



## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission

**FROM:** Brian Foote, AICP, Associate Planner

**DATE:** May 17, 2012

**SUBJECT:** Planning & Zoning Permit Nos. 12-550-01 (Major Modification), 11-570-02 (Zone Change), and 11-510-09 & 11-510-10 (Special Use Permit – Alcohol).

- 1) **Recommendation:** That the Planning Commission adopt resolutions for the following actions:
  - a) Approve Planning & Zoning Permit Nos. 11-510-09 and 11-510-10 for special use permits, subject to certain findings and conditions; and
  - b) Approve Planning & Zoning Permit No. 12-550-01 for a major modification, subject to certain findings and conditions; and
  - c) Recommend approval of Planning & Zoning Permit No. 11-570-02 for a zone change.
  
- 2) **Project Description and Applicant:** A request for approval of: a major modification to construct a 1,200 square-foot addition if needed to accommodate a future retail or restaurant tenant (to be determined); a zone change to General Commercial (C-2-PD) in order to allow a convenience store and sales of alcoholic beverages; and special use permits to sell beer and wine for off-site consumption for a future convenience store (7-Eleven), and sell beer and wine for on-site consumption for a future restaurant. The project site is located at 1051 East Channel Islands Boulevard (see Attachment A). Filed by Terri Dickerhoff, Cadence Capital Investments LLC, 1120 Manzanita Street, Los Angeles, CA 90029.
  
- 3) **Existing & Surrounding Land Uses:** The site is developed with an existing commercial building for one tenant, formerly an International House of Pancakes restaurant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-M-PD	Commercial: General (CG)	Former IHOP Restaurant (currently vacant)
North	M-L	Industrial Light (ILGT)	Maple Leaf Bakery (across Albany Drive)
South	R-3-PD	Residential High (RH)	Channel Island Park Apartments (across Channel Islands Blvd.)
East	C-2-PD	Commercial: General (CG)	Amar Ranch Food Warehouse (across Statham Blvd.)

West	C-M-PD	Commercial: Neighborhood (CN)	Channel Islands Inn & Suites
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- 4) **Background Information:** On July 21, 1981, the City Council adopted Ordinance No. 1867 repealing the Light Manufacturing (M-1) zone and creating the Limited Manufacturing (M-L) zone, effectively changing the zoning of the subject property from M-1 to M-L. On May 16, 1985, the Planning Commission adopted Resolution No. 6763 approving a use permit (U-1091) to construct a 91-unit hotel and 4,250-sq.ft. restaurant on the subject property. On August 2, 1988, the City Council adopted Ordinance No. 2172 changing the zoning of the subject property from M-L to Commercial Manufacturing (C-M-PD). A minor modification was approved in 1989 (PZ No. 89-600-64) to add office and storage rooms to the IHOP restaurant.
- 5) **Environmental Determination:** In accordance with Section 15301 of the State CEQA Guidelines, projects involving “Existing Facilities” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). Section 15301 exempts projects involving minor alterations to existing facilities, as well as additions not exceeding 10,000-sq.ft. Therefore, staff has determined that there is no substantial evidence that the project may have a potentially significant effect on the environment, and recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

6) **Analysis:**

- a) **General Discussion:** The multiple applications are required for different elements of the proposal: the zone change request in order to allow the convenience store, as well as the sale of alcoholic beverages; the major modification in order to create multiple suites within the existing structure (Phase I or “Option A”); a potential Phase II 1,200-sq.ft. addition to the restaurant and modifications to the parking lot (Phase II or “Option B”); and the special use permits for future license issuance by the Department of Alcoholic Beverage Control. This proposal includes two phases: 1) remodel the existing structure without an addition; and a potential Phase II construction of a 1,200-sq.ft. addition if needed, within three years of the approval date. Phase I does not include any addition to the structure nor modifications to the parking lot; Phase I only creates multiple suites within the existing building shell.

The building is proposed to be divided into two separate uses. Suite 1 is proposed to be a 2,500-sq.ft. convenience store for 7-Eleven with sales of alcohol for off-site consumption, and Suite 2 is to be a non-fast-food restaurant (tenant yet to be determined) with sales of alcohol for on-site consumption. The tenant space proposed to be occupied by 7-Eleven is located on the front side of the building, with frontage on Channel Islands Boulevard. The proposed restaurant space would occupy the remainder (rear) of the structure, with frontage toward Statham Blvd., with the potential for a Phase II addition totaling 1,200-sq.ft.

According to the applicant, alcohol accounts for only 14% of total sales in 7-Eleven, but generates 30-40% of the incidental sales (i.e. customers purchasing other items concurrently with alcohol). 7-Eleven stores offer fresh fruit, fresh bakery and dairy

products, pre-packaged and ready-to-eat foods, as well as sundry and grocery items. The applicant states that alcohol sales are critical to the business plan because it promotes “one-stop shopping” for the convenience of their customers. The store is proposed to operate 24 hours, 7 days per week; Police condition #31 prohibits the sale of alcoholic beverages between the hours of 12:00 midnight to 6:00 a.m., and Police condition #43 requires the coolers with alcohol to be locked during those hours.

For the zone change request, the two subject properties located at 1051 E. Channel Islands Blvd. (project site) and 1001 E. Channel Islands Blvd. (Channel Islands Inn & Suites) have the same property owner, and the applicant has requested that both parcels be zoned General Commercial Planned Development (C-2-PD) for consistency.

- b) **General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is for General Commercial (CG) uses which allows retail centers and free-standing commercial uses along major corridors. The proposed uses are retail commercial, and the project will be consistent. Approval of these requests for zone change, major modification, and alcohol special use permits have 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.
- II. Related or Indirect Applicability to the Proposed Project or Program.
- 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 18.1	I	Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community’s business climate and not detrimental to the existing economy and environment.	The proposed project will facilitate attracting new retail and restaurant businesses to the city.
CD-18.10	II	Support, stimulate, and foster increased activity of existing businesses within the community.	The proposed project will support the existing hotel business on the adjacent property.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

- c) **Conformance with Zoning Development Standards:** If the zone change request is approved, the proposed development will be within the General Commercial (C-2-PD) zone district. In accordance with the City Code, the proposed alcohol licenses for the 7-Eleven and restaurant may be permitted with an approved special use permit. Applicable development standards of the C-2-PD zone have been compared with the proposed Phase II portion of the project (addition and parking lot modifications), as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Building Height (§16-137)	2 stories or 35 feet maximum.	1 story (E)	Yes
Front Yard Setback (16-139)	10 feet from property line;	85'0" (E)	Yes
Side Yard Setback (§16-140)	5 feet. Zero feet when property abuts another C-2 zoned lot.	10'2" (E)	Yes
Rear Yard Setback (§16-141)	None if less than 16'0" in height; 15 feet if more than 16'0" height.	105'1"	Yes
Off-Street Parking (§16-622)	Retail: 1 per 300 SF = 8 Restaurant: 1 per 75 SF = 56 <i>Minimum = 64</i>	83 (Phase I) 72 (Phase II)	Yes Yes
<ul style="list-style-type: none"> <li>• Handicap-accessible</li> <li>• Motorcycle (§16-624)</li> <li>• Bicycle (§16-623, 16-637)</li> <li>• Loading (§16-644)</li> </ul>	Handicap: 3 Motorcycle: 1 Bicycle: 5 spaces Loading Zone: 1	3 4 10 1	Yes Yes Yes Yes
Parking space size/design <ul style="list-style-type: none"> <li>• Standard (16-636,16-638)</li> <li>• Driveway depth (16-636)</li> <li>• Loading (16-644)</li> </ul>	<ul style="list-style-type: none"> <li>• 9'0" wide &amp; 19'0" long</li> <li>• 40' long minimum</li> <li>• 12' wide, 40' long, 14' high</li> </ul>	9'0" x 19'0" 40'0" min. 12'0" x 40'0"	Yes Yes Yes
Parking lot landscape (§16-641) <ul style="list-style-type: none"> <li>• Along streets/alleys</li> <li>• Parking/vehicle area</li> <li>• Landscape fingers</li> </ul>	<ul style="list-style-type: none"> <li>• Min. 10' wide strip.</li> <li>• Min. 5' wide in parking areas.</li> <li>• 9'W x 20'L - every 10 spaces.</li> </ul>	10'0" min.(E) 5'0" min. Every 8 spaces	Yes Yes, with conditions Yes
Trash Enclosure	To be screened at installation.	Landscape screening	Yes
Rooftop Equipment	May not protrude above parapet.	Screened	Yes

- d) **Circulation and Parking:** For the proposed Phase II build-out of the site with the 1,200-sq.ft. addition, modifications to the northerly parking lot would be required in order to accommodate the addition. Adequate parking is available on-site to accommodate the addition and exceeds Zoning Code requirements (64 spaces required, and 72 would be provided). Traffic Engineering and Fire Department staff has reviewed the proposal, and the project has been conditioned so that the Phase II site plan can accommodate the required truck-turn radius through the drive aisles (e.g. refuse truck and fire truck).
- e) **Building Design:** The proposed Phase I changes to the structure include a new storefront system for 7-Eleven. Double doorways and windows would be installed on the south side (facing Channel Islands Blvd.) and the easterly side (at the southeast corner of the building, facing Statham Blvd.). Sections of the existing metal railing along the walkway would be removed in front of the doorways.

The proposed architecture of the Phase II addition would match the existing architectural style in terms of massing, articulation, finish materials and colors, and windows. For the Phase II addition, the easterly façade would be modified to accommodate another storefront entrance (i.e. one for 7-Eleven; one for the restaurant; and one for the third suite with a restaurant or retail tenant). Minimal parking lot modifications would be necessary for Phase II only, and existing utilities and infrastructure are adjacent and can serve the project site.

- f) **Request for Sale of Alcoholic Beverages for On-site Consumption:** The future tenants will need to file applications with the California Department of Alcoholic Beverage Control (ABC) for a Type 20 license (Off-Sale Beer & Wine), as well as a Type 41 license (On-Sale Beer & Wine for Bona Fide Public Eating Place). The ABC licensing procedure requires the City of Oxnard's approval prior to issuance, therefore the applicant is requesting special use permits pursuant to City Code §16-136(A).
- g) **Police Department Review:** The Police Department reviewed the proposed alcohol uses as required by City Council Resolution No. 11,896 for sale of alcoholic beverages. A separate Police report was generated for each application (see Attachment F) in order to provide information regarding the number of incidents of police response, and whether there is a presumption of undue concentration of establishments selling alcoholic beverages that is likely to significantly aggravate policing problems.
  - i) **Concentration of Alcohol Sales:** For the Type 20 (Off-Sale Beer & Wine) license, there is one similar Off-Sale alcohol outlet within 350 feet of the site (Amar Ranch Market) and one more within 1000 feet (Fresh & Easy Market). For the Type 41 (On-Sale Beer & Wine) license, there are no similar On-Sale alcohol outlets within 350 or 1000 feet of the site.
  - ii) **Crime Statistics Review:** For comparison purposes, the Police Department calculates the average number of Part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per

grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 131 during the same 12-month time period. This is 12% higher than the average crime rate citywide which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are below citywide averages.

There are currently seven 7-Eleven stores in Oxnard, none of which are considered to be problem or nuisance establishments. The average number of disturbances at each store is 11 per year and the average number of thefts is five. Contrast that to another convenience store chain that has several outlets in Oxnard where the annual number of disturbances was 22 and the average number of thefts was 36. The Police Department only points this out to give perspective to the numbers and types of calls that are typical of similar stores and to demonstrate that other stores operating under the Applicant's corporate policies seem to be effective at minimizing problems.

- iii) ***Additional Police Input:*** The primary concern of the Police Department is the site's close proximity to Channel Islands High School. The school is approximately 600 feet southeast of the proposed site and the business is likely to be a popular destination for students as they commute to and from school. 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. There are now many preventative conditions that can help to minimize exposure to young people and to also reduce the access to alcohol. 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.

Also, the Police Department's experience with other alcohol outlets in Oxnard that are near middle schools or high schools is that there is often a heavy influx of students during the commuting hours that can often overwhelm the employees. A few businesses have had to develop preventative policies such as limiting the number of students that can be present inside the store at any one time. Not allowing them to bring in backpacks or other large storage bags is another effective strategy to reduce the likelihood for theft related problems.

The Police Department has visited the proposed site several times to monitor the after school commuting patterns of Channel Islands High School students. Generally, our observations were that there are approximately 200 students

who consistently walk westbound on Channel Islands past Statham and that all but a handful remains on the south side of the street. The groups of students tended to pass by the site in waves of 20 people or less with most groups being much smaller. This is in contrast to the large groups that overwhelm the shopping centers to the north of the school and crowd businesses such as Fresh & Easy and Walgreens. That being said, neither of these businesses have had any significant problems with students other than crowding and Fresh & Easy has not had any alcohol/student related problems.

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 of those is the Fresh & Easy Market which is literally across the street from Channel Islands High. This posed some very unique challenges when determining what the most appropriate and effective operating conditions should be 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.

It is the conclusion of the Police Department that, while cautious and mindful of the potential for conflict with students, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close oversight of the activity at both proposed businesses. For the proposed 7-Eleven store, prohibiting the sale of single servings of alcohol and limiting certain types of sweetened malt beverages or alcoholic energy drinks that are popular with young drinkers are some of the recommended conditions included in the proposed resolution. Other preventative measures for 7-Eleven include installing security cameras with feedback monitors that would give school staff the ability to review the recordings and help identify problem students should it be necessary.

- iv) **Conclusion:** The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally considered to be a policing problem. The Police Department's experience is that the proposed license types, when properly regulated through conditions imposed by the Planning Commission, do not normally aggravate policing issues, as long as the establishments comply with these regulations and operate responsibly. The Police Department's recommended operating conditions are included in the Planning Commission resolution (Attachment D).

*Type 20 ABC license (Off-Sale Beer & Wine)*

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 site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the resolution.

*Type 41 ABC license (On-Sale Beer & Wine for Bona Fide Public Eating Place)*

There are no similar alcohol outlets within 350 feet of the site so there is no local presumption of undue concentration. The site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the Planning Commission resolutions.

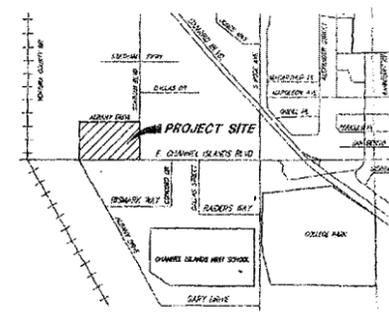
- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC), as a group, did not review this project. However, the members representing Development Services, Fire Department, Traffic Engineering, Landscape, and Police Department individually reviewed the project, and the attached resolutions include the recommended conditions of approval.
- 8) **Community Workshop:** The Community Workshop was conducted on December 19, 2011. On December 6, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners with properties in the Cal Gisler, Blackstock North, and College Estates neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. None of the attendees from the public signed in for this project.
- 9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. The Planning Commission's action on the zone change and request is a recommendation and the matter will be considered by the City Council in a noticed public hearing at a later date.

**Attachments:**

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

Prepared by: _____ BF
Approved by: _____ SM

PZ 12-550-1  
**RECEIVED**  
 APR 23 2012  
 PLANNING DIVISION  
 CITY OF OXNARD



VICINITY MAP  
 NOT TO SCALE

PROJECT ARCHITECT  
**BGA**  
 Bird Group Architects Inc.  
 8833 ROCHESTER AVE. SUITE 107  
 RANCHO CUCAMONGA, CA 91730  
 TEL 909.481.1813  
 FAX 909.481.1693

CONTRACTOR

DEVELOPER

CADENCE DEVELOPMENT, LLC  
 8480 EAST ORCHARD ROAD  
 SUITE 2400  
 GREENWOOD VILLAGE, CO 80111  
 P: 720.493.5100  
 F: 720.493.3801

PROJECT

PROPOSED 7-ELEVEN &  
 RESTAURANT SHELL  
 1051 E. CHANNEL ISLANDS BLVD.  
 OXNARD, CA 93033

REVISION  
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SHEET TITLE  
**ARCHITECTURAL  
 SITE PLAN**

DRAWN - AIH  
 CHECKED -  
 SCALE - AS NOTED  
 DATE - 04.04.12  
 JOB - 1112  
 SHEET -

**SP.1A**  
 OPTION 'A'

**PROJECT DATA**

**SITE AREA**  
 54,110 S.F. (1.24 AC)

**SITE AREA RATIOS**  
 BUILDING COVERAGE: 4,250 S.F. / 54,110 S.F. = 8%  
 LANDSCAPING: 13,600 S.F. / 54,110 S.F. = 25%  
 IMPERVIOUS PAVING: 36,260 S.F. / 54,110 S.F. = 67%

**CONSTRUCTION TYPE**  
 V-B (SINGLE STORY)

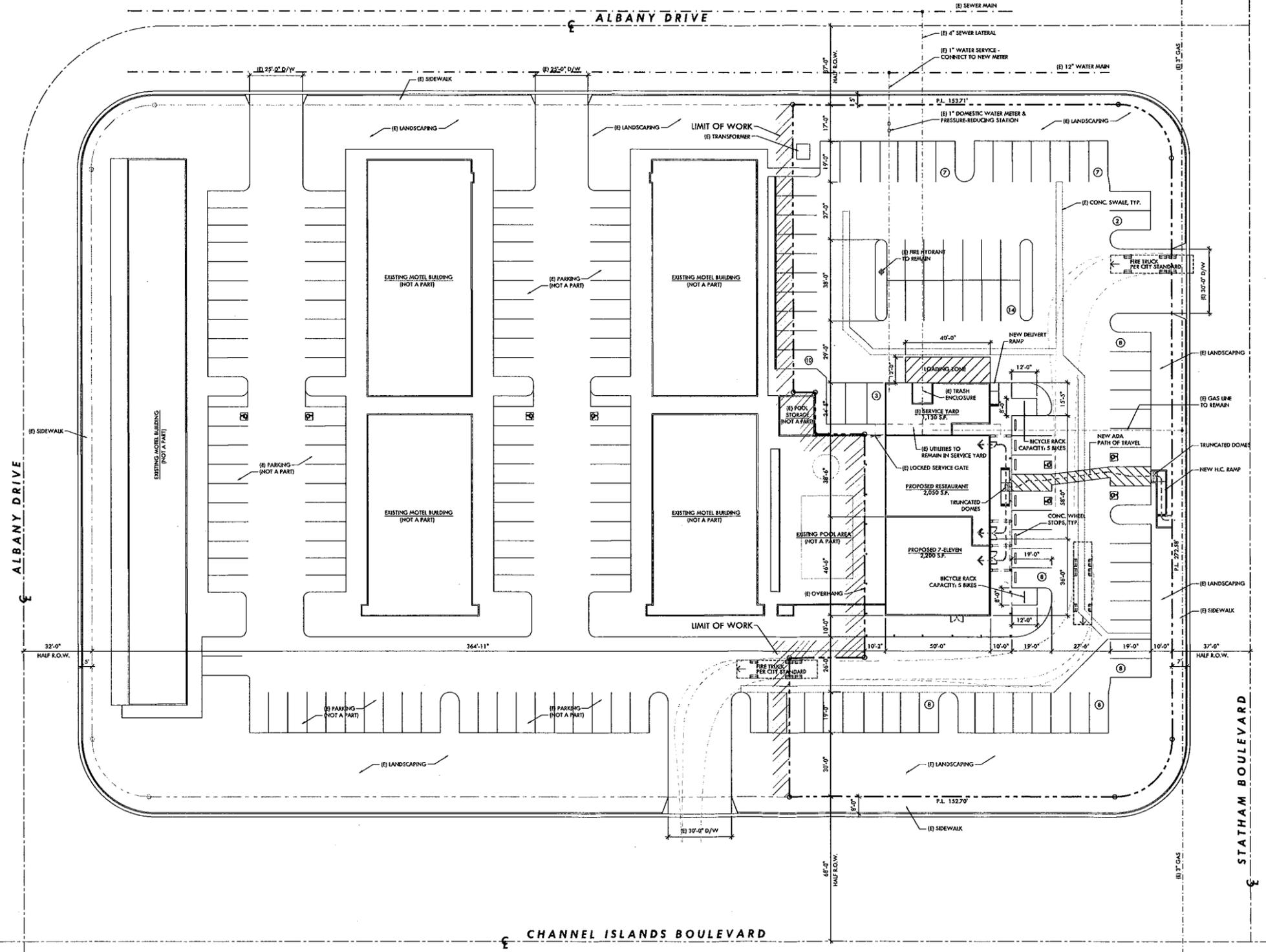
**OCCUPANCE / USE**  
 M / CONVENIENCE STORE & RESTAURANT

**PARKING SUMMARY - ENTIRE SITE**  
 REQUIRED PARKING SPACES:  
 CONVENIENCE STORE (1,300 S.F. / 2,000 S.F.) = 8 SPACES REQ'D.  
 RESTAURANT (1,750 S.F. / 2,000 S.F.) = 28 SPACES REQ'D.  
 ADJACENT HOTEL (91 ROOMS + MGR'S OFFICE) = 93 SPACES REQ'D.  
 TOTAL REQUIRED SPACES: 129 SPACES (126 REQUIRED ON-SITE)

PROVIDED PARKING SPACES: 180 SPACES TOTAL (83 ON-SITE)  
 4 MOTORCYCLE SPACES ALSO INCLUDED ON-SITE

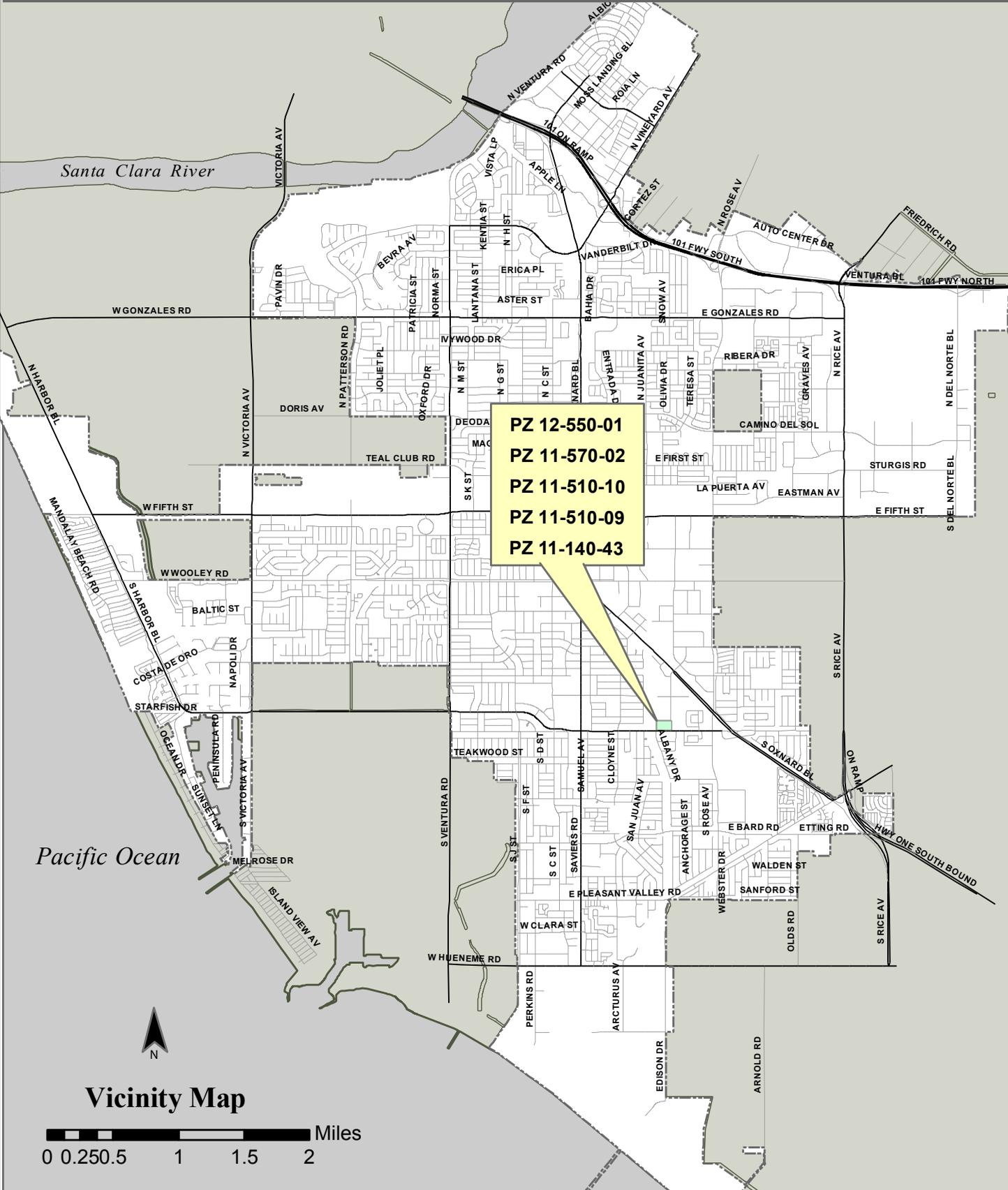
REQUIRED HANDICAPPED PARKING SPACES:  
 PER IBC TABLE 117-6: 75-100 SPACES PROVIDED = 4 H.C. SPACES REQUIRED  
 PROVIDED HANDICAPPED PARKING SPACES:  
 4 HANDICAPPED PARKING SPACES PROVIDED

**BICYCLE RACKS**  
 TWO FRECH-SITHE BICYCLE RACKS PROVIDED AT NORTH & SOUTH END  
 C-7 BUILDING IS BIKE CAPACITY EACH PER CITY CODE NUMBER 16-837  
 \*DESIGN STANDARDS FOR BICYCLE PARKING\*



**SITE PLAN**  
 1" = 20'-0"



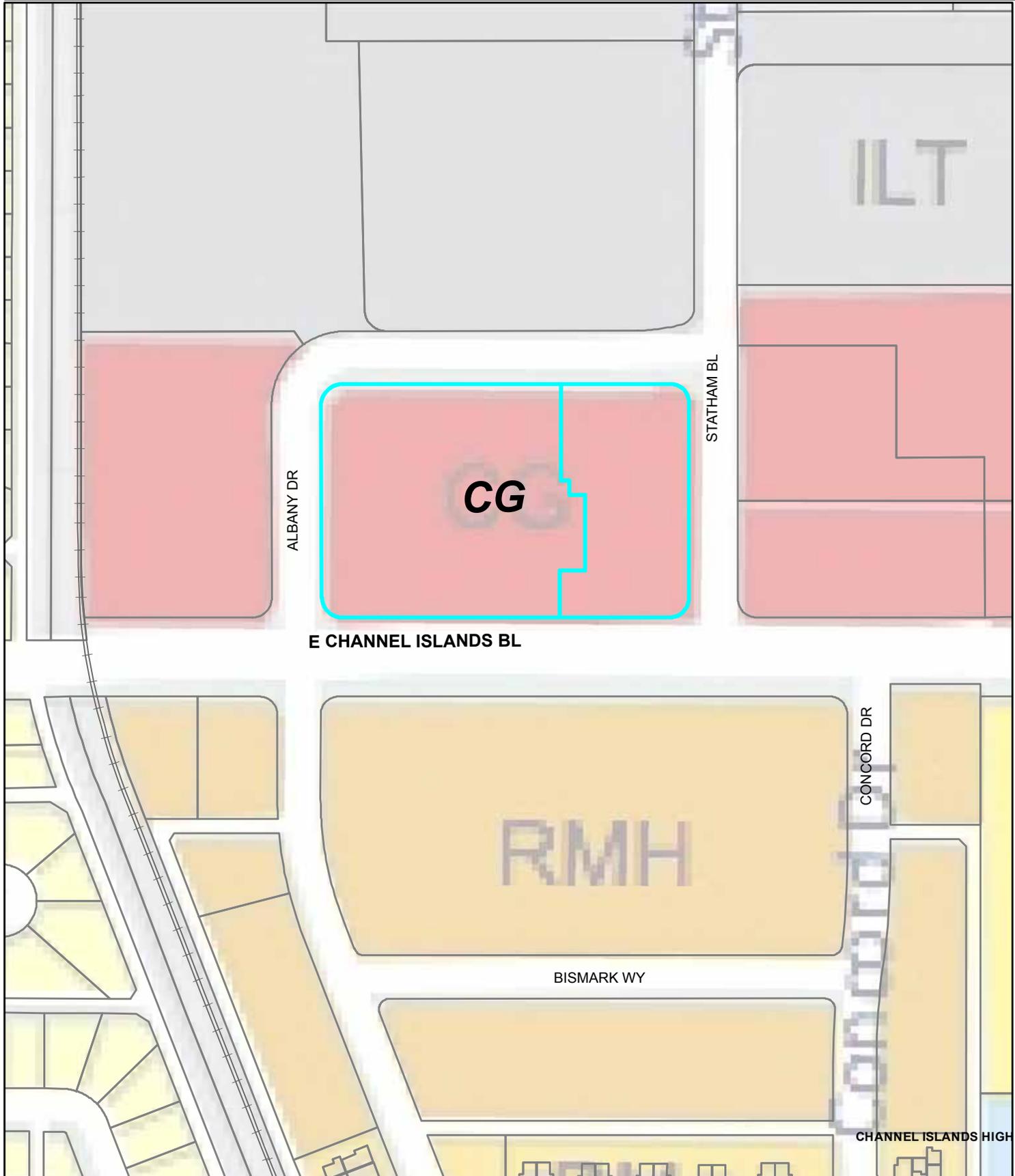


Pacific Ocean



Vicinity Map



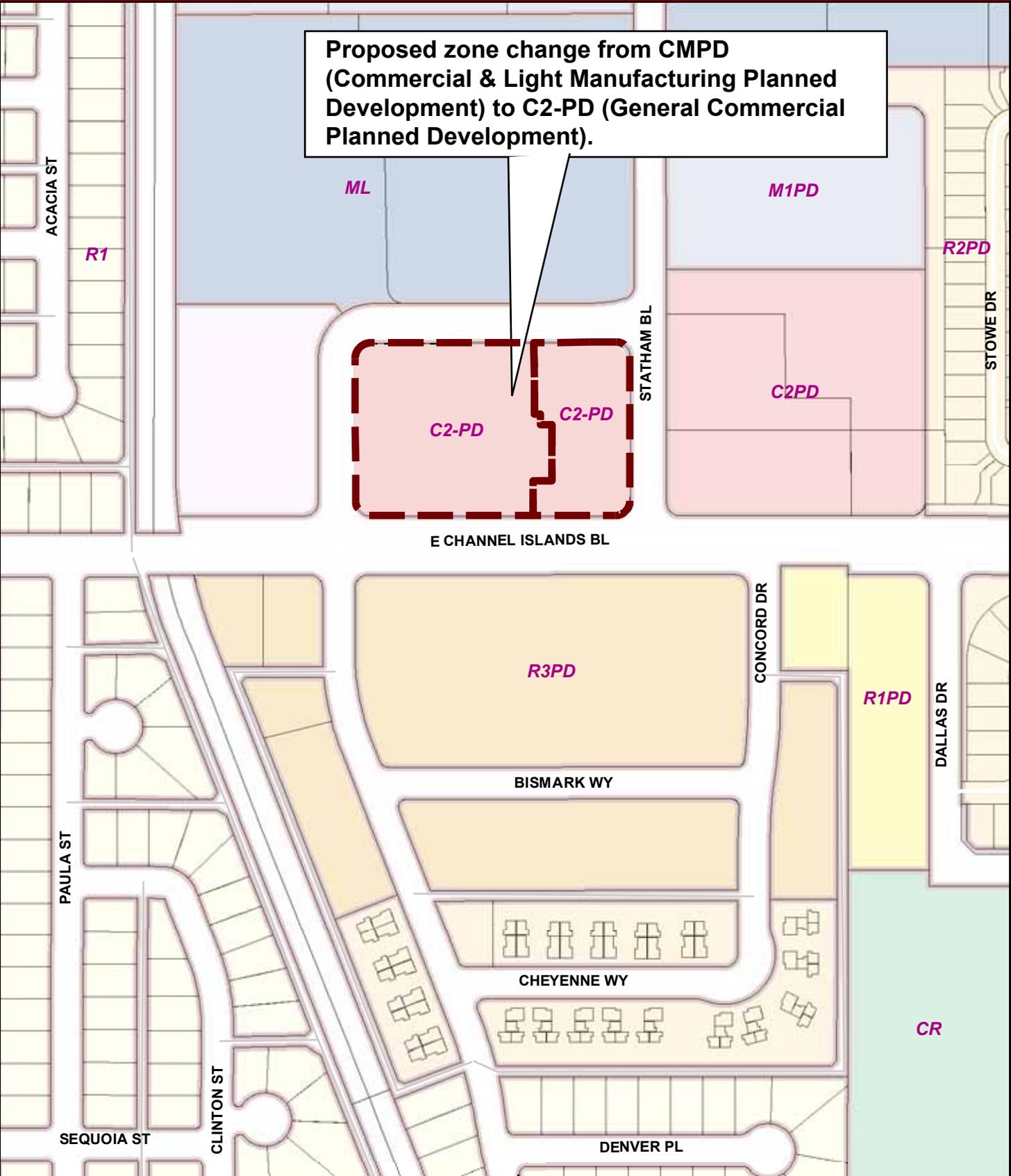


PZ 11-570-02, 11-510-10, 11-510-11, 11-140-43  
 Location: 1051 E. Channel Is. Bl.  
 APN: 220022013, 220022012  
 Cadence Capital

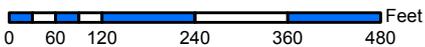
General Plan 2030 Map



Proposed zone change from CMPD  
(Commercial & Light Manufacturing Planned  
Development) to C2-PD (General Commercial  
Planned Development).



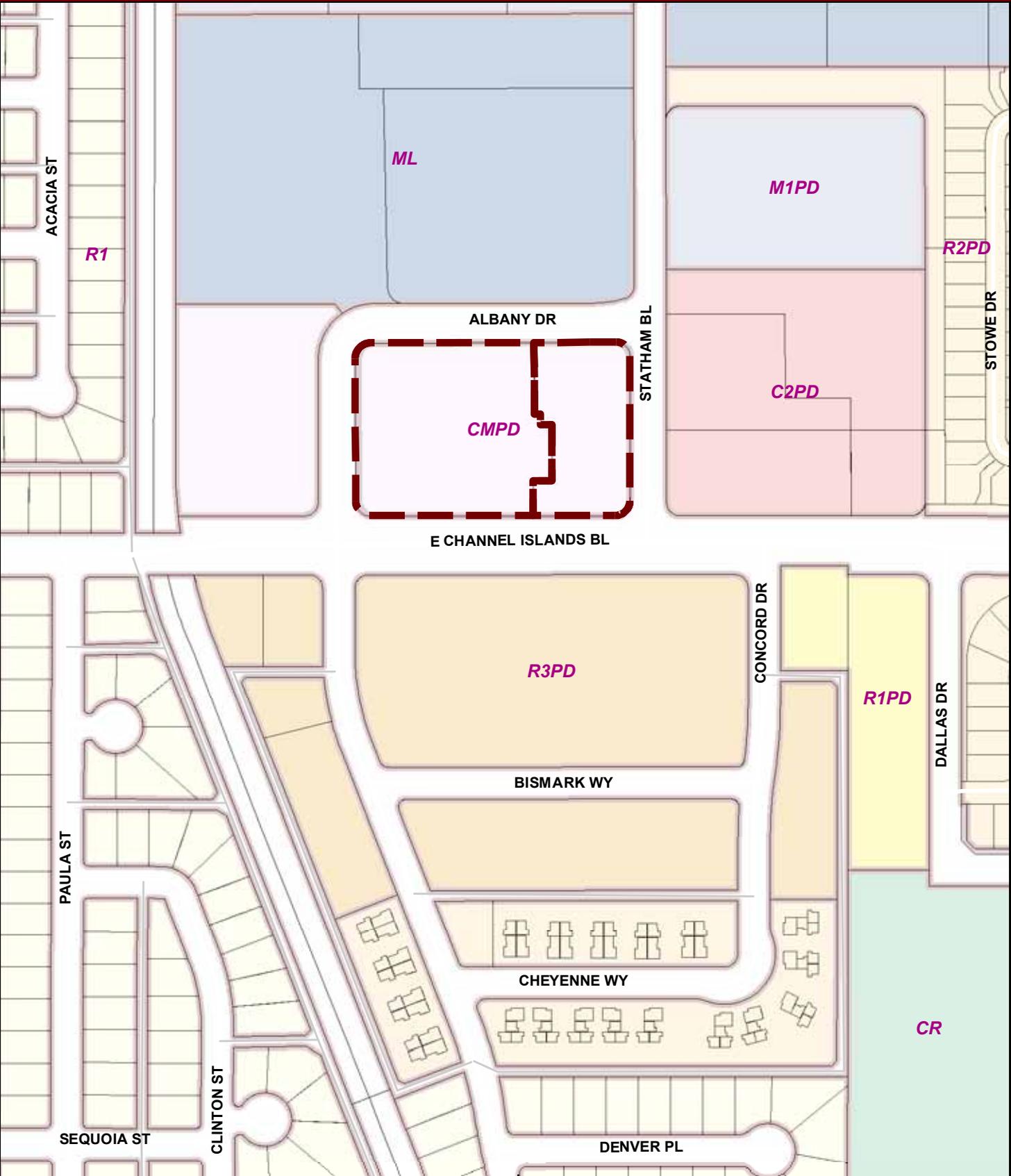
PZ 11-570-02, 11-510-10, 11-510-11, 11-140-43  
Location: 1051 E. Channel Is. Bl.  
APN: 220022013, 220022012  
Cadence Capital



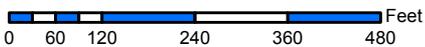
**Zone Change**



1:3,000



PZ 11-570-02, 11-510-10, 11-510-11, 11-140-43  
Location: 1051 E. Channel Is. Bl.  
APN: 220022013, 220022012  
Cadence Capital



## Zone Map



1:3,000



## NOTICE OF EXEMPTION

### ***Project Description:***

Planning & Zoning Permit Nos. 12-550-01 (Coastal Development Permit), 11-510-09 & 11-510-10 (Special Use Permit – Alcohol), and 11-570-2 (Zone Change) A request for approval of: a major modification to construct a 1,200 square-foot addition if needed to accommodate a future retail or restaurant tenant (phased development); a zone change to General Commercial (C-2-PD) in order to allow a convenience store and sales of alcoholic beverages; and special use permits to sell beer and wine for off-site consumption for a future convenience store (7-Eleven), and sell beer and wine for on-site consumption for a future restaurant. The project site is located at 1051 East Channel Islands Boulevard. Filed by Terri Dickerhoff, Cadence Capital Investments LLC, 1120 Manzanita Street, Los Angeles CA 90029.

### ***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, §15301 – Existing Facilities
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

***Supporting Reasons:*** In accordance with Section 15301 of the *CEQA Guidelines*, projects involving minor alterations or additions to existing facilities may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

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

*Signature on file with Planning Division*

Susan L. Martin, AICP  
Planning Division Manager

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A MAJOR MODIFICATION TO A SPECIAL USE PERMIT (U-1091) TO ALLOW A 1,200 SQUARE-FOOT ADDITION TO AN EXISTING RESTAURANT, AND CREATION OF UP TO THREE SUITES FOR RETAIL AND RESTAURANT USES CONSISTENT WITH THE C-2-PD ZONE. THE SUBJECT PROPERTY IS LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD (APN: 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 12-550-01 (Major Modification) filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, in accordance with Section 16-561 of the Oxnard City Code; and

WHEREAS, CEQA provides a categorical exemption from the Environmental Quality Act (CEQA) pursuant to CEQA section 15301 for existing facilities, and all findings for this exemption can be made; and

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

1. The proposed major modification is in conformance with the Findings of Fact previously adopted by Planning Commission Resolution No. 6763.
2. The proposed major modification is permitted by Section 16-561 of the Oxnard City Code.

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 Planning & Zoning Permit No. 12-550-01 (Major Modification) subject to the following conditions. Except as modified by this Resolution, the conditions of approval imposed on Use Permit No. 1091 shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL  
FOR LAND USE PERMITS**

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*).

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

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated April 23, 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

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- 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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)
  7. 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*)
  8. 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*)
  9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
  10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
  11. 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*)
  12. 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*)
  13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, *G-15*).

### **PLANNING DIVISION STANDARD CONDITIONS**

14. 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*)
15. 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*)
16. 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*)
17. 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*).

### **PLANNING DIVISION SPECIAL CONDITIONS**

18. Developer shall submit an application for building permits for Phase II (or "Option B") of the project no later than 36 months after the date of adoption of this resolution. If Developer does not submit such application by such time, Developer shall be required to obtain a major modification to the approved special use permit to construct the additional structures on the subject property. (PL)
19. All conditions adopted with Planning Commission Resolution No. 6763 (for Use Permit No. 1091) shall remain applicable to the project, except as modified with this approval.(PL)
20. Hours for receiving deliveries for the businesses (loading zone adjacent to the hotel) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. daily, with no parking or idling on the subject property or on adjacent streets outside of these specified hours. (PL)
21. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (Option "B") (PL, *PL-42*)
22. 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*)

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23. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)
24. Developer shall install toilets that have automatic flush sensors in all public restrooms. 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)
25. 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)
26. 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)

#### **FIRE DEPARTMENT STANDARD CONDITIONS**

All listed items shall be included on the plan check notes detailing Fire Department requirements. Listed items applicable to Option “B” only shall have (Option “B”) noted immediately afterwards.

27. 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*)
28. 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*)
29. 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*)
30. 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*)
31. The project shall meet the minimum requirements of the “Fire Protection Planning Guide” published by the Fire Department. (FD, *F-6*)

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32. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)
33. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (Option “B”) (FD)
34. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)
35. 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. (Option “B”) (FD)
36. Developer shall install in each structure in the project an 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. (Option “B”) (FD)
37. 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*)

#### **FIRE DEPARTMENT SPECIAL CONDITIONS**

38. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department. (FD)
39. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means. (FD)

#### **LANDSCAPE STANDARD CONDITIONS**

40. 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*)
41. 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*)

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42. 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)
43. 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)
44. 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)
45. 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**

46. 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)
47. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)

*The following Special Conditions apply to Phase 1 (option "A") of the plans:*

48. The new proposed pedestrian ramp from Statham Blvd. appears to be in conflict with an existing tree location (based on aerial photographs). If the pedestrian ramp cannot be relocated, then an Arborist's Tree Report is required for the removal of any trees. The Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.

49. The proposed landscape finger planter northeast of the existing building removes a portion of the existing landscape finger planter and an existing tree. An Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.
50. The proposed bicycle pad and rack located in the landscape finger planter at the southeast corner of the existing building may be encroaching into the existing mature tree root system. If the bicycle pad and rack cannot be reconfigured or relocated to avoid the tree, then an Arborist's Tree Report is required for the removal of the tree root system. An Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.
51. If trees are anticipated to be removed from the site, then 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 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.
52. Much of the required existing 36" high parking lot visual shrub screen plant material is missing from Statham Blvd. and Channel Islands Blvd. Uniformly replace all the missing 36" high shrub screen plant materials with new.

*The following Special Conditions apply to Phase 2 (option “B”) of the plans:*

53. All Special Conditions outlined in Phase 1 (option “A”) are incorporated into Special Conditions for Phase 2 (option “B”).
54. Numerous site modifications will impact the existing trees on the site. An Arborist’s Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist’s Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the “Trunk Formula” method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City’s minimum tree size of 24” box.
55. If trees are anticipated to be removed from the site, then 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 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.
56. The new parking lot landscape finger planters shall be landscaped per the City’s Landscape Standards.
57. The trash enclosure shall have evergreen self clinging vines (minimum 5-gallon size) attached to exterior walls.
58. Any existing landscaping which is dead, failing, or missing shall be replaced with new.

#### **DEVELOPMENT SERVICES STANDARD CONDITIONS**

*The following Standard Conditions apply to Phase 2 (option “B”) of the plans:*

59. 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)

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60. 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)
61. 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)
62. 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)
63. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
64. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
65. 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)
66. 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)
67. 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)
68. 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)

69. 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)
70. 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)
71. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
72. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
73. 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)
74. "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)
75. 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)

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76. All grading shall conform to City's grading ordinance and any recommendations of Developer's soils engineer that have been approved by the City Engineer. Developer shall conform to all applicable notes specified on the site improvement/grading plan cover sheet and grading permit. (DS-30)
77. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
78. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)
79. 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. (DS-38)
80. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
81. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
82. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
83. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
84. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
85. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. (DS-81)
86. 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)

87. 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)
88. 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)
89. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall prepare a Stormwater Pollution Control Plan ("SWPCP") on the form provided by City. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System Permit. The SWPCP 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. The SWPCP shall be reviewed and approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the SWPCP updated to reflect current site conditions at all times and shall keep a copy of the SWPCP on the site and make it available for City or designated representative to review upon request. (DS-87)

## **DEVELOPMENT SERVICES SPECIAL CONDITIONS**

*The following Special Conditions apply to Phase 1 (option "A") of the plans:*

90. Developer shall provide an ADA compliant pedestrian path from the public sidewalk to the main entrance of the building. (DS)
91. Restaurant uses are required to have a separate water service (meter) from other tenants in accordance with City Code. (DS)

*The following Special Conditions apply to Phase 2 (option "B") of the plans:*

92. Developer shall provide an ADA compliant pedestrian path from the public sidewalk to the main entrance of the building. (DS)
93. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS)
94. Developer shall provide a written analysis to determine if this project meets the definition of “Redevelopment” as defined in the current MS4 permit and associated 2011 Technical Guidance Manual for Stormwater Quality Control Measures (“2011 TGM”). If it is determined by the Development Services Manager that the project meets the definition of “Redevelopment”, Developer shall provide stormwater mitigations (including stormwater infiltration) as required by the MS4 permit and 2011 TGM. (DS)
95. Developer shall provide 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. Grading plans shall implement temporary fencing or other similar barriers to prevent compaction of the soil in the infiltration devices during construction. (DS)
96. Developer shall shorten proposed new or significantly altered parking stalls to 17 feet deep where shortening results in an additional 2 feet of pervious landscaping. Final determination shall be made by the Development Services Manager. (DS)
97. Developer shall provide and maintain an area within the tenant space of any restaurant or food preparation tenant for the washing/steam cleaning of equipment, floor mats and accessories. This area shall be self-contained and connected to the project grease interceptor. (DS)
98. Developer shall construct double-bin trash enclosure (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall provide a traffic rated 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

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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-80)

99. Restaurant uses are required to have a separate water service (meter) from other tenants in accordance with City Code. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17<sup>th</sup> day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

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Anthony R. Murguia, Chair

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

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A SPECIAL USE PERMIT (PLANNING & ZONING PERMIT NO. 11-510-10) TO ALLOW A TYPE 41 (ON-SALE BEER & WINE FOR BONA FIDE PUBLIC EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR A PROPOSED NON-FAST-FOOD RESTAURANT. THE SUBJECT PROPERTY IS LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD (APN: 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 11-510-10 (Special Use Permit – Alcohol) filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, CEQA provides a categorical exemption from the Environmental Quality Act (CEQA) pursuant to CEQA section 15301 for existing facilities, and all findings for this exemption can be made; and

WHEREAS, on May 17, 2012, the Planning Commission conducted a public hearing, and received and reviewed written and oral comments related to proposed Special Use Permit No. 11-510-10; 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 retail alcohol outlets within 1000 feet of the subject location in that there are no other establishments of the same type as the proposed use 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. 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 131 during the same 12-month time period. This is 12% higher than the average citywide crime rate, which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are below citywide averages.

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 Planning & Zoning Permit No. 11-510-10 (Special Use Permit – Alcohol) subject to the following conditions. Except as modified by this Resolution, the conditions of approval imposed on Use Permit No. 1091 shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

#### **STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS**

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*).

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

### **GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated April 23, 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 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a Type 41 Alcoholic Beverage Control license. (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

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the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

7. 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)
8. 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)
9. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

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

10. 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)

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

11. All conditions adopted with Planning Commission Resolution No. 6763 (for Use Permit No. 1091) shall remain applicable to the project, except as modified with this approval. (PL)

#### **POLICE DEPARTMENT STANDARD CONDITIONS**

12. 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)
13. 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)

14. 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)
15. 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)
16. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
17. 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)
18. 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)
19. 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)

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20. 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)
21. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
22. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
23. 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)
24. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
25. Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
26. 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)
27. 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)
28. 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)
29. 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)
30. 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

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work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)

31. 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 14, above, shall be adhered to regardless of where customers are seated. (PD)
32. 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)
33. 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)
34. 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)
35. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
36. 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)
37. 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)
38. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
39. 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)
40. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

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41. 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)
42. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
43. 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)
44. 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**

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

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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17<sup>th</sup> day  
of May, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Anthony R. Murguia, Chair

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

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A SPECIAL USE PERMIT (PLANNING & ZONING PERMIT NO. 11-510-09) TO ALLOW A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR A PROPOSED CONVENIENCE STORE. THE SUBJECT PROPERTY IS LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD (APN: 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 11-510-09 (Special Use Permit – Alcohol) filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, CEQA provides a categorical exemption from the Environmental Quality Act (CEQA) pursuant to CEQA section 15301 for existing facilities, and all findings for this exemption can be made; and

WHEREAS, on May 17, 2012, the Planning Commission conducted a public hearing, and received and reviewed written and oral comments related to proposed Special Use Permit No. 11-510-09; and

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

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

6. The presumption of undue concentration has been refuted by a preponderance of evidence in the record, which shows that the establishment will not result in an undue concentration of retail alcohol outlets. There is one similar alcohol outlet within 350 feet of the site, therefore, 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 is appropriate for the area. There are currently seven 7-Eleven stores in Oxnard, none of which are considered to be problem or nuisance establishments.
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. 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 131 during the same 12-month time period. This is 12% higher than the average citywide crime rate, which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are below citywide averages.

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 Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol) subject to the following conditions. Except as modified by this Resolution, the conditions of approval imposed on Use Permit No. 1091 shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

#### **STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS**

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*).

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

### **GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated April 23, 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 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a Type 20 Alcoholic Beverage Control license. (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

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determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)

7. 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)
8. 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)
9. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

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

10. 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)

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

11. All conditions adopted with Planning Commission Resolution No. 6763 (for Use Permit No. 1091) shall remain applicable to the project, except as modified with this approval. (PL)

#### **POLICE DEPARTMENT STANDARD CONDITIONS**

12. 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)
13. 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)

14. 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)
15. 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.
16. 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.
17. 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)
18. 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)
19. 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)
20. 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)

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21. 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)
22. 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)
23. 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)
24. 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)
25. Coolers or displays containing alcoholic beverages shall be positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. 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)
26. There shall be no amusement machines or video devices maintained on the premises at any time. (PD)
27. 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.
28. 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)
29. 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)
30. No open floor displays of alcoholic beverages are allowed, including but not limited to "beer mountains" and portable coolers. (PD)
31. Alcoholic beverages shall not be sold between the hours from 12:00 midnight and 6:00 AM. (PD)

32. There shall be no self-service displays of any type of tobacco product including, but not limited to cigarettes, cigars and smokeless tobacco.
33. 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.
34. Permittee shall establish responsible cash handling procedures to reduce the likelihood of robberies and thefts.
35. 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.
36. 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).
37. 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.
38. Permittee shall install height gauges at all exit doors.
39. Permittee shall install an electronic intrusion detection system (burglary alarm) that detects portal openings, glass break, and interior motion.
40. 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.

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41. 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**

42. Permittee shall install a video feedback monitor which displays the live feed from security cameras positioned nearby. The monitor shall, at a minimum, be displayed at each customer entrance. Permittee shall install an additional feedback monitor in the alcoholic beverage display area. (PD)
43. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 12:00 Midnight to 6:00 AM. (PD)
44. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a written policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff, the Youth Services Officer and how potential truants will be handled. (PD)
45. The sale of flavored malt beverages (commonly referred to as alcopops) or energy drinks containing alcohol 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)
46. The use of self-checkout for alcoholic beverages is prohibited.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17<sup>th</sup> day of May, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Anthony R. Murguia, Chair

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May 17, 2012*

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

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF PLANNING & ZONING PERMIT NO. 11-570-02 (ZONE CHANGE), TO CHANGE THE ZONE DISTRICT TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) FOR A.P.N.'S 220-0-220-125 & 220-0-220-135, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning & Zoning Permit No. 11-570-02, filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, to amend the zoning of Assessor Parcel Numbers 220-0-220-125 and 220-0-220-135 from Commercial & Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD); and

WHEREAS, the California Environmental Quality Act (CEQA) provides categorical exemption from preparation of environmental review pursuant to Sections 15301 for existing facilities, and all findings for this exemption can be made; and

WHEREAS, the Planning Commission conducted a public hearing, and received and reviewed written and oral comments related to proposed Planning & Zoning Permit No. 11-570-02; and

WHEREAS, the Planning Commission finds after due study and deliberation that the proposed zoning designation of General Commercial Planned Development (C-2-PD) will bring the subject properties into conformance with the General Plan designation of Commercial General (CG).

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of Planning & Zoning Permit No. 11-570-02.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of Planning & Zoning Permit No. 11-570-02, amending the City's official Zoning Map to change the zoning designation of said parcels as shown in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17<sup>th</sup> day of  
May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Anthony R. Murguia, Chair

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

EXHIBIT A

All that certain real property situated in the County of Ventura, State of California, described as follows:

Assessor's Parcel No. 220-0-220-125

All of Parcel 1, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

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Assessor's Parcel No. 220-0-220-135

All of Parcel 2, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

End of Exhibit A



## Police Department

Jeri Williams, Police Chief

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Date: February 13, 2012

To: Brian Foote, Associate Planner

From: Cliff Waer, Senior Alcohol Compliance Officer

Subject: 1051 E. Channel Islands Blvd. (7-Eleven)

**Re: PZ 11-510-09**

### **Site Information:**

The proposed site is at an existing, vacant space in a building that was most recently occupied by a restaurant/café located at 1051 East Channel Islands Boulevard. The building is located on the northwest corner of the intersection of Channel Islands Boulevard and Statham Boulevard, immediately west of the Comfort Inn (formerly the Channel Islands Inn & Suites). The front doors are to face south toward the parking lot and Channel Islands Boulevard.

The building is proposed to be divided into two separate uses. One is proposed to be a restaurant with sales of alcohol for on-site consumption and the other is to be a convenience store with sales of alcohol for off-site consumption. The latter is the proposal discussed in this report.

The site is generally bordered by commercial to the north and west, Channel Islands Boulevard to the south and Statham Boulevard to the east. The nearest residences are approximately 150 feet to the west across Channel Islands Boulevard where there are several apartment complexes and single family homes.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-20 which is an Off-Sale License that allows for the sale of beer and wine for consumption off the premises. There is one similar Off-Sale alcohol outlet within 350 feet of the site (Amar Ranch Market) and one more within 1000 feet.

Alcohol Outlets located within 350 feet of the proposed site include:

1. Amar Ranch Market	1111 E. Channel Islands Blvd.	Type 21	Off-Sale General	Grocery	Beer, Wine and Spirits
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Alcohol outlets located within 1000 feet of the establishment also include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Fresh & Easy Market	1750 E. Channel Islands Blvd.	Type 20	Off-Sale Beer and Wine	Market / Grocery	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 131 during the same 12-month time period. This is 12% higher than the average crime rate citywide which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are below citywide averages.

There are currently seven, 7-Eleven stores in Oxnard, none of which are considered to be problem or nuisance establishments. The average number of disturbances at each store is 11 per year and the average number of thefts is five. Contrast that to another convenience store chain that has several outlets in Oxnard where the annual number of disturbances was 22 and the average number of thefts was 36. The Police Department only points this out to give perspective to the numbers and types of calls that are typical of similar stores and to demonstrate that other stores operating under the Applicant's corporate policies seem to be effective at minimizing problems.

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. All references to "police calls for service" may include *any* type of police response to the area in addition to those 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. However, in the areas further south of the site where there are dense apartment complexes, there are occasional policing issues.

The primary concern of the Police Department is the site's close proximity to Channel Islands High School. The school is approximately 600 feet southeast of the proposed site and the business is likely to be a popular destination for students as they commute to and from school. 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.<sup>1-2</sup> There are now many preventative conditions that can help to minimize exposure to young people and to also reduce the access to alcohol. 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.

Also, our experience with other alcohol outlets in Oxnard that are near middle schools or high schools is that there is often a heavy influx of students during the commuting hours that can often overwhelm the employees. A few businesses have had to develop preventative policies such as limiting the number of students that can be present inside the store at any one time. Not allowing them to bring in backpacks or other large storage bags is another effective strategy to reduce the likelihood for theft related problems.

The Youth Services Officer that monitors Channel Islands High agreed that the students may take advantage of the situation and could flood the store after school. Additionally, if the site has an area surrounding the building that is conducive to loitering or is inviting to students, they may experience problems with lingering crowds outside that may be disruptive.

The Police Department has visited the proposed site several times to monitor the after school commuting patterns of Channel Islands High School students. Generally, our observations were that there are approximately 200 students who consistently walk westbound on Channel Islands past Statham and that all but a handful remains on the south side of the street. The groups of students tended to pass by the site in waves of 20 people or less with most groups being much smaller. This is in contrast to the large groups that overwhelm the shopping centers to the north of the school and crowd businesses such as Fresh & Easy and Walgreens. That being said, neither of these businesses have had any significant problems with students other than crowding and Fresh & Easy has not had any alcohol/student related problems.

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 of those is the Fresh & Easy Market which is literally across the street from Channel Islands High. This posed some very unique challenges when determining what the most appropriate and effective operating conditions should be 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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

It is the conclusion of the Police Department that, while cautious and mindful of the potential for conflict with students, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close oversight of the activity at the business. Prohibiting the sale of single servings of alcohol and limiting certain types of sweetened malt beverages or alcoholic energy drinks that are popular with young drinkers are some of the recommended conditions included below. Other preventative measures include installing security cameras with feedback monitors that would give school staff the ability to review the recordings and help identify problem students should it be necessary.

**Community Input:**

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) will be informed of the details of this proposal in order to discuss it at their monthly meetings. Any concerns can be expressed at the hearing. Surrounding neighborhood councils are advised of the proposal via the neighborhood packet and no comments were received by the Police Department.

**Conclusion:**

The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally 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 site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the resolution.

The Police Department's experience is that the proposed license (Type 20 - Market), 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 Resolution.

## **Police Standard Conditions (Off-Sale Alcohol Establishments)**

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- 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 positioned so as to allow maximum visibility to cashiers, clerks, associates or employees. 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 12:00 midnight and 6:00 AM. (PD)
- 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)

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## **Police Special Conditions**

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1. Permittee shall install a video feedback monitor which displays the live feed from security cameras positioned nearby. The monitor shall, at a minimum, be displayed at each customer entrance. Permittee shall install an additional feedback monitor in the alcoholic beverage display area. (PD)
  
1. Coolers or displays containing alcoholic beverages shall be maintained in such a way as to allow for them to be locked or inaccessible during hours of prohibited sale and shall, in fact, be secured during the hours from 12:00 Midnight to 6:00 AM. (PD)
  
2. Permittee shall cooperate fully with staff from Channel Islands High School and shall develop a written policy that specifies how employees will deal with teenage customers that are patronizing the business during normal school hours. The policy will include developing an efficient method of communication with school staff, the Youth Services Officer and how potential truants will be handled. (PD)
  
3. The sale of flavored malt beverages (commonly referred to as alcopops) or energy drinks containing alcohol 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)
  
4. The use of self-checkout for alcoholic beverages is prohibited.



## Police Department

Jeri Williams, Police Chief

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Date: February 13, 2012  
To: Brian Foote, Associate Planner  
From: Cliff Waer, Senior Alcohol Compliance Officer  
Subject: 1051 E. Channel Islands Blvd. (Restaurant)  
**Re: PZ 11-510-10**

### **Site Information:**

The proposed site is at an existing, vacant space in a building that was most recently occupied by a restaurant/café located at 1051 East Channel Islands Boulevard. The building is located on the northwest corner of the intersection of Channel Islands Boulevard and Statham Boulevard, immediately west of the Comfort Inn (formerly the Channel Islands Inn & Suites). The front doors face east toward the parking lot and Statham Boulevard.

The building is proposed to be divided into two separate uses. One is proposed to be a restaurant with sales of alcohol for on-site consumption and the other is to be a convenience store with sales of alcohol for off-site consumption. The restaurant use is the proposal discussed in this report.

The site is generally bordered by commercial to the north and west, Channel Islands Boulevard to the south and Statham Boulevard to the east. The nearest residences are approximately 150 feet to the west across Channel Islands Boulevard where there are several apartment complexes and single family homes.

The applicant has requested to obtain a California Alcoholic Beverage Control (ABC) License Type-41 which is an On-Sale License that allows for the sale of beer and wine for consumption on the premises. There are no similar On-Sale alcohol outlets within 350 or 1000 feet of the site.

### **Alcohol Outlets located within 350 feet of the proposed site include:**

1. Amar Ranch Market	1111 E. Channel Islands Blvd.	Type 21	Off-Sale General	Grocery	Beer, Wine and Spirits
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Alcohol outlets located within 1000 feet of the establishment also include:

BUSINESS NAME	LOCATION	LICENSE TYPE	LICENSE TITLE	LICENSE DESC.	ALCOHOL ALLOWED
1. Fresh & Easy Market	1750 E. Channel Islands Blvd.	Type 20	Off-Sale Beer and Wine	Market / Grocery	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 131 during the same 12-month time period. This is 12% higher than the average crime rate citywide which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are 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. All references to “police calls for service” may include *any* type of police response to the area in addition to those 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. However, in the areas further south of the site where there are dense apartment complexes, there are occasional policing issues.

The primary concern of the Police Department is the site’s close proximity to Channel Islands High School. The school is approximately 600 feet southeast of the proposed site and access and exposure to the students is somewhat of a concern. 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.<sup>1-2</sup> There are now many preventative conditions that can help to minimize exposure to young people and also reduce easy access. Prohibiting alcohol advertisements and limiting the types and sizes of alcoholic beverages should minimize the likelihood for conflicts.

<sup>1</sup> 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.

<sup>2</sup> 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.

The Youth Services Officer that monitors Channel Islands High agreed that the site could be a popular destination after school depending upon the atmosphere of the business and the manner in which it is run. She felt any conflicts or potential problems could be easily minimized by including comprehensive operating conditions and working cooperatively with the business.

The Police Department has visited the proposed site several times to monitor the after school commuting patterns of Channel Islands High School students. Generally, our observations were that there are approximately 200 students who consistently walk westbound on Channel Islands past Statham and that all but a handful remains on the south side of the street. The groups of students tended to pass by the site in waves of 20 people or less with most groups being much smaller. This is in contrast to the large groups that overwhelm the shopping centers to the north of the school and crowd businesses such as Fresh & Easy and Walgreens. That being said, neither of these businesses has had any significant problems with students other than crowding and Fresh & Easy has not had any alcohol/student related problems.

It is the conclusion of the Police Department that, while cautious and mindful of the potential for conflict with students, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close oversight of the activity at the business.

**Community Input:**

Members of the Responsible Alcohol Policy Action Coalition (RAPAC) will be informed of the details of this proposal in order to discuss it at their monthly meetings. Any concerns can be expressed at the hearing. Surrounding neighborhood councils are advised of the proposal via the neighborhood packet and no comments were received by the Police Department.

**Conclusion:**

The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally considered to be a policing problem. There are no similar alcohol outlets within 350 feet of the site so there is no local presumption of undue concentration. The site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the resolution.

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

## Police Standard Operating Conditions

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

licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

- 8) Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
- 9) The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
- 10) The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
- 11) The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
- 12) There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
- 13) The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)
- 14) Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
- 15) Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)
- 16) Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts exceeding 36oz total. (PD)
- 17) In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)

- 18) Prominent signs shall be posted stating, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)
- 19) Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
- 20) Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
- 21) The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
- 22) Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)
- 23) Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
- 24) Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
- 25) The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
- 26) No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
- 27) Permittee shall regularly police the area under Permittee’s control and shall not permit the loitering of persons about the premises. (PL/PD)
- 28) Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)

- 29) Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
  - 30) Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
  - 31) Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
  - 32) Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
  - 33) A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)
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## **Police Special Conditions**

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