

2012 JAN 19

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January 17, 2012

Mr. Daniel Martinez
Oxnard City Clerk
City of Oxnard
305 W. Third Street, Oxnard, CA 93030

Re: **Appeal of December 15, 2011 Decision of the Planning Commission re Planning and Zoning Permit No. 11-510-07**

Dear City Clerk Martinez:

I am an attorney retained by the Oxnard School District ("District") and I write to you on its behalf. As you know, the District appealed the December 15, 2011 decision of the Planning Commission regarding Planning and Zoning Permit No. 11-510-07, more particularly described as follows:

Planning and Zoning Permit No. 11-510-07 (Special Use Permit – Alcohol), located at 508 East Date Street.

Specifically, PZ 11-510-07 concerns a request for a special use permit ("SUP") allowing for the sale of beer and wine for off-site consumption at an existing 3,300 square foot market known as the 4-Way Meat Market, located at 508 East Date Street.

The City Council Can and Should Deny the SUP to Safeguard the Health, Safety and Welfare of the Community

On December 15, 2011, the Planning Commission considered the application for PZ 11-510-07 at its regular meeting on that date.¹ The City of Oxnard ("City") Planning Staff's report to the Planning Commission for PZ 11-510-07 detailed various community impacts and legal compliance issues, and made a recommendation to the Planning Commission *against* approval.

Despite the recommendations contained in the Staff Report, the Planning Commission approved the SUP. This decision was erroneous and ill-advised. Accordingly, the District filed a notice of appeal regarding the Planning Commission's decision and requests that the City Council review the facts and circumstances raised by City Planning Staff, community members, and the District, to grant the appeal and deny PZ 11-510-07.

¹ Planning Commission December 15, 2011 Agenda Item E(1).

We note that during the December 15, 2011 Planning Commission hearing 4-Way Meat Market's attorney made the highly provocative claim that opposition to the granting of an SUP for alcohol sales is based on a "neurological reaction." Indeed, as will be detailed below, opposition to alcohol sales at 4-Way Meat Market is not due to the applicant's opponents having any "neurological" problems but is instead based on very real concerns for the health, safety and welfare of young people and the community. Mr. Salvador Ayala, the person who filed the application for PZ 11-510-07, filed a similar application in 2007. At that time the Planning Commission also approved the application; however, the City Council prudently denied the SUP on an appeal supported by "neighborhood concerns." These "neighborhood concerns" have remained essentially unchanged from the time when the 2007 application was denied to the time of the present application for PZ 11-510-07.

4-Way Meat Market has argued that the City should not deny the SUP due to the State Department of Alcoholic Beverage Control's ("ABC") preemptive authority pursuant to the Alcoholic Beverage Control Act and because of the alleged vagueness of the City's zoning code regulations. These arguments misconstrue and/or misunderstand the City's inherent police powers, land use, and zoning authority in this matter. Indeed, the substance of 4-Way Meat Market's legal argument has been soundly rejected by California courts in past decisions.

Courts have held that "the Alcoholic Beverage Control Act expressly allows local governments to enact supplementary legislation directed at zoning or land use; *there is no preemption by implication* of the City ordinances directed at the land use effects of these businesses."² Thus, the City has the inherent authority to utilize the SUP procedures in its Zoning Code to regulate establishments that seek to sell alcohol in certain areas.

Also, in *Breakzone Billiards v. City of Torrance*, a leading case upholding a city's denial of a conditional use permit to an existing business seeking to sell alcohol, the Court of Appeal noted "the CUP in a specific case rests upon the sound discretion of the regulatory body, here the city council."³ The *Breakzone Billiards* court also stated:

[i]ssues relating to the zoning and permitting of establishments that sell alcoholic beverages have long been considered susceptible to regulation by state *and* local authorities Local agencies may regulate zoning and land use activities in general and in particular the location of establishments that sell alcohol.⁴

Finally, the court added:

Changes in operation by businesses [which seek to sell alcohol] are subject to review by local zoning authorities who exercise their

² *Korean Am. Legal Found. v. City of Los Angeles*, 23 Cal. App. 4th 376, 393-94 (1994) (emphasis added); *Jon-Mar Co. v. City of Anaheim*, 201 Cal. App. 2d 832, 837 (1962).

³ *Breakzone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1245 (2000).

⁴ *Id.* at 1245 (emphasis added).

police power for the welfare of the community . . . it does not follow that the council must approve every application for a business that dispenses alcoholic beverages.⁵

Indeed, “[i]n reaching a decision on an application for a CUP it is also appropriate for an agency to consider traffic, parking, safety, noise and nuisance problems; these clearly represent concerns that are well within the domain of the public interest and public welfare.”⁶

With respect to 4-Way Meat Market’s claim that the City’s regulations are “vague,” courts have held:

A substantial amount of vagueness is permitted in California zoning ordinances: In California, the most general zoning standards are usually deemed sufficient. *The standard is sufficient if the administrative body is required to make its decision in accord with the general health, safety, and welfare standard.*⁷

In the present case, the City’s Special Use Permit provisions utilize this same standard (see Oxnard Municipal Code section 16-531(A)).

In short, the City therefore has nothing to fear from 4-Way Meat Market’s legal arguments since they would be wholly rejected by a court of law. Instead of heeding these arguments, the City should exercise its valid *independent* authority under its land use, zoning and police powers to safeguard the health, safety, and welfare of the community. In 2007, the City Council did so under a similar set of facts and denied 4-Way Meat Market’s SUP application. We respectfully request that the City Council to exercise its valid authority and prudence to deny the SUP again in 2012.

Specific Grounds for Appeal

A. Proposal to Sell Alcohol from 4-Way Meat Market Will Add to Undue Concentration of Alcohol Outlets in the Area

According to the City Planning Staff Report dated December 15, 2011, there is already a liquor store (Fiesta Liquor/Type-21), a restaurant (Type-41), and a bar (type-42) serving alcohol within 350 feet of the project site. Also, within 1,000 feet of the 4-Way Meat Market, there is an additional restaurant (Type-47) selling alcoholic beverages. The Planning Staff notes that “*there is a presumption of undue concentration* proposed by the proximity of the 4-Way Meat Market” to these alcohol vendors.⁸ Back in 2007, the City Council (in Resolution No. 13,364) considered

⁵ *Id.* at 1248 (emphasis added.)

⁶ *Id.* at 1246.

⁷ *Novi v. City of Pacifica*, 169 Cal. App. 3d 678, 682 (1985).

⁸ City Planning Staff Report dated December 15, 2011, at 4 (emphasis added).

essentially the same facts and made the finding that “[t]he 4-Way Meat Market is located within 350 feet of a liquor store, a bar, and a restaurant serving alcohol.” *In 2007, the City Council found that “there is an undue concentration of alcohol sales in the area” and that approving an SUP to allow alcohol sales would “add to an undue concentration of facilities selling alcohol in the area of the subject market.”*⁹

As noted earlier, the City Council has the authority to make its determination on a case-by-case basis. Indeed, the “Special Use Permit” Sections of the Zoning Code, that is, Oxnard Municipal Code Sections 16-530 to 16-553, provides a legally valid method of doing so. Notwithstanding the State ABC’s regulatory scheme, the City has its own independent authority under its zoning and police power authority to determine that approving yet another vendor to sell of alcohol at location in question is not in the best interests of the community. Today, the number of such alcohol-selling businesses remains unchanged from 2007; therefore, the finding which was made in Resolution No. 13,364 of “undue concentration” logically should stand and the City Council should likewise deny PZ 11-510-07.

In addition, in 2007, the City Council found that the granting of an SUP to 4-Way Meat Market to sell alcohol was inconsistent with the 2020 General Plan. In the present case, the granting of PZ 11-510-07 would likewise be inconsistent with the 2030 General Plan and other adopted standards of the City in that it would *add to* the undue concentration of facilities selling alcohol in the area and may exacerbate problems in an area that already has an elevated crime rate.

Finally, we should note that the Police Department’s Review/Report indicated that “[c]ustomers may feel safer and less intimidated when visiting a legitimate neighborhood store such as the 4-Way Meat Market where residents primarily shop for products *other than alcoholic beverages.*”¹⁰ On this basis, it is reasonable to conclude that maintaining a store in the area that does not sell alcohol will be beneficial to the well-being of the community. Conversely, approving another store in the vicinity to sell alcohol will adversely affect and be detrimental to the well-being of the community.

B. The 4-Way Meat Market’s Proposal to Sell Alcohol Should Be Denied Because of the Close Proximity of a School, Park, and Church

As the City’s Planning Staff has pointed out, the 4-Way Meat Market is located approximately 360 feet to the north of Elm Street Elementary School, 900 feet north of Lathrop Park, and 1,100 feet from a church. The aforementioned locations are places frequented by children and young people whose safety and well-being may be affected by negative impacts that alcohol sales may attract as well as off-site consumption of alcohol at or near the sites during and after their normal hours of operation. Numerous community residents and the Oxnard School

⁹ City Council Resolution No. 13,364 Findings 3 & 6.

¹⁰ City Planning Staff Report dated December 15, 2011, at 4 (emphasis added).

District have expressed their opposition to permitting another alcohol retailer so close to a public school in an area where “undue concentration” exists and significant crime problems persist.

City Planning Staff noted that the City Council’s 2007 denial of 4-Way Meat Market’s application cited the proximity of 4-Way Meat Market to Elm Elementary School as one of the main factors in its decision. Back then, the City Council made a legally valid determination that granting the SUP would adversely affect or be materially detrimental to the public health, safety or general welfare of nearby use. Since the facts supporting the findings made by the City Council in 2007 remain essentially unchanged, it is reasonable and prudent for the City Council to deny PZ 11-510-07 on this basis as well.

C. The 4-Way Meat Market’s Proposal Should Be Denied Because of Its Location in an Area with High and/or Significant Crime Issues

The Police Department stated in its report that it calculated the average number of Part I and II crimes that occur per reporting district (grid), during a 12-month period. Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct. The average citywide per grid base number is 117. The average number of Part I and II crimes within the applicant’s reporting district and within 1,000 feet of the 4-Way Meat Market was 144 during the same period. Thus, the area in and around the 4-Way Meat Market has a crime rate that is 23% higher than the average crime rate citywide. When considered alongside of the previously stated factors, it would be unwise to approve the 4-Way Meat Market for retail alcohol sales at present.

In 2007, the City Council cited the higher than average crime rate as one of the factors which supported its decision to deny the applicant’s SUP application. The crime rate for the area in 2007 was 56% higher than the citywide average. The crime rate is currently 23% higher than the citywide average. While the Police Department and other City officials should be commended for improvements in the public safety situation of the area, it is undeniable that the crime rate in the vicinity of the 4-Way Meat Market is still very high. If anything, the City should exercise continued prudence and not take steps that may reverse the trend of improvement in crime rate statistics in an area where crime is still a significant problem.

D. Community Workshop and Public Input

As the City’s Planning Staff noted in its Staff Report, a Community Workshop was held on August 5, 2011. Planning Staff noted that the majority of the attendees that attended the meeting opposed the use, citing concerns about overconcentration of alcohol vendors and proximity to a school, park and church. The Oxnard School District also expressed its opposition at the meeting.

It is reported that the applicant provided a petition with 345 signatures, supposedly by customers and residents living within 300 feet of the market. A review of the petition reveals

that most of the signatures are not from people who live within 300 feet of the market, that many of the signatures are illegible, and some of the signors come from places as far away as Port Hueneme and the San Fernando Valley. In any event, the signatures on the petition do not negate the factors and findings discussed above and therefore should not be given undue weight or consideration in the review process. Indeed, the facts supporting the findings previously made by the City Council in Resolution No. 13,364 still stand and are not changed by the signatures of purported supporters of alcohol sales at 4-Way Meat Market.

Request for Relief

On behalf of the Oxnard School District, I respectfully request that the City Council consider the District's appeal of the Planning Commission's decision regarding PZ 11-510-07 and deny the special use permit application filed by 4-Way Meat Market to sell alcohol on the premises because such a permit would not be in the interest of the health, safety, and welfare of the community and:

- Would add to overconcentration and/or undue concentration of alcohol outlets in the area;
- Is in close proximity to an elementary school, church, and a public park; and
- Is located in an area with a crime rate that is 23% above the citywide average.

If you have any questions or would like to discuss the matter further, please contact us at your convenience.

Sincerely,



George Yin
Of GCR, LLP

cc: Mayor and City Council of the City of Oxnard
Jeff Chancer, Superintendent, Oxnard School District
Jorge Gutierrez, Executive Director of Facilities Planning, Oxnard School District
City Attorney
City Clerk

Attachments

- Ex. 1: City Planning Staff Report dated December 15, 2011
- Ex. 2: Oxnard City Council Resolution No. 13,364
- Ex. 3: Letters of Opposition

4813-2649-8318, v. 1



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Assistant Planner

DATE: December 15, 2011

SUBJECT: Planning and Zoning Permit No. 11-510-07 (Special Use Permit - Alcohol),
Located at 508 East Date Street.

- 1) **Recommendation:** That the Planning Commission deny Planning and Zoning Permit No. 11-510-07, as the proposal to sell alcohol from 4-Way Meat Market:
 - Would result in an overconcentration of alcohol outlets;
 - Is in the vicinity of an elementary school, church, and public park; and
 - Is located in an area with a crime rate that is 23% above the citywide average.

- 2) **Project Description and Applicant:** A request to sell beer and wine for off-site consumption at an existing 3,300 square foot market (4-Way Meat Market), located at 508 East Date Street. The market operates between 8:00 a.m. and 9:00 p.m., daily. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033.

- 3) **Existing & Surrounding Land Uses:** The subject property is developed with a neighborhood grocery store with one attached apartment at the rear of the building.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial (C-2)	Commercial General (CG)	Market with Attached Apartment
North	Single-Family Residential (R-1) and C-2	Residential Low (RL) and CG	Single-Family Residence and Auto Parts Store
South	Garden Apartment (R-3) and C-2	Residential Medium (RM) and CG	Garden Apartments and Parking Lot
East	C-2	CG	Motel (Palace Inn)
West	R-3 and R-1	RL and RM	Apartments and Single-Family Residential

- 4) Background Information:** On November 15, 1948, the subject commercial building was approved via Building Permit Nos. 1122 and 1456. On August 26, 1955, Building Permit No. 6512 approved the addition of two apartments to the rear of the building.

On May 20, 1999, the Planning Commission approved Special use Permit (SUP) No. 99-500-09, via Resolution No. 99-11 for the demolition of two motels at the rear of the subject property and the construction of a 106-unit apartment complex (Gateway Apartments), in their place. The subject commercial building was retained and the parking lot and access way improvements immediately northeast of the commercial building were installed.

On March 8, 2000, the Development Services Director approved a lot line adjustment resulting in the subject lot's current configuration separating the market property from the apartment complex. A reciprocal parking and access agreement was established between the Gateway Apartments and the subject property granting the market use of 24 parking stalls to the immediate northeast of the building.

On October 18, 2006, the Planning Manager approved a minor modification to SUP No. 99-500-09 granting the expansion of the market into one of the apartment units located at the adjacent market.

On June 18, 2005, the Planning Division received an application by Mr. Salvador Ayala to sell beer and wine for off site consumption. Due to an unfavorable police report at that time, that application was withdrawn prior to a public hearing on the matter.

In 2007, Mr. Ayala again applied for a special use permit to sell beer and wine for off site consumption. The Planning Commission approved SUP No. 07-510-03. However, on November 7, 2007 and with Resolution No. 13,364, the City Council denied the SUP, on an appeal supported by neighborhood concerns. The Council's findings for denial cited the proximity of Elm Street Elementary School, an area crime rate of 56% higher than the citywide average, and an overconcentration of alcohol sales outlets within 350 feet of the project site.

- 5) Environmental Determination:** In accordance with Section 15270(a) of the California Environmental Quality Act (CEQA), projects which are to be denied or rejected are statutorily exempt from the requirement for environmental review.

Should the Planning Commission recommend this request for approval, staff should be directed to re-analyze and modify this environmental determination.

6) Analysis:

- a) General Discussion:** The request to sell beer and wine for offsite consumption is equivalent to a State of California Department of Alcoholic Beverage Control (ABC)

License Type-20, which the Applicant would obtain if this special use permit is granted.

- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is for Commercial General uses. Commercial General land uses include "retail centers and free-standing commercial uses along arterials, may also include... mixed uses". No development is proposed with this request and the existing market is consistent with this designation.

Within the Public Facilities and Services element of the 2030 General Plan's Goals and Policies, Goal ISC-19.2 identifies the desire to "Continue to require the Police Department to review proposed development projects and provide recommendations that enhance public safety." The Police Department reviewed the proposed use for compliance with its safety and security requirements and provided a report (Attachment C), which is summarized in Section 6(f).

- c) **Conformance with Zoning Development Standards:** The project is located in the General Commercial (C-2) zone district. Markets are a permitted use in this zone and the sale of beer and wine for offsite consumption may be permitted with an approved special use permit.

City Code Section 16-534(B) prohibits submitting an application for a special use permit within 12 months of a denial for the same request, at the same property. As the previous application to sell beer and wine was denied by the City Council in 2007, the subject application conforms to the Code regulations pertaining to permit reapplication.

- d) **Site Design, Circulation, and Parking:** The market is located on a 12,800 square foot parcel and is developed with a parking lot and one residential apartment unit, which is attached to the market. Vehicles access the property via a one-way driveway at East Date Street. Egress back onto Date Street is provided by an alley. Delivery vehicles park on Date Street, adjacent to the market or in the parking lot.

Twelve parking spaces are provided on-site with additional parking available at the adjoining lot to the northeast. The Code requires that the market provide 11 spaces.

- e) **Building Design:** The 3,300 square foot market is accessed through the on-site parking, at the east of the building. The interior features numerous merchandise racks, a produce area, beverage coolers, and a butcher service counter and facilities.
- f) **Police Department Review:** The Oxnard Police Department provided a report (Attachment C) with information required by City Council Resolution No. 11,896 for the sale of alcoholic beverages.

Local Concentration of Alcohol Outlets- The police report indicates that there is a liquor store (Fiesta Liquor/Type-21), a restaurant (Type-41), and a bar (type-42) serving

alcohol within 350 feet of the project site. Within 1,000 feet, there is an additional restaurant (Type-47) selling alcoholic beverages. While there is a presumption of undue concentration proposed by the proximity of the market to Fiesta Liquor, the Police Department notes:

“...the “types of business and the clientele typically served are arguably very different. Fiesta Liquor operates with alcohol sales as the focal point of their business and many residents tend to avoid such environments due to the traditional perception often associated with liquor stores as being an unsafe, uninviting setting that can be a magnet for problems. Customers may feel safer and less intimidated when visiting a legitimate neighborhood store such as the 4-Way Meat Market where residents primarily shop for products other than alcoholic beverages. The Police Department makes this point not to be an advocate for the approval of this permit, rather to recognize that the inherent risks associated with having two off-site alcohol outlets so close together may be outweighed by the benefit and convenience to the inner neighborhood who prefer to avoid settings such as a liquor store”.

Crime Statistics- For comparison purposes the Police Department calculated the average number of Part I and II crimes that occur per reporting district (grid), during a selected 12-month period. For reference, Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct.

The average citywide, per grid base number of Part I and II crimes, is currently 117. The average number of Part I and II crimes occurring within the applicant's reporting district and all other districts within 1,000 feet of the applicant is 144 during the same 12-month time period. This is 23% higher than the average crime rate citywide which is on the threshold of what the Police Department considers to be significant. The current crime rate is down nearly 33% from the 2007 totals, when this site last applied for a special use permit to sell alcohol and was denied on appeal.

The numbers and types of police calls for service were spread relatively evenly throughout the neighborhood and were predominately petty and property related crimes. Disturbance calls were highest along South Oxnard Boulevard, both north and south of Date Street. Disturbance calls involving alcohol or drugs and are generally consistent with citywide averages.

Conclusion- The Police Department's experience is that the Type-20 License, when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues, as long as the establishment complies with these regulations and operates responsibly. However, there is a presumption of

undue concentration given the vicinity of the proximity of Fiesta Liquor and the crime rate in the vicinity remains 23% higher than the Citywide average.

Should the Planning Commission approve this request, it is suggested that they adopt the conditions recommended by staff (Attachment H).

7) Other Considerations: The market is located approximately 360 feet to the north of Elm Street Elementary School, 900 feet north of Lathrop Park, and 1,100 feet from a church (though this building is currently vacant). While these are not required by Resolution No. 11,896 for consideration, staff recognizes that these are concerns that formed the basis of the City Council's previous denial of this request in 2007.

8) Community Workshop Meeting and Public Input: On August 5, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the Cal Gisler 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 August 15, 2011. Approximately 30 people attended the meeting and 19 people spoke about the subject application. Supporters of the project praised the business as a well-managed, full-service market whose owners show an interest in the community. The applicant provided a petition of support with more than 345 signatures, supposedly by customers and residents living within 300 feet of the market (Attachment E).

The majority of the attendees opposed the use, citing concerns about overconcentration and the proximity to Elm Street Elementary School, Lathrop Park, and a church. The Planning Division received letters in opposition to the project from the Oxnard School District and a local resident (Attachment D). As such, staff recommends denial as the findings which the City Council had made when they previously denied the appeal have not changed.

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. Police Report
- D. Public Correspondence
- E. Petition
- F. Resolution No. 13,364
- G. Resolution of Denial
- H. Draft Conditions (if approved)

Prepared by: _____
DJS

Approved by: _____
SM

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,364

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD GRANTING THE APPEAL OF THE PLANNING COMMISSION'S DECISION AND DENYING THE SPECIAL USE PERMIT (PZ NO. 07-510-03) TO PERMIT THE SALE OF BEER AND WINE AT THE 4-WAY MEAT MARKET LOCATED AT 508 EAST DATE STREET. FILED BY SALVADOR AYALA, 508 EAST DATE STREET, OXNARD, CA 93033.

WHEREAS, the Planning Commission of the City of Oxnard approved Resolution No. 2007-39 filed by Salvador Ayala to permit the sale of beer and wine at the 4-Way Meat Market; and

WHEREAS, City Councilmember John Zaragoza appealed the decision of the Planning Commission; and

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

WHEREAS, the California Code of Regulations does not require the preparation of environmental documents imposed by the California Environmental Quality Act when a project is denied.

NOW, THEREFORE, the City Council of the City of Oxnard finds as follows:

1. The denial of this permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The 4-Way Meat Market is located within 350 feet of Elm Elementary School.
3. The 4-Way Meat Market is located within 350 feet of a liquor store, a bar, and a restaurant serving alcohol. There is an undue concentration of alcohol sales in the area.
4. The 4-Way Meat Market is located in an area that has a crime rate 56% higher than the citywide crime rate.
5. The granting of this permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings, or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare, in that it would increase minor's exposure to alcohol and have a negative impact on public safety.

6. The granting of this permit would be inconsistent with the 2020 General Plan and other adopted standards of the City in that it would add to an undue concentration of facilities selling alcohol in the area of the subject market and exacerbate the problem of policing an area that already has an elevated crime rate as it relates to the City average.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the appeal of the Planning Commission action is approved, the Planning Commission action is denied, and Planning and Zoning Permit No. 07-510-03 is hereby denied.

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 20th day of November, 2007, by the following vote:

AYES: Councilmembers Maulhardt, Zaragoza, Herrera, and Flynn.

NOES: None

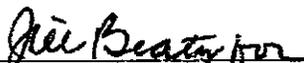
ABSENT: Mayor Holden



Dean Maulhardt, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:


Daniel Martinez, City Clerk


Gary L. Gillig, City Attorney



OXNARD SCHOOL DISTRICT

1051 South "A" Street · Oxnard, California 93030 · 805/487-3918 · www.oxnardsd.org

November 22, 2011

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PLANNING DIVISION
CITY OF OXNARD

BOARD OF TRUSTEES

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President

DENIS O'LEARY
Clerk

ANA DEL RIO-BARBA
ALBERT "AL" DUFF SR.
VERONICA ROBLES-SOLIS

Susan L. Martin, AICP
Planning Division Manager
Oxnard Planning Commission
214 South "C" Street
Oxnard, CA 93030

**RE: PLANNING AND ZONING PERMIT NO. 11-510-07
(Special Use Permit – Alcohol)**

Dear Ms. Martin,

ADMINISTRATION

JEFF CHANCER
Superintendent

SEAN GOLDMAN
Assistant Superintendent
Human Resources and
Support Services

CATHERINE KAWAGUCHI
Assistant Superintendent
Chief Academic Officer

LISA CLINE
Assistant Superintendent
Business and Fiscal Services

The purpose of this letter is to inform the Oxnard Planning Commission that the Board of Trustees of the Oxnard School District is in opposition of granting approval of a special use permit to sell beer and wine for off site consumption to the 4-Way Math Market located at 508 East Date Street. This market is located approximately one block from Elm Street School which provides education to kindergarten through sixth grade children.

If you have any questions, please feel free to give me a call at (805) 385-1501 ext. 2032.

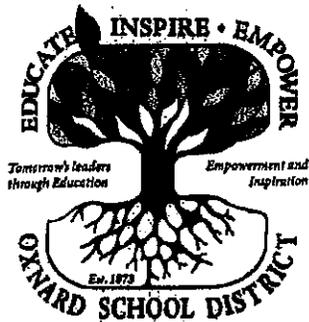
Sincerely,

Jeff Chancer
District Superintendent

JC/sc

Cc: Oxnard School District Board of Trustees
Mayor of Oxnard
Oxnard City Council

Mission: "We guarantee that each student is academically competitive and inspired to perseverant hope."



OXNARD SCHOOL DISTRICT

1051 South "A" Street | Oxnard, California 93030 | 805/487-3918 | www.oxnardsd.org

RECEIVED

August 26, 2011

AUG 29 2011

PLANNING DIVISION
CITY OF OXNARD

BOARD OF TRUSTEES

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President

DENIS O'LEARY
Clerk

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VERONICA ROBLES-SOLIS
ALBERT DUFF SR.

ADMINISTRATION

JULIAN T. LOPEZ, Ph.D.
Interim Superintendent

SEAN GOLDMAN
Assistant Superintendent
Human Resources and
Support Services

CATHERINE KAWAGUCHI
Assistant Superintendent
Chief Academic Officer

LISA CLINE
Assistant Superintendent
Business and Fiscal Services

Mayor and Members of the City Council
City of Oxnard
c/o City Manager Edmund F. Sotelo
305 West Third Street
Oxnard, CA 93030

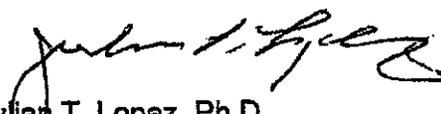
Re: In Opposition of Liquor License Request by 4 Way Market

Dear Honorable Mayor Holden and Honorable Members of the City Council:

This letter is to formally inform City Council that the Board of Trustees of the Oxnard School District is in opposition of granting a request for a liquor license to 4 Way Market located at 508 E. Date Street in Oxnard, Ca. 93033. This market is located very close to Elm School which provides education to kindergarten through sixth grade children.

If you have any questions, please call the Superintendent's Office at 805-487-3918, ext 202.

Sincerely,


Julian T. Lopez, Ph.D.
Interim Superintendent

JTL/sc

Copy to: Board of Trustees Oxnard School District
Oxnard City Planning Commission
Oxnard City Clerk, Mr. Daniel Martinez

Mission: "We guarantee that each student is academically competitive and inspired to perseverant hope."

August 09, 2011

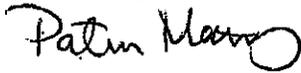
To Whom it May Concern:

I Patricia Martinez and family disapprove of permit for alcohol sales at 4 Way Meat Market for the following reasons; First of all Elm Street Elementary School is very close to this market. This is where one of my three children attends school, therefore being a child hazard, possibly a child being hit by car which might be a driver who is under the influence of alcohol. I see this too often since I'm an RN at VCMC Trauma Center. Second of all there already is a liquor store located at 1637 S. Oxnard blvd; walking distance from 4 Way Meat Market.

Finally, this will attract a lot more homeless and/or criminals to our neighborhood, since the 4 Way Market is the neighborhood market that families that live with in this area go grocery shopping. For the good and safety of my community 4 Way Meat Market should not be allowed to sell liquor.

Thank you for your time.

Sincerely,



Patricia Martinez

RECEIVED

AUG 12 2011

PLANNING DIVISION
CITY OF OXNARD