



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Juan Martinez, Associate Planner

**DATE:** May 17, 2012

**SUBJECT:** Planning and Zoning Permit No. 11-510-11 (Major Modification to Special Use Permit 04-510-08), Amigos Sports Bar and Grill, 2831 North Vineyard Avenue.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 11-510-11 (Major Modification to Special Use Permit 04-510-08, subject to certain findings and conditions.
  
- 2) **Project Description and Applicant:** A request to upgrade ABC License Type 41 (On Sale Beer and Wine – Eating Place) to ABC License Type 47 (On Sale General-Eating Place) at an existing 2,300 square foot restaurant (Amigos Sports Bar and Grill). The site is located at 2831 North Vineyard Avenue. The application was filed by Sherri Olson on behalf of FK Enterprises of Oxnard Inc, 2831 North Vineyard Avenue, Oxnard, CA 93036.
  
- 3) **Existing & Surrounding Land Uses:** The business is located in an existing shopping center that was built in 2004. The site is within the El Rio West Neighborhood which lies across the unincorporated community of El Rio.

Direction	Zoning	General Plan	Existing Land Use
PROJECT SITE	C2-PD(General Commercial Planned Development)	RM (Residential Medium)	Restaurant w/in existing shopping center
North	R-3-PD(Garden Apartment)	RM (Residential Medium)	Residential Complex
East	County Jurisdiction	County Jurisdiction: Commercial General	Commercial and office mix
South	C2-PD(General Commercial Planned Development)	CN (Neighborhood Commercial)	Commercial Retail Paint Store
West	R-3-PD(Garden Apartment Planned Development )	CG (Commercial: General)	Ventura Valero (Fuel Station)

**4) Background Information:** In December of 2004, the Planning Commission approved Special Use Permit (PZ 04-510-08) to allow the sale of beer and wine (ABC License Type 41) for on-site consumption at a proposed restaurant (Compadres Mexican Grill). Amigos Sports Bar and Grill has operated at this location in August of 2011. During a site visit in January, noticeable changes to the interior décor were noticed by representatives from the Police Department and the Planning Division. Prior to the interior alterations, the establishment mimicked the design and style of a typical Baja Fresh. However, the interior design now incorporates bar-like features that substantially alter the interior setting, look and feel of the restaurant. The business owner is currently working with a local architect to properly permit the tenant improvements and all other alterations that were made without City approvals.

**5) Environmental Determination:** In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving the permitting of existing facilities are exempt from environmental review where there is negligible or no expansion of use. This proposal would conditionally permit upgrading of existing beer and wine sales to general sales to include distilled spirits within an existing restaurant. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (See Attachment C).

**6) Analysis:**

**a) General Discussion:** Amigos Sports Bar and Grill employs 12 employees and operates four shifts with four employees. Food served will include breakfast, lunch and dinner with operating hours from 8:00 a.m. to 2:00 a.m., seven days a week.

The requested upgrade will include the sale of distilled spirits. A Type 47 license restricts the establishment to maintain alcohol sales as incidental to the sale of food. Although the business has the look and feel of an old school bar, the license type would not allow the establishment to operate as a stand-alone bar without food as a primary component to the operation. Consistent with the license issued by ABC, conditions of approval are included as part of this request that require the establishment to be equipped and operated as a bona fide restaurant. The business owner understands that quarterly gross sales of alcoholic beverages are not to exceed the gross sales of food.

**b) General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is for General Commercial uses which generally are commercial land uses which include retail centers and free-standing commercial uses along arterials thoroughfares. The existing restaurant is located within an existing commercial strip

center that fronts Vineyard Avenue. The existing development is consistent with the 2030 General Plan: therefore, approval of this special use has been determined to be consistent with the 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-14.1 CD-14.2 ICS-19.2	II	Design Review Process Development Advisory Committee Functions (DAC) Public Safety	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these Level II policies.

**c) Conformance with Zoning Development Standards:** In accordance with the City Code, the proposed upgrade ABC License Type 41 (On Sale Beer and Wine - Eating Place) to ABC License Type 47 (On Sale General-Eating Place) at an existing restaurant may be permitted with an approved special use permit in the General Commercial (C-2) zone district. In this case, an amendment to the existing special use permit is requested to allow a license upgrade to full alcohol.

**f) Police Department Review:** The Oxnard Police Department provided a comprehensive report in accordance with City Council Resolution No 11,896. (Attachment D) The report analyzes the number of establishments selling alcoholic beverages within 350 feet and 1,000 feet to determine whether a presumption of undue concentration exists, and whether approval of the application request is likely to significantly aggravate police problems. There are no similar uses within 350 feet or within 1,000 feet. However, there are five establishments with sales for off-site consumption, two within 350-feet and three additional within 1,000 feet of the establishment.

The Police Department’s report states that the average citywide, per reporting district base number of Part 1 and II crimes is currently 117. When compared, the subject

premise is in a reporting district having a base number of 119 during the same 12-month time period. This was determined to be 2-percent higher than the average crime rate citywide and generally not considered to be significant.

The Police Department has determined that the area is generally not considered to be a policing problem. Although the owner has altered the interior décor and created an atmosphere which has the look and feel of an old school bar, state law and permit conditions will ensure that the business is maintained in good faith as a bona fide restaurant.

**7) Community Workshop:** On November 7, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners within the El Rio West Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on Monday, November 21, 2011. The applicant described the application request and provided a brief description of their business to the persons in attendance. There were 2 items on the agenda and 6 persons who attended the meeting. Persons were primarily there for the other item and there was no community response.

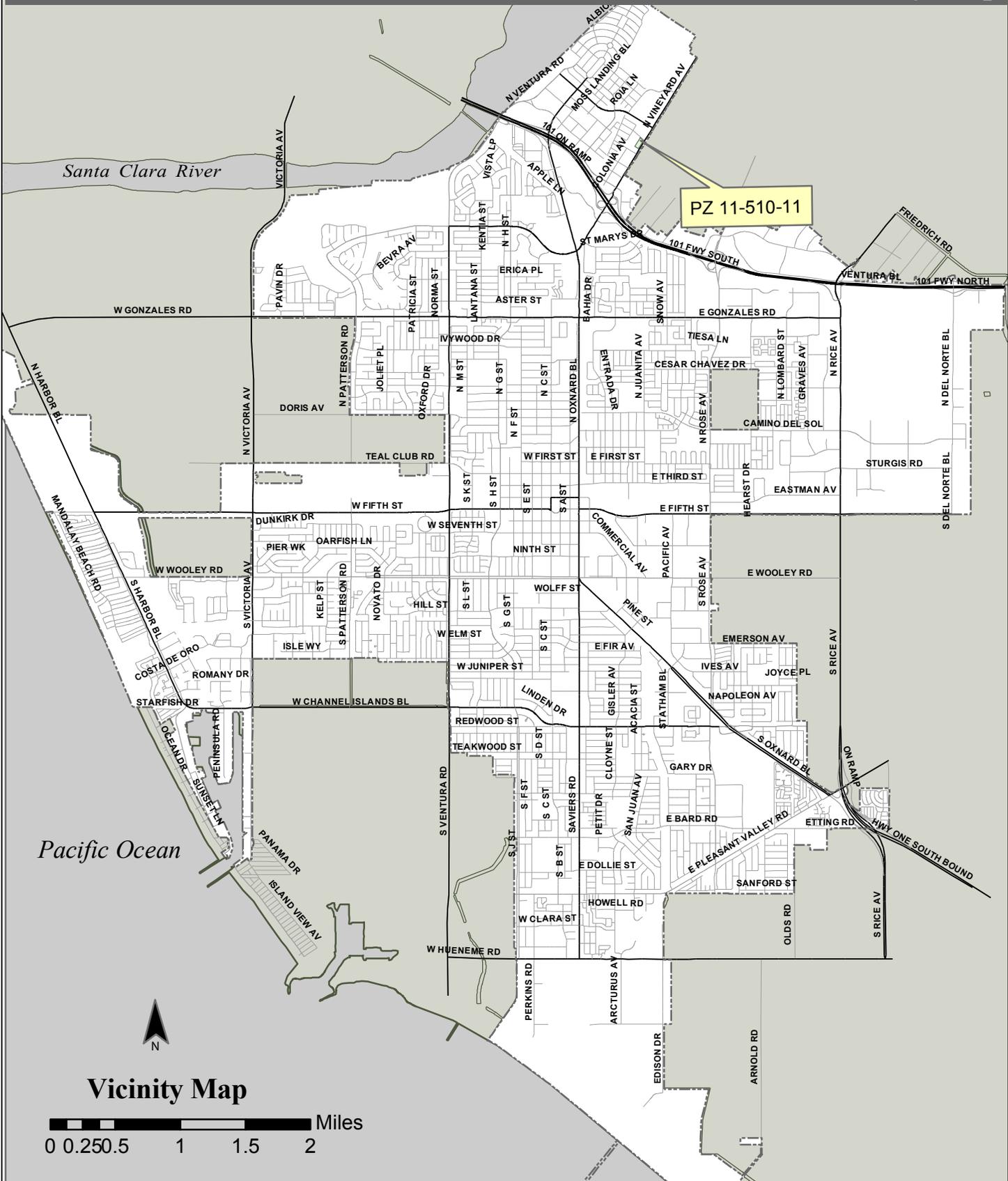
**8) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of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

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Police Report
- E. City Council Resolution No 11,896
- F. PC Resolution No. 2004-96
- G. Resolution

Prepared by: _____ JM
Approved by: _____ SM

# Vicinity Map



PZ 11-510-11

## Vicinity Map

0 0.250.5 1 1.5 2 Miles

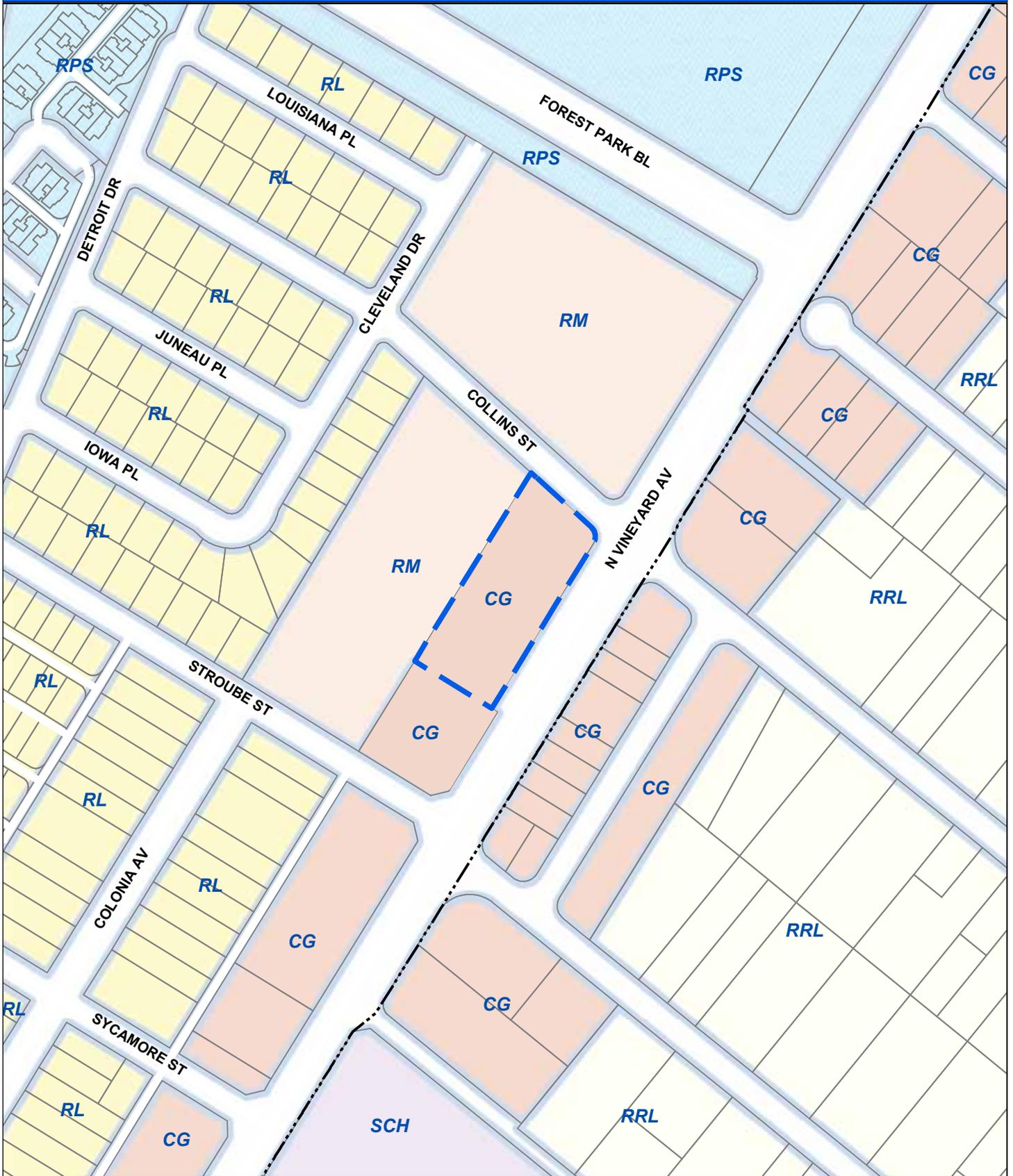


Oxnard Planning

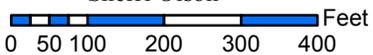
October 13, 2011

PZ 11-510-11  
Location: 2831 N Vineyard Ave  
APN: 13206015  
Sherri Olson

# General Plan Map



PZ 11-510-11  
Location: 2831 N Vineyard Ave  
APN: 13206015  
Sherri Olson



## General Plan Map



1:2,997

# Zone Map



PZ 11-510-11  
Location: 2831 N Vineyard Ave  
APN: 13206015  
Sherri Olson



## Zone Map



1:2,402

**SITE DESCRIPTION:**

A.P.N. 132-0-060-155

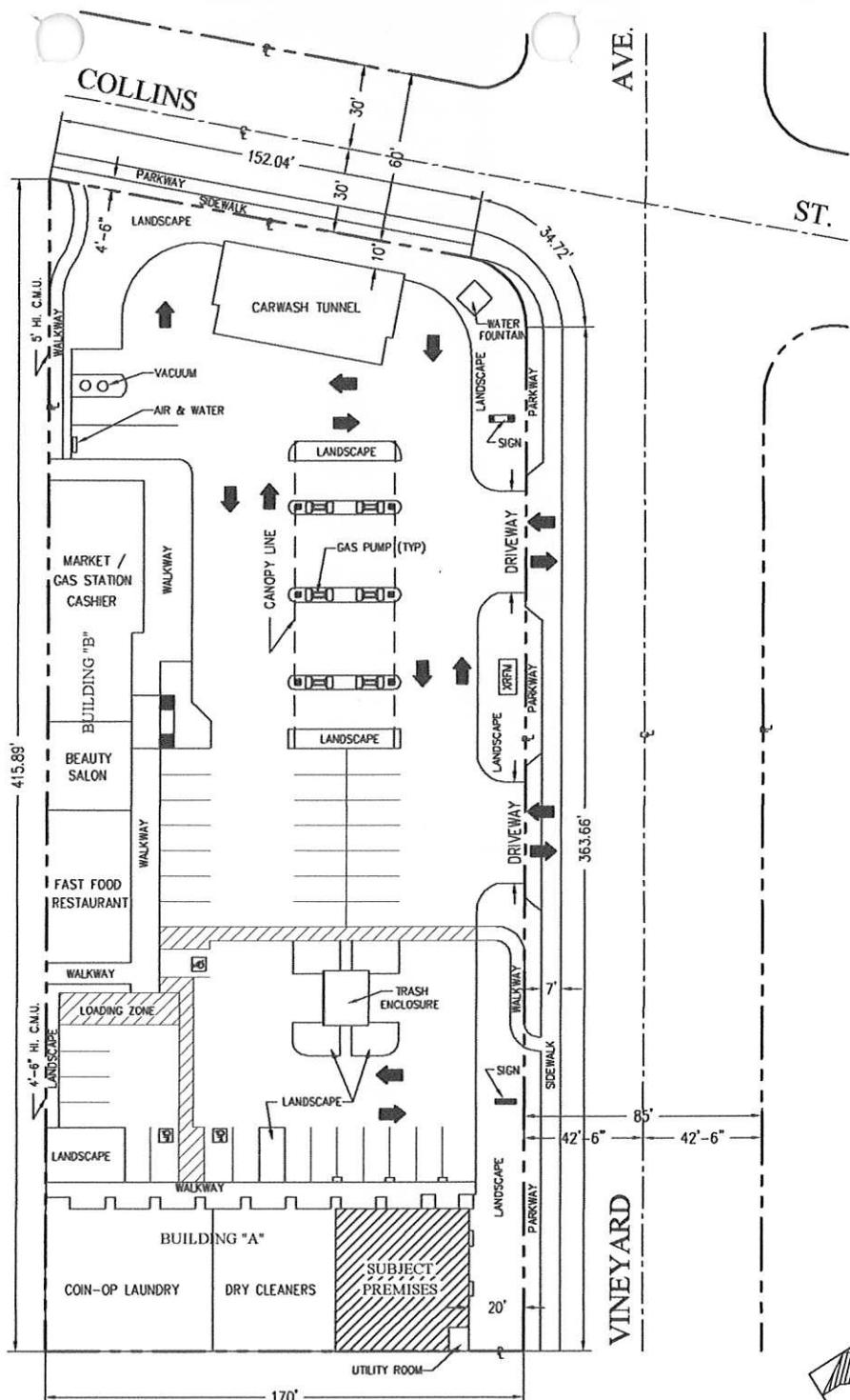
SUBJECT PREMISES AREA = 2,300 SQ.FT.  
 LOT AREA = 67,954 SQ.FT. = 1.56 ACRES

**BUILDING AREAS:**

BUILDING "A" = 7,600 SQ.FT.  
 BUILDING "B" = 5,350 SQ.FT.  
 CARWASH = 2,100 SQ.FT.  
 GAS PUMP CANOPY = 3,850 SQ.FT.  
 TOTAL = 18,900 SQ.FT.

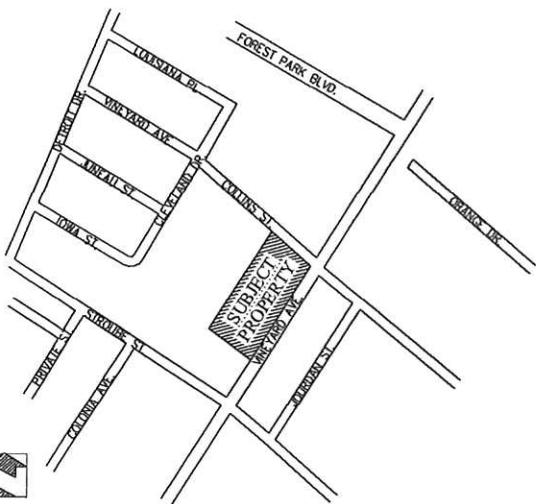
**NOTE:**

ALL STRUCTURES ARE EXISTING TO REMAIN



**VICINITY MAP**

SCALE: N.T.S.



**PLOT PLAN**

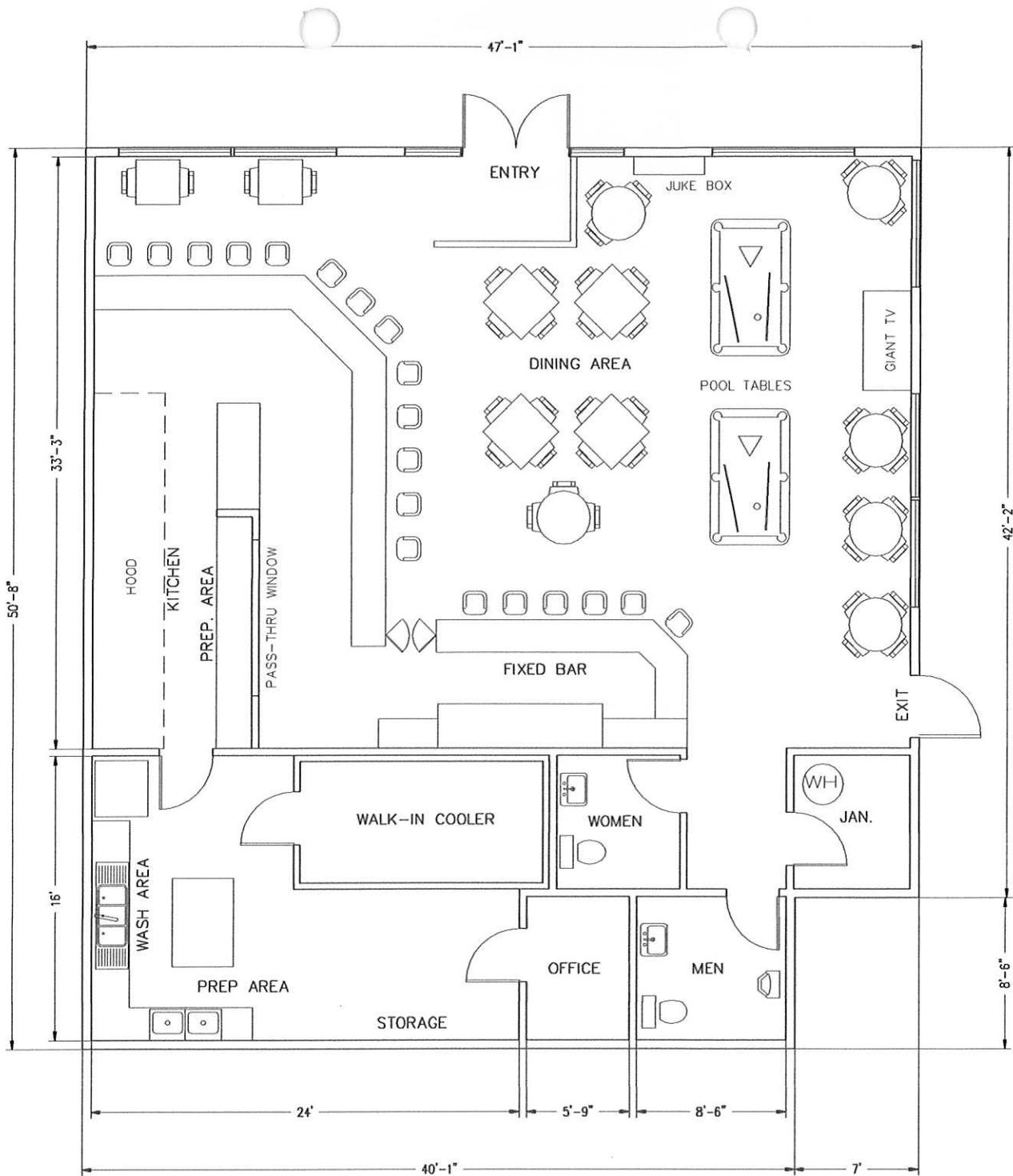
SCALE: 1" = 30'



THE AMERICAN LIQUOR LICENSE EXCHANGE  
 450 NORTH BRAND BLVD., SUITE 600  
 GLENDALE, CA 91203  
 800-711-2114

**SITUS:** AMIGO'S SPORT BAR & GRILL  
 2831 NORTH VINEYARD AVENUE  
 OXNARD, CA 93036  
 AMLEX 11-129

CASE No:  
 DATE: AUGUST 16, 2011



SEATING CAPACITY = 60

# FLOOR PLAN

SCALE: 1/4" = 1'-0"

**THE AMERICAN LIQUOR LICENSE EXCHANGE**  
 450 NORTH BRAND BLVD., SUITE 600  
 GLENDALE, CA 91203  
 800-711-2114

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**SITUS:** AMIGO'S SPORT BAR & GRILL  
 2831 NORTH VINEYARD AVENUE  
 OXNARD, CA 93036  
 AMLEX 11-129

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**CASE No:**  
**DATE:** AUGUST 16, 2011



**NOTICE OF EXEMPTION**

***Project Description:***

Planning and Zoning Permit No. 11-510-11 (Major Modification to Special Use Permit No. 04-510-08), a request to upgrade ABC License Type 41 (On Sale Beer and Wine – Eating Place) to ABC License Type 47 (On Sale General-Eating Place) at an existing 2,300 square for restaurant (Amigos Sports Bar and Grill). The site is located at 2851 North Vineyard Avenue. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Sherri Olson on behalf of FK Enterprises of Oxnard Inc, 2831 North Vineyard Avenue, Oxnard, CA 93036.

***Finding:***

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

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

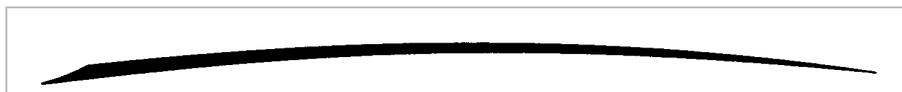
***Supporting Reasons:***

In accordance with Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, projects involving “facilities where there is negligible or no expansion of use” may be found to be exempt from the requirements of CEQA. The application proposal is requesting to upgrade an existing beer and wine license of an existing restaurant to general. Based on the above exemption and in accordance with CEQA, the Planning Division Manager has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a notice of exemption may be filed

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
*Signature on file with Planning Division*

Susan L. Martin, AICP  
 Planning Division Manager



Planning Division



## Police Department

Jeri Williams, Police Chief

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Date: January 31, 2012  
To: Juan Martinez, Associate Planner  
From: Cliff Waer, Senior Alcohol Compliance Officer  
Subject: 2831 N. Vineyard Ave. (Amigos Sports Bar) **PZ 11-510-11**

### **Site Information:**

The proposed site is an existing restaurant doing business as Amigos Sports Bar and is located at 2831 North Vineyard Avenue. They currently hold a Type-41 ABC License which allows for the sale of beer and wine along with the sale of food. The business is positioned on the southwest corner of the small, "L-shaped" commercial center with the front doors facing north toward the parking lot. Surrounding businesses include a "76" Gas Station with a Circle-K mini mart (with off-sale alcohol), a Laundromat and a Subway sandwich shop. Also, across the street on Vineyard Avenue in the County of Ventura's jurisdiction is the El Rio Liquor Store.

The closest residential area is an apartment complex that is immediately behind the commercial center to the northwest approximately 150 feet. The site is generally bordered on the north by residences, commercial to the east and west, and Vineyard Avenue to the south. The applicant has requested to be permitted to upgrade their existing Type-41 ABC license which currently allows for the sale of beer and wine with the service of food, to a Type-47 which is a restaurant that also permits the sale of distilled spirits.

Alcohol outlets located within 350 feet of the establishment include:

BUSINESS NAME	LOCATION	LICENS E TYPE	LICENSE TITLE	LICENSE DESCRIPTION	ALCOHOL ALLOWED
1. Circle-K Market	2851 N. Vineyard Ave.	Type 20	Off-Sale Beer and Wine	Convenience Store/ Gas Station	Beer and Wine
2. El Rio Liquor	2910 N. Vineyard Ave.	Type 21	Off-Sale General	Liquor store	Beer, Wine and Distilled Spirits

Alcohol outlets located within 1000 feet of the establishment include:

1. La Gloria Taqueria	2736 N. Vineyard Ave.	Type 21	Off-Sale General	Small Grocery Store	Beer, Wine and Distilled Spirits
2. Central Market	2701 N. Vineyard Ave.	Type 20	Off-Sale Beer and Wine	Convenience Store	Beer and Wine
3. El Rio Shell	2778 N. Vineyard Ave.	Type 20	Off-Sale Beer and Wine	Convenience Store/Gas Station	Beer and Wine

**Crime Statistics Review:**

For comparison purposes the Police Department calculates the average number of part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average citywide, 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 119 during the same 12-month time period. This is approximately 2% higher than the average crime rate citywide which is generally not considered to be significant. The numbers and types of crimes were spread evenly throughout the surrounding area and were consistent with citywide crime trends (property crimes accounted for most calls and violent crimes were minimal). There were no police calls for service directly to this site during the past 18 months.

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

**Police Department Input:**

The Beat Coordinator for the area was contacted and said the surrounding area is generally not considered to be a policing problem but that property crimes are on the rise. The Police Department has recently implemented a strategy to address this issue including a regular bike patrol presence and other preventative strategies. While the rising crime rate is of some concern, the Police Department does not believe the proposed use would likely aggravate existing problems.

When this site was initially approved for the sale of beer and wine, there was sparse residential development surrounding the area and the availability of alcohol posed very little risk of disrupting nearby uses. Additionally, the type of use originally permitted was a very low risk setting of a small restaurant modeled after the Baja Fresh style design. These types of uses generally pose the least risk of developing problems than do any other type of retail alcohol settings. However, this current proposal differs considerably from the original type of setting in that the applicant has created an entirely different environment that more closely resembles a typical bar rather than a restaurant. The applicant has made no secret of the fact that it has a bar-

like atmosphere but intends to continue to make food service a significant component of his business. The interior has been substantially redesigned with a sports theme and alcohol advertisements are the most prominent feature throughout the business. A meandering bar counter with numerous stools has been extended nearly the entire length of the business and a pool table was added in the dining area. The windows along Vineyard Avenue and the parking lot have been covered with a sports-themed vinyl covering which prevents seeing in or out of the windows and a privacy wall has been placed near the front door to obstruct line-of-sight into the business from the parking lot.

During a recent visit to the site, it was clear that the kitchen was operational and there were employees working in the food service area; however, there were no advertisements of any kind indicating the availability of food. There were no visible menu boards, menus, specials or table-top displays that are typically prominent in genuine restaurants.

It is important to point out the distinction between the two uses as one sits at the lower end of the risk spectrum while the other is near the top. However, both held essentially the same kind of restaurant license. The Police Department makes this point not to suggest that the proposal should be opposed or is inappropriate; rather to make clear the existing conditions and elevated risk level this type of proposal presents. Even though the use is still classified as a restaurant, the business has all the look and feel of an old school bar. Interestingly, the City of Oxnard has not approved a true bar (Type-48, Liquor, no food required) for at least ten years.

Lastly, the location lends itself to the potential for non-customer loitering. The laundromat and nearby mini-mart, which are both in the same complex, have the potential to draw in customers that may be inclined to remain about the area for extended periods. There are several areas surrounding the site that lack adequate natural surveillance and may attract illegitimate uses. This potential problem can be effectively mitigated if the applicant adheres to the recommended conditions and operates responsibly. The Police Department has recommended several operating conditions to ensure that the success of this business does not come at the expense of the community.

#### **Community Input:**

At the time this report was submitted, the Responsible Alcohol Policy Action Coalition (RAPAC), who routinely comments on new applications, had not yet had the opportunity to discuss this particular proposal at their monthly meetings. The Police Department will seek out the group's leadership and provide them with details of this proposal so they may have the opportunity to voice their opinions at any future hearings.

None of the surrounding businesses had any negative comments but it may be important to note that the applicant is the owner of the small commercial center where this business is located. No other community input was solicited or received by the Police Department.

#### **Conclusion:**

The statistical analysis shows the area to have a crime rate that is 2% greater than the city-wide average which is not considered significant. There are no similar businesses within 350 feet of the site and one within 1000 feet. The Police Department does not consider the surrounding area to be a policing problem.

The primary concern of the Police Department is the overall nature of the business as a bar first and restaurant second. The applicant has made assurances that food service is intended to be a significant feature of the business but the existing environment suggests otherwise. Due to the type of ABC license requested, state law and permit conditions require that the business “shall be maintained in good faith as a bonafide restaurant”. As such, the applicant will have no choice but to ensure the site remains a legitimate restaurant regardless of the décor or atmosphere created.

While cautious, the Police Department is not opposed to the proposal to upgrade the license to permit the sale of beer, wine and distilled spirits. The standard and special conditions recommended below should adequately mitigate the concerns mentioned in this report and will provide the Police Department with multiple enforcement options if problems do arise.

The Police Department’s experience is that the proposed license (Type 47 - Restaurant), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate policing issues, as long as the establishment complies with these regulations and operates responsibly. Listed below are the Police Department’s recommended operating conditions for the Planning Commission Resolution.

## **Police Standard Operating Conditions**

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- 1) Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
- 2) Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
- 3) Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
- 4) When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
- 5) The Police Chief or designee may immediately suspend operation of the uses approved

by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines, after due diligence which 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)

- 6) The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
- 7) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premises nor shall it be disruptive to neighboring uses. (PD)
- 12) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 13) The sale of alcohol is prohibited between the hours of 1:30 a.m. and 7:00 a.m. (PL/PD)
- 14) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
- 15) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional

activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)

- 16) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, "bucket" or similar high capacity amounts exceeding 36oz total. (PD)
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee's reasonable control. (PD)
- 18) Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". (PD)
- 19) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
- 20) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
- 21) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
- 22) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
- 23) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)

- 25) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
  - 26) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
  - 27) Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
  - 28) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
  - 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
  - 30) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
  - 31) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
  - 32) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
  - 33) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)
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## **Police Special Conditions**

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- 1) Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is entertainment or public dancing, there shall be no persons under the age of 21 allowed within the premises. (PD)
- 2) During ancillary use, the service of alcoholic or any other beverages in bottles is strictly prohibited. (PD)
- 3) Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. Permittee may, at Permittee's discretion, modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items. (PD)

**RECEIVED**

FEB 28 2001

PLANNING DIVISION  
CITY OF OXNARD

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 11,896

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF OXNARD ADOPTING STANDARDS FOR  
DETERMINING APPLICATIONS FOR SPECIAL USE  
PERMITS TO SELL ALCOHOLIC BEVERAGES

WHEREAS, any person wishing to sell alcoholic beverages in the State of California must obtain a license to do so from the Department of Alcoholic Beverage Control; and

WHEREAS, Business and Professions Code Section 23790 provides that the Department of Alcoholic Beverage Control shall not issue a retail license "for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city"; and

WHEREAS, the City of Oxnard has enacted zoning ordinances restricting the sale of alcoholic beverages to certain zones and requiring that a person wishing to sell alcoholic beverages in such zones first obtain a special use permit; and

WHEREAS, section 34-147 of the Oxnard City Code provides in part:

"Before a special use permit may be granted, the applicant must show and the planning commission must find that the proposed use is in conformance with the general plan and other adopted standards and that the following conditions are met:

"(a) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted where the commission finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare."

WHEREAS, based on the experience of the Police Department that there is a relationship between crime and the consumption of alcohol and that establishments selling alcohol are incompatible with certain adjacent uses, the City Council wishes to adopt standards for determining when granting applications for special use permits to sell alcoholic beverages would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety and general welfare; and

WHEREAS, this resolution applies only to the determination required by subsection (a) of section 34-147 of the City Code, and does not dispense with the requirement that in order to grant a special use permit to sell alcoholic beverages the application must satisfy the remainder of section 34-147; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning and Environmental Services Manager provided public notice of the intent of the City to adopt a negative declaration for the adoption of this resolution (“the project”), and the City Council has considered the proposed negative declaration, together with any comments received during the public review process, finds on the basis of the initial study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment, further finds that the mitigated negative declaration reflects the independent judgment of the City, and approves the negative declaration.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. City Council Resolution No. 8597 is repealed.

2. The Planning and Environmental Services Division of the Development Services Department shall refer to the Police Department applications for special use permits to sell alcoholic beverages at retail. The Police Department shall prepare and submit to the secretary of the Planning Commission, at least ten calendar days before the date set for hearing on the special use permit, a written report on the following matters:

(a) The name and address and a description of the type of all establishments selling alcoholic beverages within 1,000 feet of the location for which the special use permit is applied. As used in this resolution, “the type” refers to the nature of the business (e.g., grocery store, liquor store, bar or restaurant), not to the type of State Alcoholic Beverage Control license issued to or sought for the business.

(b) The annual number of incidents involving police responses within 1,000 feet of the location for which the special use permit is applied and how this number compares to the City average of police responses.

(c) The likelihood that granting the application will create or significantly aggravate police problems at or near the subject location.

(d) A list of conditions recommended for inclusion in the special use permit to minimize police problems if the application is granted. One such condition shall be that the applicant provide Responsible Beverage Sales and Service (RBSS) training to all operators and employees of the establishment within 30 days of their employment. The applicant may apply to the Police Department for a waiver of RBSS training for temporary or short-term employees.

3. The Planning Commission shall consider the report, as well as any other relevant evidence, in determining whether, under subsection (a) of section 34-147 of the City Code, granting an application for a special use permit to sell alcoholic beverages at retail would adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the

public health, safety or general welfare. Before making such determination, the Planning Commission shall make the following findings, as well as any other relevant findings:

(a) The proposed use is not likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied; and

(b) The proposed use will not result in or add to an undue concentration of establishments selling alcoholic beverages at retail within 1000 feet of the location for which the special use permit is applied. For purposes of making this determination, there is a presumption that an undue concentration will result or be added to if the establishment for which the special use permit is applied will be located less than 350 feet from another establishment of the same type, and there is a presumption that an undue concentration will not result or be added to if the establishment for which the special use permit is applied will be located 350 feet or more from another establishment of the same type. However, either presumption may be rebutted by a preponderance of the evidence, based on the facts of the particular case.

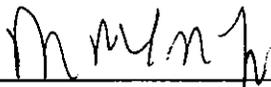
4. All of the procedures and other matters contained in section 34-146 et seq. of the City Code apply to applications for special use permits to sell alcoholic beverages at retail.

PASSED AND ADOPTED this 6th day of February, 2001, by the following vote:

AYES: Councilmembers Maulhardt, Pinkard, Zaragoza, Holden and Lopez.

NOES: None.

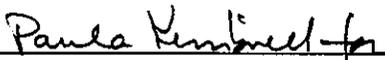
ABSENT: None.

  
\_\_\_\_\_  
Dr. Manuel M. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel Martinez, City Clerk

  
\_\_\_\_\_  
Gary L. Gillig, City Attorney

RESOLUTION NO. 2004-96

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT NO. PZ 04-510-8, SUBJECT TO CERTAIN CONDITIONS, TO ALLOW THE SALE OF BEER AND WINE (ABC LICENSE TYPE 41) FOR A NEW RESTAURANT (COMPADRES MEXICAN GRILL), LOCATED AT 2871 NORTH VINEYARD AVENUE IN THE EL RIO WEST NEIGHBORHOOD. FILED BY FRANCISCO TORRES, FT & MT ENTERPRISES. AT 4871 N.VINEYARD AVENUE, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a special use permit for the sale of beer and wine (ABC License Type 41) on-site at a restaurant (Compadres Mexican Grill), located at 2871 North Vineyard Avenue, filed by Francisco Torres, FT & MT Enterprises, in accordance with Sections 34-146 through 34-157.1 of the Oxnard City Code and City Council Resolution No. 11,896; and

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

WHEREAS, subsection (c) of section 753.5 of Title 14 of the California Code of Regulations exempts from the filing fee called for by subdivision 711.4(c) of the Fish and Game Code projects for which the lead agency claims a "de minimis exemption" based on certain information and declarations; and

WHEREAS, the Project meets the criteria for claiming a "de minimis exemption" and the Planning and Environmental Services Manager intends to complete a Certificate of Fee Exemption (DFG 753.5--5/91) for the Project, retain the original, and file two copies of the Certificate with the County Clerk, along with the Notice of Determination for the Project; and

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

1. That the proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The presumption of undue concentration does not arise because there are no establishments of the same type selling alcoholic beverages within 350 feet of the subject location.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit, subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 34-155 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
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Parks	CE	Code Enforcement

### STANDARD PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*)
2. By commencing any activity related to the project or using any structure authorized by this permit, the Permittee or successor in interest 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*)
3. This permit is granted for the plans dated 7/28/04 ("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 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)

4. Permittee or successor in interest agrees, as a condition of adoption of this resolution, at Permittee's or successor in interest'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)
5. Within 21 calendar days of approval of this resolution, Permittee or successor in interest shall record with the Ventura County Recorder a "**Notice of Land Use Restrictions and Conditions**" in a form acceptable to the City Attorney. (PL)
6. Before placing or constructing any signs on the project property, Permittee or successor in interest shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee or successor in interest may not change any signs on the project property. (PL/B, G-10)

#### **PLANNING SPECIAL CONDITIONS**

7. This permit shall automatically be null and void 12 months from the date of issuance, unless Permittee or successor in interest has received from the State Department of Alcoholic Beverage Control a Type 41 License to sell alcoholic beverages on the project property. (PL)

#### **POLICE DEPARTMENT CONDITIONS**

8. Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBSS) within sixty days of granting of an ABC license and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)
8. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of ABC license granting and/or date of employment. (PD)
9. Sales of alcoholic beverages shall be incidental to the sale of food. Customers may not purchase or solely consume alcoholic beverages without also ordering food. (PD)
10. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

11. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section. (PL/PD)
12. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
13. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)
14. 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)
15. Permittee shall not create any bar, lounge or other area in which the primary use would be the service of alcoholic beverages. (PD)
16. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within forty-eight (48) hours of being applied. (PL/PD)
17. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has control. (PL/PD)
18. The parking lot and adjacent areas of the premises (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
19. No pay phone on the exterior of the premises shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
20. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)
21. Sales of alcohol shall cease at 10:00 p.m. (PL/PD)
22. All alcoholic beverages, until served, shall remain behind the service counter and under the direct control of employees. There shall be no self-service of alcoholic beverages. (PD)
23. Permittee shall post prominent signs visible at the point of sale indicating that an ID must be

- shown for purchases of alcoholic beverages and that no person under 21 years of age may purchase alcohol. (PD)
24. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service or consumption of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)
  25. Permittee shall install a video surveillance system that shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
  26. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts.
  27. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion.
  28. Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601.
  29. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

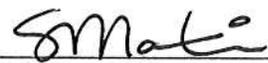
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of December 2004, by the following vote:

AYES: Commissioners: Clarke, Fischer, Duff, Lopez, Dean

NOES: Commissioners: None

ABSENT: Commissioners: Burdullis, Okada

  
\_\_\_\_\_  
Dale Dean, Chairperson

ATTEST:   
\_\_\_\_\_  
Marilyn Miller, Secretary

RESOLUTION NO. 2012 - \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 11-510-11 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 04-510-08), A REQUEST TO UPGRADE ABC LICENSE TYPE 41 (ON SALE BEER AND WINE – EATING PLACE) TO ABC LICENSE TYPE 47 (ON SALE GENERAL-EATING PLACE) AT AN EXISTING 2,300 SQUARE FOR RESTAURANT (AMIGOS SPORTS BAR AND GRILL). THE SITE IS LOCATED AT 2831 NORTH VINEYARD AVENUE. THE APPLICATION WAS FILED BY SHERRI OLSON ON BEHALF OF FK ENTERPRISES OF OXNARD INC, 2831 NORTH VINEYARD AVENUE, OXNARD, CA 93036.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-510-11 (Major Modification to Special Use Permit No. 04-510-08), filed by Sherri Olson on behalf of FK Enterprises of Oxnard Inc., in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

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

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

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. The proposed use will not result in or add to an undue concentration of off-site consumption establishments selling alcoholic beverages within 1000 feet of the subject location.

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 approved 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	Devt Service/Eng Devt/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Prevention Bureau/Dept
PK	Parks Division	CE	Code Enforcement
BL	Business Licensing		

**STANDARD PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 3, 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 Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. By commencing any activity related to the project or using any structure authorized by this permit, Permittee accepts all of the conditions and obligations imposed by this permit and

- waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
4. Permittee agrees, as a condition of adoption of this resolution, at Permittee's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Permittee's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
  5. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
  6. Permittee shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Permittee to occupy the project, Permittee shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, G-8)
  7. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, G-10)
  8. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
  9. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
  10. Permittee shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
  11. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
  12. Prior to issuance of building permits, 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).

## **PLANNING DIVISION SPECIAL CONDITION**

13. This permit shall automatically be null and void 12 months from the date of issuance, unless Permittee has received from the State Department of Alcoholic Beverage Control a Type 47 (On Sale General-Eating Place) license to sell alcoholic beverages on the project property. (PL)

## **POLICE DEPARTMENT CONDITIONS**

14. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
15. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
16. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
17. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)
18. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines, after due diligence which 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)
19. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
  20. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
  21. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
  22. The premises shall be equipped and maintained in good faith as a bona fide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
  23. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
  24. The use of any amplifying system or device shall not be audible outside the premises nor shall it be disruptive to neighboring uses. (PD)
  25. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
  26. The sale of alcohol is prohibited between the hours of 1:30 a.m. and 7:00 a.m. (PL/PD)
  27. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
  28. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

29. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts exceeding 36oz total. (PD)
30. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)
31. Prominent signs shall be posted stating, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)
32. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
33. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
34. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
35. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
36. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
37. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
38. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)

39. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
40. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
41. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
42. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
43. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
44. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
45. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
46. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

#### **POLICE DEPARTMENT SPECIAL CONDITIONS**

47. Dancing and amplified music are considered incidental to the primary use of the business which is a restaurant. During such times that the Permittee provides alcoholic beverages for sale at the same time that there is entertainment or public dancing, there shall be no persons under the age of 21 allowed within the premises. (PD)
48. During ancillary use, the service of alcoholic or any other beverages in bottles is strictly prohibited. (PD)
49. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. Permittee may, at Permittee's discretion, modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items. (PD)

*Resolution No. 2012-\_\_\_\_\_*  
*PZ 11-510-11 (MJMD: SUP 04-510-08)*  
*May 3, 2012*  
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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 3<sup>rd</sup> day of May, 2012, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Anthony R. Murguia, Chair

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