CITY OF
OXNARD
CALIFORNIA

Meeting Date: 06 / 26 / 2012

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☑ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Brian Foote, AICP, Associate Planner BF Agenda Item No. L-1

Reviewed By: City Manager MMH City Attorney SMF Finance JC Other *(Specify)*

DATE: June 12, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager SM
Development Services Department

SUBJECT: **Planning & Zoning Permit No. 11-570-02 Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Appeal of Planning Commission's Denial of Planning & Zoning Permit No. 11-510-09 Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP.**

RECOMMENDATION

That City Council adopt a resolution denying Planning & Zoning Permit No. 11-570-02 and denying the appeal and upholding the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09.

DISCUSSION

On May 17, 2012, the Planning Commission considered an application for a special use permit requesting a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control license for a proposed 7-Eleven convenience store. The Commission followed standard protocol by opening and closing a public hearing, heard testimony, and considered the facts and circumstances of the proposed project. A motion to approve the request failed to pass with voting results being 3 ayes and 4 nays; therefore, pursuant to Commission bylaws, this failure constitutes denial or recommendation for denial of the application. As a result of the vote, no findings were made and no resolution was adopted.

Similarly, the motion before the Planning Commission to recommend City Council approval of the request to change the zone of the subject property from C-M-PD to C-2-PD failed. Under the Commission's bylaws, the failed motion resulted in a recommendation of denial. At its meeting of June 7, 2012, the Planning Commission adopted a resolution documenting the failed motions and the resulting denial of the special use permit and recommendation for denial of the zone change (Attachment #5).

The Planning Commission approved two other permits requested by the applicant: 1) a major modification (PZ No. 12-550-01) to allow the existing restaurant building to be enlarged and divided into up to three suites (see Attachment #6); and 2) a special use permit (PZ No. 11-510-10) to allow the sale of alcohol for on-site consumption in conjunction with the restaurant use, upon issuance of a Type 41 ABC license for On-Sale Beer & Wine for a Bona Fide Eating Place (see Attachment #7).

On June 1, 2012, the City Clerk received timely notice appealing the Commission's action. The appellant's consultant, Lucy Dinneen of Cadence Capital Investments LLC, prepared a letter (Attachment #8) that states that the Commission's action was arbitrary and capricious, contradicted the evidence, and was inconsistent with the Commission's approval of the Type 41 (On-Sale Beer & Wine) ABC license for the restaurant use. Pursuant to section 16-548 of the City Code, the Council's review of an appeal from a Commission decision may be heard de novo, and the Council is not restricted to considering the grounds specified in the notice of appeal.

The appellant requests approval of PZ No. 11-510-09 allowing the Type 20 ABC license in conjunction with a 7-Eleven convenience store. The appellant also requests approval of PZ No. 11-570-02 (Zone Change) to General Commercial Planned Development (C-2-PD) in order to permit the convenience store. The current zoning of Commercial & Light Manufacturing (C-M-PD) does not permit convenience stores; therefore, the zone change to C-2-PD is necessary in order to permit a 7-Eleven store to operate and sell beer and wine to its customers.

The record of proceedings indicates that the Commission considered and deliberated substantial evidence, and the decision was not arbitrary and capricious. The record shows that the evidence included the following: the Planning Commission staff report; Police Department report; testimony from the applicant and Police staff provided during the public hearing; five public speakers; and the Commissioner's observations from site visits. Public speakers discussed pedestrian crosswalks, proximity to schools, the Type 20 off-sale license and need for a convenience store. One member of the public spoke in favor of the convenience store. The Commission reviewed a substantial amount of evidence prior to voting, and asked several questions of the applicant and Police staff.

In summary, the Commission's deliberation and action was consistent with the provisions of City Code Section 16-531 (Requirements for Granting). The Commission deliberated, based on substantial evidence, and exercised independent judgment prior to making a decision. The motion to approve the project was made and seconded, and subsequently failed to receive the required number of votes to pass. Consistent with the established rules and procedures pertaining to conduct of the Planning Commission, staff recommends that Council uphold the Planning Commission's action and deny the appeal.

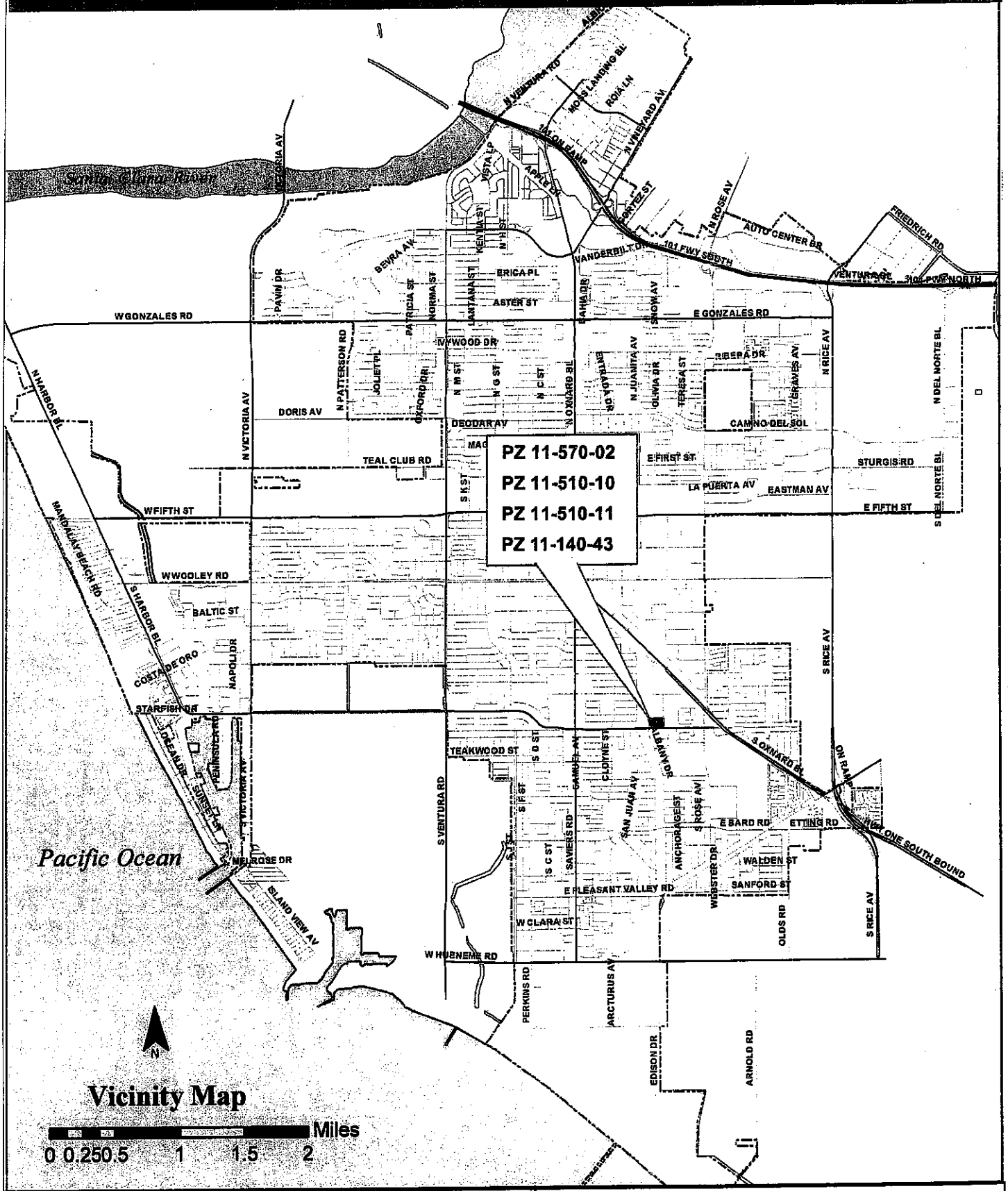
FINANCIAL IMPACT

None. The appellant paid the applicable filing fee.

Attachment #1 – Vicinity Map
#2 – City Council Resolution
#3 – Planning Commission Staff Report
#4 – Planning Commission Meeting Minutes
#5 – Planning Commission Resolution No. 2012-12
#6 – Planning Commission Resolution No. 2012-10
#7 – Planning Commission Resolution No. 2012-11
#8 – Notice of Appeal
#9 – Floor Plan

Note: Attachment 3 has been provided to the City Council under separate cover. Copies are available for review at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and in the City Clerk's Office after 8:00 a.m. on the Monday prior to the Council meeting.

Vicinity Map



Oxnard Planning

November 22, 2011

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

ATTACHMENT 1

PAGE 1 **OF** 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF PLANNING AND ZONING PERMIT NO. 11-510-09 (SPECIAL USE PERMIT – ALCOHOL) REQUESTING A TYPE 20 ALCOHOL LICENSE (OFF-SALE BEER & WINE) FOR A PROPOSED 7-ELEVEN STORE, AND DENYING PLANNING AND ZONING PERMIT NO. 11-570-02 (ZONE CHANGE), LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD. FILED BY DESIGNATED AGENT CADENCE CAPITAL INVESTMENTS L.L.C., 8480 E. ORCHARD RD., SUITE 2400, GREENWOOD VILLAGE, COLORADO 80111.

WHEREAS, the application for Planning & Zoning Permit Nos. 11-510-09 (Special Use Permit – Alcohol) and 11-570-02 (Zone Change), filed by Terri Dickerhoff of Cadence Capital Investments on behalf of property owner Channel Islands Inn L.P., failed to receive the number of votes required for approval by the Planning Commission, thereby resulting in a denial of said application pursuant to subsection III.D of the Planning Commission Rules and Procedures; and

WHEREAS, the Planning Commission's action was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the application, staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, on June 26, 2012, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for a special use permit requesting a Type 20 ABC license at the property located at 1051 East Channel Islands Boulevard; and

WHEREAS, on June 26, 2012, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for a zone change requesting the General Commercial Planned Development (C-2-PD) zone designation for the properties located at 1001 and 1051 East Channel Islands Boulevard; 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, after due study, deliberation and public hearing, and based on the record of proceedings in this matter, the City Council finds that the following circumstances exist:

1. The denial of the proposed special use permit and zone change will not affect the preservation and enjoyment of substantial property rights of the applicant.

2. The proposed use is likely to create or significantly aggravate police problems within 1000 feet of the location for which the special use permit is applied. The City Council finds that the preponderance of the evidence indicates that area's crime rate is 12% higher than the

citywide average crime rate, and the proposed Type 20 ABC license if approved may exacerbate the crime rate.

3. The proposed use will result in or add to an undue concentration of establishments selling alcoholic beverages for off-site consumption within 1000 feet of the subject location. There is one establishment with the same Type 20 ABC license that exists within 350 feet of the proposed location, and therefore, there is a presumption that an undue concentration will result or be added to. The City Council finds that an undue concentration of alcohol uses currently exists, and that the presumption of undue concentration was not rebutted by a preponderance of evidence in the record of proceedings.

4. The proposed use would adversely affect and be materially detrimental to adjacent uses, buildings and structures, and to the public health, safety and general welfare. Of particular concern is the proximity of the proposed use to schools and its location along the pedestrian routes used by students.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard, based on the findings set forth herein, hereby denies the appeal and upholds the Planning Commission's action on Planning and Zoning Permit No. 11-510-09, and approves the Planning Commission's recommendation to deny Planning and Zoning Permit No. 11-570-02.

PASSED AND ADOPTED this day of , 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

ATTACHMENT 2
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MINUTES

DRAFT

OXNARD PLANNING COMMISSION
REGULAR MEETING
May 17, 2012

A. ROLL CALL

At 7:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Patrick Mullin, Anthony Murguia, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Chairman Murguia presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Cliff Waer, Senior Police Officer; Michael O'Malia, Interim Fire Chief, Juan Martinez, Associate Planner; Brian Foote, Associate Planner, and Lori Maxfield, Recording Secretary.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Commissioner Mullin led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda including that Interim Fire Chief O'Malia will make a verbal presentation on their strategic plan and operations.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – May 3, 2012

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to approve the minutes of May 3, 2012 as presented. The question was called and the motion carried 6-0-0-1, Commissioner Medina abstaining.

F. REPORTS; STUDY SESSION

Interim Fire Chief O'Malia gave an overview of the 2005 Strategic Plan; operations; existing and proposed stations; response activity and times; five divisions and staffing; turnout time; funding for new stations, staff, and equipment; joint station with the County of Ventura at RiverPark; Station 8 to be funded through Measure O; mutual aid agreements with partner agencies; demand for service; current equipment and replacement plan.

G. CONTINUED PUBLIC HEARINGS

ATTACHMENT 4
PAGE 1 OF 4

H. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 12-550-1 (Major Modification), 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 (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. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Terri Dickerhoff, Cadence Capital Investments LLC, 1120 Manzanita Street, Los Angeles CA 90029.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; rezoning is for consistency; Police reports for both the 7-Eleven and the restaurant; crime rate was 12 percent higher than citywide average; not considered a policing problem; close proximity to Channel Islands High School; undue concentration; single serving bottles prohibited; hotel has their own alcohol license for hotel guests only and banquets. He also displayed site photo; aerial, location, General Plan, and zoning maps; existing and proposed site plans; floor plans; elevations; and aerial depicting the proximity to schools.

Senior Officer Waer stated that the previous restaurants didn't serve alcohol; the conditions would be the same as Fresh & Easy; Police did not consider it a problem; Fresh & Easy hasn't had any alcohol related issues; there haven't been any problems with any of the 7-Elevens in the City; the new model 7-Elevens have a safe, clean environment; and explained the process for determining saturation.

Chairman Murguia opened the public testimony.

Ms. Lucy Dineen, representing the applicant, gave a brief presentation including background on why they chose this location; retail development is their focus; building in phases; want to take existing building and adapt it; willing to work with nearby schools to minimize any potential issues; have made themselves available to the neighborhood; possibility and benefits of expansion; reuse; 7-Eleven security; and no alcohol sales between midnight and six (6:00 a.m.).

Mr. Scott Swenson spoke in opposition, referencing his 30 years experience with the Oxnard Police Department with half his career including the area of the project site; spoke with both superintendents of Oxnard and Hueneme School Districts who have concerns with the request; stated that 7-Eleven would be a magnet for children, which will increase calls for service; and expressed his concern with having a hotel adjacent to a market.

Ms. Shirley Godwin spoke in opposition to the request for a 7-Eleven indicating that the Saviers Design Group discussed the project at their recent meeting; Community Workshop was not attended as it was held just before Christmas; signs didn't indicate that the request included a 7-Eleven; and stated that the restaurant was a good idea, but not to include a convenience store next to the hotel.

Mr. Dennis Holloway expressed concern about increased pedestrian traffic that would be created; and asked if the City contracts to have red light cameras at the two intersections near the project.

Ms. Pat Brown indicated that the Radisson in San Francisco at Fisherman's Wharf had a 7-Eleven just around the corner that was convenient and worked well.

Mr. Larry Godwin stated that the previous restaurant failed because it was poorly run; concerned that the Planning Commission is being asked to approve a Type 20 alcohol permit without having a site plan; and indicated that there was currently an adult male alcohol/drug facility within approximately 500 feet of the site.

Chairman Murguia closed the public testimony.

Planning Commission discussed that it's the only hotel in the City with adjacent parking for big trucks; busy intersection; no four way pedestrian crossing; wrong location due to the close proximity to schools; the close proximity of similar existing off-site alcohol licenses, such as Amar Ranch, Fresh & Easy, and ARCO convenience store; lighting concerns; want to see a site plan; and the restaurant expansion is a good idea, but not the 7-Eleven.

MOTION Commissioner Huber moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council approval of PZ 11-570-02, a Zone Change to change the zone district to General Commercial Planned Development, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion failed 3-4, Commissioners Guevara, Stewart, Medina, and Murguia voting no.

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to adopt a resolution granting PZ 12-550-01, a Major Modification to Special Use Permit 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, located at 1051 East channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion carried 4-3, Commissioners Guevara, Medina, and Stewart voting no.

MOTION Commissioner Nash moved and Commissioner Mullin seconded a motion to adopt a resolution granting PZ 11-510-10, a Special Use Permit to allow a Type 41 alcoholic beverage control license for a proposed non-fast food restaurant, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion carried 6-1, Commissioner Medina voting no.

MOTION Commissioner Huber moved and Commissioner Nash seconded a motion to adopt a resolution granting PZ 11-510-09, a Special Use Permit to allow a Type 20 alcoholic beverage control license for a proposed convenience store, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion failed 2-5, Commissioners Nash, Guevara, Stewart, Medina, Murguia voting no.

Commissioner Mullin stated for the record: Many of you indicated that you were troubled regarding the high school students traveling down there, and having a convenience store next to a hotel. I have to say I certainly would have supported the program, one because of the

environmental impact of making this area a much better place on that corner, probably even challenge the Amar Ranch store to be a little bit more beautiful and active there. 7-Eleven did a lot of work and with their marketing research, they would not have considered this had they not thought it was a viable position, and that's why I would certainly support them. I also support it because of Officer Waer's comments regarding what they've done at the Gonzales Road and Oxnard Boulevard store with the prerequisites that they're living by including the way they've set up their store to the Police and Alcohol Beverage concerns that makes it a safe area. I'm sure the kids are going there, probably more than not. There was a statement by someone who said there was $1,000 paid to Channel Islands High School. Of course that does not effect the Planning Commission's decision. I never knew that when I voted on it. So, I think that's a mute point. The thing that gets me is the store has a major alcohol beverage sale item with the wine and spirits, and I didn't hear it was any problem, from the Police report. I'm trying to weigh that. The kids are still going passed that store, and they're crossing the street, and these things just don't make sense to me.

I. PLANNING COMMISSION BUSINESS

Commissioner Nash requested that the Planning Commission continue receiving the subscription to the Planning Commissioners Journal.

Commissioner Hubert asked if the Water Division would be making a presentation before the Planning Commission.

Commissioner Murguia stated that the annual Strawberry Festival would be held on Saturday, May 19, and Sunday, May 20, 2012.

J. PLANNING MANAGER COMMENTS

Planning Manager Martin updated the Planning Commission on recent actions, as well as upcoming items of the City Council. She also previewed the upcoming items tentatively scheduled for the next meeting on June 7, 2012.

K. ADJOURNMENT

At 10:48 p.m., the Planning Commission concurred to adjourn.

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT 4
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RESOLUTION NO. 2012 – 12

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.

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

AYES: Commissioners: Mullin, Stewart, Guevara, Medina, Nash, Huber

NOES: Commissioners: None

ABSENT: Commissioners: Murguia

Stephen H. Huber, 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

RESOLUTION NO. 2012 – 10

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 statutory 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*).

DEPARTMENTS AND DIVISIONS			
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 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*)

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*)

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*)

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)

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)

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 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 17th day of May, 2012, by the following vote:

AYES: Commissioners: Huber, Nash, Mullin, Murguia

NOES: Commissioners: Guevara, Medina, Stewart

ABSENT: Commissioners: None

Anthony R. Murguia, Chair

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012 – 11

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 statutory 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 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.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby 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*).

DEPARTMENTS AND DIVISIONS			
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 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 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. 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 (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)

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 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 3, 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)

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)

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

AYES: Commissioners: Guevara, Huber, Mullin, Murguia, Nash, Stewart

NOES: Commissioners: Medina

ABSENT: Commissioners: None

Anthony R. Murguia, Chair

ATTEST: _____
Susan L. Martin, Secretary

CITY OF OXNARD
CITY CLERK

2012 JUN -4 A 10:09

PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A $525 FEE MUST ACCOMPANY THIS APPEAL

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, Brian Corbell, on behalf of Channel Islands Inn L.P. and Lucy Dinneen on behalf of Channel Islands Inn L.P. and 7-Eleven, am aggrieved or directly affected by and appeal the May 17, 2012 decision from the Planning Commission regarding Project No. 11-510-09 and 11-570-2, more particularly described as follows:

Planning Commission denying 7-Eleven's Special Use Permit application for off-site beer and wine sales at a new convenience store to be located in part of 1051 E. Channel Blvd and Planning Commission's recommendation to deny the rezoning of 1051 E. Channel Blvd. and 1001 East Channel from Commercial Manufacturing (C-M-PD) to General Commercial (C-2-PD).

The grounds for appeal are:
The Planning Commission decision was arbitrary and capricious and not supported by substantial evidence. In addition, the denial of the rezone was contradictory to the approval by the Planning Commission of Planning and Zoning Permit No. 11-510-10 approving the Special Use Permit for Type 41 license. Substantial evidence supported the proposed Resolution of approval prepared by City Staff and attached to the Planning Commission Staff Report for this case, a copy of which is attached hereto. Additional materials in support of this appeal will be submitted prior to the City Council Hearing.

I request the following relief:
1. Reverse the Planning Commissions May 17, 2012 decision and issue a Special Use Permit authorizing 7-eleven to sell beer and wine at the store it would open at 1051 E. Channel Blvd. subject to all the conditions presented by the Police and Oxnard Staff in their recommendations.

2. City Council to disagree with the Planning Commission's May 17, 2012 recommendation to deny the rezone and for the City Council to find in favor of the rezoning of 1051 E. Channel Blvd. and 1001 E. Channel from Commercial Manufacturing (C-M-PD) to General Commercial (C-2-PD)

Bri Corbell Date: 5/31/12
(signature) Brian Corbell, Chairman, Channel Islands Corporation, the General Partner of Channel Islands Inn. L.P.

225 Arizona Avenue, Suite 300
Santa Monica California 90401
(address)

Date: 6-1-12
(signature) Lucy Dinneen

ATTACHMENT 8
PAGE 1 OF 12

8480 E. Orchard Rd., Suite 2400

Greenwood Village, CO 80111
(address)

cc: City Attorney
Project Planner
Development Services Department

CADENCE DEVELOPMENT LLC

May 30, 2012

VIA E-MAIL & US Mail

Oxnard City Council
c/o City Clerk
City of Oxnard
305 West Third Street
First Floor-West Wing
Oxnard, CA 93030

Re: Appeal of Planning and Zoning Permit No. 11-570-02 for a Zone Change for 1051 East Channel Blvd and 1001 E Channel Blvd.

Dear Mayor Holden and City Council:

This letter is submitted in support of our appeal of the May 17, 2012 Planning Commission's decision to recommend the denial of the proposed rezone of the above properties. A separate letter is being issued to also appeal the denial by the Planning Commission for permit number 11-510-09 regarding a special use permit to allow a type 20 license for a new 7-Eleven planned for 1051 East Channel Blvd. The re-zoning of the property is appropriate for this specific site as it is consistent with the General Plan, meets all of the conditions required and would encourage more robust commercial activity on that corner of Channel Blvd. In addition, a rezone is necessary to make the earlier approval by Planning Commission of permit Number 12-510-10 valid.

The proposed rezoning to C-2-PD would allow the closed IHOP restaurant to be redeveloped and attract a broader range of retail commercial uses that include convenience markets and allow restaurants to serve alcohol, subject to special use permits. The rezone has the support of both the Planning Staff and Police which recommended approval as we will reflect further in the letter.

Despite Staff's and the Police's findings and recommendation for approval, as well as no clear community concerns or opposition to the rezoning, Planning Commission voted to recommend the denial of this application. This recommendation was not only capricious and seemed to be based on confusion, it was completely inconsistent with the Planning Commission's earlier approval of the Type 41 license for a restaurant. The rezoning was required in order to make the Type 41 special use permit an allowed use. Therefore, the Applicant is asking the City Council to ignore the Planning Commission's recommendation and approve the requested rezoning.

1. Introduction

The properties we are discussing - 1051 E Channel Blvd and 1001 E. Channel Blvd - were built in 1985. They have been operated responsibly over the last twenty five years as a hotel and, up until 2010, as an IHOP restaurant. The hotel is called Comfort Inn and serves tourists and business travelers as well as groups which come in for sports activities such as the Oxnard Police Activity League Boxing. The property is well-managed and clean. The current owners own

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multiple hotel properties and are experienced and professional. The IHOP did not renew its lease on the Restaurant as it found that it was unable to sustain a restaurant business in such a large space. As owner of the hotel and restaurant, we recognized we needed to reposition this property in order to keep the property competitive and commercially successful. In order to accomplish this, we required a change in the zoning to broaden the commercial uses to a wider array of retail options consistent with its location along a major commercial corridor. We were told that the C-2-PD designation was consistent with the General Plan and also consistent with our neighbor, the Amar market, and would make sense for this property.

As part of our effort to redevelop and revive this corner, the application that was presented to City Staff proposed:

a) a rezoning of the property to C-2-PD to expand our universe of uses;

b) an immediate re-tenanting of the 4200 square foot restaurant space to adapt it into a smaller restaurant and a small convenience market;

c) two special use permits to enable the restaurant to offer some limited on site alcohol sales and the convenience market to offer a limited selection of site beer and wine for off-site consumption; and

d) to allow a future 1200 square foot expansion of the building to take advantage of the excess land on the site and enhance the commercial activity at the corner as the market allowed.

The applicant has worked with City Staff to make this redevelopment attractive and respectful. The convenience market tenant was identified as a 7-Eleven, a national operator considered one of the leaders in this market and who has been aggressively upgrading their market stores with fresh food options, quality groceries and clean, well lit spaces with state-of-the-art security training and facilities. Without this rezone, the applicant is facing a limited set of options to re-tenant the large restaurant. *The previous IHOP building has been shuttered and closed for a year and a half. Upgrades to the property based on uses within the Commercial Manufacturing designation are not economical and the corner is at a serious risk of increasing a sense of blight to this area of town.* We do not believe any upgrade of the older Amar Market is in the works. Approval of the rezone would encourage new growth to this area of the city, increasing sales and providing new jobs.

II. The Planning Commissions Findings

In spite of Planning Staff's and Police support, the Planning Commission voted to not recommend approval of the rezone. The Planning Commission did not discuss or consider the following findings by City Staff:

A) The proposed rezone is consistent with the city's General Plan and the property's land use designation;

B) The measure of consistency was defined by three classification levels as outlined in the Staff report. Staff concluded the proposed rezone met all three classifications and would encourage positive retail commercial activity in this area;

C) The site would be in full conformance with Zoning development standards - In fact the chart presented by Staff made it evident and clear that the site met all and, in many cases, EXCEEDED these development standards;

D) The site has adequate utilities, parking and loading areas to accommodate this rezone and all the off-site road systems are adequate to accommodate the road and pedestrian traffic;

As indicated in the City Staffs findings, there is substantial evidence to support the rezone. Instead, the Planning commission justified a negative recommendation based on the arguments below in bold. The following discusses each of those findings and describes why the City Council should ignore the Planning Commission's recommendation and approve the Rezone.

1. **Planning Commission indicated in the discussions that they should not approve the rezoning without a specific site plan submittal.**

With all due respect, a site plan was submitted. This line of thinking was non-sensical as the Planning Commission at that juncture had already approved the special use permit for a type 41 license allowing on site beer and wine sales and they approved a major modification permit number 12-555-01, allowing for a 1200 square foot expansion of the building clearly tied to a specific site plan proposal. The sale of alcohol is a use only allowed if the rezone to C-2-PD was approved so the vote to deny the rezone was inconsistent and illogical.

We believe the Planning Commission did not really evaluate the substantial evidence supporting the rezone or fully consider Staff's findings. We believe City Council should evaluate the substantial evidence in favor of this rezone, including the significant positive effect it will have on the properties' ability to compete at this corner as a commercial retail property and find in favor of the rezone.

2. **The Planning Commission appeared to vote against the rezone primarily to preclude a convenience store use. Some of the Planning Commission had concerns allowing a convenience store as a use on this corner because they felt that the pedestrian safety of the children at this corner would be compromised. The Planning Commission speculated that children would change their current walking patterns and find ways to cross the busy street outside of crosswalks. Questions were asked about the adequacy of the cross walks and controls. The traffic engineer did not have the information readily available so speculation by the Commission occurred that the infrastructure was inadequate. The Commission appeared to rely on their review of an aerial photo to reach this conclusion and did not refer back to the Staff's findings.**

It is important to note that the application had been thoroughly reviewed by the Police and by Traffic and the findings and there was no substantial evidence to indicate that pedestrian safety was a concern. This was a discussion that arose in response to one public speaker who simply

asked the question to the Commission as to whether pedestrian safety was in place and were cameras installed.

The facts did not emerge at the hearing but are as follows: the findings of City Staff and Police indicated pedestrian safety was adequate. In addition, Officer Waer clearly indicated from his observations that even with the Amar Marketplace on the north side of the street today, the vast majority of school traffic stayed on the south side of the street as is consistent with where the residential neighborhoods are located. He indicated that some pedestrian traffic would increase because of the new convenience store but he did not believe this to be unmanageable.

Also, while Planning Commission speculated about the absence of crosswalks, the facts are that the site currently has a clear existing crosswalk system complete with pedestrian control buttons. Clearly marked crosswalks are located on Channel Blvd leading from the south side of Channel Blvd to the Amar Market side of Statham Blvd and there is another crosswalk going across Statham to the Hotel Property. All of these have pedestrian crosswalk lights. There is also a full crosswalk located to the west of 1001 East Channel Blvd leading to Albany Drive and the hotel. (photos are attached). There is no evidence that this intersection presents any current traffic or pedestrian crossing problems and there is no evidence that a change in use of the 4200 square foot restaurant to a blend of retail and restaurant, even with a convenience store use, would change this. The infrastructure is adequate. The findings of the Police and City Staff found no reason to believe that a small 2500 square foot convenience market would cause it to be a problem intersection.

The conclusions reached by the Planning Commission were based on a series of discussions based on imagined scenarios and not on the facts presented or on what could be confirmed about the facts of the site.

3. The Planning Commission had concerns about the proximity of a convenience store to the public high school that was 1400 feet away and a private elementary school roughly 600 feet to the southwest. Also, one Commissioner raised some concerns regarding the location of multi-family homes across the Channel Island Blvd and the effect of lighting on them.

The Planning Commission ignored both the written report and testimony of the Police that indicated they supported a convenience store in part because the Fresh and Easy located much closer to the high school has had no problems and has not reported any incidents to date. Also a new 7-11 convenience store that opened near a another high school also has had no incidents. The Police felt that the conditions they required for approval and outlined in their report were sufficient to manage these concerns.

The City Staff also addressed the issue of lighting near residential, indicating that the hotel property and redeveloped retail would meet all code that relates to lighting next to residential. It was emphasized that the basic layout of the current development was not being altered.

The Planning Commission asked who we had talked to at the school. For clarification, the applicant spoke to the fact that it had held a neighborhood meeting with 2500 notices sent and that there were no concerns noted at that meeting. In addition, we volunteered that through its local consultant, Sandy Smith, we had reached out to Principal Hernandez of the High School to meet but the school chose not to meet with us. We then reached out to the superintendent, Mr.

Soumakian, who set up a meeting with Randal Winton, the Assistant Superintendent. At that meeting we described the proposed development, opened ourselves up for any further discussions and followed up with a letter. Clearly, the high school and the school district were made aware of this project. No one from this school or school district attended the neighborhood meeting or the Planning Commission hearing.

The evidence and the findings all reinforce that while a convenience store will attract some of the high school kids, similar to the Fresh and Easy on the even busier Oxnard and Channel Blvd intersection, that the conditions put in place would be adequate to manage it.

4. The Planning Commission spoke at length about a concern that the existence of a convenience market adjacent to a hotel would result in the hotel becoming a location in which vice would become the norm. They were concerned that a retail building that housed a convenience market next to a hotel was not compatible and may cause the hotel to "deteriorate". Chairman Murguia pursued a course of discussion about his own experiences regarding one hotel from the '70s and '80s" as his one point of reference.

In the course of this discussion, the Planning Commission ignored the Police Findings that none of the seven 7-Elevens in Oxnard are considered to be nuisance or problem establishments. The Police Report indicated that the crime statistics in this specific area show that general incident levels were 12% above average but that this level and the nature of the crimes, were such that the Police believed that this level of crime was not a concern and that any negative impacts of a convenience store could be mitigated through the conditions outlined in their report.

The applicant is an experienced hotel operator with many hotels under management. 7-Eleven is a national operator which was identified by Oxnard's police department as a very good operator without any stores identified as problems. The experiences presented to the Commission by the applicant were of positive synergies between hotels and convenience markets. Even Commissioner Mullin, who indicated he had experience in hotel operations through Marriott, spoke to the complimentary nature of this use. The idea that the convenience store caused or contributed to the deterioration of a hotel property was speculative and not based on any evidence whatsoever. It was a concern fueled by references to a highly dissimilar poorly operated hotel property from thirty years earlier out by the port in Hueneme. The Planning Commission continued to focus on this image versus the evidence presented by the hotel owner, the applicant representing 7-Eleven, the contrary view held by Commissioner Mullin who is in the hotel industry as a profession and by the Police report and findings.

While, the applicant understands that there are a variety of hotel types across many commercial areas and that one bad example of a poorly run hotel or poorly run convenience store could be taken out of context to prove "causality" (i.e. the convenience store led to the hotel becoming a problem hotel), the vast array of evidence indicates that the location of a convenience market near hotels provides a valued amenity for its customers. The applicant used as an example, a recent 7-Eleven they had just opened next to a new 5-star resort and indicated that the nearby hotel guests, nearby businesses and neighborhood residents are all valued customers. It is the

owner and applicant's perspective as a long standing hotel owner and operator that the hotel is more of risk of vice by having a dark closed building on its corner and being associated with blight than having a vital and robust commercial retail property next to it.

One of the speakers from the public even came up and spoke to her experience as a hotel guest in San Francisco and how valuable convenience markets are to buy a cup of coffee in the morning with a paper, or to grab a few toiletries one has forgotten. We believe the line of reasoning that influenced the Planning Commission was wholly arbitrary and capricious and ignored the state of the hotel on 1001 E Channel Blvd, its operational history and reputation with the Police Department and the experience of experts at the hearing.

5. **Public Comment at the Planning Commission Hearing consisted of 5 speakers. Two of the speakers Mr. and Mrs. Goodwin spoke to wanting this to remain a restaurant and felt the only reason the restaurant closed was it was mismanaged. Mrs. Brown did not live in the neighborhood but was active with the police department in a citizen advisory role around alcohol issues and she believed that the conditions recommended by the Police had adequately addressed the alcohol concerns and she also spoke out to acknowledge that a convenient store near a hotel was a good amenity. Mr. Holloway spoke. He was from the nearby neighborhood and just asked the question of the Planning Commission if the crosswalk was adequate and if there were red light cameras as this was a concern. He did not speak for or against but rather simply inquired about the above question. The last speaker, Mr. Swanson, said he was from the Larson school district outside the noticed area. He had driven by the posted sign that morning and came to communicate his concern that he believed a 7-Eleven would attract school kids to hang out. He was the person who introduced the idea that in the 70s and 80s he knew of a seedy hotel with a convenience/liquor store that cause the police many problems.**

The public concerns as indicated above, are something we respect and take seriously. However, as indicated in the Police report and the Staff findings and as thoroughly described above, we believe these concerns were addressed and could be adequately mitigated through the conditions outlined in Planning Staff's recommended approval.

We strongly encourage City Council find in favor of the re-zone. In addition to the findings by City Staff and the Police that support approval, a re-zone is consistent with the General Plan and goals of the City of Oxnard to encourage successful commercial enterprise on major commercial corridors. A rezone simply puts this property in the same general commercial zone as its neighboring property, the Amar Market, and will enable the redevelopment of what is now an obsolete restaurant space. The redevelopment of the corner building to a mixed retail building will engage the corner, providing goods and services to the neighborhood, the hotel guests and

the businesses along Statham Blvd. As City Staff and the Police pointed out in their findings, negative impacts will be mitigated through the conditions outlined in the approval while this successful redevelopment will contribute valued sales revenue and jobs to the community.

Sincerely,

Lucy Dinneen

Applicant

Brian Corbell
FOR 774E
Owner

CADENCE DEVELOPMENT LLC

May 30, 2012

VIA E-MAIL & US Mail

Oxnard City Council
c/o City Clerk
City of Oxnard
305 West Third Street
First Floor-West Wing
Oxnard, CA 93030

Re: appeal of the denial of the permit Number 11-510-09 for a Special Use Permit for a Type 20 license for beer and wine for a new 7-Eleven Convenience Market

Dear Mayor Holden and City Council:

This letter is submitted in support of our appeal of the May 17, 2012 Planning Commission's decision to deny the special use permit for a type 20 license to a proposed 7-Eleven at 1051 E Channel Blvd.

As part of this letter we would ask that the City Council also refer to our letter addressing the appeal of the rezone as it addresses many of the related concerns regarding convenience stores.

I. Introduction

The owner of the closed 4200 square foot IHOP, which also owns the adjoining Comfort Inn hotel, would like to re-tenant the building into a smaller restaurant use and a 2500 square foot 7-Eleven. 7-Eleven would invest in upgrading the space to its newest concept of a neighborhood market. This concept includes an offering of an array of groceries, coffee, freshly made sandwiches and fruit and other incidental items like aspirin and toothbrushes. More than 2200 individual items are carried in this new 7-Eleven neighborhood market for the convenience of their customers.

As part of this product offering, 7-Eleven offers its customers a full array of their convenience items, including a limited selection of beer and wine. This enables their customers to get all of their convenience items in one place. At 1051 E Channel Blvd, where 7-Eleven would like to open a new store, they have agreed to all the conditions presented by the Oxnard City Police related to alcohol sales which include limiting the hours of alcohol sales from 6 am to midnight, eliminating any sale of singles, limiting advertising and following all the security procedures outlined by the police.

It was significant that at the hearing, Officer Waer indicated that at a new 7-Eleven recently opened near a high school in Oxnard and there have been no incidents or problems. He indicated that 7-Eleven was an exceptional operator and worked cooperatively with the police and fully honored the special use permitted conditions.

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The Amar Marketplace is across the street from the site and it sells beer and wine. Because it is within 350 feet of this property, per Oxnard guidelines, the area is considered over-concentrated. However, the area is not considered over-concentrated by ABC measures.

The 7-Eleven neighborhood market would offer this area along Channel Blvd and Statham Blvd a convenience option that is not the same as Amar Market. The extended hours of a 7-Eleven and the ability to get in and out of the store quickly would provide an amenity to the residents, the hotel guests and the business population concentrated within a half a mile (7-Elevens market area when they do not serve gasoline). Many people work later in the evening or at night, or they leave early for a job and rely on the convenience of a 7-Eleven market to get their goods quickly and at odd hours. The existence of a convenience store near a large scale grocery is often complimentary as they serve different customer needs.

The ability to offer limited beer and wine is critical to the overall strategy of the 7-Eleven neighborhood market concept. Any negative impacts can be managed through the adopted conditions as indicated in the Police report findings. The 7-Eleven would provide a valuable amenity to the area. For these reasons we encourage the City Council to vote in favor of the special use permit.

II. Planning Commissions Findings

In spite of the City Staff and Police findings, the Planning Commission voted to deny the special use permit for a type 20. The Planning Commission did not discuss nor consider the following findings:

A) Staffs findings that led them to conclude the building and site were adequate to handle this use;

B) the Police report that indicated that negative impacts could be managed adequately through adopting specific conditions;

C) the Police report on the specific experiences with this operator within the City of Oxnard - of seven existing 7-Elevens, "none are considered nuisances or problems"

D) The neighborhood meeting in which 2500 people were noticed and no concerns were raised;

E) The amenity of convenience this new retail would provide to this area, especially for people who do not own cars or for people who work or go to school at off hours;

F) The substantial complementary benefit it would have to the existing hotel development and nearby businesses on Statham.

1. **The Planning Commission spoke at length about their concern that the existence of a convenience market with alcohol adjacent to a hotel would result in the hotel and the hotel guests becoming a location in which vice would become the norm. The Planning Commission ignored the Police Findings and instead pursued a course of discussion about their own experience with a certain hotel they recalled from the 70s and 80s**

2. The applicant's experience with this issue was discussed at length in the rezone letter. However, in addition to this, no discussion was made as to the fact that the Amar Market,

directly across the street, also offers alcohol and with many fewer conditions applied than the 7-Eleven would have. There is no evidence that this market with much more substantial alcohol offerings available contributes to vice or indecency at the hotel currently. No alcohol would be sold after midnight. No singles would be sold. The operator, 7-Eleven, has a clear track record with the city of responsible management and training.

Because the greater part of the Planning Commission's discussion related to convenience stores in general rather than the sale of alcohol specifically there was little to no discussion regarding the school children and alcohol. Thus this was not really discussed by the Planning Commission. Because of the importance of this, however, we wanted to emphasize again the Police findings:

At the Fresh and Easy which is much closer to the high school, there have been no alcohol related incidents. The new 7-Eleven on Gonzales which opened near a high school, has had no alcohol related incidents. The Police findings believe that the conditions they outline in their report adequately mitigate this concern.

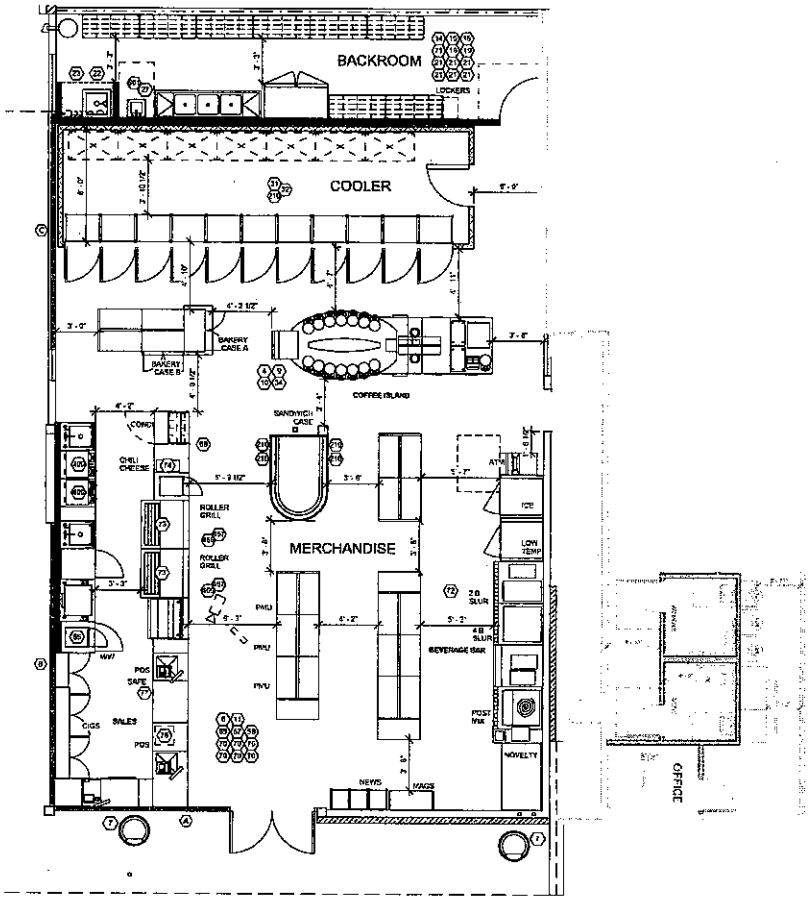
The applicant appeals to City Council to review this based on the findings of its staff and the basis of evidence and to find in favor of the special use permit.

Sincerely,

Lucy Dinneen

Applicant

Brian Corbell
FOR THE
Owner



1 1024668 - Oxnard, CA

EF1 SCHEDULE

ITEM	ORACLE	QTY	MFR	MODEL	DESCRIPTION	SCP	SHEET
006	03139478	1	LSI		200 LF INTERIOR ACCENT BAND KIT, TRACK SYSTEM PER SAMPLE PROVIDED BY 7-11: 5' X 48" TRACK, PAINT, (20) WHITE STRIGINE PRINTED 1 COLOR 7-11 RED GRADATION, 6.375" X 54" FOAM INSERT AT 3/8" X 5-3/8" X 54"- 4 INSIDE AND 4 OUTSIDE CORNERS AND END CAPS	SEI	EF1
007	03099900	2	WausAU	TF1170	WASTE CONTAINER W/LID MODEL 1170 EXPOSED AGGREGATE W/ PLASTIC PUSH TOP & CENTER CUT SHUTTER PAN (FOR USE BY FRONT DOORS) INC TF1170 WASTE CONTAINER, TF1870 BASE, TF1455S TOP, TF1925 LINER, TF2024 SWITCH PAN W/SECURITY CABLE & TF2055 WARNING(WAUSAU). INSTALL AT THE OUTSIDE STORE FRONT AREA.	SEI	EF1
008	03139288	1	DISPLAY SOURCE ALLIANCE		CANDY COUNTER RACK	SEI	EF1
009	03019950	1	ADCO		SAMPLE DRINK CUP DISPENSER W/ MAGNETIC STAND. WORK FOR NEW STORES ADCO	SEI	EF1
010	03005200	1	AMERICAN STORE FIXTURES		5 COUNT RED SHOPPING BASKETS WITH STAND 17' LONG X 12' WIDE X 85 HIGH	SEI	EF1
011	03004900	1	IMAGE FRONT SOLUTIONS	9SERM7	MINI-DS RACK - NACHO RACK	SEI	EF1
014	03005401	1	ADCO		BACKROOM SHELVING KIT "A" (8 BOXES / STORE) INCLUDES (2) 24" X 48" SHELF (05942), (4) 24" SHELF BRACKET (0-PAIR), (2) HANGING STANDARD (07961), AND (1) TOP WALL SUPPORT (05960)	SEI	EF1
015	03009403	1	ADCO		OVER SINK KIT C: (1 BOX / STORE) INCL: 1-TOP WALL SUPPORT (05940); 1-HANGING STD (05963); 2- 12" X 48" SHELF (05954); 4- 12" SHELF BRACKET (05907); 1- UTILITY UNIT (05957); 1- COFFEE POT / ADCO(54); 1-DENCENSER BSKT (05923); 1-COFFEE POT / (05959) (ADCO)REPLD #31956)	SEI	EF1
016	03009404	1	ADCO		"SF" DESK KIT "F" (2 BOXES PER STORE) INCLUDES (1) TOP WALL SUPPORT (05940), (2) HANGING STANDARD (05961), (2) 24" X 48" SHELF (05942), (4) SHELF BRACKET (05943)	SEI	EF1
017	03009405	1	ADCO		OFFICE - OVER DESK KIT "F" - (1 BOX / STORE) INCLUDES (1) TOP WALL SUPPORT (05940), (2) HANGING STANDARD (05961), (2) 24" X 48" SHELF (05942), (4) 24" SHELF BRACKET (05943)	SEI	EF1
018	03009497	1	ADCO		TRASH BAG DISPENSER KIT "G" - (1 BOX PER STORE) INCLUDES (1) TRASH BAG DISPENSERS (05926)	SEI	EF1
019	03137237	1	ADCO		TOOLS NEEDED TO INSTALL THE SHELVING HARDWARE KIT "F" - INCLUDES SCREWS, ANCHORS, DRILL BIT, VIDEO AND INSTRUCTIONS (07927)	SEI	EF1
021	03009918	6	ADCO		STACKABLE CONFERENCE STOOL FOR BACKROOM	SEI	EF1
022	03005555	1	ACIATEC	03AX-AAA2-8526	WATER BOOSTER PUMP - 115 VOLT	SEI	EF1
023	03004539	1	EVERPURE	9432-10	HIGH FLOW PLUS WH (940-10) FILTRATION SYSTEM W/ FILTERS AND SURGE TANK, W/O LRA	SEI	EF1
026	03024830	3	LANCER	15-1805-026661	LANCER 15 CT BIB RACK	SEI	EF1
027	03145473	1	SELECT STAINLESS	PL-SHS-1	ADA COMPLIANT, CUSTOM HAND SINK (PRODUCTION LINE) WALL MOUNT 16" FRONT TO BACK X 14"W X 5"D, ORDER BRASS FAUCET SUPPLY, SIR PART #B-1149 & T-TRAP, PROVIDE TRUEBRO LAV GUARD 2 PROTECTIVE PIPE COVERS ON EXPOSED HOT WATER AND DRAIN LINES, STOP VALVES AND TEMPERATURE-ACTUATING MIXING VALVE & SET TO 105° F	SEI	EF1
031	03019733	1	ADCO		VAULT DOLLY KIT: INCLUDES (3&) MINI MULE DOLLIES AND (1) HANDLE TO TRANSPORT.	SEI	EF1
032	03010763	1	ADCO		STORAGE SHELVING KIT FOR VAULT 210 A 48W X 24H INCLUDES (24) CLIPS 22.74 IN UPRIGHT POSTS 21 42624 SHELVES 7 45020 U SUPPORT BRACKETS.	SEI	EF1
034	3129274	1	TURNKEY RESOURCES	13282	BEEF JERKY CREW RACK	SEI	EF1
058	03136709	1	CAL-IL PLASTIC PRODUCTS INC	315-10-12515-10	COOKIE DOME DISPLAY	SEI	EF1
065	03010754	1	ADCO	KITE	BACKROOM SHELVING KIT "E" OFFICE - OPPOSITE WALL	SEI	EF1
066	03002320	2	PANASONIC	NE1757	PANASONIC NE-1757 1700 WATT MICROWAVE	SEI	EF1
069	03199211	1	TURNKEY RESOURCES	KZ709	PASTRY COUNTERTOP RACK, 2-TIER CLEAR ACRYLIC, EXTRUCTION ON THE BOTTOM FOR THE POP, TONG AND BAG HOLDERS. OVERALL: 12"W X 15.75"D X 15"H.	SEI	EF1
067	03004911	1	TURNKEY RESOURCES	3TFWP	3-TIER CROWDER DISPLAY WITHOUT BOTTOM PLATES, ALUMINUM FINISH. PACKAGED 1 PER BOX. THIS ITEM NUMBER IS FOR 2009 ROLLOUT OF 4782 RACKS SENT TO CDCS. 3TFWP#	SEI	EF1
068	03199213	1	KREN	0020910804	MUSTARD AND KETCHUP CONDIMENT RACK, FRONT TO BACK 18" WIDE 6 1/4" TALL 15"	SEI	EF1
070	3145129	6	SUPER MARKET MERCHANDISING	3TFWW	BASKET, SYNTHETIC WOVEN BASKET 13.5"W X 12"D X 4" BACK HEIGHT. COLOR: NATURAL	SEI	EF1
071	03132235	1	ADCO	KIT 31	BACKROOM SHELVING REACH EXTENSION KIT "H" (1 BOX / STORE) INCLUDES (1) REACH EXTENSION	SEI	EF1
072	3129400	1	GREENHEL, AIR	EXF-10R	KIT THAT IS USED TO EXHAUST THE HOT AIR THAT COMES OFF THE SLURPEE MACHINES. SOLER AND PALAU MODEL TD-200/6" (INLINE FAN, 25 FT OF 6" ALUMINUM FLEXIBLE DUCT, 6" DRYER HOOD WITH 15" TAIL AND BIRD SCREEN, 6" ROUND WHARE DIFFUSERS	SEI	EF1
073	31180569	2	APW WYOTT	HRS-75W/ST	ROLLER GRILL - 35-3/4"W X 29-9"D X 15"H, 1440ES	SEI	EF1
074	03004729	1	STAR	HP0958	PNHP06X-120V PERISTAL PIC DISPENSER, ACCY KIT PNHP06-111-EA	SEI	EF1
076	30702754	1	TAT, INC		LOTTO COUNTER INSERT	SEI	EF1
077	03140634	1	FIDEL	SENTINEL	SENTINEL SAFE	SEL	EF1
091	03074470	1	BUNN	FWDS	GRIPLOCKED DISPENSER, 3 HEAD, 120 VOLT, 2 YEAR PARTS LABOR WARRANTY (BUNN-O-MATIC)	SEI	EF1
210	3189619	1	D SPLAY TECHNOLOGIES		VAULT GRAVITY FEED ULTRA, 7-11 STANDARD 12 DOOR VAULT	FE	EF1
420	03128553	2	BUNN	34800027	THERMAL FRESH BREWER	SEI	EF1
451	3129390	19	BUNN/WATR/ CORP.		1 GALLON THERMAL FRESH URN	SEI	EF1
455	3182542	2	APW WYOTT	SHD-75	SUN WARMER SHLDS 31"W X 19.9 15"D X 6"H	SEI	EF1
457	3182541	2	APW WYOTT		DIVIDER KIT	SEI	EF1
501	03108254	1	T&S BRASS	b-1146	T&S BRASS FAUCET - GOOSENECK NOZZLE, SPLASH MOUNTED (LEAD FREE)	SE	EF1

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INSTALLATION FOR RELEASE

7-ELEVEN

1051 E Channel Islands Blvd, Oxnard, CA

JOB NUMBER: 18-10-06241

ISSUE BLOCK

STORE NO.: 1024668
DOCUMENT DATE: 11/12/10
CHECKED BY: BTW
DRAWN BY: LNC

SHEET FOR REFERENCE ONLY

EQUIPMENT PLAN

SHEET: EF1

ATTACHMENT 9 PAGE 1 OF 2

1051 E Channel Islands Blvd, Oxnard, CA

Restaurant TBD

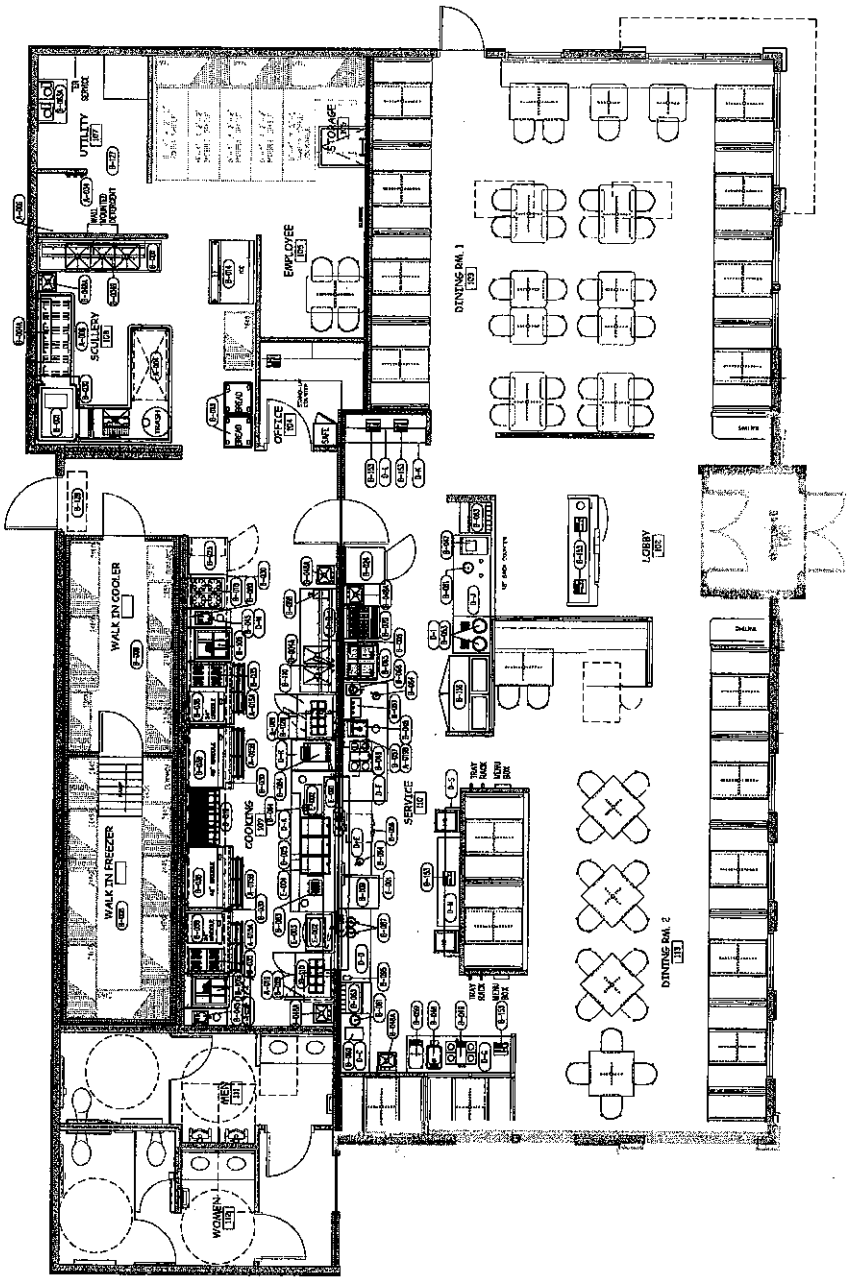
REVISIONS

NO.	DATE

DRAWINGS ISSUED FOR:
- ☐ CLIENT REVIEW
- ☐ PERMITTING
- ☐ PERMIT REVISIONS
- ☐ BIDDING
- ☐ FINAL CONST.

DRAWINGS ISSUE DATE: 09/09/10

DATE: 09/09/10



Restaurant Floor Plan

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

ATTACHMENT 9

PAGE 2 OF 2