

**PLANNING COMMISSION  
 STAFF REPORT**

**TO:** Planning Commission

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

**DATE:** September 20, 2012

**SUBJECT:** Planning and Zoning Permit No. 12-520-03 (Special Use Permit)  
 Game Bunker, Located at 961 North Rice Avenue, Suite 4.

- 1) **Recommendation:** That the Planning Commission approve Planning and Zoning Permit No. 12-520-03 for a special use permit, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request for approval to establish a commercial recreation facility with video game consoles for small groups in an existing 4,586 square-foot suite within a multi-tenant industrial building. The project site is located at 961 N. Rice Avenue, Suite 4. Filed by Matthew Steinorth, 961 N. Rice Avenue, Suite 4, Oxnard CA 93030.
- 3) **Existing & Surrounding Land Uses:** The existing land use is the Maulhardt Industrial Center, a multi-tenant industrial building with a variety of office and light manufacturing uses. Current tenants include: Magnavino Cellars; NCD Customs; St. John’s Outpatient Therapy Center; Who’s on First Batting Cages; Maulhardt Insurance Agency, Maulhardt Properties Company, and Oxnard Historic Farm Park Foundation.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Light Manufacturing Planned Development (M-1-PD)	Light Industrial	Maulhardt Industrial Center
North	Limited Manufacturing (M-L)	Industrial Limited	Latigo Avenue; Ventura County Fire Dept vehicle repair and storage yard.
South	M-1-PD	Light Industrial	Oxnard Interiors & Drapery; Fillmore Granite & Tile; Diamond A Equipment, LLC.
East	M-1-PD	Light Industrial	Rice Avenue; Proctor & Gamble manufacturing facility.
West	M-1-PD	Light Industrial	Automatic Transmissions Rebuilders; MV Public Transportation Inc.

- 4) Background Information:** On February 19, 1987, the Planning Commission adopted Resolution No. 6985 approving Special Use Permit No. 1173 for the existing concrete tilt-up building totaling 31,679 square-feet (5,904 square-feet of office space plus 25,775 square-feet of manufacturing/warehouse floor area). At the time of original approval, proposed uses included a mix of commercial, office, manufacturing and warehousing (specifically, batting cages and a health club/gym). A commercial recreation facility (batting cages) had been approved and remains in operation. Prior to approval of SUP No. 1173, one 14,656 square-foot structure with 21 parking spaces had been constructed on the southerly portion of the subject property, which was phase one of Planned Development Permit No. 361 (subsequent phases were abandoned).
- 5) Environmental Determination:** According to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving minor alterations or additions to existing structures may be found to be exempt from the requirements of CEQA. There is no evidence of any potentially significant effects on the environment. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption. (Attachment C).

**6) Analysis:**

- a) General Discussion:** Game Bunker proposes to provide an indoor commercial recreation facility where small groups of 2 to 4 persons may use interactive equipment such as the Xbox 360, Playstation 3, and Wii on large screens. The existing suite is 4,586 square-feet in size, and the gross building area is 32,350 square-feet. The Floor Plan (Attachment B) shows one large game room for multiple groups, one small game room for a small group, snack bar and lobby. The large game room is further divided into miniature spaces by low wing walls, with living room type furniture within each space (e.g., sofa and large TV screen). The hours of operation will be 2:00 p.m. to 10:00 p.m. Monday through Friday, and 10:00 a.m. to 10:00 p.m. on Saturday and Sunday. The total number of employees will be eight, with a maximum of five per shift. The business expects to attract up to 60 customers maximum at any one time during a regular business day. Gaming tournaments on weekends may attract additional customers, up to 107 persons within the large game room (an occupancy limit of 107 persons is a condition of approval). The applicant has provided a detailed description of their business (see Attachment E).

The subject property is within the Light Manufacturing Planned Development (M-1-PD) zone, and City Code Section 16-221(C)(7) permits "Other uses" that meet the high performance standards of the M-1-PD zone. The performance standards contained in City Code Section 16-238 prohibit any uses that generate nuisances such as noxious odors, noise, vibration, air pollution, wastes, etc. The operational characteristics of the proposed indoor commercial recreation facility, being completely enclosed and contained within Suite 4, will not generate any types of nuisances. A commercial recreation facility is not specifically prohibited by City Code Section 16-226.

**b) General Plan Consistency:** The City’s 2030 General Plan land use designation for the subject site is Industrial Light, which allows uses with principal activities that occur within a building and must adhere to high development and performance standards. The proposed indoor commercial recreation facility will comply with the performance standards, and will not generate any nuisances to surrounding properties. Approval of the requested special use permit will 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	Attract New Business: 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 local economy and environment.	The proposed indoor commercial recreation facility will be compatible with the community’s business climate, and will not be detrimental to the environment.
CD-18.2	I	Small Business: Recognize the job creation potential of small business and promote entrepreneurial development and small business expansion.	The proposed indoor commercial recreation facility is a unique small business, and will diversify the community’s business environment.
CD-5.2	II	Compatible Land Use	The proposed commercial recreation facility will be compatible with adjacent land uses, and will not generate any nuisances or other hazards.

**c) Conformance with Zoning Development Standards:** No changes are proposed to the site or to the exterior of the structure. Subsequent to approval of the special use permit, the applicant will obtain a building permit, have the interior improvements (previously constructed) inspected and approved, and then obtain a Certificate of Occupancy. The proposal does not affect any existing uses on the project site or vicinity, nor does the request require any additional parking or other site improvements.

**d) Circulation and Parking:** There are currently a total of 87 parking spaces on the subject property available for 961 N. Rice Avenue, which meets the parking requirements for that structure. The original approval for the 31,679 square-foot structure included 87 on-site parking spaces. At the time, a parking study had been prepared to evaluate the parking demands of a health club/gym (8,500-sq.ft.) in conjunction with manufacturing/warehousing (17,900-sq.ft.) and offices (4,200-sq.ft.), and determined that ample on-site parking would be available for all businesses.

The current proposal for a video/electronic game facility requires 1 space per 175 square-feet, or a minimum of 26 spaces for a 4,586-sq.ft. suite. The following table lists the parking requirements for each business located at 961 N. Rice Avenue, and takes into account the various areas devoted to general offices, medical offices, retail/wholesale, manufacturing and warehousing. A total of 87 parking spaces exist on the property; therefore, there will be sufficient parking for Game Bunker plus the 54 spaces needed for other uses (26 + 54 = 80).

SUITE #	BUSINESS NAME	DAYS & HOURS	SIZE (SQ. FT.)	PARKING REQ'D
1	Maulhardt Insurance Agency	Mon.-Fri., 8:00 a.m. – 5:00 p.m., by appointment.	1680	7
2	NCD Customs		3661	4
3	St. John's Outpatient Therapy Center	Mon.-Fri., 8:00 a.m. – 5:00 p.m.	3363	17
4	Game Bunker*	Mon.-Fri., 2:00 – 10:00 p.m.; Sat.-Sun. 10:00 a.m. – 10:00 p.m.	4586	26
5	Magnavino Cellars (Mfg, Warehousing, Offices)	Mon.-Fri., 8:00 a.m. – 5:00 p.m.	4089	10
5A	Magnavino Cellars (Tasting Room)	Sat.-Sun., 11:00 a.m. – 6:00 p.m. Mon.-Fri., closed.	1148	4
6	Utility Room		120	n/a
7	Who's On First Batting Cages	Mon.-Fri., 1:00 – 8:00 p.m.; Sat.-Sun., 10:00 a.m. – 4:00 p.m.	12310	12
8	(combined with Suite 4)			
<i>Total Parking Required:</i>				80

\* Proposed

Located to the south of 961 N. Rice Avenue is an existing 14,656-sq.ft. industrial building with 21 parking spaces with addresses 951 through 955 N. Rice Avenue. The structure and 21 parking spaces are located on the same property, with unrestricted access between the two buildings and parking lots. Therefore, it is assumed that the 21 parking spaces surrounding 951 – 955 N. Rice Avenue might be completely utilized by only the businesses within that building (i.e., 8,000-sq.ft. of warehousing uses, plus 6,656-sq.ft. of manufacturing/industrial uses, results in a minimum of 21 spaces required).

**e) Occupancy Limits:** The Deputy Building Official and the Fire Department have reviewed the project, and determined that the maximum occupancy that could be allowable within the large game room would be 107 persons, based on the emergency egress requirements contained in the California Building Code. Conditions #20 and #21 limit the number of customers to not exceed the limit of 107 persons within the large game room, and requires the business owner to monitor the occupancy and not allow more than 107 persons at any time.

**7) Development Advisory Committee (DAC):** The DAC did not review the proposal. However, the Development Services Division has reviewed the project, and the attached resolution includes applicable conditions of approval.

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

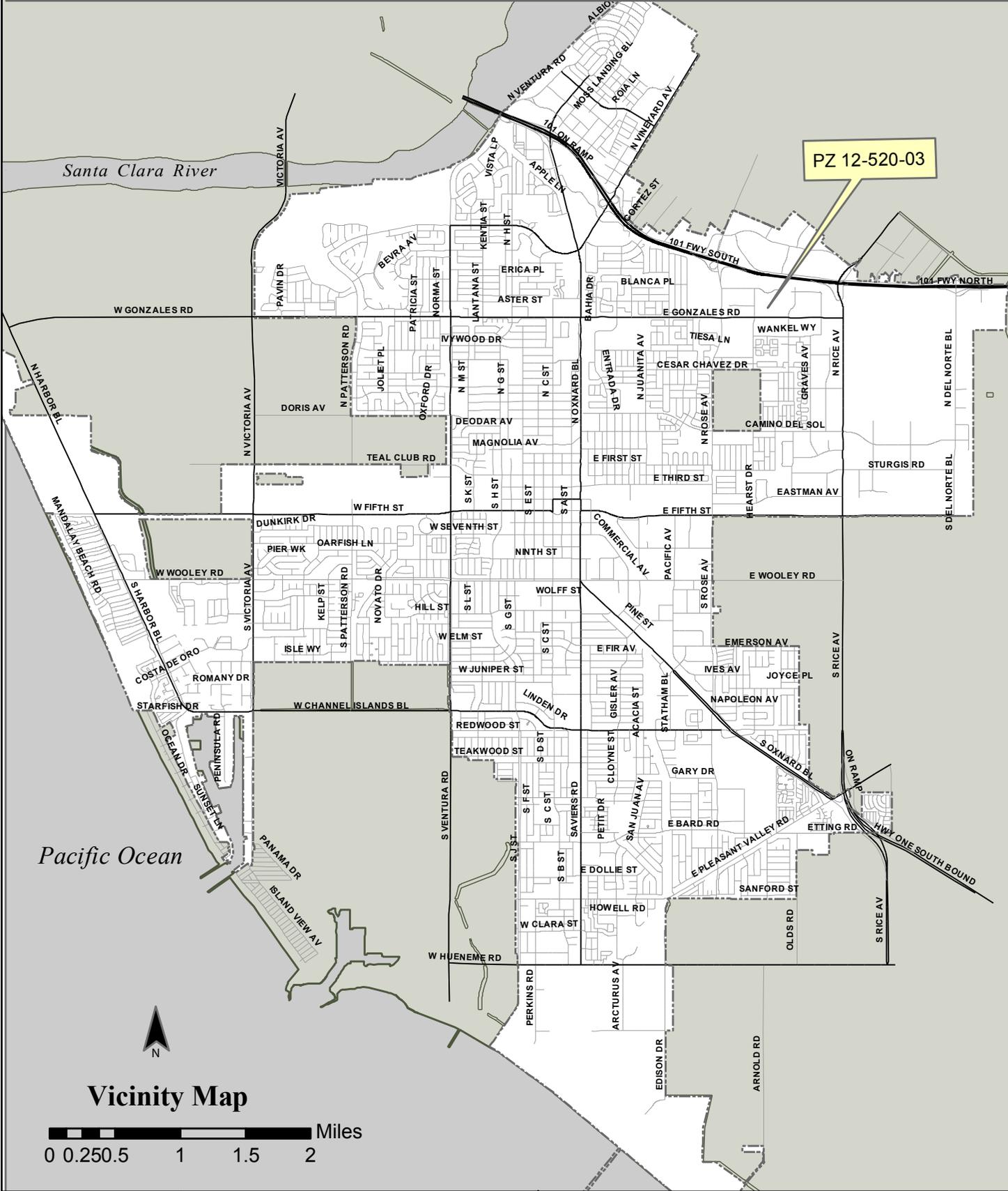
**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolution
- E. Description of Business

Prepared by: _____ BF
Approved by: _____ SM

## **Attachment A**

Maps (Vicinity, General Plan, Zoning)

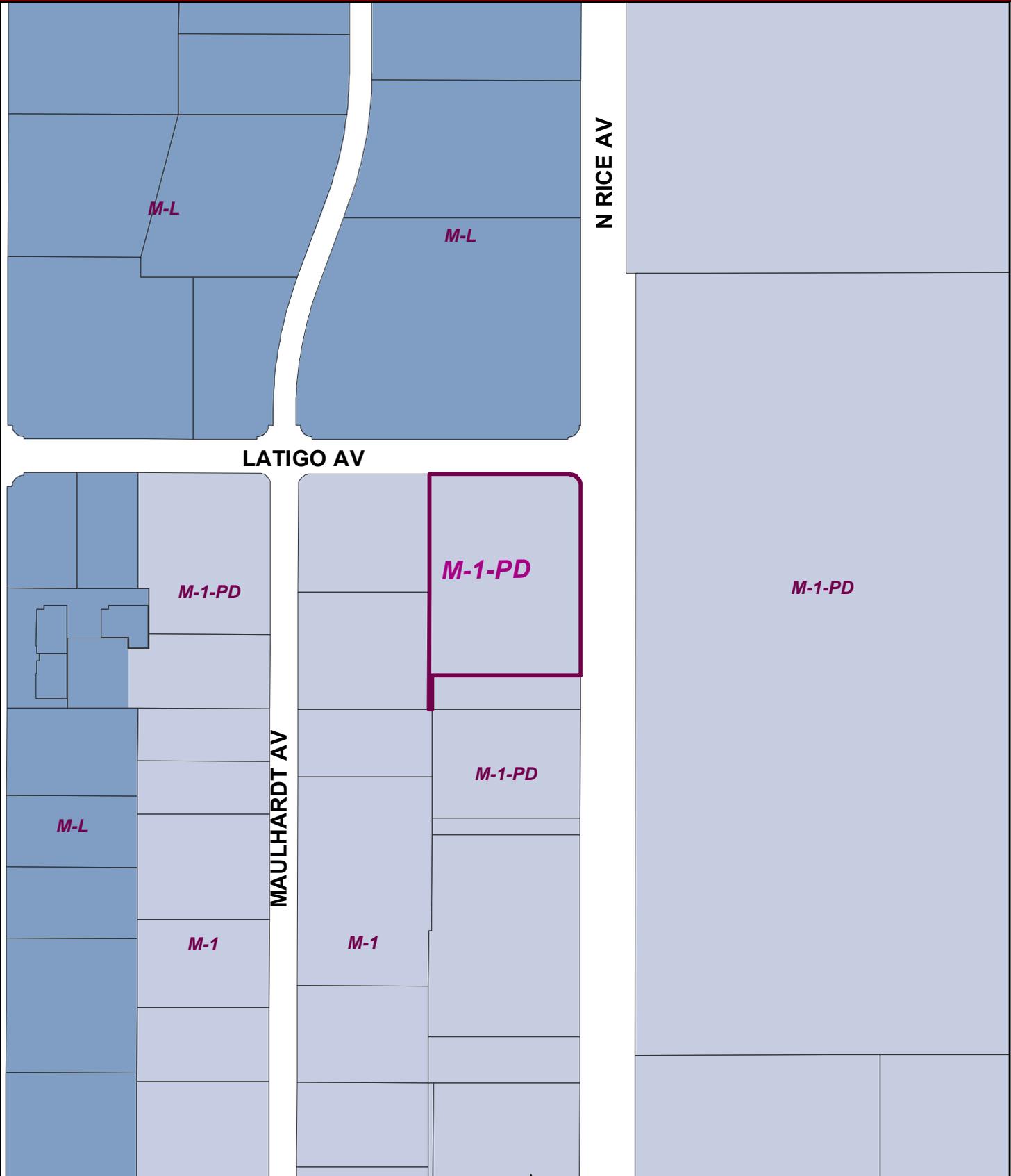


PZ 12-520-03

**Vicinity Map**

0 0.250.5 1 1.5 2 Miles







## **Attachment B**

Reduced Project Plans





## **Attachment C**

Notice of Exemption



## NOTICE OF EXEMPTION

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

Planning & Zoning Permit No. 12-520-3 (Minor Special Use Permit) – A request for approval to establish a commercial recreation facility with video game consoles for small groups in an existing 4,586 square-foot suite within a multi-tenant industrial building. The project site is located at 961 N. Rice Avenue, Suite 4. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Matthew Steinorth, 961 N. Rice Avenue, Suite 4, Oxnard CA 93030.

### ***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 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

## **Attachment D**

Resolution

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-520-03 (MINOR SPECIAL USE PERMIT), A REQUEST TO ALLOW AN INDOOR COMMERCIAL RECREATION FACILITY FOR VIDEO GAME CONSOLES WITH SMALL GROUPS UTILIZING EACH CONSOLE. LOCATED AT 961 NORTH RICE AVENUE, SUITE 4. FILED BY MATTHEW STEINORTH OF “GAME BUNKER” ON BEHALF OF THE PROPERTY OWNER, 961 NORTH RICE AVENUE, SUITE 4, OXNARD CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-520-03 filed by Matthew Steinorth on behalf of the property owner in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

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

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

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

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and

welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**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 September 4, 2012 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 12 months from the date of its issuance, unless the Applicant obtains a zone clearance and business license for the proposed use. (PL, *G-3*)

4. 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)
5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
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. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. 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)

13. 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)
14. 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**

15. 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)
16. 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)
17. If the project property is already occupied or use has already been initiated, Developer shall comply with all conditions of this permit within 30 days of approval thereof. (PL/B, PL-6)
18. 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)
19. 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**

20. The owner/operator shall not permit the number of persons within the gaming center at any time to exceed the occupancy rating as determined by the Certificate of Occupancy. The Certificate of Occupancy shall be posted in a prominent place to be readily visible within the lobby area. (PL)
21. The owner/operator shall post a prominent sign adjacent to the interior entrance doorway into the large game room, and sign shall state words to the effect of, "Maximum Occupancy: 107 Persons." The owner/operator shall monitor the number of persons within the large game room, and shall not permit the number of persons within the large game room at any time to exceed the occupancy rating. (PL)

22. 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)

**DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS**

23. Prior to opening the business to the public, the owner/operator shall obtain and maintain a Certificate of Occupancy. The Certificate of Occupancy shall be posted in a prominent place to be readily visible within the lobby area. (DS, B)
24. Developer shall complete the “Building Maintenance Affidavit” 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/notarized, and recorded document, together with any required fees to the Deputy Building Official. (DS, B)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20<sup>th</sup> day of September, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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

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

## **Attachment E**

Description of Business

Game Bunker Inc  
961 N Rice Ave, Suite 4  
Oxnard, CA 93030  
(805) 981-GAME

Description of business:

Game Bunker is an updated approach in providing for the demanding commercial recreational activity and gaming enthusiast. Sadly pong is gone, and today's games and equipment have evolved to online and multiplayer events requiring interested players to invest thousands to stay competitive. Game Bunker hopes to bridge that gap.

Utilizing equipment such as the Xbox360, Wii, and Playstation 3, coupled with wireless input sensors; Game Bunker intends to facilitate the next generation of commercial recreational gaming by providing use areas that allow for small groups (2-4) to play together on larger than life screens in contained environments.

Players book reservations online, or in person reserving a game zone area. Upon arrival, they pay for their area, and are escorted by a GB attendant to their designated use area and who sets up their equipment. The customers can then play for their purchased time without interference. Several use zones will allow for either: 4 players to play virtually at the same time; 4 players to play with controllers at the same time; or 12 individual players can practice on individual screens.

Game Bunker will rent equipment and games for use strictly on site. Among expected activities include: virtual baseball, virtual driving range, virtual shooting gallery, and multiple player virtual games.

For parents, this is an opportunity to allow kids and their friends to play together without worrying about space or sound limitations, in a safe controlled space. For adults of all ages, this is an opportunity to play games 'before you buy'.

There will be no direct retail sales at this location.

Staffing requirements for Game Bunker will vary from a core team of 4 up to a total of 8 depending on customer volume.

A total of 44 gaming stations are available, and normal hours of operation will be Monday – Friday 2-10pm, and Saturday/Sunday 10 am – 10pm.

Tournament play lasts for 3-4 hours and is staged only on weekends, typically Saturdays. Competitions are held to a maximum of 64 entrants of whom only 16 play at a time (typically in 4 player teams). With spectators, maximum occupancy is expected at peak to be 65-70. Player groups often carpool so the anticipated volume of cars is expected at approximately 1 car per team (4 participants).