



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: October 7, 2010

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

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

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

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

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

5) Environmental Determination: In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving existing facilities where there is negligible or no expansion of use may be found to be exempt from the requirements of CEQA. This proposal would not affect approved occupancy levels and would only amend existing special use permit conditions limiting hours and locations of alcohol service within the establishment, and the security guard requirement. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (See Attachment D).

6) Analysis:

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

Condition No. 6 (Delete)

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

Condition No. 9 (Amended)

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

Condition No. 10 (Deleted)

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

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

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

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

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

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

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

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

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

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Police Report
- C. Project Plans
- D. Notice of Exemption
- E. Community Letters
- F. City Council Resolutions (10,632 and 10,920)
- G. Resolution

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

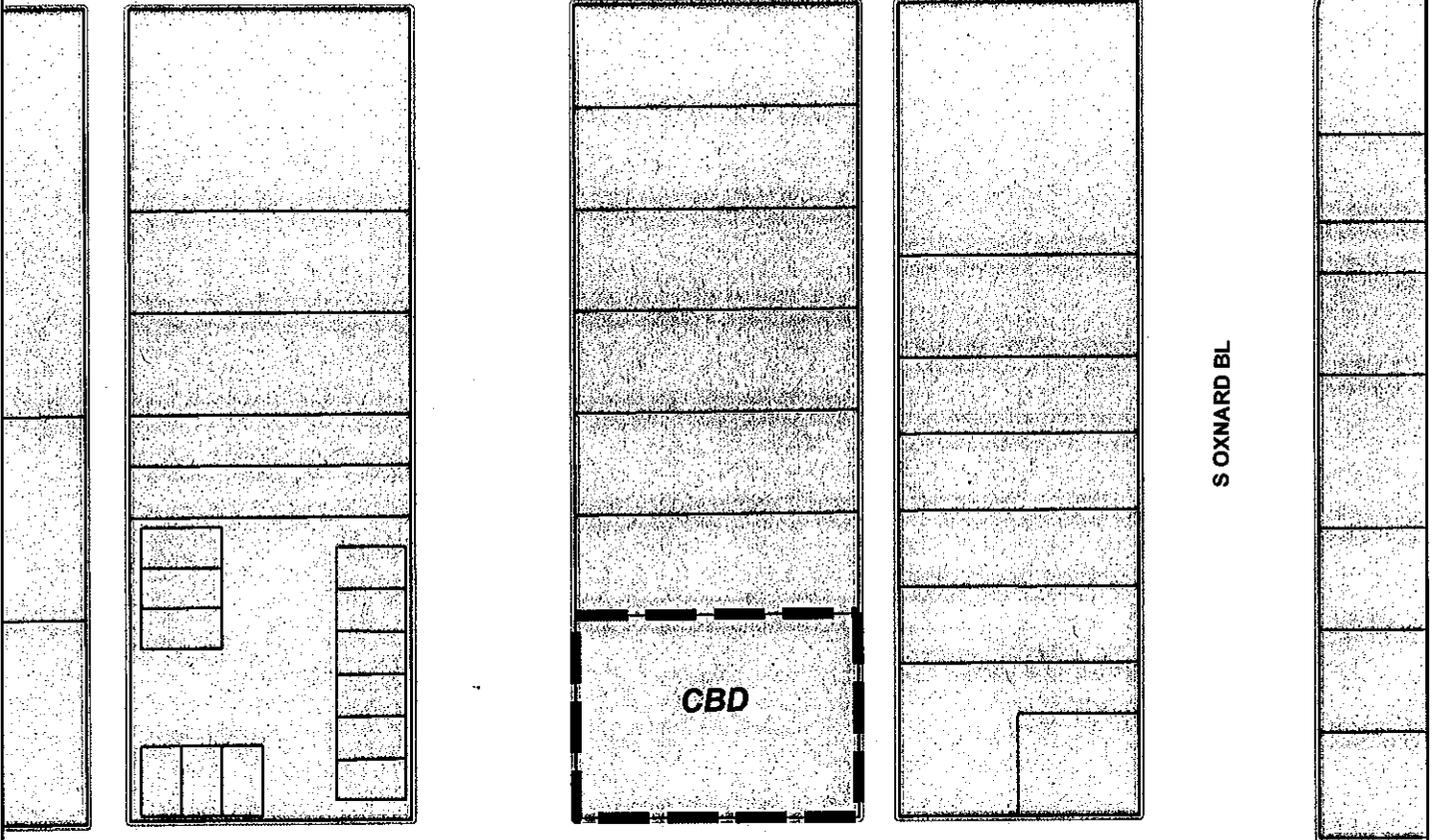
**ATTACHMENT
A**

**MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)**

Zone Map

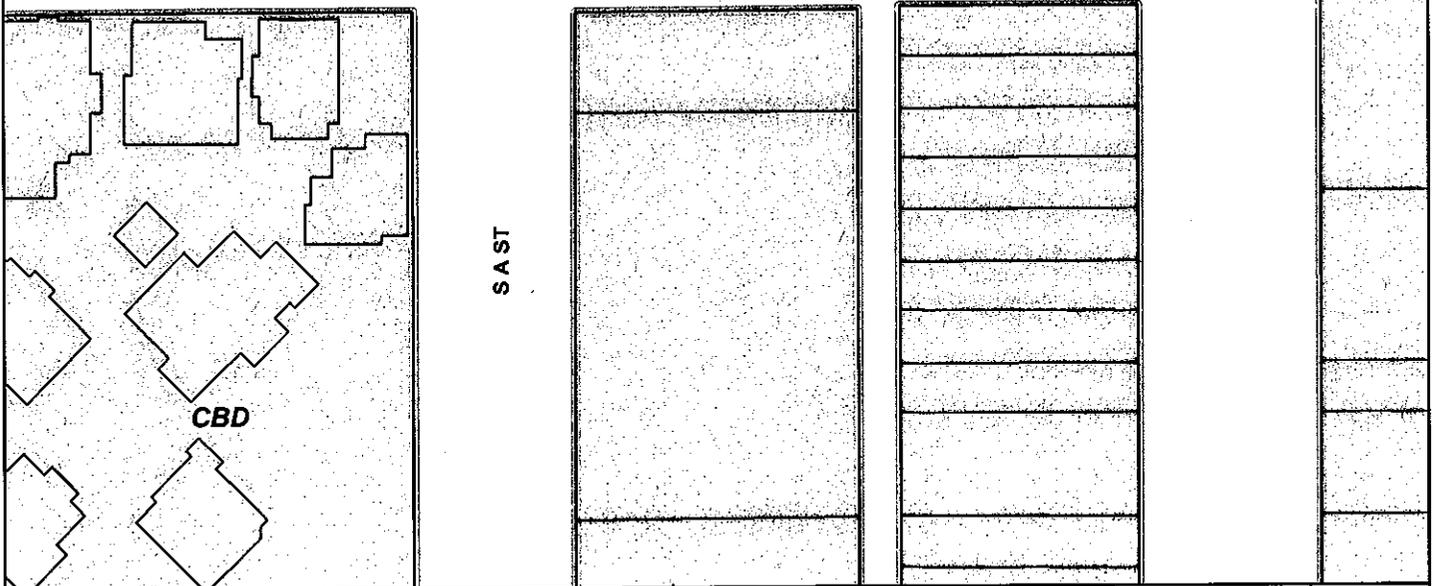
W SIXTH ST

E SIXTH ST



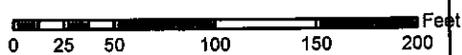
W SEVENTH ST

E SEVENTH ST



Oxnard Planning
April 9, 2010

PZ 10-10-04
Location: 658 S A St
APN: 202014522



Zone Map

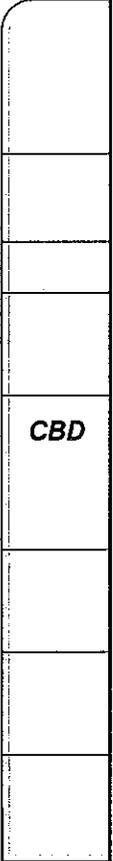
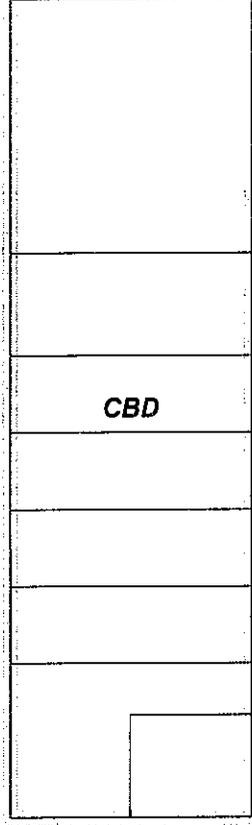
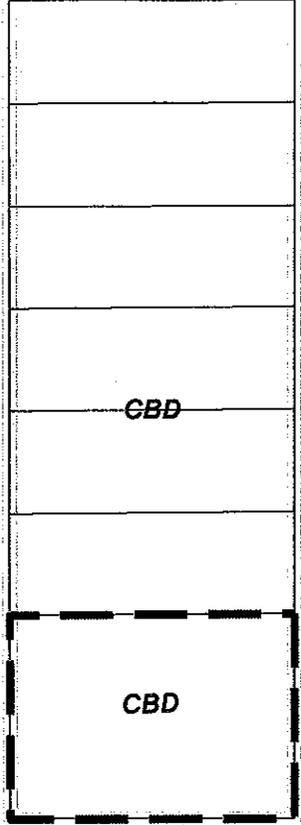
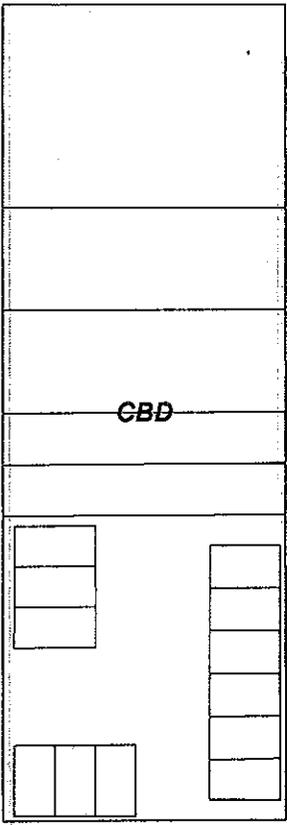


1:1,129

General Plan Map

W SIXTH ST

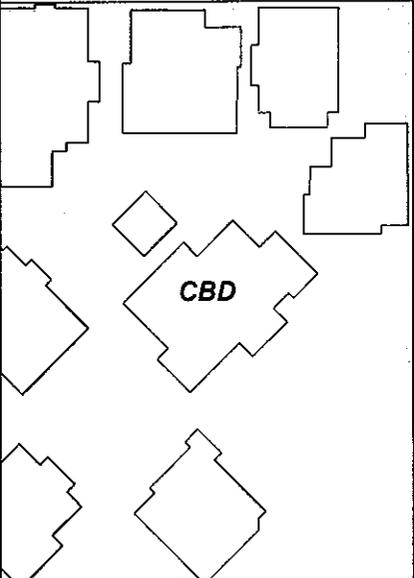
E SIXTH ST



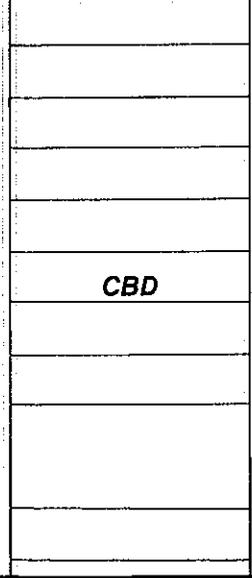
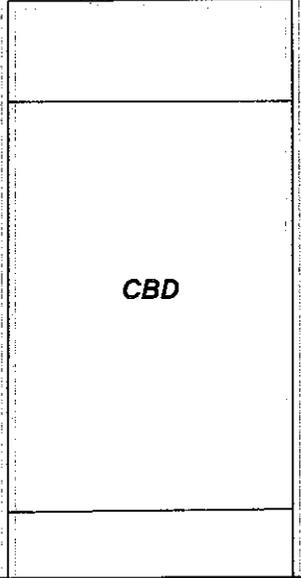
S OXNARD BL

W SEVENTH ST

E SEVENTH ST

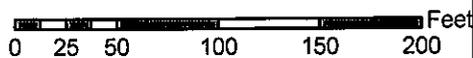


S A ST



Oxnard Planning
April 9, 2010

PZ 10-10-04
Location: 658 S A St
APN: 202014522



General Plan Map



1:1,122

**ATTACHMENT
B**

POLICE REPORT



Police Department

John Crombach, Police Chief

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

PZ-10-510-4

Site Information:

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

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

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

Alcohol outlets located within 350 feet of the establishment include:

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

Crime Statistic Review:

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

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

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

Police Department Input:

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

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

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

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

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

Community Input:

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

Conclusion:

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

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

Amended Conditions

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

Police Recommended New Conditions

1. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements
2. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins.
3. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses.
4. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

5. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
6. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.*
(PD)
7. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts exceeding 36oz total.
8. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances.
9. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises.
10. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business.
11. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times.

**ATTACHMENT
C**

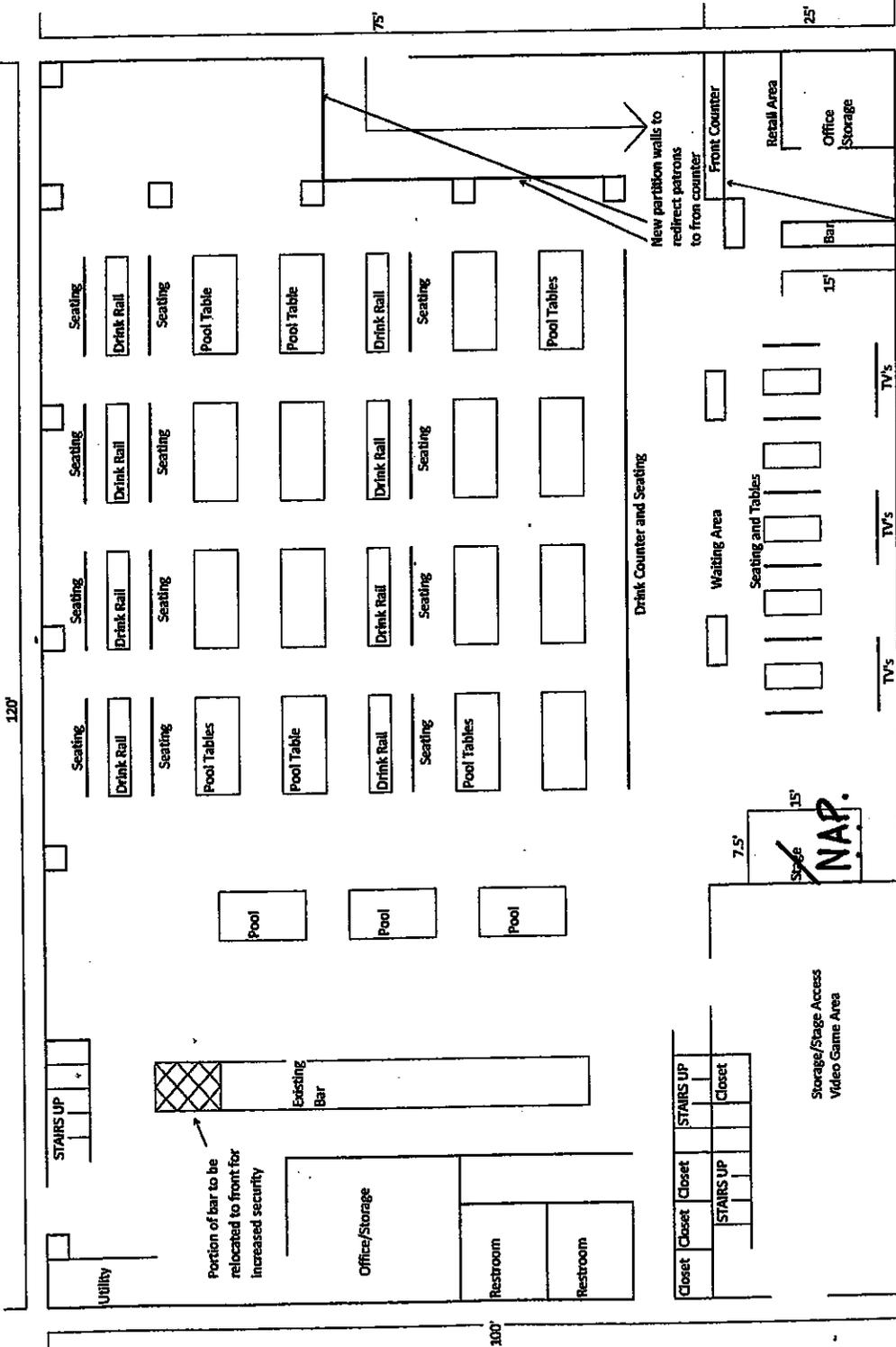
PROJECT FLOOR PLAN

7TH STREET

120'

A STREET

ALLEY



New front counter to allow for increased security/check-in

1ST FLOOR

10' 5' 10'

~~Stage~~
NAP.

Storage/Stage Access
Video Game Area

Closet Closet STAIRS UP
STAIRS UP Closet

Drink Counter and Seating

Waiting Area

Seating and Tables

Front Counter

Retail Area

Office Storage

Bar

15'

TV's

TV's

TV's

15'

85'

100'

ATTACHMENT D

NOTICE OF EXEMPTION



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517) to amend the subject Special Use Permit by deleting Condition Nos. 6 and 10, and amending Condition No. 9 of City Council Resolution No. 10,920 to modify conditions restricting the sale and service of beer and delete uniform security guard requirements within the existing business (Play Billiards) located at 658 South A Street. Filed by Steve Choy 658 South A Street, Oxnard, CA 93030.

Finding:

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

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

Supporting Reasons:

In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving "facilities where there is negligible or no expansion of use" may be found to be exempt from the requirements of CEQA. The application proposal is requesting to modify certain conditions restricting the sales and service of alcoholic beverages (i.e. hours of alcohol sales availability, security guard requirements, and prohibitions within the establishment). Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

(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**

COMMUNITY LETTERS

Permit Response Letter

August 11, 2010

Mr. Justin Beranich
Assistant Planner
City Of Oxnard
300 West. 3rd street 1st FL.
Oxnard, CA 93030

RECEIVED

AUG 18 2010

PLANNING DIVISION
CITY OF OXNARD

RE: Planning and Zoning Permit No. 10-510-04 (Modification to Permit 1517)

Dear Mr. Beranich:

I am a member of the Park Avenue Church Of Christ which is next door to the business which is applying for the above permit. I as well as my congregation is quit involve with the youth in this community as well as the youth in other communities such as Santa Paula, Ventura, Camarillo, Filmore and Thousand Oaks. I feel that this involvement will cease to exist if our local youth as well as our visiting youth and their parent's start to see beer bottles, used condoms, drugs or usage of drugs, inappropriate sexual activity and property destruction.

I think it is also important to acknowledge that this type of business will not support the beautification of Heritage Square and will result in the opposite effect, an effect which can hinder future business growth.

I think it's great to see the City's interest in urging business in the community to seek ways to grow but not at the expense of our congregation.

Sincerely,



Mrs. Bonita Hughes
911 Nightingale Pl.
Oxnard, Ca 93036
805-981-0053

RECEIVED

AUG 18 2010

PLANNING DIVISION
CITY OF OXNARD

July 18th, 2010

To: Mr. Justin Beranich
Assistant Planner
City of Oxnard
300 West Third Street, 1st Floor
Oxnard, CA 93030

My name is Cynthia Boyd. I am a mother of 5 and a wife of 18 years. I am a long time resident of Oxnard and have enjoyed observing the growth and diversity developing in a city that 30 years ago was primarily farm land. The downtown Oxnard area has undergone many changes and upgrades that Oxnardians can be proud of as visitors pass through the center of our growing city. I look forward to continued beautification and inviting upgrades to attract even more visitors and possible businesses who would like to be a part of creating a competitive and thriving city.

That brings me to the point of this letter. During the latter part of 2009, my children and I were coming home from a church fellowship, located at 630 South A. Street; we entered Oxnard Blvd off of 6th street. We were stopped by a red light and while waiting for it to change, I heard a woman yell. I looked to my right and noticed a dark haired woman yelling to a blond headed woman, who turned out to be the look-out, who was approximately 5 yards away. To my utter horror, I saw the dark haired woman drop to her knees and a man I had not noticed, stepped forward. The lady on her knees unzipped the mans pants and pulled them down to his knees.

All I could do was pray that my children continued their noisy conversation and not look in the same direction that I was and notice the activities happening a few yards away. Though the wonderful changes in Downtown Oxnard have not gone unnoticed, neither have its night life and its impact on the community. Driving down Oxnard Blvd, one of the main streets from North to South Oxnard becomes an embarrassment at night. I have 4 boys and 1 girl. Because we are avid participants at our congregation on A Street, our journey home is not engulfed in conversation about the good time we first shared but my attention instead is focused on whether or not the previous type of behavior will be exposed to my children just a block away from where they just worshipped.

A concerned mother and a watchful resident

5210 Charles St. # A
Oxnard, CA. 93030
(805) 607-7074

July 17, 2010

RECEIVED
JUL 19 2010
PLANNING DIVISION
CITY OF OXNARD

Joshua Walker
Account Manager: Downtown District Safety
326 S. B street
Oxnard, CA, 93030
805-315-7660

Steve Choy
Owner/Operator
Play! Billiards
658 S. A street
Oxnard, CA, 93030

To whom it may concern:

It has come to my attention that Mr. Choy has submitted his application to modify the conditions of his Special Use Permit in order to provide quality entertainment at his business. It is my pleasure to provide my personal recommendation for this application.

I am the Account Manager for the District Safety program in Downtown Oxnard where Mr. Choy operates his business, Play! Billiards. Our District Safety program provides enhanced security services for Downtown Oxnard and is supported through a Public/Private partnership with the Oxnard Downtown Management District and the Oxnard Police Department. Our officers are contracted through Securitas Security Services USA one of the largest private security providers worldwide. Our team has provided services in Downtown for 5 years as of this July and I am intimately familiar with the history of this business and the impact it has had at the street level under this and the previous ownership.

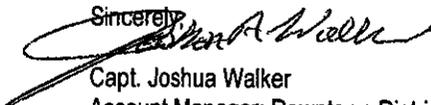
In the time that I have known Mr. Choy I have found him to be thoughtful, considerate, exceptionally polite and of strong moral character. His good judgment and mature outlook assure me that he is a responsible and qualified applicant. Mr. Choy has demonstrated that he is a model business owner by changing the format of this pool hall making it a family friendly destination. This is in stark contrast to the previous ownership which poorly maintained the business and was a detriment to the community. Quite frankly, under the previous ownership, 'Hollywood Billiards' was notoriously known as the location in Downtown to purchase illegal narcotics. He has been exceptionally proactive in dealing with problems before they occur and has worked closely with our program and the Oxnard Police department in order to make the necessary changes instrumental in changing the reputation accrued under the previous ownership.

Mr. Choy and his partners since taking ownership have developed the business which I am proud to say is now an asset to the community. In addition to his excellent business accomplishments, he has proven his leadership in the community by participating and encouraging other local business owners to participate in the Crime Free Business program which we promoted in partnership with the Oxnard Police Dept. He has also involved himself in the community and is a Board member of the Oxnard Downtown Management District.

In regards to the requested amendments to the permit: it is in my opinion that as presented these changes are necessary not only for the benefit of the business but also for creating a positive entertainment atmosphere in Downtown that does not currently exist. It is in the interest of Downtown to create a healthy, safe and vibrant entertainment and hospitality district which further enhances the community. The area in which this business is located strongly needs this type of alternative entertainment. It is my belief that when these changes are complete that Play! billiards will further become an anchor for entertainment and an instrument for further change by providing a responsible example to the rest of the entertainment community in Downtown.

Once again I am pleased to offer my support for Mr. Choy and for the modifications now under consideration. Please feel free to contact me in regards to this matter.

Sincerely,


Capt. Joshua Walker
Account Manager: Downtown District Safety

Park Avenue Church of Christ

RECEIVED
JUL 19 2010
PLANNING DIVISION
CITY OF OXNARD

July 13, 2010

Mr. Justin Beranich
Assistant Planner
City of Oxnard
300 West Third Street 1st FL
Oxnard, CA 93030

RE: Planning and Zoning Permit No. 10-510-04 (Modification to Permit 1517)

Dear Mr. Beranich:

We are in receipt of your letter regarding "Major Modification to Special Use Permit No. 1517.

Because we have worked so hard to clean up the area where this business is located, we thought it would be prudent to outline just how far Downtown Oxnard has come. Many of the Downtown programs in our community have effectively helped to overcome a vast number of issues that plagued the area, namely drugs, cars being stolen or broken into, and crime as a whole.

Although we appreciate the city's interest in offering businesses in the community the opportunity to seek ways to grow, there are many merchants that believe that granting this new permit will ultimately hinder Heritage Square's ability to continue drawing residents from areas like Ventura, Camarillo, and our own beach community. These positive changes have residents in other communities saying how wonderful Heritage Square has become. In fact, our church sits next door to the billiards hall, and we feel that the many visitors coming to us from as far as Fillmore, and Simi Valley will stop coming if they start seeing used needles, beer bottle, condoms that once littered the parking lot. Ultimately the issues raised by granting this permit will reach much further than Heritage Square, and will undermine the city's long term plan of creating a tourist spot by making this area of Heritage Square undesirable.

More broadly, it is important to note that this type of business is not one that would support the beautification efforts of the city. We are concerned that permits like these are being issued without considering of the effect and image of Heritage Square. We hope that this permit will be denied.

Please contact any of us if you have any questions (805)486-7667.

Sincerely,

Leander Jackson Minister
Morris Pippins Treasurer
Park Avenue Church of Christ

**ATTACHMENT
F**

**CITY COUNCIL RESOLUTIONS NOS.
10,632 AND 10,920**

CITY COUNCIL OF THE CITY OF OXNARD

Resolution No. 10,632

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING PLANNING COMMISSION APPROVAL OF SUP NO. 1517 TO PERMIT THE OPERATION OF A BILLIARDS AND ARCADE CENTER WITHIN AN EXISTING BUILDING, FOR PROPERTY LOCATED AT 658 SOUTH "A" STREET, FILED BY SUNG HO PARK 3350 WILSHIRE BOULEVARD, SUITE 535, LOS ANGELES, CALIFORNIA.

WHEREAS, Planning Commission Resolution No. 7693 approved Special Use Permit No. 1517 filed by Sung Ho Park to permit the operation of a billiards and arcade center within an existing building located in the Central Business District; and

WHEREAS, the City Council has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a special use permit; and

WHEREAS, the project is categorically exempt, as defined in Section 15300 of Title 14 of the California Code of Regulations, and does not require adoption of an environmental impact report or negative declaration, as provided by the California Environmental Quality Act.

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

Planning Commission approval of Special Use Permit No. 1517 is hereby affirmed subject to the conditions set forth in Planning Commission Resolution No. 7693 and the following conditions;

- 1. Applicant shall provide automatic fire sprinklers as required by City Code. Contact Fire Department for location of Fire Department connections. (FD/FD)**
- 2. Project shall meet minimum requirements of the "Fire Protection Planning Guide," published by the Fire Department. (FD)**
- 3. The permit is granted for the property as described in the application, shown as "Exhibit A," and shall not be transferable for one parcel to another. (PL)**
- 4. The development or use by the applicant/grantee of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions. (CA)**
- 5. This permit shall become null and void within 24 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation, or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit. (PL)**
- 6. All conditions of this permit including any off-site and on-site improvements, including building, paving, and landscape construction, shall be completed prior to occupancy**

except as may be permitted by the Community Development Director in consultation with other affected departments. In the event early occupancy is permitted, developer shall provide security or agreements to ensure full completion of the project.

7. The development or use by the applicant/grantee of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions. (CA)

8. Developer agrees, as a condition of approval of this resolution and at Developer's own expense, to indemnify and defend the City and its agents, officers, and employees from and against any claim, action or proceeding to attack, set aside, void or annul the approval of this resolution or any of the proceedings, acts or determinations taken, done or made prior to the approval of such resolution which were part of the approval process.

Developer's acceptance of this resolution, or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (CA)

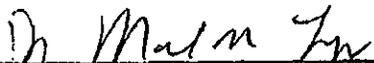
9. Any covenants, conditions and restrictions (CC&R's) applicable to the subject property shall be consistent with the terms of this permit and the Oxnard City Code. Where a conflict exists between the CC&R's and City regulations, the City regulations shall prevail. (CA)
10. The developer shall record with the Ventura County Recorder A "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney's Office and Community Development Department. A copy of the recorded document shall be subjected to the Community Development Department prior to issuance of building permits or initiation of use. (PL)
12. No signs shall be erected, constructed, painted or printed without a sign permit issued by the Building Division. Sign area, size, and location shall be in accordance with the City's requirements. Any change in sign content shall conform to the original sign in terms of material and sign area. (PL, B/B)
13. Minor changes or minor increases in the extent of use or size of structures may be approved by the Community Development Department, but any substantial change or increase will require the filing and approval of a major modification by an amended permit by the Planning Commission. (PL)
14. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
15. The location and elevations of all buildings and structures shall substantially conform to "Exhibit A," unless amended specifically by a condition of this resolution, by a major modification, or a minor modification. (PL) The final building plans submitted with the building permit application shall clearly indicate all building materials and colors to be used in construction. (PL/B)
16. Minor changes or minor increases in the extent of use of size of structures may be approved by the Community Development Department, but any substantial change or increases will require the filing and approval of a major modification or an amended permit by the Planning Commission. (PL)

17. Minor changes in the final design or materials and colors for building and masonry walls may be approved by the Community Development Department with the filing of a minor modification permit to this project. Any request for a minor modification shall be accompanied by three copies of any plans reflecting the requested modification. (PL)
18. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Planning Commission and City Council shall be part of, and incorporated into, all sets of the construction documents and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents. (PL)
19. Prior to issuance of building permits, the applicant shall provide to the Planning Division for file exhibits color photographic reductions (8-1/2" by 11" size) of the full-size approved colored elevations and any other colored exhibit approved by the Planning Commission. The full-size colored elevations may be retained by the applicant after the reduced exhibits are submitted. (PL)
20. Developer shall provide to the Planning Division, prior to the issuance of building permits, a 100-foot scale site plan of the project as approved by the Planning Commission for the purposes of updating the City base maps. (PL)
21. All open storage and/or display of materials shall be limited to the location shown in "Exhibit A." Open storage areas shall be screened from adjacent properties and streets by construction of a wall or similar screening. All fence or wall materials shall match the major design and materials of the main structure. (PL/B)
22. The sale and/or consumption of alcoholic beverages within the subject building shall be prohibited.
23. The business hours shall be no later than 1 a.m.
24. A minimum of two employees shall be on-duty after the hour of 8 p.m. Monday through Thursday and a minimum of 3 employees shall be on-duty after the hour of 8 p.m. Friday through Sunday. A minimum of one contract security guard shall be on duty after 8 p.m. daily. Security shall patrol the perimeter of the building and observe adjacent properties. Upon the completion of one year of operation, staff shall provide the Planning Commission with an evaluation of the need for additional security.
25. The property owner shall sign an agreement with the City of Oxnard neither protesting or opposing the formation of a parking district in the event one is formed. After the district is formed the property owner shall participate therein. This agreement shall be recorded prior to the operation of the proposed use.
26. A parapet wall which shall extend across the entire facade shall be placed along the "A" Street elevation atop the storefront plane and given similar architectural treatment as that of the Seventh Street elevation. The final design shall be subject to review and approval by the Community Development Director.
27. Applicant shall provide bicycle racks immediately adjacent to the buildings front entrance.
28. Applicant shall provide signs in and around the building stating the City of Oxnard's curfew restrictions and the prohibition of alcohol consumption in or adjacent to the building.

29. Smoking areas shall be partitioned off from non-smoking areas within the building.
30. The applicant shall not permit any child under the age of eighteen (18) years to enter or remain in the building after the hour of 10 p.m. unless accompanied by a parent or guardian (City Code Section 12-5.5.d).
31. Video and arcade games shall be operated by token system, with tokens purchased from a central cashier.
32. Evidence of non-compliance with any conditions of this permit shall result in the Community Development Director setting a public hearing to consider revocation of the permit in accordance with City Code Section 34-157. Three years from the date of the granting of this special use permit the Community Development Director shall provide the Council with a report on the City Council concerning the applicant's compliance with the conditions of approval.
33. The applicant shall pay attorney's fees and costs incurred by the City to enforce any conditions of this project.

Passed and adopted this fourteenth day of September, 1993, by the following vote:

AYES:	Council Members:	Holden, Lopez, Pinkard, Plisky, Herrera
NOES:	Council Members:	
ABSENT:	Council Members:	



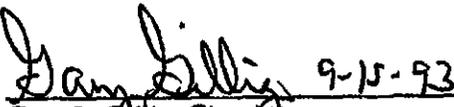
Dr. Manuel M. Lopez, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

Resolution No. 10,920

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 1517 DELETING CONDITION NUMBERS 22 AND 23 AND AMENDING NO. 28 OF CITY COUNCIL RESOLUTION NO. 10,632 TO PERMIT THE SALE AND CONSUMPTION OF BEER, FOR PROPERTY LOCATED AT 658 SOUTH "A" STREET, FILED BY SUNG HO PARK 658 SOUTH "A" STREET OXNARD, CALIFORNIA 93030.

WHEREAS, the City Council has reviewed Major Modification to Special Use Permit No. 1517 for property located at 658 South "A" Street, filed by Sung Ho Park; and

WHEREAS, City Council Resolution No. 10,632 upheld Planning Commission Resolution No. 7693 approving Special Use Permit No. 1517 to permit the operation of a billiards and arcade center; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Major Modification to Special Use Permit No. 1517; and

WHEREAS, the project is categorically exempt, as defined in Section 15300 of Title 14 of the California Code of Regulations, and does not require adoption of an environmental impact report or negative declaration, as provided by the California Environmental Quality Act.

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

Major Modification to Special Use Permit No. 1517 is hereby approved subject to the following conditions:

- 1. No alcoholic beverages shall be consumed on any property adjacent to the licensed establishment which is under the control of the licensee.**
- 2. The licensee shall be responsible for maintaining free of litter the area adjacent to the establishment over which he/she has control.**
- 3. The rear door of the business (if applicable) shall be kept closed at all times during business hours, except in cases of emergency and to permit deliveries.**
- 4. The parking lot must be well lit and there must be adequate lighting within the establishment.**
- 5. A minimum of two employees will be present at the establishment from dusk until closing.**
- 6. Two uniformed security guards shall be present at the establishment from dusk until closing during weekends and one uniformed security guard shall be required during weekdays.**

7. All employees will be fully cooperative with law enforcement officers who may be conducting investigations in or about the premises.
8. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time.
9. The sales of beer on Sunday through Thursday shall not be permitted after 12:00 midnight and on Friday and Saturday no beer shall be permitted to be sold after 1:30 a.m.
10. The consumption of beer shall not be permitted at pool tables immediately adjacent to the video arcade games.
11. The consumption of beer shall not be permitted within the recording area.
12. Applicant shall meet and adhere to all conditions of City Council Resolution No. 10,632 except for conditions numbers 22 and 23.
13. Condition No. 28 of City Council Resolution No. 10,632 shall be amended to read as follows: Applicant shall provide signs around the building stating the City of Oxnard's curfew restrictions and the prohibition of alcohol consumption adjacent to the building.
14. Planning Staff shall submit a report to the City Council one year from the commencement of the alcoholic beverage sales concerning any impact the sales have had on police incidents and adjacent land uses.

Passed and adopted this twentieth day of June, 1995, by the following vote:

AYES:	Councilmembers:	Pinkard, Herrera and Lopez.
NOES:	Councilmembers:	Maulhardt and Holden.
ABSENT:	Councilmembers:	None



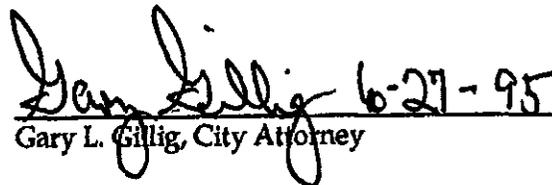
Dr. Manuel M. Lopez, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

**ATTACHMENT
G**

RESOLUTION

RESOLUTION NO. 2010-_____

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

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

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

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

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

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

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

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

Note:

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

DEPARTMENTS AND DIVISIONS

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

STANDARD PROJECT CONDITIONS

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

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

PLANNING SPECIAL CONDITIONS

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

POLICE DEPARTMENT CONDITIONS

10. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements. (PD)
11. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning Division Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
12. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PD)

13. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
14. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)
15. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts exceeding 36oz total. (PD)
16. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
17. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PD)
18. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
19. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PD)

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

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Randall Elliott, Chair

ATTEST: _____
Susan L. Martin, Secretary