

Planning Commission Agenda Packet

Thursday, February 18, 2021

PLAN



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.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the Planning Commission via email at planning@oxnard.org no later than 3:00 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 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the Planning Division Office at (805) 385-7878, or email your request to planning@oxnard.org.

AMENDED AGENDA - TRANSMITTAL MEMO ADDED TO ITEM G-3

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, February 18, 2021, 6:00 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 Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission 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 Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – January 21, 2021

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. CONTINUED PUBLIC HEARING

1. **Project Name: BeachFront Residential Sub-Zone (R-BF) Datum Change - PLANNING AND ZONING PERMIT NO. 21-580-01 (Zone Text Amendment):** A request for a Coastal Zone Text Amendment (ZTA) to the Oxnard City Code (OCC) Chapter 17, Article II, Section 17.25(D)(1-3) to replace the National Geodetic Vertical Datum of 1929 (NGVD29) with the North American Vertical Datum of 1988 (NAVD88) as the base measurement point from which all elevations for height are determined in the R-BF sub-zone in order to be consistent with the updated Federal Emergency Management

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 Planning Commission 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.

Agency (FEMA) Flood Insurance Rate Map (FIRM) regulations. Filed by the City of Oxnard Community Development Department, 214 South 'C' Street, Oxnard, CA 93030.

Project Planner: Isidro Figueroa, Principal Planner

Recommendation:

That the Planning Commission find the Project is exempt from the California Environmental Quality Act pursuant to section 15601 (b)(3), and adopt Resolution 2021-XX recommending City Council approval of Planning and Zoning Permit No. 21-580-01 (Zone Text Amendment), as submitted, subject to certain findings.

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://www.youtube.com/watch?v=aKwgNDQJvAc&feature=youtu.be>

G. PUBLIC HEARING

- 1. Project Name: 2030 General Plan and Local Coastal Plan Conformity Determination for an Amendment of the City of Oxnard Capital Improvement Program (CIP) Fiscal Years (FY) 2020-2025.** The Planning Commission will review three new projects that are being added to the CIP projects previously identified for FY 2020-2025, and to confirm they are in conformance with the City of Oxnard 2030 General Plan and relevant Coastal Land Use Plan policies pursuant to Section 65401 of the Government Code. The CIP includes a range of roadway improvements, maintenance of public facilities, stormwater drainage improvements and other miscellaneous projects. The three projects being added to the 2020-2025 CIP are: 1) Perkins Road Parking Lot Improvement, 2) Ormond Industrial Area Fiber Expansion, and 3) Perkins Road Fiber Expansion. Filed by Rosemarie Gaglione, Public Works Director, City of Oxnard.

City Staff: Rosemarie Gaglione, Public Works Director; Tatiana Arnaout, City Engineer; and Scott Kolwitz, Planning and Environmental Services Manager

Recommendation:

That the Planning Commission find that the proposed Amendment of the Capital Improvement Program (CIP) projects for FY 2020-2025 is not a "project" under CEQA, and adopt Resolution 2021-XX is in conformance with the City of Oxnard 2030 General Plan and relevant Coastal Land Use Plan policies pursuant to Section 65401 of the Government Code. The three new projects are located on Perkins Road and in the Ormond industrial area, but the whole of the CIP projects are located throughout the City of Oxnard and vary in scope and funding.

Please click the following link to view the required Measure M pre-recorded presentation

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video:

<https://www.youtube.com/watch?v=BdafSnemzY&feature=youtu.be>

2. **Project Name: Cypress Place at Garden City - PLANNING AND ZONING PERMIT NO. 20-535-02 (Density Bonus Permit):** A request for the ministerial approval of a Density Bonus (DB) permit to allow for a 20 percent DB to increase the allowed number of units from 125 to 150 units for an All-Affordable Housing Opportunity Program (“AAHOP”) project on two parcels. The ministerial DB includes one concession that would provide relief from Oxnard City Code Section 16-362F to eliminate requirements for private balconies, and, pursuant to Government Code Section 65915(p), determine that a total of 212 parking spaces are required while 252 are provided. The project site is located at 5536 & 5482 Cypress Road (APN 223-0-041-020/APN 223-0-090-015) within the Residential Low Medium land use designation and Multiple-Family Affordable Housing (R-2-AH) zoning district. Filed by Lauren Nichols, Peoples’ Self Help, 56 East Main Street, Suite 200, Ventura, California 93001.

Project Planner: Juan Martinez, Associate Planner

Recommendation:

That the Planning Commission find the Project to be exempt from the California Environmental Quality Act (CEQA), pursuant to Senate Bill 35 and Government Code Section 65913.4, and adopt Resolution 2021-XX approving Planning and Zoning Permit No. 20-535-02 (Density Bonus Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://www.youtube.com/watch?v=3KsTKErsvC4&feature=youtu.be>

3. **Project Name: Tru Hilton Special Use Permit - PLANNING AND ZONING PERMIT NO. 19-500-03 (Special Use Permit):** A request for a Special Use Permit (SUP) for the construction of a new hotel on an existing 9,120 square-foot pad in the Food 4 Less shopping center. The proposed hotel would be 41,422 square feet with 88 hotel rooms. The hotel building would be five stories with a maximum height of 70 feet. The Project would also include 2,267 square feet of landscaped area and the required 88 parking spaces (i.e., one parking space per hotel room), which are included in a shared parking agreement for the shopping center that has a combined 632 parking stalls. Two modifications are being requested with the approval of the SUP: 1) allow for a building exceeding two stories or 35 feet, and 2) grant administrative parking relief to allow for a decrease in the number required parking spaces for the overall shopping center. The approximately 1-acre Project site is located at 180 West Esplanade Drive (APN: 142-0-310-045) within the 14.5-acre

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Food 4 Less shopping center site within the 2030 General Plan land use designation of Commercial General and is zoned General Commercial-Planned Development (C-2-PD) in the City of Oxnard. Filed by Marcus Frisco, Developer, 11913 Tarron Avenue, Hawthorne, CA 90205 on behalf of Ralphs Grocery Co., Property Owner, 1100 W Artesia Boulevard, Compton, CA 90220.

Project Planner: Joe Pearson II, Senior Planner

Recommendation:

That the Planning Commission approve an Addendum No. 1 to Final Mitigated Negative Declaration No. 12-01, and adopt Resolution 2021-XX approving Planning and Zoning Permit No. 19-500-03 (Special Use Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://www.youtube.com/watch?v=y2rqJLFML3E&feature=youtu.be>

H. STUDY SESSION/REPORTS

I. PLANNING COMMISSION BUSINESS

J. COMMUNITY DEVELOPMENT STAFF UPDATES

K. ADJOURNMENT

FUTURE MEETINGS

Thursday, March 4, 2021, 6:00 p.m., City Council Chambers

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Planning Commission
Minutes

PLAN



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
January 21, 2020 Minutes
DRAFT

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Vice Chair Sanchez (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), Fuhring (via videoconference) and Meyer (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson, Senior Planner; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist (via videoconference); and Dee Lai, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

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

1. Commissioner Dozier led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. Scott Kolwitz, Planning & Environmental Services Manager announced that the voter approved initiative Measure M is being implemented and below are the high level changes:
 - i. Requires staff to record their video presentations prior to the meeting. The public and city leaders would watch the video ahead of time. During the actual meeting, there would be public comment, questions for staff, deliberations and a vote. This is in effect now.
 - ii. Allows members of the public to have at least three minutes to speak during public comment. Accommodations must be made for them to present a video or slideshow if they chose. This is in effect now.
 - iii. Requires meetings be run using Robert's Rules of Order. Council members and Planning Commissioners should receive a copy of the rules and be trained by a certified parliamentarian. Training will be forthcoming.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - December 17, 2020

MOTION: Commissioner Chavez moved and Commissioner Meyer seconded a motion to approve the minutes of December 17, 2020, as submitted.

VOTE: Chair Frank, Vice Chair Sanchez, and Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. The motion carried 6:0:0:0:0¹.

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. The Planning Commissioners did not have any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: Pizza Chief Restaurant Alcohol Special Use Permit** - Planning and Zoning Permit No. 20-510-07 (Special Use Permit – Alcohol): A request for approval of a Special Use Permit (SUP) to allow an existing 940 square-foot pizza restaurant (Pizza Chief) to sell beer and wine for on-site and off-site consumption (Alcohol Beverage Control (ABC) License Type 41) within one of two existing multi-tenant commercial buildings cumulative totaling 17,480 square feet on a 1.01-acre property located at 2550 North Vineyard Avenue #160 (APN: 145-0-232-165) within the General Commercial - Planned Development (C-2-PD) zone. Alcohol sales are requested between the hours of 11:00 a.m. and 11:00 p.m. daily, but alcohol sales are recommended between the hours of 7:00 a.m. to 11:00 p.m. daily. Filed by Designated Agent Cecilia Serrano on behalf of Yong Lee, Property owner.

Project Planner: Joe Pearson II, Senior Planner

Recommendation:

That the Planning Commission approve the Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2021-01 for Planning and Zoning Permit No. 20-510-07 (Special Use Permit-Alcohol), subject to certain findings and conditions.

Joe Pearson, Senior Planner, provided a presentation outlining the request which was posted with the agenda.

The applicant, Cecilia Serrano, designated agent on behalf of Yong Lee, Property Owner did not have a presentation but was available for questions.

Chair Frank opened the public comments portion of the public hearing.

A public verbal comment was received from Pat Brown (Oxnard) who was critical of Item F-1 and commented on several topics, including: Planning Commission meetings having poor sound quality; concerns about alcohol establishment concentration; 7:00 a.m. being too early to serve alcohol; school proximity; traffic congestion; homelessness; alcohol advertisements, and prohibiting outdoor drinking.

¹ In Favor: Against: Absent: Abstain: Recused

No public verbal comments were received in support of Item F-1.

No public written comments were received in support of or against Item F-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff about several topics, including: public input could be limited if they haven't viewed the presentation before the meeting; the flexible hours rationale is supported; the project site is in a difficult location relative to vehicle traffic; there aren't any school proximity issues with this project; there aren't any police concerns with this project; and alcohol sales is an added benefit to the business and opens them to a new market.

MOTION: Commissioner Meyer moved and Commissioner Fuhring seconded a motion to approve the Pizza Chief Restaurant Alcohol Special Use Permit Project, as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Approve Resolution 2021-01 for Planning and Zoning Permit No. 20-510-07 (Special Use Permit- Alcohol), subject to certain findings and conditions

VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez, Dozier, Fuhring and Meyer, voted in favor. The motion carried 6:0:0:0:0².

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. None

I. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. The Planning Commission rules provides the following options to hold the elections now or after the City Council appoints new Planning Commissioners:

VII. ELECTION AND DUTIES OF OFFICERS

A. During the first regular meeting of the Commission held in every calendar year or during the first regular meeting after appointment of the members of the Commission by the City Council, the members of the Commission shall elect one member as chair and another as vice-chair, to serve for one year or until a successor is appointed, unless either is earlier removed from such positions by majority vote of the members of the Commission or by the City Council.

² In Favor: Against: Absent: Abstain: Recused

As the recruitment for four Planning Commissioners is underway, we are going to hold off on elections until the City Council appoints new Planning Commissioners. We anticipate the recruitment effort to be completed in February, so we are anticipating that elections would occur in February / March.

- ii. The next Planning Commission meeting is scheduled for February 4, 2021 at 6:00 p.m.

J. ADJOURNMENT

1. At 6:26 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, February 4, 2021, 6:00 p.m., City Council Chambers

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

Planning Commission

PLAN

Memo



MEMORANDUM

Agenda Item No.: G.3

Date: February 18, 2021

To: Planning Commission

From: Joe Pearson II, Senior Planner (805) 385-8272
Scott Kolwitz, Planning & Environmental Services Manager

Subject: Transmittal Memo No. 1 – Tru Hilton Special Use Permit - PLANNING AND ZONING PERMIT NO. 19-500-03 (Special Use Permit): A request for a Special Use Permit (SUP) for the construction of a new hotel on an existing 9,120 square-foot pad in the Food 4 Less shopping center. The proposed hotel would be 41,422 square feet with 88 hotel rooms. The hotel building would be five stories with a maximum height of 70 feet. The Project would also include 2,267 square feet of landscaped area and the required 88 parking spaces (i.e., one parking space per hotel room), which are included in a shared parking agreement for the shopping center that has a combined 632 parking stalls. Two modifications are being requested with the approval of the SUP: 1) allow for a building exceeding two stories or 35 feet, and 2) grant administrative parking relief to allow for a decrease in the number required parking spaces for the overall shopping center. The approximately 1-acre Project site is located at 180 West Esplanade Drive (APN: 142-0-310-045) within the 14.5-acre Food 4 Less shopping center site within the 2030 General Plan land use designation of Commercial General and is zoned General Commercial-Planned Development (C-2-PD) in the City of Oxnard. Filed by Marcus Frisco, Developer, 11913 Tarron Avenue, Hawthorne, CA 90205 on behalf of Ralphs Grocery Co., Property Owner, 1100 W Artesia Boulevard, Compton, CA 90220.

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

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

Attachment

- A. Letter from Glenn T. Sherman of Freeman, Freeman & Smiley, LLP received February 15, 2021.

February 15, 2021

VIA EMAIL: Joe.Pearson@oxnard.org

City of Oxnard Planning Division
214 South C Street
Oxnard, CA 93030
Attn: Joe Pearson II, Project Planner

Re: Proposed Hilton Hotel Project (the "Hilton Hotel Project")
Oxnard Special Use Permit No. 19-500-03
Food 4 Less Shopping Center
180 West Esplanade Drive, Oxnard, California

Dear Mr. Pearson:

This letter is being written in connection with the proposed Hilton Hotel Project that is the subject of the application for the Special Use Permit referenced above. We have just received a copy of the Notice of Special Hearing regarding the Hilton Hotel Project, which is scheduled for Thursday, February 18, 2021, at 6:00 p.m. Our firm represents Oxnard Corporate Fitness, Inc., dba Gold's Gym ("Gold's Gym" or "Tenant") in connection with its lease (the "Gold's Gym Lease") with Esplanade Dr Oxnard, LLC (the "Landlord"), who is the fee owner of the property located at 150 W. Esplanade Drive, Oxnard, California.

The property where the applicant for the Special Use Permit intends to construct and operate the proposed Hilton Hotel Project is within a larger retail shopping complex (the "Shopping Center") in which there is a Food 4 Less, a Gold's Gym, and various other retail merchants. The Shopping Center (and all of its parcels) is subject to the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements dated May 17, 2018, and recorded with the Ventura County Recorder's office on May 24, 2018, as Instrument No. 20180524-00059766-0 (the "CC&R's"). The CC&R's specifically provide that all buildings in the Shopping Center shall be occupied and used for businesses for the retail sale of goods, wares, merchandise and services, in addition to the health club/fitness use.

Pursuant to the terms of the Gold's Gym Lease, the Landlord agreed to enforce the CC&R's for the Tenant's benefit to prohibit any changes, additions and/or alterations that would have a material adverse effect on the Gold's Gym use, access, visibility, and parking, among other things. It also provides that the Landlord assigns to Gold's Gym, on a non-exclusive basis, all rights of the Landlord to enforce the CC&R's against any other owner, tenant or occupant of the Shopping Center. Gold's relied upon those protections in proceeding with the Gold's Gym Lease, and the CC&R's cannot be changed to allow the Hotel without Gold's approval.

Please be advised that the proposed Hilton Hotel Project would violate the CC&R's for, among other reasons:

1. The proposed hotel building's height would exceed the 35-foot height restriction contained in the CC&R's (even if the City waived its height restrictions);

2. A hotel or motor inn at the Shopping Center is expressly prohibited by the CC&R's (even if the City were to approve such a use at the Shopping Center).

3. The Common Area cannot be changed without the prior approval of the Landlord (which, pursuant to the Gold's Gym Lease, cannot occur without the approval of Gold's Gym).

To be clear, and for avoidance of doubt, you are hereby advised that the Hilton Hotel Project will not be allowed under the CC&R's, and Gold's does not approve of the Hotel.

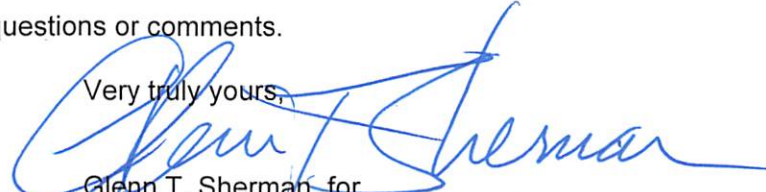
In addition, after researching PZ 12-540-01 and PZ 12-500-01 for the Planned Development Permit ("PD") and the Special Use Permit ("SUP") for the Shopping Center, it is clear that the approvals and findings that were made for the PD and SUP were for the redevelopment of a shopping center for retail and service uses only (uses consistent with the CC&R's). There was no discussion or analysis that included a future hotel use. In fact, the use and development of the 9,120 square foot building pad (identified as Future Building C in the CC&R's) was only analyzed for retail and service uses.

It is also unclear what use may be made of the building pad on the other side of the Gold's Gym (the building identified as Future Building A in the CC&R's). That building and the businesses that may operate in it could further exacerbate any parking and operational problems caused by the unauthorized and unexpected operation of a hotel in what was agreed to be a retail shopping center.

Nothing herein shall waive, limit or prejudice any and all rights and remedies of the Tenant under the CC&R's and the Lease, all of which are expressly reserved.

Please contact me if you have any questions or comments.

Very truly yours,


Glenn T. Sherman, for
FREEMAN, FREEMAN & SMILEY, LLP

4820761.3

ec: Client