



**Planning Division**

**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Justin Beranich, Assistant Planner  
**DATE:** December 2, 2010  
**SUBJECT:** Planning and Zoning Permit No. 10-510-10 (Alcohol Special Use Permit)  
 310 South "C" Street.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 10-510-10 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to allow beer and wine sales (ABC License Type 41) for on-site consumption within a proposed 150 square foot dining area with nine seats of a proposed 2,050 square foot market (Casa Pueblo), located at 310 South C Street. Interior tenant improvements are currently underway to install a new kitchen, restrooms, walk-in coolers, and related equipment. Filed by designated agent Elizabeth Callahan, on behalf of the property owner Carmen and Dwayne Davenport, 400 East Esplanade Drive, Oxnard, CA 93036.
- 3) **Existing & Surrounding Land Uses:** The subject site is a single-tenant commercial building.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Central Business District (CBD)	Central Business District	Vacant commercial building with active interior tenant improvements
North	Central Business District (CBD)	Central Business District	Multi-tenant commercial building
South	Central Business District (CBD)	Central Business District	City-owned parking lot
East	Central Business District (CBD)	Central Business District	City Annex I
West	Central Business District (CBD)	Central Business District	Multi-tenant commercial building

- 4) **Background Information:** On July 2, 2008, the Planning Manager approved Minor Downtown Design Review Permit No. 08-110-03, for outdoor patio dining, landscaping and exterior façade improvements including new signs, awnings and paint. The improvements were

never constructed and the permit has since expired. There are no other previous land use approvals on the property.

**5) Environmental Determination:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “minor alteration of existing...structures” may be found to be exempt from the requirements of CEQA. The request is for on-site consumption of beer and wine within a proposed market. There is no exterior development or building expansion associated with this request. 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:** Casa Pueblo is a proposed ethnic market that specializes in Argentinean products and cuisine. The Applicant is proposing a 150 square foot sit-down dining area within the market where the beer and wine is proposed to be served. The interior of the building is currently under construction and there are no exterior modifications proposed at this time. There is no outdoor dining proposed as part of this request.

Operating hours for this market would be:

- Monday through Thursday: 7 AM to 11 PM
- Friday, Saturday and Sunday: 7 AM to 2 AM

The market will employ 5 employees divided between two shifts. The building’s occupant load allows for 80 persons inside.

**b) General Plan Consistency:** The 2020 General Plan designates the subject parcel as Central Business District. The underlying zoning designation is CBD (Central Business District), which is consistent with the Central Business District 2020 General Plan land use designation. Restaurants and specialty food grocers are listed as principally permitted uses; however, the sale of alcohol for on-site consumption requires the approval of a special use permit. Approval of this special use permit for alcohol is consistent with the policies and standards of the General Plan and the CBD zoning designation.

**c) Request for Sale of Alcoholic Beverages for On-site Consumption:** The applicant has filed an application with the Department of Alcoholic Beverage Control (ABC) for a Type 41 License at the location, and requires City of Oxnard approval of this special use permit prior to opening for business. The Type 41 License (On-sale Beer and Wine) allows alcohol sales in conjunction with a restaurant.

**d) Police Department Review:** The Police Department reviewed the proposed alcohol use as required by City Council Resolution No. 11,896 for sale of alcoholic beverages. The

Police Department's report (Attachment D) provides information regarding the number of incidents of police response, and whether there is a presumption of undue concentration of establishments selling alcoholic beverages that is likely to significantly aggravate policing problems.

- i) **Concentration of Alcohol Sales:** There are no similar uses within 350 feet of the site and eight similar uses within 1000 feet. There is one Off-Sale license within 350 feet. The applicant has requested to obtain an ABC License Type-41 which is a restaurant that allows for the sale of beer and wine.

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

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 129 during the same 12-month time period. This is 10% higher than the average crime rate citywide and is typically not considered to be significant. The area is not considered to be a policing problem and the crime rate for the area has been on a steady decline for several years. Calls for service that list alcohol as a contributing factor are consistent with the citywide average and the number of violent crimes in the area is not considered to be significant.

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

**Additional Police Input:** The Police Department does not consider the surrounding area to be a policing problem. They are unaware of any other existing problems that may be exacerbated by the granting of the permit and supported the inclusion of the standard police conditions to minimize the risk for problems.

The applicant has proposed a very small area where alcohol is to be served and consumed with seating for less than a dozen guests. Such an environment is generally not a high risk setting as the space is simply not large enough to contribute many problems. The ABC license requested (Type-41) is primarily meant for on-site consumption; however, unless otherwise restricted, it has the ability to be used for off-site purchases of beer and wine as well. This type of off-site use is not supported by the Police Department and we have recommended a standard condition prohibiting off-sale privileges.

**Conclusion:** The statistical analysis shows the area to have a crime rate that is 10% higher than the citywide average and is generally not considered to be a policing problem. There are no similar uses within 350 feet so there is no presumption of undue

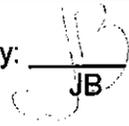
concentration. There are multiple similar uses within 1000 feet of the site; however, the establishment is in a commercial area where multiple restaurant establishments selling alcoholic beverages for consumption on the premises are typical of such environments and generally appropriate.

The Police Department's experience is that the proposed license (Type 41 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly.

- 7) Community Workshop:** On September 9, 2010, the applicant mailed notices of the Community Workshop to all property owners within the Wilson Neighborhood. The applicant also provided notice on the project site with a brief description of the project and contact information for the Community Workshop, conducted on September 20, 2010. One person spoke against the establishment selling alcohol while approximately three others spoke in favor of the proposed business.
- 8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's decision may be appealed to the City Council within 18 days. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

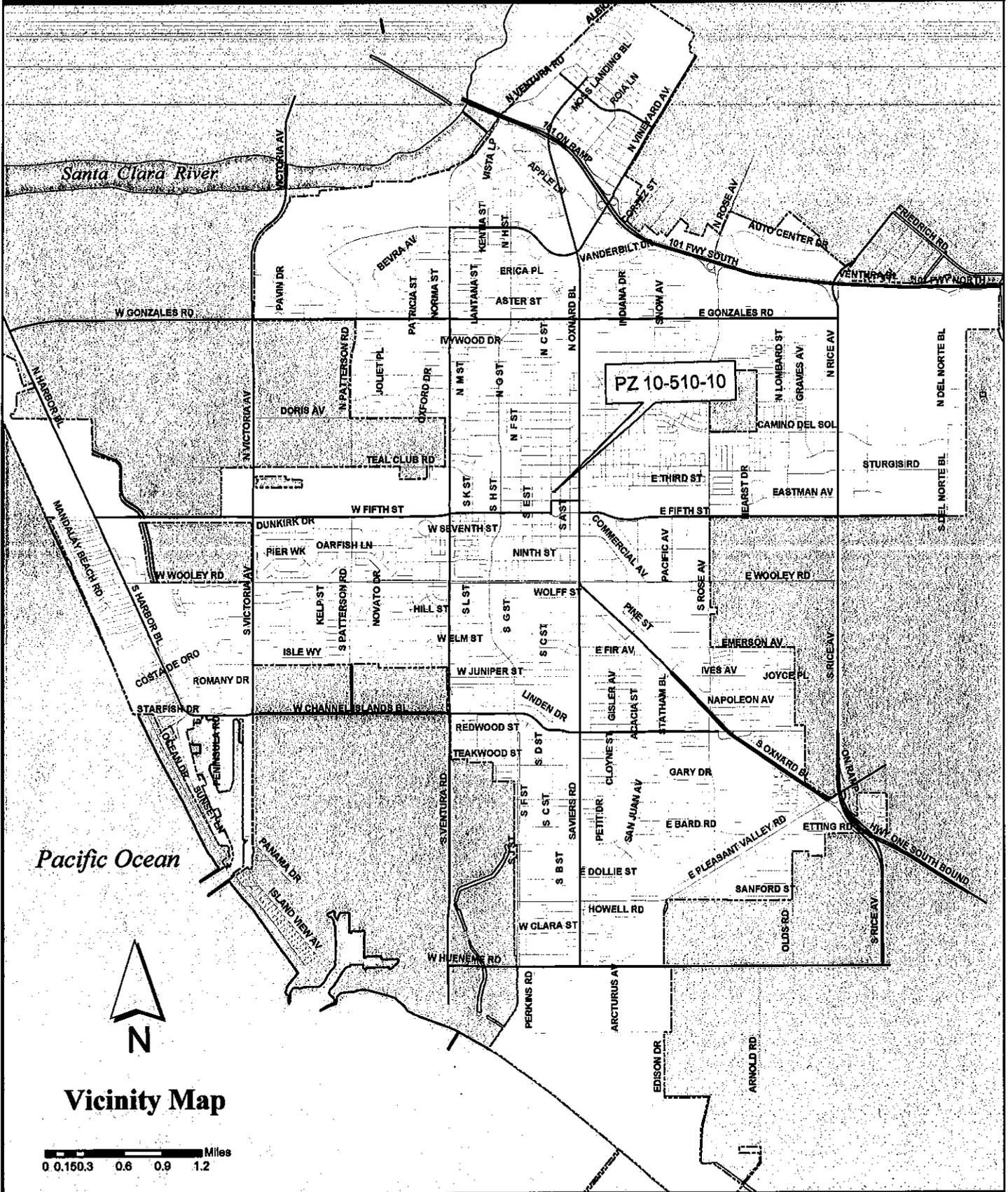
**Attachments:**

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

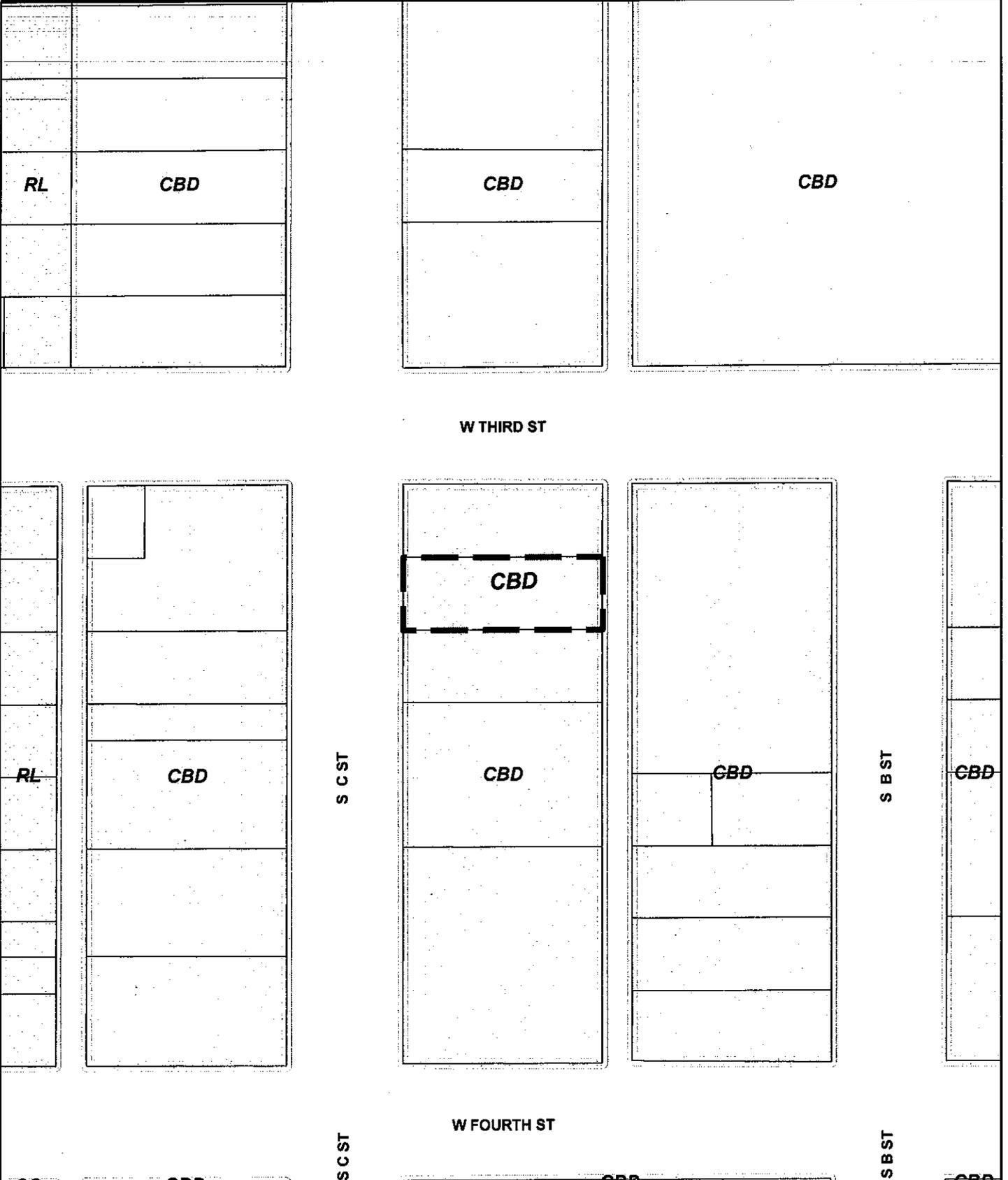
Prepared by:  JB
Approved by:  SM

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

# Vicinity Map

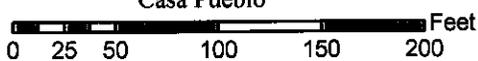


# General Plan Map



Oxnard Planning  
August 2, 2010

PZ 10-510-10  
Location: 310 S C St  
APN: 202009213  
Casa Pueblo

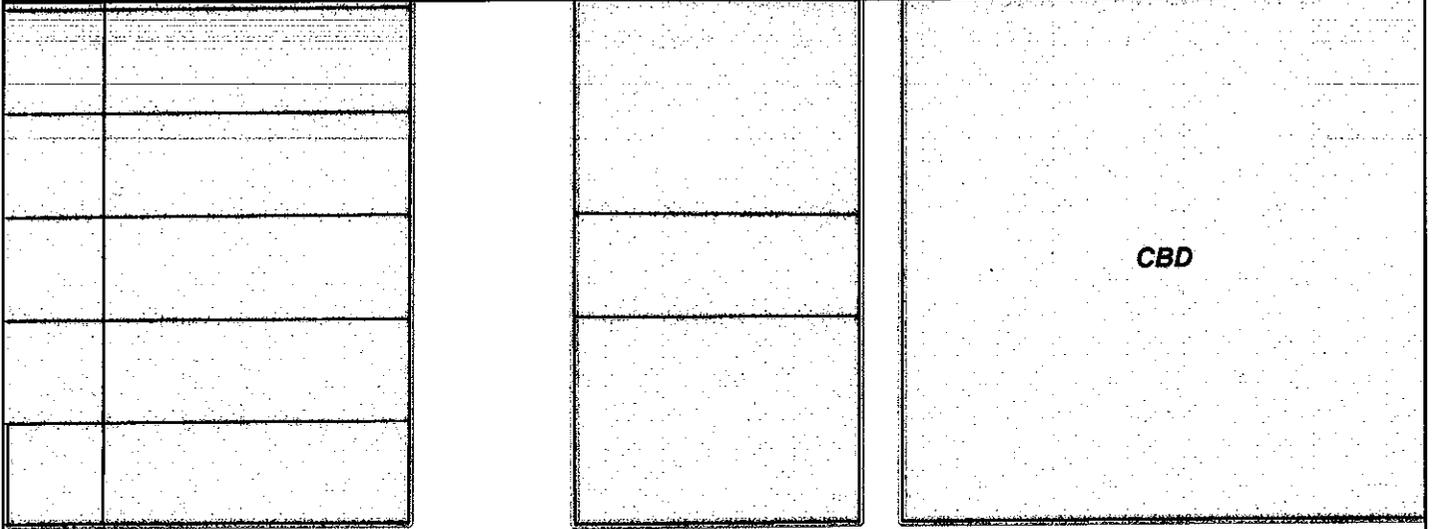


## General Plan Map

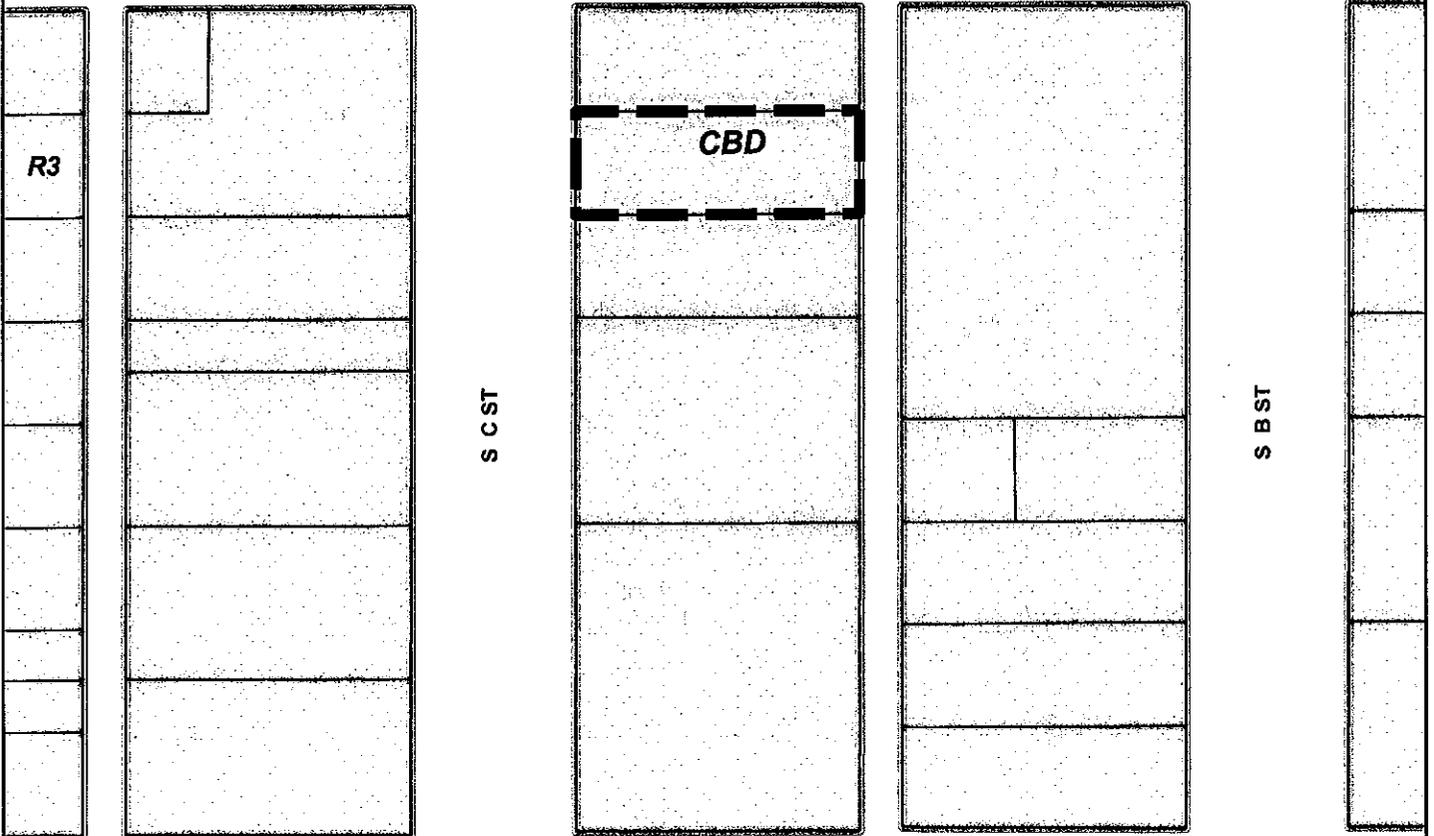


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# Zone Map



W THIRD ST



W FOURTH ST

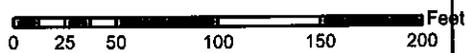
S C ST

S B ST



Oxnard Planning  
August 2, 2010

PZ 10-510-10  
Location: 310 S C St  
APN: 202009213  
Casa Pueblo



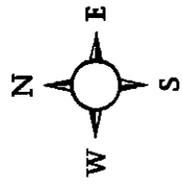
Zone Map



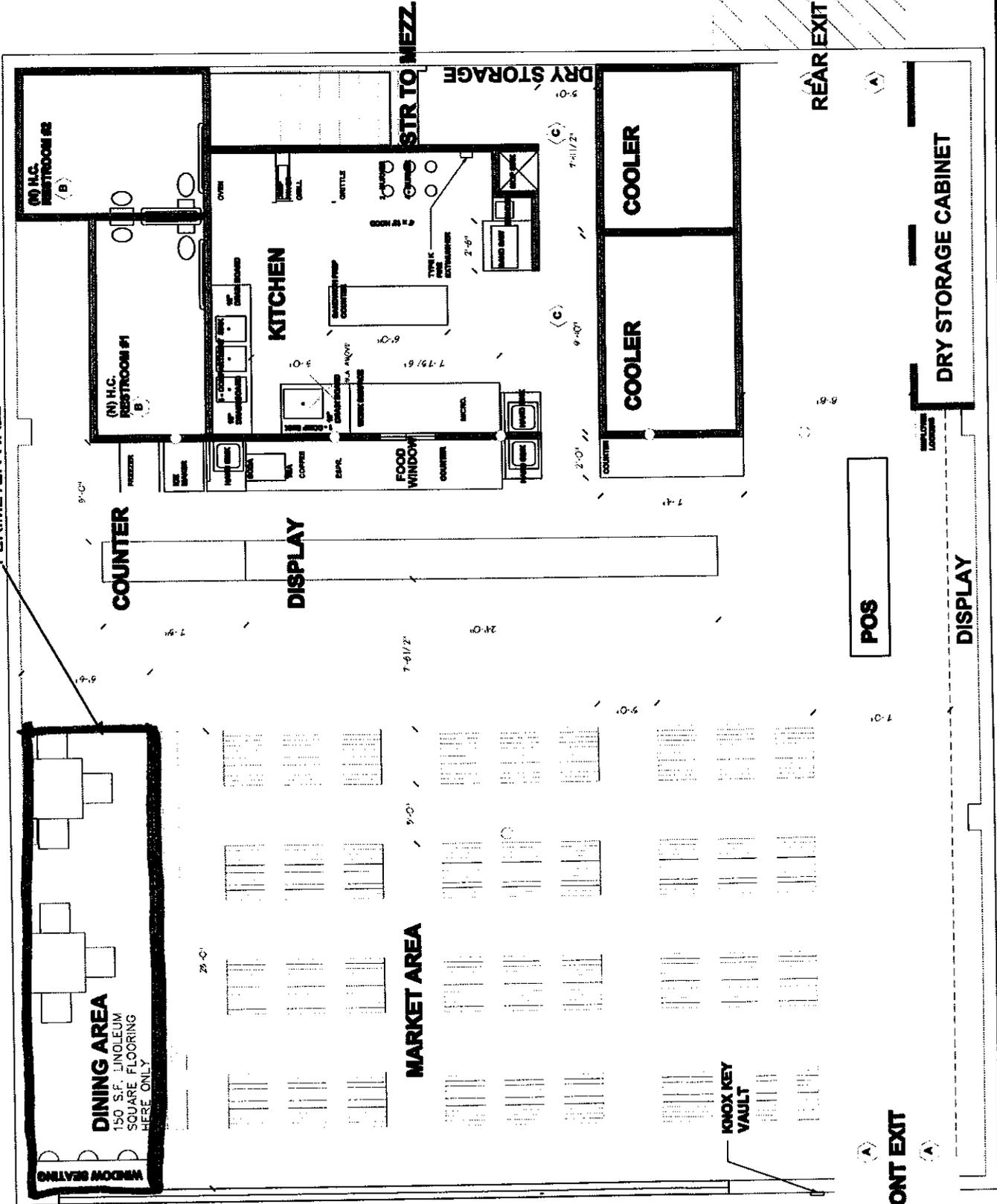
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**Attachment B**  
**Reduced Project Plans (Floor Plan)**

PERIMETER WALL



# FLOOR PLAN



CASA PUEBLO  
310 SOUTH C STREET

# Attachment C

## Notice of Exemption



## NOTICE OF EXEMPTION

### *Project Description:*

A request to allow beer and wine sales (ABC License Type 41) for on-site consumption within a proposed 150 square foot dining area with nine seats of a proposed 2,050 square foot market (Casa Pueblo), located at 310 South C Street. Interior tenant improvements are currently underway to install a new kitchen, restrooms, walk-in coolers, and related equipment. Filed by designated agent Elizabeth Callahan, on behalf of the property owner Carmen and Dwayne Davenport, 400 East Esplanade Drive, 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 "minor alteration of existing...structures" may be found to be exempt from the requirements of CEQA. The request is for on-site consumption of beer and wine. There is no new development or expansion of development associated with this request. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP  
Planning Division Manager

**Attachment D**  
**Police Report**



**Police Department**  
John Crombach, Police Chief

Date: November 8, 2010  
To: Justin Beranich, Associate Planner  
From: Cliff Waer, Senior Alcohol Compliance Officer  
Subject: 310 S. "C" Street (Casa Pueblo) PZ-10-510-10

**Site Information:**

The proposed site is located in an existing, vacant building near the southeast corner of Third Street and South "C" Street. The site is currently undergoing tenant improvements for the proposed market and restaurant. The front door faces west to "C" Street and the rear door opens to a public parking lot to the east. Tenant parking is primarily to the rear with on-street parking along "C" Street. The applicant has proposed to operate an ethnic market and restaurant with on-site sales of beer and wine. The proposed service area for the alcohol is very small (150 Square feet) and is situated along the northeast corner of the building.

The site it is generally bordered by Third Street on the north, commercial to the south, "C" Street to the east and commercial (City of Oxnard buildings) to the east. The nearest residences are approximately 250 feet to the west.

There are no similar uses within 350 feet of the site and eight similar uses within 1000 feet. There is one Off-Sale license within 350 feet. The applicant has requested to obtain an ABC License Type-41 which is a restaurant that allows for the sale of beer and wine.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Glass Bottle Liquor	241 S "C" Street	Type-21	Off-Sale General	Liquor Store	Beer, Wine and Spirits

Alcohol outlets located within 1000 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. El Ranchero	131 W. Second Street	Type-47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
2. 5 <sup>th</sup> Street Steakhouse	241 W Fifth Street	Type-47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
3. China Square	450 S "B" Street	Type-41	On-Sale Beer and Wine (Eating Place)	Restaurant	Beer and Wine
4. Sugar Beets	455 S "A" Streer	Type-47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
5. Bahia Del Mar	349 S Oxnard Blvd.	Type-47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
6. Ruby's Café	350 S Oxnard Blvd.	Type-47	On-Sale General (Eating Place)	Restaurant	Beer, Wine and Spirits
7. Cordellos Pizza	509 S "C" Street	Type-41	On-Sale Beer and Wine	Restaurant	Beer and Wine
8. Fresh & Fabulous	401 S "A" Street	Type-41	On-Sale Beer and Wine	Restaurant	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 129 during the same 12-month time period. This is 10% higher than the average crime rate citywide and is typically not considered to be significant. The area is not considered to be policing problem and the crime rate for the area has been on a steady decline for several years. Calls for service that list alcohol as a contributing factor are consistent with the citywide average and the number of violent crimes in the area is not considered to be significant.

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

**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. He was unaware of any other existing problems that may be exacerbated by the granting of the permit and supported the inclusion of the standard police conditions to minimize the risk for problems.

The applicant has proposed a very small area where alcohol is to be served and consumed with seating for less than a dozen guests. Such an environment is generally not a high risk setting as the space is simply not large enough to contribute many problems. The ABC license requested (Type-41) is primarily meant for on-site consumption; however, unless otherwise restricted, it has the ability to be used for off-site purchases of beer and wine as well. This type of off-site use is not supported by the Police Department and we have recommended a standard condition prohibiting off-sale privileges.

**Community Input:**

The Responsible Alcohol Policy Action Coalition (RAPAC) has discussed this proposal at their monthly meetings and expressed no significant concerns with the proposed use. No other community or neighborhood groups were contacted directly by the Police Department.

**Conclusion:**

The statistical analysis shows the area to have a crime rate that is 10% higher than the citywide average and is generally not considered to be a policing problem. There are no similar uses within 350 feet so there is no presumption of undue concentration. There are multiple similar uses within 1000 feet of the site; however, the establishment is in a commercial area where multiple restaurant establishments selling alcoholic beverages for consumption on the premises are typical of such environments and generally appropriate.

The Police Departments experience is that the proposed license (Type 41 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. Listed below are the Police Department's recommended operating conditions for the Planning Commission Resolution.

## **Police Standard Operating Conditions**

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- 1) Permittee and all sellers or servers 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)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) 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)
- 4) 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)
- 5) 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)
- 6) 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)
- 7) 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)

- 8) 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)
- 9) 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)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (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. (PL/PD)
- 13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
- 14) Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
- 15) 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)
- 16) 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)
- 17) 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)

- 18) 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)
- 19) 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)
- 20) 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)
- 21) 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)
- 22) 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)
- 23) 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)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 25) 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)
- 26) 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)
- 27) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)

- 28) 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)
- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
- 30) 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)
- 31) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
- 32) 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)
- 33) 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)

**Attachment E**  
**Resolution**

## RESOLUTION 2010-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 10-510-10 (SPECIAL USE PERMIT), TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (ABC LICENSE TYPE 41) IN A PROPOSED MARKET LOCATED AT 310 SOUTH C STREET, (APN 202-0-092-130), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT ELIZABETH CALLAHAN ON BEHALF OF CARMEN AND DWAYNE DAVENPORT, 400 EAST ESPLANADE DRIVE SUITE 301 OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 10-510-10, a special use permit to allow the sale of beer and wine for on-site consumption in a proposed restaurant located at 310 South "C" Street, filed by designated agent Elizabeth Callahan, in accordance with sections 16-530 through 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. 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.
6. The establishment is in a commercial center where selling alcoholic beverages for consumption on the premises is appropriate, and the proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

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

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

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning and Environmental Services Division (“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 and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless the Applicant obtains a zone clearance and business license for the proposed use. (PL, *G-3*)

4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
7. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
8. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
9. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
10. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
11. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

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

12. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
13. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-6)
14. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-7)

15. Within 30 days of approval of this permit, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

#### **PLANNING DIVISION SPECIAL CONDITIONS**

16. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL)

#### **POLICE STANDARD CONDITIONS**

17. 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)
18. 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)
19. 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)
20. 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)
21. 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)

22. 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)
23. 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)
24. 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)
25. 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)
26. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
27. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
28. 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)
29. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
30. Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
31. 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)
32. 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)

33. 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)
34. 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)
35. 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)
36. 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 19 above, shall be adhered to regardless of where customers are seated. (PD)
37. 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)
38. 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)
39. 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)
40. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
41. 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)
42. 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)

43. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
44. 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)
45. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
46. 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)
47. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
48. 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)
49. 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)

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, Chairman

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