	100-000
72	100-000	100-000	100-000	100-000	100-000
73	100-000	100-000	100-000	100-000	100-000
74	100-000	100-000	100-000	100-000	100-000
75	100-000	100-000	100-000	100-000	100-000
76	100-000	100-000	100-000	100-000	100-000
77	100-000	100-000	100-000	100-000	100-000
78	100-000	100-000	100-000	100-000	100-000
79	100-000	100-000	100-000	100-000	100-000
80	100-000	100-000	100-000	100-000	100-000
81	100-000	100-000	100-000	100-000	100-000
82	100-000	100-000	100-000	100-000	100-000
83	100-000	100-000	100-000	100-000	100-000
84	100-000	100-000	100-000	100-000	100-000
85	100-000	100-000	100-000	100-000	100-000
86	100-000	100-000	100-000	100-000	100-000
87	100-000	100-000	100-000	100-000	100-000
88	100-000	100-000	100-000	100-000	100-000
89	100-000	100-000	100-000	100-000	100-000
90	100-000	100-000	100-000	100-000	100-000
91	100-000	100-000	100-000	100-000	100-000
92	100-000	100-000	100-000	100-000	100-000
93	100-000	100-000	100-000	100-000	100-000
94	100-000	100-000	100-000	100-000	100-000
95	100-000	100-000	100-000	100-000	100-000
96	100-000	100-000	100-000	100-000	100-000
97	100-000	100-000	100-000	100-000	100-000
98	100-000	100-000	100-000	100-000	100-000
99	100-000	100-000	100-000	100-000	100-000
100	100-000	100-000	100-000	100-000	100-000
101	100-000	100-000	100-000	100-000	100-000
102	100-000	100-000	100-000	100-000	100-000
103	100-000	100-000	100-000	100-000	100-000
104	100-000	100-000	100-000	100-000	100-000
105	100-000	100-000	100-000	100-000	100-000
106	100-000	100-000	100-000	100-000	100-000
107	100-000	100-000	100-000	100-000	100-000
108	100-000	100-000	100-000	100-000	100-000
109	100-000	100-000	100-000	100-000	100-000
110	100-000	100-000	100-000	100-000	100-000
111	100-000	100-000	100-000	100-000	100-000
112	100-000	100-000	100-000	100-000	100-000
113	100-000	100-000	100-000	100-000	100-000
114	100-000	100-000	100-000	100-000	100-000
115	100-000	100-000	100-000	100-000	100-000
116	100-000	100-000	100-000	100-000	100-000
117	100-000	100-000	100-000	100-000	100-000
118	100-000	100-000	100-000	100-000	100-000
119	100-000	100-000	100-000	100-000	100-000
120	100-000	100-000	100-000	100-000	100-000
121	100-000	100-000	100-000	100-000	100-000
122	100-000	100-000	100-000	100-000	100-000
123	100-000	100-000	100-000	100-000	100-000
124	100-000	100-000	100-000	100-000	100-000
125	100-000	100-000	100-000	100-000	100-000
126	100-000	100-000	100-000	100-000	100-000
127	100-000	100-000	100-000	100-000	100-000
128	100-000	100-000	100-000	100-000	100-000
129	100-000	100-000	100-000	100-000	100-000
130	100-000	100-000	100-000	100-000	100-000
131	100-000	100-000	100-000	100-000	100-000
132	100-000	100-000	100-000	100-000	100-000
133	100-000	100-000	100-000	100-000	100-000
134	100-000	100-000	100-000	100-000	100-000
135	100-000	100-000	100-000	100-000	100-000
136	100-000	100-000	100-000	100-000	100-000
137	100-000	100-000	100-000	100-000	100-000
138	100-000	100-000	100-000	100-000	100-000
139	100-000	100-000	100-000	100-000	100-000
140	100-000	100-000	100-000	100-000	100-000
141	100-000	100-000	100-000	100-000	100-000
142	100-000	100-000	100-000	100-000	100-000
143	100-000	100-000	100-000	100-000	100-000
144	100-000	100-000	100-000	100-000	100-000
145	100-000	100-000	100-000	100-000	100-000
146	100-000	100-000	100-000	100-000	100-000
147	100-000	100-000	100-000	100-000	100-000
148					

CURE INFORMATION

	1986	1987	1988
1.00	-0.00045(-0.1)	-0.001	-0.001
1.17	-0.00110(-0.8)	-0.001	-0.001
1.38	-0.00172(-0.9)	-0.001	-0.001
1.59	-0.00235(-1.0)	-0.001	-0.001

**EXISTING  
BUILDINGS**  
**DESIGN FOR PURPOSE  
IMPROVEMENTS**

MOLDAVIA, ROMANIA, AND SERBIA 27

SEE SHEET C-1.0A

An architectural site plan showing a detailed layout of a property. The plan includes a grid of streets and property boundaries. A large rectangular area is outlined with a dashed line, labeled 'EXISTING BUILDING' at the bottom left. Within this area, several smaller rectangles are labeled 'MATCHLINE'. There are also numerous other labels such as 'STREET', 'SWALE', 'WALL', 'FENCE', 'GATE', and 'DRIVE'. A north arrow is located in the top right corner.

**EXISTING**

Sample Size (n)	EEA (blue)	EEA (green)	EEA (red)	EEA (black)
10	0.05	0.05	0.05	0.05
20	0.10	0.10	0.10	0.10
50	0.25	0.25	0.25	0.25
100	0.40	0.40	0.40	0.40
200	0.55	0.55	0.55	0.55
500	0.75	0.75	0.75	0.75
1000	0.85	0.85	0.85	0.85
2000	0.90	0.90	0.90	0.90
5000	0.95	0.95	0.95	0.95
10000	0.98	0.98	0.98	0.98

1. **WYOMING STATE**  
2. **WYOMING STATE**  
3. **WYOMING STATE**  
4. **WYOMING STATE**  
5. **WYOMING STATE**  
6. **WYOMING STATE**  
7. **WYOMING STATE**  
8. **WYOMING STATE**  
9. **WYOMING STATE**  
10. **WYOMING STATE**  
11. **WYOMING STATE**  
12. **WYOMING STATE**  
13. **WYOMING STATE**  
14. **WYOMING STATE**  
15. **WYOMING STATE**  
16. **WYOMING STATE**  
17. **WYOMING STATE**  
18. **WYOMING STATE**  
19. **WYOMING STATE**  
20. **WYOMING STATE**  
21. **WYOMING STATE**  
22. **WYOMING STATE**  
23. **WYOMING STATE**  
24. **WYOMING STATE**  
25. **WYOMING STATE**  
26. **WYOMING STATE**  
27. **WYOMING STATE**  
28. **WYOMING STATE**  
29. **WYOMING STATE**  
30. **WYOMING STATE**  
31. **WYOMING STATE**  
32. **WYOMING STATE**  
33. **WYOMING STATE**  
34. **WYOMING STATE**  
35. **WYOMING STATE**  
36. **WYOMING STATE**  
37. **WYOMING STATE**  
38. **WYOMING STATE**  
39. **WYOMING STATE**  
40. **WYOMING STATE**  
41. **WYOMING STATE**  
42. **WYOMING STATE**  
43. **WYOMING STATE**  
44. **WYOMING STATE**  
45. **WYOMING STATE**  
46. **WYOMING STATE**  
47. **WYOMING STATE**  
48. **WYOMING STATE**  
49. **WYOMING STATE**  
50. **WYOMING STATE**

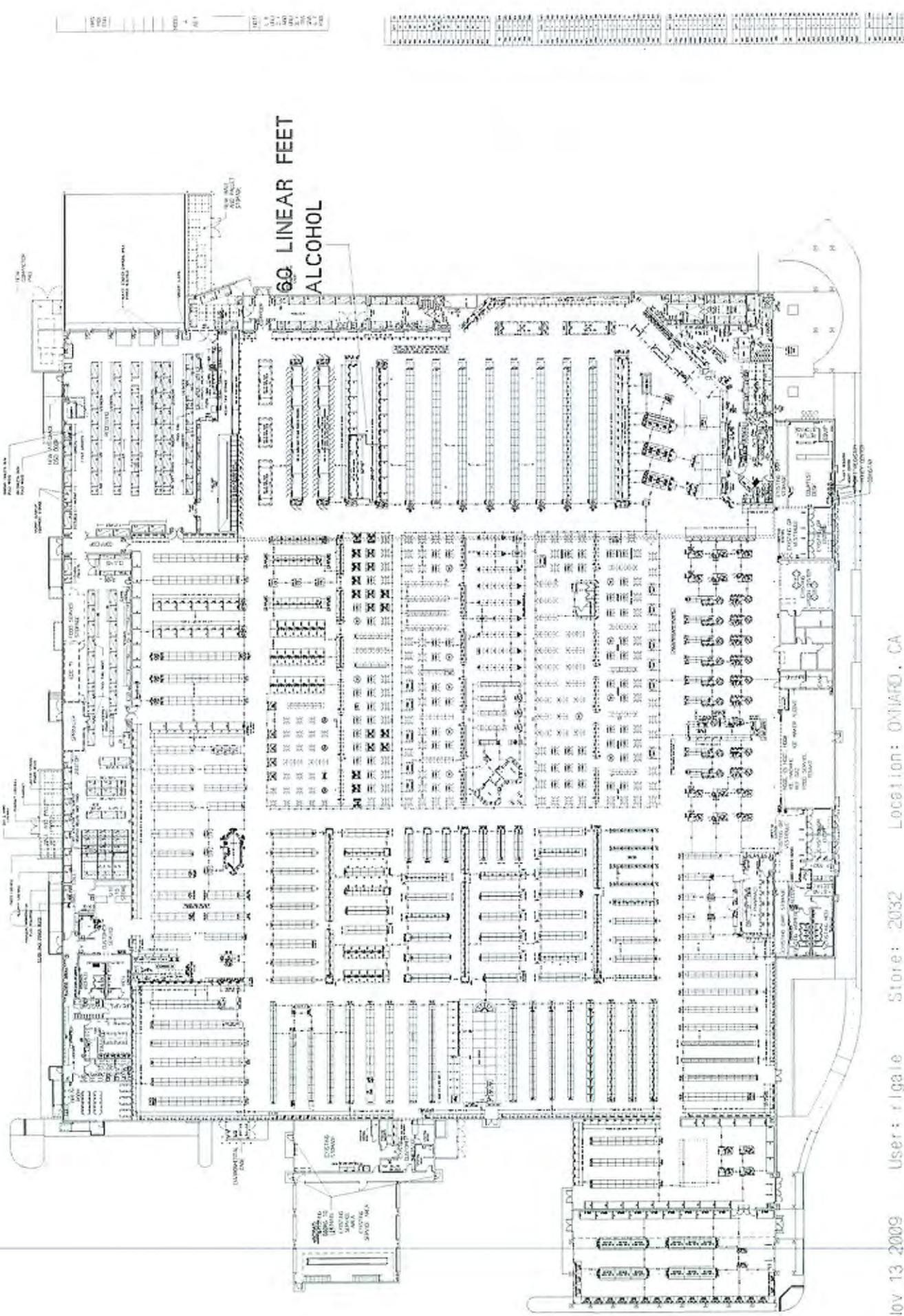
GRAPHIC SCALE  
1000 METERS  
100 METERS  
10 METERS  
1 METER

1965, Rumanian oilseed rape breeding work seems to be

the first time in the history of the world, the people of the United States have been called upon to decide whether they will submit to the law of force, and let a single human being live, as a slave, or will they, in the spirit of the Declaration of Independence, assert their right to self-government, and to the equal rights of man.

REVIEW OF THE JOURNAL OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, VOL. 20, NO. 462, APRIL 19, 1971

GONZALES ROAD



Date: Nov 13 2009 User: rjiggle S10e: 2032 Location: OXMO, CA

Attachment “C”: Police Report  
(Dated May 26, 2010)



## Police Department

John Crombach, Police Chief

Date: May 26, 2010

To: Doug Sondello, Project Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 2001 N. Rose Ave. (Wal-Mart)

**Re: PZ 10-510-03**

### **Site Information:**

The proposed site is an existing Wal-Mart supercenter located at 2001 N. Rose Avenue in the "Shopping at the Rose" retail center. The business is on the southernmost end of the complex near Gonzales Road and has two front entrances facing east to a large parking lot that is shared with several nearby businesses. The bustling center is host to more than 30 businesses including a Von's grocery store, Sam's Club warehouse store, sporting goods, clothing stores and several restaurants.

The site is generally bordered by commercial uses to the north, Residential to the west, Gonzales Road to the south and Rose Avenue to the east. The nearest residences are approximately 100 feet to the east and are separated from the rear of the shopping center by a block wall.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-21 which is an Off-Sale License that allows for the sale of beer, wine and distilled spirits for consumption off the premises. There are two similar Off-Sale alcohol outlets within 350 feet of the site and five more within a 1000 foot radius.

Alcohol outlets located within 350 feet of the proposed site include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Vons Grocery	2101 N. Rose	Type 21	Off-Sale General	Grocery	Beer, Wine and Spirits
2. Rose Shell	1901 N. Rose	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine

3. Oh Sushi	2121 N. Rose #400	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine
4. Rubio's Grill	2121 N. Rose #440	Type 41	On-Sale Beer and Wine	Restaurant	Beer and Wine

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Sam's Club	2401 N. Rose	Type 21	Off-Sale General	Package Store	Beer, Wine and Spirits
2. Mobil Mart	2200 N. Rose	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
3. Rose Chevron	1900 N. Rose	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
4. Fresh & Easy (under construction)	Gonzales at Rose	Type 21	Off-Sale General	Market	Beer, Wine and Spirits
5. Walgreens (under construction)	Gonzales at Rose	Type 21	Off-Sale General	Market	Beer, Wine and Spirits
6. TGI Fridays	2181 N. Rose	Type 48	On Sale General	Restaurant	Beer, Wine and Spirits
7. Chili's	2221 N. Rose	Type 48	On Sale General	Restaurant	Beer, Wine and Spirits

#### **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 215 during the same 12-month time period. This is 83% higher than the average crime rate citywide which is considered to be significant. This calculation does not include calls at St. John's Hospital which is within the 1000 foot radius but not considered relevant to this proposal.

The heaviest concentration of incidents occurred at the shopping center itself, primarily Wal-Mart, where there was a total of 369 Part I and II crimes reported. If we calculate this number for solely the shopping center and eliminate other reported crimes within 1000 feet, the total would be 195% above the citywide average. Wal-Mart accounted for approximately 65% of all the Part I and II crimes reported in that shopping center.

Police *calls for service* to the entire Shopping at the Rose center during the last year totaled 857 (not including the businesses east of Rose near Best Buy which are also part of the Rose project). Calls for service at Wal-Mart accounted half of all the calls to the shopping center. A review of citywide police calls for service showed that Wal-Mart had the highest number of police calls than did any other single business in the City of Oxnard by a margin of more than double that of the next closest location. For a further examination of police calls for service at Wal-Mart and how they compare to similar businesses in the City of Oxnard, please refer to the table below.

Business Name	Total Calls for Service	Theft Related	Disturbance Related
Wal-Mart	429	133	140
Target	110	40	16
Vons (Rose Center)	78	18	24
Costco	61	19	16
Sam's Club	57	2	16

The Police Department also compared total police calls for service at other large retail centers in the City of Oxnard. The results show the Shopping at the Rose center to have the highest number of calls than did any other similar shopping center. Thefts and disturbance related calls were also the highest in the City (businesses east of Rose near Best Buy were not included in this comparison). Refer to the table below for details.

Commercial Center Name	Total Calls for Service	Theft Related	Disturbance Related
Shopping at the Rose (west)	857	234	281
Centerpoint Mall	790	190	126
Fremont Center	652	54	213
Esplanade	461	103	110
The Palms	342	26	69

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. All references to "police calls for service" may include *any* type of police response to the area in addition to those classified as Part I or II.

#### **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. However, police response to the shopping center is significant and can, at times, be problematic. While the problems are not always associated with Wal-Mart, the site does require the Police Department to allocate a sizeable amount of resources to manage the high number of calls. On average, we respond to the center more than twice daily and directly to Wal-Mart more than once a day.

Police records indicate we responded to 133 incidences of shoplifting at Wal-Mart in the last 12 months. This amounts to the highest number of reported thefts in the City at any one location. Adding the sales of alcohol at a location that already has an existing theft problem will surely aggravate the issue. As an example, the Police Department recently worked with a local grocery store to combat a chronic theft problem. The business had recorded losses of nearly \$200,000 in only a six month period with the vast majority of those thefts being of alcohol. We have yet to fully resolve the issue but it is a good indicator that alcohol is a high risk item that is frequently the target of thieves. Perhaps even more relevant is the fact that a nearby store a short walk away in The Rose center once experienced a similar, substantial theft of alcohol problem and ultimately had to secure their distilled spirits in locked cabinets to help reduce their losses. Wal-Mart already boasts an aggressive loss prevention program with full time security to monitor customers. The company takes the safety of its customers and the protection of their property very seriously and the Police Department is convinced the store makes a genuine and admirable effort to minimize problems. That being said, the number of thefts is significant and no realistic amount of increased security is likely to prevent a considerable rise in the number of thefts if alcohol is made available at the site.

In addition to the compelling crime data listed above and in the previous section, of equal or even more concern is the number of alcohol outlets that can be found in close proximity to this site. There are a total of seven Off-Sale alcohol outlets within 1000 feet of the proposed site and four more On-Sale businesses. Numerous studies have repeatedly shown that higher alcohol outlet density contributes to increased crime and violence in the surrounding community and also leads to other alcohol-related community problems.<sup>1-2-3</sup> Another study published in 2004 concluded: "The findings show a clear association between alcohol outlet density and violence, and suggest that the issues of alcohol availability and access are fundamental to the prevention of alcohol-related problems within communities."<sup>4</sup>

Some studies have also shown that increased availability of alcohol contributes to higher rates of driving under the influence while, conversely, reducing the availability of alcohol can result in fewer number of alcohol related crashes. A study published by the National Institution on Alcohol Abuse and Alcoholism (NIAAA) found that communities that employ strategies which include reducing alcohol availability showed a reduction in alcohol related crashes by as much as 22%. In other words, the easier and more convenient it is to purchase alcohol, the more likely it is that a community will see a higher rate of DUI and other alcohol related problems. It is widely known that Oxnard has the dubious honor of having the highest rate of alcohol related injury crashes than does any other city in the State of California. It seems only prudent and reasonable that we should be very cautious about where and how many alcohol outlets are permitted. It would be a logical supposition that Wal-Mart, due to its high volume of customers and traditionally low prices, would be among the top sellers of alcohol in the City should the Special

<sup>1</sup> Scribner RA; Cohen DA; Fisher W. Evidence of a Structural Effect for Alcohol Outlet Density: A Multilevel Analysis. *Alcoholism: Clinical & Experimental Research*. 24(2): 188-195, February 2000.

<sup>2</sup> LaBouvie E; Ontkush M. Violent crime and alcohol availability: relationships in an urban community. *Journal of Public Health Policy* 19(3): 303-318. 1998.

<sup>3</sup> Scribner RA; Mackinnon D; Dwyer, J. The risk of assaultive violence and alcohol availability in Los Angeles County. *American Journal of Public Health* (85) 3: 335-340. 1995.

<sup>4</sup> Zhu L, Gorman, D, Horel, S (2004) "Alcohol Outlet Density and Violence: A Geospatial Analysis" , *Alcohol and Alcoholism* 39 (4), pp 369-375.

Use Permit be granted. While some would argue that the sale of alcohol is a “zero sum game” and that adding alcohol to a particular site does not increase the amount of alcohol purchased in a community, it only relocates the customer somewhere else; research repeatedly suggests that, as alcohol becomes more convenient, people will purchase alcohol in higher quantities than if it were sparsely available. Basically, customers purchasing alcohol at Wal-Mart will not necessarily be simply displaced from other nearby outlets. While some persons may be relocating away from a competitor, many will be new, compulsive buyers who may not have considered purchasing alcohol unless convenient (or cost effective) to do so.

The City of Oxnard as well as many other communities and even the State of California sets standards and restrictions on the number of alcohol outlets that should be allowed in a concentrated area. The state uses census tracts to determine appropriate numbers of outlets that should be permitted (per capita formula); while Oxnard considers an area to have an undue concentration if there are similar outlets within 350 feet of the proposed site. This proposal exceeds both state and local standards.

These density guidelines were not created in a vacuum; rather, it is a sensible recognition that communities are exposed to unnecessary risks when alcohol outlet density becomes too concentrated. The degree to which the outlets may negatively impact the neighborhood often depends upon the level of policy regulation applied by the local government through the application of preventative conditions of operation. That being said, it may be that under certain circumstances, no number of preventative conditions can mitigate the risks to the community. That, in fact, is the determination of the Police Department in this case as we are opposed to the granting of the Permit due to the undue concentration of similar outlets and the likelihood that it would aggravate existing policing problems.

#### **Community Input:**

The Police Department notified surrounding neighborhood leaders to make sure they were aware of the proposal and had the opportunity to discuss the item at community meetings or voice their opinions at the Planning Commission hearing. We did not ask for or obtain any consensus from the neighborhoods either for or against the proposal.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) were notified of the proposal and had significant concerns about the volume of alcohol that will likely flow from the site and how that may negatively impact the community. Some members said they were current customers of Wal-Mart and were worried that adding alcohol may contribute to more disruptive behavior and an overall shift in the safe, welcoming atmosphere of the existing store.

#### **Conclusion:**

The statistical analysis shows the area to have a crime rate that is significantly higher than the citywide average (between 83% and 195% higher) and that the store has the highest number of thefts and overall police calls for service than does any other business in the City. The alcohol outlet density exceeds City of Oxnard standards as well as those guidelines set forth by the California Department of Alcoholic Beverage Control (ABC). In fact, in the two areas most directly relevant to determining the likelihood that the granting of the permit will likely aggravate

existing problems or negatively impact the surrounding area (crime rate and density); this site far exceeds acceptable limits.

The theft problem is perhaps the easier of the two issues to try to mitigate but even that may take somewhat draconian measures to truly reduce the risk of an increase in thefts. The more complicated and less tangible issue is that of outlet density and the availability of potentially voluminous amounts of alcohol into the community. Numerous studies repeatedly link alcohol availability to community problems including DUI and violence. To approve the permit would be to determine this increased risk is an acceptable consequence which is something the Police Department, in the interest of public safety, can not conclude.

While we have enjoyed very good relations with Wal-Mart and genuinely consider the store to be a good community partner, we conclude that adding the availability of alcohol at this site is likely to aggravate policing problems and significantly alter the existing environment by presenting an unnecessary risk to the surrounding area. Additionally, the neighborhood has many options in close proximity to purchase alcoholic beverages and the addition of another outlet in a saturated area is of no convenience or necessity to residents. For these reasons, the Police Department is opposed to the granting of the Permit.

Attachment “D”: Resolution

RESOLUTION NO. 2010-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-510-03 (SPECIAL USE PERMIT FOR ALCOHOL), A REQUEST TO PERMIT THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION AT AN EXSTING WALMART SUPERCENTER STORE, LOCATED AT 2001 NORTH ROSE AVENUE. FILED BY DESIGNATED AGENT LISA KOLIEB, 11355 WEST OLYMPIC BOULEVARD, LOS ANGELES, CA 90064

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-03, filed by Designated Agent Lisa Kolieb in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning Commission finds, after due study, deliberation, public hearing, and consideration of the Police Department's report and all other relevant evidence in the record before the Planning Commission, that the following circumstances exist:

1. The denial of this special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this special use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, and to the general welfare in that it may exacerbate an already elevated crime rate in the area.
3. As indicated in the Police Department's report regarding the subject application, the average crime rate within the reporting district in which the subject property is located is 83% higher than citywide average and considered to be significant. Furthermore, the number of crimes reported within 1,000 feet of the project site is 195% above the citywide average. The sale of alcohol would further aggravate and intensify police problems at the subject property and within 1,000 feet of the location for which the special use permit is applied
4. There is a presumption of undue concentration pursuant to Section 3(b) of City Council Resolution No. 11,896 in that two establishments of the same type are located within 350 feet of the subject location. Furthermore, this presumption has not been rebutted by a preponderance of the evidence in the record before the Planning Commission. There are seven off-sale outlets within 1,000 feet of the subject location, four of which sell distilled spirits. As such, approval of this special use permit would add to an undue concentration of alcoholic beverage retail establishments within 1,000 feet of the subject location.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies this permit. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1<sup>st</sup> day of July 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

---

Randall Elliott, Chair

ATTEST: \_\_\_\_\_

Susan L. Martin, Secretary