CITY OF
OXNARD
CALIFORNIA

Meeting Date: 10/2/2012

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Ashley Golden, Principal Planner Agenda Item No. L-1

Reviewed By: City Manager City Attorney SmF Finance JC Other *(Specify)*

DATE: September 12, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager SM
Development Services Department

SUBJECT: **A Review of the Planning Commission's Approval of Special Use Permit No. 11-500-2 for the Reuse of a Vacant Commercial Retail Building and Alcohol Sales for Off-Site Consumption for a Vallarta Market Shopping Center, Located at 2600 N. Vineyard Avenue.**

RECOMMENDATION

That City Council adopt a resolution upholding the Planning Commission's approval for reuse of a vacant building for a shopping center with alcohol sales for off-site consumption, located at 2600 N. Vineyard Avenue.

DISCUSSION

On August 16, 2012, the Planning Commission voted 3-2 to adopt Resolution No. 2012-19 to approve Special Use Permit No. 11-500-2. The project includes a request to reuse an existing single tenant 101,460 square foot vacant commercial retail building (former Home Depot) into a multi-tenant retail building. Vallarta Market would occupy 64,061 square foot (with up to five additional retail tenants within the market), Fallas, a discount retail tenant, would occupy 26,727 square feet, and the remaining 10,671 would be occupied by small individual tenants. The project also includes the demolition of the former outlying tire center building (4,327 square feet) and garden center (20,890 square feet), resulting in an overall reduction of commercial use on the entire project site of 19.9 percent (25,217 square feet). The request includes an application for the Vallarta Market to sell alcohol for off-site consumption. The existing parking lot will be upgraded with new parking striping, landscaping, and loading areas.

In the Planning Commission's deliberation on the proposal, they expressed their concern with the parking and loading at the existing Vallarta Market (1050 S A Street), the potential for increased truck traffic within Oxnard between the two stores, the proximity to vacant El Rio Elementary School, a school bus stop drop-off/pick-up location in close proximity to an alcohol outlet, and the economic impact for smaller businesses along Vineyard Avenue. Some Commissioners felt that the project would help serve the growing residential base of the city and this area, and therefore the project would not have an adverse economic impact on existing markets in the area.

On August 29, 2012 a Notice Requesting Review of this decision was filed by Councilmember Ramirez for review of the project by City Council, to reassess the impact on neighboring residences, schools and businesses (Attachment 8).

School Impacts:

The El Rio School District has a vacant elementary school abutting the subject property. Their district office is also located directly across Ventura Boulevard from the subject property. On Wednesday, August 29, 2012, the Planning Division held a meeting with Mark Krueger, Assistant Superintendent. for Business Services with the Rio School District. Mr. Krueger indicated that the vacant El Rio Elementary School site is not envisioned to re-open to serve students, as is considered surplus property. There are currently three establishments, two of which are located outside City Limits, within 350 feet of the school site selling alcohol for off-site consumption. Mr. Krueger was not aware of any problems encountered by the school due to the existing alcohol uses, and did not feel that an additional alcohol outlet would create an issue.

Members of the Planning Commission were concerned about Vallarta Market selling alcohol in close proximity to high school bus drop-off/pick-up points. The high school bus route is located over 1,200 feet away at Simon Way and N. Vineyard Avenue. There are also three Gold Coast Transit bus routes adjacent to the subject site, which have the potential to carry school aged riders (Attachment 5).

Business & Residence Impacts:

The project site has been vacant for approximately 10 years. In 1985, the site was approved for development for Price Club. In 1988, the site was converted to a Home Depot. In 2002, Home Depot vacated the subject site, and relocated to the Esplanade Shopping Center. In 2005 the City Council approved the site for 259-unit residential development. That permit has expired and it was never built.

The General Commercial 2030 General Plan land use designation provides for retail centers and free-standing commercial uses along arterials. The site zoning, Commercial General Planned Development (C-2-PD) allows the requested retail uses, except for the sale of alcohol, by right. As such, without the request to sell alcohol for off-site consumption, the façade improvements would simply need an administrative permit from the Planning Division and applicable building permits. The project is consistent with both the 2030 General Plan and the zoning. In addition the project is directly related to the following policies of the 2030 General Plan policies

POLICY	POLICY OR TITLE
CD – 4.2	Commercial Revitalization and Redevelopment
CD – 4.4	Commercial Area Aesthetics:
CD – 15.6	Share of Regional Taxable Sales
CD – 16.3	Balanced Economic Base
CD – 16.5	Business Expansion
CD – 18.1	Attract New Business

Along Vineyard Avenue, north of the 101 Freeway off-ramp, to Forest Park Boulevard there are 41 businesses with an active Business Tax Certificate within City boundaries (the east side of Vineyard Ave, just north of this site is not within the City of Oxnard city limits). Of those 41 businesses, eight (8) are classified as eating and drinking establishments (fast food restaurant, donut shop etc.) and three (3) are classified as a grocery or market, including a bakery (Attachment #6). Records provided by the County of Ventura indicate that there are six business of a similar type along Vineyard Avenue from Ventura Boulevard to Central Avenue. Of these six, two are liquor stores, two are grocery stores, and two are gasoline stations with mini-markets. The City of Oxnard Police Report included an additional business located in the County of Ventura that was not included in the Ventura County records (Attachment #7).

A Community Workshop meeting was held on December 19, 2011. In addition to the on-site posting for the Community Workshop, approximately 1,500 notices were mailed to the property owners in the El Rio and El Rio West Neighborhoods. Five community members attended the Community Workshop for this item. The project site was posted at least 10 days prior to the Planning Commission hearing date, an ad was run in the Vida newspaper, and a notice of hearing was mailed to property owners within 300 feet of the subject property. In addition notices of the Planning Commission meeting were mailed to community members that attended the December 19, 2011 Community Workshop for the project. The Planning Division did not receive letters or calls of opposition from any residences. At the Planning Commission meeting one business within the project vicinity spoke against the project and one resident within the project vicinity spoke in favor of the project (there were four other speakers that are not business owners or residents in the project vicinity that spoke on the project).

FINANCIAL IMPACT

The project will be required to pay applicable development fees. In addition occupancy of this vacant building will provide a sales tax revenue stream to the City of Oxnard.

AG

Attachment #1 - Draft City Council Resolution
#2 - Planning Commission Resolution 2012-19
#3 - Planning Commission Staff Report (without attachments)
#4 - Police Report
#5 - Bus Pick Up Points
#6 - Similar Business Types within the City
#7 - Similar Business Types within the County
#8 - Notice Requesting Review by Councilmember Ramirez

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 11-500-02 (SPECIAL USE PERMIT), TO ALLOW REQUEST TO REDEVELOP AN EXISTING SINGLE TENANT 101,460 SQUARE FOOT ABANDONED BUILDING INTO A MULTI-TENANT BUILDING FOR A 64,061 SQUARE FOOT GROCERY STORE (VALLARTA MARKET) WITH UP TO FIVE ADDITIONAL RETAIL TENANTS WITHIN THE MARKET, 10,671 SQUARE FEET OF INDIVIDUAL COMMERCIAL TENANT SPACES, AND A 26,727 SQUARE FOOT TENANT (FALLAS). THE REQUEST INCLUDES AN APPLICATION FOR THE VALLARTA MARKET TO SELL ALCOHOL FOR OFF-SITE CONSUMPTION, LOCATED 2600 NORTH VINEYARD (APN 145-0-232-175), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY THOMAS LAYMAN, 20300 VENTURA BLVD, WOODLAND HILLS, CA 91364.

WHEREAS, on August 16, 2012, the Planning Commission adopted Resolution No. 2012-19, approving Planning and Zoning Permit No. 11-500-02 (Special Use Permit), filed by Thomas Layman; and

WHEREAS, Resolution No. 2012-19 imposes 167 conditions of approval regulating the approved development and use; and

WHEREAS, City Councilmember Carmen Ramírez filed a Notice Requesting Review by the City Council; and

WHEREAS, City Council has carefully reviewed the decision of the Planning Commission and all documents constituting the Planning Commission's record pertaining to Planning and Zoning Permit No. 11-500-02; and

WHEREAS, on September 25, 2012, the City Council held a public hearing and received and reviewed written and oral comments related to Planning and Zoning Permit No. 11-500-02; and

WHEREAS, the project is exempt from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction of existing facilities); and

WHEREAS, per Section 15183 of the State CEQA Guidelines, the City Council finds that the project is consistent with the City's 2030 General Plan and related EIR, which analyzed off-site and cumulative impacts of retail use of the subject site at the existing development density, which is higher than the proposed density. Based on the Planning Division's analysis of the proposed project, and its review of the record of proceedings, including the hearing

before the Planning Commission, the City Council hereby determines that there are no project-specific environmental effects that:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in the EIR for the 2030 General Plan, with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the 2030 General Plan EIR, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the 2030 General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the 2030 General Plan EIR.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to uphold the Planning Commission's decision of August 16, 2012 based on the findings and conditions set forth in Planning Commission Resolution No. 2012-19, on file in the Planning Division, and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of September, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

FOR

Alan Holmberg, City Attorney

RESOLUTION NO. 2012-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-500-2 (SPECIAL USE PERMIT), TO ALLOW REQUEST TO REDEVELOP AN EXISTING SINGLE TENANT 101,460 SQUARE FOOT ABANDONED BUILDING INTO A MULTI-TENANT BUILDING FOR A 64,061 SQUARE FOOT GROCERY STORE (VALLARTA MARKET) WITH UP TO FIVE ADDITIONAL RETAIL TENANTS WITHIN THE MARKET, 10,671 SQUARE FEET OF INDIVIDUAL COMMERCIAL TENANT SPACES, AND A 26,727 SQUARE FOOT TENANT (FALLAS). THE REQUEST INCLUDES AN APPLICATION FOR THE VALLARTA MARKET TO SELL ALCOHOL FOR OFF-SITE CONSUMPTION, LOCATED 2600 NORTH VINEYARD (APN 145-0-232-17), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY THOMAS LAYMAN, 20300 VENTURA BLVD, WOODLAND HILLS, CA 91364.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-500-2, filed by Thomas Layman in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the project is exempt from the requirement for the preparation of environmental documents imposed by the State California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302 (replacement or reconstruction of existing facilities); and

WHEREAS, per Section 15183 of the State CEQA Guidelines, the Planning Commission finds that the project is consistent with the City's 2030 General Plan and related EIR, which analyzed off-site and cumulative impacts of retail use of the subject site at the existing development density, which is higher than the proposed density. Based on the Planning Division's analysis of the proposed project, the Planning Commission hereby determines that there are no project-specific environmental effects that:

1. Are peculiar to the project or the parcel on which the project would be located,
2. Were not analyzed as significant effects in the EIR for the 2030 General Plan, with which the project is consistent,
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the 2030 General Plan EIR, or
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the 2030 General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the 2030 General Plan EIR.

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 retail center where grocery store establishments selling alcoholic beverages for off-site consumption 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 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

DEPARTMENTS AND DIVISIONS			
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated August 16, 2012 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)

4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)

7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict

between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, *G-9*)

10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)

11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

LANDSCAPE STANDARD CONDITIONS

16. Before submitting landscape and irrigation plans, Developer shall obtain approval of the Parks and Facilities Superintendent or designee ("Superintendent") of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, *PK-1*)

17. Before the City issues building permits or the proposed use is initiated, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit

application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)

18. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)

19. Developer shall maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, *PK-4*)

20. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)

21. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

22. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, *PK-22*)

LANDSCAPE SPECIAL CONDITIONS

23. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements.(PK)

24. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "All new landscaping and irrigation comply with Ordinance No. 2822", which adopted the City of Oxnard Landscape Water Conservation Standards.

25. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)

26. The new parking lot landscape finger planters shall be landscaped per the City's Landscape Standards.

27. The trash enclosure shall have evergreen self clinging vines (minimum 5-gallon size) attached to exterior walls.

28. Any existing landscaping and trees which are dead, failing, or missing shall be replaced with new. New landscaping shall conform to the City Landscape Standards, including minimum 24' box size trees. Landscape areas within the fast food tenant site, if failing, shall also be upgraded.

29. Applicant shall bring the Vineyard Avenue landscape street frontage, including the area west of the fast food tenant space, into conformance with the City Landscape Standards to include: (a) replacement of all missing or dying plant materials; (b) 36' high continuous visual screen (at time of planting); (c) street trees (Plantanus mexicana) at 40' O.C. spacing at 36" box size (minimum).

30. Applicant shall bring the Ventura Boulevard frontage landscape into conformation with City Landscape Standards to include a 36' high continuous visual screen (at time of planting).

FIRE DEPARTMENT STANDARD CONDITIONS

31. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

32. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, *F-2*)

33. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)

34. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)

35. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

36. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

37. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 46,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)

38. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

39. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)

40. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)

41. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

42. Developer shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)

43. Developer shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, *F-14*)

44. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, *F-15*)

45. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, *F-16*)

46. Developer shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, *F-17*)

FIRE DEPARTMENT SPECIAL CONDITIONS

47. Prior to issuance of a certificate of occupancy, Developer shall install a Knox key vault at a location to be determined by the Fire Department.

48. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means.
49. Developer shall install fire partitions between each tenant space, as required per Chapter 7 of the Building Code.

50. Developer shall provide standby power, as required per Chapter 4 of the Building Code.

PLANNING DIVISION STANDARD CONDITIONS

51. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)

52. 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*)

53. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)

54. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

55. 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*)

56. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

57. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.

58. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

59. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)

60. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, *PL-11*)

61. During construction, Developer shall control dust by the following activities:
    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)

62. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

63. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

64. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building

permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)

65. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

66. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(PL, PL-50)*

67. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

68. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)

69. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

70. Before the City issues building permits, Developer shall submit and obtain approval from the Planning Division for a master sign program for the project, which shall indicate on the site plan the elevations, the size, placement, materials, and color of all proposed free-standing and building signs. The square footage of all signs for the project shall not exceed 804 square feet, calculated in accordance with the City Code. (PL/ B, *PL-46*)

71. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

PLANNING DIVISION SPECIAL CONDITIONS

72. Developer shall stripe loading zones for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL)

73. For tenants that have more than one toilet that is open to the public, Developer shall install toilets that have automatic flush sensors. Such toilets shall be included on the plans

submitted for a building permit and shall be maintained and in working order at all times. (PL)

74. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)

75. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)

76. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

77. Developer shall stripe 4 standard parking stalls, in locations approved by the City's Traffic Engineer, to be used for 9' x 40' loading zones for the in-line tenants. (PL, TR)

78. The approval for alcohol (not the reuse and redevelopment of the site) 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 DEPARTMENT CONDITIONS APPLICABLE TO ENTIRE PROJECT SITE

79. Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.

80. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

81. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)

82. 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 or disposal of trash does not constitute a violation. (PD)

83. The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the businesses. (PL/PD)

84. There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)

85. Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

86. In the areas surrounding the businesses the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

87. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)

88. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.

89. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.

90. 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.

91. Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50).

92. When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

93. 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 DEPARTMENT CONDITIONS APPLICABLE TO 64,061 SQUARE FOOT GROCERY STORE

94. All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

95. 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)

96. 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, after due process that shall include communication with the owner, 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)

97. 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 by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.

98. 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)

99. Coolers or displays containing alcoholic beverages shall be separated from other, non-alcoholic products and shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. Unless otherwise approved by the Police Department, alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol aisle. (PD)

100. Beer, malt beverages and wine coolers, in containers of 40 oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

101. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (PD)

102. 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". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)

103. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)

104. Alcoholic beverages shall not be sold between the hours from 11:00 PM to 7:00 AM.

105. Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)

    a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.

    b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

106. Permittee shall install height gauges at all exit doors.

107. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.

108. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.

POLICE DEPARTMENT SPECIAL CONDITIONS APPLICABLE TO 64,061 SQUARE FOOT GROCERY STORE

109. Coolers, containers or displays of alcoholic beverages shall be locked or inaccessible during hours of prohibited sale (11:00 PM to 7:00 AM) if the business is open to the general public during those times. (PD)

110. If, at any time, the existing school (El Rio School) located directly north of the project site reinstates educational activities for minors, the sale of flavored malt beverages (commonly referred to as alcopops) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)

111. The sale of energy drinks that contain any amount of alcohol is prohibited. (PD)

112. The self-checkout of alcoholic beverages is strictly prohibited. All transactions involving alcohol shall be completed by an employee who is responsible to ensure the customer is aged 21 or older and that they are not obviously intoxicated. (PD)

113. Any vendors or concession operators located within the business are considered a separate entity and shall not be permitted to exercise the privileges of this permit or the associated ABC license. The sale of alcohol is the sole responsibility and privilege of the applicant (Vallarta Market, or successor/transferee) and shall not extend to any subcontractors, vendors, and consignment or concession operators. (PD)

114. Any display of distilled spirits shall be maintained in locked cabinets at all times or under the direct control of employees. No distilled spirits shall be accessible to customers at any time without assistance from an employee. (PD)

115. The sale of single serving containers of distilled spirits is prohibited.

116. Permittee shall develop a security plan that is approved by the Chief of Police or his designee and that includes comprehensive anti-theft strategies to minimize the risk of thefts related to the availability of alcohol. Such strategies may include but are not limited to anti-theft tags or sensors, product checks by staff at the exits, cart stopping devices and CCTV. Strategies that minimize the likelihood for sales of alcohol to underage customers shall be part of this plan.

ENVIRONMENTAL RESOURCES DIVISION

117. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.

118. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report For Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.

119. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.

120. Developer shall make provisions to divert at least 50% of the waste material generated during occupancy through source reduction, recycling, reuse, and green waste programs. Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. A "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually on the anniversary date of the certificate of occupancy for approval.

121. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

122. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)

123. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall show the proposed structural section on the site improvement plans. (DS-2)

124. Developer shall have the site improvement plans prepared on standard Development Services Division mylars by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a

grading permit, improvement plans must be approved by the City Engineer and the original ink-on-mylar plans filed with the Development Services Division. (DS-3)

125. Developer shall submit improvement plans and drainage calculations that demonstrate that storm drainage from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

126. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)

127. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)

128. Before connecting the project to existing sewer and water service laterals, Developer shall arrange for City staff to inspect such facilities. Developer shall make such repairs to such facilities as City staff determines to be necessary. Developer shall bring all existing water services into compliance with City standards. (DS-7)

129. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (DS-8)

130. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)

131. If the existing sewer lateral is larger than four inches in diameter, Developer's site improvement plans shall include an on-site sewer plan. (DS-10)

132. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. (DS-11)

133. Developer shall install on-site and off-site utility services underground in accordance with City ordinances in effect at the time City issues the building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)

134. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City ordinances in effect at the time City issues a site improvement permit. Before issuance of a site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation. (DS-13)

135. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction

of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

136. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

137. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

138. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

139. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

140. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

141. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

142. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

143. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all

applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

144. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)

145. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

146. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

147. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

148. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)

149. Developer shall clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning. (DS-83)

150. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. (DS-84)

151. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site

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

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

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

153. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-101)

154. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)

155. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 and any revisions) for redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS)

156. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not be limited to, determination of site soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, methods (e.g. Pre-treatment) to minimize long-term occlusion of soil porosity, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not be limited to,

suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Design plans shall implement approved design recommendations. (DS)

157. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot asphalt to clearly identify pedestrian areas. (DS)

158. Developer shall construct a minimum 7 foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. The sidewalk width shall be increased to a minimum of 9 feet wide where fronted on both sides by parking spaces. Such parking spaces shall be separated from the sidewalk by a 6 inch minimum height curb. Encroaching parking spaces may be reduced to a depth of 17 feet with 2 feet of vehicle overhang in accordance with City Code. This includes the parking spaces along the newly provided pedestrian connections between the main entrance of the building and the public (Vineyard Ave and Ventura Blvd) Right-of-Way. (DS)

159. Developer shall upgrade/replace all existing onsite trash enclosures to provide double-bin (minimum) trash enclosures (one bin for recycle use) to meet current City standard plate designs including a solid non-combustible roof (8 foot minimum clearance) that prevents stormwater from entering the refuse bins. Each enclosure that will serve a tenant that prepares food shall include a traffic rated drain (or other approved drain) centered in the enclosure to catch all wash water from the trash enclosure. This drain shall connect to the sanitary sewer system via a grease interceptor. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (DS)

160. Developer shall include a gate opening system compatible with Refuse vehicle radio systems on all gates that provide access to trash enclosures. (DS)

161. Developer shall reconstruct the existing drive entries on Ventura Boulevard and Vineyard Avenue to provide a minimum 48 inch wide level disabled access compliant pedestrian path along the public sidewalk. Reconstruction shall include a minimum 48 inch wide pedestrian path around the existing fire hydrant at the Ventura Boulevard driveway. (DS)

162. Developer shall provide proof of issuance of a valid Caltrans encroachment permit for any improvements that enter into or negatively affect Caltrans' right-of-way. (DS)

163. Developer shall stripe a cross-walk, install associated signage, and construct pedestrian access ramps across the northerly leg of the Ventura Boulevard/Financial Square intersection.

Improvements shall also include construction of ADA compliant sidewalk extension connecting the new cross-walk with the existing sidewalk on the westerly side of Ventura Boulevard. The final design of these improvements is subject to approval of the City Traffic Engineer. (TR)

164. Developer shall install two new bus stops on Ventura Boulevard (one northbound and one southbound) just north of Financial Square. Bus stops shall include benches, signage, and trash receptacles. The final design of these improvements is subject to approval of the City Traffic Engineer. (TR)

165. Developer shall install a bus shelter with solar lighting, bench, trash receptacle, and bike rack at the bus stop along the Vineyard Avenue frontage of the project. Shelter shall be located behind the sidewalk. Developer shall dedicate an approximately 3 foot wide by 20 foot long easement to the City that encompasses the shelter location. Final design and location of the bus stop is subject to approval of the City Traffic Engineer. (TR)

166. Developer shall install a striped diverter and associated signage at the Ventura Boulevard driveway to limit driveway to right turn in and right turn out movements only. (TR)

167. Developer shall comply with all traffic mitigation measures, if any, as determined and required by Caltrans.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of August 2012, by the following vote:

AYES: Commissioners: Mullin, Nash, Huber

NOES: Commissioners: Medina, Stewart

ABSENT: Commissioners: Guevara, Murguia

Stephen H. Huber, Chair

ATTEST:

Susan L. Martin, Secretary

CITY OF
OXNARD
CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Ashley Golden, Principal Planner

DATE: August 16, 2012

SUBJECT: Planning and Zoning Permit No. 11-500-2, (Special Use Permit), Located at 2600 North Vineyard Avenue.

1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-500-2 for a special use permit, subject to certain findings and conditions.

2) **Project Description and Applicant:** A request to reuse an existing single tenant 101,460 square foot vacant commercial retail building into a multi-tenant retail building with a 64,061 square foot grocery store (Vallarta Market, with up to five additional retail tenants within the market), a 26,727 square foot discount retail tenant (Fallas), 10,671 square feet of small individual commercial tenant spaces, and demolition of the former outlying tire center building (4,327 square feet) and garden center (20,890 square feet), resulting in an overall reduction of commercial use on the entire project site of 19.9 percent (25,217 square feet). The request includes an application for the Vallarta Market to sell alcohol for off-site consumption. The existing parking lot will be upgraded with new parking striping, landscaping, and loading areas. The project is located at 2600 North Vineyard. Filed by Thomas Layman, 20300 Ventura Blvd, Woodland Hills, CA 91364.

3) **Existing & Surrounding Land Uses:** The site is currently occupied with a 101,460 square foot vacant commercial retail building (former Home Depot), 4,327 square foot former tire center, and 20,890 square foot former garden center.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
PROJECT SITE	C2-PD	Commercial General	Vacant-commercial retail
North	Unincorporated	School	School-El Rio School District
East	Unincorporated	Residential Rural Low	Unincorporated/Industrial
South	C2-PD/R2-PD	Commercial General	Self Storage/Residential
West	C2-PD	Commercial General	Commercial

4) **Background Information:** In 1985, the City Council approved a zone change, tentative parcel map, general plan amendment, and planned development permit (PD-417) for the construction and operation of an approximately 110,000 square foot discount membership department store (Price Club). In 1988, the Planning Division approved a minor modification for the conversion of the Price Club to a Home Depot. This minor modification included changes to the parking lot

and a new façade. Various minor modifications were approved during the operation of Home Depot, mainly for the construction and expansion of the garden center. In 2005, the City Council approved a Special Use Permit (04-500-4) and associated density bonus permit, tentative map, and Mitigated Negative Declaration (MND # 05-07) for a 259-unit residential development. Approval for that residential development has since expired and it was never built. The General Plan and zoning was not changed for the residential project as the present C2 zoning also allows residential uses.

Environmental Determination: A negative declaration (ND 85-5) was prepared for the original build-out of the site in 1985 in accordance with the requirements of the California Environmental Quality Act (CEQA). With conversion of the building to Home Depot and addition of an outdoor garden center, a second negative declaration (ND 88-78) was prepared and subsequently adopted in accordance with CEQA.

In addition to the environmental review in ND 85-5 and ND 88-78 of retail use of the site at the same or greater capacity than what is currently proposed, the 2030 General Plan EIR also considered the environmental effects of retail use at the site. Section 15183 (Projects Consistent With A Community Plan, General Plan, Or Zoning) of the State CEQA Guidelines provides that "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review." The EIR that was certified in 2011 for the 2030 General Plan considered the use of the subject site as a retail center at full capacity. The modeling and discussion of traffic impacts in the 2030 General Plan EIR specifically included trip generation from the subject site based on full retail occupancy of the three existing structures. The proposed project would reoccupy the site for similar retail use with a reduction of about 25,000 square feet (about 20 percent). In that the proposed project is a reuse of an existing commercial center consistent with the 2030 General Plan and zoning for which an EIR was certified, no additional environmental review is required. The 2030 General Plan EIR did not require mitigation specific to this project site or its location.

The State CEQA Guidelines also provide a categorical exemption from the requirements of CEQA for projects involving "[r]eplacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure replaced…" (15302(b)) This proposal includes reconstruction of the existing 101,460 square foot retail building, demolition of two smaller retail buildings, and minor alterations to the site including the maintenance and repair of the parking lot area. 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 B).

5) Analysis:

a) ***General Discussion:*** Vallarta Market would serve as the anchor tenant. As part of their business model, up to five subtenants – each with about 950 square feet of area – area

proposed within the market. These "concession" spaces would be accessible only during Vallarta Market's normal hours of operations. The request to sell alcohol for off-site consumption is limited to Vallarta Market, and would not be permitted within the concession retail spaces. Fallas, a discount store, will occupy 26,700 square feet, and the remaining 10,671 square feet of building area will be comprised of small tenants ranging in size from 1,057 square feet to 1,500 square feet. Redevelopment of the subject site would start with demolition of two out-buildings totaling 25,217 square feet.

b) *General Plan Consistency:* The City's 2030 General Plan land use designation for the subject site is for General Commercial (CG) which allows retail centers and free-standing commercial uses along major corridors. The proposed uses are retail commercial, and the project is consistent with the 2030 General Plan, as shown below. Approval of development and sale of alcohol for off-site consumption is also consistent with the 2030 General Plan and the property's land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD – 4.2 CD – 4.4	I	**Commercial Revitalization and Redevelopment**: Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation. **Commercial Area Aesthetics:** Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities	The site has been vacant for years. This project would beautify and revitalize an existing commercial area by providing a new building façade and landscaping. Furthermore, it would provide shopping opportunities for the surrounding land uses and revitalize the exiting multi-tenant shopping area and fast food tenant on the adjacent parcels.
CD-1.3 CD -18.1 ICS – 6.1	II	Redevelopment to Mixed Use- Attract New Business Transit Facilities for New Developments	Re-use of the existing shopping center for a grocery store, department store, and various retail uses will facilitate attracting new retail businesses to the city and provide services to the

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
ICS – 8.9		Street Crossings	existing neighborhood. In addition the project includes off-site transit improvements for the local bus service including bus shelters and benches, as well as a cross –walk on Ventura Blvd.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

c) ***Conformance with Zoning Development Standards:*** The proposed development is located in the General Commercial Planned Development (C2-PD) zone district. In accordance with the City Code, the proposed use and redevelopment may be permitted with an approved special use permit. The sale of alcohol for offsite consumption may be permitted with an approved special use permit. Applicable development standards of the C2 zone and the Planned Development designation have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Max. building height 16-137	2 stories or 35 feet. Additional height may be permitted as part of an SUP (16-530—16-553)	Existing: 32-feet. Main entry extending to 40-feet	YES/SUP
Front yard setback 16-139	10 feet from property line;	Existing: Approximately 400 feet from Vineyard Avenue	YES
Side yard setback 16-140	5 feet. Zero when abuts another C-2 zoned lot.	Existing: Approximately 60-feet from abutting residential development	YES
Rear yard setback 16-141	None if =<16 feet in height; 15 feet if >16 feet in height; 10 feet if abuts an alley.	Existing: Approximately 62-feet	YES
Floor Area Ratio	30% max.	Bldg A: 101,460 SF Bldg B: 2,422 SF 103,882 SF (19.5%)	YES
Offstreet parking:	Required: 416 spaces *(1 per 250 SF of gross floor area.)* Loading Zones: 4	Provided: 575 Standard Stalls 19 Compact stalls 13 Handicap stalls 607 Total Stalls (117 are in a gated area) Loading Zone: 3	YES, with condition of approval no. 77
Parking space sizes & design: • Standard (16-636 &	• 9'W x 19'L standard stalls.	Applicant to re-strip to city	Yes, with approval of SUP for 9'

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
16-638) • Loading (16-644)	• 12'W x 40'L x 14'H ; alt size with PC or director approval	standard for standard stalls Compact stalls: 9'W x 16'L Loading: 3 @ 12' w x 40'L x 14" H; 9' W x 40' L for inline tenants	W x 40' L for inline tenants
Parking area Landscape Req. (16-641): • Along streets/alleys • Along interior PLs • Parking/vehicle area (16-641) • Landscape fingers (16-641) • Trees (for lots with 20+)	• Min. 10' wide strip. • Min. 5' wide perimeter in parking areas. • Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. • 9'W x 20'L - every 10 spaces wit 2 trees. • Min. 40' O.C.	• Min. 10' wide strip. - Yes • Min. 5' wide perimeter in parking areas. - Yes 11.2% of total lot is landscaped. New parking areas meet City Code. Existing plant material will be enhanced and replaced. Existing perimeter trees will remain.	YES
Fence (16-310)	• Cannot be located in the FY setback area • No chain link in FY • 8' max height	• Not in setback area • No chain link in FY • Existing zone wall is 6' CMU Wrought iron gate for access behind the building;	Yes
Lighting 16-320	Comply with Section 16-320 of the City Code.	Existing lighting conditions will be upgraded	Conditioned

d) ***Site Design:*** The main building sits approximately 400 feet from Vineyard Avenue and 200 feet from Ventura Boulevard. With the exception of the demolition of the former tire center and garden center and the conversion of these areas to parking stalls, the center will retain its basic existing layout with orientation to Vineyard Avenue. The fast food restaurant, fronting Vineyard Avenue, is on a separate parcel, but the landscape planters adjacent and internal to their lot will be refurbished with this project. The shopping center on the corner of Vineyard Avenue and Ventura Blvd (2550 N. Vineyard Avenue) is not a part of the project.

e) *Circulation and Parking*: Re-occupancy of the shopping center includes upgrading most of the existing drive aisles to current City standards, restriping the parking lot area, and conversion of existing compact parking stalls to standard parking widths (9'). New drive aisles, parking stalls, and landscaping will be installed on the north side of the existing building, upon removal of the garden center and tire center.

A traffic study, prepared using cumulative project data consistent with the 2030 General Plan EIR, was prepared for the project. Level of service (LOS) analyses were completed for 11 intersections in the study area for the AM and PM peak hours for existing and cumulative traffic conditions with and without the project. The traffic study indicated that project would generate a project specific impact at the Vineyard Avenue/Collins Street intersection during AM and PM peak hours. The traffic study recommends, and the conditions of approval require, that this project restripe northbound Collins Avenue at its intersection with Vineyard Avenue to provide for a left turn pocket. This would address the LOS impact at that intersection.

The site has three existing access points and one proposed new access point on Vineyard Avenue between 2550 Vineyard Avenue and the fast food restaurant. A traffic diverter is required at the driveway on Ventura Boulevard, which would restrict traffic movements to right turns in and right turns out. A condition of approval requires this diverter be installed prior to occupancy of the subject property. With this traffic diverter, access to the businesses at 2550 Vineyard Avenue will be negatively impacted. To lessen this impact, provide better circulation within the site, and improve safety for the Gold Coast Transit (GCT) bus stop on Vineyard Avenue, the City's Traffic Engineering Division recommends a new driveway on Vineyard Avenue, between the 2550 N. Vineyard Avenue building and the existing fast food restaurant. This driveway is subject to approval by the California Department of Transportation (Caltrans). If Caltrans does not approve the new driveway, the project will be served by one point of access on Vineyard Avenue, one point of access on Financial Square and limited access on Ventura Boulevard. A pedestrian walkway will be provided through the site from Vineyard Avenue to the front of the building. This walkway will provide direct access from the GCT bus stop on Vineyard Avenue to the front of the building.

A GCT bus route runs along Ventura Blvd. This project is conditioned to provide a bench, access ramp, trash can, and a bus stop sign for the GCT bus stop in the southbound direction. The applicant will also provide a cross walk across Ventura Blvd. and a bench, shelter, trash can, and bus stop sign for the northbound Vineyard Avenue stop.

Although reoccupied retail center requires 416 parking stalls, 607 parking stalls are proposed. Of those, 117 of the 607 parking stalls are within a gated area not accessible by the general public. Another 19 of the parking stalls are compact and do not count towards required parking for the site, leaving 471 standard stalls for customer use on the site. Motorcycle stalls were not required under the original permit and are not proposed under the current

project. The site is over-parked by 55 stalls and the City Traffic Engineer recommends keeping standard parking stalls rather than converting the stalls to motorcycle stalls.

Four loading zones are required for the proposed uses and three loading zones are provided. These proposed loading zones support the grocery store and discount store anchor tenants. A condition of approval requires the applicant to restripe four parking stalls to create two loading zones for the inline tenants. The reduction of four parking stalls will leave the site with 51 excess parking stalls.

f) ***Building Design:*** The shell of the main building will remain. A new tile roof and wood trellis elements will be provided to distinguish the inline tenant spaces, while raised parapets with cornice details will define the two anchor tenants. The applicant is requesting an increase in height from 35' to 40' for the raised parapet elements, which is allowed with approval of a special use permit. Accent stone veneer and ceramic tile will be provided on the selected columns bases. Ceramic tiles will also be used to accent the exterior building walls of Vallarta Market. Metal trellises with landscaping will be provided along the east, south, and north building walls.

The existing light standards are proposed to remain but will be re-lamped to meet current lighting standards and levels. Existing wall packs will remain on the east side of the building.

g) ***Landscaping and Open Space:*** The existing landscaping plant material will be replaced and/or upgraded as needed to meet City requirements. With approximately 11% of the total lot area landscaped, the site exceeds the overall required 5% landscape area. As part of the project, six trees will be removed. An arborist report was prepared for the removal of the trees and a condition of approval requires the applicant to put the economic value of the trees removed back into the site.

h) ***Alcohol Sales for Off-Site Consumption:*** The applicant has requested an ABC License Type-21, Off- Sale License that allows for the retail sale of beer, wine and distilled spirits. The Oxnard Police Department's (OPD) statistical analysis shows the area to have a crime rate that is approximately 9% higher than the city-wide average, which is not considered to be significant. The OPD Beat Coordinator for the area said the off-site ABC sales from the Vallarta Market would not be considered to be a policing problem. There is one similar alcohol outlet within 350 feet of the site which leads to a presumption of undue concentration. The presumption of undue concentration can be rebutted by a preponderance of evidence that determines the use will not aggravate policing issues.

The primary concern of the OPD is how close the site is to an existing (currently vacant) school and the potential that if the school reopens, there would be some risk associated with the proximity of the ABC off-site sales. There are several regulations that are included with the resolution that can help to minimize the likelihood for conflicts with the students such as

restricting advertising, prohibiting single servings, requiring alcohol displays be easily monitored by staff and prohibiting flavored malt beverages or energy drinks with alcohol that are most popular with underage drinkers.

The Police Department's experience is that this type of license (Type 21 – Off-Sale Beer, Wine and Spirits), 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. The Police Department is not opposed to this use and recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

6) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on October 12, 2011 and June 26, 2012. Recommendations of the DAC are included in the attached resolution.

7) **Community Workshop:** On December 8, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the El Rio 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 December 19, 2011. Approximately five members of the community attended; mainly neighboring business owners. Some of the surrounding business owners expressed concern over the competition a new grocery store would create for their business.

8) **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. Notice of Exemption
C. Reduced Project Plans
D. Police Report
E. Traffic Study
F. Resolution

Prepared by: AG

Approved by: SM

Police Department

Jeri Williams, Police Chief

Date: July 16, 2012

To: Ashley Golden, Principal Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 2600 N. Vineyard Ave. (Vallarta Market) **Re: PZ 11-500-02**

Site Information:

The proposed site is an existing, vacant building that was most recently occupied by the Home Depot home improvement center but has been unoccupied for several years. The site is situated on the northeast corner of the intersection of E. Vineyard Ave. (SR 232) and E. Ventura Boulevard. The front doors face west toward the parking lot and Vineyard Avenue.

The site is generally bordered by El Rio School to the north, commercial and residential to the south, commercial and industrial to the east, and Vineyard Avenue and commercial to the west. Other uses nearby include the school, fast food restaurants and a separate, small commercial center with approximately eight storefronts located in the southwest corner of the overall parcel. The nearest similar alcohol outlet is the El Rio/Oxnard Market located across Vineyard Avenue approximately 225 feet away where they sell beer and wine for off-site consumption. The nearest residences are condominium complexes approximately 150 feet to the south and are separated from the proposed site by a block wall. The applicant has requested to obtain an ABC License Type-21 which is an Off-Sale License that allows for the sale of beer, wine and distilled spirits.

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

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. El Rio/ Oxnard Market	2585 E Vineyard	Type 20	Off-Sale Beer and Wine	Convenience Store/Gas Station	Beer and Wine

*Alcohol outlets located within **1000 feet** of the establishment also include:*

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. La Gloria Taqueria	2736 N. Vineyard Ave.	Type 21	Off-Sale General	Small Grocery Store	Beer, Wine and Distilled Spirits
2. El Rio Shell	2778 N. Vineyard Ave.	Type 20	Off-Sale Beer and Wine	Convenience Store/Gas Station	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 128 during the same 12-month time period. This is 9% higher than the average crime rate citywide which is generally not considered to be significant. The area is not considered to be a policing problem.

The numbers and types of police calls for service were spread relatively evenly throughout the neighborhood and were predominately petty and property crimes. Disturbance and violent incidents were very low and those that listed alcohol as a contributing factor were below citywide averages.

For reference, the category of part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson. Part II crimes include: vandalism, weapons possession, other sex offenses, drug abuse violations, driving under the influence, liquor laws, drunkenness, and disorderly conduct. Any reference above to "police calls for service" may include all types of police responses to the area, not just the Part I and II crimes that are reported to the federal Uniform Crime Report system (UCR). Such calls may include fights, loud noise, domestics and other disturbances not otherwise classified as Part I or II.

Police Department Input:

The Beat Coordinator who is responsible for monitoring and managing the day-to-day police activity near the location said that the area immediately surrounding the proposed site is not considered to be a policing problem. With the nearby River Park community growing considerably during the past several years, property crimes in the area have also consistently risen. There have been pockets of policing problems further west in the River Park neighborhood but the Police Department does not expect the addition of alcohol sales at this site will aggravate those policing issues.

The Police Department does have a minor concern about the sites close proximity to the El Rio School which is literally next door to the north. The school does not currently have a student population and the site generally serves as storage and administration offices for the Rio School District. District representatives have indicated that there are no existing plans to reopen the school to serve students at this time but that could possibly change at some point in the future. Our concern is that if the school ever reinstitutes educational activities at this site that there may be some conflict with an off-sale alcohol outlet nearby. Generally, it is not desirable to have alcohol outlets so close to schools due to the potential for youth exposure and access to alcohol. Numerous studies have shown that youth exposure to alcohol significantly impacts underage consumption. Increased access and exposure to alcoholic beverages are directly related to incidences of youth consumption and should be carefully considered when determining appropriate locations for new outlets.[1]-[2]

That being said, the Police Department has implemented several unique operating conditions at other sites that were in close proximity to schools and have had good success at reducing the conflicts with students and minimizing exposure to youth. Prohibiting alcohol advertisements, limiting the types and sizes of alcoholic beverages and positioning the alcohol displays to be separate from other, non-alcoholic products and placed where they can be easily monitored by employees should minimize the likelihood for conflicts.

There are a few other locations in Oxnard where there are alcohol outlets near schools, including two that are in very close proximity to high schools where the students are at the highest risk of exposure and access to alcohol. One is literally across the street from a high school which posed some very unique challenges when determining the most appropriate and effective operating conditions to minimize the potential for conflicts. Fortunately, the preventative conditions we included with each of these sites appears to have been effective at preventing problems as there have been no alcohol/student related incidents at any one of the four businesses considered to be in close proximity to the high schools.

One other issue is that there is another, similar alcohol outlet within 350 feet of the proposed site which triggers a local presumption of undue concentration. The Police Department is keenly aware of the potential for problems when multiple alcohol outlets are operating in close proximity to each other. However, in this case, we do not believe the addition of alcohol sales at this site will significantly aggravate policing issues. The overall area is not considered to be saturated with off-sale outlets and virtually all of the establishments within 2000 feet of the site are small-scale markets of convenience stores. The population and activity in the area has increased significantly with the River Park development and a grocery store with alcohol may be an appropriate addition to the neighborhood.

It is the conclusion of the Police Department that, while cautious and mindful of the future potential for conflict with students and proximity to another off-sale outlet, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close

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[1] G. Hastings, S. Anderson, E. Cooke, and R. Gordon,"Alcohol advertising and marketing and young people's drinking:a review of the research," *Journal of Public Health Policy* 26 (2005):296-311.
[2] L.B. Snyder, F.F.Milici, M. Slater, H. Sun, and Y. Strizhakova,"Effects of alcohol advertising exposure on drinking among youth," *Archives of Pediatrics and Adolescent Medicine* 160 (2006):18-24.

oversight of the activity at the business. The Police Department strongly recommends that each of the preventative conditions listed below be included in the resolution.

Community Input:
The Police Department contacted several of the businesses nearby and did not receive any negative comments. The River Park neighborhood leaders were made aware of the proposal and as of this writing had not contacted the Police Department with any feedback.

Conclusion:
The statistical analysis shows the area to have a crime rate that is approximately 9% higher than the city-wide average which is not considered to be significant. The Beat Coordinator for the area said it is not considered to be a policing problem. There is one similar alcohol outlet within 350 feet of the site so there is a local presumption of undue concentration. The presumption of undue concentration can be rebutted by a preponderance of evidence that determines the use will not aggravate policing issues and may be appropriate for the area.

The primary concern of the Police Department is how close the site is to an existing (currently vacant) school and the potential that if it reopens, there would be some risk associated with the use. There are several regulations that can be included with the resolution that can help to minimize the likelihood for conflicts with the students such as restricting advertising, prohibiting single servings, requiring alcohol displays be easily monitored by staff and prohibiting flavored malt beverages or energy drinks with alcohol that are most popular with underage drinkers.

The Police Departments experience is that this type of license (Type 21 – Off-Sale Beer, Wine and Spirits), 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. The Police Department is not opposed to this use and recommends adoption of all of the standard and special conditions listed in the attached Planning Commission resolution.

Police Standard Conditions
(Off-Sale Alcohol Establishments)

1) All managers or supervisors who are responsible for the daily coordination, supervision or managing of employees, shall complete an approved course in Responsible Beverage Sales and Service (RBSS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

2) 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)

3) 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, after due process that shall include communication with the owner, 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)

4) Any signs, advertisements or decorations placed upon the windows shall not exceed 20% of the overall window area. Additionally, there shall be no other obstructions placed near the windows that exceed 20% of the overall viewing area including display racks, stored products, shades or blinds.

5) 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 by Oxnard City Code, the Police Department may initiate Planning Commission review of the existing SUP and the Planning Commission may apply or remove conditions as appropriate to mitigate existing or potential problems.

6) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)

7) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control. This includes the rear of the business. (PL/PD)

8) 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 or disposal of trash does not constitute a violation. (PD)

9) 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)

10) The parking lot and adjacent areas of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. This includes the rear of the business. (PL/PD)

11) There shall be no pay phones installed inside the premises nor shall there be any pay phones installed outside within 100 feet of the premises. (PL/PD)

12) Permittee shall regularly police the area under Permittee's reasonable control (including the rear of the business) and shall not permit the loitering of persons about the premises. (PL/PD)

13) In the areas surrounding the business the Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

14) Coolers or displays containing alcoholic beverages shall be separated from other, non-alcoholic products and shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. Unless otherwise approved by the Police Department, alcohol displays shall not be positioned near customer entry/exit doors, nor shall they be in a location that allows for an easy and unobstructed path to any entry or exit. It is recommended that the alcohol displays or coolers be positioned where employees have a clear view from their normal work stations of the activity of persons in the alcohol isle. (PD)

15) There shall be no amusement machines or video devices maintained on the premises at any time. (PD)

16) Beer, malt beverages and wine coolers, in containers of 40oz in volume or less, cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.

17) No wine shall be sold with an alcoholic content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles (Port, Sherry, Saki, Marsala, Madiera, Muscat and Vermouth are permitted). (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". These signs shall, at a minimum, be posted at each point of sale and near any alcohol display or areas. (PD)

19) No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)

20) Alcoholic beverages shall not be sold between the hours from 11:00 PM to 7:00 AM.

21) There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.

22) Security cameras shall be installed to monitor the premises and be positioned to monitor at minimum the entry/exit, all points of sale, alcohol coolers and the areas immediately surrounding the exterior of the business. The camera system shall comply with the following minimum standards: (PD)

    a. The cameras shall be color cameras, made by a reputable manufacturer and maintained to current industry standards. They shall have low light capability and be capable of identifying persons conducting transactions at the stores' registers or entering/exiting the business.

    b. The system shall utilize a Digital Video Recorder (DVR). The use of videocassette recorders (VHS and other formats) is prohibited. The DVR shall allow recording, live viewing and playback of recorded video for a period of least 30 days. DVR shall perform all recording, viewing (local and remote), playback (local and remote), queries and backup functions simultaneously, with no interruption of any other function.

23) Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.

24) 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.

25) Permittee shall have drop-safes installed or establish other responsible cash handling procedures to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50).

26) When used, Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register.

27) Permittee shall install height gauges at all exit doors.

28) Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.

29) Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols

that provide an efficient method for alerting police and others to a potential threat without unnecessarily putting the employees at risk.

30) 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

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1. Coolers, containers or displays of alcoholic beverages shall be locked or inaccessible during hours of prohibited sale (11:00 PM to 7:00 AM) if the business is open to the general public during those times. (PD)

2. If, at any time, the existing school (El Rio School) located directly north of the project site reinstates educational activities for minors, the sale of flavored malt beverages (commonly referred to as alcopops) is prohibited. Such products are generally sweetened, carbonated alcoholic beverages made with malt or spirits-based alcohol. Examples of such products include Smirnoff Ice, Mike's Hard Lemonade, Bacardi Silver and Jack Daniel's Lynchburg Lemonade. (PD)

3. The sale of energy drinks that contain any amount of alcohol is prohibited. (PD)

4. The self-checkout of alcoholic beverages is strictly prohibited. All transactions involving alcohol shall be completed by an employee who is responsible to ensure the customer is aged 21 or older and that they are not obviously intoxicated. (PD)

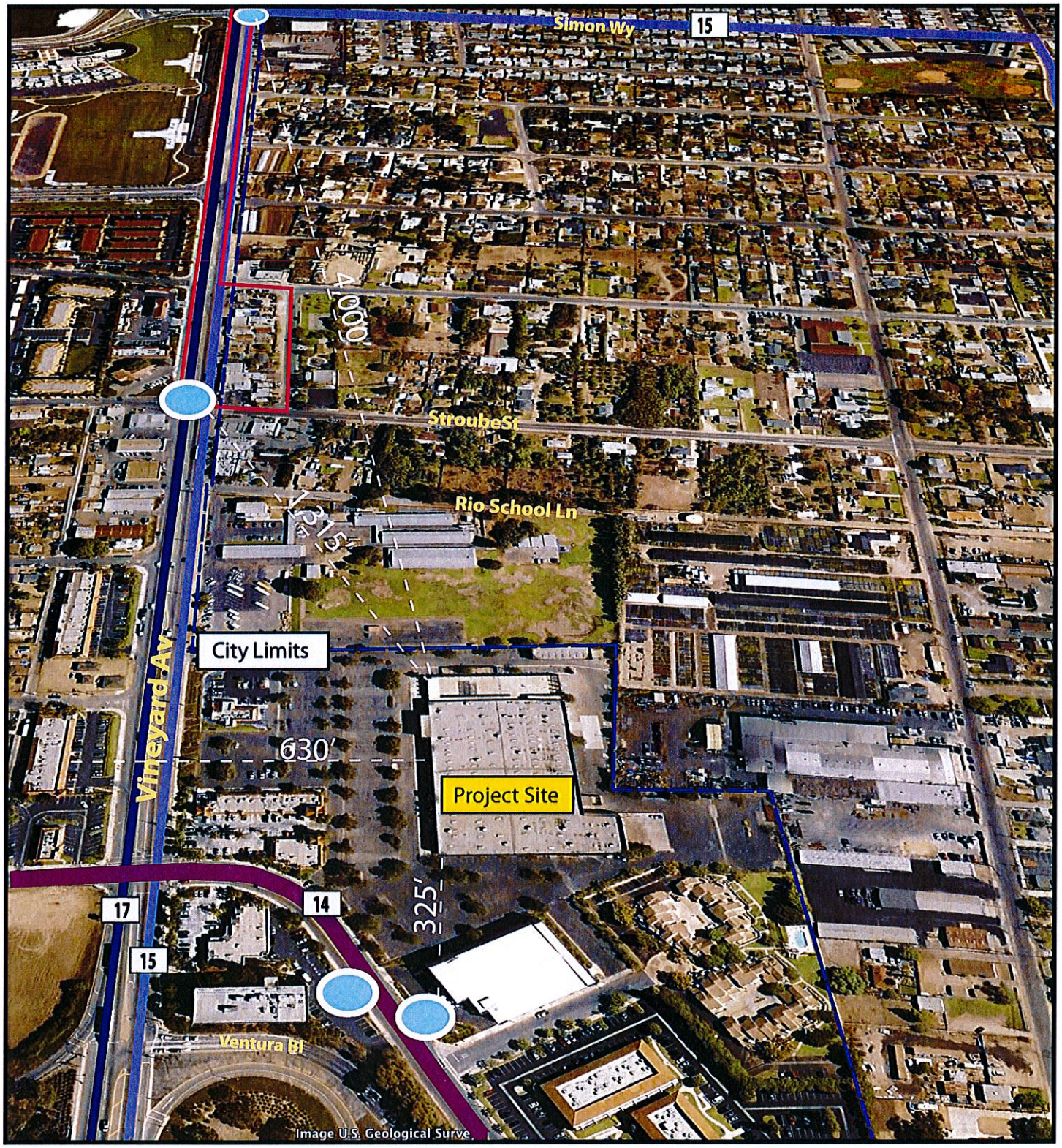
5. Any vendors or concession operators located within the business are considered a separate entity and shall not be permitted to exercise the privileges of this permit or the associated ABC license. The sale of alcohol is the sole responsibility and privilege of the applicant and shall not extend to any subcontractors, vendors, and consignment or concession operators. (PD)

6. Any display of distilled spirits shall be maintained in locked cabinets at all times or under the direct control of employees. No distilled spirits shall be accessible to customers at any time without assistance from an employee. (PD)

7. The sale of single serving containers of distilled spirits is prohibited.

8. Permittee shall develop a security plan that is approved by the Chief of Police or his designee and that includes comprehensive anti-theft strategies to minimize the risk of

thefts related to the availability of alcohol. Such strategies may include but are not limited to anti-theft tags or sensors, product checks by staff at the exits, cart stopping devices and CCTV. Strategies that minimize the likelihood for sales of alcohol to underage customers shall be part of this plan.

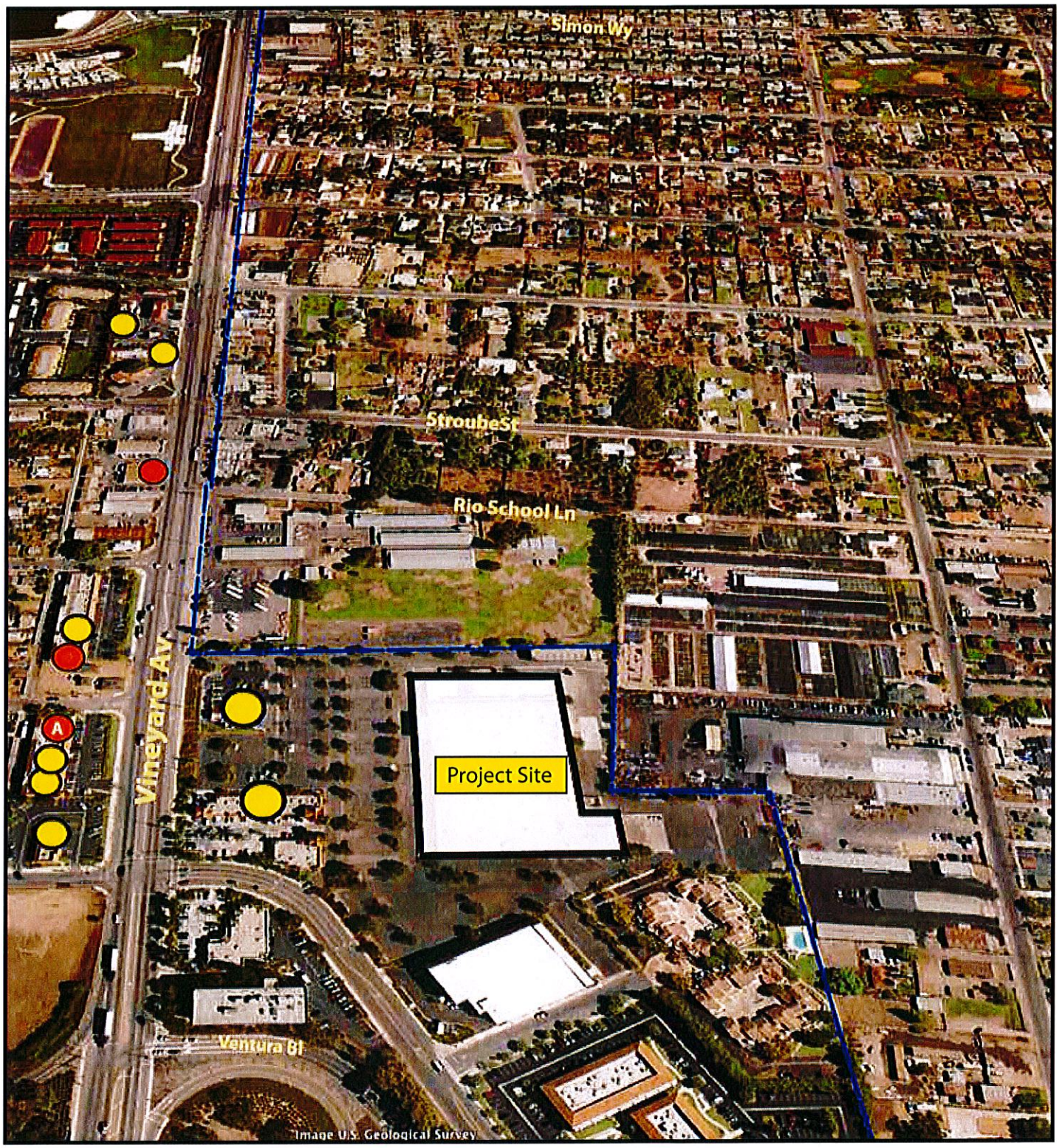


Bus Lines & Stops

- 14 — Gold Coast Line 14
- 17 — Gold Coast Line 17
- School Bus Route
- Bus Stops Current & Proposed
- 15 — Gold Coast Line 15

ATTACHMENT 5

PAGE 1 OF 1



Surrounding Similar Uses Within the City

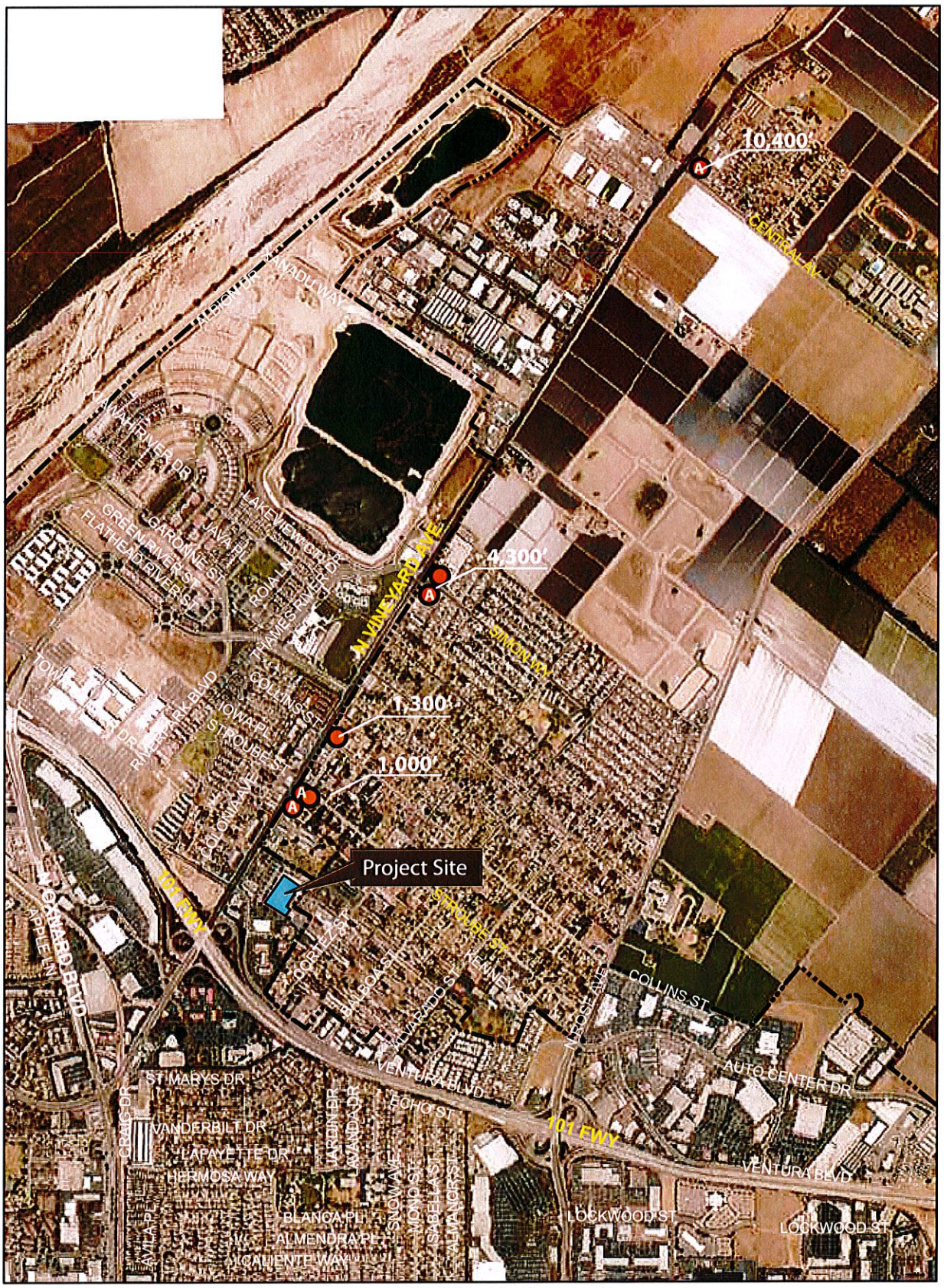
Eating or Drinking Establishment

Grocery or Market

A With Alcohol Use Permit

ATTACHMENT 6

PAGE 1 OF 1



Similar Uses Within the County

A With Alcohol

ATTACHMENT 7

PAGE 1 OF 1

CITY OF OXNARD
CITY CLERK

2012 AUG 29 P 2:05

NOTICE REQUESTING REVIEW

I, Carmen Ramirez, request that the City Council review the _____ date of
(name of City Councilmember or staff member)

8/16/2012 decision of the Planning Commission regarding _____ (number and
Planning Commission meeting)

PZ 11-500-2 Vallarta Market on the following grounds:
description of matter)

( ) To provide efficient and coordinated review of a multiple permit project.

(x) To Re-assess impact on neighboring residences, School(s) and businesses from granting of permit.

Carmen Ramirez 8/28/2012
(Signature and date)

cc: City Attorney
Project Planner
Development Services Department
Applicant

notice requesting 2/01

EXHIBIT A

ATTACHMENT 8
PAGE 1 OF 2

Checklist for Appeal of Planning Commission Decision

Date: August 29, 2012

This is a checklist to ensure that an appeal/review of a Planning Commission decision is properly processed. Please complete this checklist as appropriate and return it to the City Clerk's Office as soon as possible.

Date of Planning Commission meeting	08/16/2012
Project Description	PZ 11-500-2
Appellant	Carmen Ramirez
Address	
Applicant's name & address	
Planner to prepare analysis	
CC meeting date	
Agenda report due	
Legal counsel	
Pertinent Code section	
Legally required to be advertised/ _days before meeting*	
Date mailing labels due to Clerk (include applicant & special requests)	ASAP
Date notices should be mailed	
Other parties requesting notice (names & addresses)	

Vida Newspaper* requires one full day' notice prior to publication. Please submit notice to City Clerk at least five days prior to desired publication date.

Reporter Newspaper* requires two full day' notice prior to publication. Please submit notice to City Clerk at least five days prior to desired publication date.

(**Planning staff processes legal ads and mailed notices re reviews requested by Planning staff. City Clerk staff processes legal ads and mailed notices on appeals.)

g:\appeal\checklist