



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner *jm*

DATE: December 2, 2010

SUBJECT: Planning and Zoning Permit No. 10-510-12 (Special Use Permit), 2131 North Oxnard Boulevard. (Tacos Don Chente)

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-510-12 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** An application request to allow beer and wine sales (Type 41 ABC license) for on-site consumption within a proposed new restaurant (Tacos Don Chente). Off-site sales of alcohol will not be permitted and drive-thru will be restricted to food take out only. The 0.8-acre site was originally developed with a “drive-thru fast food” facility (formally Arby’s, most recently Thai Corner). The applicant proposes to utilize the 2,818 square foot building. The site is zoned General Commercial Planned Development (C-2-PD) and is located at 2131 North Oxnard Boulevard. Filed by Elizabeth Callahan with EDCO on behalf of Carlos Ortiz with Tacos Don Chente, 400 East Esplanade Drive, Suite 301 Oxnard, CA 93036.
- 3) **Existing & Surrounding Land Uses:** The site is located at 2131 North Oxnard Boulevard near the intersection of Vineyard Avenue. The table following describes the land uses that are adjacent to the subject site.

SURROUNDING LAND USES			
DIRECTION	ZONING	GENERAL PLAN	EXISTING LAND USE
PROJECT SITE	C2-PD	Commercial General	Existing Restaurant
North	R3-PD	Commercial General	Trailer Park
East	C2-PD	Commercial General	Rail Road/Self Storage
South	C2-PD	Commercial General	RV Storage / Used Car Sales
West	C2-PD	Commercial General	Trailer Park

- 4) **Background Information:** On October 5, 1978, the Planning Commission granted Special Use Permit No. 791 to permit a “drive-thru fast food” restaurant within the subject premise.

5) **Environmental Determination:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “existing facilities from environmental review where there is negligible or no expansion of use existing” may be found to be exempt from the requirements of CEQA. This proposal would permit alcohol sales, a conditionally permitted use, to be introduced to an existing restaurant use. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

6) **Analysis:**

a) **General Discussion:** The site was entitled and developed in 1980 per Special Use Permit No. 791, which approved the construction of the subject drive-thru restaurant. Thai Corner restaurant is currently licensed and operating out of the 2,818 square foot building. The new restaurant operator intends to submit tenant improvement permits to remodel the restaurant’s interior and modify the exterior elevations. The restaurant anticipates operation in two shifts with 7 to 8 employees per shift, between the hours of 7:00AM to 1:00 AM. In accordance with special use conditions, alcoholic beverage sales will be incidental to the sales of food and the use of the drive-thru window will be limited to food take out. Alcohol sales will be restricted to on-site consumption and will not be permitted at the drive-thru window.

b) **General Plan and Zoning Consistency:** The 2020 General Plan land use designation for the project site is General Commercial which is compatible with the existing land use and C2-PD zoning of the site. The C-2 zone permits a variety of commercial retail/services uses. Restaurants are listed as a permitted use. However, in accordance with City Code Section 16-136, ancillary sales of alcoholic beverages require the approval of a special use permit. Approval of this special use permit with the proposed conditions is consistent and conforms to current review policies and standards of the General Plan, the C2 zoning designation, and policies for reviewing use permits involving alcoholic beverages.

c) **Site Design:** The 2,818 square foot building, parking layout, vehicular ingress/egress and site improvements exist within the 0.8-acre site. Although, no parking lot changes are anticipated, a photometric site plan will be required at time of plan check review to determine that lighting conditions meet current City standards. There are existing light standards throughout the parking and flood lights were installed along the roof edge. Lighting along the roof edge is conditioned to be removed.

Tacos Don Chente is re-introducing a 350 square foot outdoor seating patio area in the same location that Arby’s proposed but did not install in their initial application. The patio dining area is proposed in a hardscaped area between the northern side of the building and the northern drive aisle. The 350 square foot dining area is designed with a patio cover (open trellis) with a low wall enclosure and direct access from a side door of the restaurant.

- d) Circulation and Parking:** No proposed changes are proposed to the existing circulation and parking layout design of the site. The site is served by two curb cuts and a U-shaped drive that circle around the building with perpendicular parking. There are 47 parking stalls, 3 of which are ADA Compliant and 3 additional staking stalls in the drive thru lane.
- e) Building Design:** The applicant proposes façade changes to the main entry feature facing Oxnard Boulevard. The existing entry structure design incorporates a mansard roof system that extends across the front and along portions of the north and south elevation sides. The proposed changes to the entry structure will introduce a new storefront design that will incorporate by design a business identification sign location. The mansard roof system will remain most visible along the north elevation. However, the uppermost portion of the mansard tile system will be removed to expose a parapet wall that will be retextured to tie into the redesigned main entrance. A condition of the project approval requires the applicant to continue working with staff and the City's consulting architect to incorporate any suggested architectural changes at time of plan check review.
- f) Landscaping and Open Space:** No changes are proposed to the existing landscape conditions. The proposed outdoor seating will not affect existing landscaping along the north side of the building, since seating is proposed over an existing hardscaped area. Landscaping throughout the site appears to be in conformance with current parking lot landscape standards. Landscaping is provided on all perimeter lot sides and around the existing building.
- 7) Police Department Review:** Based on the criteria approved by the City Council in Resolution No. 11,896, the Police Department analyzes the number of establishments selling alcoholic beverages within 1,000 feet of the proposed location. The Police Department provides information regarding the number of incidents to which the police have had to respond (exclusive of traffic stops), whether a presumption of undue concentration exists, and whether approval of the special use permit is likely to significantly aggravate police problems.

Undue Concentration Factor:

There is one similar use within 350 feet of the site (Rusty's Pizza on Vineyard) and three others within 1000 feet.

Crime Statistics Review:

The Police Department's report states that the average citywide, per base number of Part 1 and II crimes is currently 117. When compared, the subject premise is in a reporting district having a base number of 196 during the same 12-month time period. Although, the Police report identifies this to be 67-percent higher than the average city crime rate citywide, the report concludes that the area surrounding the site is not generally considered to be a policing problem. Calls for service relating to alcohol as a contributing factor were below citywide average and many of the Part I and II crimes were relatively minor in nature and were associated with larger commercial centers in the area.

Police Department Input and Conclusion:

The Police department has identified noise as a potential conflict with a neighboring trailer park that bounds the subject project site on two sides (north/west). Since, the police report was prepared; the patio area was reduced in size from 760 feet (approx) to 350 square feet and seating to a capacity of 26 persons. In addition, the Police Department has incorporated conditions that would restrict and require music ambience to be subdued and not be disruptive to neighboring uses.

Although, the Police Department's statistical analysis shows that the area has a crime rate 67-percent higher than the citywide average, the police department has determined that the area is generally not considered to be a policing problem. In addition, the Police Department has determined that because there is another similar use within 350 feet that there is a presumption of undue concentration. However, the Police Department reports that the presumption of undue concentration may be rebutted by a preponderance of evidence, which shows that the establishment is in a commercial area where multiple restaurants serving alcoholic beverages operate under similar conditions considered to be generally appropriate.

- 8) Community Workshop:** On October 7, 2010, the applicant mailed notices of the Community Workshop meeting to all property owners within the Orchard Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on Monday, October 18, 2010. The applicant and representatives from Tacos Don Chente were present. However, nobody from the community attended the meeting, and as of the completion of this report the Planning Division did not receive correspondence in favor or against the project.
- 9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

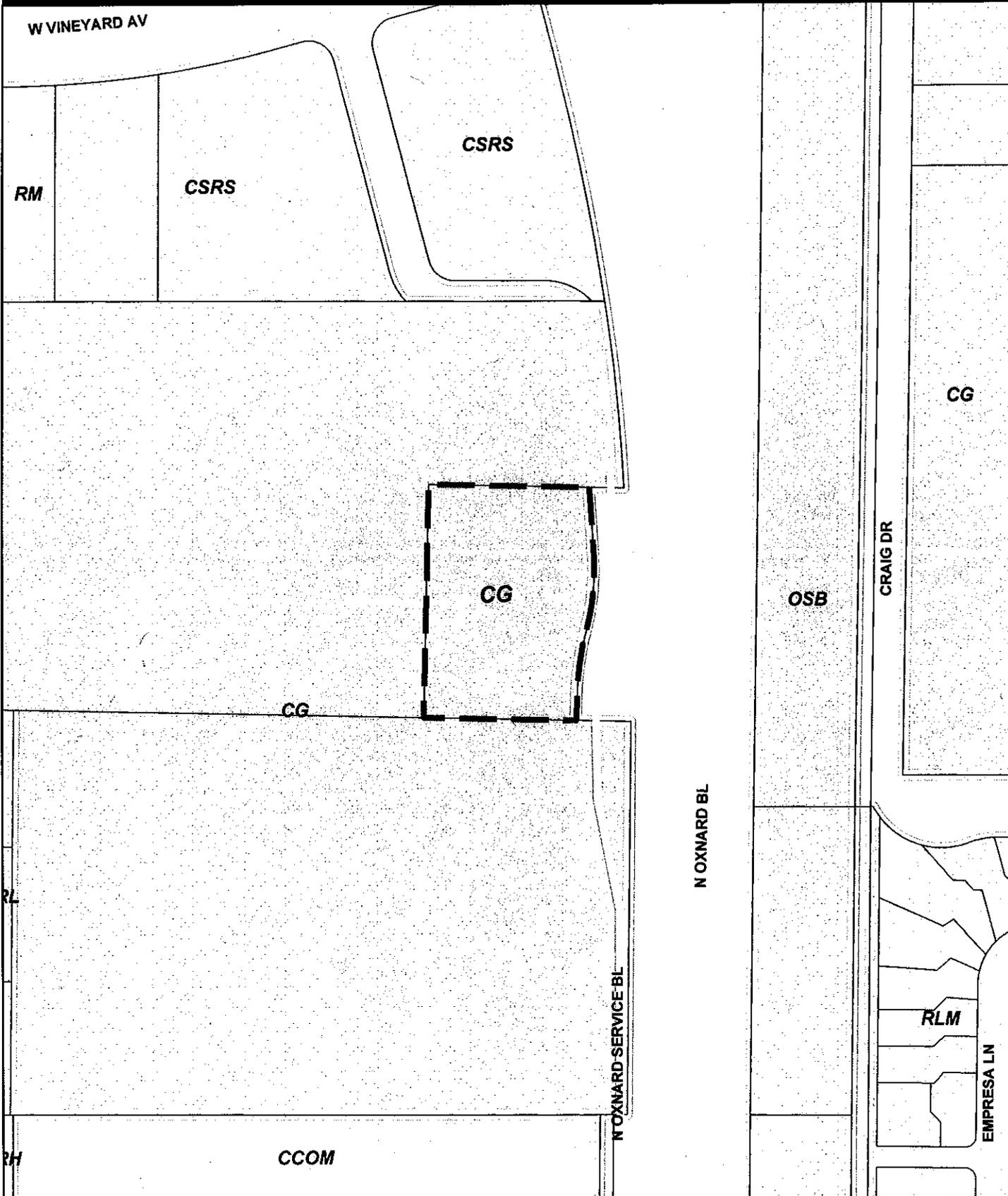
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution

Prepared by:  JIM
Approved by:  SM

**ATTACHMENT
A**

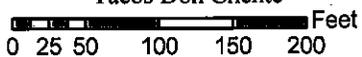
**MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)**

General Plan Map

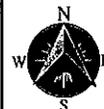


Oxnard Planning
September 21, 2010

PZ 10-510-12
Location: 2131 N Oxnard Bl
APN: 139026023
Tacos Don Chente

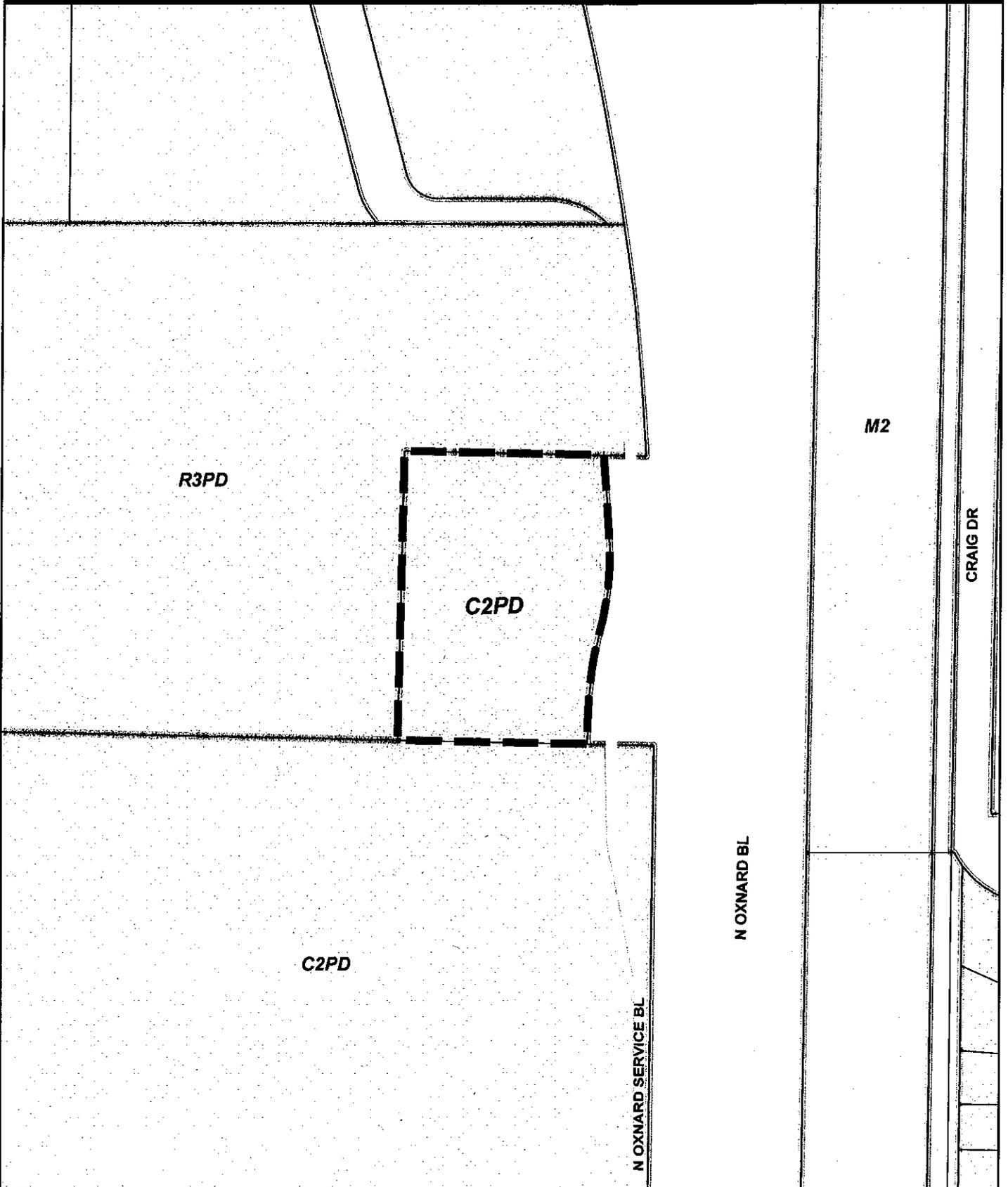


General Plan Map



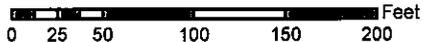
1:1,549

Zone Map



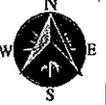
Oxnard Planning
September 21, 2010

PZ 10-510-12
Location: 2131 N Oxnard Bl
APN: 139026023
Tacos Don Chente



0 25 50 100 150 200 Feet

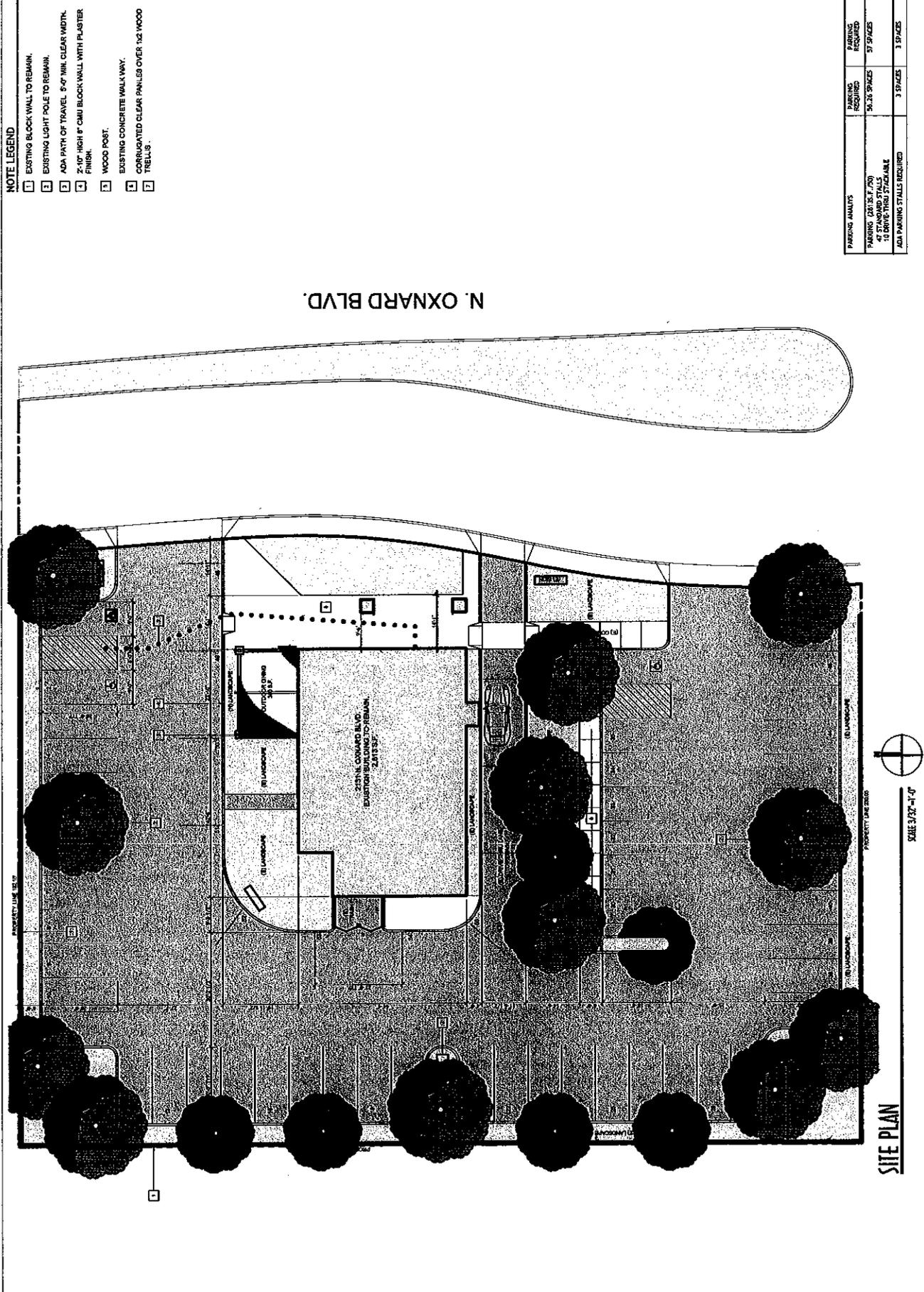
Zone Map



1:1,246

**ATTACHMENT
B**

REDUCED PLANS



NOTE LEGEND

- 1 EXISTING BLOCK WALL TO REMAIN.
- 2 EXISTING LIGHT POLE TO REMAIN.
- 3 ADA PATH OF TRAVEL. 5'-0" MIN. CLEAR WIDTH.
- 4 2'-0" HIGH 8" CMU BLOCK WALL WITH PLASTER FINISH.
- 5 WOOD POST.
- 6 EXISTING CONCRETE WALKWAY.
- 7 CORRUGATED CLEAR PANELS OVER 1/2" WOOD TRELLIS.

PARKING ANALYSIS	PARKING REQUIRED	PARKING PROVIDED
PARKING (301 SF / 700)	36.25 SPACES	37 SPACES
49 STANDARD STALLS		
10 BAYED TRUCK STALLABLE		
ADA PARKING STALLS REQUIRED	3 SPACES	3 SPACES



PROPERTY LINE SHOWN
SCALE 3/32" = 1'-0"

SITE PLAN



WHITMAN ARCHITECTURAL DESIGN
 111 W. 105th Ave., Suite 200
 Denver, CO 80231
 Tel: 303.755.1111
 Fax: 303.755.1112
 www.whitmanarch.com

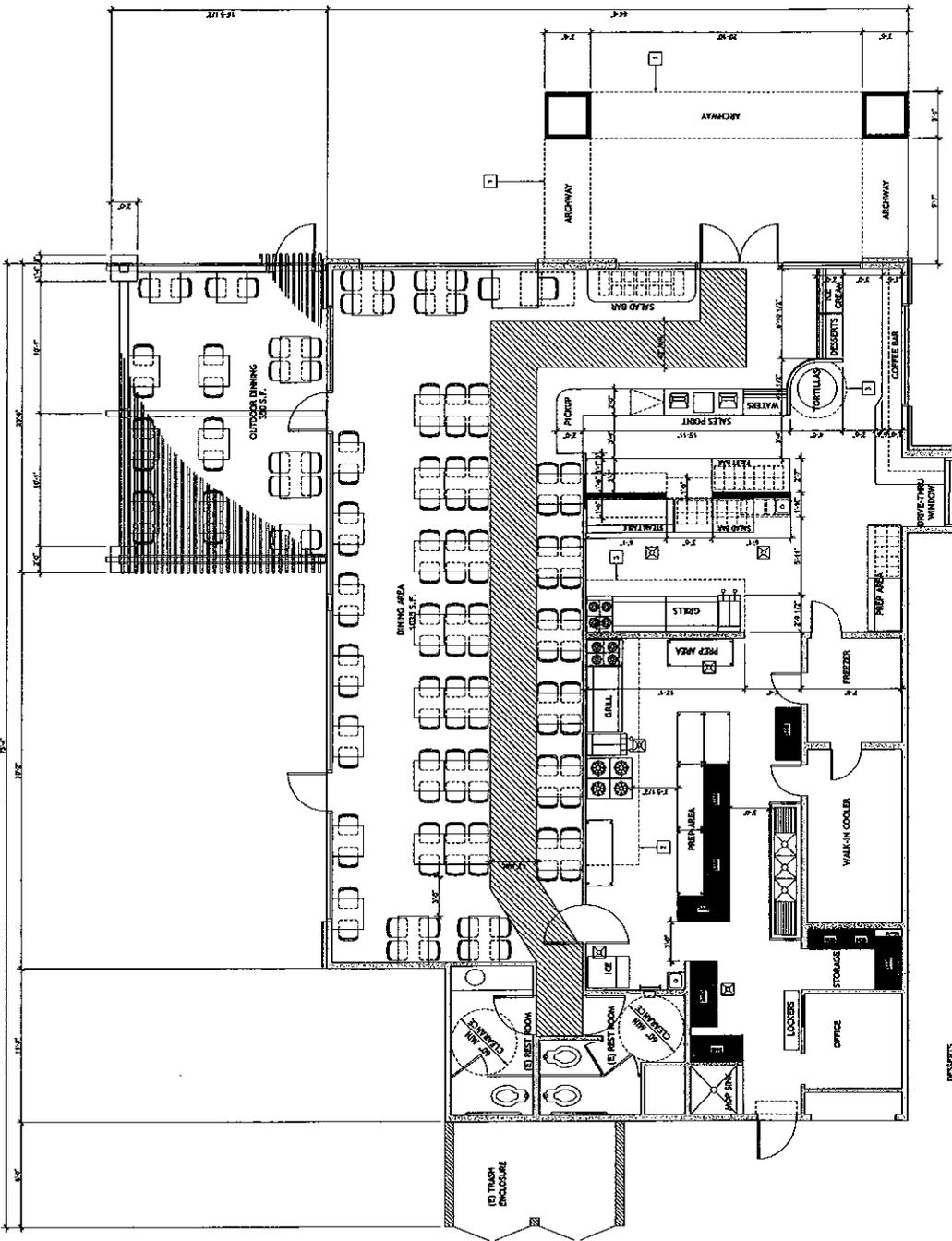
PROJECT	TACOS DON CHENTE
LOCATION	2131 N. OXNARD BLVD., OXNARD, CALIFORNIA
DATE	
REV.	
DATE	
BY	
CHECKED	
DATE	

PROPOSED FLOOR PLAN
 SHEET CONTENTS

START DATE	
DATE	
END DATE	
PROJECT NO.	
DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	
DATE	

A2.1

NOTE LEGEND
 DASHED LINE REPRESENTS ARCHWAY ABOVE
 DASHED LINE REPRESENTS EXISTING ARCHWAY TO REMAIN
 DASHED LINE REPRESENTS ARCHWAY TO REMAIN



SCALE 1/4" = 1'-0"

PROPOSED FLOOR PLAN



WHITMAN ARCHITECTURAL DESIGN
 111 W. TOLPA LOCAL OJAI CA 91323
 805.545.8485 805.545.8115
 MTRC@WHITMAN-ARCHITECT.COM

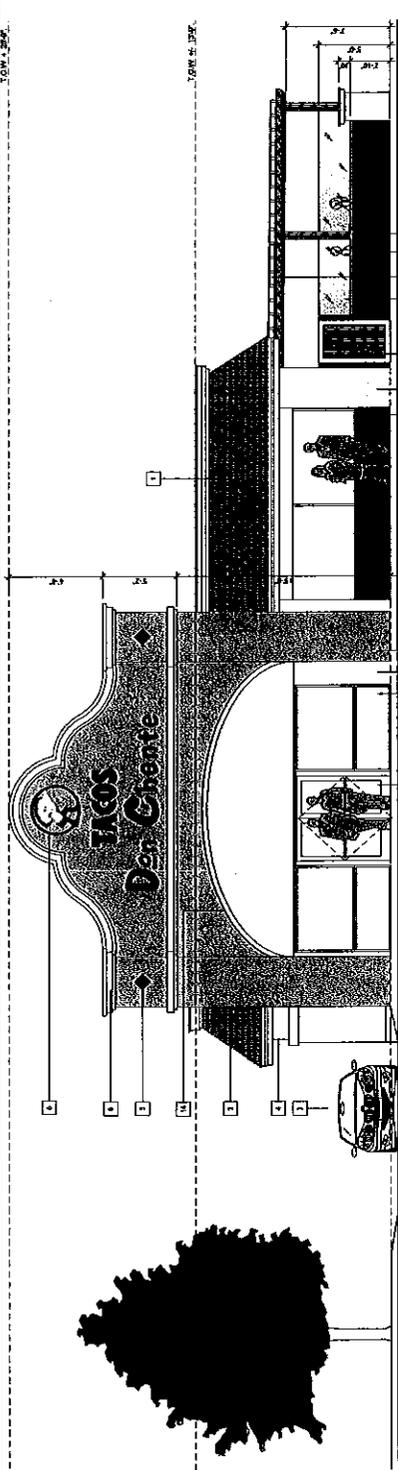
PROJECT:
 TACOS DON CHENTE
 2131 N. OXNARD BLVD.
 OXNARD, CALIFORNIA

SHEET CONTINUE
 SITE PLAN

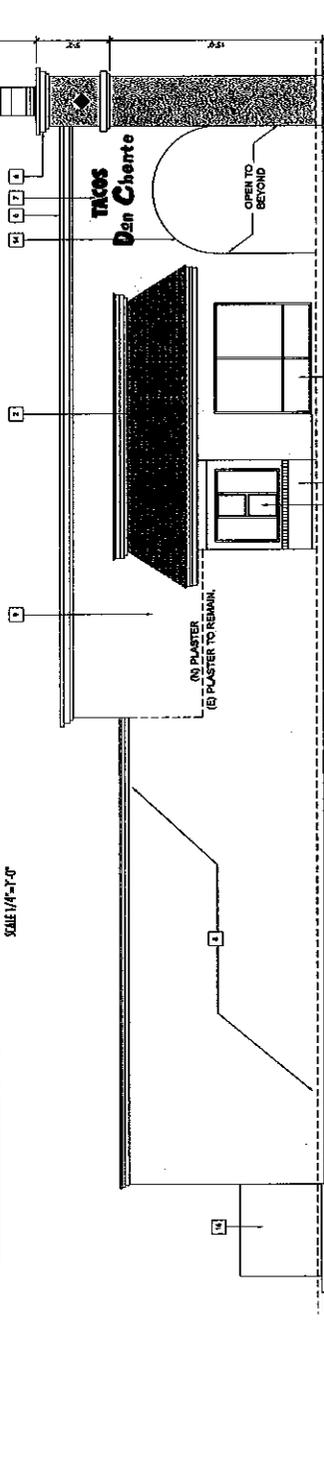
START DATE
 DATE
 PLOT DATE
 OCTOBER 19, 2010
 SCALE
 AS SHOWN
 DRAWN
 JUAN GONZALEZ
 REVIEWED
 MARIO WHITMAN
 SHEET

A3.1

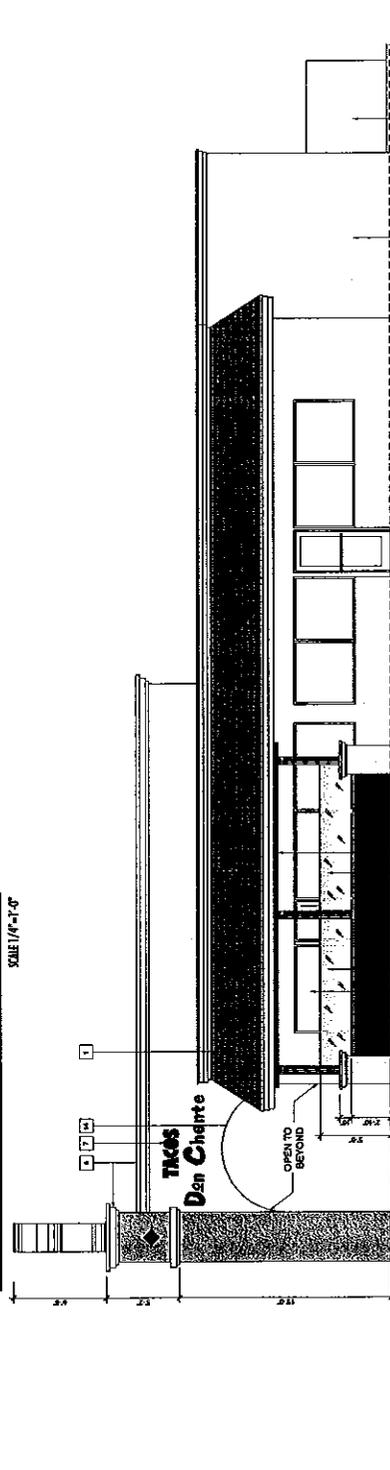
- NOTE LEGEND**
- 1 EXISTING ROOF TILE TO REMAIN.
 - 2 NEW ROOF TILE TO MATCH EXISTING.
 - 3 DRIVE THRU-LANE TO REMAIN. SEE SITE PLAN.
 - 4 NEW 7/8" PLASTER FINISH OVER EXISTING BRICK VENER.
 - 5 12"x12" DECORATIVE TILE.
 - 6 7/8" PLASTER OVER DECORATIVE FOAM TRIM.
 - 7 NEW SIGNAGE.
 - 8 EXISTING PLASTER TO BE PAINTED.
 - 9 7/8" PLASTER.
 - 10 EXISTING WINDOW TO REMAIN.
 - 11 EXISTING DOOR TO REMAIN.
 - 12 NEW 6" CMU BLOCK WALL W/7/8" PLASTER FINISH.
 - 13 WALL CAP 2 LAYER OF TERRAZOTA TILE.
 - 14 NEW ARCHWAY.
 - 15 EXISTING DRIVE THRU WINDOW TO REMAIN.
 - 16 EXISTING TRASH ENCLOSURE TO REMAIN.
 - 17 TEMPERED GLASS.
 - 18 CORRUGATED PANELS 0.24 @ 18" O.C.
 - 19 EMERGENCY EXIT DOOR.



EAST ELEVATION
 SCALE 1/4"=1'-0"



SOUTH ELEVATION
 SCALE 1/4"=1'-0"



NORTH ELEVATION
 SCALE 1/4"=1'-0"

**ATTACHMENT
C**

NOTICE OF DETERMINATION



NOTICE OF EXEMPTION

Project Description:

Planning And Zoning Permit No. 10-510-12 (Special Use Permit), a request to allow beer and wine sales (Type 41 ABC license) for on-site consumption within a proposed new restaurant (Tacos Don Chente). Off-site sales of alcohol will not be permitted and drive-thru will be restricted to food take out only. The 0.8-acre site was originally developed with a "drive-thru fast food" facility (formally Arby's, most recently Thai Corner). The applicant proposes to utilize the 2,818 square foot building. The site is zoned General Commercial Planned Development (C-2-PD) and is located at 2131 North Oxnard Boulevard. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Elizabeth Callahan with EDCO on behalf of Carlos Ortiz with Tacos Don Chente, 400 East Esplanade Drive, Suite 301 Oxnard, CA 93036.

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 introduce alcohol sales to an existing use. 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
D**

RESOLUTION

RESOLUTION NO. 2010-_____

A PLANNING AND ZONING PERMIT NO. 10-510-12 (SPECIAL USE PERMIT), A REQUEST TO ALLOW BEER AND WINE SALES (TYPE 41 ABC LICENSE) FOR ON-SITE CONSUMPTION WITHIN A PROPOSED NEW RESTAURANT (TACOS DON CHENTE) IN AN EXISTING 2,818 SQUARE FOOT BUILDING. OFF-SITE SALES OF ALCOHOL WILL NOT BE PERMITTED AND DRIVE-THRU WILL BE RESTRICTED TO FOOD TAKE OUT ONLY. THE 0.8-ACRE SITE WAS ORIGINALLY DEVELOPED WITH A "DRIVE-THRU FAST FOOD" FACILITY. THE SITE IS ZONED GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) AND IS LOCATED AT 2131 NORTH OXNARD BOULEVARD. FILED BY ELIZABETH CALLAHAN WITH EDCO ON BEHALF OF CARLOS ORTIZ WITH TACOS DON CHENTE, 400 EAST ESPLANADE DRIVE, SUITE 301 OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit to allow beer and wine (Type 41 ABC license) for on-site consumption within a proposed new restaurant, located at 2131 North Oxnard Boulevard, Filed by Elizabeth Callahan with EDCO on behalf of Carlos Ortiz with Tacos Don Chente, in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; 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. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The presumption of undue concentration has been rebutted by a preponderance of evidence, which shows that the establishment is in a commercial area where multiple restaurant establishments selling alcoholic beverages for consumption on the premises are appropriate.

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

WHEREAS, the Planning Commission finds that the 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 approves Planning and Zoning Permit No. 10-510-12 (Special Use 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	PD	Planning Division
DS	Devt Service/Eng Devt/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	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 December 2, 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. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
8. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
9. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
10. Permittee 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)
11. 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)
12. 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 CONDITINOS

13. Permittee shall coordinate with staff and the City's consulting architect to incorporate any suggested architectural changes. Proposed architectural design changes shall be submitted to the Planning Division for review and subsequently for plan check review. (PD)

POLICE DEPARTMENT CONDITIONS

14. 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 (PL/PD)
15. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
16. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
17. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
18. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
19. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
20. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
21. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals

without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)

22. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
23. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
24. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
25. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
26. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
27. Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
28. 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)
29. 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)
30. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
31. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
32. 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)

33. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
34. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
35. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
36. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
37. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
38. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
39. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
40. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
41. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
42. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
43. 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)
44. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

- 45. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
- 46. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE SPECIAL CONDITIONS

- 47. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed by the City of Oxnard Planning Division and Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Chief of Police or his designee. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
- 48. Customer access to and from the patio shall be made through the interior of the business only. (PD)
- 49. Any exits on the patios shall not be used as a means of access or egress by patrons to and from the licensed premises and, other than during emergencies or for handicapped access per ADA guidelines, shall be kept closed at all times. The exit doors shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit or handicapped access only and that an alarm will sound if opened. (PD)
- 50. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
- 51. There shall be no live entertainment or amplified sound permitted in outdoor areas (including any patio dining area). Recorded music or acoustic performances for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of December 2010, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Dale Dean, Chair

ATTEST: _____
Susan L. Martin, Secretary