Planning Division

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Linda Windsor, Associate Planner

DATE: August 5, 2010

SUBJECT: Planning and Zoning Permit No. 10-510-05, (Special Use Permit-Alcohol Use), Homewood Suites Hotel, Located at 1950 Solar Drive.

1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-510-05, a special use permit for alcohol, subject to certain findings and conditions.

2) **Project Description and Applicant:** A request to permit the sale of beer and wine for off-site consumption to registered hotel guests from the hotel's "Suite Shop," and to permit sale and service of beer and wine for on-site consumption to registered overnight hotel guests and their invitees, during the hotel's complimentary "happy hour" within the existing Homewood Suites Hotel. Filed by Mian Extended Stay, Inc., 1106 N. Highway 360, Suite 400, Grand Prairie, Texas 75050.

3) **Existing & Surrounding Land Uses:** The subject site is the recently-opened Homewood Suites Hotel.

[illegible]	[illegible]	[illegible]	[illegible]
Project Site	BRP	BRP	Homewood Suites Hotel
North	BRP	BRP	Hilton Garden Inn
South	BRP	BRP	Existing office buildings
East	BRP	BRP	Beyond Rice Avenue: Agriculture (Sakioka Specific Plan area)
West	BRP	BRP	Existing office development

4) **Background Information:** In August 2007, the Planning Commission approved Special Use Permit No. 06-500-10, allowing construction and operation of a 98,798 square foot extended stay hotel. The Homewood Suites hotel includes 129 guest rooms, a restaurant/lounge area, a swimming pool and other outdoor recreation facilities, and a meeting room. A separate special use permit (PZ No. 07-510-1) for sales of beer and wine to hotel guests only for consumption on the premises (in the dining room and lounge area) was also approved in 2007. In addition, the Planning Commission recommended approval of a tentative parcel map PZ 06-300- 6) to create a

separate legal lot from the adjacent Hilton Garden Inn property. The City Council reviewed and approved the project on September 11, 2007. The applicant received a one-year time extension to begin construction of the hotel before the 2-year time limit of the hotel's special use permit expired. However, the 1-year time limit of the special use permit for beer and wine sales expired before the applicant was able to complete construction of the hotel and obtain the required license from the State Department of Alcoholic Beverage Control. On December 17, 2009, the Planning Commission adopted Resolution No. 2009-42, approving a new alcohol special use permit for on-site general alcohol sales (previous approval was for on-site beer and wine sales only). During construction of the hotel, the applicant and ABC determined that the more appropriate types of ABC permits for this project are Type 20 and Type 70. The applicant did not activate the previously-approved alcohol license and is currently not selling or serving alcohol at the hotel (see **General Discussion** and **Request for Sale of Alcoholic Beverages for On- and Off-site Consumption** sections for more information about these permit types).

The Planning Manager approved two minor modifications in March 2010 and May 2010 to allow construction of a guest event center to serve both the Hilton Garden Inn and Homewood Suites Hotel. A specific condition of the permit approving the event center prohibits alcohol service, except with a one-day alcohol permit associated with an approved Temporary Use Permit. In addition to the alcohol limits, the facility is only for registered guests of the hotel, except for special events governed by a Temporary Use Permit. For special events to which non-hotel guests are invited, the applicant would be required to obtain a Temporary Use Permit and enter into an agreement with an adjacent property owner to provide sufficient off-site parking for the event's attendees and the hotels' guests.

5) **Environmental Determination:** In accordance with Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines (the "General Rule" exemption), the proposed project is not subject to environmental review. This exemption states that when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is not subject to the California Environmental Quality Act. Since alcohol sales within this project would be limited to guests staying at the hotel, the proposed alcohol sales use for the hotel does not increase the intensity, or change the approved land uses on the project site. The addition of the alcohol use would not create a significant effect on the environment. 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:*** The Homewood Suites Hotel operates similarly to the Hilton Garden Inn, offering beer, wine and distilled spirits with evening snacks and dinner to registered hotel guests only (in the lounge area, and potentially in the fenced outdoor recreation area). The special use permits approved for on-site alcohol sales in 2007 and 2009 for this hotel were more appropriate for a restaurant, and included special Police Department conditions to adapt the permit type to the hotel's operations. Because the applicant's

operations would have made compliance with these special conditions difficult, the applicant determined that the Type 70 ABC permit would be more appropriate. The Suite Shop alcohol sales require approval of a special use permit for a Type 20 ABC license (beer and wine sales for consumption in guest rooms and within other enclosed areas of the hotel). Approval of this special use permit would supersede the previous special use permit for alcohol sales (PZ No. 09-510-07). No other changes to the hotel and its permitted uses, either physical or operational, are proposed as part of this application.

b) ***General Plan Consistency:*** The land use map of the General Plan designates the subject parcel for *Business & Research Park* development. The underlying zoning designation is BRP (Business & Research Park), which is consistent with the *Business & Research Park* General Plan Land Use designation. In approving the hotel for construction, the Planning Commission determined that the hotel is consistent with the General Plan and zoning designation. Approval of the special use permit for alcohol use is consistent with the policies and standards of the General Plan and the BRP zoning designation.

c) ***Request for Sale of Alcoholic Beverages for On-site Consumption:*** The applicant has filed an application with the Department of Alcoholic Beverage Control (ABC) for approval of Type 70 and Type 20 Licenses. The Type 70 license (On Sale General – Restrictive Service) allows the hotel to serve beer, wine or distilled spirits to the hotel's registered guests and their invitees to consume at the hotel. The State Department of Alcoholic Beverage Control typically issues this type license to "suite-type" hotels and motels for the registered guests' evening "happy hour." No room service is provided at this hotel. The second license is for the "Suite Shop" adjacent to the lobby desk, which sells convenience items, including beer and wine, to the hotel's guests. The Suite Shop is required to have a Type 20 license for the "off-site sales" of beer and wine.

i) *Police Department Review:* The Police Department reviewed the proposed alcohol use request as required by City Council Resolution No. 11,896 for sale of alcoholic beverages. The Police Department's report (Attachment D) 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 these alcoholic uses are likely to significantly aggravate policing problems.

ii) *Concentration of Alcohol Sales:* There are currently three similar alcohol outlets within 1000 feet of the site, and one of those is within 350 feet (Hilton Garden Inn). The two other alcohol outlets are Outback Steakhouse (On-Sale General Eating Place); and La Rosa Market (Off-Sale Beer and Wine). There is an issue of undue concentration in this area.

iii) *Crime Statistics 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.

(For reference, Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.)

The average number of Part I and II crimes in the applicant's reporting district and all other districts within 1000 feet of the project location is 102 during the same 12-month time period. This is approximately 12% lower than the average crime rate citywide and up slightly since this proposal was last considered. According to the Police report, the areas just outside the 1000 foot radius have significant policing problems. These problems are mostly in the area of the apartment complexes on Wankel Way (south of Gonzales Road), where the average crime rate is approximately 122% above the citywide average. The majority of these reported crimes are thefts and other property-related crimes that are relatively minor in nature. The Police Department does not see this proposed use as aggravating existing problems in the area, but emphasizes the need for adherence to the Police Department's recommended conditions and reasonable precautions to reduce the likelihood of theft-related problems.

The Police Department's report also states that "The number of disturbance-related calls for service and those that listed alcohol as a contributing factor are below the citywide average."

iv) *Additional Police Input:* The Police Department has no serious concerns about approving the alcohol use at this hotel for on-site general alcohol sales, provided the hotel operates in a responsible manner, and agrees to abide by standard and special conditions included in the attached resolution. These conditions are the similar to conditions applied to the adjacent Hilton Garden Inn hotel, for which the Planning Commission approved a major modification to the hotel's Special Use Permit, for an upgrade to a Type 47 license was approved in March 2009. Both of these hotels have the same operator.

The Police Department's primary concern is that the Type 70 license is essentially the same as serving free alcohol, which is prohibited by state law. The Type 70 license allows the hotel to give alcohol to guests for uses such as extended-stay hotels where the alcohol is considered part of the room fees. The Police Department sees the availability of free and self-serve alcohol as creating a risky environment that would contribute to problem behavior, including excessive intoxication by guests, and giving underage customers unrestricted access to alcohol. The Police Department recommends that the number of free drinks per guest be limited and that alcohol be served only by hotel staff and these limitations are included as special conditions to mitigate these concerns.

The Police Department expressed concerns that the applicant intends to sell alcohol for off-site consumption from the "Suite Shop," because unless restrictions are applied, guests and even non-guests could consume alcohol in the parking lots and further off the

premises, essentially adding a liquor store to the area. The Police Department support the off-site sales portion of this use if the packaged alcohol can be purchased only by registered hotel guests and the alcohol can only be consumed in the enclosed areas of the hotel that are intended for guests only. These Special Conditions are included in the Planning Commission Resolution.

The Responsible Alcohol Policy Action Coalition (RAPAC) did not review this specific request, but they did review the previous request during processing of the special use permit for the Homewood Suites project in 2007. At that time, members of the community did not express opposition to the intended use, but expressed some caution that the surrounding area does not become oversaturated with alcohol and suggested that the sale of alcohol be limited to guests of the hotel and that alcohol not be permitted to leave the grounds of the hotel or be taken into the parking lots.

v) *Conclusion.* As indicated previously, most incidents in this area are property crimes and very few are violent or personal crimes.

This site has an issue of undue concentration because there is another similar alcohol outlet within 350 feet of the proposed site (Hilton Garden Inn). The primary issue for this application relates to provision of free, self-service alcohol, and special conditions to are recommended to limit the number of free drinks per person and requiring hotel staff to serve the alcohol. In addition, the Police Department's conditions restrict consumption of alcoholic beverages to enclosed areas of the hotel which are intended for the sole use of hotel guests.

The Police Department's experience is that the proposed license types (Types 20 and 70) do not normally aggravate policing issues, when properly regulated through conditions imposed by the Planning Commission, as long as the establishment complies with these regulations and operates responsibly. The Police Department's recommended operating conditions are included in the attached resolution.

7) **Community Workshop**: This project is not within a neighborhood or adjacent to any neighborhoods, and therefore was not reviewed at a Community Workshop.

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

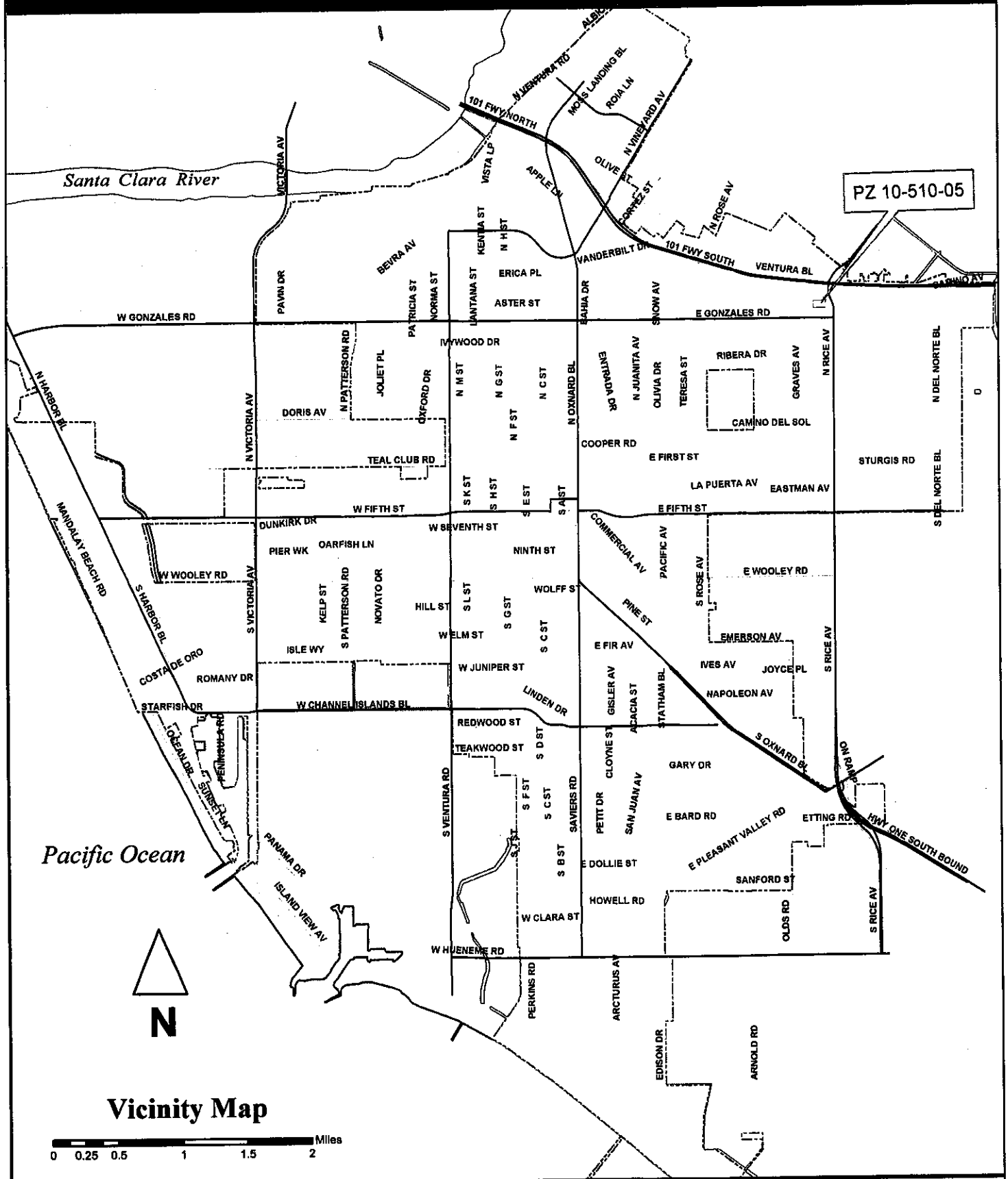
Attachments:

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

Prepared by: LW
LW

Approved by: SM
SM

Vicinity Map

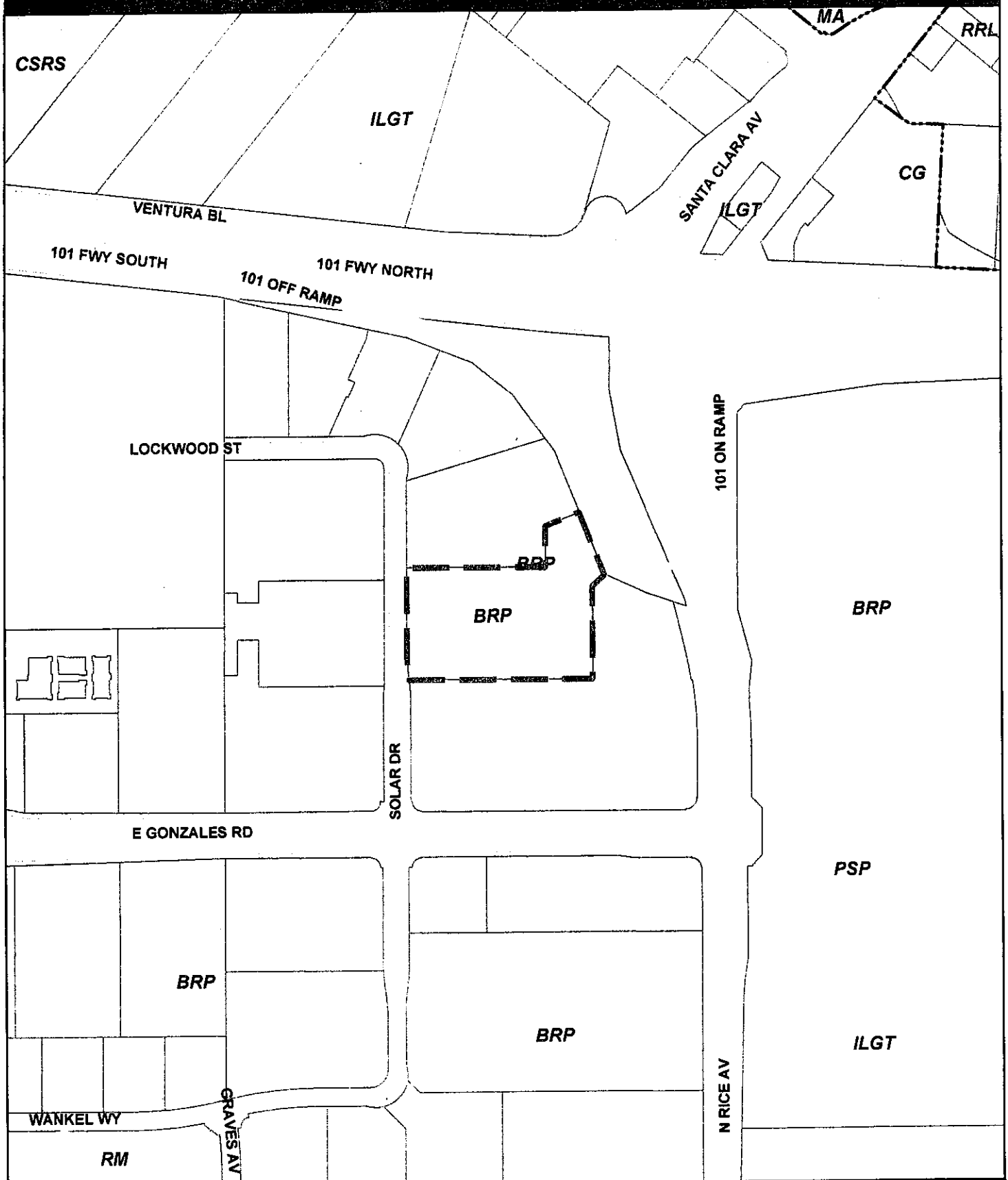


Oxnard Planning

June 28, 2010

PZ 10-510-05
Location: 1950 Solar Dr
APN: 21305213
Mian Extended Stay Inc.

General Plan Map



Oxnard Planning
June 28, 2010

PZ 10-510-05
Location: 1950 Solar Dr
APN: 21305213
Mian Extended Stay Inc.

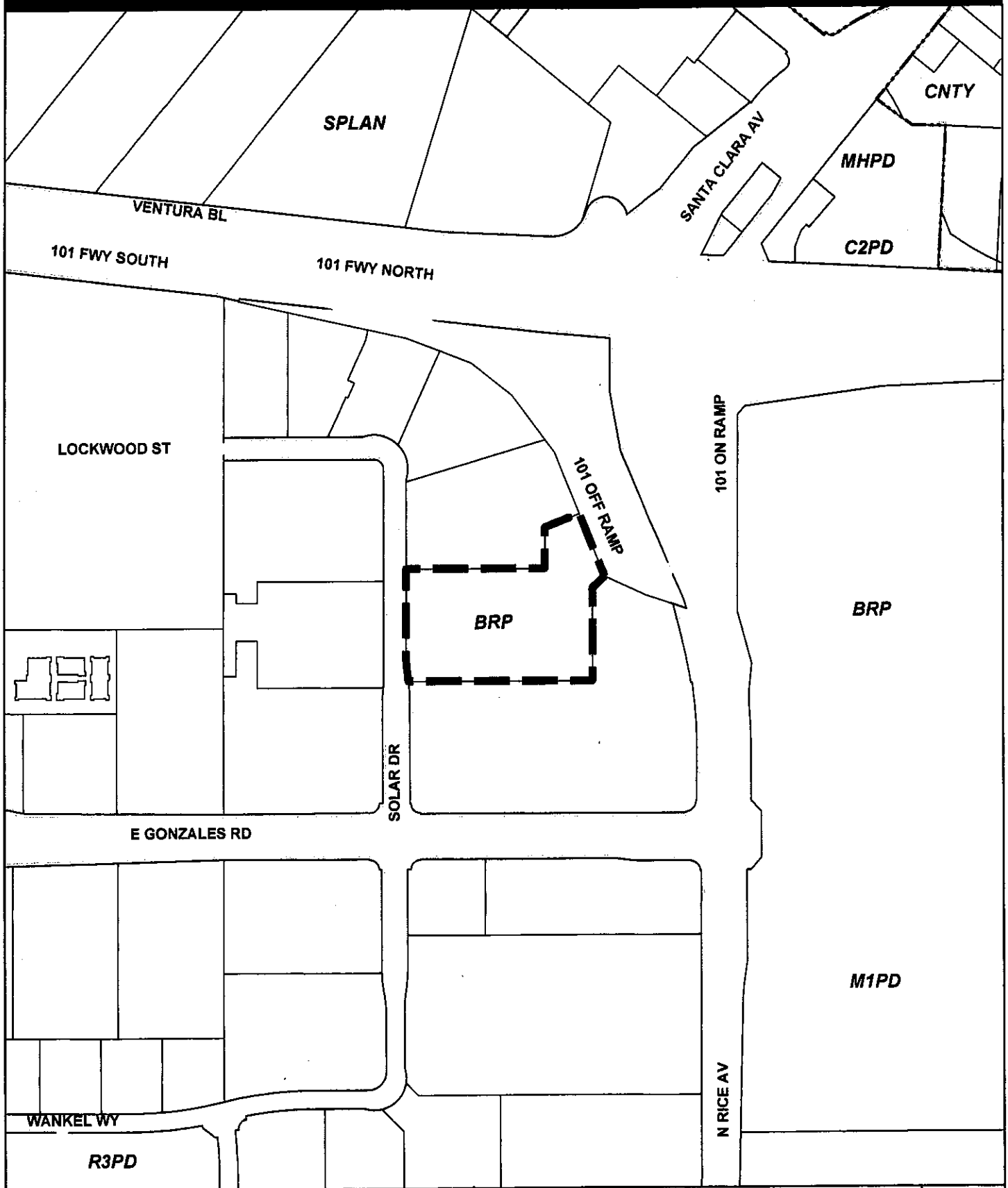
0 75 150 300 450 600 Feet

General Plan Map

N W E S

1:4,223

Zone Map



Oxnard Planning
June 28, 2010

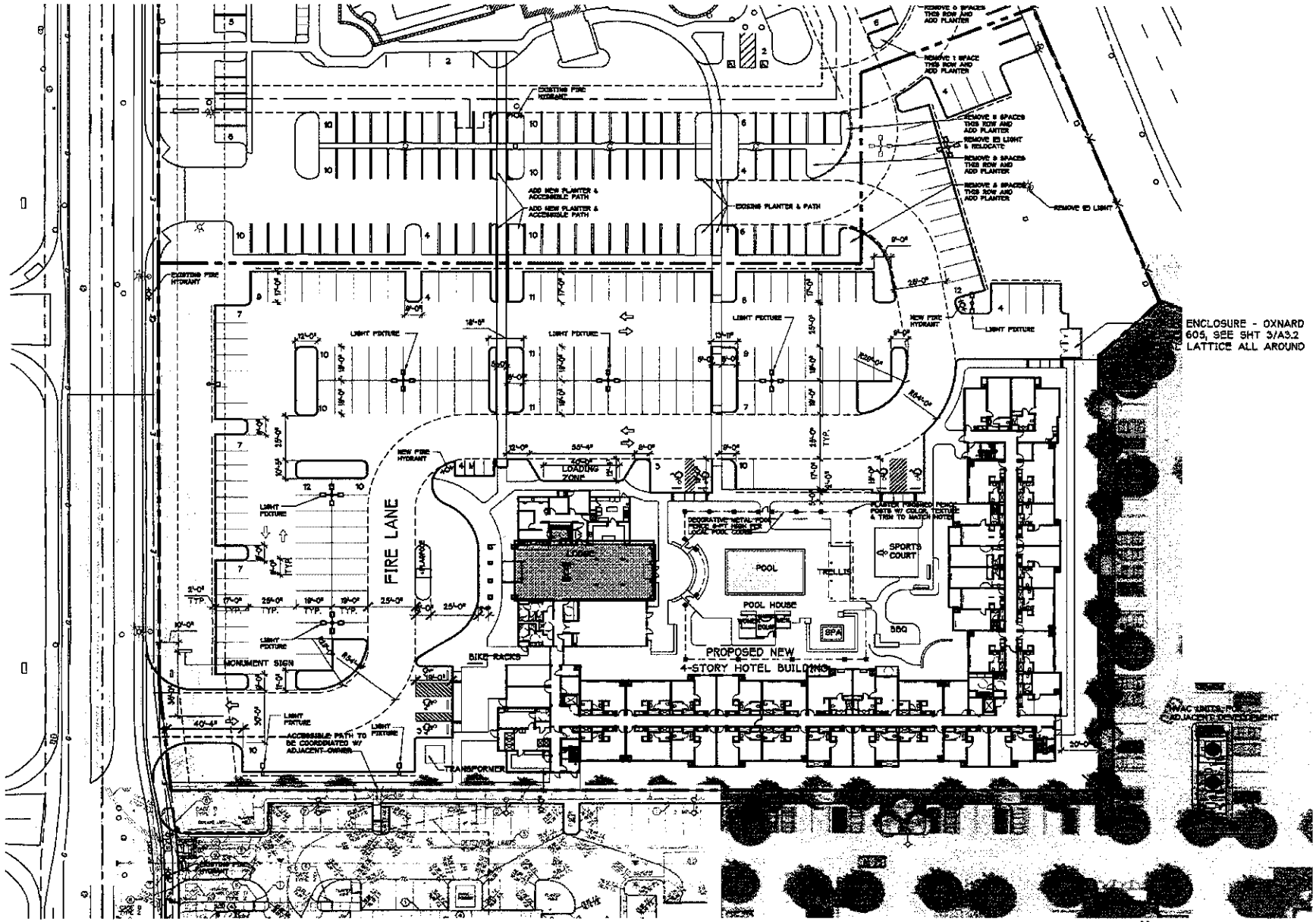
PZ 10-510-05
Location: 1950 Solar Dr
APN: 21305213
Mian Extended Stay Inc.

Feet
0 80 160 320 480 640

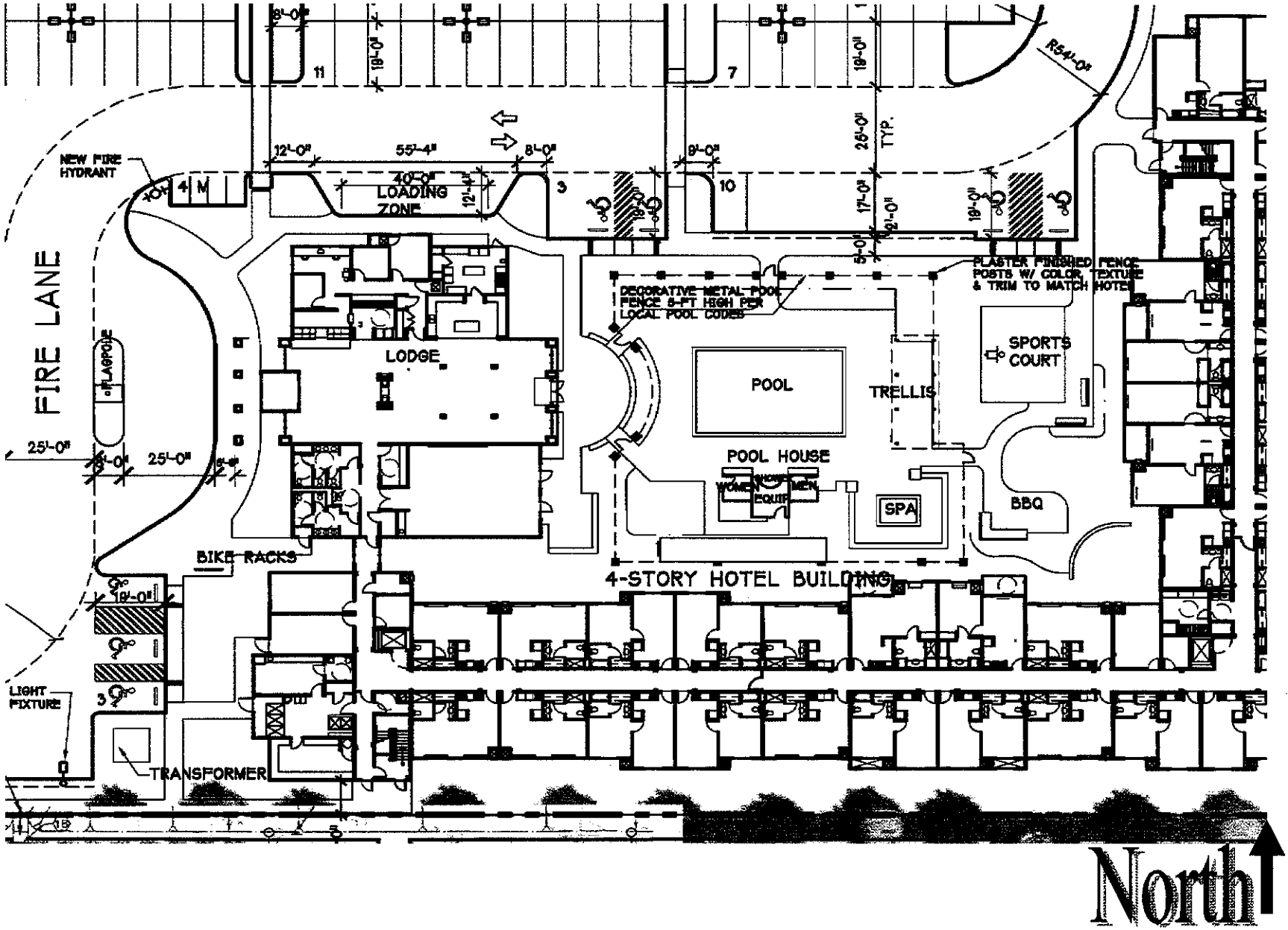
Zone Map

N W E S

1:4,249



1 SITE PLAN
SCALE: 1"= 30'-0"



FIRE LANE
NEW FIRE HYDRANT
LOADING ZONE
LODGE
FLAGPOLE
BIKE RACKS
LIGHT FIXTURE
TRANSFORMER
POOL
POOL HOUSE
WOMEN
SHOWER
EQUIP
MEN
SPA
TRELLIS
SPORTS COURT
BBQ
DECORATIVE METAL POOL FENCE 5-FT HIGH PER LOCAL POOL CODES
PLASTER FINISHED FENCE POSTS W/ COLOR, TEXTURE & TRIM TO MATCH HOTEL
4-STORY HOTEL BUILDING
R54'-0"
TYP.
North

NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 10-510-05 (Special Use Permit for Alcohol) a request to permit the sale of sale of beer and wine for off-site consumption to registered hotel guests from the hotel's "Suite Shop," and to permit sale and service of beer and wine for on-site consumption to registered overnight hotel guests and their invitees, during the hotel's complimentary "happy hour" within the existing Homewood Suites Hotel. Filed by Mian Extended Stay, Inc., 1106 N. Highway 360, Suite 400, Grand Prairie, Texas 75050.

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

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

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15061(b)(3) of the California Code of Regulations, when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, these projects may be found to be exempt from the requirements of CEQA. This proposal consists of adding alcohol sales to an existing hotel, involving no physical changes to the project. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

Planning Division
214 South C Street, Oxnard, CA 93030 ♦ (805) 385-7858 ♦ FAX (805) 385-7417

Police Department

John Crombach, Police Chief

Date: July 22, 2010

To: Linda Windsor, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1950 Solar Drive (Homewood Suites Hotel)

Site Information:

The proposed site is an existing, 129 room hotel located at 1950 Solar Drive, directly south of the Hilton Garden Inn near the Highway 101 and the southbound Rice Avenue off-ramp. The site is generally bordered by Highway 101 on the north, Gonzales Road on the south, Solar Drive on the west and Rice Avenue on the east. The nearest residences are approximately 1300 feet south of the site and include the apartment complexes along Wankel Way. There are currently three similar alcohol outlets within 1000 feet of the site and one of those is within 350 feet (Hilton Garden Inn).

The four-story hotel has a reception hall that will serve modest meals along with beer, wine and distilled spirits during a complementary "happy hour" period each evening. The applicant has requested to obtain an ABC License Type-70 which is an On-Sale General license that is unique to hotel environments and allows for the complementary service of beer, wine and distilled spirits to hotel guests. The applicant has proposed to serve alcoholic beverages in the reception/lodge area for on-site consumption. The applicant has also requested a Type 20 license to sell beer and wine at their convenience shop for consumption in the guestrooms and elsewhere throughout the enclosed areas of the hotel.

Alcohol outlets located within **350'** of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Hilton Garden Inn	2000 Solar Drive	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits

Alcohol outlets located within **1000'** of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Outback Steakhouse	2341 Lockwood Drive	Type 47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
2. La Rosa Market	2000 Outlet Center Drive #295	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 102 during the same 12-month time period. This is 12% lower than the average crime rate citywide and up slightly (from 89) since this proposal was last considered. However, in the areas just outside the typical 1000 foot radius used to measure the current crime rate, there are significant policing problems. When measuring out to a 1500 foot radius, the average crime rate jumps to approximately 122% above the citywide average. The majority of the reported crimes lie along the densely populated apartment complexes on Wankel Way. The police Beat Coordinator for the area said that the vicinity has long been challenged by thefts and other property-related crimes that are relatively minor in nature. The sprawling apartment complexes provide an inviting opportunity for would-be thieves and above average crime rates are not uncommon for similar developments. The addition of the proposed use should not aggravate the existing problems but should serve as a cautionary message to the management to consider reasonable precautions to minimize the likelihood for theft-related problems.

The number of disturbance-related calls for service to the surrounding area and those that listed alcohol as a contributing factor are below the citywide average. During the past six months, there were eight calls for police service to the hotel, none of those were disturbance related nor were there any Part I or Part II crimes reported.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

Police Department Input:
Senior Officer Daniel Shrubb, the Beat Coordinator for the area surrounding the proposed site, had no significant concerns regarding the proposed use other than to note the nearby theft problem as mentioned above. He said the crime rate in the area is relatively low and the majority of reported incidents tend to be property crimes that are generally minor in nature.

The primary concern of the Police Department is that the license (Type-70) allows for the service of free alcohol to the guests. Giving away free alcohol is generally prohibited by state law but is allowed for uses such as extended-stay hotels where the alcohol is considered part of the room fees. Obviously, left unrestricted, the unlimited availability of free alcohol creates a very risky environment that is sure to contribute to problem behavior. Of even greater concern is that the original proposal was to allow guests to "self-serve" from a tapped keg of beer during the complimentary host period (typically 5:30 – 7:30 PM). Permitting self-serve, free alcohol dramatically increases the risks of excessive intoxication by guests and would make it easy for underage customers to access alcohol. The Police Department has discussed this issue with the applicant and recommended that there be limitations on the number of free drinks for each guest and that alcohol be served only by hotel staff. The management was in agreement with our recommendations and special conditions to mitigate the concerns are included below.

Another concern noted by the Police Department is that the applicant intends to sell alcohol for both on-site and off-site consumption. While the ABC license type requested by the applicant (Type-70) is typically only used for on-site consumption (such as with a restaurant), Licensees may take advantage of the license privilege that also allows for off-site sales (similar to a convenience or liquor store). This kind of use, if left unrestricted, could contribute to guests and even non-guests consuming alcohol in the parking lots and other common areas and would be tantamount to the addition of another liquor store in the area. Such a use would be undesirable and not supported by the Police Department. A standard condition from the Police Department has been to prohibit the dual use of such a license. In this case, however, such a use may be appropriate as long as there are some restrictions as to whom the packaged alcohol can be sold to and where it may be taken. This would include limiting the sale to guests only and restricting the consumption of alcohol to the enclosed areas of the hotel that are intended for guests only. These Special Conditions are included in the Planning Commission Resolution.

Community Input:
The Responsible Alcohol Policy Action Coalition (RAPAC) had not yet had the opportunity to discuss this project but when this hotel was originally proposed in 2007, the use was discussed at their monthly meetings and they generally had no opposition to the proposed use. Members were somewhat cautious and concerned that the surrounding area does not become oversaturated with alcohol outlets as the area near Rice Road and Highway 101 continues to develop. That being said, they did not believe this particular proposal would significantly add to neighborhood and community problems as long as the sale of alcohol was limited to guests of the hotel and that alcohol was not permitted to leave the grounds of the hotel or be taken into the parking lots.

Conclusion:
The statistical analysis shows the area to have a crime rate that is 12% lower than the city-wide average and that there are currently no other significant police problems in the area. Since there is one similar alcohol outlet within 350 feet of the proposed site (Hilton Garden Inn), there is an issue of an undue concentration. However, it has been the experience of the Police Department that similar uses present a relatively low risk of contributing to community problems, as long as the business operates responsibly and adheres to the recommended conditions.

The license type requested allows for the service of free, self-serve alcohol which is not a use that can be supported by the Police Department. Special conditions to limit such a use are included in

the resolution. Because the applicant proposed to sell packaged alcoholic beverages in their gift shop, conditions are included in the Resolution that limits the sale of such beverages to hotel guests. It is also recommended that consumption of alcoholic beverages be restricted to the enclosed areas of the hotel which are intended for the sole use of hotel guests and could include the hotel rooms, lobby, reception area and enclosed pool area.

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

Police Standard Operating Conditions

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1) Permittee and all sellers or servers of alcoholic beverages shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)

3) When security personnel are present or required, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.

4) The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)

5) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area.

6) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)

7) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

8) The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

9) Sales of alcohol shall not occur between the hours of 1:30 a.m. and 6:00 a.m. (PL/PD)

10) Alcoholic beverages, other than those offered during the complimentary "host" period, shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged.* (PD)

11) Alcoholic beverages shall be served in standard sizes, not larger than 36oz., and shall not be served by the pitcher (typically 64oz.), "bucket" or similar high capacity amounts.

12) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

13) If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed through the Department of Alcoholic Beverage Control and the entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)

14) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)

15) 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.

16) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.

17) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.

18) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

19) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

20) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)

21) No pay phone on the exterior of the premises shall be allowed within 50 feet of any customer entry door and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

22) Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

24) 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)

25) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

26) 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. (PD)

27) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

Police Special Conditions

1) The sale or service of alcoholic beverages shall be limited to hotel guests or their invitees only.

2) Alcoholic beverages shall be sold and consumed only within the enclosed areas of the hotel that are intended solely for the use of guests. These areas may include the restaurant, lobby, reception area, guest rooms and the pool area (as long as the pool is adequately enclosed to the satisfaction of the Police Chief or designee). Alcohol shall not be permitted in the parking lot or other outdoor common areas that are accessible to the general public.

3) Complimentary alcoholic beverages during "Host" or "Happy Hour" periods shall be limited to two standard sized drinks per customer, per day. Additional alcoholic beverages must be purchased by the guests at prices consistent with industry standards and shall at all times adhere to conditions listed above limiting significantly reduced prices for alcoholic beverages.

4) All alcoholic beverages must be served to guests by RBS trained hotel staff. The self-service of alcohol is prohibited.

RESOLUTION NO. 2010 – [PZ 10-510-05]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-05 (SPECIAL USE PERMIT), FOR BEER, WINE AND LIQUOR (ON-SALE GENERAL--RESTRICTIVE) SERVICE FOR ON-SITE CONSUMPTION, AND OFF-SITE BEER AND WINE SALES, AT THE HOMEWOOD SUITES HOTEL, LOCATED AT 1950 SOLAR DRIVE (APN 231-0-052-035), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MIAN EXTENDED STAY, INC., 1106 N. HIGHWAY 360, SUITE 400, GRAND PRAIRIE, TEXAS 75050.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-05, filed by Mian Extended Stay, Inc., 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 Division has determined that the proposed project is not subject to environmental review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.

2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.

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

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

6. The presumption of undue concentration has been rebutted by a preponderance of the evidence, which shows that the proximate and proposed alcohol uses are conditioned to limit sale of alcoholic beverages to guests and limit consumption of alcoholic beverages to enclosed areas of the site which are intended for the sole use of hotel guests.

7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

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

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

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	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 Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated June 28, 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 alcohol use. A major modification shall be required for substantial changes in such use. (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. 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*)

PLANNING SPECIAL CONDITIONS

7. 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)

8. This approval supersedes PZ No. 09-510-7. (PL)

STANDARD POLICE CONDITIONS

9. Permittee and all sellers or servers of alcoholic beverages shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

10. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)

11. When security personnel are present or required, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.

12. 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 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)

13. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area.

14. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring businesses. (PD)

15. 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)

16. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

17. Sales of alcohol shall not occur between the hours of 1:30 a.m. and 6:00 a.m. (PL/PD)

18. Alcoholic beverages, other than those offered during the complimentary "host" period, shall not be offered at significantly reduced prices (typically more than 25%) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any 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 non-alcoholic items shall not be considered a violation of this condition and are actually encouraged.* (PD)

19. Alcoholic beverages shall be served in standard sizes, not larger than 36oz., and shall not be served by the pitcher (typically 64oz.), "bucket" or similar high capacity amounts.

20. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

21. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed through the Department of Alcoholic Beverage Control and the entire patio shall be adequately enclosed to the satisfaction of the Police Chief. Low or excessively wide spaced fencing will not be considered sufficient. (PD)

22. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)

23. 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.

24. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council.

25. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.

26. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

27. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

28. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)

29. No pay phone on the exterior of the premises shall be allowed within 50 feet of any customer entry door and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

30. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

31. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

32. 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)

33. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

34. 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. (PD)

35. 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

36. The sale or service of alcoholic beverages shall be limited to hotel guests or their invitees only.

37. Alcoholic beverages shall be sold and consumed only within the enclosed areas of the hotel that are intended solely for the use of guests. These areas may include the restaurant, lobby, reception area, guest rooms and the pool area (as long as the pool is adequately enclosed to the satisfaction of the Police Chief or designee). Alcohol shall not be permitted in the parking lot or other outdoor common areas that are accessible to the general public.

38. Complimentary alcoholic beverages during "Host" or "Happy Hour" periods shall be limited to two standard sized drinks per customer, per day. Additional alcoholic beverages must be purchased by the guests at prices consistent with industry standards and shall at all times adhere to conditions listed above limiting significantly reduced prices for alcoholic beverages.

39. All alcoholic beverages must be served to guests by RBS trained hotel staff. Self-service of alcohol is prohibited.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 5th day of August, 2010, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

_____
Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary