

This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29-20 to allow members of the City Council or staff to participate via teleconference.

The public may provide comments to the Director Hearing via email at planning@oxnard.org no later than 2:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 2:00 p.m. on the day of the meeting. Call the Planning office at (805) 385-7878, or email your request to planning@oxnard.org. (identify the agenda item in the Subject line).

AMENDED AGENDA - TRANSMITTAL MEMO 1, 2, & 3 ADDED TO ITEM F.2

CITY OF OXNARD DIRECTOR HEARING AGENDA

REGULAR MEETING

West Conference Room, 214 South C Street
Friday, January 29, 2021, 3:00 p.m.

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**
- C. PUBLIC COMMENTS - On Items Not On The Agenda**

At this time, a person may address the Community Development Director on matters within the jurisdiction of the Community Development Department, including information/consent items and any item not appearing on the agenda. The Director shall limit public comments to three (3) minutes. The Community Development Director cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Community Development Director Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.
- D. CONSENT AGENDA**
- E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS**
- F. PUBLIC HEARING**

- 1. Project Name: Leyva Duplex - Planning and Zoning Permit No. 19-200-04 (Development Design Review Permit):** A request to construct a 4,800 square-foot residential duplex two-story building with an attached two-car garage and a front porch for each unit on a 7,200 square-foot undeveloped lot (APN: 201-0-128-110) located at 213 South Roosevelt Avenue within the Multiple-Family Residential (R-2) zone. Filed by Pedro Vega, Designated Agent, on behalf of Ubaldo Leyva, property owner.
Project Planners: Randy Baez, Assistant Planner

Recommendation:

That the Community Development Director finds the Project to be Categorically Exempt

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Community Development Director within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development), and adopt a Resolution approving Development Design Review Permit (DDR) No. 19-200-04, subject to certain findings and conditions.

2. **Project Name: Shoemaker Enterprises, LLC. - Commercial Cannabis Business Manufacturing Development Design Review (DDR) Permit** - Planning and Zoning Permit No. 20-215-02 (Development Design Review Permit – Cannabis: Manufacturing): A request to permit the operation of a commercial cannabis manufacturing facility Type 7 (Extraction using Volatile Solvents including: Butane, Propane, and Hexane) within an existing 9,674 square-foot warehouse building on a 0.61-acre site (APN: 216-0-191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. Cannabis manufacturing operations will be conducted 24 hours a day seven days a week. Filed by Mathew S. Shoemaker on behalf of Shoemaker Enterprises, LLC.
Project Planners: Jose Coyotl, Associate Planner

Recommendation:

That the Community Development Director (“**Director**”) finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and adopt a Resolution approving Planning and Zoning Permit No. 20-215-02 (Development Design Review Permit – Cannabis: Manufacturing), subject to certain findings and conditions.

G. STUDY SESSION/REPORTS

H. COMMUNITY DEVELOPMENT STAFF UPDATES

I. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Community Development Director within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.



COMMUNITY DEVELOPMENT DIRECTOR STAFF REPORT

TO: Jeff Pengilley, Interim Community Development Director

FROM: Randy Baez, Assistant Planner

DATE: January 29, 2021

SUBJECT: **Project Name: Leyva Duplex;** Planning and Zoning Permit No. 19-200-04 (Development Design Review Permit), Located at 213 South Roosevelt Avenue (APN: 201-0-128-110).

- 1) **Recommendation:** That the Community Development Director (“**Director**”) finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development), and adopt a Resolution approving Development Design Review Permit (DDR) No. 19-200-04, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to permit the construction of a 4,800 square-foot residential duplex two-story building with each unit consisting of a 2,400 square foot residence, an attached two-car garage and a front porch for each unit on a 7,200 square-foot lot (APN: 201-0-128-110) located within the R-2 Multiple-Family Residential zoning district at 213 South Roosevelt Avenue (Attachment A). For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**”. Filed by Pedro Vega, designated agent (the “**Applicant**”) on behalf of Ubaldo Leyva, 637 W. Robert Avenue, Oxnard, CA 93030, property owner.

Please see the reduced Project plans (Attachment B) for more details.

- 3) **Existing & Surrounding Land Uses:** The Project site is a vacant undeveloped 7,200 square-foot parcel located within the Multiple-Family Residential (R-2) zoning district. The following table summarizes the general plan, zoning district, and land uses of the site and adjacent properties, which is also shown on Attachment A.

LOCATION	2030 GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Residential Low Medium (RLM)	Residential Multiple-Family (R-2)	Vacant
North	RLM	R-2	Multi-Family Residence
South	RLM	R-2	Single Family Residence
East	RLM	R-2	Single Family Residence
West	RLM	R-2	Multi-Family Residence



Exhibit A

- 4) **Background Information:** The City has no entitlement or building permit records for the vacant subject property.
- 5) **Environmental Determination:** In accordance with Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as in-fill development may be found to be exempt from the requirements of CEQA. The Project consists of the construction of a 4,800 square-foot residential duplex building designed to be consistent with the Residential Low Medium (RLM) general plan land use designation, as well as with the Multi-Family Residential (R-2) zoning district. The proposed development is located on a 7,200 square-foot site which is surrounded by urban uses. The Project site will be adequately served by all required utilities and public services. The Project site has no value as habitat for endangered, rare or threatened species. Additionally, this Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat this Exemption. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends the Director accept the Notice of Exemption (Attachment C) attached to the staff report.

6) Analysis:

- a) **General Discussion:** Pursuant to Section 16-525 of the Oxnard City Code (OCC), the development of any structure within the R-2 zone requires approval of a Development Design Review Permit (DDR). The Project was submitted on July 10, 2019, and deemed complete for processing on June 18, 2020.

The 4,800 square-foot two-story, multiple-family residence will feature a single structure with 2,400 square-feet of living area per unit. Each unit will consist of an identical layout, but flipped across the shared wall running north to south. The first floor of each unit will feature a dining room, kitchen, living room, bedroom and bathroom. The second floor of each unit will also have a family room, four additional bedrooms, 3 bathrooms, and a laundry room. An attached, two-car garage will also be provided for each unit, with Unit A receiving access from an existing driveway off of Roosevelt Avenue to the east and Unit B receiving access from the alley to the rear of the property.

- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is Residential Low Medium (RLM), which allows for mostly residential uses, including multiple-family units. Approval of this DDR permit has been determined to be consistent with the 2030 General Plan and the property's land use designation.

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

- I. Direct Applicability to a Proposed Policy, Project, or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Policy, Project, or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Policy, Project, or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD 9.2	I	Revitalization and Redevelopment	The Project proposes to develop an existing vacant and underutilized property with a multiple-family residential development.
CD-1.2	II	In-fill development, priority to mixed use	The Project site is within a developed area of the City and qualifies as infill.

CD-1.5 CD-9.1 CD-14.3	II	Housing Variety Neighborhood Identity Quality of Design	The Project will be compatible and complementary to the existing residential neighborhood.
CD-5.2 SH-6.4	II	Compatible Land Use	The proposed multiple-family residential building is consistent with the allowable residential land uses and will be compatible with adjacent uses, and is not anticipated to generate nuisances.
CD-14.3	II	Quality of Design	The Project will be compatible and complementary to the existing residential neighborhood.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

- c) **Conformance with Zoning Development Standards:** The proposed development is located in the Residential Multiple-Family (R-2) zoning district. The subject property complies with all applicable development standards required in the R-2 zoning district which have been compared with the proposed project in the following table.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Density Sec. 16-44	Min. 3,500 square foot of lot area per dwelling unit.	3,600 square feet of lot area provided for each dwelling unit	YES
Max. building height Sec. 16-43	Two stories or 25 feet	24 feet	YES
Front yard Setback Sec. 16-45(A)	Not less than 25% of the depth of the lot (25% x 120 feet = 30 feet), but not to exceed 25 feet	25 feet	YES
Side yard Setback 16-46(A)	Not less than 10% of the width of the lot (10% x 60 feet = 6 feet) but not less than 3 feet and need not exceed 5 feet	5 feet	YES
Rear yard Setback Sec. 16-47	Not less than 25% of the depth of the lot (25% x 120 feet = 30 feet), but not to exceed 25 feet	25 feet	YES
Interior yard space Sec. 16-48	30% of lot area (30% x 7,200 square feet = 2,160 square feet), minimum dimension 15 x 15 feet.	2,298 square feet. All areas counted meet the 15 x 15 feet minimum dimension	YES
Parking Requirements Sec. 16-622	2-car garage for up to 5 bedrooms (with minimum 20-foot x 20-foot interior dimension) for each unit	2-car garage, with interior dimension of 20 feet x 20 feet for each unit	YES

Fences Sec. 16-308	Front yard: Not to exceed 3.5 feet and are 50% or more open Side and rear yard: Not to exceed 7 feet in height as measured from the grade at the fence.	Front yard: 3-foot tall fence Side yard: 6-foot fence Rear yard: 6-foot fence	YES
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d) **Circulation and Parking:** The front unit (Unit A) provides an attached two-car garage, accessed from an existing driveway off of South Roosevelt Avenue. The rear unit (Unit B) provides an attached two-car garage, accessed from the alley to the rear of the property. The City of Oxnard's policy regarding curb cuts and vehicular access requires properties abutting an alley to have vehicular access from the alley. The applicant is seeking approval to maintain the access to the property off of Roosevelt Avenue. The Development Services Department's policy is to permit alternative vehicular access when at least 70% of the residences along a block also have curb cuts on the street. Staff has confirmed during a site visit that 70% of the residences within the project site block (South Roosevelt Avenue) have curb cuts, which allows the Development Services Department to support the request for continued access off Roosevelt Avenue.

e.) **Architecture and Landscaping:** The two-story multiple-family residence features ranch-style design elements, incorporating stucco and columns complemented. The residence will be painted with a beige color palette and green accents, which are complementary with the architecturally eclectic surrounding neighborhood. The Project is providing approximately 2,298 square feet of IYS (Interior Yard Space) which meets the minimum requirement of 30% for the R-2 zone. Landscaping consists of drought-tolerant and California-friendly species that are compatible with surrounding properties. For the project to be consistent with the City's adopted Landscape Standards, the project has been conditioned to include at least one 24" box size (minimum) tree within the front yard.

7) **Community Workshop and Public Input:** A Community Workshop was held on September 21, 2020. One member of the public gave input at the Community Workshop for this item, and was generally opposed to the proposed architecture. The applicant has not modified the project based on the comments received. To date, staff has not received any other public comments, in favor or against, the proposed Project.

8) **Appeal Procedure:** In accordance with Section 16-525(B) of the City Code, the Director's action on Planning and Zoning Permit No. 19-200-04 (DDR) may be appealed to the Planning Commission within 10 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the Planning Commission is not filed within 10 working days of the Community Development Director's decision, the decision of the Community Development Director shall be considered final.

PZ No. 19-200-04, Leyva Duplex
Director's Approval Date: January 29, 2021
Page 6 of 6

Attachments:

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

A

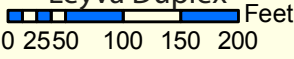
Maps(Vicinity,GeneralPlan,Zoning)

Zoning/Specific Plan Map



Oxnard Planning
February 4, 2020

PZ 19-200-04
213 S Roosevelt Ave
APN: 201012811
Leyva Duplex



Zoning/Specific Plan Map



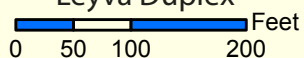
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2030 General Plan Land Use Map



Oxnard Planning
February 4, 2020

PZ 19-200-04
213 S Roosevelt Ave
APN: 201012811
Leyva Duplex

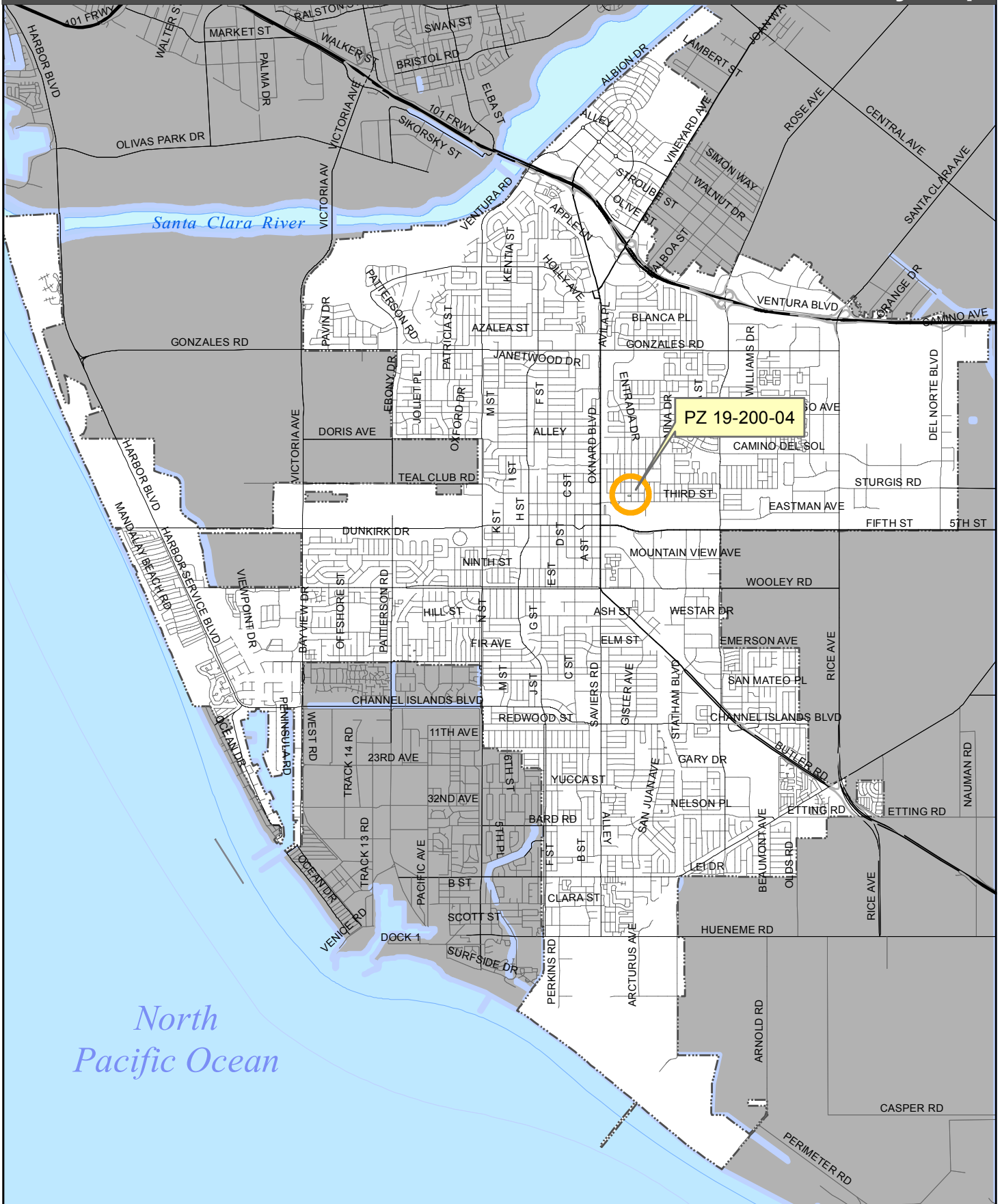


2030 General Plan Land Use Map



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Vicinity Map



Aerial Map



B

ReducedProjectPlans

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CODES

PROPERTY INFORMATION
ASSESSOR PARCEL NUMBER: 201-0-128-110
PROPERTY ADDRESS: 213 S ROOSEVELT AVE
OXNARD CA, 93030

LOT SIZE (SQFT)	7,200	ACREAGE	0.16
TOTAL LIVING AREA (SQFT)	1,971	TWO CAR GARAGE(SQFT)	426
ENTRY PORCH AREA (SQFT)	75		

NEW RESIDENCE TO BE ERCTED			
OCCUPANCY	R-2 / U (MULTI FAMILY RESIDENTIAL / PRIVATE GARAGE)		
ZONING:	R-2	DESCRIPTION OF USE	S.F.D.
TYPE OF CONSTRUCTION:	V-B	FIRE SPRINKLERS	YES
STORIES:	2	MAX HEIGHT	28'-0"

UNIT B			
TOTAL LIVING AREA (SQFT)	2,399	TWO CAR GARAGE	478
ENTRY ENTRY	58		
NUMBER OF BEDROOMS	5	NUMBER OF BATHROOMS	5.0

TOMAS FIRE REBUILD
CONSTRUCT NEW TWO STORY WOOD FRAME HOME ON A FLAT PAD
CONSISTING OF 2,399 SQUARE FEET OF LIVING AREA, 478 SQUARE FEET OF
GARAGE, 58 SQUARE FEET ENTRY PORCH

213 S Roosevelt Ave

S Roosevelt Ave

e 1st st

e 2nd st

3rd st

S 3rd st

S 2nd st

S 1st st

FF	FINISH FLOOR		CONCRETE
FG	FINISH GRADE		PROPOSED WALL
FL	FLOWLINE		
FS	FINISH SURFACE		Set Back
LS	LAND SCAPE		PROPERTY LINE
(11.2)	EXISTING ELEVATION		
T.B.M.	TEMPORARY BENCHMARK		
TC	TOP CURB		
TW	TOP WALL		SEWER LINE
			EASTMENTS

1. PROVIDE SURFACE DRAINAGE AWAY FROM ADDITION 5% FOR 10 FEET MINIMUM, THEN 1% TO STREET OR APPROVED STORM DRAIN, CRC R401.3

3. FINISHED GRADING FOR RESIDENTIAL ADDITIONS SHALL BE NO UNDERLAIN TO BOTH "A: STREET AND "A" ALLEY THE DRAINAGE SWELL HIGH POINTS CAN BE LOCATED AROUND THE MIDDLE OF THE LOT IN SIDE YARDS

- ADDITION NOTES:
1. LANDSCAPE TO MATCH EXISTING

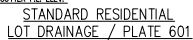
- ### 3. STUCCO TO MATCH EXISTING COLOR AND TEXTURE

4. THE ROOFING MATERIAL FOR THE HOME AND ADDITION IS TO MATCH COLOR AND TEXTURE

"SMOKE ALARMS AND CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING AND SHALL BE INTERCONNECTED SO THAT WHEN ONE ALARM IS ACTIVATED ALL ALARMS WILL ACTIVATE". CRC R314, R315

"AN OPERATION AND MAINTENANCE MANUAL INCLUDING, AT A MINIMUM, THE ITEMS LISTED IN SECTION 4.410.1, SHALL BE COMPLETED AND PLACED IN THE BUILDING AT THE TIME OF FINAL INSPECTION."

ALL NON-COMPLIANT PLUMBING FIXTURES WILL BE REQUIRED TO BE UPGRADED WITH WATER-CONSERVING PLUMBING FIXTURES THROUGHOUT THE SINGLE-FAMILY RESIDENTIAL BUILDING. REPLACE WITH WATER-CONSERVING PLUMBING FIXTURES IN ACCORDANCE WITH CIVIL CODE SECTIONS 1101.1 THROUGH 1101.8, THE CURRENT CALIFORNIA PLUMBING CODE AND CALIFORNIA GREEN BUILDING STANDARDS CODE.

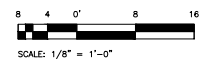


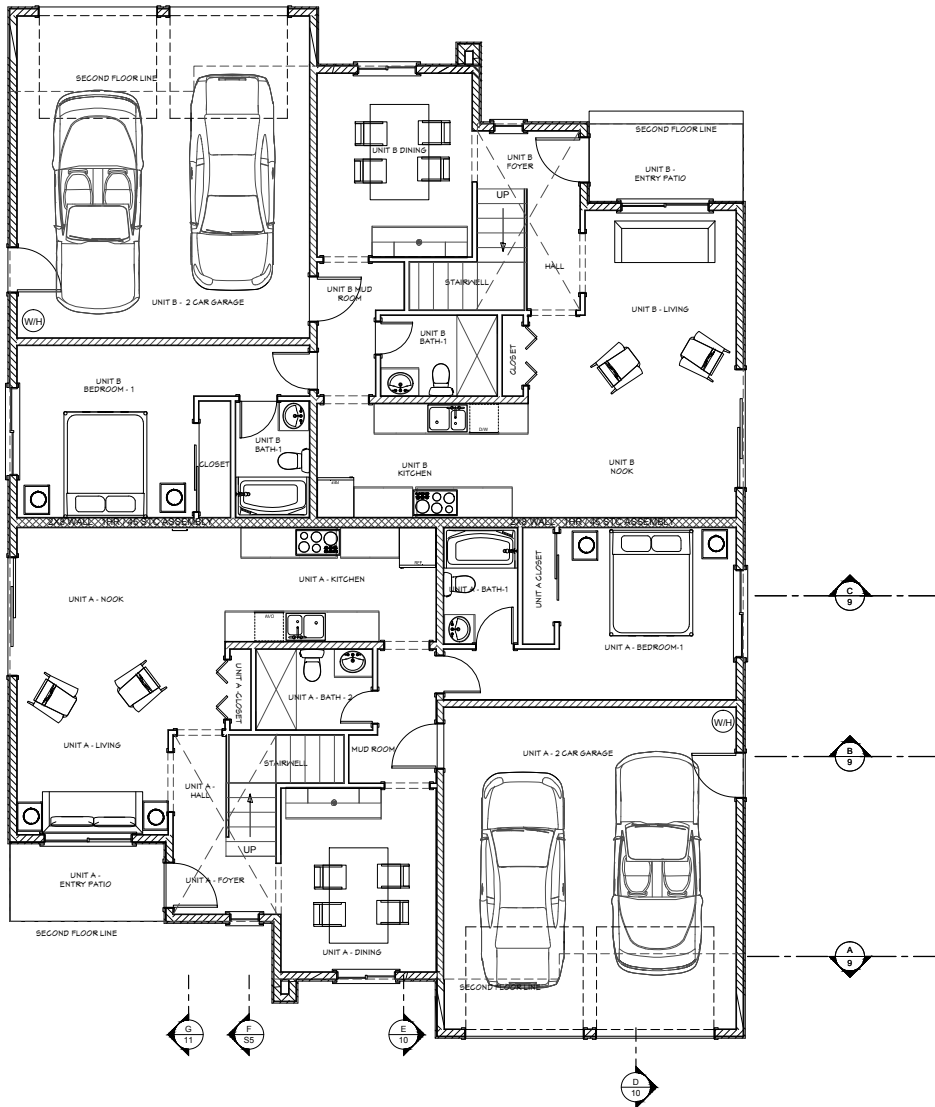
1. THE (n) DENOTES AN EXTENDED FOOTING WHERE "n" EQUALS THE EXTENDED FOOTING DEPTH.
2. DEVIATION FROM THIS CRITERIA WILL REQUIRE PRIOR APPROVAL OF THE CITY OF OXNARD.
3. CALL OUT ALL ELEVATIONS AS SHOWN.
4. THIS PLATE PRIMARILY APPLIES TO SINGLE FAMILY RESIDENTIAL DEVELOPMENT. FINISH FLOOR ELEV. SHALL BE 25" ABOVE THE LOWEST ADJACENT STREET GUTTER OR BE PROTECTED FROM A 100 YEAR STORM, WHICHEVER IS GREATER.
5. SIDEWALK DRAINS SHALL NOT BE USED IN RESIDENTIAL CONSTRUCTION.

- [illegible]

SITE PLAN SCALE: 1"=10'-0"

THERE SHALL BE NO UN-DRAINED AREAS AND ALL WATER RUNOFF SHALL DRAIN TO STREET

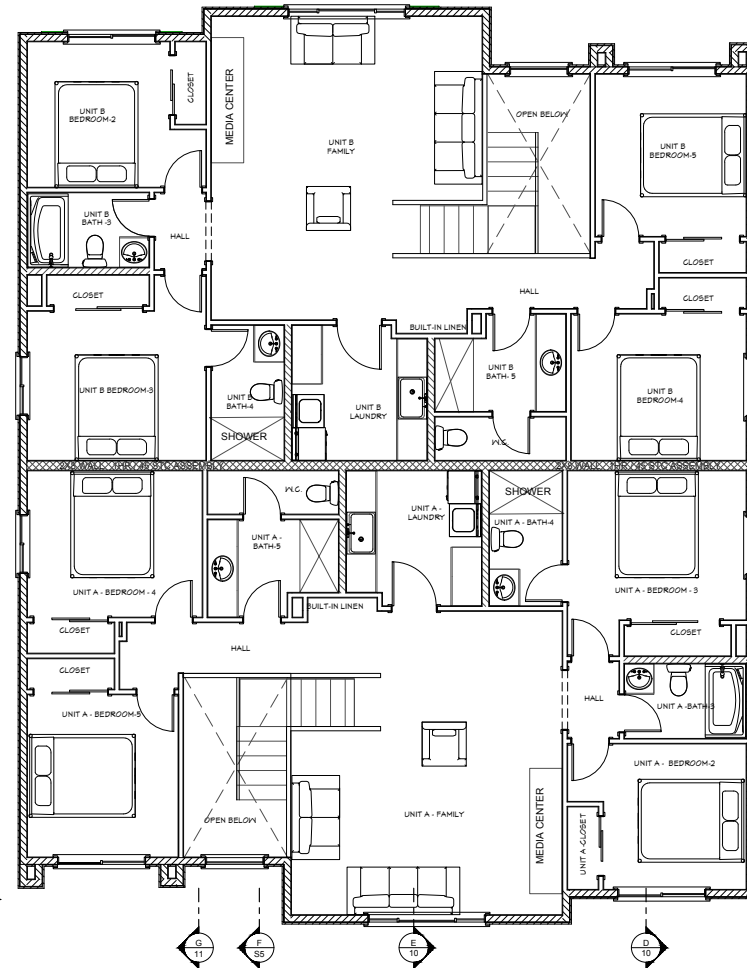




1st. Floor Plan

SCALE 1/4" = 1'-0"

UNIT A & UNIT B - LIVING AREA - 1031 SQFT
 UNIT A & UNIT B - GARAGE - 478 SQFT
 UNIT A & UNIT B - PATIO - 58 SQFT



2nd Floor Plan

SCALE 1/4" = 1'-0"

UNIT A - LIVING AREA 1,368 SQ FT
 UNIT B - LIVING AREA



PLANS PREPARED BY:
W. C. DESIGN BUILD
 P.O. BOX 7483 OXNARD, CALIFORNIA 93031
 Email: wcdesignbuild@gmail.com OFFICE (805) 414-0527
 PLANS DRAWN BY: Pedro Vega

SHEET TITLE: **FLOOR PLANS**
 PROJECT: **MR. & MRS. LEYVA**
 213 S ROOSEVELT AVE. OXNARD, CA. 93030

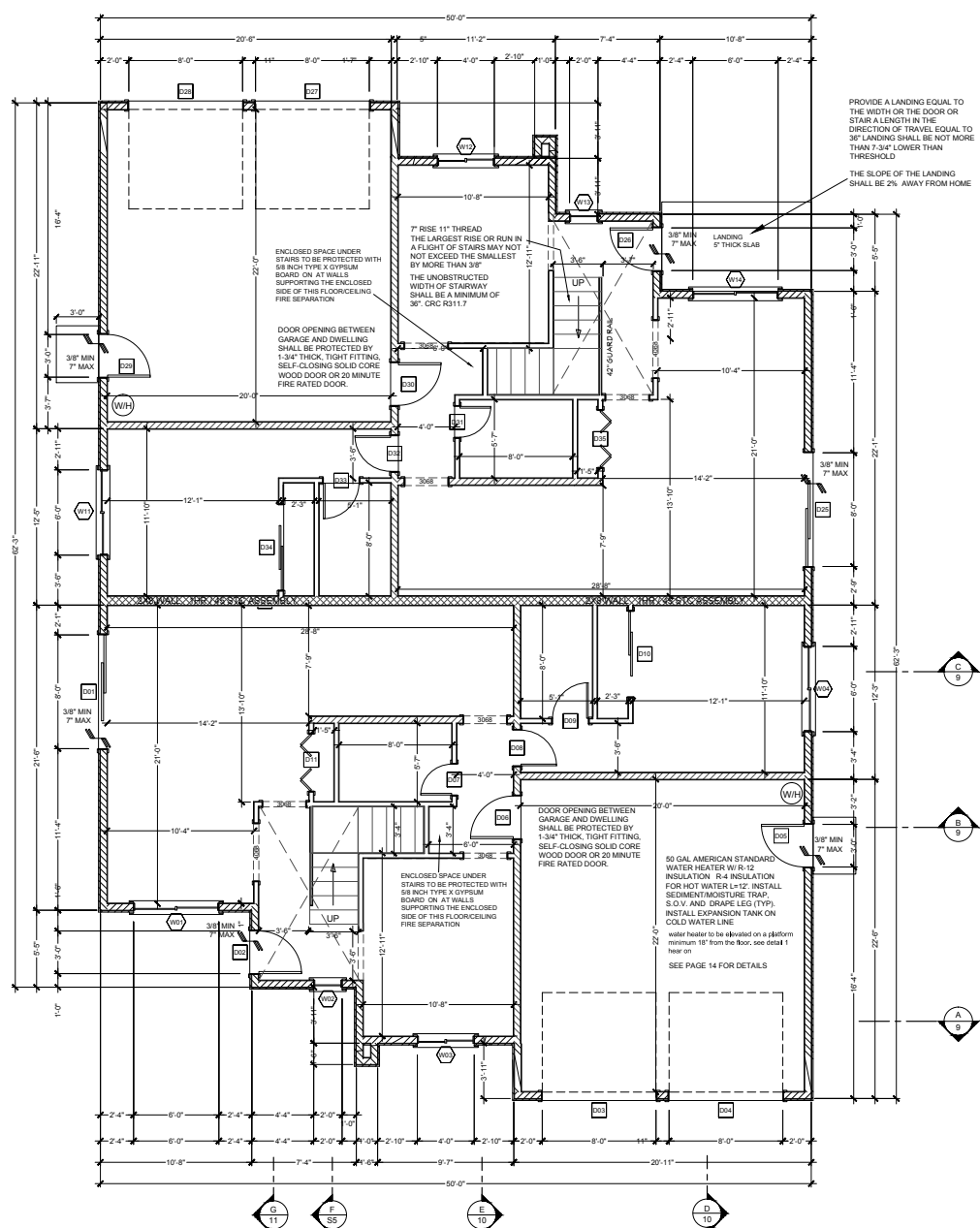
DATE: October 29, 2019
 FILE: 19-
 UBALDO - COLONIA
 APN: 281-8-128-110
 SYM. REVISIONS. DATE

SHEET NO.

4

Number of Bathrooms	1 TO 1.5			2 TO 2.5				3 TO 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating Gallons	42	54	54	54	67	67	80	67	80	80	80

	LEGEND
	NEW WALLS 2X4 @ 16" O.C.
	NEW WALLS 2X6 @ 16" O.C.
	ALL EXTERIOR WALLS TO BE 2X6 WITH R-19 INSULATION



1st. Floor Plan With Dimension

SCALE 1/4" = 1'-0"

ORDER BY:
W. C. DESIGN BUILD
P.O. BOX 7463 OXNARD, CALIFORNIA 93031
Email: wcdesignbuild@gmail.com OFFICE (805) 414-0527

SHEET TITLE: FLOOR PLAN WITH DIMENSIONS
PROJECT: MR. & MRS. LEYVA
213 S ROOSEVELT AVE., OXNARD, CA, 93030

DATE: _____

FILE 19—
UBALDO - COLONIA

APN: 201-0-128-110

SYM.	REVISIONS	0
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SHEET NO.

5

5

IN ADDITION TO PRIMARY CONDENSATE DRAINS, WHEN COOLING COILS ARE LOCATED IN AN ATTIC, A SECONDARY OR OVERFLOW SHALL BE PROVIDED. THE REQUIRED OVERFLOW LINE SHALL BE SEPARATE FROM THE PRIMARY AND SHALL TERMINATE WHERE IT IS READILY OBSERVABLE (I.E. ABOVE WINDOWS OR DOORS). CMC 309.2

TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS. CMC 502.2.1

FAU NOTES:

A. 100,000 BTU/HR RATING FOR UNIT. [CMC 310]

B. COMPARTMENT DIMENSIONS 12" WIDER THAN UNIT. 3" MINIMUM CLEAR ON SIDES AND BACK. 6" MINIMUM CLEAR FROM FRONT TO COMBUSTION AIR INTAKE. [CMC 304.7]

C. AREA OF COMBUSTION AIR OPENINGS 1 SQUARE INCH PER 5,000 BTU. 1 SQUARE INCH PER 1,000 BTU (100 MINIMUM) IN CONFINED SPACES. HALF OF OPENING AREA WITHIN 12" OF CEILING AND HALF 12" FROM FLOOR. [CMC 702.707, T-4A]

D. COMBUSTION AIR FROM ATTIC THROUGH 26-GAUGE GALVANIZED STEEL SLEEVE TO 6" ABOVE CEILING JOISTS WITHOUT A SCREEN. PROVIDE ADEQUATE OPENINGS TO ATTIC. [CMC 703]

E. COMBUSTION AIR DIRECTLY FROM OUTSIDE WITH 1/2" SCREEN, ONE SQUARE INCH PER 4,000 BTU AND 1 SQUARE INCH PER 2,000 FOR HORIZONTAL DUCTS. [CMC 707, T-4A]

FAU INFORMATION

58MVS INFINITY 98

DELUXE 4-WAY MULTIPROSE VARIABLE-SPEED

TWO-STAGE CONDENSING GAS FURNACE

Series-120 Input Rates: 100,000 Btu/h

MODEL 58MVR9804-1

HEATING NOTES:

AND AIR-CONDITIONING SYSTEMS SHALL BE SIZED, DESIGNED AND HAVE THEIR EQUIPMENT SELECTED USING THE FOLLOWING METHODS:

1. THE HEAT LOSS AND HEAT GAIN IS ESTABLISHED ACCORDING TO ANSI ACCA 3 MANUAL, J2004 (RESIDENTIAL LOAD CALCULATION), ASHRAE HANDBOOKS OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS.

2. DUCT SYSTEMS ARE SIZED ACCORDING TO ANSI ACCA 1 MANUAL D-2009 (RESIDENTIAL DUCT SYSTEMS), ASHRAE HANDBOOKS OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS.

3. SELECT HEATING AND COOLING EQUIPMENT ACCORDING TO ANSI ACCA 3 MANUAL S-2004 (RESIDENTIAL EQUIPMENT SELECTION) OR OTHER EQUIVALENT DESIGN SOFTWARE OR METHODS.

4. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED AND SPECIAL INSPECTORS EMPLOYED BY THE ENFORCING AGENCY MUST BE QUALIFIED

FIREPLACE-BUILT FIREPLACES NOTES:

R1004.1 GENERAL

Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127.

R1004.1.1 FACTORY-BUILT WOOD-BURNING FIREPLACES

Factory-built wood burning fireplaces shall be qualified at the U.S. EPA's Voluntary Fireplace Program Phase 2 emissions level and be in accordance with the California Green Building Standards Code, Chapter 4, Division 4.5.

R1004.2 HEARTH EXTENSIONS

Hearth extensions of approved factory-built fireplaces shall be installed in accordance with the listing of the fireplace. The hearth extension shall be readily distinguishable from the surrounding floor area. Listed and labeled hearth extensions shall comply with UL 1618.

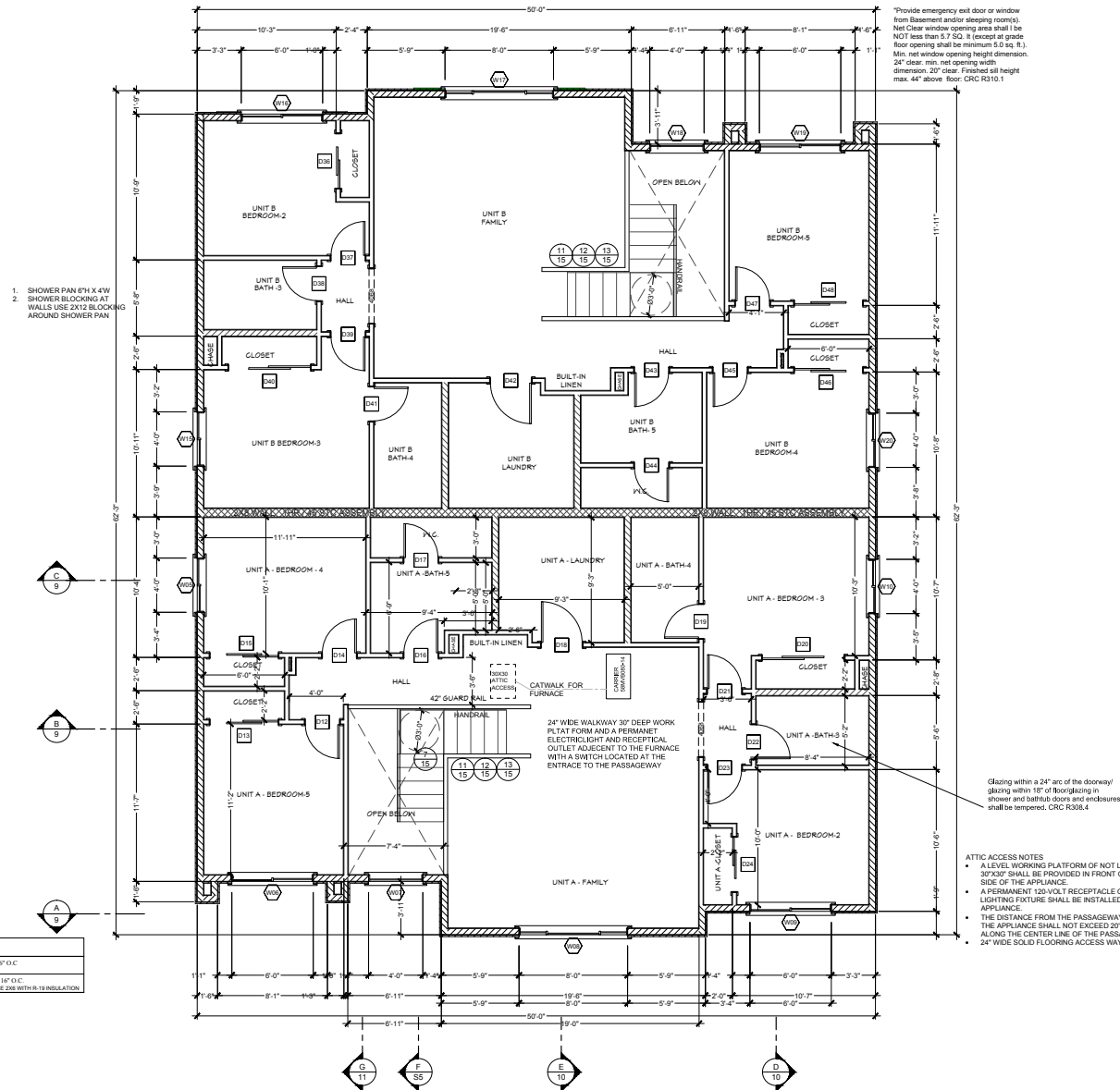
R1004.3 DECORATIVE SHROUDS

Decorative shrouds shall not be installed at the termination of chimneys for factory-built fireplaces except where the shrouds are listed and labeled for use with the specific factory-built fireplace system and installed in accordance with the manufacturer's instructions.

R1004.5 GASKETED FIREPLACE DOORS

A gasketed fireplace door shall not be installed on a factory-built fireplace except where the fireplace system has been specifically tested, listed and labeled for such use in accordance with UL 127.

LEGEND	
	NEW WALLS 2X4 @16" O.C.
	NEW WALLS 2X6 @16" O.C.
	ALL EXTERIOR WALLS TO BE 2X8 WITH R-19 INSULATION



2nd Floor Plan With Dimension
SCALE 1/4" = 1'-0"

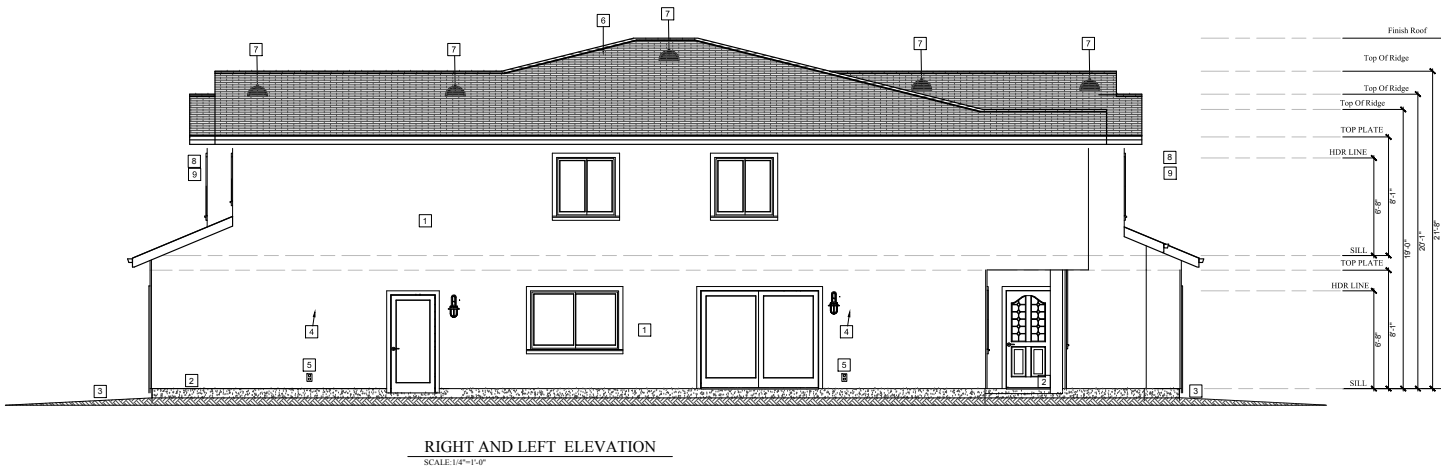


PLANS PREPARED BY:
W. C. DESIGN BUILD
P.O. BOX 7463 OXNARD, CALIFORNIA 93031
Email: westcoastdesignbuild@gmail.com OFFICE (805) 414-0027
PLANS DRAWN BY: Pedro Vega

SHEET TITLE:
FLOOR PLAN WITH DIMENSIONS
PROJECT:
MR. & MRS. LEYVA
213 S ROOSEVELT AVE. OXNARD, CA. 93030

DATE: October 29, 2019		
FILE 19--- UBALDO - COLONIA		
APN: 201-0-128-110		
SYM.	REVISIONS	DATE

SHEET NO.
A6



ELEVATION NOTES:

- 1 7/8" PORTLAND CEMENT PLASTER PAPER BACKED LATH WITH 16 GAUGE STAPLES AT 8" O.C. TWO LAYERS OF TYPE D PAPER IS REQUIRED.
- 2 G.I. STUCCO WEEP SCORED TYPICAL
- 3 FINISH GRADE SHALL SLOPE AWAY FROM BUILDING 6" MIN. VERTICALLY FOR THE FIRST 10 HORIZONTAL FEET
- 4 HIGH EFFICACY EXTERIOR LIGHTING FIXTURE WITH MOTION SENSOR CONTROL
- 5 DUPLEX RECEPTACLE GROUND FAULT INTERRUPTED W/ WEATHERPROOF COVER
- 6 THE ROOFING MATERIAL FOR THE HOME AND ADDITION IS TO MATCH COLOR AND TEXTURE. ESR-1372 OR EQUAL CLASS A FIRE RATED COMP. SHINGLES W/ 30# FELT (ESR-2082) W/ 15/32 OSH. TechShield Radiant Barrier STRUCTURAL PANELS APA (KTC-63 ESR-2516) 8d NAILS @ 8"X12" O.C
- 7 12"X24" VENT (1.5 S.F.)
- 8 2x FASCIA BOARD TO MATCH PAINT, MATERIAL AND FINISH TO MATCH EXISTING RESIDENCE
- 9 CONTINUOUS 28 GAUGE GALVANIZED METAL FLASHING WITH 2 1/2" DRIP EDGE AT PERIMETER OF ROOF
- 10 New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. The letters/numbers for permanent address signs shall be 4 inches in height with a minimum 1/2 inch stroke. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the Coastside Fire District. This remote signage shall consist of a 6 inch by 18 inch green reflective metal sign with 3 inch reflective Numbers/ Letters similar to Hy-Go 911 or equivalent. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON SITE).

All roof installations regulated by California Building Code Chapter 15 and Appendix Chapter 15 shall comply with CBC Section 1505, but in no case shall be less than a minimum of a Class B roofing assembly. [HMB 14.04.110.G]

ELEVATION NOTES:

1. PROVIDE ATTIC CROSS-VENTILATION THE NET FREE VENTILATION AREA SHALL BE NOT LESS THAN 1/160 OF THE AREA OF THE SPACE TO BE VENTILATED (CRC SECTION R806.2)
- 1.1. EXCEPTION: THE MINIMUM NET FREE VENTILATION AREA SHALL BE 1/300 OF THE VENTED SPACE PROVIDED NOT LESS THAN 40 PERCENT AND NOT MORE THAN 50 PERCENT OF THE REQUIRED VENTILATING AREA IS PROVIDED BY VENTILATORS LOCATED IN THE UPPER PORTION OF THE ATTIC OR RAFTER SPACE.
2. ATTIC VENTS ARE REQUIRED TO BE PROTECTED BY 1/4" CORROSION RESISTANT METAL MESH (CRC SECTION R806.1)
3. WEEP SCREEDS: A MINIMUM 0.019-INCH (0.5 MM) (NO. 26 GALVANIZED SHEET GAGE), CORROSION RESISTANT WEEP SCORED OR PLASTIC WEEP SCORED, WITH A MINIMUM VERTICAL ATTACHMENT FLANGE OF 3-1/2 INCHES (89 MM) SHALL BE PROVIDED AT OR BELOW THE FOUNDATION PLATE LINE ON EXTERIOR STUD WALLS IN ACCORDANCE WITH ASTM C568. THE WEEP SCORED SHALL BE PLACED NOT LESS THAN 4 INCHES (102 MM) ABOVE THE EARTH OR 2 INCHES (51 MM) ABOVE PAVED AREAS (CRC SECTION R703.7.2.)



PLANS PREPARED BY:
W. C. DESIGN BUILD
P.O. BOX 7463 OXNARD, CALIFORNIA 93031
Email: wcdesignbuild@gmail.com OFFICE (805) 414-0527
PLANS DRAWN BY: Pedro Vega

SHEET TITLE: **ELEVATIONS**
PROJECT: **MR. & MRS. LEYVA**
213 S ROOSEVELT AVE. OXNARD, CA. 93030

DATE: October 29, 2019		
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① 24"x32" VENT (196 SQ IN) 1/2" DEEP LOUVER W/ BUG SCREEN - LOUVER SET BACK 1" FROM EDGE

② 12" G.I. FLANGE SOLDERED OR SEALED WATERTIGHT (SEE NOTE BELOW)

③ 40 LB. A.S.T.M. FELT UNDERLAYMENT OVER VENT FLASHING

O'HAGIN VENT SECTIONS ICC-ES 9650-A

O'HAGIN'S TAPERED, LOW-PROFILE VENT (STANDARD FLANGE)

O'HAGIN'S TAPERED, LOW-PROFILE VENT (STANDARD FLANGE)

O'HAGIN VENTS ARE MANUFACTURED USING:

- PRE-PAINTED GALVANIZED 26 GAUGE G90
- GALVANIZED 26 GAUGE G90
- ALUMINUM .032
- COPPER 16 OZ
- STAINLESS-STEEL INTERIOR MATRIX (WEATHERMASTER®, WEATHERMASTER HD®, FIRE & ICE® ONLY)

TAPERED, LOW-PROFILE VENT FOR COMPOSITION SHINGLE, SLATE & SHAKE ROOFS

1 VENT

TOP VIEW

SIDE VIEW

Bird blocks per hole factor

3" DIA. HOLE WITH 1/4" MESH = 0.0491

3 X 0.0491 = 0.1473 PER BLOCK

EAVE VENT

① 120"x3.5" VENT (2.9 S.F.) 1/2" DEEP LOUVER W/ BUG SCREEN - LOUVER SET BACK 1" FROM EDGE 435 SQFT

② 12" G.I. FLANGE SOLDERED OR SEALED WATERTIGHT (SEE NOTE BELOW)

③ 40 LB. A.S.T.M. FELT UNDERLAYMENT OVER VENT FLASHING

EAVE VENT

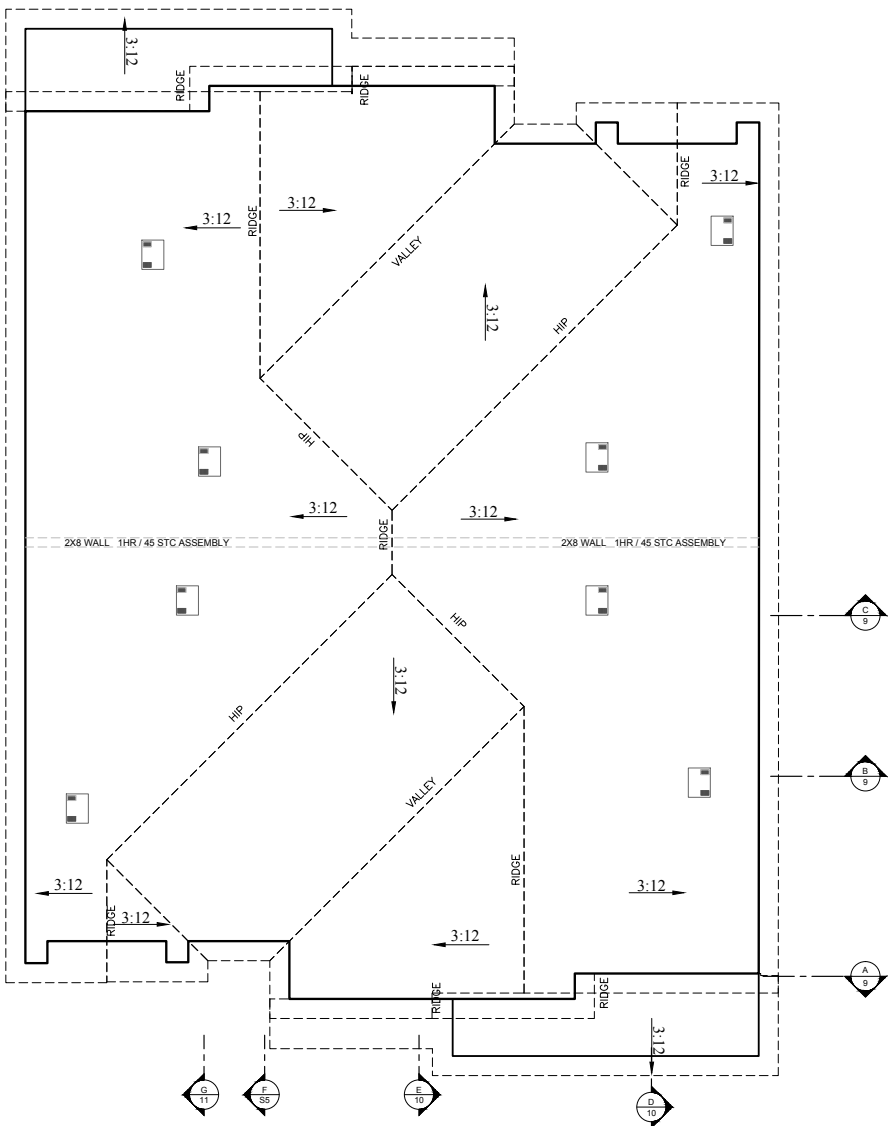
VENTILATION REQUIREMENTS PER UNIT
1368 / 150 = 9.12 SQFT REQUIRED

PROPOSED
ROOF VENT - 4 (1.5 S.F.) 6.0 SQFT
EAVE VENT - 32 (0.1473 S.F.) 4.71 SQFT
TOTAL 10.71 SQFT

PROPOSED 10.71 SQFT > 9.12 SQFT REQUIRED OK
50% OF ROOF MINIMUM VENTILATION MUST COME FROM THE EAVE VENT

ELEVATION NOTES:

1. PROVIDE ATTIC CROSS-VENTILATION THE NET FREE VENTILATION AREA SHALL BE NOT LESS THAN 1/150 OF THE AREA OF THE SPACE TO BE VENTILATED (CRC SECTION R906.2)
- 1.1. Exception: The minimum net free ventilation area shall be 1/300 of the vented space provided Not less than 40 percent and not more than 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the attic or rafter space.
2. ATTIC VENTS ARE REQUIRED TO BE PROTECTED BY 1/4" CORROSION RESISTANT METAL MESH (CRC SECTION R906.1)
3. WEEP SCREEDS- A minimum 0.019-inch (0.5 mm) (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3-1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C508. The weep screed shall be placed not less than 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas (CRC SECTION R703.7.2.)



ROOF PLAN
SCALE- 1/4"=1'-0"
ROOF PITCH 3:12

PLANS PREPARED BY:

W. C. DESIGN BUILD

P.O. BOX 7463 OXNARD, CALIFORNIA 93031

Email: wcdesignbuild@gmail.com OFFICE (805) 414-0527

PLANS DRAWN BY: Pedro Vega

SECTIONS

MR. & MRS. LEYVA

213 S ROOSEVELT AVE. OXNARD, CA. 93030

SHEET TITLE:

PROJECT:

DATE:

FILE 19-

UBALDO - COLONIA

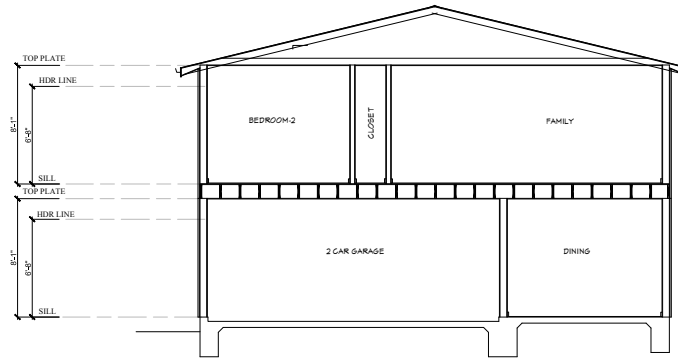
APN:

201-0-128-110

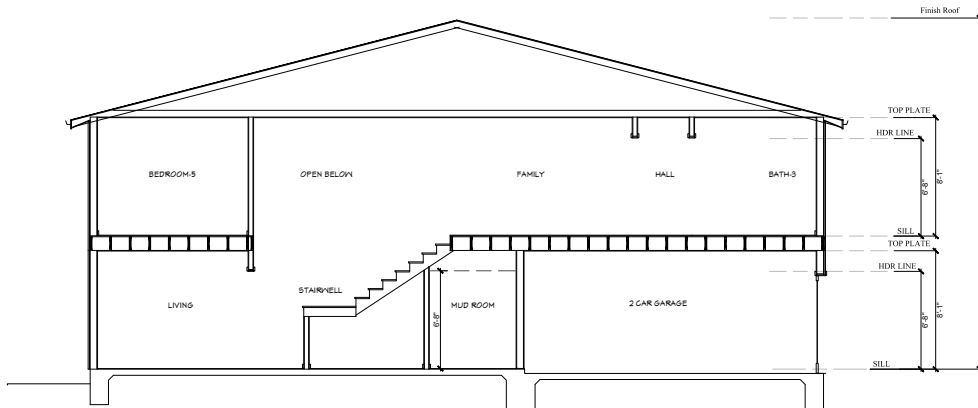
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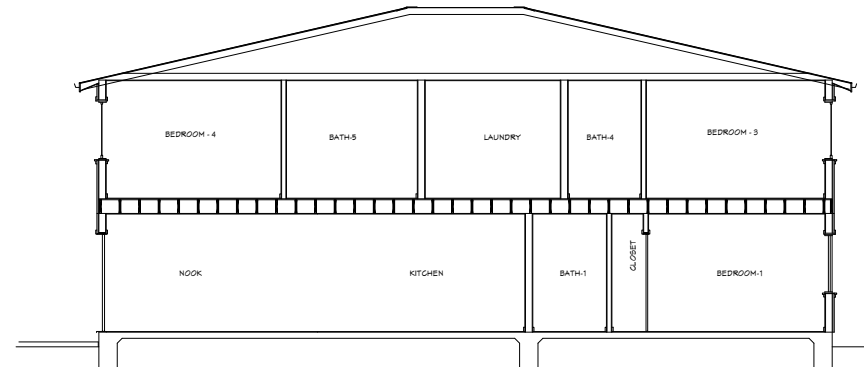
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SECTION A
SCALE: 1/4"=1'-0"



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



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

SECTION NOTES:

- 1 7/8" THK STUCCO OVER TWO LAYERS OF GRADE IV FELT PAPER TO MATCH EXISTING TYPICAL
- 2 R-19 INSULATION TYP. @ ALL EXTERIOR WALLS WITH 2X6 WALL FRAME D.F. #2 @ 16" O.C.
- 3 ROOF RAFTERS PER PLAN.
- 4 R-30 INSULATION TYP. @ ALL CEILING/ATTIC SPACES
- 5 FOUNDATION (SEE STRUCTURAL PLAN)
- 6 WALL SHEATHING - 15/32 OSB STRUCTURAL PANELS APA (ICC-ES ESR-2686) WITH 100 COMMON NAILS AT 6"X12" 10" GAP BETWEEN SHEETS.
- 7 ROOF SHEATHING - 15/32 OSB STRUCTURAL ROOF SHEATHING W/ 100 NAILS @ 4" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS (ICC-ES ESR-2686)
- 8 NEW ASPHALT ROOF SHINGLES TO MATCH EXISTING - OWENS CORNING ROOFING AND ASPHALT (ESR-1372 OR EQUAL CLASS A FIRE RATED COMP. SHINGLES W/ 30# FELT (ESR-3002)
- 9 FIREWALL REQUIRED BETWEEN GARAGE AND DWELLING FIRE. SUP TYP X GYPSUM BOARD AT GARAGE WALLS AND CEILING (CBC 406.1.4)
- 10 2X4 @ 16" O.C. FRAME D.F. #2
- 11 2X6 @ 16" O.C. PLUMBING WALL
- 12 RIDGE PER PLAN

SHEATHING / NAILING SCHEDULE

- SILL PLATE NAILING @ 2ND STORY SHEARWALL PER SHEAR LEGEND
- WALL SHEATHING - 5 PLY MIN. SE SHEAR WALL SCHEDULE O FOR INSTALLATION INFORMATION
- ROOF SHEATHING - 7/16" OSB PANEL=24/16 W/ 8D NAILS @ 4" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS
- ROOF DECK - 23/32" T&G OSB. FLOOR SHEATHING W/ 2.5" SHANK SCREWS @ 6" & 12" O.C.. SHEATHING TO BE GLUED
- FLOOR SHEATHING- 23/32" T&G OSB. FLOOR SHEATHING W/ 3" SHANK SCREWS @ 6" & 12" O.C.. SHEATHING TO BE GLUED
- ALL LUMBER FOR R.R. & C.J. TO BE OF #2



PLANS PREPARED BY:
W. C. DESIGN BUILD
P.O. BOX 7463 OXNARD, CALIFORNIA 93031
Email: wcdesignbuild@gmail.com OFFICE (805) 414-0027
PLANS DRAWN BY: Pedro Vega

SHEET TITLE: SECTIONS
PROJECT: MR. & MRS. LEYVA
213 S ROOSEVELT AVE. OXNARD, CA. 93030

DATE:

October 29, 2019

FILE 19---

UBALDO - COLONIA

APN:

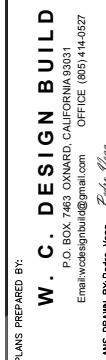
201-0-128-110

SYM.	REVISIONS	DATE

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- 1 7/8" THK STUCCO OVER TWO LAYERS OF GRADE 'D' FELT PAPER TO MATCH EXISTING TYPE
- 2 R-19 INSULATION TP. @ ALL EXTERIOR WALLS WITH 2"x10" WALL FRAME D.T. #2 @ 16" O.C.
- 3 ROOF RAFTERS PER PLAN.
- 4 R-30 INSULATION TP. @ ALL CEILING/ATTIC SPACES
- 5 FOUNDATION (SEE STRUCTURAL PLAN)
- 6 WALL SHEATHING - 1/2" OSB STRUCTURAL PANELS AIA (ECS ESR-2586) @ 12" ON COMMON NAILS AT 6" O.C. OVER GAP BETWEEN SHEETS
- 7 ROOF SHEATHING - 1/2" OSB STRUCTURAL ROOF SHEATHING W/ 10D NAILS @ 8" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS (ECS ESR-2586)
- 8 NEW ASPHALT ROOF SHINGLES TO MATCH EXISTING - OWENS CORNING FORTROL AND ASPHALT (ESR-1372) OR EQUIV. CLASS A FIRE RATED COP. SHINGLES W/ 10D NAILS @ 8" O.C. (ECS ESR-3092)
- 9 FIREWALL REQUIRED BETWEEN GARAGE AND DWELLING FIRE: 5/8" TP. X GYPSUM BORD AT GARAGE WALLS AND CEILING (CEN 406.1.4)
- 10 2X4 @ 16" O.C. FRAME D.T. #2
- 11 2X6 @ 16" PLUMBING WALL
- 12 RIDGE PER PLAN

- **SILL PLATE NAILING @ 2ND STORY SHEARWALL PER SHEAR LEGEND**
- **WALL SHEATHING - 5 PLY MIN. SE SHEAR WALL SCHEDULE O FOR INSTALLATION INFORMATION**
- **ROOF SHEATHING - 7/16" OSB PANEL=24/16 W/ 8D NAILS @ 4" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS**
- **ROOF DECK - 2332" T&S OSB. FLOOR SHEATHING W/ 3" SHANK SCREWS @ 6" & 12" O.C., SHEATHING TO BE GLUED**
- **FLOOR SHEATHING: 2332" T&S OSB. FLOOR SHEATHING W/ 3" SHANK SCREWS @ 6" & 12" O.C., SHEATHING TO BE GLUED**
- **ALL LUMBER FOR R.R. & C.J. TO BE OF #2**



SHEET TITLE:

SECTIONS
MR. & MRS. LEYVA
213 S ROOSEVELT AVE., OXNARD, CA. 93030

DATE:
October 29, 2019

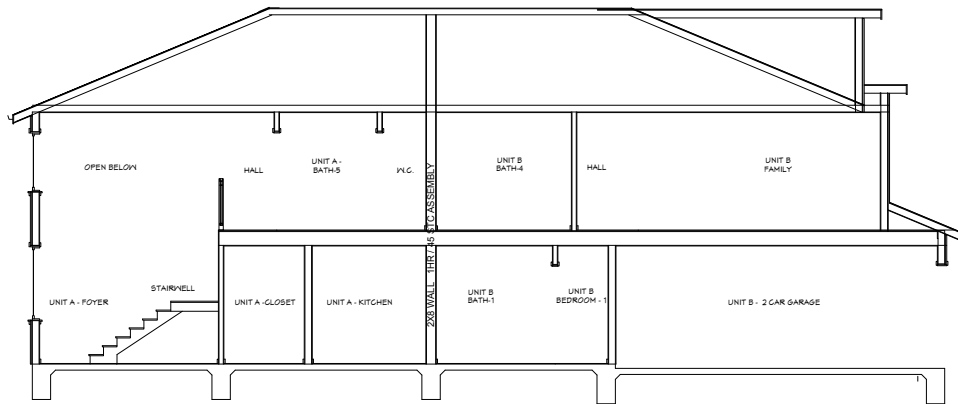
FILE 19---
UBALDO - COLONIA

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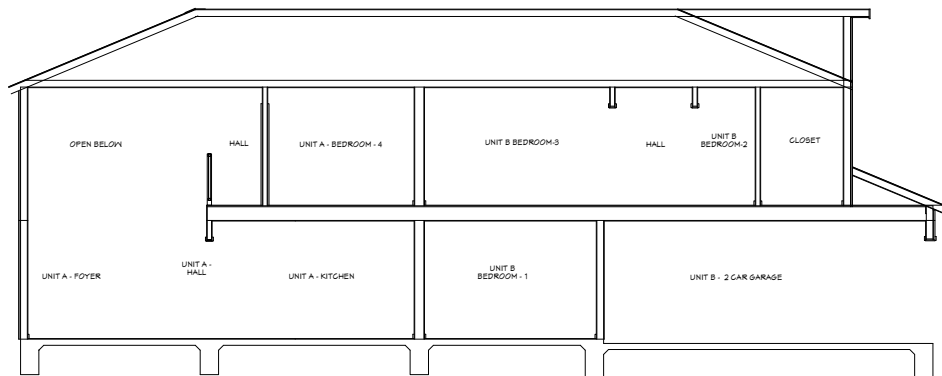
SYM.	REVISIONS	DATE

SHEET NO.

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



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

SECTION NOTES:

- 1 7/8" THK. STUCCO OVER TWO LAYERS OF GRADE 1" FELT PAPER TO MATCH EXISTING TYPICAL.
- 2 R-19 INSULATION TYP. @ ALL EXTERIOR WALLS WITH 2X6 WALL FRAME D.F. #2 @ 16" O.C.
- 3 ROOF RAFTERS PER PLAN.
- 4 R-30 INSULATION TYP. @ ALL CEILING/ATTIC SPACES
- 5 FOUNDATION (SEE STRUCTURAL PLAN)
- 6 WALL SHEATHING - 15/32 OSB STRUCTURAL PANELS APA1 (CCES ESR-2586) WITH 1X2 COMMON NAILS AT 6"12", 1/8" GAP BETWEEN SHEETS.
- 7 ROOF SHEATHING - 19/32" OSB STRUCTURAL ROOF SHEATHING W/ 10D NAILS @ 4" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS (CCES ESR-2586)
- 8 NEW ASPHALT ROOF SHINGLES TO MATCH EXISTING - OWENS CORNING ROOFING AND ASPHALT (ESR-1372 OR EQUAL CLASS A FIRE RATED COMP. SHINGLES W/ 30# FELT (ESR-3052)
- 9 FIREWALL REQUIRED BETWEEN GARAGE AND DWELLING FIRE: 5/8" TYP X GYPSUM BOARD AT GARAGE WALLS AND CEILING (CBC 406.1.4)
- 10 2X4 @ 16" O.C. FRAME D.F. #2
- 11 2X6 @ 16" PLUMBING WALL
- 12 RIDGE PER PLAN

SHEATHING / NAILING SCHEDULE

- SILL PLATE NAILING @ 2ND STORY SHEARWALL PER SHEAR LEGEND
- WALL SHEATHING - 5 PLY MIN. SE SHEAR WALL SCHEDULE O FOR INSTALLATION INFORMATION
- ROOF SHEATHING - 7/16" OSB PANEL=24/16 W/ 8D NAILS @ 4" & 12" O.C. USE 1/8" GAP BETWEEN SHEETS
- ROOF DECK - 23/32" T&G OSB - FLOOR SHEATHING W/ 2.5" SHANK SCREWS @ 6" & 12" O.C., SHEATHING TO BE GLUED
- FLOOR SHEATHING- 23/32" T&G OSB - FLOOR SHEATHING W/ 3" SHANK SCREWS @ 6" & 12" O.C., SHEATHING TO BE GLUED
- ALL LUMBER FOR R.R. & C.J. TO BE OF #2



PLANS PREPARED BY:
W. C. DESIGN BUILD
P.O. BOX 7463 OXNARD, CALIFORNIA 93031
Email: wcdesignbuild@gmail.com OFFICE (805) 414-0527

PLANS DRAWN BY: Pedro Vega *Pedro Vega*

SECTIONS

SHEET TITLE:

PROJECT:

MR. & MRS. LEYVA
213 S ROOSEVELT AVE. OXNARD, CA. 93030

DATE:

October 29, 2019

FILE:

19- UBALDO - COLONIA

APN:

201-9-128-110

SYM.	REVISIONS	DATE

SHEET NO.

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D

Resolution

C

Notice of Exemption



OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

Project Name: **Leyva Duplex** Planning and Zoning Permit No. 19-200-04 (Development Design Review Permit) a request to construct a 4,800 square-foot residential duplex two-story building with each unit consisting of a 2,400 square foot residence, an attached two-car garage and a front porch for each unit on a 7,200 square-foot lot (APN: 201-0-128-110) located within the R-2 Multiple-Family Residential zoning district at 213 South Roosevelt Avenue.

Finding: The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as in-fill development may be found to be exempt from the requirements of CEQA. The Project consists of the construction of a 4,800 square-foot residential duplex building designed to be consistent with the Residential Low Medium (RLM) general plan land use designation, as well as with the Multi-Family Residential (R-2) zoning district. The proposed development is located on a 7,200 square-foot site which is surrounded by urban uses. The Project site will be adequately served by all required utilities and public services. The Project site has no value as habitat for endangered, rare or threatened species. Additionally, this Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat this Exemption. The Community Development Director has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and the Director hereby authorizes and directs the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Scott Kolwitz
Planning and Environmental Services
Manager

RESOLUTION NO. PZ 19-200-04

A RESOLUTION OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-200-04 (DEVELOPMENT DESIGN REVIEW) TO CONSTRUCT A 4,800 SQUARE-FOOT MULTIPLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE AND FRONT PORCH FOR EACH UNIT ON A 7,200 SQUARE-FOOT LOT LOCATED AT 213 SOUTH ROOSEVELT AVENUE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PEDRO VEGA, DESIGNATED AGENT, ON BEHALF OF UBALDO LEYVA, PROPERTY OWNER, 637 WEST ROBERT AVENUE, OXNARD, CA 93030

WHEREAS, the Community Development Director of the City of Oxnard has conducted a duly notice public hearing and considered an application for Planning and Zoning Permit No. 19-200-04, filed by Pedro Vega, designated agent, on behalf of Ubaldo Leyva, property owner, in accordance with Section 16-525 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 32 Categorical Exemption (Section 15332). Further, the project does not trigger any of the Exceptions to the Exemptions (15300.2) to defeat the Exemption:

- A. Location. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The project site is located within the 2030 General Plan land use designation of Residential Low Medium (RLM) and within the Multiple-Family Residential (R-2) zoning district. The Project is surrounded by residential development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- B. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed 4,800 square-foot multiple-family residential building with attached 2-car garages and associated site improvements on a 7,200 square-foot site is consistent with the 2030 General Plan and the R-2 zoning district and is compatible with the physical scale and character of other residential buildings in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the R-2 zoning district for consistency and CEQA for any potential impacts. Therefore, the project will have no significant impact.

- C. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The proposed construction of a 4,800 square-foot with attached 2-car garages and associated site improvements on a 7,200 square-foot site will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The Project will not alter the residential character of the surrounding development and the property does not contain any unusual environmental characteristics as the property will be surrounded on all sides by residential development. Therefore, the Project will not have a significant effect on the environment due to unusual circumstances.

- D. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.**

The Project is not located in or adjacent to a state designated scenic highway.

- E. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- F. Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.**

The project site is undeveloped and does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Community Development Director and all written and oral evidence presented, including the Development Design Review Staff Report and all attachments thereto, the Community Development Director finds:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.

The applicant is proposing to construct a two-story, 4,800 square-foot multiple-family duplex residence with each unit having identical interior layouts; attached 2-car garage and a front porch within a vacant 7,200 square-foot lot located at 213 South Roosevelt Avenue located within the Multiple-Family (R-2) zoning district. The proposed two-story, multiple-family duplex residence and associated improvements are allowed uses within the R-2 zone pursuant to section 16-41 of the City Code. The construction of the proposed two-story, multiple-family duplex residence and associated improvements does not change the land use of the subject site. Additionally, the multiple-family residence has been designed to meet the required developments standards identified in the R-2 zone. The project site is not subject to a Specific Plan. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed use permit shall be granted if the approval body finds such 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.

The proposed land use of the project is of a two-story, multiple-family residential use with associated site improvements, which is an allowed use per the Residential Low Medium land use designation within the 2030 General Plan. The surrounding uses are characterized by residential uses, which are a combination of single-family and multiple-family residences. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare. As such, this project meets this Finding.

- 3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and items which may be required by Section 16-532.**

As proposed and conditioned, the project will meet the development standards of the R-2 zone (Multiple-Family) to ensure that development is adequately proportional to the size of the property. The size of the project site is 7,200 square feet. Pursuant to Oxnard City Code Section 16-43, the height permitted for a residence is two-stories, with a height not to exceed 25 feet. The two-story, multiple-family residence has been designed with a height of approximately 24 feet, which is below the maximum allowed height of 25 feet. Pursuant to City Code Section 16-48, each lot shall provide for interior space in an area to at least 30% of the lot area. The project has been designed to include 2,298 square-feet of interior yard space which is slightly above the 30% required interior yard space standard. The front property line setback is 25 feet at the shortest point, the west and east side property lines are setback 5 feet, and the rear property line setback is 25 feet at the shortest point, which exceeds or meets the minimum setback requirements. To satisfy Section 16-622, the proposed multiple-family residence includes an attached two-car garage for each unit. To satisfy Section 16-308, the project has been conditioned for the fence in the front yard to not exceed 3.5 feet tall and to be 50% or more open. For the project to be consistent with the City's adopted Landscape Standards, the project has been conditioned to include at least one 24" box size (minimum) tree within the front yard. Given these circumstances, the site for the proposed use is adequate in size and shape to accommodate the yards, parking, landscaping, and other City standards; therefore, the proposed project meets this Finding.

- 4. The site that is subject to the use permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The project will be accessed from an existing street, South Roosevelt Avenue, and public alley. The project provides an attached two-car garage, accessed from South Roosevelt Avenue. The City of Oxnard's policy regarding curb cuts and vehicular access requires properties abutting an alley to have vehicular access from the alley. The applicant is seeking approval to continue access to the property off of South Roosevelt Avenue as well as the alley. The Community Development Department's policy is to permit alternative vehicular access when at least 70% of the residences along a block also have curb cuts on the street. Since this is the condition on South Roosevelt Avenue, the Community Development Department can support the request for continued access off South Roosevelt Avenue. The construction of the requested curb cut is in keeping with the surrounding development and will not be detrimental to the public health, safety, or welfare. As a result, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service, as stipulated in the 2030 General Plan. Therefore, this project meets this Finding.

5. The site that is subject to the use permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.

The Project is considered infill development that has been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing water mains found within the existing street (front of the property). Sewer connections serving the proposed parcel will be provided by an existing line located on South Roosevelt Avenue (front of the property). Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this project meets this finding.

SECTION 2. The Community Development Director, in accordance with the California Environmental Quality Act (CEQA), determines that the Project (construction of a multiple-family residence) will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development) of the State CEQA Guidelines. The Community Development Director has determined that there is no substantial evidence that the project will have a significant effect on the environment and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Community Development Director hereby approves Planning and Zoning Permit 19-200-04 (Development Design Review Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Director of the City of Oxnard hereby approves Planning and Zoning Permit No. 19-200-04 (DDR), subject to the following conditions. The decision of the Community Development Director is final unless appealed in accordance with the provisions of Section 16-525 of the Oxnard City Code.

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
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Landscape Design	CE	Code Enforcement

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 January 29, 2021, ("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"). 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. (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 Planning 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. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
9. 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)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

15. 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)

16. 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)
17. 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)
18. 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)
19. 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)
20. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
21. At time of submittal to the Building and Engineering Division for plan check, 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, PK-23)
22. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "all landscaping and irrigation comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards, and applicable water conservation requirements of the State of California". (PK, PK-24)

LANDSCAPE SPECIAL CONDITIONS

23. 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 prior to the issuance of building permits. (PL/PK)
24. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PL/PK)
25. The applicant shall include at least one 24" box size (minimum) tree within the front yard.

PLANNING DIVISION STANDARD CONDITIONS

26. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)
27. 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)
28. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Manager in all sets of construction documents and specifications for the project. (PL, PL-3)
29. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, PL-4)
30. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
31. During construction, Developer shall control dust by the following activities:
 - a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, PL-12)
32. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
33. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, PL-14)

34. Due to water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)
35. 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).
36. Developer shall provide automatic garage door openers for all garages. (PL/B, PL-20)
37. Garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, PL-21)
38. Prior to issuance of fine grading plans, Developer shall provide at least two types of driveway finishes or decorative designs. The details of the driveways shall be to the satisfaction of the Planning Division Manager. (PL, PL-22)
39. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
40. 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)

PLANNING DIVISION SPECIAL CONDITIONS

41. 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.
42. Fencing along the front yard shall meet the height restrictions set forth in Section 16-308 of the Oxnard Municipal Code. Specifically, the fence along the front yard shall not exceed 42 inches in height and is to be 50 percent or more open.
43. The final landscape plan is conditioned to be reviewed and approved by the City's Landscape Architect prior to the issuance of a building permit.

DEVELOPMENT SERVICES DEPARTMENT SPECIAL CONDITIONS

44. Developer shall construct a new modified driveway curb cut for the proposed South Roosevelt Avenue driveway that provides an ADA compliant pedestrian path along the public right-of-way. The final design is subject to approval of the Development Services

Manager. (DS)

45. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property as directed by the City Inspector. (DS)
46. Developer shall construct a level concrete pad for storage of three refuse containers out of view of the public street. Developer shall provide a paved path from the storage location to the street curb. All gates or doors along the path shall be constructed with a minimum of 36 inches of clear space to allow passage of the City issued containers. (DS)
47. Lot fine grading shall be designed and constructed in compliance with City Standard Plate 601 or as otherwise approved by the City Engineer. (DS)
48. Uncovered and unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building may extend into any required front, side or rear yard not more than six feet; provided, however, that an openwork railing, not more than 42 inches in height may be installed or constructed on any such porch, platform or landing place.

PASSED AND ADOPTED by the Community Development Director of the City of Oxnard on this January 29th, 2021

Date

Jeff Pengilley
Interim Community Development Director

MEMORANDUM

Agenda Item No.: F.2

Date: January 29, 2020

To: Jeff Pengilley, Interim Community Development Director

From: Jose Coyotl, Associate Planner (805) 385-7863
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 2 – Shoemaker Enterprises, LLC.- PLANNING AND ZONING PERMIT NO. 20-215-02 (Development Design Review Permit - Cannabis: Manufacturing)** A request to permit the operation of a commercial cannabis manufacturing facility Type 7 (Extraction using Volatile Solvents including: Butane, Propane, and Hexane) within an existing 9,674 square-foot warehouse building on a 0.61-acre site (APN: 216-0-191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. The proposed project is exempt from environmental review, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act. Filed by Mathew S. Shoemaker on behalf of Shoemaker Enterprises, LLC.

Subsequent to the release of the Staff Report, staff has received 1 communication from the applicant concerning the proposed project (attached).

Staff has reviewed the letter and will provide a response as necessary.

Attachment

- A. Email from Mathew Shoemaker (Applicant) for Shoemaker Enterprises, LLC. received January 28, 2021.



Coyotl, Jose <jose.coyotl@oxnard.org>

Re: Shoemaker Enterprises

Mathew Shoemaker <mathew@roylbrands.com>
To: "Coyotl, Jose" <jose.coyotl@oxnard.org>
Cc: "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Thu, Jan 28, 2021 at 3:35 PM

SHOEMAKER ENTERPRISES, LLC**300 IRVING DRIVE****OXNARD, CA 93030**

January 28, 2021

Jose Coyotl
Associate Planner
City of Oxnard
Planning Department
214 South "C" Street
Oxnard, CA 93030

Re: Shoemaker Enterprises, LLC, applicant
Project No: PZ 20-215 02

Dear Mr. Coyotl:

I am writing in response to both the letters of Mr. Martin Teitelbaum dated January 21, 2021, and the email of Mr. Justin Urcis of January 26, 2021

It should be noted that this project has already been determined by Planning staff to be consistent with the General Plans, Northfield Seagate Business Park Specific Plan, the M-L zone district,

Section 11-473 (Location and Design of Cannabis Business) and the Oxnard City Code. Mr. Teitelbaum raises the issue of a “likely” violation of the CC&R’s, but, as an attorney experienced in real estate development, he cannot affirmatively say.

It should also be noted that no cannabis business was allowed in the State of California and the City of Oxnard at the time Northfield Seagate Business Park was developed, and the CC& R’s were not updated for the state and local cannabis legislation. Nonetheless, this concern is addressed by the proposed Condition #5 which states, “Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)

RESOLUTION NO. PZ 20-215-02

Ordinance #2994 adopted by the Oxnard City Council on December 1, 2020, was adopted to make modifications to the City’s existing regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII. For the City of Oxnard, this is a recent development and supersedes the previous permitted uses in any ML zone. So, it’s unfair to judge this application by the previous permitted uses in a ML zone.

Both letters cite the authors’ concerns for the invitation of criminal elements into this sector of the business park. This very concern has been previously addressed by the Oxnard Police Department with a finding that:

“With implementation of the recommended operating conditions, the Police Department anticipates that the manufacturing of cannabis products will have little, if any, adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the resolution of approval in order to mitigate Police Department concerns, and in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.”

In addition, Applicant does not intend on posting any exterior signage to the building in an effort to minimize the identification of the cannabis manufacturing activities, and to further thwart any unwanted attention to the building or the neighborhood.

In summary, both Mr. Teitelbaum’s letter and Mr. Urcis’s email express their unfounded concerns and speculation regarding increased crime and falling real estate values. I would be more than happy to meet with both Mr. Teitelbaum and Mr. Urcis to share and discuss our project in an effort to assuage their concerns. I certainly understand the concerns arising from the entry of the cannabis industry into mainstream society, and firmly believe that further education and knowledge can greatly enhance one’s understanding. I am more than happy to work in that regard.

MEMORANDUM

Agenda Item No.: F.2

Date: January 28, 2020

To: Jeff Pengilley, Interim Community Development Director

From: Jose Coyotl, Associate Planner (805) 385-7863
Scott Kolwitz, Planning & Environmental Services Manager

Subject: Transmittal Memo No. 2 – Shoemaker Enterprises, LLC.- PLANNING AND ZONING PERMIT NO. 20-215-02 (Development Design Review Permit - Cannabis: Manufacturing) A request to permit the operation of a commercial cannabis manufacturing facility Type 7 (Extraction using Volatile Solvents including: Butane, Propane, and Hexane) within an existing 9,674 square-foot warehouse building on a 0.61-acre site (APN: 216-0-191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. The proposed project is exempt from environmental review, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act. Filed by Mathew S. Shoemaker on behalf of Shoemaker Enterprises, LLC.

Subsequent to the release of the Staff Report, staff has received 1 communication from the applicant concerning the proposed project (attached).

Staff has reviewed the letter and will provide a response as necessary.

Attachment

A. Email from Raul Murillo of Coreathletics Academy, received January 28, 2021.



Coyotl, Jose <jose.coyotl@oxnard.org>

300 Irving Dr. Project

1 message

El Profe <coreathleticsacademy@gmail.com>

To: Jose.coyotl@oxnard.org

Cc: Mathew@roylbrands.com

Thu, Jan 28, 2021 at 4:08 PM

January 28, 2021

Jose Coyotl

City of Oxnard

Planning Department

[214 South "C" Street](#)[Oxnard, CA 93030](#)

Dear Mr. Coyotl:

I received the letter from the City of Oxnard about the cannabis manufacturing business and I wanted to reply. I lease the property at [2051 Cabot Place, Suite H, Oxnard, CA](#), and am the direct neighbor of Shoemaker Enterprises, LLC. My business is known as Coreathletics and have been in business in Oxnard for over 20 years.

Shoemaker Enterprises, LLC, and Mathew Shoemaker have been great neighbors and I welcome their cannabis manufacturing business they propose. I feel that their business will be good for the neighborhood as it is a clean industry and will provide more jobs for the citizens of Oxnard.

Sincerely,
Coreathletics Academy
Raul Murillo



Reply

Forward

MEMORANDUM

Agenda Item No.: F.2

Date: January 26, 2020

To: Jeff Pengilly, Interim Community Development Director

From: Jose Coyotl, Associate Planner (805) 385-7863
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 1 – Shoemaker Enterprises, LLC.- PLANNING AND ZONING PERMIT NO. 20-215-02 (Development Design Review Permit - Cannabis: Manufacturing)** A request to permit the operation of a commercial cannabis manufacturing facility Type 7 (Extraction using Volatile Solvents including: Butane, Propane, and Hexane) within an existing 9,674 square-foot warehouse building on a 0.61-acre site (APN: 216-0-191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. The proposed project is exempt from environmental review, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act. Filed by Mathew S. Shoemaker on behalf of Shoemaker Enterprises, LLC.

Subsequent to the release of the Staff Report, staff has received 1 communication from the applicant concerning the proposed project (attached).

Staff has reviewed the letter and will provide a response as necessary.

Attachment

- A. Email from Justin Urcis of Irving Drive, LLC. received January 26, 2021.

Notice of Public Hearing - Permit #20-215-02

1 message

Justin Urcis <justin@udcproperties.com>

Tue, Jan 26, 2021 at 3:33 PM

To: "jose.coyotl@oxnard.org" <jose.coyotl@oxnard.org>

Dear Mr. Coyotl,

I have received the Notice of Public Hearing pertaining to the review of a requested permit for a cannabis manufacturing facility at 300 Irving Drive in Oxnard.

I am the Manager of Irving Drive, LLC which owns buildings located at 320 and 340 Irving Drive. These buildings are leased to two national tenants, Vortex Doors and Sparkletts Waters, the latter of which has occupied the facility for over 20 years.

I oppose the proposed use of the cannabis facility at 300 Irving Drive as I am deeply concerned that it will introduce a criminal element into the business park and is not compatible with the existing uses in the area. Based on my experience, this type of business is a target for criminals who are seeking to steal cannabis for quick resale. The fact that the Sparkletts Water facility has an outdoor yard area is of particular concern. As most criminals are opportunists, they may choose to visit our properties while in the area, either vandalizing our buildings or stealing from our tenants. This could harm our ability to retain tenants and lead to lower property values in the area. It would seem that the cannabis manufacturer has tacitly acknowledged this as their tenant improvements call for secured doors and windows.

I strongly urge you and your colleagues to deny permission of this use as it is incompatible with the Northfield Business Park development.

Thank you for your consideration.

Justin Urcis

Irving Drive, LLC

**COMMUNITY DEVELOPMENT DIRECTOR
STAFF REPORT**

TO: Jeff Pengilley, Interim Community Development Director

FROM: Jose Coyotl, Associate Planner

DATE: January 29, 2021

SUBJECT: **Project Name: Shoemaker Enterprises, LLC. - Commercial Cannabis Business Manufacturing Development Design Review (DDR) Permit;** Planning and Zoning Permit No. 20-215-02 (Development Design Review Permit – Cannabis: Manufacturing); Located at 300 Irving Drive (APN: 216-0-191-145).

- 1) Recommendation:** That the Community Development Director (“**Director**”) finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and adopt a Resolution approving Planning and Zoning Permit No. 20-215-02 (Development Design Review Permit – Cannabis: Manufacturing), subject to certain findings and conditions.
- 2) Project Description and Applicant:** A request for approval of a Development Design Review (DDR) to allow the manufacturing of cannabis products (Cannabis State Licensing Type 7¹) within an existing 9,675 square-foot industrial warehouse building on a 0.61-acre site (APN: 216-0-191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Seagate Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. (Attachment A and B). Cannabis manufacturing operations will be conducted 24 hours a day seven days a week. For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project**”. Filed by Mathew S. Shoemaker (“**Applicant**”), 300 Irving Drive, Oxnard, CA, 93030.

¹ Type 7 Allows the cannabis manufacturing using volatile solvents, such as butane, hexane, or propane. Type 7 Licenses may also conduct Type 6, N and P activities. Type 6 allows the cannabis manufacturing using nonvolatile solvents, such as carbon dioxide, ethanol, water, butter or oils, or performing extractions using mechanical methods. Type N allows for the cannabis manufacturing of performing infusions. Type P allows for the cannabis manufacturing using only packaging or labeling cannabis products.

- 3) Existing & Surrounding Land Uses:** The 0.61-acre property is developed with a 9,675 square-foot industrial warehouse building and associated parking. The nearest established sensitive use is Rose Avenue Elementary (Public School), located approximately 725 feet west of the project site which is outside of the required 600-foot radius away from a sensitive use. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Industrial Limited (ILM)	Limited Manufacturing (M-L)	Industrial warehousing building.
North	ILM	M-L	Multi-tenant industrial buildings.
South	ILM	M-L	Industrial assembly and warehousing facility.
East	Industrial Light (ILT)	Industrial Light Manufacturing (M-1)	Industrial manufacturing, assembling, packaging and warehousing building.
West	ILM	M-L	Multi-tenant industrial building.

4) Background Information:

Cannabis Regulations

In April 2018, the City Council adopted a cannabis delivery ordinance including permit fees (Ord. No. 2937 - Chapter 11, Article XV). In January 2019, the State legalized cannabis delivery by state-licensed firms and eliminated the City's ability to regulate cannabis delivery.

On June 18, 2019, City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October 1, 2019, City Council then adopted Ord. No. 2965, modifying the discretionary permitting process along with other non-substantive ordinance adjustments pertaining to manufacturing, testing, and distribution of cannabis. On December 17, 2019, City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones ("Downtown-Core" and "Downtown-General"), and update the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the Oxnard City Code (OCC)). On October 20, 2020, City Council adopted a cannabis local equity program.

On December 1, 2020, City Council adopted Ord. No. 2994 (Attachment C) establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations

pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII (“Code”). The adapted ordinance made modifications to implement the City’s Local Equity Cannabis program, update appeal provisions, and make a number of other nonsubstantive updates to the existing cannabis regulations. City Council also repealed Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7, Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators.

Development History

On May 15, 2000, the Community Development Director approved DDR Permit No. 99-500-154 for the construction of a 9,675 square foot single story concrete tilt-up building.

Commercial Cannabis License Selection

On October 9, 2019, Shoemaker Enterprises, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for the manufacturing of cannabis.

On January 17, 2020, Shoemaker Enterprises, LLC. was awarded a conditional Commercial Cannabis Business Permit for the manufacturing of cannabis (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit Shoemaker Enterprises, LLC. is required to receive approval of a DDR permit as specified within OCC Section 11-457.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to manufacture cannabis products within an existing industrial building complex, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Director accept the Notice of Exemption (Attachment E).

6) Analysis:

a) General Discussion:

As discussed below, the Project has been found to be consistent with the General Plan, Northfield Seagate Business Park Specific Plan, and the OCC.

In accordance with OCC Section 16-173(A), permitted uses within the M-L zone includes a commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the M-L zone, provided that the owner has first obtained a

commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the OCC and a DDR permit.

The applicant is requesting the approval of a DDR to allow the manufacturing of cannabis products (Cannabis State Licensing Type 7) within an existing 9,675 square-foot warehouse industrial building. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. Cannabis manufacturing operations will be conducted between 24 hours a day seven days a week. The site will be secure at all times by the use of proper security measures as reviewed by the Police Department.

b) General Plan, Specific Plan, and Zoning Consistency:

The City's 2030 General Plan land use designation for the subject site is Industrial Limited (ILM) which allows for light manufacturing, assembly, work/live, and warehousing uses developed to high performance and development standards. All activity occurs within buildings with the exception of incidental outdoor uses. The proposed Project is consistent with the 2030 General Plan and the property's land use designation.

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

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

2030 General Plan		Level I	Level II	Rationale
Policy CD-5.1	Industrial Clustering Encourage the clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency.	X		The Project proposes to locate within an established industrial business park which allows for cannabis manufacturing. The proposed site would operate with other businesses that engage in similar business practices therefore the Project would be compatible.
Policy CD-5.2	Compatible Land Uses Ensure adequate separation between sensitive land uses (residential, educational, open space, healthcare) to minimize land use incompatibility	X		

	associated with noise, odors, and air pollutant emissions.			
Policy CD-5.3	<i>Available Services</i> Encourage industrial activities to locate where municipal services are available including adequate storm drainage and water facilities, as well as easy access to multiple modes of transportation..	X		
Policy CD-15.5	<i>Share of Regional Taxable Sales</i> Increase Oxnard's share of tax base and enhance the fiscal health of the City.	X		Cannabis business taxes will be required to be paid as a condition of approval further strengthening the fiscal health of the City.
Policy CD- 17.1	<i>Retain Local Talent</i> Provide opportunities for a variety of local jobs and actively support efforts to retain residents who have completed higher education.		X	The Project will provide an opportunity for new careers in cannabis manufacturing locally.
Policy CD-18.1	<i>Attract New Businesses</i> Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.		X	The Project will help attract further cannabis related industries which currently are new and have the possibility of improving other local businesses and improving the local economy.
Policy CD-16.5	<i>Industrial and Commercial Development Standards</i> Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.	X		The Project is conditioned to be consistent with the Northfield Seagate Business Park Specific Plan which includes architectural and landscape standards suitable for industrial and commercial development.
Policy ICS-19.2	<i>Police Review of Development Projects</i> Continue to require the Police Department to review proposed development project and provide recommendation that enhance public safety	X		The Project's security plan was reviewed and conditionally approved by the Oxnard Police Department to ensure crime prevention through preventive security measures and environmental design.
Policy ICS-19.4	<i>Crime Prevention Device Requirements</i>	X		

	Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.			
Policy ICS-19.5	<i>Incorporating Security Design Principles</i> Encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design program, Neighborhood Watch Program, and/or other appropriate methods to enhance public safety.	X		
Policy SH-7.2	<i>Handling of Hazardous Materials</i> Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.	X		
Policy SH-7.11	<i>Hazardous CUPA Materials Inventory</i> Continue to require a hazardous materials inventory for businesses and other applicable parties as part of the Certified Unified Program Agency (CUPA) program	X		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

The Project is within the Northfield Seagate Business Park Specific Plan (NSBPSP) and the Limited Manufacturing (M-L) zone district. The M-L zone is intended to provide areas suitable for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include administrative, wholesaling, warehousing, and manufacturing activities, and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. As demonstrated in the following table, the Project has been found to be in compliance with the Northfield Seagate Business Park Specific Plan and the Limited Manufacturing (M-L) zone district.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Maximum Building Height NSBPSP & OCC Sec. 16-164	35 feet	22.5 feet	YES

Front Yard Setback NSBPSP & OCC Sec. 16-165	30 feet	30 feet	YES
Side Yard Setback NSBPSP & OCC 16-165	10 feet / not less than the height of the building	35 feet	YES
Rear Yard Setback NSBPSP & OCC Sec. 16-165	20 feet / not less than the height of the building	86 feet	YES
Maximum Lot Coverage OCC Sec. 16-164	50%	36%	YES
Maximum Floor Area Ratio OCC Sec. 16-164	60%	No Change	YES
Vehicle Parking Requirements for Limited Industrial Manufacturing Sec. 16-622	One space per 500 square feet of gross floor area devoted to manufacturing, plus the required parking for gross floor area devoted to other uses. 19 total spaces required	19 spaces	YES
Bicycle Parking Requirements Industrial Sec. 16-623	5 bicycle spaces	5 spaces	YES, AS CONDITIONED
Motorcycle Parking Requirements Industrial Sec. 16-624	Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycles None required	1 spaces	YES
Outdoor Loading and Storage Areas NSBPSP & OCC Sec. 16-644	1 loading space per 0-15,000 square feet of industrial gross floor area Shall be placed in the side or rear yards only and shall be screened. A minimum 12-foot high wall shall be provided adjacent to unloading areas to provide for proper screening.	1 loading space	YES, AS CONDITIONED

Site Lighting NSBPSP	Lights shall not be placed to cause glare or excessive light spillage on neighboring sites. Light color shall be uniform. Light poles shall not exceed 20 feet in height or height of buildings on-site. Light fixtures shall be architecturally compatible with the buildings.	No Change	YES
Equipment Screening NSBPSP & OCC Sec. 16-168	All roof and ground-mounted equipment shall be screened from public view on all sides. Screening shall be architecturally compatible with the buildings or landscaping.	The project has been conditioned for all new equipment to be screened	YES
Landscape Areas NSBPSP	Minimum landscape coverage shall be 15% of the gross lot area in addition to required landscape area within parking lots.	No Change	YES
Noise NSBPSP & OCC Sec. 16-168	Noise levels at property lines adjacent to M-L zones shall not exceed 65 db day or night.	The proposed use is not anticipated to create audible sounds outside the building	YES
Smoke Particulates NSBPSP & OCC Sec. 16-168	Visible emissions of smoke will not be permitted which exceed Ringlemann No. 1 on the Ringlemann Chart of the U.S. Bureau of Mines.	The proposed use is not anticipated to create smoke outside the building	YES
Toxic or Noxious Matter NSBPSP & OCC Sec. 16-168	Toxic gases or noxious matter shall not be emitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling beyond the lot lines of the use.	The proposed use is not anticipated to create toxic gases or noxious matter.	YES, AS CONDITIONED
Odors NSBPSP & OCC Sec. 16-168	Operations, processes or products which emit odors that are detectable at any point beyond the lot lines of the use will not be permitted.	The project includes Odor Control devices	YES, AS CONDITIONED
Glare or Heat NSBPSP & OCC Sec. 16-168	Any operation producing intense glare or heat shall be performed within an enclosed or screened area in such a manner that the glare or heat emitted will not be discernible from the property line.	The proposed use is not anticipated to create glare or heat outside the building	YES

Vibration NSBPSP & OCC Sec. 16-168	Every use shall be so operated that the ground vibration generated by the use is not harmful or injurious to the use of the surrounding properties. No vibration shall be permitted which is perceptible without instruments at any point along the property line on which said use is located.	The proposed use is not anticipated to create vibration outside the building	YES
Electricity and Radioactivity NSBPSP & OCC Sec. 16-168	No activity shall be permitted which causes electrical disturbances affecting the operation of any equipment located beyond the property line of such activity. In no event shall radioactivity, when measured at each lot line, be in excess of 2.7×10.11 microcuries per milliliter of air at any moment in time.	The proposed use is not anticipated to cause electrical or radioactive disturbances	YES
Liquid and Solid Wastes OCC Sec. 16-168	Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply, nor to interfere with bacterial processes in sewage treatment. Such operations and uses shall comply with, and in some cases shall obtain all required permits by authorized governmental health and safety regulatory agencies having jurisdiction over such disposal activities. The disposal or dumping of solid wastes, such as slag, paper or fiber wastes, or other industrial wastes, shall not be permitted for any use.	The project is required to comply with all waste discharge regulations	YES, AS CONDITIONED
Fire and Explosive Hazards OCC Sec. 16-168	(A) All activities involving the use or storage of combustible, flammable, or explosive materials shall be in compliance with nationally recognized standards, and shall be provided with adequate firefighting and	The project is required to comply with all Fire regulations	YES, AS CONDITIONED

	fire-suppression equipment and devices in compliance with the current edition of the National Fire Protection Association regulations and in compliance with the city fire department. (B) Burning of waste materials in open fires is prohibited by State law.		
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In accordance with OCC Section 11-473 (Location and Design of Cannabis Business), the manufacturing of cannabis products is a conceptually permitted use on the property subject to relevant requirements. As demonstrated in the following table, the Project has been found to be in compliance with Section 11-473.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Cannabis Manufacturing, Testing and Distribution Businesses Siting Criteria and Buffer Requirements Sec. 11-473(A)	Manufacturing, testing, and distribution facilities are conceptually permitted on property must be located on property zoned M-L, M-1, M-2, and BRP, as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.	The location is within the M-L zone and within the Northfield Seagate Business Park Specific Plan	YES
Cannabis Retail Dispensary Businesses Siting Criteria and Buffer Requirements Sec. 11-473(B)	Retail dispensaries are conceptually permitted in property zoned DT-C, DT-G, C-1, C-1-PD, C-2, C-2-PD, CPD, and business park, retail commercial, and commercial	N/A	N/A

	manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.		
Letter of Support from the Specific Plan Management Company or Association Sec. 11-473(C)	Compliance with any specific plan requirements, including a letter of support from the specific plan management company or association	The project is in compliance with the Northfield Seagate Business Park Specific Plan (see above table). The property is located within the Northfield Business Park Association; however, the association is not currently active so a letter of support from the association could not be issued.	YES
Distance Requirements Sec. 11-473(D)	(1) It shall be no closer than 600 feet of any of the following: (a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12. (b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius. (c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city	The nearest school is approximately 725 feet away from the project site	YES

	specifies a different radius. (2) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.		
Findings Sec. 11-473(E)(1)	Conform with the city's General Plan, any applicable specific plans, master plans, and design requirements.	The project is in compliance with the General Plan and Northfield Seagate Business Park Specific Plan (see above tables).	YES
Findings Sec. 11-473(E)(2)	Comply with all applicable zoning, and specific plan requirements, and related development standards.	The project is in compliance with the Northfield Seagate Business Park Specific Plan, M-L zone district and other pertinent sections of the OCC (see above tables).	YES
Findings Sec. 11-473(E)(3)	Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.	The project includes Odor Control devices	YES, AS CONDITIONED
Findings Sec. 11-473(E)(4)	Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.	The project is in compliance with the requirements for development (see above tables).	YES
Findings Sec. 11-473(E)(5)	Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.	The project is indirectly served by and connected to Highway 101. The proposed use is anticipated to generate traffic in quantities that are consistent with the original manufacturing / industrial uses which were intended to occupy the building.	YES

Findings Sec. 11-473(E)(6)	Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.	The project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is anticipated to generate traffic in quantities that are consistent with the original manufacturing / industrial uses which were intended to occupy the building. The project has been conditioned to comply with Fire Marshal requirements	YES, AS CONDITIONED
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As demonstrated in the above tables, this Project is consistent with the City's General Plan, Northfield Seagate Business Park Specific Plan, M-L zone district, and Section 11-473 (Location and Design of Cannabis Business). Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

d) **Circulation and Parking:**

The Project will operate within an established industrial warehouse building with associated parking. Based on the uses and modifications to the floor plan the site will be required to provide 19 parking spaces; however, the existing parking configuration has a supply of 19 parking spaces which provides for adequate onsite parking.

e) **Police Department Review:**

With implementation of the recommended operating conditions, the Police Department anticipates that the manufacturing of cannabis products will have little, if any, adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft resolution of approval (Attachment F) in order to mitigate Police Department concerns in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.

7) **Development Advisory Committee:**

The Project was reviewed by the Development Advisory Committee (DAC) on May 6, 2020. Conditions of approval from DAC are included in the attached Resolution.

8) **Community Workshop and Public Input:**

This project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal. To date, staff has received one public comment regarding this Project, which is attached to this report (Attachment G).

9) **Appeal Procedure:**

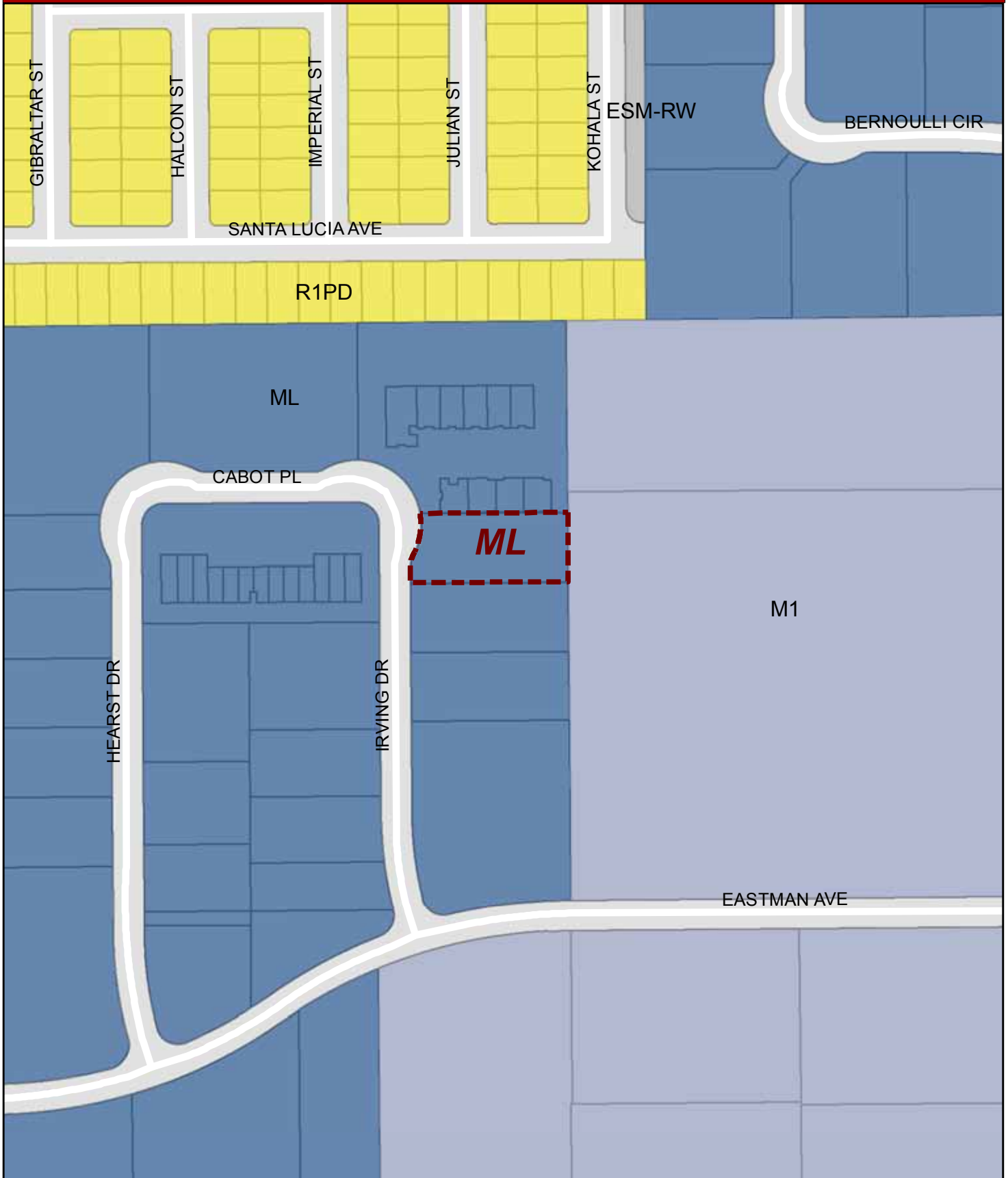
In accordance with OCC Section 16-525(B) of the City Code, the Director's action on Planning and Zoning Permit No. 20-215-02 (Commercial Cannabis Manufacturing-Development Design Review) may be appealed to the Planning Commission within 10 days after the decision date. Appeal forms may be obtained from the Planning Division's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the Planning Commission is not filed within 10 working days of the Community Development Director's decision, the decision of the Community Development Director shall be considered final.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Cannabis Ordinance No. 2994
- D. Shoemaker Enterprises, LLC. conditional Commercial Cannabis Business Permit
- E. Notice of Exemption
- F. Draft Resolution of Approval
- G. Public Comment Received

A
Maps
(Vicinity, General Plan, Zoning, Aerial)

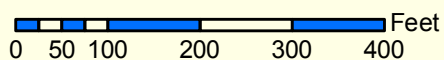
Zoning/Specific Plan Map



Oxnard Planning

January 13, 2021

PZ 20-215-02
Location: 300 Irving Dr
APN: 2160191145

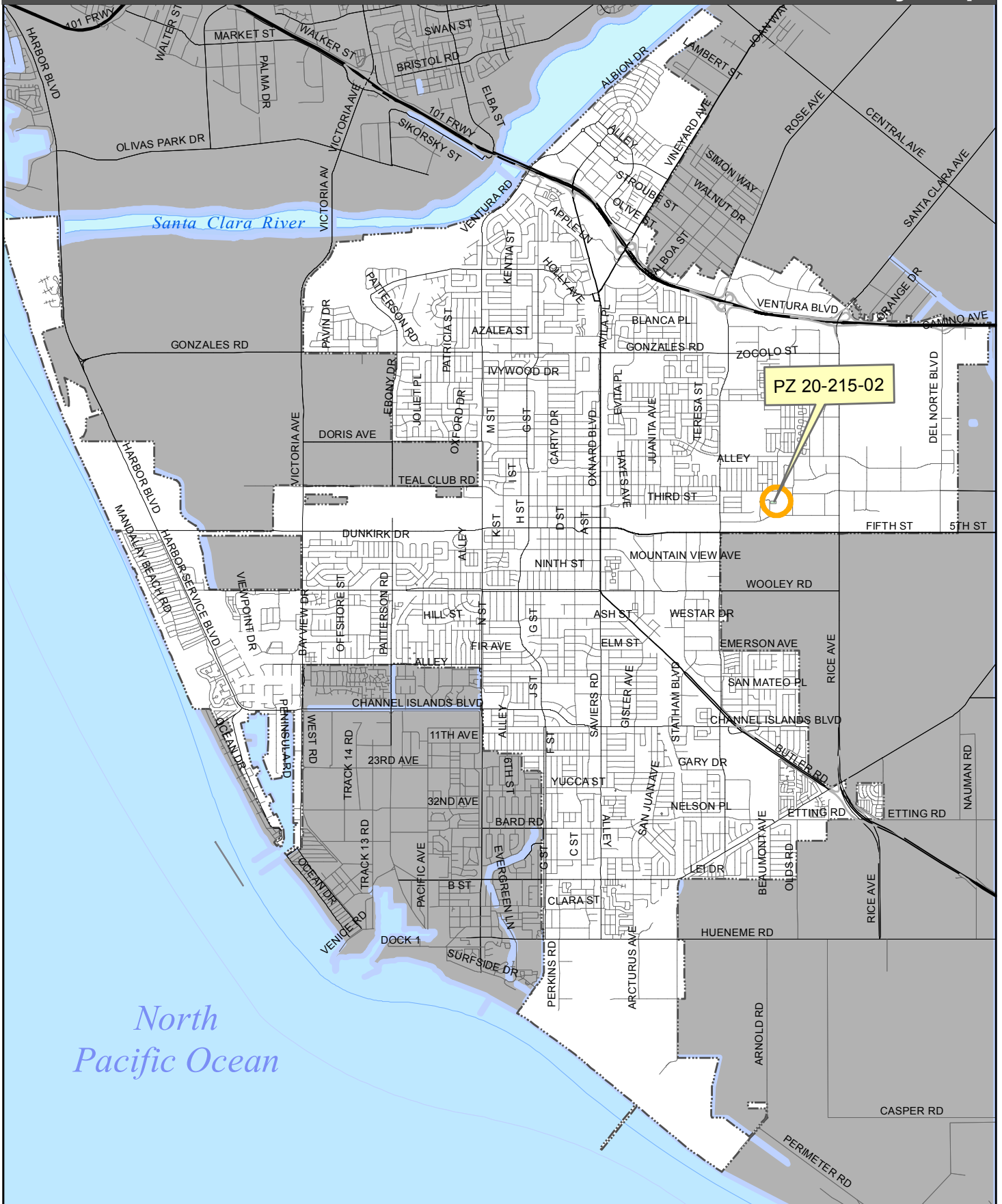


Zoning/Specific Plan Map



1:2,500

Vicinity Map

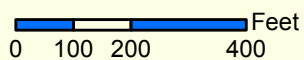


2030 General Plan Land Use Map



Oxnard Planning
January 13, 2021

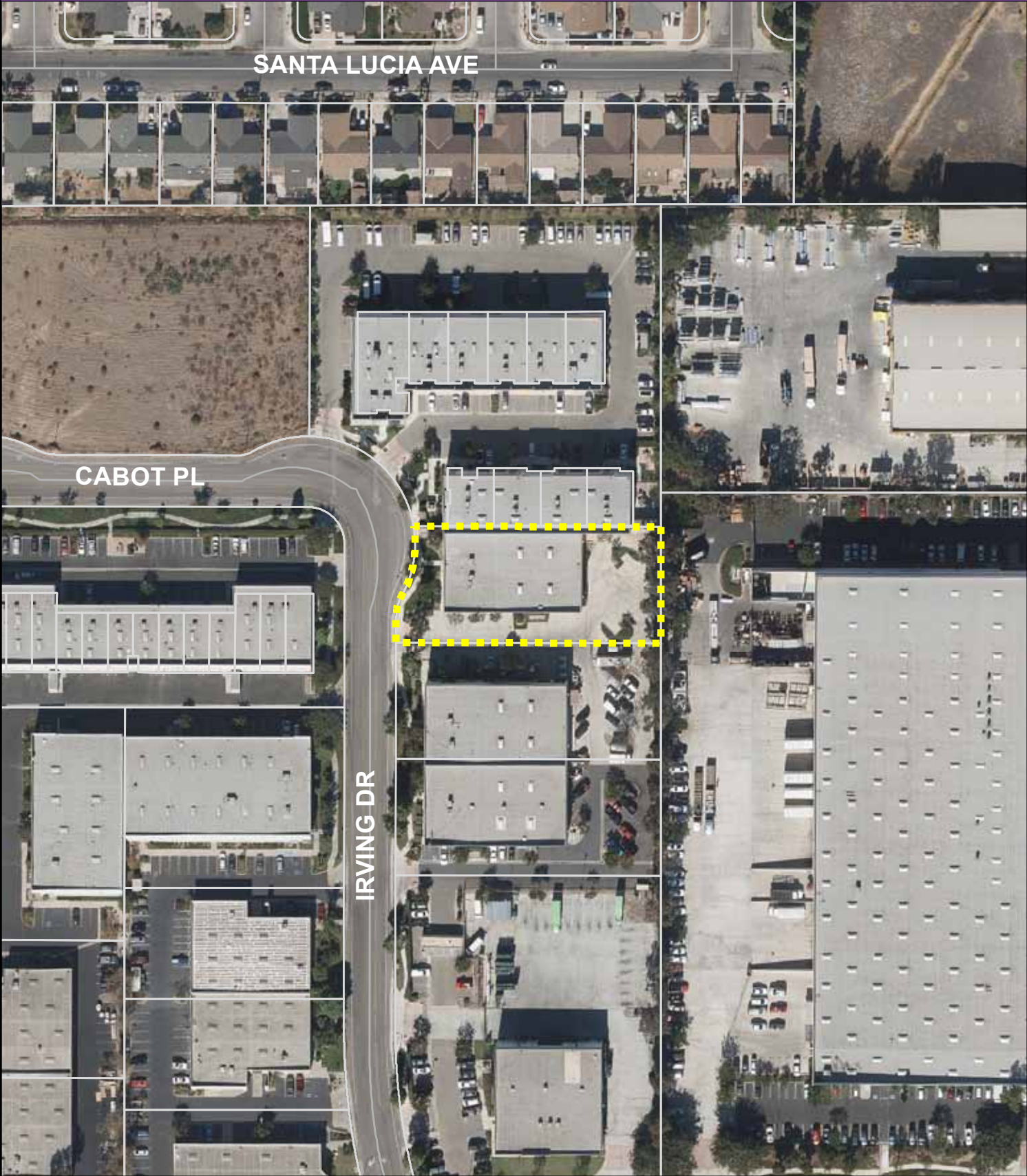
PZ 20-215-02
Location: 300 Irving Dr
APN: 2160191145



2030 General Plan Land Use Map



1:4,000



B

Reduced Project Plans

SCOPE OF WORK

TENANT IMPROVEMENT IN AN EXISTING WAREHOUSE BUILDING FOR TYPE 7 MANUFACTURING FOR THE EXTENSION OF CANINESE C&S. TYPE 7: EXTRACTION USING VOLATILE SOLVENT (SUCH AS BULBANE, THOPEANE AND HEPTANE). IMPROVEMENTS INCLUDE:

- SECURE DOORS/WINDOWS
- NEW EXTRACTION HOOD
- MINOR PLUMBING CHANGES FOR TRIPLE SINK AND FLOOR SINK
- PREPARATION EQUIPMENT (FREEZER, OVEN, ETC.)
- FIRE ALARM SYSTEM
- SECURITY CAMERAS TO BE INSTALLED IN THE EXTERIOR AND INTERIOR OF THE FACILITY

EXTERIOR BUILDING SIGNAGE SHALL BE UNDER SEPARATE SUBMITTAL AND PERMITS.

PROJECT ANALYSIS

PROJECT ADDRESS: 300 IRVING DRIVE BUILDING "A" OXNARD CA 93030

ASSESSORS PARCEL NO.: 214-0-191-145
SITE AREA: (0.61 AC) 26,572.00 SF

ZONING: ML (LIMITED MANUFACTURING)

EXISTING USE: OFFICE / WAREHOUSE
(E) OCCUPANCY GROUP: B & S

PROPOSED USE: OFFICE, WAREHOUSE & MANUFACTURING

(N) OCCUPANCY GROUP: B, S & F-1

CONSTRUCTION TYPE: V-B
FIRE SPRINKLER SYSTEM: YES
NUMBER OF STORIES: 1 STORY

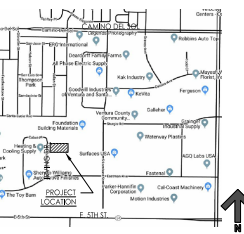
BUILDING AREAS:
(E) BUILDING: 9,675 SF
(SEE SHEET A2.0 FOR AREA ANALYSIS BY USE)

PARKING CALCULATION

OFFICE AREA	1,459 SF @ 1/250 =	6 SPACES
INDUSTRIAL AREA	2,330 SF @ 1/500 =	5 SPACES
WAREHOUSE AREA	5,425 SF @ 1/1000 =	6 SPACES
RESTROOMS, ELEC., ROOM & EXT. WALLS	463 SF	0 SPACES
TOTAL BUILDING AREA	9,675.00 SF	17 SPACES
TOTAL PARKING REQUIRED		17 SPACES
PARKING PROVIDED	STANDARD: 17 SPACES ACCESSIBLE (VAN): 1 SPACE MOTORCYCLE: 1 SPACE TOTAL PROVIDED: 19 SPACES	

VICINITY MAP

NTS



APPLICABLE CODES

ALL WORK SHALL CONFORM TO:

- 2019 BUILDING STANDARDS, ADMIN. CODE, PT. 1, TITLE 24 C.C.R.
- 2019 CA BUILDING CODE, PT. 2, TITLE 24 C.C.R.
- 2019 CA ELECTRICAL CODE, PT. 3, TITLE 24 C.C.R.
- 2019 CA MECHANICAL CODE, PT. 4, TITLE 24 C.C.R.
- 2019 CA PLUMBING CODE, PT. 5, TITLE 24 C.C.R.
- 2019 CA FIRE CODE, PT. 9, TITLE 24 C.C.R.
- 2019 CA REFERENCED STANDARDS, CODE, PT. 12, TITLE 24 C.C.R.
- CITY OF OXNARD MUNICIPAL CODE

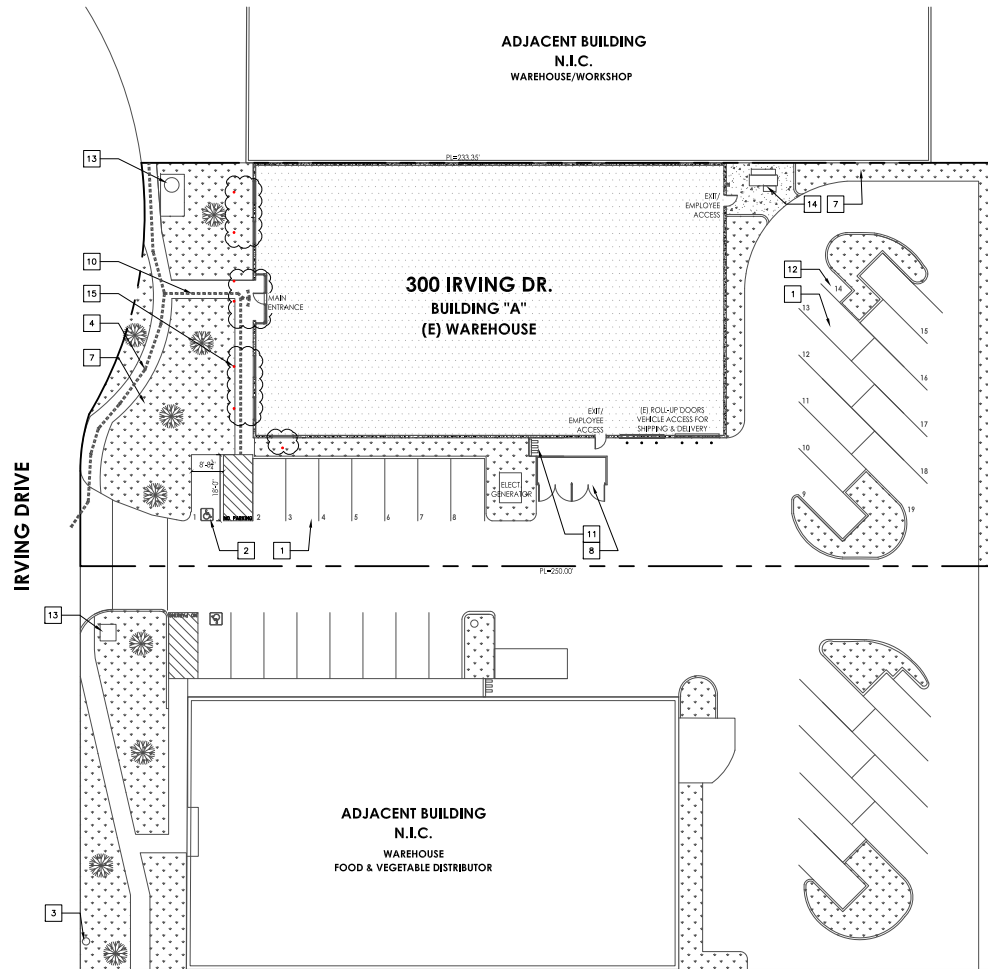
PROJECT DIRECTORY

ARCHITECT:
ERA ARCHITECTS
LIZETTE SERRIN
OXNARD CA
(805) 824-4188

BUILDING OWNER:
RONALD SHOEMAKER
MATT SHOEMAKER

TENANT IMPROVEMENT FOR: WAREHOUSE BUILDING

300 IRVING DRIVE
OXNARD CA 93030



1 SITE PLAN
1/16" = 1'-0"

SHEET INDEX

ARCHITECTURAL		COVER SHEET / SITE PLAN
A1.0	DDR REVIEW (REV. 0)	FLOOR PLAN - PROPOSED
A2.1		HAZARDOUS MATERIALS PLAN
A2.2		SECURITY PLAN
A2.3		EXTERIOR ELEVATION
A3.0		EQUIPMENT SPECIFICATIONS
A3.1		EQUIPMENT SPECIFICATIONS
A3.2		EQUIPMENT SPECIFICATIONS
A3.3		EQUIPMENT SPECIFICATIONS

PLUMBING

P1.0	PLUMBING NOTES & SCHEDULES
P2.0	PLUMBING PLAN

FIRE NOTES

- ALTERATION OF THE AUTOMATIC FIRE SPRINKLER SYSTEM IS REQUIRED UNDER SEPARATE SUBMITTAL AND PERMIT.
- FIRE EXTINGUISHERS: PROVIDE FIRE EXTINGUISHERS WITHIN SPECIFIED TRAVEL DISTANCE FROM ALL POINTS IN THE OCCUPANCY. THE EXTINGUISHER SHALL BE MOUNTED (ELEVATED OFF CABINET FLOOR); THE TOP OF THE EXTINGUISHER SHALL BE NO HIGHER THAN 48" (1200mm) ABOVE THE FLOOR. EXTINGUISHERS SHALL BE PLACED IN A EASILY ACCESSIBLE LOCATIONS WHERE THEY WILL BE READILY ACCESSIBLE AND IMMEDIATELY AVAILABLE TO USE.
- FIRE EXTINGUISHER SHALL BE PROVIDED IN ALL COMMERCIAL OCCUPANCIES AT A RATE OF ONE 2A-10BC EXTINGUISHER PER 3,000 SQUARE FEET OR FRACTION THEREOF, WITHIN A 75 FOOT MAXIMUM TRAVEL DISTANCE.
- A KNOX BOX IS REQUIRED FOR THE BUILDING. CONTACT THE FIRE DEPARTMENT FOR DETAILS. FIRE DEPARTMENT APPROVAL IS REQUIRED PRIOR TO FINAL BUILDING INSPECTION. (KNOX BOXES 3000L USED FOR MOST COMMERCIAL APPLICATIONS. KNOX BOXES MAY BE ORDERED ONLINE. SEE THE KNOX COMPANY WEBSITE AT: [HTTP://WWW.KNOXBOX.COM/STORE/#HDDEPT.COM](http://www.knoxbox.com/store/#hddept) SELECT OXNARD FIRE DEPT.)

SITE PLAN KEY NOTES

- EXISTING PARKING LOT TO REMAIN
- EXISTING ACCESSIBLE PARKING SPACE TO REMAIN
- EXISTING FIRE HYDRANT
- EXISTING PUBLIC SIDEWALK
- EXISTING GAS METER TO REMAIN
- EXISTING WATER METER TO REMAIN
- EXISTING LANDSCAPE AREA
- EXISTING COVERED TRASH ENCLOSURE TO REMAIN
- EXISTING RAMP WITH TRUNCATED DOMES TO REMAIN
- EXISTING CONCRETE WALKWAY TO REMAIN
- EXISTING BIKE RACK TO REMAIN
- EXISTING MOTORCYCLE STALL TO REMAIN
- EXISTING S.C.E. VAULT
- EXISTING LUNCH AREA TO REMAIN
- INSTALL BOLLARDS IN FRONT OF WINDOWS AND DOORS. SEE SECURITY PLAN SHEET A2.2 FOR DETAILS.

SITE LEGEND

- INDICATES COMPLIANT ACCESSIBLE PATH OF TRAVEL FROM PUBLIC WAY AND FROM PARKING STALL TO BUILDING ENTRANCE. CONTINUOUS WALKWAY 48" MIN. WIDTH, WITH NO ABRUPT CHANGES IN LEVEL, ITS MAX. SLOPE IN DIRECTION OF TRAVEL & 2% MAX. CROSS SLOPE.
- AREA NOT IN CONTRACT

ERA
ARCHITECTS
LIZETTE@ERAARCHITECTS.COM
805.824.4188
OXNARD CA

REVISIONS		DATE
No.	REVISIONS	DATE
1	1st SUBMITTAL - COR.	3/27/2023
2	2nd SUBMITTAL - COR.	4/27/2023

WAREHOUSE BUILDING
TENANT IMPROVEMENT
300 IRVING DR., BUILDING "A"
OXNARD, CA 93030

THESE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS WHICH ARE INSTRUMENTS OF SERVICE ARE THE PROPERTY AND COPYRIGHT OF ERA ARCHITECTS AND ARCHITECTS. THESE PLANS, ALL RIGHTS RESERVED, AND SHALL NOT BE USED ON ANY OTHER WORK OR PROJECT WITHOUT WRITTEN AGREEMENT WITH THE ARCHITECT.

SCALE: AS SHOWN
PROJECT: 190802
DRAWN BY: LE

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Cannabis Ordinance No. 2994

ORDINANCE NO. 2994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA REPEALING AND READOPTING ARTICLE XVII OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-450 TO 11-496) REGARDING COMMERCIAL CANNABIS ACTIVITY, REPEALING CHAPTER 7, ARTICLE XVI OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTION 7-280 TO 7-285) REGARDING CANNABIS AND MEDICAL CANNABIS MEDICAL ACTIVITIES, AND REPEALING ARTICLE XV OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-390 TO 11-403) REGARDING MEDICAL CANNABIS DELIVERY

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVII of Chapter 11 of the Oxnard City Code regarding Commercial Cannabis Activity is hereby repealed and readopted to read as follows:

“ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Regulate and Tax Adult Use of Cannabis Act (“AUMA” or “Proposition 64” enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the Cultivation, Processing, manufacturing, testing, Sale, Delivery, Distribution, and transportation of Cannabis and Cannabis Products in a responsible manner to protect the health, safety, and welfare of the residents of the city and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the city. Nothing in this article is intended to authorize the possession, use, or provision of Cannabis for purposes that violate state or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under state, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, any subsequent state legislation and/or regulations regarding same, the city is authorized to adopt ordinances that establish standards, requirements and regulations for the

licensing and permitting of Commercial Cannabis Activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state, or any of its departments or divisions, shall be the minimum standards applicable in the city to all Commercial Cannabis Activity.

SEC. 11-452. CANNABIS CULTIVATION AND COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial Cultivation, Manufacture, Processing, storing, laboratory testing, Labeling, Sale, Delivery, Distribution or transportation (other than as provided under Cal. Bus. and Prof. Code Section 26090(e)), of Cannabis or Cannabis Product is expressly prohibited in the city.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the Owners and operators of a Commercial Cannabis Business to ensure that it is always operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, state or local law with respect to the operation of a Commercial Cannabis Business. It shall be the responsibility of the owners and the operators of a Commercial Cannabis Business to ensure that the Commercial Cannabis Business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including the MAUCRSA, and any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local Commercial Cannabis Business Permit. Nothing in this article shall be construed as authorizing any actions that violate federal or state law regarding the operation of a Commercial Cannabis Business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A state license issued by the Bureau of Cannabis Control for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(B) A-LICENSEE - Any person holding a license for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(C) APPLICANT - An Owner applying for a Commercial Cannabis Business Permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous Cannabis or Cannabis Product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves,

and other Cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of Cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured Cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E) BUREAU - The Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation, or its successor.

(F) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, Cannabis does not mean “industrial hemp” as defined by Cal. Health and Safety Code Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(G) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code Section 11018.2.

(H) CANNABIS INNOVATION ZONE - A park or campus which is one contiguous commercial area of land which has many Cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

(I) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a Cannabis plant is a concentrate for purposes of this article. A Cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code Section 109935, or drug, as defined by Cal. Health and Safety Code Section 109925.

(J) CANNABIS PRODUCT - A product containing Cannabis, including, but not limited to, manufactured Cannabis, - intended to be sold for use by Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, Cannabis does not include industrial hemp as defined by Cal. Food and Agricultural Code Section 81000, or Cal. Health and Safety Code Section 11018.5.

(K) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code Section 11018.1.

(L) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the

space(s) within the boundaries; and

(2) Canopy may be non contiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

(M) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code Section 11362.7.

(N) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(O) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(P) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, Manufacture, Distribution, Processing, storing, Sale, laboratory testing, packaging, Labeling or transportation of Cannabis and Cannabis Products as provided for in this division.

(Q) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use Commercial Cannabis Activity.

(R) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit issued by the city pursuant to this article to a Commercial Cannabis Business and is required before any Commercial Cannabis Activity may be conducted in the city. The initial permit and annual renewal of a Commercial Cannabis Business Permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the Commercial Cannabis Activity at issue.

(S) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

(T) CULTIVATION SITE - A location where Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(U) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a physician's recommendation or a medical marijuana identification card.

(V) DAY CARE CENTER - The same meaning as in Cal. Health and Safety Code Section 1596.76.

(W) DELIVERY - The commercial transfer of Cannabis or Cannabis Products to a Customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the Retailer.

(X) DIRECTOR - The director of the California Department of Consumer Affairs. .

(Y) DISTRIBUTION - The procurement, sale, and transport of Cannabis and Cannabis Products between licensees.

(Z) DISTRIBUTOR - A person holding a valid Commercial Cannabis Business Permit for Distribution issued by the city, and, a valid state license for Distribution, required by state law to engage in the business of purchasing Cannabis from a licensed cultivator, or Cannabis Products from a licensed Manufacturer, for sale to a licensed Retailer.

(AA) DRIED FLOWER - All dead Cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(BB) **EDIBLE CANNABIS PRODUCT** - Cannabis Product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Cal. Food and Agricultural Code Division 15 (commencing with Section 32501). An Edible Cannabis Product is not considered food, as defined by Cal. Health and Safety Code Section 109935, or a drug, as defined by Cal Health and Safety Code Section 109925.

(CC) **FUND** - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code Section 26210.

(DD) **GREENHOUSE** - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for Cultivation.

(EE) **KIND** - Applicable type or designation regarding a particular Cannabis variant or Cannabis Product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(FF) **LABELING** - Any label or other written, printed, or graphic matter upon a Cannabis Product, upon its container.

(GG) **LICENSE** - A state license issued by the state and includes both an A-license and an M-license, as well as a Testing Laboratory license.

(HH) **LICENSEE** - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a Testing Laboratory license.

(II) **LICENSING AUTHORITY** - The city and/or state agency responsible for the issuance, renewal, or reinstatement of the license, or the city and/or state agency authorized to take disciplinary action against the licensee.

(JJ) **LIMITED-ACCESS AREA** - An area in which cannabis is stored or held and is only accessible to a licensee or permittee and authorized personnel.

(KK) **LIVE PLANTS** - Living Cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(LL) **LOCAL JURISDICTION** - A city, county or city and county.

(MM) **LOCAL EQUITY APPLICANT** – Applicant with at least forty percent (40%) Local Ownership. To remain a Local Equity Applicant, a minimum of 40% Local Ownership must be maintained for the entire period of time in which a Local Equity Applicant has a Commercial Cannabis Business Permit. If an applicant does not obtain a Commercial Cannabis Business Permit based upon the local equity status, then that applicant shall not be deemed a Local Equity Applicant.

(NN) **LOCAL OWNERSHIP** -- Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a Local Equity Applicant for one or more Commercial Cannabis Business Permits. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing state and federal income

tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. Local Ownership" is subject to ongoing verification under penalty of perjury.

(OO) LOT - A Batch or a specifically identified portion of a Batch.

(PP) M-LICENSE - A state license issued by the state for Commercial Cannabis Activity involving medicinal Cannabis.

(QQ) M-LICENSEE - Any person holding a license by the state for Commercial Cannabis Activity involving medicinal cannabis.

(RR) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product.

(SS) MANUFACTURED CANNABIS - Raw Cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(TT) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of Cannabis or Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products or labels or container.

(UU) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds Cannabis or Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Commercial Cannabis Business Permit for Manufacturing from the city and, a valid state license as required for Manufacturing of Cannabis Products.

(VV) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a Cannabis Product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5, by a medicinal Cannabis patient in California who possesses a physician's recommendation.

(WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO₂) used for extraction and ethanol used for extraction or post-extraction processing.

(XX) NURSERY - A Licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and Cultivation of Cannabis.

(YY) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of Cannabis or Cannabis Products.

(ZZ) OWNER - Any of the following:

(1) A Person with an aggregate ownership interest of 20% or more in the Person applying for a license, Commercial Cannabis Business Permit or a Licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the business applying for a license, or who has a financial interest in the business other than a fixed lease of real property.

(AAA) PACKAGE - Any container or receptacle used for holding Cannabis or Cannabis

Products.

(BBB) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code Sections 11362.7 *et seq.*, as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code Section 11362.5.10.

(CCC) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(DDD) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code Section 11362.7.

(EEE) PHYSICIAN'S RECOMMENDATION - A recommendation by a physician that a patient use Cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5.

(FFF) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or Licensee where the Commercial Cannabis Activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-license and an A-license for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

(GGG) PROCESSING - A Cultivation Site that conducts only trimming, drying, curing, grading, packaging, or labeling of Cannabis and nonmanufactured Cannabis Products.

(HHH) PURCHASER - The customer who is engaged in a transaction with a Licensee for purposes of obtaining cannabis or cannabis products.

(III) RETAILER - A Commercial Cannabis Business facility where Cannabis, Cannabis Products, or devices for the use of Cannabis or Cannabis Products are offered, either individually or in any combination, for retail Sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, Cannabis and Cannabis Products as part of a retail sale, and where the operator holds a valid Commercial Cannabis Business Permit from the city authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

(JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to Cannabis or Cannabis Products are transferred from one person to another, and includes the Delivery of Cannabis or Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of Cannabis or Cannabis Products by a Licensee to the licensee from whom the Cannabis or Cannabis Product was purchased.

(KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in Commercial Cannabis Activity.

(LLL) TESTING LABORATORY - A laboratory, facility, or entity in the state that offers or performs tests of Cannabis or Cannabis Products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in Commercial Cannabis Activity in the state.

(2) Licensed by the State of California.

(MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical Cannabis Product is not considered a drug as defined by Cal. Health and Safety Code Section 109925.

(NNN) **TRANSPORT** - The transfer of Cannabis Products from the permitted business location of one Licensee to the permitted business location of another Licensee, for the purposes of conducting Commercial Cannabis Activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(OOO) **UNIQUE IDENTIFIER** - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any Cannabis or Cannabis Product derived or manufactured from that plant.

(PPP) **VOLATILE SOLVENT** - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

(QQQ) **YOUTH CENTER** - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

A request for a cannabis employee permit will only be initiated after securing a favorable recommendation for a Commercial Cannabis Business Permit. If an Owner has employees at the time of submittal of the Commercial Cannabis Business Permit application, a request for a cannabis employee permit can be initiated in advance of issuance of a discretionary land use permit.

(A) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must be legally authorized to do so under applicable state law.

(B) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must obtain a commercial cannabis employee work permit from the city prior to performing any work at any Commercial Cannabis Business.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

- (1) Name, address, and phone number of the applicant;
- (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;
- (3) Name, address of the Commercial Cannabis Business where the person will be employed, and the name of the primary manager of that business;
- (4) A list of any crimes enumerated in Cal. Bus. and Prof. Code Section 26057(b)(4) for

which the applicant or employee has been convicted;

(5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

(6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);

(7) A statement signed under penalty of perjury that the information provided is true and correct;

(8) If applicable, verification that the applicant is a qualified patient or primary caregiver;

(9) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code Sections 186.11, 470, 484, and 504a; or

(b) Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement; or

(c) Was convicted of a violent felony, a crime of moral turpitude; or

(d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code Sections 1203.4, 1203.4a, or 1203.41 or any other provision of state law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a 12-month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (C)

above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one Commercial Cannabis Business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial. The city manager or his/her designee shall hear such appeal and his/her decision shall be final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(A) The number of each type of Commercial Cannabis Business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight at any one time, with up to three permits issued to Local Equity Applicants.

(2) Cannabis testing lab - Maximum of one at any one time.

(3) Cannabis distributor - Maximum of three at any one time, with up to one permit issued to a Local Equity Applicant.

(4) Cannabis retail - Maximum of 16 at any one time, with up to three permits issued to Local Equity Applicants.

(B) This section is only intended to create a maximum number of Commercial Cannabis Businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the Commercial Cannabis Business Permits.

(C) Each year following the city manager's initial award of Commercial Cannabis Business Permits, if any, or at any time at the city council's discretion, the city council may reassess the number of Commercial Cannabis Business Permits which are authorized for issuance. The city council, at its discretion, may determine that the number of Commercial Cannabis Business Permits should remain the same or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any Commercial Cannabis Business Permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria (“review criteria”). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the Commercial Cannabis Businesses. Notwithstanding anything in this article to the contrary, the city manager’s decision as to the selection of the prevailing candidates shall be final and shall not be subject to appeal.

(D) Official issuance of the Commercial Cannabis Business Permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the city manager’s selection of the Person who shall be issued a Commercial Cannabis Business Permit, the prevailing candidate(s) shall apply to the city’s Community Development Department to obtain required land use approvals or entitlements for the permittee’s location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The community development director shall formally issue the Commercial Cannabis Business Permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a Commercial Cannabis Business Permit does not create a land use entitlement. The Commercial Cannabis Business Permit shall only be for a term of 12 months and shall expire at the end of the 12-month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a Commercial Cannabis Business Permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a Commercial Cannabis Business Permit until a permit is actually issued, and then only for the duration of the permit’s term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each person granted a Commercial Cannabis Business Permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the Commercial Cannabis Business Permit program created in this article.

(I) *Preservation of rights.* The city reserves the right to reject any or all applications. Prior to permit issuance by the City Council, the city may also modify, postpone, or cancel any request

for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to possible reject for failure to comply with other requirements in this article, an applicant also risks being rejected for any of the following reasons:

- (1) Proposal received after designated time and date.
- (2) Proposal not containing the required elements, exhibits, nor organized in the required format.
- (3) Proposal considered not fully responsive to the request for permit application.

SEC. 11-458. PERSONS PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT.

Any Person who has been issued any of the following actions or notices for non-compliance, shall be prohibited from holding a Commercial Cannabis Business Permit in the city, with such actions or notices also grounds for denial of a Commercial Cannabis Business Permit:

- (A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other state cannabis licensing authority;
- (B) The applicant was notified that they were conducting Commercial Cannabis Activity in non-compliance with this chapter 11 or other city ordinances, codes or requirements in which they failed to discontinued operating in a timely manner;
- (C) Evidence that the applicant was in non-compliance of properly paying federal, state or local taxes and/or fees when notified by the appropriate agencies;
- (D) The applicant was conducting Commercial Cannabis Activity in the city in violation of local and state law;

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each Commercial Cannabis Business Permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial Cannabis Business Permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL APPLICATIONS.

- (A) An application for renewal of a Commercial Cannabis Business Permit shall be filed at least 60 calendar days prior to the expiration date of the current permit.
- (B) The renewal application shall contain all the information required for new applications.

(C) The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this article.

(D) An application for renewal of a Commercial Cannabis Business Permit may be rejected if any of the following exists:

(1) The application is filed less than 60 days before its expiration.

(2) The Commercial Cannabis Business permit is suspended or revoked at the time of the application.

(3) The Commercial Cannabis Business has not been in regular and continuous operation in the four months prior to the renewal application.

(4) The Commercial Cannabis Business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the city or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the state rules and regulations, and the city or state has determined that the violation is grounds for termination or revocation of the Commercial Cannabis Business Permit.

(E) The city manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the state, or by any of its departments or divisions, shall immediately suspend the ability of a Commercial Cannabis Business to operate within the city, until the state, or its respective department or division, reinstates or reissues the state license. Should the state, or any of its departments or divisions, revoke or terminate the license of a Commercial Cannabis Business, such revocation or termination shall also revoke or terminate the ability of a Commercial Cannabis Business to operate within the city.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the

decision was not proper.

(B) Within ten calendar days after the date of a decision of the Planning Commission pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(C) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal pursuant to Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the city council shall be final.

SEC. 11-466. APPEAL FROM DECISION OF COMMUNITY DEVELOPMENT DIRECTOR

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the Planning Commission. The Planning Commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the Planning Commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the location of the Commercial Cannabis Business or retailer specified in the regulatory permit is proposed to be changed, the applicant shall be required to first secure a new Commercial Cannabis Business Permit, and discretionary land use permit for the new location before moving to that location, with such approvals subject to terminating the Commercial Cannabis Business Permit at the existing location so there is no net increase in the number of Cannabis Business Permits issued within the City. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed change in location shall be considered until such time as the original location has first been

opened for business for a minimum of one (1) year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The holder of a Cannabis Business Permit shall not transfer ownership or control of the permit to another Person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original Cannabis Business Permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final.

(B) Commercial Cannabis Business Permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e., changes that result in a cumulative change of more than 51% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) (1) A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that either:

(a) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or

(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

(2) Although a transfer is not required in these two circumstances, the permit holder is required to notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No Commercial Cannabis Business Permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a Commercial Cannabis Business Permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its Commercial Cannabis Business Permit as a Local Equity Applicant shall be allowed if such proposed transfer would reduce the local equity

interest in the Commercial Cannabis Business to a level below that required for a Local Equity Applicant.

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

Prior to commencing operations, a Commercial Cannabis Business shall obtain a City of Oxnard business tax certificate, pursuant to Article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a Commercial Cannabis Business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a Commercial Cannabis Business Permit application, a certification from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article shall be obtained. A fee shall be established by city council resolution for submittal and processing of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a Commercial Cannabis Business Permit pursuant to this article, any person intending to open and to operate a Commercial Cannabis Business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the Commercial Cannabis Business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permittee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of Commercial Cannabis Businesses are subject to the following zoning and locational requirements:

(A) All Cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) All Cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (B). Retailers are conceptually permitted in property zoned neighborhood shopping center (C-1), neighborhood shopping center planned development (C-1-PD), general commercial (C-2), general commercial planned development (C-2-PD), Coastal Neighborhood Commercial (CNC), and commercial planned development (CPD), business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements: RiverPark - commercial office, commercial convention, and commercial regional; Sakioka Farms; and Camino Real Business Park.

(C) Compliance with any specific plan requirements.

(D) The property on which any Commercial Cannabis Business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(E) Each proposed Commercial Cannabis Business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection

(sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Business Permit pursuant to this article or otherwise approving the operation of any Commercial Cannabis Business. As a condition to the approval of any Commercial Cannabis Business Permit, the applicant shall be required to meet all of the following conditions before they can receive the Commercial Cannabis Business Permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the city and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the Commercial Cannabis Business Permit, the city's decision to approve the operation of the Commercial Cannabis Business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the Commercial Cannabis Business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the city for all costs and expenses, including but not limited to legal fees and costs and court costs, which the city may be required to pay as a result of any legal challenge related to the city's approval of the applicant's Commercial Cannabis Business Permit, or related to the city's approval of a Commercial Cannabis Activity. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. [RESERVED]

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a Commercial Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business Permit issued pursuant to this article), or at any time upon reasonable request of the city, each Commercial Cannabis Business shall file a sworn statement detailing the number of sales by the Commercial Cannabis Business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a Commercial Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone

number) of anyone owning or holding an interest in the Commercial Cannabis Business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Commercial Cannabis Business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) All Commercial Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

(D) Each Commercial Cannabis Business shall allow the city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted Commercial Cannabis Business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the discretionary land use permit approval:

- (1) Alarm system (perimeter, fire, and panic buttons).
- (2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).
- (3) Perimeter lighting systems (including motion sensors) for after-hours security.
- (4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.
- (5) Preventing individuals from remaining on the premises of the Commercial Cannabis Business if they are not engaging in an activity directly related to the permitted operations of the Commercial Cannabis Business.
- (6) Establishing limited access areas accessible only to authorized Commercial Cannabis Business personnel.
- (7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.
- (8) Except for live growing plants which are being cultivated at a cultivation facility, all Cannabis and Cannabis Products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the Commercial Cannabis

Business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The Commercial Cannabis Business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the Commercial Cannabis Business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the Commercial Cannabis Business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all Commercial Cannabis Businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the Commercial Cannabis Business; or (b) a licensed security professional.

(17) Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each Commercial Cannabis Business shall demonstrate to the police chief, city manager or their designees compliance with the state's track and trace system for Cannabis and Cannabis Products, as soon as it is operational.

(19) Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each Commercial Cannabis Business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the Commercial Cannabis Business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each Commercial Cannabis Business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The Commercial Cannabis Business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A Commercial Cannabis Business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.

(3) The loss or unauthorized alteration of records related to Cannabis, customers or employees or agents of the Commercial Cannabis Business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

(B) No person shall cause or permit the sale of tobacco products on or about the premises of the Commercial Cannabis Business.

SEC. 11-479. FEES AND CHARGES.

(A) No person may commence or continue any Commercial Cannabis Activity in the city without timely paying in full all fees and charges required for the operation of a Commercial Cannabis Activity. Fees and charges associated with the operation of a Commercial Cannabis Activity shall be established by resolution of the city council which may be amended from time to time.

(B) All Commercial Cannabis Businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each Commercial Cannabis Business shall cooperate with the city with respect to any reasonable request to audit the Commercial Cannabis Business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial Cannabis Businesses may operate only during the hours specified in the Commercial Cannabis Business Permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any Commercial Cannabis Business.

(C) No Cannabis or Cannabis Products or graphics depicting Cannabis or Cannabis Products shall be visible from the exterior of any property issued a Commercial Cannabis Business Permit, or on any of the vehicles owned or used as part of the Commercial Cannabis Business. No outdoor storage of Cannabis or Cannabis Products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each Commercial Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Commercial Cannabis Business including, but not limited to, such matters as Cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The Commercial Cannabis Business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review.

Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All Cannabis and Cannabis Products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

(F) Emergency contact and emergency response plan - Each Commercial Cannabis Business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each Commercial Cannabis Business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Commercial Cannabis Business shall conform to the requirements of the city regulations, including, but not limited to, seeking the issuance of a city sign permit.

(2) No signs placed on the premises of a Commercial Cannabis Business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a Commercial Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Commercial Cannabis Business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No Commercial Cannabis Business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the Commercial Cannabis Business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a Commercial Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any person to employ any person at a Commercial Cannabis Business who is not at least 21 years of age.

(2) The entrance to the Commercial Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the Commercial Cannabis Business.

(I) Odor control - Odor control devices and techniques shall be incorporated in all Commercial Cannabis Businesses to ensure that odors from Cannabis are not detectable off-site. Commercial Cannabis Businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Business. As such, Commercial Cannabis Businesses must install and maintain the following equipment, or any other equipment which the community development director or his

or her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the Commercial Cannabis Businesses interior and exterior, so that the odors generated inside the Commercial Cannabis Business are not detectable on the outside of the Commercial Cannabis Business.

(J) Display of permit and city business tax certificate - The original copy of the Commercial Cannabis Business Permit issued by the city pursuant to this article and the city issued business license shall be posted inside the Commercial Cannabis Business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a permit to operate a Commercial Cannabis Business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the city to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a Commercial Cannabis Business Permit is submitted.

(L) Loitering - The Owner and/or operator of a Commercial Cannabis Business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other Commercial Cannabis Business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING LABS.

(A) Testing Laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code Section 26100 and shall be subject to state and local law. Each Testing Laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent state legislation regarding the same.

(B) Testing Laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using

verified methods.

(C) All Cannabis Testing Laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

(D) Testing Laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a Testing Laboratory employee takes the sample of Cannabis or Cannabis Products from the distributor's premises for testing required by state law and that the Testing Laboratory employee transports the sample to the Testing Laboratory.

(F) Except as provided by state law, a Testing Laboratory shall not acquire or receive Cannabis or Cannabis Products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense Cannabis, or Cannabis Products, from the licensed premises from which the Cannabis or Cannabis Products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A Testing Laboratory may receive and test samples of Cannabis or Cannabis Products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for Cannabis for medicinal purpose. A Testing Laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the Cannabis or Cannabis Products received.

(H) Approval of Testing Laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A Distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a Distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Cal. Code of Regulations, Section 5000.

(B) After taking physical possession of a Cannabis goods batch, the Distributor shall contact a Testing Laboratory and arrange for a laboratory employee to come to the Distributor's licensed premises to select a representative sample for laboratory testing.

(C) A Distributor shall ensure that all Cannabis goods batches are stored separately and distinctly from other Cannabis goods batches on the Distributor's premises.

(D) The Distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.

(E) A Distributor or an employee of the Distributor shall be physically present to observe the laboratory employee obtain the sample of Cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the

recording kept available to state and local authorities for a minimum of 180 days, pursuant to Title 16, Cal. Code of Regulations, Section 5305.

(F) A Distributor shall not transport Cannabis or Cannabis Products to a licensed retail facility until and unless it has verified that the Cannabis or Cannabis Products have been tested and certified by a Testing Laboratory as being in compliance with state health and safety requirements pursuant to Title 16, Cal. Code of Regulations, Sections 5705, 5710 and 5714.

(G) Approving of Distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created Manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the city code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the city in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a Commercial Cannabis Business Permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis Manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO₂ must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the state, or from a state certified professional engineer or state certified industrial hygienist from another state, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

- (1) The American Society of Mechanical Engineers (ASME);
- (2) American National Standards Institute (ANSI);
- (3) Underwriters Laboratories (UL); or
- (4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional

engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis Manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis Manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis Manufacturing facilities creating Cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR STORE FRONT/RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by section 11-456 shall operate within the city at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the Planning Commission. The appeal of the approval or denial of such special use permit shall be to the City Council pursuant to Sections 14-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and state-issued medical marijuana card. Persons 18 to 20 years old who are unable to produce either form of medical documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of Cannabis or Cannabis Products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician's recommendation, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale

station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of Cannabis and Cannabis Products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of Cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which Cannabis goods are sold to persons within or about a motor vehicle.

(3) No Cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All Cannabis goods sold by a Retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where Cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling Cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a valid physician's recommendation or state-issued medical marijuana card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(J) Authorized sales - A retailer shall only sell adult-use Cannabis and adult-use Cannabis Products to individuals who are at least 21 years of age. A retailer shall only sell medicinal Cannabis or medicinal Cannabis Products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer

shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the store front retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with the Oxnard City Code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study.

(N) *Store front/retail security requirements.* All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all Commercial Cannabis Businesses, including all Retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR RETAILERS (A) Retailers that provide delivery are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(B) Operating hours of the non-store front Retailer shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(C) The non-store front Retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician's recommendation for cannabis medical use only, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71.

(D) The non-store front Retailer may only have on-site that quantity of Cannabis and Cannabis Products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

SEC. 11-487. NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS.

Prior to commencing operations, a non-store front Retailer shall provide the following information to the city.

(A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(B) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(C) Proof of insurance as required in section 11-474(B) for any and all vehicles being used to deliver Cannabis or Cannabis Products.

(D) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver Cannabis and/or Cannabis Products prior to using the vehicle to deliver Cannabis and/or Cannabis Products.

(E) The Commercial Cannabis Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of Commercial Cannabis Business Permits, the ongoing operation of Commercial Cannabis Businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial Cannabis Businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing Laboratories, distribution facilities and special events shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent state legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each Commercial Cannabis Business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the Commercial Cannabis Business can be provided. Each Commercial Cannabis Business shall also provide the above information to all businesses and residences located within 600 feet of the Commercial Cannabis Business.

(B) During the first year of operation pursuant to this article, the Owner, manager, and community relations representative from each Commercial Cannabis Business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the Owner, manager, and community relations representative from each such Commercial Cannabis Business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial Cannabis Businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a Commercial Cannabis Business Permit is issued pursuant to this article shall be responsible for all violations of the laws of the state or of the regulations and/or the ordinances of the city whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the Commercial Cannabis Business whether or not said violations occur within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the city code, or any provision thereof, may enter the location of a Commercial Cannabis Business at any time, without notice, and inspect the location of any Commercial Cannabis Business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of state law.

(B) It is unlawful for any person having responsibility over the operation of a Commercial Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a Commercial Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the city in compliance with all provisions MAUCRSA and any subsequent state legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the Commercial Cannabis Business or persons related to, or associated with, the Commercial Cannabis Activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a Commercial Cannabis Business Permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. CRIMINAL PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each Commercial Cannabis Business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed \$10,000 for the first violation, \$15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply. The fine for operating an unlicensed and/or unpermitted Commercial Cannabis Business shall be \$30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.”

Section 2. Article XVI of Chapter 7 of the Oxnard City Code (Oxnard City Code Section 7-280 to 7-284) is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code regarding Medical Cannabis Delivery (Oxnard City Code Section 11-390 to 11-403) is hereby repealed.

Section 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 5. Within 15 days after passage, the City Clerk shall cause a summary of this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. 2994 was first read on December 1, 2020, and was adopted on 15 December, 2020, to become effective thirty (30) days thereafter.

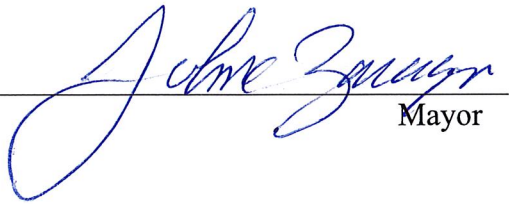
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

AYES: Councilmembers Basua, Lopez, MacDonald, Madrigal, Perello, Ramirez, and Zaragoza.

NOES: None.

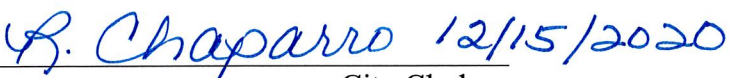
ABSTAIN: None.

ABSENT: None.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

D

Shoemaker Enterprises, LLC. Conditional Commercial Cannabis Business Permit



Community Development Department

South C Street
Oxnard, CA 93030
(805) 385-7868
Fax (805) 385-7417
www.oxnard.org

November 6, 2019

Mathew Scott Shoemaker dba Shoemaker Enterprises, LLC
Mathew Shoemaker
300 Irving Drive
Oxnard, CA 93030
Via Email - Mathew@roylbrands.com

RE: Cannabis License Application (Shoemaker - Manufacturing)

Dear Applicant,

Thank you for submitting a commercial cannabis permit application to operate at 300 Irving Drive, Oxnard, CA 93030. The City has conducted a review of your application. Before finalizing the application review, we would like to offer you the opportunity to submit information that appears to be missing from your original application. You have until November 13, 2019 at 5:00 p.m. to provide the following items:

1. Qualifications of Owners
2. Location Plan
3. Business Plan
4. Labor & Employment Plan/Local Enterprise
5. Neighborhood Compatibility Plan
6. Environmental Impact Mitigation
7. Safety and Security Plan
8. Community Benefits
9. Oxnard Cannabis Equity Component

Please submit a complete digital version of the aforementioned missing information on a thumb drive, with information saved as a pdf file and compressed into one digital file.

The next step in the review process is submittal of missing information and Phase 2 permit fees. By November 13, 2019, please submit a cashiers check or cash payment to the City of Oxnard in the amount of \$3,067.79. This permit fee is required for both the manufacturing & distribution permit applications. The City will not accept credit card payment and application fees are non-refundable. Please remember to consult the City's cannabis website to ensure you are up to date on the current cannabis processes, application forms, and next steps. See: <https://www.oxnard.org/cannabis-regulations/>.

Applicants moving forward to the interview phase will be notified on or around November 25, 2019. Interviews are scheduled for all day on December 10, 2019. Details will be provided later this month. Should you have any further questions, please feel free to contact me at (805) 385-8370 or Kathleen.Mallory@oxnard.org.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Mallory". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Kathleen Mallory, AICP, MA, LEED GA
Planning & Sustainability Manager

c: Project File
Matt Eaton, HdL



December 2, 2019

Community Development Department

South C Street
Oxnard, CA 93030
(805) 385-7868
Fax (805) 385-7417
www.oxnard.org

Mathew Scott Shoemaker dba Shoemaker Enterprises, LLC
Mathew Shoemaker
300 Irving Drive
Oxnard, CA 93030
Via Email – Mathew@roylbrands.com

Re: Commercial Cannabis License Application – Notice of Advancement to Phase III
(Planning & Zoning Permit No. 19-320-01, Manufacturing)

Dear Applicant:

Congratulations on being successfully selected to advance to the Phase III commercial cannabis license application process. As dictated by our Ordinance, those applicants that pass Phase II with a score of at least 80% will be invited to be interviewed and evaluated by the City's Cannabis Selection Committee.

Your application has advanced to Phase III (Interview and Second Ranking)

Your interview is schedule to be held within the HR meeting room at **300 West Third Street, Oxnard**. Your interview is scheduled for:

- Tuesday, December 10, 2019 at **4:00 pm**. While preparing for the interview please keep in mind the following:
 - The interview will last approximately forty-five (45) minutes. Please check in at the HR office off West Third Street (main entrance into building – 1st floor).
 - There will be no time for you to conduct a presentation and no additional material will be accepted.

- The interview phase of the evaluation and selection process is an opportunity for the Cannabis Selection Committee to question your company business principals and to discuss observations and concerns which may have been generated during the review of your Phase II application. With that in mind, please be prepared to answer questions regarding:
 - Qualification of Owners
 - Proposed Location
 - Business Plan
 - Labor & employment/Local Enterprise
 - Neighborhood Compatibility Plan
 - Environmental Impact Mitigation
 - Safety Plan
 - Security Plan
 - Community Benefits
 - Oxnard Cannabis Equity Component
- A maximum of five (5) individuals will be permitted to represent the prospective business during the interview. Once the interview begins no additional principals, consultants and/or attorneys will be permitted in the room.

The application process fee for Phase III is \$2,839.40 and should be considered a deposit. To confirm your interview, please arrange to make this payment by contacting the Administrative Assistant Maria Santana to schedule a payment submittal appointment. Maria can be reached at Maria.Santana@oxnard.org or via (805) 200-5885. Please be aware that applicants who fail to pay the application process fee will not be allowed to participate in the interview process.

Should you have any further questions, please feel free to contact me at (805) 385-8370 or Kathleen.Mallory@oxnard.org.

Sincerely,



Kathleen Mallory, AICP, MA, LEED GA
Planning & Sustainability Manager

c: Project File
Matt Eaton, HdL



January 17, 2020

Community Development Department

South C Street
Oxnard, CA 93030
(805) 385-7868
Fax (805) 385-7417
www.oxnard.org

Shoemaker Enterprises, LLC.
Mathew Scott Shoemaker
300 Irving Drive
Oxnard, CA 93030
Via Email – Mathew@roylbrands.com

Re: Commercial Cannabis License Application – Notice of Selection and
Authorization to Submit an Application for a Development Design Review (DDR)
Permit - Phase IV Advancement
(Planning & Zoning Permit No. - Manufacturing 19-320-01)

Dear Applicant:

Congratulations on being selected to advance to Phase IV of the Commercial Cannabis Application Process. This letter serves as authorization to submit an application for a Development Design Review (DDR) Permit for cannabis manufacturing.

The attached Land Use and Discretionary Permit Applications and associated fees are required to be submitted as part of Phase IV. Please consult the discretionary permit application hand out for all submittal requirements. The following fees are required to be paid with application submittal:

- Development Design Review Permit (Planning deposit) - \$7,326.65
- Development Advisory Committee (DAC) Review:
 - Development Services (DS) – industrial plan review fee - \$2,703.75
 - Traffic (TR) - \$1,606.50
 - Fire Department (FD) - \$950.25
 - Police Department (PD) - \$400.00
- Sign Posting – \$316.25
- Environmental/California Environmental Quality Act (CEQA) Exempt - \$152.25
(fee to file with planner to determine based upon actual project details)
- Mailing list generation (if desired by applicant) - \$404.25

January 17, 2020

An appointment is required to submit your application. Please contact the department secretary at (805) 385-7878 to schedule the application submittal appointment with the planner on duty.

Payment should be made by cash, certified check, cashier's check or money order made payable to the City of Oxnard. The City will not accept credit card payment and application fees are non-refundable. Being awarded a permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for all construction including: electrical, plumbing, fire, planning permits or reviews, and any other permits, business tax, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the Commercial Cannabis Business application process meet the standards or requirements of those permitting departments.

The City will be requiring Live Scan results prior to consideration of the project before the Development Services Director. When the live scan process is available applicants will be notified and will have a specific timeframe by when to initiate the required application. A condition of approval will be imposed requiring live scan of all business employees.

Should you have any further questions, please feel free to contact me at (805) 385-8370 or Kathleen.Mallory@oxnard.org.

Sincerely,



Kathleen Mallory, AICP, MA, LEED GA
Planning & Sustainability Manager

c: Project File
Matt Eaton, HdL

Attachments:
Land Use and Discretionary Permit Applications

E
Notice of Exemption

NOTICE OF EXEMPTION

Project Description: Shoemaker Enterprises, LLC. - Commercial Cannabis Business Manufacturing Development Design Review; PLANNING AND ZONING PERMIT NO. 20-215-02 (Development Design Review Permit – Cannabis: Manufacturing): A request to allow the manufacturing of cannabis products (Cannabis State Licensing Type 7) within an existing 9,675 square-foot industrial warehouse building on a 0.61-acre site (APN: 216-09191-145) located at 300 Irving Drive within the Limited Manufacturing (M-L) zone of the Northfield Seagate Business Park Specific Plan. As part of the project there will be a tenant improvement consisting of the installation of a new extraction booth, minor plumbing upgrades, upgrades to an existing fire alarm system, and installation of secure doors/windows. Cannabis manufacturing operations will be conducted 24 hours a day seven days a week. Filed by Mathew S. Shoemaker, 300 Irving Drive, Oxnard, CA, 93030.

Finding:

The Planning Commission of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons:

In accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The Project involves a request to manufacture cannabis products within an existing industrial building complex, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the The Community Development Director has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and the Director hereby authorizes and directs the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)

Scott Kolwitz
Planning and Environmental Services Manager

F

Draft Resolution of Approval G. Public Comment Received

RESOLUTION NO. PZ 20-215-02

A RESOLUTION OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-215-02 (COMMERCIAL CANNABIS BUSINESS MANUFACTURING DEVELOPMENT DESIGN REVIEW PERMIT) TO ALLOW THE MANUFACTURING OF CANNABIS PRODUCTS (CANNABIS STATE LICENSING TYPE 7) WITHIN AN EXISTING 9,675 SQUARE-FOOT INDUSTRIAL WAREHOUSE BUILDING ON A 0.61-ACRE SITE (APN: 216-0-191-145) LOCATED AT 300 IRVING DRIVE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MATHEW S. SHOEMAKER ON BEHALF OF SHOEMAKER ENTERPRISES, LLC. 300 IRVING DRIVE, OXNARD, CA 93030

WHEREAS, the Community Development Director of the City of Oxnard has conducted a duly notice public hearing and considered an application for Planning and Zoning Permit Nos. 20-215-02 filed by Mathew S. Shoemaker on Behalf of Shoemaker Enterprises, LLC. in accordance with Section 16-525 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

- (a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The project site is located within the 2030 General Plan land use designation of Industrial Limited (ILM) and the zoning designation is for Limited Manufacturing (M-L). The Project is surrounded by industrial warehousing, manufacturing and assembly buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- (b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed cannabis manufacturing facility is consistent with the 2030 General Plan, Northfield Seagate Business Park Specific Plan, and the Oxnard City Code and is compatible with scale and character of other industrial development in the

project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the Municipal Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

- (c) **Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The proposed cannabis manufacturing facility will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the limited and light industrial uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by industrial development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

- (d) **Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.**

The project is not located in or adjacent to a State designated scenic highway.

- (e) **Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) **Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.**

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Community Development Director and all written and oral evidence presented, including the Development Design Review Staff Report and all attachments thereto, the Community Development Director finds:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.

As described in the Staff Report, the proposed cannabis manufacturing facility is an allowable use within the Limited Manufacturing (M-L) zoning district, subject to approval of a Development Design Review Permit. Therefore, the proposed cannabis manufacturing use is in conformance with the 2030 General Plan, Northfield Seagate Business Park Specific Plan, and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

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.

As described in the Staff Report, the Project will allow cannabis manufacturing (Cannabis State Licensing Type 7) within an existing industrial warehousing building. As the Project will be located more than 600 feet from an established commercial cannabis sensitive uses the Project is consistent with public health, safety and general welfare by City standards. As conditioned, the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

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.

As described in the Staff Report, the Project will be located within an existing development within the Northfield Seagate Business Park Specific Plan (NSBPSP) which has previously been reviewed and approved to ensure the development is adequately proportional to the size of the property and served by public infrastructure. The existing project site is a developed 0.61 acre lot. Pursuant to the NSBPSP, the Project will be located within an existing building designed to be consistent with the development and design standards included within the NSBPSP, including, but not limited to, maximum building height, front, side and rear setbacks, lot coverage, landscaping, parking standards, and equipment screening standards. The project site

has a frontage and vehicular access on Irving Drive. Proposed interior tenant improvements to the site will be reviewed for compliance with NSBPSP and zoning requirements. Given these circumstances, the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards. Therefore, this Project meets this finding.

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.

As described in the Staff Report, the project is currently served by existing infrastructure and will continue to be accessed directly from Irving Drive, which indirectly connects to Highway 101. The proposed cannabis manufacturing is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed manufacturing of cannabis products will be served by highways adequate in width and improved as necessary to carry project-generated traffic.

The parking lot will provide parking for 19 vehicles, 1 motorcycle parking space, 1 accessible van parking space. Based on the configuration of the proposed cannabis manufacturing facility the site requires 17 parking spaces. The project is consistent with City parking requirements. The project has been conditioned to install adequate bicycle parking spaces during the building permit process. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

As described in the Staff Report, the proposed Project will operate within an existing development with minor tenant improvements proposed. The Project has been reviewed by City Departments and divisions who have determined that the project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is not anticipated to generate utility demands in quantities that are different from other manufacturing or industrial uses which have previously occupied the building. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The Community Development Director, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects

involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to manufacture cannabis products within an existing industrial building complex, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Community Development Director has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Community Development Director hereby approves Planning and Zoning Permit No. 20-215-02 (Commercial Cannabis Business Manufacturing Development Design Review Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Director of the City of Oxnard hereby approves Planning and Zoning Permit Nos. 20-215-02 (Commercial Cannabis Business Manufacturing Development Design Review Permit), subject to the following conditions. The decision of the Community Development Director is final unless appealed in accordance with the provisions of §16-525 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	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 January 27, 2021 ("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. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)
6. Applicant 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, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)
7. Applicant 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*)
8. Before placing or constructing any signs on the project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, *G-10*)
9. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

10. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.
11. Applicant 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 Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, 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, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

State Law and Regulations Compliance

14. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.
15. Wherever a condition requires that something be initially "built," "constructed," "equipped," "installed," "provided" or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be "maintained" in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

16. 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*)
17. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)
18. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Community Development Director / Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

19. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
20. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
21. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.
22. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)
23. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)
24. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
25. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)
26. Prior to issuance of building permits, Applicant 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*).

27. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)

COMMERCIAL/INDUSTRIAL

28. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)
29. For any exterior utility meter panels, Applicant 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*)
30. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)
31. Applicant shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, *PL-49*)

Special Conditions of Approval

32. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

33. The commercial cannabis business permit shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the DDR pursuant to the Oxnard City Code Section 11-459.

Renewal

34. All Commercial Cannabis Business Permits shall be renewed in accordance with Chapter 11, Article XVII of the Oxnard City Code.

Appeals

35. The permittee shall within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggravated party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. At the time of filing, the permittee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

36. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:
- a. End the suspension of the permit;
 - b. Continue the suspension of the permit pending other legal action;
 - c. Amend the permit conditions;
 - d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
 - e. Or, any combination of the above;
 - f. And, provide benchmarks and timeline for corrective action to take place.
37. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

38. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.
39. All owners and operators of the Commercial Cannabis Business Permit are subject to all penalties as outlined in the Oxnard City Code.

Property Owner Authorization

40. Prior to the issuance of a zone clearance or business license, whichever comes first, the Applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner agrees to use of the property for a Commercial Cannabis Business Permits subject to Chapter 11, Article XVI, Section 11-475 of the Oxnard City Code.

Business Location Transfers

41. Commercial Cannabis Business Permits represent a land use entitlement and cannot be transferred from one location to another unless they comply with the transfer provisions outlined in Chapter 11, Article XVII of the Oxnard City Code.

Business Notification

42. The Applicant shall provide to the City, the name, telephone number, and email address of a community relations contact (community relations officer) designated by Applicant. The community relations contact shall be responsible for responding to complaints, should they arise between the hours of 10:00 p.m. and 7:01 a.m. Complaints shall be addressed within fifteen minutes of receiving the initial complaint.
43. The Applicant shall provide the name/phone number/email address for the business community relations officer to all businesses and residences located within six hundred (600) feet of the commercial cannabis business before operation of the business. The contact name and number shall be prominently posted outside of the facility
44. During the first year of operation, the owner, manager, and community relations officer shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss conditions of approval, operations, and overall cannabis activities in the subject location.

45. After the first year of operation should no permit condition(s) violations be identified, the owner, manager, and community relations officer shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Inventory Tracking

46. Prior to issuance of a certificate of occupancy, the Applicant shall have in place a State of California approved point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review at the request of the City. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.
47. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

Onsite Restrictions

48. The Applicant shall conform with the following requirements to prevent minors from having access to cannabis products:
- a. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to enter the facility. It shall be unlawful and a violation of this Article for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
 - b. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
49. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.
50. No outdoor storage of cannabis or cannabis products is permitted at any time.

Odor Control

51. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust

system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:

- a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
- b. An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Signage and Notices

52. The permittee shall conform with the following Signage Specifications:

- a. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a City sign permit.
- b. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- c. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
- d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- e. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
- f. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

Community Benefits Agreement and Community Relations

53. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:
54. Manufacturing
 - a. One time payment of \$25,000
 - b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
 - c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

55. Prior to commencing operations, any business engaged in a Commercial Cannabis Business shall obtain a Commercial Cannabis Business tax certificate, pursuant to Article I. The Commercial Cannabis Business taxes imposed by Chapter 11, Article XVI of the Oxnard City Code shall be paid, in arrears, on a quarterly basis to the City Licensing Department.
56. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.
57. On applying for a Commercial Cannabis Business tax certificate, the applicant shall furnish to the tax administrator a sworn statement, on a form provided by the tax administrator setting forth the following:
 - a. The exact nature of the Commercial Cannabis Business for which the Commercial Cannabis Business tax certificate is applied;
 - b. The street address where such business is to be conducted, the street addresses of the residences of the owners of the business or names and street addresses of the officers or partners if a corporation or partnership;
 - c. If the amount of the Commercial Cannabis business tax is measured by gross receipts, the applicant shall estimate the gross receipts for a period of one full calendar quarter. Such an estimate, if accepted by the tax administrator as reasonable, shall be used in determining the amount of the Commercial Cannabis Business tax. However, the amount is only provisional.
 - d. At the end of the tax period, the tax administrator may request the owner to verify gross receipts. Within 30 days of the request, the certificate shall report to the tax administrator the gross receipts during the Commercial Cannabis Business tax period, and the Commercial Cannabis Business tax will be redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

58. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.
59. Each person owing Commercial Cannabis Business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating the tax.
60. For the purpose of ascertaining the amount of Commercial Cannabis Business tax owed or verify any representations made by any taxpayer to the city in support of his or her calculation, proof of gross revenues (including but not limited to bookkeeping records, State and Federal income tax returns, and other records relating to the gross receipts of the business) must be provided prior to obtaining or renewing a Commercial Cannabis Business tax certificate.
61. Quarterly after commencing operations, Applicant shall allow the City of Oxnard officials or their designees to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.
62. At all times during the life of the permit, Applicant shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City with respect to any reasonable request to audit the Commercial Cannabis Business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.
63. The Applicant shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business permit issued pursuant to Chapter 11, Article XVI, Section 11-476 of the Oxnard City Code), or at any time upon reasonable request of the City, each Commercial Cannabis Business shall file a sworn statement detailing the fiscal value of sales by the Commercial Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent

certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

Employee Work Permit

64. Prior to issuance of a certificate of occupancy for the Commercial Cannabis Business, all employees are required to comply with Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code which specifies the requirements for employees of cannabis operators; the Cannabis Employee Work Permit is required to be obtained from the City Licensing Department.
65. Cannabis Employee Permit Requirements shall comply with Chapter 11:
 - a. Cannabis Employee Work Permit Application;
 - b. Cannabis Employee Work Permit Fee \$125.00, or as update by the City;
 - c. Age and verification of applicant, copy of government ID required (must be at least 21 years of age);
 - d. Investigation Questionnaire;
 - e. Live Scan (fingerprinting and a recent photograph of the applicant); and
 - f. A statement signed under penalty of perjury that the information is true and correct.
66. A Cannabis Employee Work Permit shall be valid for up to twelve (12) months from the date of certificate of occupancy and shall be renewed on an annual basis by the permittee/employer and all applicable employees. If a permit is issued for less than a 12-month basis, then the cost of such permit shall be adjusted on a pro-rata basis.
67. The Applicant and Commercial Cannabis Business employees will be issued a permit in the form of a personal identification card that shall be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Employment Transfers

68. In the event a person changes employment from one Commercial Cannabis Business in the City to another, the work permit holder shall notify the applicable Department Head or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business within the City.

Revocation of Employee Work Permit

69. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has

engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

70. The Applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial/ revocation. Revocation shall follow the provisions contained in Oxnard City Code Chapter 11.

POLICE DEPARTMENT CONDITIONS

Security Measures

71. The Applicant shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the Best Practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the land use permit approval:
72. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider.
73. Site lighting shall be approved by the Police Chief and Community Development Director or their designees.
74. An access control system and security personnel shall restrict access to the site to persons engaged directly with the permitted operations of the Commercial Cannabis Business.
75. Security personnel shall remove any person on or about the Commercial Cannabis Business who is not engaged directly with the permitted operations of the business.
76. Cash handling procedures shall be approved by the police chief or his/her designee.
77. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

78. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.
79. A security plan shall be approved by the Police Chief or his/her designee(s). The security plan shall include all elements of the alarm system, security camera system, and access control system. The plan shall also include security policies, cash handling policies, security personnel post orders, and requirements for security patrols during hours the business is closed. The security plan is subject to review on the annual anniversary of the issuance of the permit. Should a deficiency in the plan be discovered through findings during an inspection, a theft event, an audit or other significant event where a flaw in the security plan failed to sufficiently capture or deter a theft, loss of product, or an injury the plan may be amended by the Police Chief or his/her designee(s).
80. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.
81. Security personnel shall monitor premises in accordance with a security plan as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Police Chief.
82. Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
83. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either;
 - a. An employee of the Commercial Cannabis Business; or
 - b. A licensed security professional.
84. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

85. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
86. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
87. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
88. The Applicant shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee(s) upon request that meets the following requirements:
 - a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
 - b. Identifies all Managers of the Commercial Cannabis Business and their contact phone numbers.
 - c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
 - d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
 - e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business' control.
 - f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (i) free of individuals loitering or causing a disturbance; (ii) are cleared of employees and their vehicles one-half hour after closing.
89. The Applicant shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The storage and transportation plan shall be a confidential document that is intended to be reviewed and approved by the City Manager and his/her designee(s) and not available for public consumption.
90. The Applicant shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article. Prevention Fire Inspectors

shall be allowed access to audit buildings for Fire Life Safety concerns on a yearly basis or as determined necessary per the Fire Marshal.

91. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
 - b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
 - d. Any other breach of security.
92. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.
93. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.
94. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
95. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.
96. The Applicant acknowledges no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.
97. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.
98. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

POLICE DEPARTMENT SPECIAL CONDITIONS

Exterior Lighting

99. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline
- a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
 - b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
 - c. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - d. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
 - e. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.
100. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes.
101. All exterior lighting shall operate from dusk to dawn.
102. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
103. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.
104. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional

sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

105. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.
106. Interior parking facilities shall be illuminated between 5 and 15 foot-candles utilizing LED or similar luminaires with a spectrum 3,000K to 20,000K Correlated Color Temperature. Walls, ceilings and supporting posts or pillars shall be painted white or off-white to provide maximum reflectivity.
107. The permittee is authorized to operate the business 24-hours a day.

Security Camera System

108. A security camera system shall be installed to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
 - a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability to facilitate the later identify persons involved in criminal or problem activities.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted to capture quality images of the heads and shoulders of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground.
 - h. At least one camera shall be dedicated to the point of sale, or equivalent as determined by the Police Chief, to monitor the exchange of money and identification checks for age.

- i. A monitor shall be placed near the primary entrance to the business to show patrons their image has been captured.
- j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
- k. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
- l. The video system shall be made available to the Chief of Police or his/her designee at all times by means of a secure Internet connection.

Access Control System

109. The site shall be equipped with an access control system that shall restrict access throughout the site.
- a. The access control system shall have the capability to add, subtract or modify a cardholder access.
 - b. Access to various areas or rooms within the site will be restricted based on the cardholder's need for access according to the business plan and the security plan.
 - c. The primary entry to the site shall be controlled by a card or similar instrument coupled with a keypad to provide entry. A keypad facilitated entry will be required for the first access of each business day. Each employee authorized for "opening" entry shall have their own access and their own emergency code.
 - d. An access card shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

110. Intrusion/burglar alarms shall be "dual" technology and have the capability to differentiate between human and non-human motion.
111. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery.

Security Site Plan

112. A Security Site Plan in a pdf format shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits. The plan shall include:
- a. The plan shall identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
 - b. The plan shall include a chart shall identify each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).

- c. The plan shall identify any area which is served by an intrusion/burglary alarm system.
 - d. The plan shall identify the location of each panic alarm installation.
 - e. The Security Site Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model.
- 113. An updated Security Site Plan in a pdf format shall be submitted to the Police Department to specialprojects@oxnardpd.org under any of the below circumstances:
 - a. Any modification to the site that changes the location of walls, doors or windows.
 - b. Any system upgrades or significant changes to the security camera or access control systems.
 - c. Or, when deemed appropriate by the Chief of Police or his or her designee based on security deficiencies discovered during any inspection of the site or any violation of the conditions of this permit.
- 114. Any component of the security system including all elements of the alarm, camera and access control systems are subject to replacement, upgrades, adjustments or additions should any of these circumstances occur:
 - a. Equipment is outdated and not up to current industry standards or formats.
 - b. Or, through the oversight process exercised by the City of Oxnard or the State of California, deficiencies are discovered in the security and monitoring equipment which can be addressed through the adjustment or addition of security equipment.
- 115. The permittee shall create and maintain Post Orders for security officers working at the site. Post Orders shall be a "living document" and shall be subject to change based on operational experiences, noted deficiencies, and recommendations by the Oxnard Police Department. These orders shall outline the following:
 - a. Specific duties and responsibilities for each security officer.
 - b. Procedures security officers shall follow during normal operations, emergency circumstances and when a crime is discovered.
 - c. Post orders shall delineate activities that security officers shall not perform as they distract or interfere from their security role.
 - d. Post Orders shall be identified by the last approved revision date and shall include the approval of the permittee and a designee from the Oxnard Police Department. Each updated revision shall be reviewed and acknowledged by each security officer working the site.

- e. The Post Orders shall be reviewed and approved by the Oxnard Police Department prior to the issuance of the permit and shall be subject to revision as part of any inspection.

Inspections

- 116. Inspections may be conducted at the site under the following circumstances by the Oxnard Police Department, City of Oxnard Code Compliance Unit, the Oxnard Fire Department or any agency of the State of California having jurisdiction over cannabis sales or manufacture.
 - a. During normal business hours as established by this permit.
 - b. During off-business hours with prior notice to the permittee or his/her designee.

Notifications

- 117. The permittee shall establish and maintain the following to facilitate communication and notifications between the permittee and the Oxnard Police Department:
 - a. Identify two management level employees as points of contact 24-hours a day, 7-days a week available to respond to the site in the event of an emergency or unlawful entry at the site.
 - b. A designated email address for the Oxnard Police Department to use for notifications pertaining to the business.
 - c. The management "points of contact" and the email address for notifications shall be provided by an email to: specialprojects@oxnardpd.org and shall include the names of the point of contact managers, their positions within the business and their phone numbers.
 - d. The Oxnard Police Department may establish additional staff members as points of contact for the permittee.
- 118. The Police Chief may temporarily suspend this permit pending a hearing as outlined in Article V of the Oxnard City Ordinance under any of the below circumstances:
 - a. Discovery of any controlled substance or product classified in Schedules I, II, III and IV of the Uniform Controlled Substances Act of the Health and Safety Code and not identified as being permitted at the site within the scope of this permit or an authorizing permit issued by the State of California.
 - b. Failure to maintain security features at or above industry standards, failure to correct security deficiencies required in these conditions in a timely manner, and/or failure to accurately or timely report a loss or theft of product as required under this permit.
 - c. Any sales or transfer of cannabis products outside the restrictions, regulations and tracking mechanisms established through this permit or related cannabis permits issued by the State of California.

119. Bollards or similar barriers shall be placed in front of all windows. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.

FIRE DEPARTMENT STANDARD CONDITIONS

120. Applicant shall construct all vehicle access driveways on the project property to be at least 26 feet wide. The Applicant shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. The Applicant shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)
121. 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)
122. Before the City issues building permits, the Applicant 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)
123. At the Applicant's expense, Applicant shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. The Applicant shall obtain permits for the tests from the Engineering Division. Applicant shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
124. 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)
125. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
126. At all times during construction, the Applicant shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
127. The Applicant shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
128. The Applicant shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of

- the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, F-9)
129. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
 130. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, F-11)
 131. The Applicant shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)
 132. The Applicant shall install in each structure in the project a detection/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 of the point of entry into the structure that is nearest the fire. (FD, F-13)
 133. The Applicant shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, F-14)
 134. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)
 135. The Applicant 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, Applicant shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)
 136. Fire sprinkler coverage is required for:
 - a. Patios, overhangs or any other projections that are 48" or more from the structure.
 - b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
 - c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
 137. Before the city issues a certificate of occupancy, the Applicant shall install a Knox key vault at a location to be determined by the Fire Department.
 138. The Applicant shall allow installation of public safety radio equipment in the tower, steeple, roof or other elevated portion of the building. Such equipment shall not conflict

with the architectural design of the building and shall comply with zoning and planning requirements and conditions.

139. The Applicant shall provide the City Manager or his/her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plan, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved annually by the Fire Department.

FIRE DEPARTMENT SPECIAL CONDITIONS

Operating Requirements for Manufacturers

140. Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Oxnard in containers that exceeds the amount which is approved by the Oxnard Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard Fire Department.
141. Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the Fire Department. These solvents must be of at least ninety-nine percent purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
142. Prior to issuance of a certificate of occupancy, certification from an engineer licensed by the State of California, or from a State Certified Professional Engineer or State Certified Industrial Hygienist from another state, must be provided to the Fire Marshal. The certifying engineer must certify and attest that the system was commercially manufactured, is safe for its intended use, is designed to accommodate intended manufacturing qualifies, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
- a. The American Society of Mechanical Engineers (ASME);
 - b. American National Standards Institute (ANSI);
 - c. Underwriters Laboratories (UL); or
 - d. The American Society for Testing and Materials (ASTM)
 - e. The certification document to be submitted to the Fire Marshal must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

143. Closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Marshal and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
144. Any person using solvents or gases in a closed looped system to create cannabis extracts shall be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
145. Closed loop systems for compressed gas extraction systems shall be used and shall be commercially manufactured and bear a permanently affixed and visible serial number.
146. If an extraction process uses a closed loop CO₂ gas extraction system every vessel/container must be certified and tagged by the manufacturer for its safe use. The CO₂ must be of at least ninety-nine percent purity.
147. Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts as defined by California Fire Code. Ethanol shall be removed from the extract in a manner to recapture the solvent and ensures that it is not vented into the atmosphere as approved by CUPA.
148. Cannabis Manufacturing Facilities creating cannabis extracts shall maintain development standard operating procedures, good manufacturing practices, and a training plan approved annually by Oxnard Fire Department prior to producing extracts for the marketplace.
149. Parts per million for one gram of finished extract shall not exceed state standards for any residual solvent or gas when quality assurance tested as approved by Oxnard Fire Department.

ENVIRONMENTAL RESOURCES DIVISION

150. The Applicant shall provide the City Manager or his/her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each Commercial Cannabis Business must have a fire evacuation plan, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved annually by the Fire Department.
151. Applicant shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Applicant shall arrange for self-hauling.
152. FOR COMMERCIAL/INDUSTRIAL PROJECTS: To be in compliance with state law, Applicant shall make provisions to divert a minimum of 50%, with an aim of diverting

75% to achieve the new state diversion goal, of the waste material generated during occupancy through source reduction, recycling, reuse, and organics collection programs. Applicant shall submit an "Environmental Resources Division Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. The Occupancy Plan must clearly state how recyclable and organic material will be managed on site to be in compliance with applicable state law, including what service provider(s) will manage/transport materials to appropriate facilities. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

153. Applicant 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 permit issuance. (DS-1)
154. Before connecting the project to existing sewer and water service laterals, Applicant shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection results. Applicant shall make repairs to such facilities as determined necessary by City staff. Applicant shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)
155. Each structure shall be served by separate sewer and water services in accordance with City Code. (DS-8)
156. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
157. Applicant shall provide fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil site improvement plans prior to issuance of a site improvement/grading permit. Applicant shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)
158. Prior to issuance of a site improvement permit, Applicant shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Applicant shall provide an updated CD containing all changes that occur during construction. (DS-16)
159. Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided

for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this Resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Applicant of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this Resolution or commencement of construction or operations under this Resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

160. Applicant shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Applicant, within 24 hours of its appearance. If Applicant 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)
161. 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)
162. Applicant shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
163. Applicant shall be responsible for all project related actions of Applicant's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
164. Prior to beginning construction, Applicant shall designate in writing an authorized agent who shall have complete authority to represent and to act for Applicant. The authorized agent shall be present at the work site whenever work is in progress. Applicant 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 Applicant's expense. (DS-24)
165. Applicant shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time of building permit issuance. There shall be no interconnections between structures. (DS-42)

166. Applicant shall provide three City refuse containers for each lot or unit. An alternative number of containers may be approved by the Environmental Resources Division. (DS-67)

STORMWATER QUALITY CONDITIONS

167. Applicant shall construct and maintain three double-bin trash a waste enclosure (one bins for refuse, recyclables, and organics use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Applicant shall construct all other components of the trash waste enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Applicant shall finish the trash waste enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the waste enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-79)
168. Applicant shall construct and maintain three double-bin trash a waste enclosure (one bins for refuse, recyclables, and organics use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Applicant shall provide a traffic rated drainage inlet within the enclosure to catch all enclosure wash water. This drain shall connect to the sanitary sewer system via a grease interceptor. Applicant shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Applicant shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-80)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

169. Applicant shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)

PASSED AND ADOPTED by the Community Development Director of the City of Oxnard on this November 30th, 2020.

Director Resolution No. PZ 20-2150-02
Shoemaker Enterprises Commercial Cannabis Business Manufacturing Permit
Director's Approval Date: January 29, 2021
Page 33 of 33

Date

Jeff Pengilley
Interim Community Development
Director

G.

Public Comment Received

Planning & Zoning Permit No. 20-215-02

1 message

Martin Teitelbaum <martin@mtconstruct.com>
To: jose.coyotl@oxnard.org
Cc: Ashley Golden <ashley.golden@oxnard.org>

Thu, Jan 21, 2021 at 4:26 PM

Jose:

I am in receipt of your Notice of Public Hearing for the referenced project. By way of background I have been developing industrial product in the business parks in Oxnard since 1988. I have completed 98 buildings in the city of Oxnard during the course of my career.

I am the principal of Oxnard Meridian, Ltd. which owns the building at 321 Irving across the street from the property that is the subject of this planning application. 321 Irving is leased to Heating & Cooling Company, a national heating and air conditioning products distributor. Oxnard Meridian also owns 320 & 321 Hearst that are in close proximity to the subject property. I am the principal of ZT Cabot which owns the 2021 Cabot Place, a recently completed office warehouse building that is leased to a multi national company that distributes raw materials for the plastics manufacturing industry.

We vehemently and strenuously object to the use being proposed at 300 Irving Drive. The following are some, but by no means all of our objections.

1. The use is not compatible whatsoever with the surrounding uses and likely violates the CC&R's that are recorded against each and every property in Northfield Business Park.
2. The ML zone has for the past three decades been quite restrictive as to the uses allowed and for certain this proposed use is highly suspect from a zoning standpoint. We have had many innocuous uses rejected over the years due to the articulated perception that they do not conform to or fit in the ML zone.
3. We note that the application requests "installation of secure doors/windows". One can logically conclude that the intended operator of this enterprises has security concerns and is fortifying the location from marauding criminals with an intent to enter the premises and abscond with the product, which we note remains a federally illegal substance as of this date. As neighboring property owners, our concern is that a criminal element will be drawn into the area and when deterred from entering 300 Irving Drive, will proceed to break in to the less fortified surrounding properties. Bottom line, there is a real and well founded concern that this use will attract a criminal element to the area, where there are already issues from time to time. This is the case in such facilities in the San Fernando Valley.
4. This use in this location will have a chilling effect on our ability to both retain and attract tenants. We will likely suffer clear and provable economic damages via reduced rental rates, prolonged vacancy and a decrease in property value.
5. It is likely that the placement of this use proximate to our properties will result in an increase in insurance premiums once underwriters obtain knowledge of this adjacent use.
6. Seagate, McGinnes Ranch, Channel Islands Business Center and Channel Islands Business Center where I have built projects were all envisioned and designed to be attractive, state of the art, high end business centers. This use is simply not compatible and will be deleterious to the image of the Oxnard industrial parks.

These are some, but not all of our concerns. We strongly implore Staff to not support this use and exert every effort recommend that it is not allowed to move forward at this location.

I note the hearing date and time. Please accept this electronic communication as the requested RSVP.

By way of disclosure, please note that I am a California licensed attorney.

Kindly confirm receipt of this email. I left you a voice mail earlier today and do look forward to your return call.

Thank you for the opportunity to be heard.



MARTIN TEITELBAUM
CONSTRUCTION, INC.

Martin Teitelbaum

569 Constitution Ave., Suite H

Camarillo, California 93012

Telephone: 805.383.2221

Facsimile: 805.383.5959

CA License # 149671