

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING DENIAL OF PLANNING AND ZONING PERMIT NO. 11-570-02 (ZONE CHANGE), AND DENYING PLANNING AND ZONING PERMIT NO. 11-510-09 (SPECIAL USE PERMIT) PURSUANT TO PLANNING COMMISSION BYLAWS SECTION III(B) CONCERNING MOTIONS TO APPROVE THAT FAIL TO RECEIVE THE REQUIRED NUMBER OF AFFIRMATIVE VOTES TO PASS, FOR A REQUEST TO CHANGE THE ZONE DISTRICT TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) AND TO ALLOW A TYPE 20 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 1001 AND 1051 EAST CHANNEL ISLANDS BOULEVARD (A.P.N.'S 220-0-220-125 AND 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 Planning and 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 1001 and 1051 East Channel Islands Boulevard (APN's 220-0-220-125 and 220-0-220-135) from Commercial and Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD); and

WHEREAS, the Planning Commission conducted a public hearing on May 17, 2012, and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 11-570-02; and

WHEREAS, during the public hearing conducted on May 17, 2012, the Commissioners discussed and deliberated the following:

1. The relationship between the Zone Change and the proposed convenience store, insofar as the zoning change to General Commercial (C-2-PD) is required for a convenience store use at the subject property.
2. The amount of exterior advertising and in-store displays for alcoholic beverages and tobacco products in the proposed convenience store.
3. The numbers of students and minors walking on Channel Islands Boulevard in the afternoon, and pedestrian traffic patterns to existing off-sale alcohol retailers in the vicinity.
4. The proximity of off-site alcohol licenses similar to the requested Type 20 (Off-Sale Beer and Wine) that exist in the vicinity, specifically the Amar Ranch Market, Fresh & Easy Market, and the ARCO convenience store.
5. The past and current management practices of existing 7-Eleven stores in the City of Oxnard, the experience of the Police Department in terms of nuisances and calls for service at the 7-Eleven stores, and the record of compliance with Police conditions of approval.

6. The potential for collisions between motor vehicles and minors crossing Channel Islands Boulevard, and the absence of a crosswalk immediately in front of the proposed 7-Eleven store.
7. The proximity of the proposed 7-Eleven store to the high school, elementary school, and nearby residences.
8. The potential for crime to occur in the vicinity of a convenience store with an off-sale beer and wine retail alcohol license.
9. The relationship between the Zone Change and the proposed alcohol licenses, insofar as the zoning change to General Commercial (C-2-PD) is required for any alcohol-related use at the subject property.
10. The extent to which the proposed zone change to General Commercial (C-2-PD) would be consistent with the existing retail uses on the subject property, and would make the property consistent with the existing General Plan designation of Commercial General (CG).
11. The extent to which the proposed zone change to General Commercial (C-2-PD) would allow a greater variety of land uses that could be permitted on the subject property.

WHEREAS, the Planning Commission approved PZ No. 12-550-01 (Major Modification), and approved PZ No. 11-510-10 (Special Use Permit – Alcohol) for a Type 41 ABC license for On-Sale Beer and Wine for Bona Fide Eating Place.

WHEREAS, the Planning Commission denied PZ No. 11-510-09 (Special Use Permit – Alcohol) for a Type 20 ABC license for Off-Sale Beer and Wine.

WHEREAS, after due study, deliberation and public hearing, Commissioner Huber made a motion to approve Planning and Zoning Permit No. 11-570-02, and Commissioner Mullin seconded the motion.

WHEREAS, Commissioners Huber, Mullin, and Nash voted in favor of approval; and Commissioners Guevara, Medina, Murguia, and Stewart voted against approval.

WHEREAS, the Planning Commission during the public hearing on May 17, 2012, voted 4 noes and 3 ayes on a motion to approve Planning and Zoning Permit No. 11-570-02, and pursuant to Section III(B) of the Planning Commission bylaws, such failure to approve the motion constitutes a recommendation for denial to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommended denial of Planning and Zoning Permit No. 11-570-02, a request to amend 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 and denied Planning and Zoning Permit No. 11-510-09, a request for a special use permit to allow the issuance of a Type 20 ABC license for Off-Sale Beer and Wine.

Resolution No.
Page 3

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

Stephen Huber, Vice-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.

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