



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Ashley Golden, Principal Planner  
**DATE:** November 15, 2012  
**SUBJECT:** Redevelopment of the Food 4 Less Site - Planning and Zoning Permit Nos. 12-540-1(PD), 12-500-1 (SUP), 12-510-1 (SUP for Alcohol), and 12-300-1 (TPM); Located at the corner of Vineyard Avenue and West Esplanade Drive.

- 1) Recommendation:** That the Planning Commission adopt resolutions:
- a. Approving a planned development permit for redevelopment of an existing shopping center, subject to certain findings and conditions;
  - b. Approving a special use permit for a service station, subject to certain findings and conditions;
  - c. Approving a special use permit for sale of alcoholic beverages (beer, wine and spirits) from a grocery store for off-site consumption, subject to certain findings and conditions; and
  - d. Recommending approval of a tentative parcel map, subdividing three lots into six lots, subject to certain findings and conditions.

**2) Project Description and Applicant:** A request for a planned development permit to redevelop the Food 4 Less/Target site at the corner of Vineyard Avenue and West Esplanade Drive. The subject site is also bounded by Wagon Wheel Road (bridge) and North Oxnard Boulevard to the north and the railroad right-of-way to the west. The former Target building (117,534 SF) would be demolished and the site will be redeveloped with construction of a 159,954 square foot shopping center, associated parking, landscaping and circulation improvements. The project includes a new Food 4 Less grocery store with alcohol sales for off-site consumption, a 14- pump service station, two new retail buildings, and the rehabilitation of two existing buildings (former 24 Hour Fitness building and current Food 4 Less building). A tentative parcel map would divide the three existing lots into six lots. A master sign program, changes to the landscape configuration, addition of transit enhancements, land dedications for roadway improvements, and a future multi-use trail are also proposed. The 14.47-acre site is addressed at 130, 150, 250, & 300 W. Esplanade Drive. The Planning Commission's action on the tentative parcel map request is a recommendation to the City Council. Filed by The Kroger Company, Greg Peters, 1100 West Artesia Blvd, Compton, CA 90220.

**3) Existing & Surrounding Land Uses:** The site is currently occupied with a shopping center consisting of three buildings totaling 177,495 square feet.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
PROJECT SITE	C-2-PD	Commercial General	Shopping Center
North	C-2-PD	Commercial Regional	Across Esplanade Drive: The Esplanade Shopping Center.
East	C-2-PD	Commercial Office	Across Vineyard Avenue: Service Station and Financial Towers/Office Buildings
South	C-2-PD	Commercial General	West side of Vineyard Ave: Vacant Site General Commercial; Commercial/Office Uses.
West	CR/M-1-PD & C-2-PD	Easement & Commercial General	Union Pacific Railroad: vacant Commercial Building (former Levitz)

**4) Background Information:** In February 1963 the City approved Annexation No. 62-27, bringing the subject parcel within the city limits. In March 1963, a building permit allowed a 114,000 square foot building and a 7,600 square foot covered area (for a nursery) with site improvements consisting of 967 parking spaces (known as the former Target Building). In November 1968, PD 82 allowed for a Mobil Service Station on what used to be part of the subject site. In 1976, Parcel Map 75-8 split off the service station from the rest of the subject parcel. The service station has since been demolished, but the easements granted under PM 75-8 are still valid. Various modifications and sign permits were granted for the former Target building.

PD 403, approved on April 21, 1983, allowed for construction of a 40,000 square foot Ralphs Grocery Store (now Food 4 Less). In 1988 Ralphs received a State Alcohol Beverage Control Permit for off-site sale of alcohol. Subsequent minor modification permits have resulted in minor site and building improvements. In March 1988, the City approved a minor modification for the recycling center in the Food 4 Less parking lot.

On October 16, 1986, Planning Commission approved PD 436 allowing construction of an 18,432 office supply store (SW intersection of Wagon Wheel Road and Esplanade Drive). This building was most recently occupied by 24 Hour Fitness.

**5) Environmental Determination:** The project is subject to review per the California Environmental Quality Act (CEQA). In accordance with CEQA, an initial study was prepared to determine if the project may result in potentially significant adverse effects on the environment. Upon completing the initial study, four areas were identified as potentially being affected: 1) Short and long-term air quality impacts (significant impact from construction-related dust and emissions from construction equipment; significant air emissions from vehicle traffic generated by the project); 2) Cultural Resources (Native American); 3) Geology and Soils; and 4) Noise (short-term: construction related).

Mitigation measures identified in the Initial Study, and included in the Mitigation Monitoring Program and conditions of approval, reduce these impacts to less than significant. The applicant has agreed to incorporate these mitigation measures into the project.

A Mitigated Negative Declaration (MND) was prepared for the project and circulated for review and comments from October 25, 2012 to November 13, 2012. At the time of writing this report, staff received a comment letter from Susie Ruiz supporting the inclusion of mitigation measure E-1, requiring that a Native American Monitor be onsite during grading activities.

There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND 12-01) will be adopted. The mitigated negative declaration was provided to the Planning Commission on October 25, 2012 and is available on the city's planning website (<http://developmentservices.cityofoxnard.org/7/76/364/>).

## 6) Analysis:

- a) **General Discussion:** At the time of application submittal (March 23, 2012), the Food 4 Less shopping center was 23% occupied (See Table 1). 24 Hour Fitness vacated building E in January 2009 and Target vacated the site in July 2011.

**Table 1 – Existing Land Use (Available and Occupied Building Area)**

Land Use	Available Building Area (Square Feet)	Occupied Building Area as of 3/23/12 (sq ft)
Retail (Food 4 Less)	41,529	41,529
Retail (Target)	117,534	0
Retail (24 Hour Fitness)	18,432	0
<b>Total</b>	<b>177,495</b>	<b>41,529</b>

Redevelopment of the existing shopping center would include demolition of the former 117,534 square foot Target building. An 84,000 square foot building, to be occupied by Food 4 Less, would be constructed in generally the same location as the former Target building. Food 4 Less is requesting to sell alcohol for off site consumption and would operate between 6 a.m. and 12 p.m.. Two new buildings would be constructed on both sides of the 41,429 square foot building currently occupied by Food 4 Less. A service station, operated by Kroger, would be constructed north of the existing Food 4 Less. The existing Food 4 Less and former 24 Hour Fitness buildings would be remodeled to match the new design of the shopping center. Table 2 describes the proposed project by building and land use type. Build-out of the proposed project will result in an overall *decrease* in building area of 17,517 square feet.

**Table 2 – Proposed Shopping Center**

<b>Building/Land Use</b>	<b>New/Existing/Replacement</b>	<b>Square Feet</b>
Bldg A: Retail/ Restaurant	New	6,695
Bldg B: Retail	Existing	41,529
Bldg C: Retail	New	9,120
Bldg D: Retail (Grocery)	Replacement	84,000
Bldg E: Retail/Office/Medical	Existing	18,432
Bldg F: Service Station	New	178
Recycling Containers	Replacement	384
	<b>Total</b>	<b>159,954</b>

The redevelopment of the site also includes reconfiguration of most of the parking field as well as roadway improvements, transit improvements, and dedication of 12’ of land adjacent to the railroad for the City’s future construction of a multi-use trail (MUT) (See **Section e Circulation and Parking**).

**Phasing:** At this time, development of the project is anticipated in six phases over a period of 62 weeks as follows:

- Phase 1 demolition of the former Target building;
- Phase 2 construction of the new Food 4 Less building (D);
- Phase 3 site improvements;
- Phase 4 construction of buildings A & C and the rehabilitation of building E;
- Phase 5 construction of the service center (F);
- Phase 6 rehabilitation of the existing Food 4 Less building (B) and remaining site improvements.

A condition of approval requires the developer to provide a detailed phasing plan and schedule to ensure adequate access, site improvements, and condition compliance with each phase.

**Tentative Parcel Map:** The Tentative Parcel Map proposes to divide the property into six lots. Ordinarily, a land division creating five or more lots would require approval of a Tentative Subdivision Map and Final Map. However, Section 66426 (c) and (f) of the Subdivision Map Act permits use of a Parcel Map for land divisions with 5 or more lots if the parcels have approved access to a public street or highway, are on land zoned for commercial development, and the street alignments and widths are approved by the governing body. All of these circumstances are met by this project, and therefore a tentative parcel map and parcel map is the appropriate subdivision procedure (OCC 15-11(A)). The mitigation measures for the project and standard and special conditions are included in the

tentative parcel map resolution. The map includes vacation of public right of way in conformance with the 2030 General Plan and other adopted standards of the City of Oxnard.

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

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

- I. Direct Applicability to a Proposed Project or Program
- 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 – 4.2  CD – 4.4	I	<p><b>Commercial Revitalization and Redevelopment:</b> Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.</p> <p><b>Commercial Area Aesthetics:</b> Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities</p>	The site was developed between 1963 and 1986, and two of the three buildings are currently vacant. This project would beautify and revitalize this existing commercial area. Furthermore, it would provide general commercial uses (retail, office, restaurants) and revitalize this gateway intersection into the city.
CD-1.3 CD -18.1 ICS – 6.1 ICS – 8.9	II	<p>Redevelopment to Mixed Use-</p> <p>Attract New Business</p> <p>Transit Facilities for New Developments</p> <p>Street Crossings</p>	Redevelopment of the existing shopping center for a grocery store, service station, and various retail uses will facilitate attracting new retail businesses to the city and provide services to the existing neighborhood. In addition the project includes off-site transit improvements for the local bus service

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
			as well as roadway improvements and land dedication for a future City Multi-Use Trail.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

**c) Conformance with Zoning Development Standards:** The proposed development is located in the General Commercial Planned Development (C2-PD) zone district. In accordance with the City Code, the project as proposed may be permitted with an approved planned development permit (PD). Tenants for majority of the shopping center are unknown at this time. However, typical uses permitted in the C-2 zone can be anticipated and include retail, office, and food establishments. A grocery store is a permitted land use in the C2PD zone district; however, the request to sell alcohol for off-site consumption and the service station require separate special use permits. Applicable development standards of the C2 zone and the Planned Development designation have been compared with the proposed project, as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Max. building height 16-137	2 stories or 35 feet.	Not to exceed 35'	Y
Front yard setback 16-139	10 feet from property line	Minimum 20'	Y
Side yard setback (16-140)	Zero when abuts another C-2 zoned lot.	5'	Y
Rear yard setback 16-141	15 feet if >16.1 feet in height; 0 feet if < 16 feet in height or less	Min 15'	Y
Off-street parking: Standard  Motorcycle (16-264) Bicycle (16-623 & 16-637) Loading (16-644)	Total stalls required: 1/250SF: 640  Motorcycle: 3/100 :19 Bicycle: one space/33 automobile: 19 Loading: 5	Standard: 644 Handicap: 19  Motorcycle: 25 Bike: 22 Loading: 5*	Yes*, with approval of the PD per 16-644 (B)(1)
Parking space sizes & design: • Standard (16-636 & 16-638) • Loading (16-644)  • Motorcycle  • Compact	• 9'W x 19'L & 9'W x 23'L • 12'W x 40'L x 14'H ; alt size with PC approval • 4'6" W x 7'L  • 8' W x 16'L	• 9'W x 19'L* • 12'W x 40'L x 14'H ; & 12'W x 38" 1* • 4'6" W x 7'L  • 8' W x 16'L	Yes*, with approval of the PD per 16-644 (B)(1) & COA to increase parallel stall length to 23'

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES ?
Parking area Landscape Req. (16-641): <ul style="list-style-type: none"> <li>• Along streets/alleys</li> <li>• Along interior property lines (for lots with 20 or more spaces)</li> <li>• Landscape fingers (16-641)</li> <li>• Parking/vehicle area (16-641)</li> <li>• Trees (for lots with 20+ parking stalls)</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 with 2 trees.</li> <li>• Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley.</li> <li>• Trees Min. 40’ on center (O.C.) along the street frontage and interior property lines (99 trees required).</li> </ul>	<ul style="list-style-type: none"> <li>• 10’ -25 ‘ along the streets</li> <li>• Not provided along railroad property line</li> <li>• 5’ x 5’ diamond planters and end finger planters</li> <li>• 8.6% of the lot</li> <li>• 66 trees provided.</li> </ul>	Yes, with approval of PD. See discussion in Landscape section
Site Fencing (16-310)	<ul style="list-style-type: none"> <li>• Cannot be located in the front yard setback area</li> <li>• No chain link in front yard</li> <li>• 8’ max height</li> </ul>	No fencing in the front yard. Chain link along the side and rear property lines.	Y

The project meets or exceeds all applicable zoning standards, except configuration of landscape planters, location and spacing of perimeter trees, and size of the loading zone (see Circulation and Parking Analysis, below).

**d) Site Design:** The site is surrounded on three sides by public streets, with the primary frontage along Esplanade Drive. Buildings A-C are setback from Esplanade Drive with the main parking field between the buildings and Esplanade Drive. The new Food 4 Less (Building D) is located along Esplanade Drive, but the entrance faces Vineyard Avenue, with its main parking field between the building and Buildings A-C. Building E’s primary frontage is along Esplanade Drive, with the parking field between Building E and Building D. The service station is parallel to Esplanade Drive, north of Building C. Pedestrian walkways lead from both Esplanade Drive and Vineyard Avenues to the buildings and between the buildings.

**e) Circulation and Parking:**

**Circulation:** Traffic impacts of the project are discussed in the Initial Study and are considered less than significant. Intersections in the project vicinity operated between a LOS A to LOS C in the peak hours. This project is expected to increase net peak trips by 37 trips, which does not reach the city’s threshold to require a traffic study (increase in 50 peak trips).

The Initial Study includes an analysis of the increase in traffic attributable to the project as compared to traffic generated with 100% occupancy of the existing shopping center. This analysis is important because the applicant could completely lease the existing shopping center buildings without any discretionary permits and without triggering environmental review. 24 Hour Fitness vacated building E in January 2009. Target vacated the site in July 2011.

This project will dedicate the land for the 2030 General Plan improvements for Esplanade Drive and Vineyard Avenue. The Esplanade Drive dedication will allow for 3 left turn pockets, a thru lane, a right turn pocket and a bike lane. The dedication on Vineyard Avenue will allow for a bike lane and bus pull out. A condition of approval requires the project to contribute to the City of Oxnard Traffic Impact Fee and County traffic fees prior to issuance of a building permit. The City will continue to seek funding, including traffic impact fees and grants, for the 2030 improvements for Vineyard Avenue and Esplanade Drive.

The project curb cuts, driveways, interior circulation and site access are designed to meet City engineering standards and City Fire Department standards to ensure fire apparatus can reach all parts of the site, and no safety issues have been identified. The project provides for a future access point to the property southeast of the project. Until the adjacent property develops this project will provide a temporary hammerhead to allow the city fire apparatus to turn around and stage safely in this area (behind Building B). This hammerhead results temporary loss of five (5) parking stalls and landscape area (see further discussion in the **Parking** section below).

Driveways onto the site are provided along Esplanade Drive and Vineyard Avenue, with turning movement limitations on most of the driveways leading onto and from the site. The restricted turning movements at the site driveways are designed to prevent traffic conflicts between vehicles accessing the project site and vehicles traveling on the surrounding streets.

Location	No left turn in	No left turn out
Esplanade Drive (Driveway 1*, proposed signal)		
Esplanade Drive (Driveway 2*)		X
Esplanade Drive (Driveway 3*)	X	X
Esplanade Drive (west of driveway 1)		
Vineyard Avenue (Driveway 4)	X	X

\*per Kimley- Horn and Associates, Inc., *Evaluation of Site Circulation Changes*, May 2012, page 2.

City staff had a concern with allowing left-turns into the site at driveway 2. The left-turning traffic using this driveway would be a combination of traffic destined for the service station, as well as retail traffic for the rest of the site. As designed, staff supported the left-turning movement, but a condition of approval is included that allows the traffic engineer to restrict access into this site if it is observed that the driveway is exceeding the capacity of the two-way left-turn lane.

**Transit Enhancements:** Gold Coast Transit bus service is provided along both Esplanade Drive and Vineyard Avenue. This project is conditioned to provide land dedication and the design of the bus pullouts. Through grant money awarded to the City specific to these bus stops, the City will construct the bus pullouts and provide the bus stop amenities which may include benches, shelters, trash receptacles, and bike racks.

**Multi-Use Trail (MUT)/Bike Improvements:** As part of the tentative map the developer is providing an irrevocable offer for a 12' wide stretch of land parallel to the railroad for the City's future construction of a MUT. The MUT was approved in the City's Bicycle and Pedestrian Facilities Master Plan (2012). The future construction of this MUT would allow users to exit the trail to access the businesses. At this time the City does not have funds to design or build the trail. Until such time as the City accepts the land, the 12' area will be maintained by the Developer. Conditions of approval are included to address this area (tree removal, loading zone impacts, lighting, landscape maintenance).

Per City Code the development of this site as a shopping center requires 19 bicycle parking spaces and 22 are provided. City Code further requires that the bike parking be located near the primary building entrances. A condition of approval is included requiring the developer to better distribute the bike parking for the development. Section A.6.1.1 of the City's Bicycle and Pedestrian Facilities Master Plan (2012) recommends bike parking be located within 50' of the building entrance. Staff will use this parameter during the final approval of the bike parking distribution.

**Loading Zones/Deliveries:** Five loading zones are required and provided for the proposed development. The existing loading zone for building E is conditioned to be reconstructed to accommodate the land dedication for the MUT. After reconstruction, the loading area will continue to meet the loading zone size requirements. The loading zone proposed to service building A is substandard in size (12' x 38'), however, the Planning Commission may modify these requirements based on the nature of the user or combination of uses. The Traffic Engineer supports the slightly smaller loading zone length and feels that the deliveries associated with a food user, which is envisioned to occupy building A, can safely use this smaller loading zone.

The circulation evaluation provided for the project envisioned delivery trucks using Wagon Wheel Road to access Esplanade Drive. City staff does not support a truck route through Wagon Wheel Road, and a condition of approval is included requiring all deliveries to access Esplanade Drive via Vineyard Avenue or Oxnard Boulevard.

**Parking:** The project requires a total of 640 parking stalls and the proposed site plan provides 688 parking stalls (a combination of standard, ADA, and motorcycle stalls). A condition of approval requires the applicant to redesign the five (5) proposed parallel stalls which are substandard in length. The increase from the proposed 19’ to the standard 23’ length will result in a loss of at least two (2) parking stalls. A condition of approval also requires the five (5) standard parking stalls, provided behind Building B, to be temporarily striped and designed to accommodate a hammerhead to allow the City fire apparatus to turn around and stage safely in this area (See discussion above **e) Circulation and Parking**). The overall loss of stalls associated with the redesign of the parallel stalls and the temporary hammerhead will still result in an over-parked site.

Parking Requirements (1/250 sqft)	Required	Provided
Standard	608	644
Disabled	15	19
Motorcycle	17	25
<b>Total</b>	<b>640</b>	<b>688</b>

- f) **Building Design:** The existing Food 4 Less (Building B) and the former 24 Hour Fitness (Building E) will be given façade upgrades to coordinate with the new buildings. The architecture is modern with warm, earth tone colors and a variety of materials and architectural elements to create interest and break up building massing. The materials include simulated wood siding, decorative metal, glass storefronts, and plaster wall surfaces. Additionally, landscape elements such as well-mounted vine trellises and decorative accent lighting is proposed.
- g) **Entry Feature & Art in Public Places:** Per City Council Resolution 14,124 all new development is required to participate in the Public Art Program through the payment of \$0.20 per square foot of roofed building area or for master planned projects the installation of public art on site. This project includes an entry feature at the corner of Vineyard Avenue and Esplanade Drive. A concept plan has been submit for this feature, which includes a “City of Oxnard” sign, seating, and landscaping. A condition of approval requires the Developer to submit additional details for the entry feature for approval by the Development Services Director or designee. The Developer requested that this feature count towards the requirement of Public Art. After review of the additional entry feature details, the Development Services Director will determine if the feature meets the criteria of a public art piece. If so determined, the entry feature may serve to meet all, or a portion of, the required public art. Regardless if the entry feature is determined to be public art, the entry feature will be installed as part of the project.
- h) **Landscaping and Open Space:** As noted in the Zoning Compliance section, the proposed project complies with the intent of the landscape requirements for the site and the parking areas, with the exception of the parking lot finger planter requirement and provision

for perimeter trees. The City Code requires one 9-foot by 19-foot “finger planter” for every single row of ten parking spaces (or a 39-foot by 9-foot finger planter for a double row of twenty spaces). The applicant has requested use of 5-foot by 5-foot diamond-shaped planters instead of finger planters in parts of the parking field away from the perimeter areas. In most cases standard size (or larger) finger planters are proposed at the end of each row of parking spaces. This configuration allows for more parking spaces, since a 9-foot by 19-foot finger planter would occupy a parking space, but the diamond planters would straddle the parking space lines, not interfering with parking. Each diamond would have a tree in it, providing shade and interrupting the expanse of paving created by the parking lot. The diamond configuration provides nine (9) less trees than if typical end and finger planters were installed.

Based on street frontage and interior property lines the project would be required to place a total of 99 trees spaced 40’ on center (O.C.) along the property lines. The applicant is proposing a total of 66 trees along the street and interior property lines. The request for the reduction of perimeter trees is primarily a result of the 12’ land dedication along the railroad for the future MUT, where no trees are provided along the property line.

Although the parking configuration results in nine less trees, and the project is short 33 perimeter trees, there are 32 trees provided throughout the site that are otherwise not required. Even with the requested reductions, the project provides 3.6% more site landscape than required by city code (5% required and 8.6% is provided). Staff supports approval of this alternate configuration of parking lot landscape planters, as it provides a cohesive look with the Esplanade Shopping Center across Esplanade Drive and allows for adequate parking onsite. In addition staff supports the request to eliminate the trees along the MUT as it could cause maintenance and safety concerns for the MUT.

As part of the application process, an Arborist Report was prepared for the project. There are 199 trees on site with a total value of \$868,188.19. Only 27 existing trees will remain. The remaining 172 trees are either removed within the project site (136 trees), city street and transit improvements (27 trees), or for the future MUT (9 trees). A condition of approval requires the value of the 136 trees removed specifically for the redevelopment of the project (\$543,684.08) be put back into the site.

- i) **Signs:** Approval of a sign program is part of this planned development permit request. The signs shown on the architectural elevations are conceptual only, and not part of the sign program. Future signage will be regulated by the “Food 4 Less Gateway Plaza” sign program. City Code section 16-608(J) allows the Planning Commission to approve sign programs that include sign types and configurations not otherwise permitted. Based on the building area primary frontage the site is entitled to 2,002 square feet. The sign program allocates 1949.25 square feet of sign area. The sign program meets the regulations of the city code and allows for:
  - i) **Building signs** are provided for based on 2 square feet of sign area for each lineal foot of building on the principal street (OCC §16-608(A)(1)&(B)(1)).

- (1) Buildings B, C and D contain more than 300 square feet of sign area per building face, but are setback an appropriate distance per OCC § 16-608(B)(1) to allow for this increase sign area.
- ii) **One (1) Free-standing sign** not exceeding 24' in height located in a landscape area at least 200 square feet.
- iii) **Three (3) Ground signs** are provided for along Esplanade Drive and are separated from the free-standing sign by more than 150 feet (OCC § 16-608(H)(3, 5, & 6)).
  - (1) The proposed monument sign structures at 6' in height. City Code requires the measurement of a sign be from adjacent curb height. The sign program and a condition of approval 7'. The sign area does not increase with this allowance, but does allow the sign to be placed on landscape berm.

A condition of approval requires the applicant to provide additional minor technical and architectural details for the sign program. Staff therefore recommends approval of the sign program, with the minor architectural enhancements subject to the Planning Manager approval.

- j) **Alcohol Sales for Off-Site Consumption:** The request to sell alcohol for off-site consumption is limited to Food 4 Less, and will be a transfer of their State Alcohol Beverage Control (ABC) license from their existing location within the shopping center. The existing Food 4 Less predates the City's requirement to obtain a special use permit (SUP) from for alcohol sales, but has maintained a current ABC license since 1988. Since this grocery store does not currently have a SUP for alcohol sales and a SUP is required for off-site alcohol sales in the C2 zone, it is a non-conforming use. The subject SUP allows the Police Department to impose current standard operational conditions for the new location. A future user of Building B (existing Food 4 Less location) will not be able to sell alcohol without first obtaining an SUP from the City.

The applicant has requested an ABC License Type-21, Off- Sale License that allows for the retail sale of beer, wine and distilled spirits, and a special use permit (SUP) from the City of Oxnard, since there previous location predated the City's requirement to obtain an SUP. The Oxnard Police Department's (OPD) statistical analysis shows the area to have a crime rate that is approximately 54% higher than the city-wide average, which is generally considered to be significant. The elevated crime rate is typical of areas where there are large commercial centers and significant retail activity.

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. The area is not considered to be over-saturated with off-sale alcohol outlets and there are no similar uses within 350 feet of the site. This business currently operates near the newly proposed site and has a valid ABC license Type-21. They will simply be transferring their existing ABC license to the new building. Therefore, the alcohol outlet density for the area will not increase. There are two alcohol outlets within

1000' of the establishment (Cost Plus World Market (off-sale beer and wine) and BJ's Brewery (on-sale general)).

The Police Department's experience is that this type of license (Type 21 – Off-Sale Beer, Wine and Spirits), when properly regulated through conditions imposed by the Planning Commission, does not normally aggravate police and community issues as long as the establishment complies with these regulations and operates responsibly. The Police Department is not opposed to this use and recommends adoption of all of the standard and special conditions listed in the attached Special Use Permit Planning Commission resolution.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on May 2, 2012, July 11, 2012 and September 26, 2012. Recommendations of the DAC are included in the attached resolution.
- 8) **Community Workshop:** On June 29, 2012, the applicant mailed notices of the Community Workshop meeting to all property owners within the Wagon Wheel and Rio Lindo Neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on July 16, 2012. Four members of the community attended, who generally lent their support to the 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.

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Sign Program
- D. Police Report
- E. Resolutions

Prepared by: _____ AG
Approved by: _____ SM