



**Planning Division**

## **PLANNING COMMISSION STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Spondello, Assistant Planner

**DATE:** October 7, 2010

**SUBJECT:** Planning and Zoning Permit Nos. 10-500-01, (Special Use Permit), 10-570-01 (Zone Change), and 10-510-13 (Special Use Permit for Alcohol), Located at 1401 West Gonzales Road.

**1) Recommendation:** That the Planning Commission:

- a) Approve Planning and Zoning Permit No. 10-500-01 for a Special Use Permit, subject to certain findings and conditions.
- b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-570-01 for a Zone Change.
- c) Adopt a resolution denying Planning and Zoning Permit No. 10-510-13 for a Special Use Permit for Alcohol.

**2) Project Description and Applicant:** A request to redevelop a parcel located at 1401 West Gonzalez Road including demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market, proposing to sell beer and wine for off-site consumption. The request also includes a zone change to amend the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). Filed by Designated Agent Clay Toombs, Evergreen Devco, Inc., 200 North Maryland Avenue, Suite 201, Glendale, CA 91206.

**3) Existing & Surrounding Land Uses:** The 1.2 acre property is currently developed with a 5,665 square foot banquet facility, known as the Oxnard Monday Club. Surrounding land uses are summarized below:

Project Site	General Commercial Planned Development (C-2-PD)	Commercial General	Oxnard Monday Club
North	High Rise Residential Planned Development (R-4-PD)	Residential High	Multi-Family Residential
South	Commercial Office Planned Development (C-O-PD)	Commercial Office	Multi-Tenant Office (Oxnard Manor Healthcare Center)
East	General Commercial Planned Development (C-2-PD)	Commercial General	Multi-Tenant Commercial (Northside Center)
West	General Commercial Planned Development (C-2-PD)	Commercial General	Multi-Tenant Commercial (Popeye's, Chicago Liquor, and Circle K)

- 4) **Background Information:** No prior development permits have been initiated on the project site. The existing Oxnard Monday Club was constructed in 1960. The facility is still used on occasion for receptions and meetings.
- 5) **Environmental Determination:** In accordance with Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as “in-fill development” may be found to be exempt from the requirements of CEQA. This proposal intends to redevelop an existing property of less than five acres, within an urban area in which the applicable General Plan Designation is consistent with the proposed zoning. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment “D”).
- 6) **Analysis:**
- a) **General Discussion:** The proposed 10,661 square foot Fresh and Easy Neighborhood Market would operate 24 hours a day. The interior of the 10,661 square foot store is comprised of a 7,580 square foot retail area and 3,081 square foot warehouse. The grocery store expects to employ approximately 20 employees during various shifts. Outdoor storage/display is not proposed, with the exception of the cart storage areas discussed in Section 6(e). Sale of alcohol for off-site consumption is proposed as part of the grocery operation. The Police Department has reviewed the request and determined that existing policing problems in the neighborhood would be aggravated by the sale of alcohol from this location (see discussion in Section 6(h) of this staff report).
- b) **General Plan and Land Use Designation Consistency:** The existing General Plan land use designation on the project site is Commercial General. According to the General Plan, this designation allows for free-standing commercial uses along thoroughfares, which is consistent with the application request. A zone change is proposed from High Rise

Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). Staff supports this request as it is consistent with the General Plan designation, adjacent commercial properties, and the proposed development.

<p><b>Growth Management Policy #C(2)</b> (page IV-17) states "permit development that can be served by existing facilities, transportation and service"</p>	<p>The project is proposing to re-develop an existing lot of record, served by existing services, streets and facilities Therefore, consistency with this policy may be found.</p>
<p><b>Growth Management Element</b> Policies consist of two general categories. The first category defines "where" the development will occur and the second defines "how" and "when" the development will proceed. The Oxnard City Urban Restriction Boundary (CURB) sets the primary self-imposed demarcation for the urbanization of the City. The City's Sphere of Influence identifies the probable ultimate physical boundary of the City. Greenbelt Agreements, such as the Save Open Space and Agricultural Resources (SOAR) initiative, designate portions of the planning area that shall remain in agriculture.</p>	<p>The project is within the CURB and is an infill project. The General Plan states the "first priority for development is assigned to those areas necessary to "round out" or "fill in" the boundaries of existing partially developed neighborhoods and infill properties for which public services are already present or can be readily provided at the expense of the developer" (page IV-21). Therefore, this project complies with the Growth Management Element Policies in that it is an area designated for urban infill and adequate City services are already in place.</p>
<p><b>Safety Policy #35B</b> (page IX-20) states that "The City should require the Police Department to review all proposed development projects for potentially dangerous situations, and implement its recommendations.</p>	<p>The Police Department reviewed the proposed use for compliance with its safety and security requirements. The project is conditioned to include implementation measures which address their concerns.</p>

c) **Conformance with Zoning Development Standards:** The zoning designation on the property is currently High Rise Residential Planned Development (R-4-PD) however the application proposes a zone change to General Commercial Planned Development (C-2-PD). With approval of the zone change, the project would be in conformance with all code requirements, as is illustrated by the following table:

<p>Max. building height 16-137</p>	<p>2 stories or 35 feet. Additional stories may be permitted as part of an SUP (16-530—16-553)</p>	<p>28 feet 2 inches</p>	<p>YES</p>
<p>Front yard setback* 16-139</p>	<p>10 feet from property line</p>	<p>10 feet</p>	<p>YES</p>
<p>Side yard setback*</p>	<p>5 feet.</p>	<p>35'+ and</p>	<p>YES</p>

16-140	Zero when abuts another C-2 zoned lot.	12'+	
Rear yard setback* 16-141	None if =<16 feet in height; 15 feet if >16 feet in height; 10 feet if abuts an alley.	190+ feet	YES
Floor Area Ratio	30% max. (per GP)	20.41%	YES
Off-street parking: Motorcycle (16-264) Bicycle (16-623 & 16-637) Loading (16-644)	1 space:300 sf floor area= 36spaces 1 motorcycle space 0 bicycle spaces 1 loading zone	45 car spaces 1 motorcycle 7 bicycle spaces 1 truck dock	YES
Parking space sizes & design: • Standard (16-636 & 16-638) • Loading (16-644)	• 9'W x 19'L • 12'W x 40'L x 14'H ; alt size with PC or director approval	Complies	YES
Parking area Landscape Req. (16-641): • Along streets/alleys • Along interior PLs (for lots with 20 or more spaces) • Parking/vehicle area (16-641) • Landscape fingers (16-641) • Trees (for lots with 20+) • If located adjacent to residential see 16- 641 (E)	• Min. 10' wide strip. • Min. 5' wide in parking areas. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. • 9'W x 20'L - every 10 spaces with 2 trees. • Min. 40' O.C.	• 10' on Gonzales Rd, north, and west PL 5' min along east • 9% coverage (not including setback areas) • Landscaped parking area	YES
Trash enclosures & transformers	To be screened at installation.	Trash enclosure provided along alley; transformer along Gonzales Road	Conditioned to Comply (No. 115)
Rooftop equipment	May not protrude above height of parapet.	Screened from view	YES

Fence (16-310)	<ul style="list-style-type: none"> <li>• Cannot be located in the FY setback area</li> <li>• No chain link in FY</li> <li>• 8' max height</li> </ul>	72" zone wall at north and east	YES
Lighting 16-320	Comply with Section 16-320 of the City Code.	Photometric plan reviewed with building permit.	Conditioned to Comply (No. 142)

d) **Site Design:** The building is situated with the rear along Gonzales Road. The primary entrance faces north, towards the parking area. The property is long and narrow and is separated from the commercial uses to the west by an existing 20 foot wide alley. With the exception of a cart storage area, outdoor display is not proposed.

e) **Circulation and Parking:** The site is accessed from West Gonzales Road and the alley. Delivery trucks would enter the site from West Gonzales Road.

The parking requirement for the project has been calculated based upon the standard for retail uses not located within a shopping center. This ratio is one space per 300 square feet of gross floor area. A total of 36 parking spaces are required for the 10,661 square foot project and 45 parking spaces are provided onsite. The project also meets the requirement to provide one motorcycle space and a bicycle rack.

The site design provides for pedestrian access from Gonzales Road at both the east and west portions of the property.

A recessed, 62-foot long loading dock is provided for deliveries at the west portion of the building. This area is screened by 'green screen' galvanized wire panels, finished in silver. Vines will be planted against these panels to provide for lush natural concealment of the loading area. When not in use, the entrance to the loading area will be secured by wire mesh gates to discourage unauthorized access. Trash would be collected from an enclosure opening towards the alley, along the western property line. Condition of approval no. 115 requires the proposed trash enclosure be enlarged to meet City standards.

Cart corrals are provided adjacent to the store entrance and at two locations in the parking lot.

f) **Building Design:** The building features colors and architectural style similar to other Fresh and Easy locations within the City. These include projecting roof elements at the northeast and southeast as well as integrated eyebrow canopies. The building features California Hills, Philadelphia Cream, and Herb Garden as the primary color palette. Portions of the building

will feature colored metal cladding as accent elements. The south elevation, along Gonzales Road, utilizes these elements along with sections of glazing to provide architectural details that make the rear of the building more appealing. The City's architectural consultant and the applicant worked together to improve the overall appearance of the building and Staff recommends approval of the proposed design.

- g) Signs:** The City Code allows for a maximum of 279 square feet of signage for the project. This is calculated using the primary frontage along West Gonzales Road as well as the secondary frontage at the north end of the building. The applicant proposes a total of 271.1 square feet of signage, which meets the Code requirements. A monument sign is proposed along Gonzales Road. The angles, colors, and materials of the sign are designed to be architecturally compatible with the proposed building. The monument sign consists of a single, internally illuminated band of text. Building signage proposed is consistent with the design and sign types that Fresh and Easy has employed elsewhere in the City. Main tenant identification signs are featured at the large projecting elements at the northeast and southeast. Smaller secondary signs are located at the south and west building elevations. Per City Code requirements, all illuminated signage is in excess of 100 feet from adjacent residential uses.
- h) Landscaping and Open Space:** Existing trees will be protected in place, where possible. An arborist's report has been reviewed and approved by the City's Contract Landscape Architect and provides for the value of the trees removed from the project site to be put back into new trees for the site (Condition No. 24). The value of trees to be removed was determined to be \$34,361.08 and this amount will be used to upgrade the landscaping to provide for larger specimens than the City's minimum tree size of 24" box. Nine percent of the site will be landscaped. Unique landscaping features include lush ivy-covered panels on the "green screen", adjacent to the loading zone, which achieve a natural and visually pleasing means of screening parked vehicles and loading operation from public view. The design of the landscaping planters and overall landscape design is consistent with the City Code.
- i) Alcohol Sales:** Part of the project request includes the sale of beer and wine for off-site consumption. The Oxnard Police Department has provided a report (Attachment "C") with information required by City Council Resolution No. 11,896 for sale of alcoholic beverages.

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, three similar off-sale and two on-sale establishments are located within 350 feet of the subject location. In light of these numbers, the police report determines an existing undue concentration in the area which exceeds 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 183 during the same 12-month time period. This is 56% higher than the average crime rate citywide. When the calculation is reduced down to a much smaller area of influence (bordered by Azalea Street, Ventura Road, Gonzales Road, and Lantana), the total crime rate is 132% above the citywide average. Essentially, the areas closest to the proposed site and most likely to be directly impacted by the business account for the greatest number of Part I and II crimes. The frequency of calls fade as the radius extends into the core of the neighborhood.

The heaviest concentration of incidents occurred along the northern edge of the site where there are dense apartment complexes and public housing on Azalea Street, Lobelia Ave. and Althea Court. The number of incidents that listed alcohol as a contributing factor is above the citywide average.

The report also notes that alcohol and drug related issues are considerable factors that influence the overall problems plaguing the area and that gang presence is also significant. The dense apartment complexes to the north of the site along Azalea, Lobelia, Althea Ct. and Ventura Road are generally considered to be the most consistently problematic in the affected policing district and rank among the most challenged areas in all of Oxnard. In light of these concerns, Staff is recommending that the Planning Commission deny the sale of alcohol at this location.

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on February 10 and May 5, 2010. The Applicant has addressed the comments received by DAC and the recommendations of the DAC are included in the attached resolutions.

- 8) Community Workshop and Public Input:** On June 10, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Sierra Linda, Windsor North/River Ridge, Cabrillo, and Fremont North Neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on June 21. Of the 35 persons in attendance, approximately eight spoke about the project. Several voiced their support of the development, the improvements proposed to the site, and the potential employment opportunities anticipated with the project. Others noted concerns regarding the number of existing alcohol outlets in the vicinity and the higher than average crime rate in the area. Planning staff also received four letters in support of the project and two letters in opposition.
- 9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on Permit Nos. 10-500-01 and 10-510-13 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. The Planning Commission's action on the zone change (10-570-01) is a recommendation and the matter will be considered by the City Council at a later date.

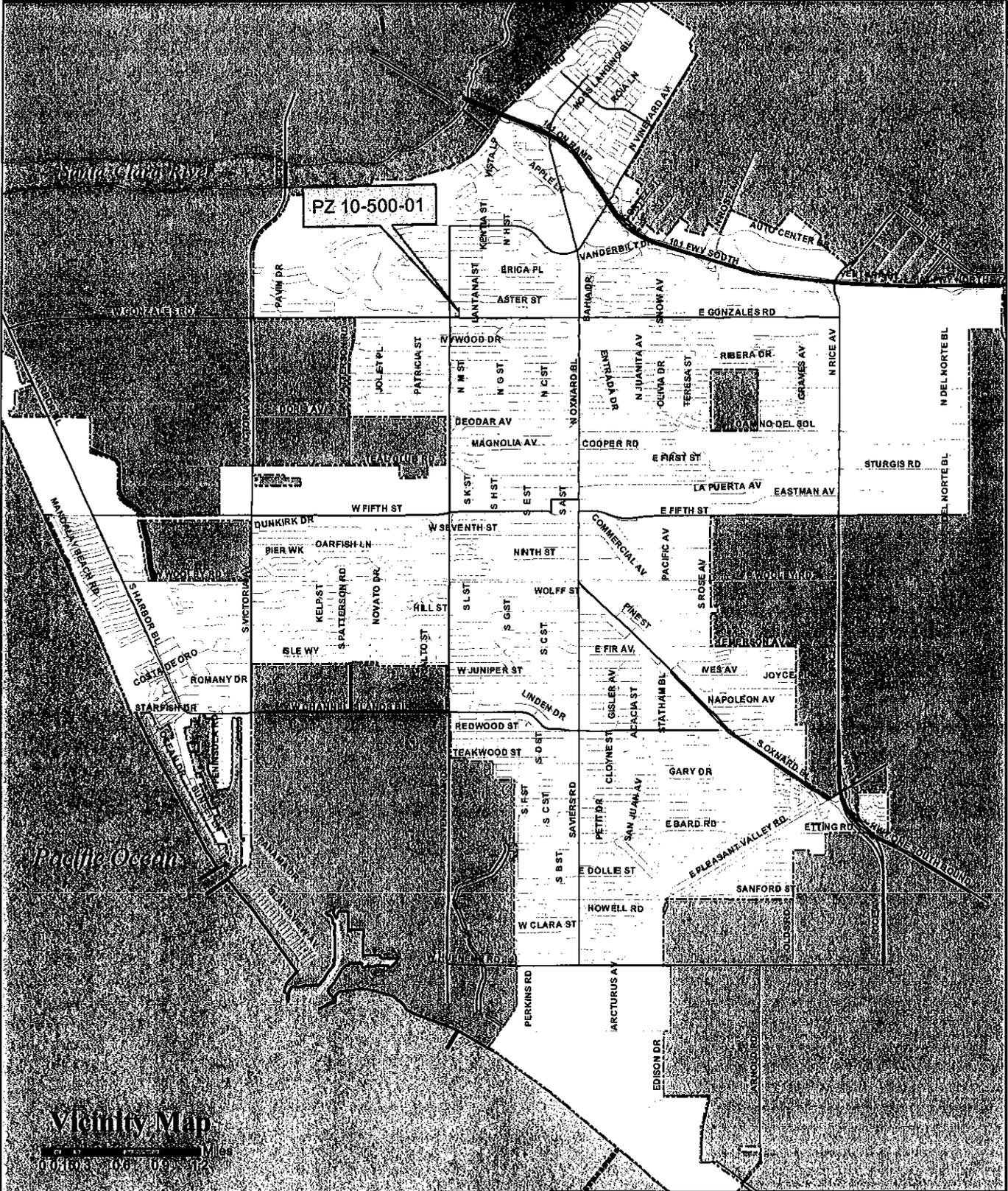
**Attachments:**

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

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

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

# Vicinity Map



Vicinity Map

0 0.1 0.2 0.3 0.4 Miles

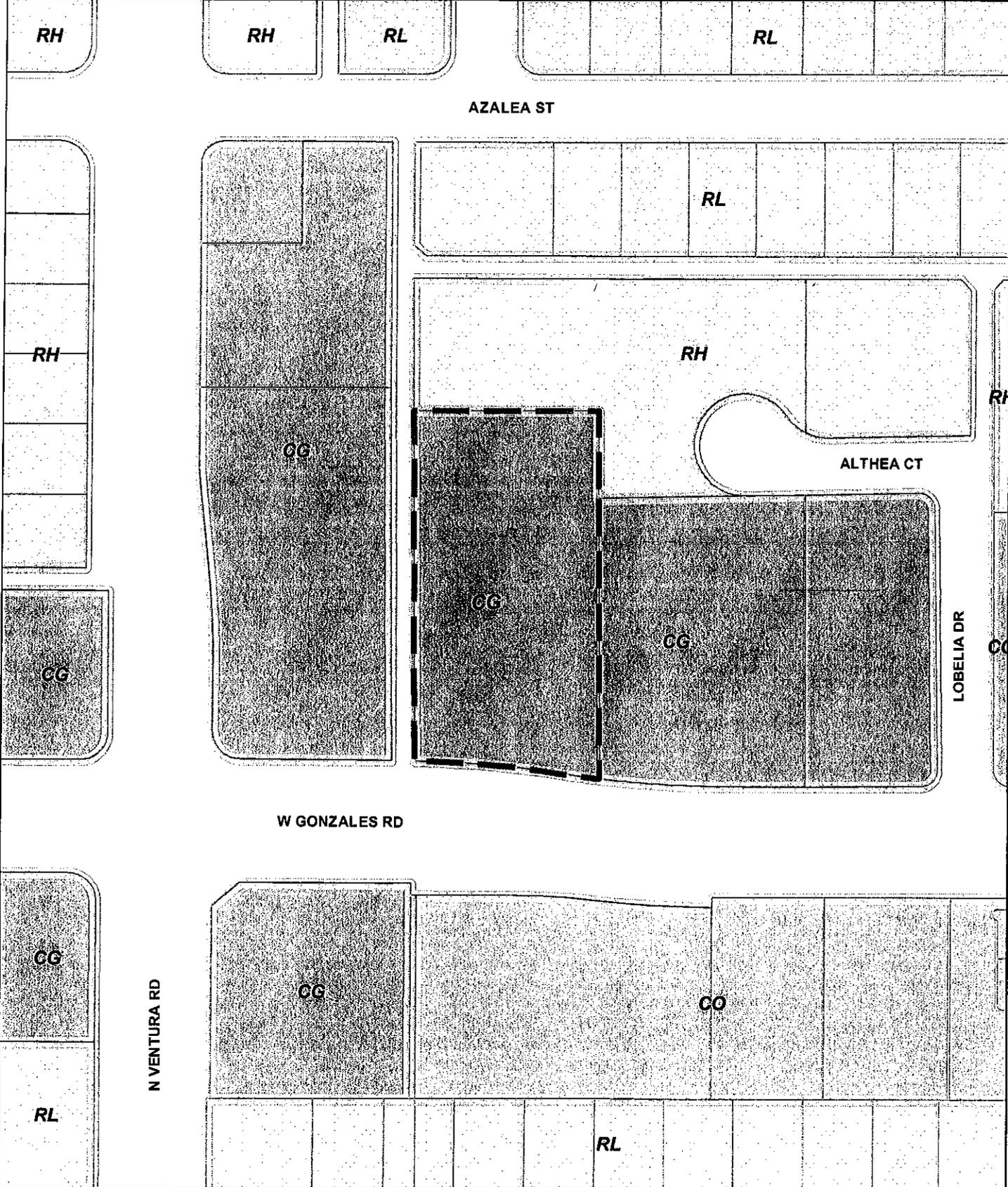


Oxnard Planning

March 26, 2010

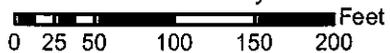
PZ 10-500-01  
Location: 1401 Gonzales Rd  
APN: 2030032029  
Fresh & Easy

# General Plan Map



Oxnard Planning  
March 26, 2010

PZ 10-500-01  
Location: 1401 Gonzales Rd  
APN: 2030032029  
Fresh & Easy



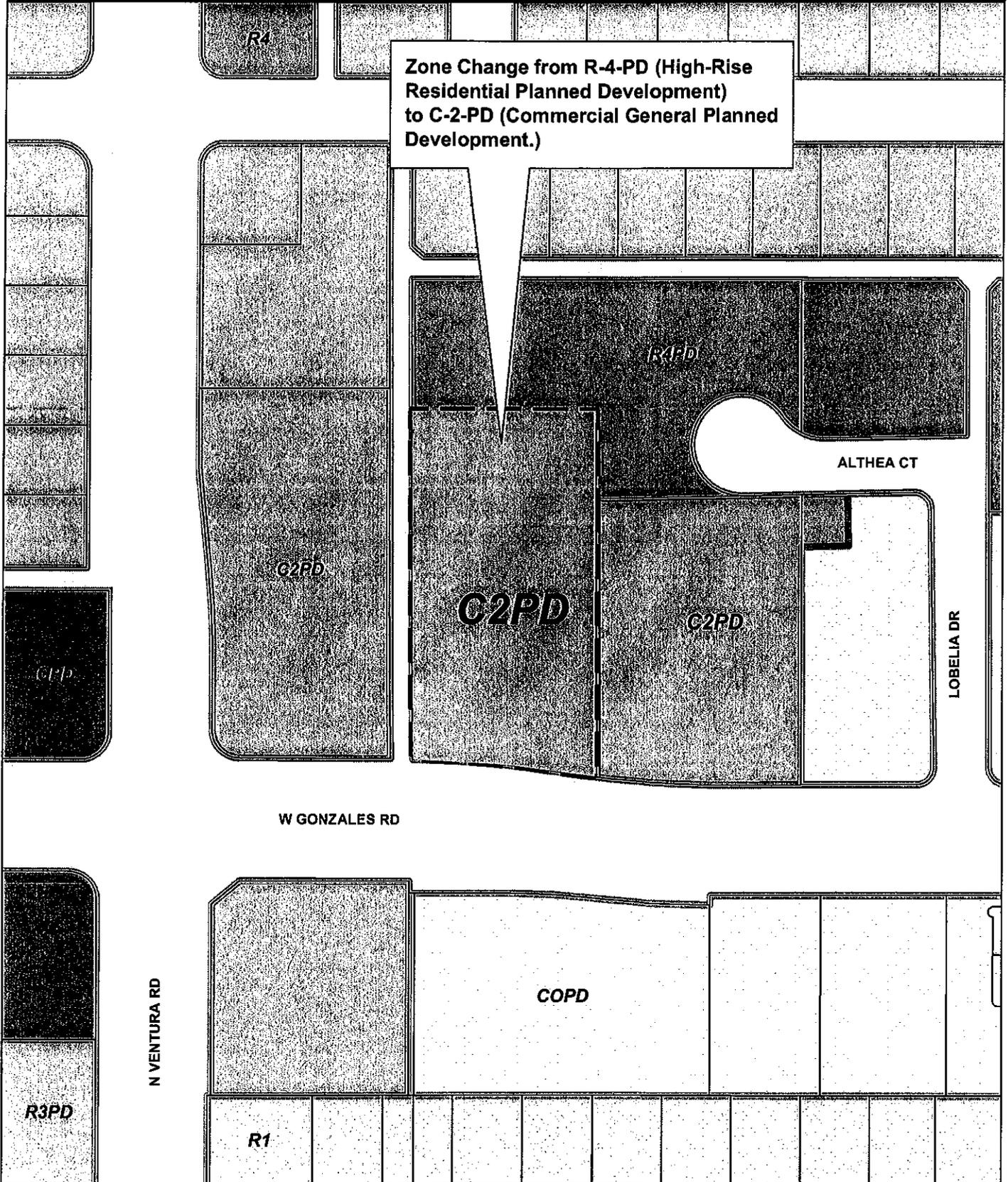
General Plan Map



1:1,427

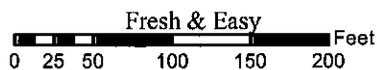
# Zone Change Map

Zone Change from R-4-PD (High-Rise Residential Planned Development)  
to C-2-PD (Commercial General Planned Development.)



Oxnard Planning  
September 24, 2010

PZ 10-570-01  
Location: 1401 W Gonzales Rd  
APN: 139008025



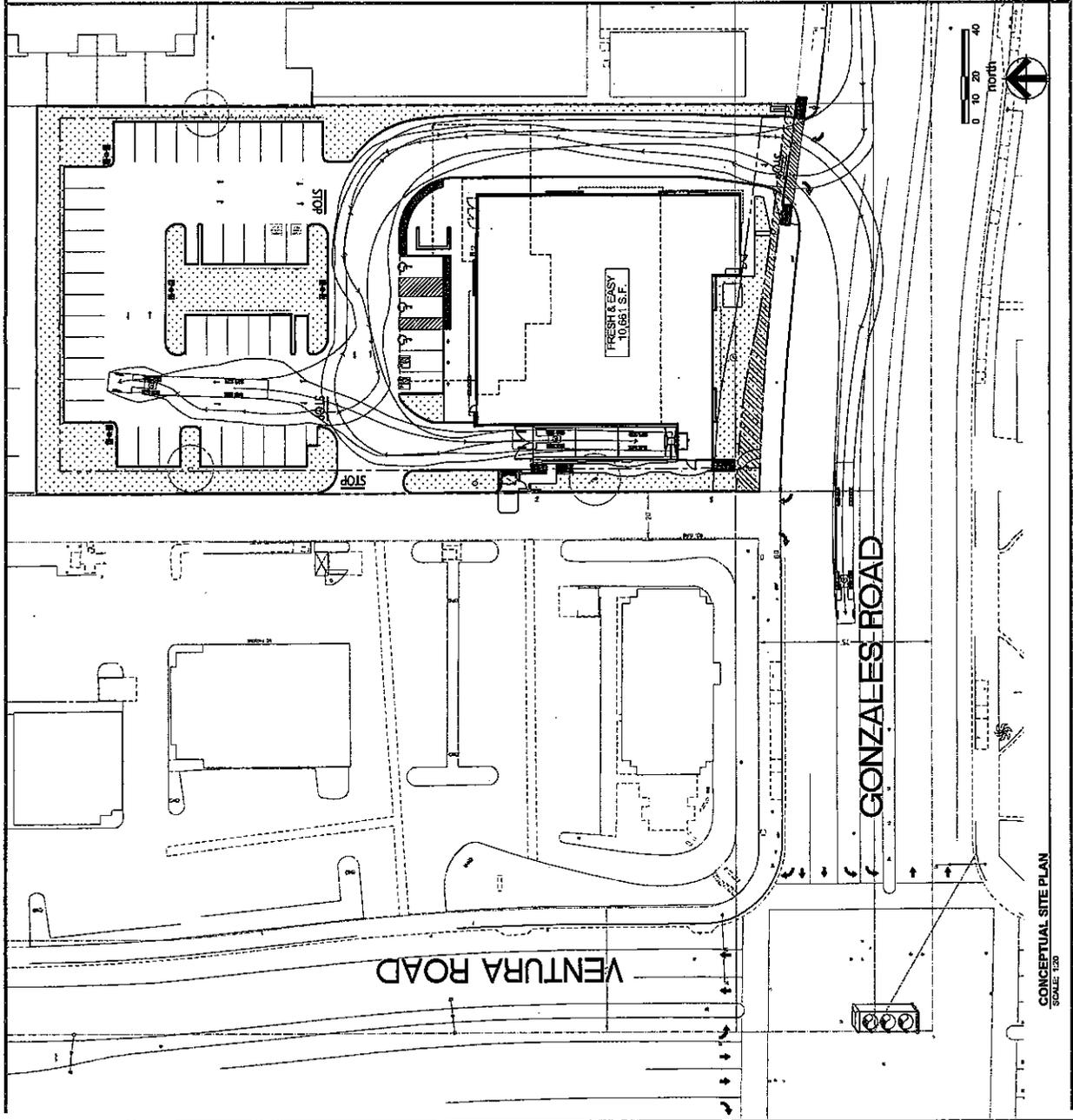
## Zone Change Map



Attachment "B": Reduced Project Plans







CONCEPTUAL SITE PLAN  
SCALE: 1/8" = 1'-0"

**kkē**  
architects

1002 Parkside, Inc.  
1002 Parkside Drive  
Palo Alto, CA 94303  
415.321.1234  
www.kkearchitects.com

Conceptual Planning & Planning Co.  
8500 Avenida Arroyo  
Palo Alto, CA 94305  
650.321.8282



1401 West Gonzales Road  
OSUNDA, CA

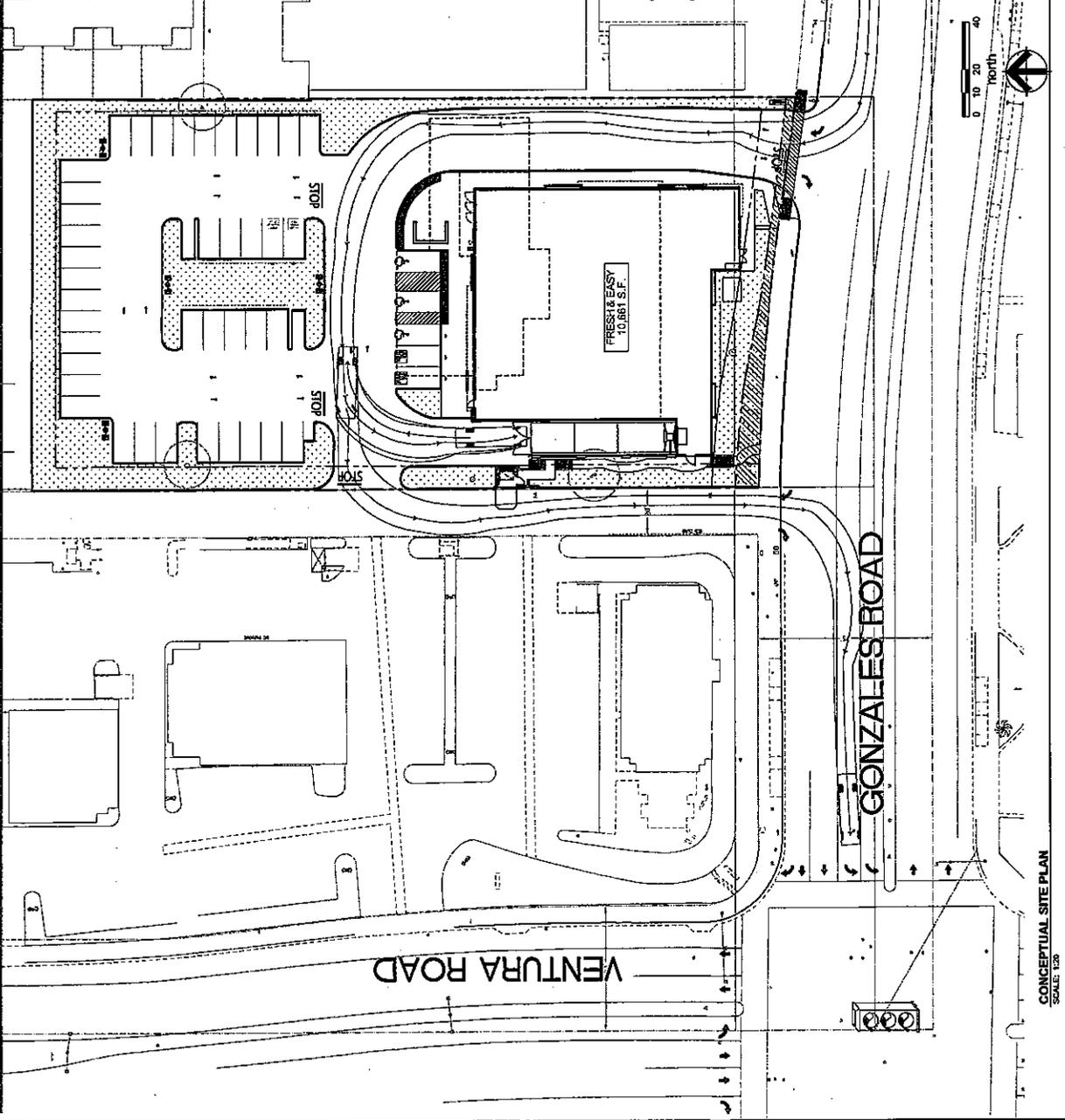
REVISIONS  
 Revision Number 12/22/2006  
 Revision Number 04/02/2007  
 Revision Number 04/22/2008

**DELIVERY TRUCK ROUTE**

PROTOTYPED  
REV. 1.1

DATE: 12/22/06

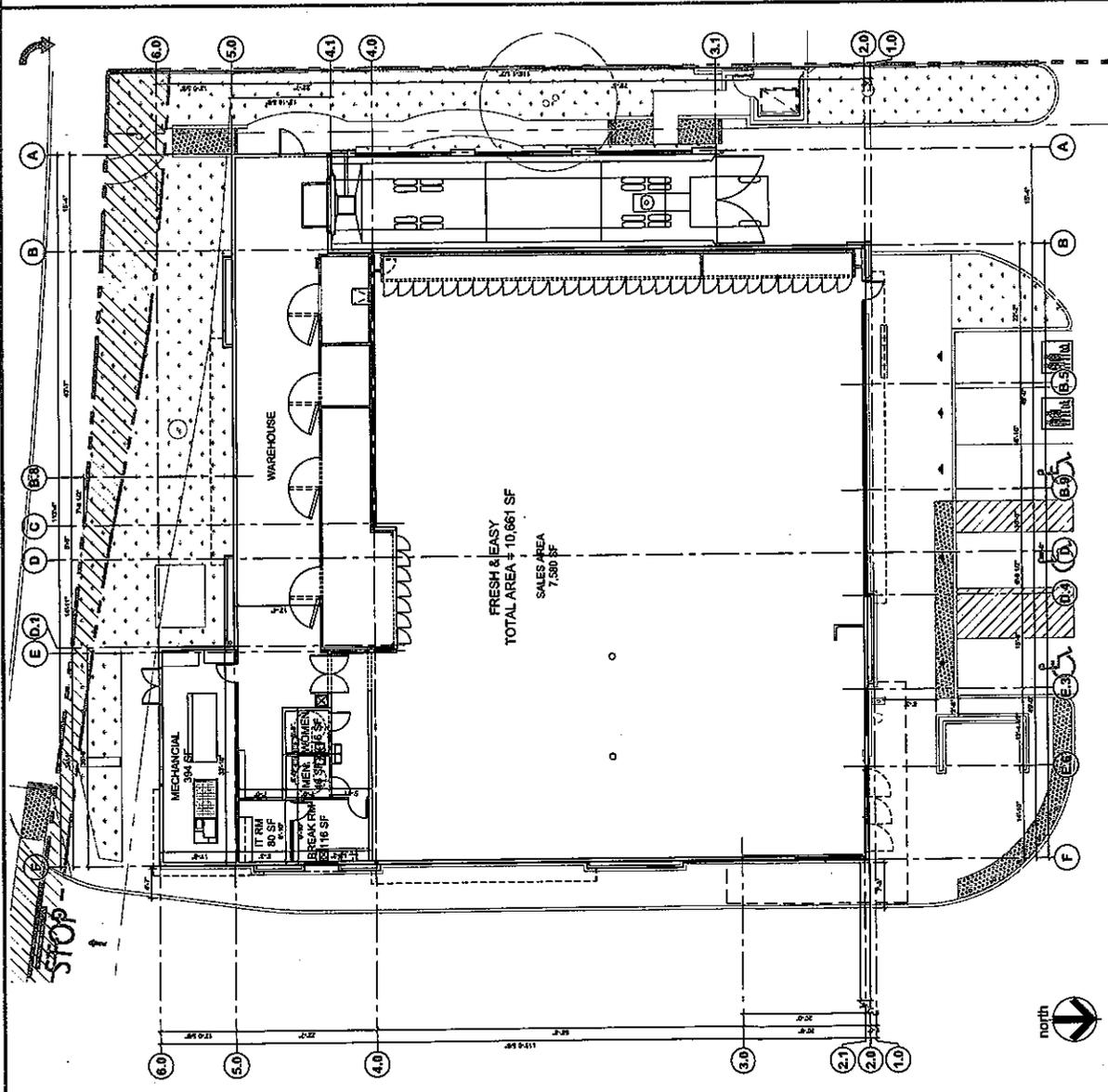
**A1.3**



CONCEPTUAL SITE PLAN  
SCALE: 1:20

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**BUILDING SUMMARY**  
SALES FLOOR 7,580 SF.  
BACKROOM 2,687 SF.  
MECHANICAL ROOM 394 SF.  
**TOTAL OVERALL/ LEASED AREA 10,661 SF.**



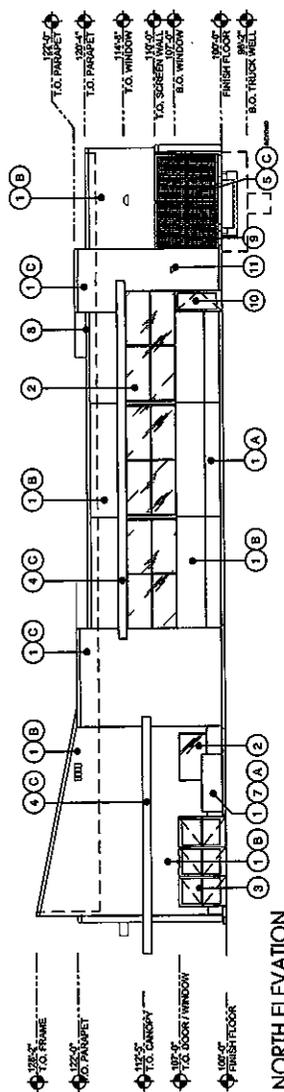
**FRESH & EASY**  
TOTAL AREA = 10,661 SF  
SALES AREA 7,580 SF



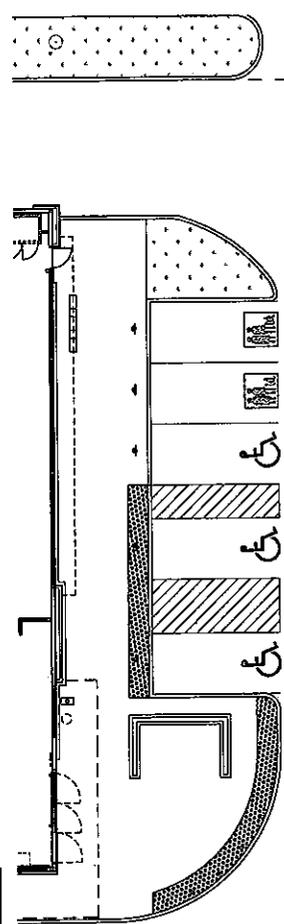
**A2.1-01** FLOOR PLAN  
SCALE: 1/8" = 1'-0"



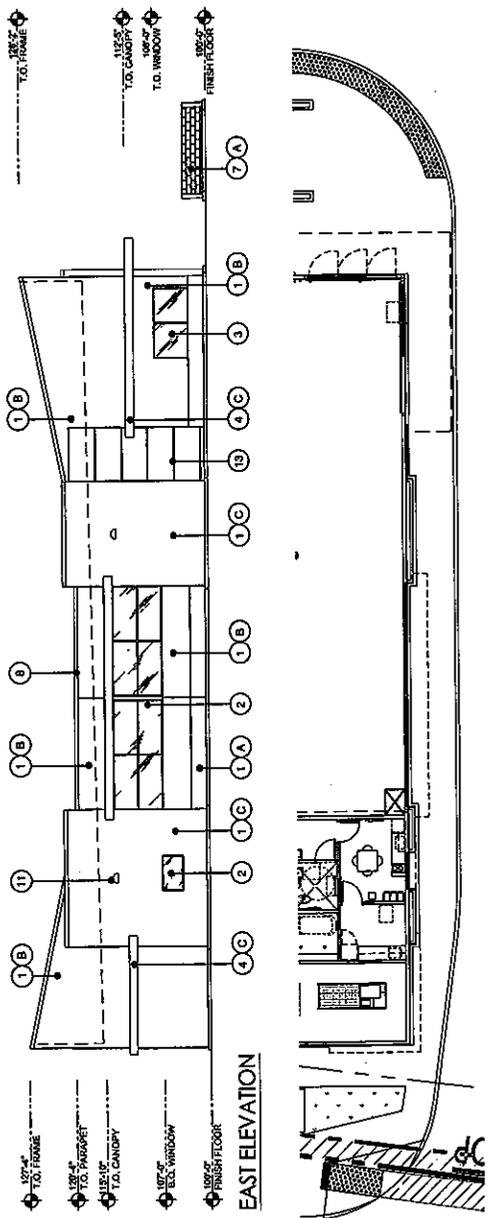




**NORTH ELEVATION**



**EAST ELEVATION**



**ELEVATIONS  
SCALE: 1/8" = 1'-0"**

**MATERIALS**

1. STUCCO - MEDIUM FINISH
2. GLAZING
3. STONEFRONT - CLEAR ANODIZED
4. METAL CANOPY
5. LOADING DOOR
6. NOT USED
7. ENCLOSED CART STORAGE
8. METAL CAP
9. WIRE MESH SWING GATES, SILVER FINISH
10. EXIT DOOR
11. LIGHT FIXTURE - BRONZE
12. LOADING SCREEN WALL
13. EXIT DOOR
14. SPANDREL GLAZING  
COLOR: CHAMPAGNE  
FINISH: PREMIUM ANODIZED
15. GREEN SCREEN - GALVANIZED  
COLOR: METALLIC OPACIFIER #2  
WIRE PANELS, SILVER FINISH

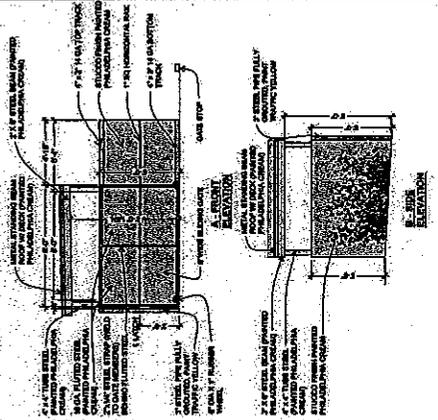
**COLORS**

- A. BENJAMIN MOORE 216 - "CALIFORNIA HILLS"
- B. BENJAMIN MOORE HC 30 - "PHILADELPHIA CREAM"
- C. BENJAMIN MOORE 434 - "HERB GARDEN"

ALL WEST SOUTH & EAST FACING GLAZING INCLUDING DOORS SHALL HAVE SURFACE APPLIED TINT.

REVISIONS

1	Revised Schedule 10/20/09
2	Revised Schedule 10/20/09
3	Revised Schedule 10/20/09
4	Revised Schedule 10/20/09
5	Revised Schedule 10/20/09
6	Revised Schedule 10/20/09
7	Revised Schedule 10/20/09
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50	Revised Schedule 10/20/09



**TRASH ENCLOSURE ELEVATIONS**  
 SCALE: 1/8" = 1'-0"

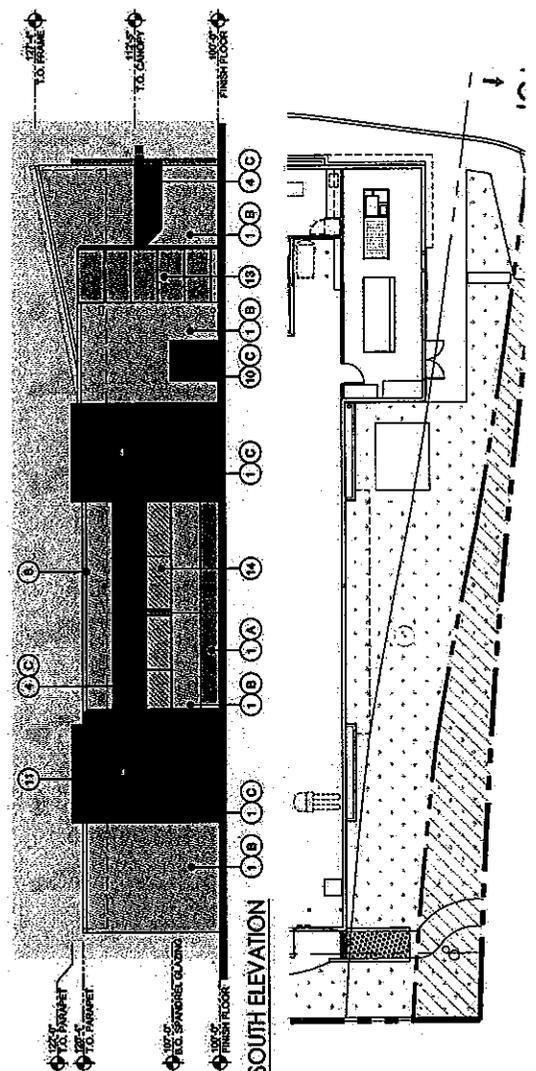
**MATERIALS**

1. STUCCO - MEDIUM FINISH
2. GLAZING - CLEAR ANODIZED
3. METAL CLAMPOPS
4. LOADING DOOR
5. NOT USED
6. ENCLOSED CART STORAGE
7. METAL CAP
8. WIRE MESH SWING GATES, SILVER FINISH
9. EXIT DOOR
10. LIGHT FIXTURE - BRONZE
11. LOADING SCREEN WALL
12. EXTERIOR CLADDING
13. FLOOR FINISH: POLISHED CONCRETE
14. WALLS: STUCCO
15. CEILING: STUCCO
16. GREEN SCREEN - GALVANIZED WIRE PANELS, SILVER FINISH

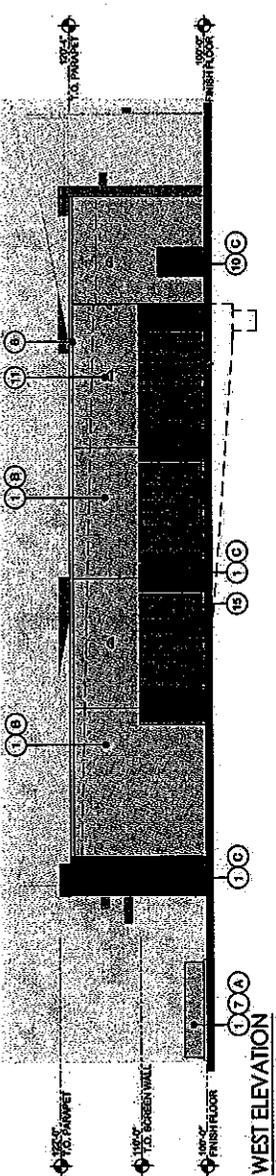
**COLORS**

- A. BENJAMIN MOORE 214 - "CALIFORNIA HILLS"
- B. BENJAMIN MOORE HC 30 - "PHILADELPHIA CREAM"
- C. BENJAMIN MOORE 484 - "HIBER GARDEN"

ALL WEST SOUTH & EAST FACING GLAZING EXCLUDING DOORS SHALL HAVE SURFACE APPLIED INT.



**SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"

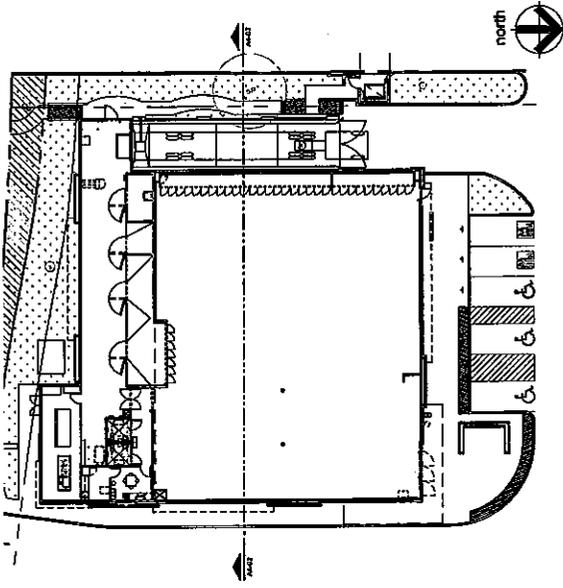
**ELEVATIONS**  
 SCALE: 1/8" = 1'-0"

ALL DIMENSIONS AND MATERIALS UNLESS OTHERWISE SPECIFIED SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF THE CITY AND COUNTY OF OAKLAND, CALIFORNIA. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

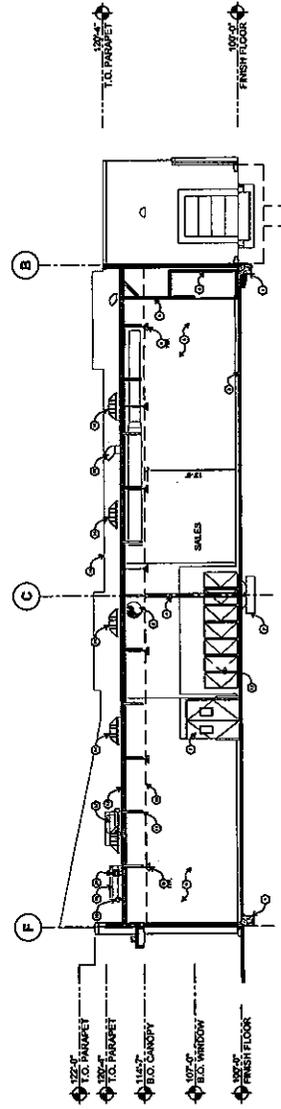


**KEYED NOTES:**

- 1 PERIMETER WALL FOOTING
- 2 LINE OF COLUMN FOOTING EXTEND
- 3 CONCRETE FLOOR SLAB
- 4 STEEL COLUMN
- 5 MAIN FLOOR WALL
- 6 PERIMETER COLUMN WALL AND CEILING
- 7 TRAFFIC IMPACT DOOR
- 8 MECHANICAL DUCT WORK
- 9 HANGING LIGHT FIXTURE
- 10 STEEL GIRDER
- 11 ROOF GIRDER
- 12 CLASH W/ SINGLE PLY ROOF SYSTEM OVER PARALLELIZED FOOTING
- 13 4" x 4" x 4" SLOPE/DRIP
- 14 LINE INDICATES PERIMETER BEYOND
- 15 RESPONSIBLE ROOM 'USE'
- 16 MECHANICAL DUCTWORK
- 17 MECHANICAL DUCTWORK
- 18 PLUMBING & MECHANICAL VENT
- 19 ROOF MOUNTED AIRFLOW



**A4-01** REFERENCE KEY FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**A4-02** BUILDING SECTION  
SCALE: 3/8" = 1'-0"

**Attachment "C": Police Report  
(Dated August 28, 2010)**



## Police Department

John Crombach, Police Chief

Date: August 28, 2010  
To: Doug Spondello, Assistant Planner  
From: Cliff Waer, Senior Alcohol Compliance Officer  
Subject: 1401 W. Gonzales Road (Fresh and Easy)

**Re: PZ 10-500-01**

### Site Information:

The proposed site is located at 1401 W. Gonzales Road near the northeast corner of Ventura Road and Gonzales Road where the Oxnard Monday Club building currently stands. The new structure will be situated with the rear of the building backed-up to Gonzales Road and the front doors facing north into the parking lot. Nearby businesses include a fast food restaurant along with two convenience stores with alcohol to the west and a restaurant, laundromat and bar to the east.

The site is generally bordered by dense residential apartment complexes and public housing to the north, commercial to the east and west, and Gonzales Road to the south. The nearest residences are approximately 50 feet to the north and are separated from the business by a block wall.

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 three similar Off-Sale alcohol outlets within 350 feet of the site and two On-Sale businesses. There are no additional alcohol outlets within 1000 feet.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	BUSINESS TYPE	ALCOHOL ALLOWED
1. Circle K	1954 N. Ventura Rd.	Type 21	Off-Sale General	Market	Beer, Wine and Spirits
2. Chicago	1930 N.	Type 21	Off-Sale General	Market	Beer, Wine

Deli	Ventura Rd.				and Spirits
3. Alliance Gas	1861 N. Ventura Rd.	Type 20	Off-Sale Beer and Wine	Market	Beer and Wine
4. Camelot Room	1331 W. Gonzales Rd.	Type 48	On-Sale General (Public Premises)	Bar	Beer, Wine and Spirits
5. Los Remedios	1333 W. Gonzales Rd.	Type 47	On-Sale General (Eating Place)	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 183 during the same 12-month time period. This is 56% higher than the average crime rate citywide which is considered to be significant. Perhaps of even greater concern is when the calculation is reduced down to a much smaller area of influence (bordered by Azalea Street, Ventura Road, Gonzales Road, and Lantana), the total crime rate is 132% above the citywide average. Essentially, the areas closest to the proposed site and most likely to be directly impacted by the business account for the greatest number of part I and II crimes. The frequency of calls fade as the radius extends into the core of the neighborhood.

The heaviest concentration of incidents occurred along the northern edge of the site where there are dense apartment complexes and public housing on Azalea Street, Lobelia Ave. and Althea Court. The number of incidents that listed alcohol as a contributing factor is 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. 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 who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is a serious policing problem. She said that alcohol and drug related issues are considerable factors that influence the overall problems plaguing the area and that gang presence is also significant. The dense apartment complexes to the north of the site along Azalea, Lobelia, Althea Ct. and Ventura Road are generally considered to be the most consistently problematic in the entire affected policing district and rank among the most challenged areas in all of Oxnard.

Police calls for service at the nearby businesses that sell alcoholic beverages offer a snapshot of the challenges facing the area. Police calls at the Circle-K market in the most recent 12-month period amounted to an alarming 97 calls with more than 30 of those being thefts. Virtually all of the reported thefts were of alcoholic beverages. During the last 12 months, there were nearly 175 police calls to the two closest liquor stores (Circle-K and Chicago Deli) with more than 30 disturbances and multiple arrests for public intoxication and narcotics violations. The Police Department is working closely with these businesses to improve the existing conditions and there have been some positive outcomes; however, the entrenched problems are difficult to overcome and we believe the addition of another alcohol outlet nearby will frustrate our efforts and aggravate the existing problems.

In addition, the Police Department is concerned about the number of Off-sale outlets in close proximity to the site. There are a total of three Off-Sale alcohol outlets within 350 feet of the proposed site and two of those are within 100 feet; this exceeds the City of Oxnard standards for an undue concentration. Of the two closest outlets, one is considered to be a nuisance and is the focus of a cooperative effort between the business, police and residents to reduce the number of problems at the location. The fact that there is an excess of alcohol outlets nearby and that one of those is already a nuisance is of great concern to the Police Department as we expect the proposed site will face similar challenges to those of neighboring 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> The degree to which the outlets may negatively impact the neighborhood often depends upon the level of policy regulation applied by the local and state 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 participated in a joint meeting with residents from three nearby neighborhoods where this application was the focus of the meeting. We did not ask for or obtain any consensus from the neighborhoods, either for or against the proposal; rather, the pros and cons were presented for them to consider as they determine what is in the best interest of the neighborhood. The general comments seemed to indicate that there is a great interest in making improvements to the area and that the proposed use, a neighborhood market, would be an appropriate and positive change; however, many shared the concerns of the Police

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<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.

Department that the availability of alcohol was not desirable and preferred the development proceed without the sales of alcohol.

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) were notified of the proposal and had significant concerns about how the addition of another alcohol outlet may further challenge the area and interfere with the improvement efforts already underway regarding the problem alcohol outlets. They agreed that the development would be a welcome addition to the neighborhood but hoped the project would continue without the availability of alcohol.

**Conclusion:**

The statistical analysis shows the area to have a crime rate that is significantly higher than the citywide average (56% higher for a radius of 1000 feet and 132% higher for the areas much closer and more directly impacted by this application). The general area is considered to be an intense policing problem with alcohol, drugs and gang presence a serious concern. The alcohol outlet density exceeds City of Oxnard standards as there are three similar outlets within 350 feet of the site (two are less than 100 feet away). 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. To offer support for 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 support the development of a neighborhood market at this site and believe such a use will be a marked improvement over the existing conditions, we do not support the sale of alcohol at this time. We conclude that adding another alcohol outlet at this site is likely to aggravate the significant policing problems that currently exist and present yet another challenge to this troubled neighborhood. Should the Planning Commission determine that the application is appropriate and desire to approve the Permit, the Police Department requests that we be given the opportunity to include conditions of operation in the Resolution to minimize the likelihood for problems.

**Attachment ‘D’: Notice of Exemption**



## NOTICE OF EXEMPTION

### **Project Description:**

Planning and Zoning Permit Nos. 10-500-01, (Special Use Permit), 10-570-01 (Zone Change), and 10-510-13 (Special Use Permit for Alcohol)

A request to redevelop a parcel located at 1401 West Gonzalez Road including demolishing an existing commercial building and constructing a new 10,661 square foot Fresh and Easy Neighborhood Market, proposing to sell beer and wine for off-site consumption. The request also includes a zone change to amend the land use designation from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD). Filed by Designated Agent Clay Toombs, Evergreen Devco, Inc., 200 North Maryland Avenue, Suite 201, Glendale, CA 91206.

### **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 15332 of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as "in-fill development" may be found to be exempt from the requirements of CEQA. This proposal intends to redevelop an existing property of less than five acres, within an urban area in which the applicable General Plan Designation is consistent with the proposed zoning. 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

Attachment "E": Resolutions

RESOLUTION NO. 2010 – [PZ 10-500-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-500-01 (SPECIAL USE PERMIT), TO REDEVELOP A PARCEL LOCATED AT 1401 WEST GONZALES ROAD INCLUDING DEMOLISHING AN EXISTING BUILDING (OXNARD MONDAY CLUB) AND CONSTRUCTING A 10,661 SQUARE FOOT MARKET, LOCATED AT 1401 WEST GONZALES ROAD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-500-01, filed by Designated Agent Clay Toombs in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Section 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental 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. The proposed use is in conformance with the *2020 General Plan* and other adopted standards 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.

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 May 27, 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. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

5. 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)
6. 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)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. 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)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. 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)
14. 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)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

**LANDSCAPE STANDARD CONDITIONS**

16. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)
17. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
18. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, PK-4)
19. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)
20. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
21. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

#### **LANDSCAPE SPECIAL CONDITIONS**

22. The Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements.
23. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards.
24. Staff accepts the Arborist's Tree Report, dated October 9, 2009. The value of the trees is \$34,361.08. The value of the trees removed from the project site shall be put back into new trees for the site and shall be in addition to meeting the City's minimum tree size of 24" box.
25. At the time of plan check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all trees on the site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees which are to remain, be removed or be transplanted. The chart shall contain the arborist's economic appraisal value of all trees to be removed as well as a computation showing how the removed tree value was put back into new tree sizes for the project. The new tree sizes for the project shall be in addition to meeting the minimum tree size of 24" box.

26. At time of plan check submittal, the landscape and grading plans shall address how the root system of remaining existing tree #4 will not be negatively impacted by the proposed swale change in grade. If existing tree #4 is to be removed, then it shall be accounted for in the Tree Tabulation Chart.
27. A tall dense landscape screen shall be provided along the northerly and a portion of the easterly landscape planter to serve as a tall dense screen buffer between the existing residential development and the Fresh and Easy operations.
28. The three existing street trees on Gonzales Rd shall have their irrigation system connected to the onsite irrigation system.

### **FIRE DEPARTMENT STANDARD CONDITIONS**

29. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)
30. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)
31. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)
32. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. The tests must be certified by a mechanical, civil, or fire protection engineer. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
33. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)
34. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
35. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

36. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
37. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, F-11)
38. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)
39. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)
40. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

#### **FIRE DEPARTMENT SPECIAL CONDITIONS**

41. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department.
42. Contact Fire Department to determine location of Fire Department Connection.

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

43. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
44. Developer shall limit outdoor storage of materials to the locations shown on the project plans. Developer shall screen storage areas from adjacent properties and streets by a wall or similar screening. All fence and wall materials shall match the predominant design and materials of the main structure on the project property. (PL/B, PL-48)
45. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)
46. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public

vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

47. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
48. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)
49. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, *PL-1*)
50. 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*)
51. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)
52. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
53. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, *PL-5*)
54. 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*)
55. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light

spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

56. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.
57. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)
58. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)
59. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, PL-11)
60. During construction, Developer shall control dust by the following activities:
  - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
  - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, PL-12)
61. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
62. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)

63. Prior to issuance of building permits, 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**

64. This permit is granted subject to the approval of a zone change for the project property. (PL)
65. Prior to the issuance of building permits, Developer shall provide specifications for the outdoor furniture and/or trash bins that will be installed on the project site. The outdoor furniture and trash bins shall be made of a high quality, durable material that is decorative in nature and blends well with the architecture of the project. The Planning Manager shall approve the outdoor furniture and trash bins before they are installed. The site plan submitted for building permits shall substantially conform to the site plan approved by the Planning Commission and shall note the location for all of the outdoor furniture and/or trash bins that are proposed to be installed onsite. All outdoor furniture and/or trash bins shall be installed as illustrated on the approved site plan, or in similar arrangement as approved by the City Building Official, prior to final inspection. (DS/PL)

#### **ENVIRONMENTAL RESOURCES DIVISION STANDARD CONDITIONS**

66. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.
67. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report For Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.

68. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.
69. Developer shall make provisions to divert at least 50% of the waste material generated during occupancy through source reduction, recycling, reuse, and green waste programs. Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. A "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually on the anniversary date of the certificate of occupancy for approval.

#### **DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS**

70. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
71. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall show the proposed structural section on the site improvement plans. (DS-2)
72. Developer shall have the site improvement plans prepared on standard Development Services Division mylars by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and the original ink-on-mylar plans filed with the Development Services Division. (DS-3)
73. Developer shall submit improvement plans and drainage calculations that demonstrate that storm drainage from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
74. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
75. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
76. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)

77. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
78. If the existing sewer lateral is larger than four inches in diameter, Developer's site improvement plans shall include an on-site sewer plan. (DS-10)
79. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. (DS-11)
80. Developer shall install on-site and off-site utility services underground in accordance with City ordinances in effect at the time City issues the building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
81. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
82. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
83. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)
84. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)

85. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
86. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
87. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
88. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
89. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)
90. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
91. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)
92. All grading shall conform to City's grading ordinance and any recommendations of Developer's soils engineer that have been approved by the City Engineer. Developer shall conform to all applicable notes specified on the site improvement/grading plan cover sheet and grading permit. (DS-30)

93. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)
94. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
95. Developer shall install water mains, fire hydrants and water services in conformance with City Standard Plans and specifications as directed by the City Engineer. (DS-41)
96. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
97. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
98. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
99. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2020 General Plan, and any applicable specific plan. (DS-48)
100. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
101. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
102. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)
103. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

104. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
105. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
106. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
107. Developer shall comply with all National Pollutant Discharge Elimination System (NPDES) permit Best Management Practice (BMP) requirements in effect at the time of grading or building permit issuance. Requirements shall include, but not be limited to, compliance with the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). (DS-78)
108. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. (DS-81)
109. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)
110. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. (DS-83)
111. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. (DS-84)
112. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site

improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)

113. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (DS-86)

#### **DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS**

114. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. If concrete apron is less than 60 inches from the edge of the ribbon gutter, then the intervening asphalt shall be removed between the edge of the gutter and asphalt. The concrete apron shall be joined with ribbon gutter. (DS)
115. Developer shall construct double-bin trash enclosure (two (2) 4-yard bins, one bin for recycle use) with a solid non-combustible roof (8 foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division (see plates 604, 605, and 606 for requirements). Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. Developer shall construct trash enclosure so that the doors do not encroach/swing onto alley drive aisle. (DS)
116. Developer shall provide onsite fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with city standards and shown on the civil engineer's improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over the waterline using standard City format. (DS)

117. If the waterline trench in the alley is less than 60 inches (5 feet) from the edge of gutter or edge of pavement, it is considered a floater and the Developer shall grind and overlay the alley from the gutter to the East curb to a depth of 2 inches. (DS)
118. If more than 50% of the alley curb cut is removed due to installation of the waterline then the entire curb cut shall be removed and replaced to meet current ADA standards. (DS)
119. Developer shall provide calculations demonstrating that proposed onsite hydrant system is capable of meeting City fire flow requirements. (DS)

#### **POLICE DEPARTMENT CONDITIONS**

120. Except in cases of emergency, the door on the northwest corner of the building shall not be used as a means of customer access or egress. The door shall close automatically and be equipped with panic hardware and an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the door stating it is an emergency exit only. (PD)
121. The interior merchandising plan indicates alcohol will be displayed in an area that appears to be far from where it can be easily monitored by employees who are at their regular work stations. Should alcohol be permitted, Applicant will contact the Alcohol Compliance Officer to discuss alternate display areas. (PD)
122. The loading dock entrance shall be secured during hours of non-use. (PD)
123. Police recommends graffiti/etching-resistant film application on accessible window panes in public areas including reflecting surfaces in public restrooms. (PD)
124. 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. (PD)
125. Post all vehicle entrances to the parking lot in compliance with California Vehicle Code §22658(a)(1). Persons in lawful possession of the property may then cause the removal of a vehicle parked on the property to the nearest public garage if parked without the owner's permission. (PD)
126. Any electronic security system must comply with Oxnard City Ordinance No. 2601 (available online at <http://oxnardpd.org/documents/alarm-ordinance-2002.pdf>) and must be properly permitted by the City of Oxnard (available online at <http://oxnardpd.org/documents/alarm-permit.pdf>). (PD)
127. If a video surveillance system is used for this property, please comply with "Oxnard Police Department Guidelines & Recommendations for Closed-Circuit Television (CCTV) Surveillance Systems," available online <http://www.oxnardpd.org/documents/opdcctv.pdf>. (PD)

128. All landscape materials shall be maintained in a condition that does not interfere with the natural surveillance of the property or obstruct the ability to observe the activities of persons on or about the property. (PD)

129. OUTDOOR LIGHTING CODE & GUIDELINES (PD/PL)

(a) Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

(b) Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the following exceptions:

1. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
2. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.

(c) Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected (Oxnard City Code 16-320).

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

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Randall Elliott, Chair

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

RESOLUTION NO. 2010-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 10-510-13 (SPECIAL USE PERMIT FOR ALCOHOL), A REQUEST TO PERMIT THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT A PROPOSED FRESH AND EASY NEIGHBORHOOD MARKET, LOCATED AT 1401 WEST GONZALES AVENUE. FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-13, filed by Designated Agent Clay Toombs 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 56% higher than citywide average and considered to be significant. The sale of alcohol would further aggravate and intensify police problems at the subject property and within 1000 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 three 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. Approval of this special use permit would add to an existing undue concentration of alcoholic beverage retail establishments within 350 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 7th day of October 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

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Randall Elliott, Chair

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

RESOLUTION NO. [PZ 10-570-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE CHANGE (PLANNING AND ZONING PERMIT NO. 10-570-01), TO CHANGE THE ZONE DISTRICT FROM HIGH RISE RESIDENTIAL PLANNED DEVELOPMENT (R-4-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) FOR A 1.2 ACRE PROPERTY LOCATED AT 1401 WEST GONZALES ROAD (APN 139-0-080-255), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-570-01, filed by Designated Agent Clay Toombs in accordance with Section 16-575 through 16-590 of the Oxnard City Code, to change the zoning of a 1.2 acre property located at 1401 West Gonzales Road from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD); and

WHEREAS, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to the proposed Zone Change (PZ No. 10-570-01); and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zone Change (PZ No. 10-570-01); and

WHEREAS, Section 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the zone changes is consistent with the 2020 General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the adoption of the Zone Change (PZ No. 10-570-01), amending the City's official Zoning Map to change the zoning designation of one parcel as shown in Exhibit "A", attached hereto and incorporated herein by reference.

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

AYES: Commissioners

NOES: Commissioners

Resolution No. 4  
October 7, 2010  
Page 2

ABSENT: Commissioners

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Randall Elliott, Chair

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

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, APPROVING PLANNING AND ZONING PERMIT NO. 10-570-01 (ZONE CHANGE) FOR PROPERTY LOCATED AT 1401 WEST GONZALES ROAD (APN 139-0-080-255) CHANGING THE ZONING DESIGNATION FROM HIGH RISE RESIDENTIAL PLANNED DEVELOPMENT (R-4-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD). FILED BY DESIGNATED AGENT CLAY TOOMBS, EVERGREEN DEVCO, INC., 200 NORTH MARYLAND AVENUE, SUITE 201, GLENDALE, CA 91206.

WHEREAS, on October 7, 2010, the Planning Commission of the City of Oxnard considered an application for the Fresh and Easy Commercial Project for property located at 1401 West Gonzales Road, filed by Designated Agent Clay Toombs, and made a recommendation of approval for Planning and Zoning Permit Nos. 10-570-01 (Zone Change); and

WHEREAS, on October 7, 2010, the Planning Commission of the City of Oxnard approved Planning and Zoning Permit No. 10-500-01 (Special Use Permit) to entitle the Fresh and Easy Commercial Project; and

WHEREAS, Section 15332 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to the proposed Zone Change No. 10-570-01; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2010-\*\* recommending approval of Zone Change No. 10-570-01; and

WHEREAS, the City Council finds that the zone change is consistent with the 2020 General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. The zoning governing the property located at 1401 West Gonzales Road (APN 139-0-080-255), as shown on the map on file with the City Clerk, is changed from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD).

Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.

Part 3. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, and finally adopted on \_\_\_\_\_, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

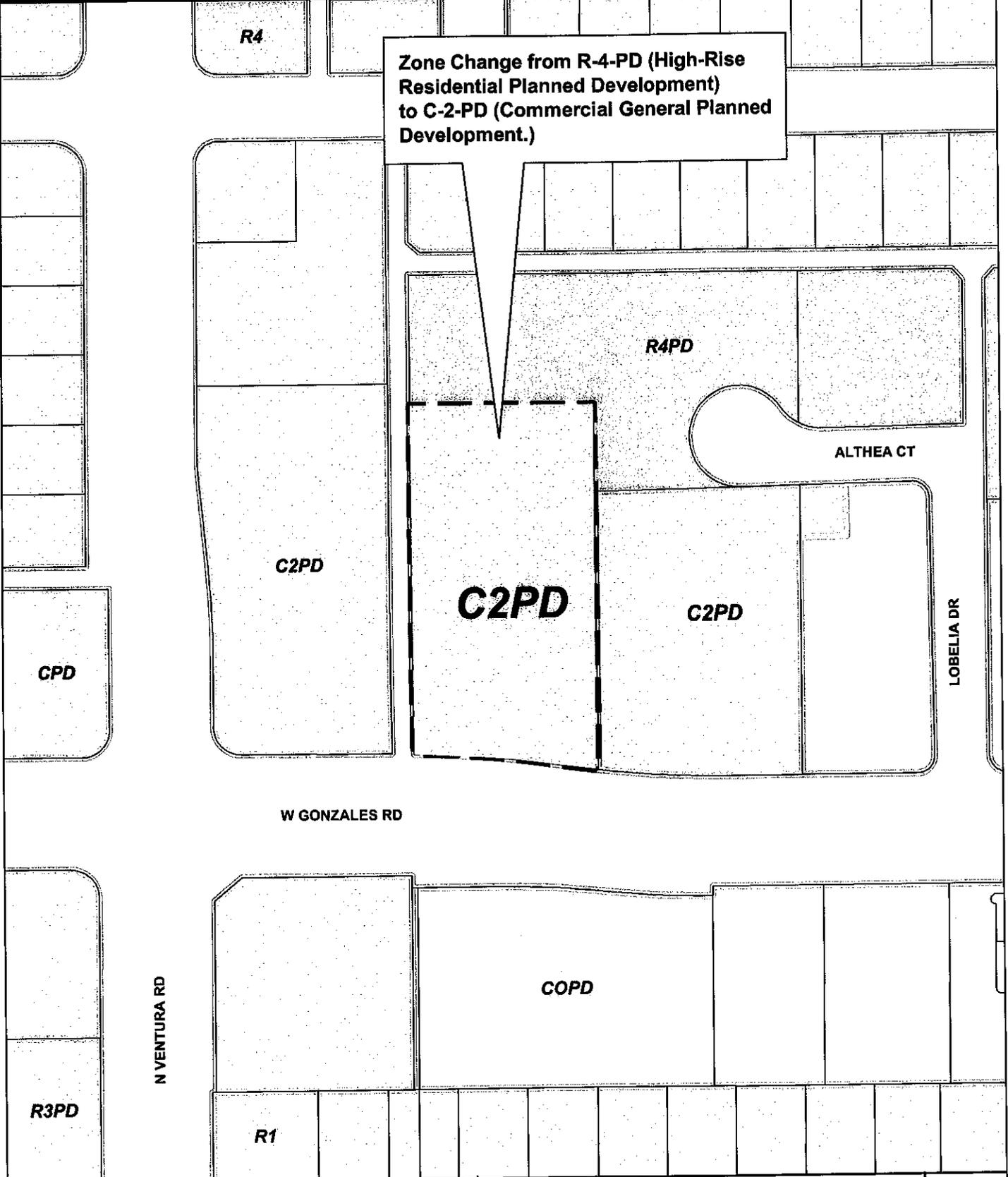
ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

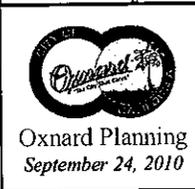
APPROVED AS TO FORM:

\_\_\_\_\_  
Alan Holmberg, City Attorney

# Zone Change Map



Zone Change from R-4-PD (High-Rise Residential Planned Development) to C-2-PD (Commercial General Planned Development.)



PZ 10-570-01  
Location: 1401 W Gonzales Rd  
APN: 139008025  
Fresh & Easy

0 25 50 100 150 200 Feet

Zone Change Map

