

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
July 1, 2021 Minutes

A. ROLL CALL

1. At 6:04 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez 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 Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Connelly (via videoconference), Lopez (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present. Commissioner Meyer was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, Senior Planner; Ken Rozell, Chief Assistant City Attorney; Emilio Ramirez, Housing Director; Jessica Monterroso, Administrative Secretary and Dee Lai, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.

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

1. Commissioner Lopez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - June 17 2021

MOTION: Commissioner Lopez moved and Commissioner Sanchez seconded a motion to approve the regular minutes of June 17, 2021 as submitted. The June 17, 2021 Rules and Procedures (Bylaws) Subcommittee minutes will be considered for approval at the next Planning Commission Rules and Procedures (Bylaws) Subcommittee when it's agendaized.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Nash, and Sanchez voted in favor. Commissioner Meyer was absent. The motion carried 6:0:1:0:0¹.

¹ In Favor: Against: Absent: Abstain: Recused

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Commissioner Sanchez commented that he had ex parte communication for Item F-1. He visited the 2161 Etting Road Apartment Modifications project site.
2. None of the remaining Planning Commissioners had any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: 2161 Etting Road Apartment Modifications** - Planning and Zoning Permit Nos. 21-550-02 (Major Modification to PZ 15-200-01 (Development Design Review - All Affordable Housing Opportunity Program “AAHOP”) and 18-535-02 (Density Bonus Permit)) and 21-535-05 (Density Bonus Permit). The Project includes modifications to a previously approved 100 percent affordable apartment project developed under the All-Affordable Housing Opportunity Program (AAHOP) to increase the number of units from 42-units to 58-units. The modified project would allow for the construction of an all affordable 58-unit apartment complex with associated site improvements on a 1.98 acre site and adjacent infrastructure improvements offsite. The complex would include three 3-story buildings with one to three bedroom units ranging between 753 and 1,148 square feet in size, a community room, onsite laundry room, onsite management office, and veteran and farm worker services. Additional onsite amenities include outdoor recreational areas for residents. The Project also includes a request for the ministerial approval of a Density Bonus Permit to allow for a 20 percent Density Bonus to increase the maximum number of units from 48-units to 58-units and to waive, reduce or modify ten development standards related to projections into the front yard setback, open space requirements, storage, balcony size, parking, and parking lot design. The Project will be a 100 percent affordable project and is proposing a mix of veteran and farm worker housing. The Project site is located at 2161 Etting Road (APN: 225-0-014-020) within the Residential Low-Medium land use designation and the Multi-Family Affordable Housing (R-2-AH) zone district. Filed by Gustavo Almarosa, of Cabrillo Economic Development Corporation, the Applicant and Owner, 702 County Square Drive, Suite 200, Ventura, CA 93003.

City Staff: Joe Pearson II, Senior Planner

Recommendation: That the Planning Commission

- a) Find the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15332 (In-fill Development Projects) of the CEQA Guidelines; and
- b) Adopt Resolution 2021-13 approving Planning and Zoning Permit No. 21-550-02 (Major Modification to PZ 15-200-01 (Development Design Review - All Affordable Housing Opportunity Program “AAHOP”) and 18-535-02 (Density Bonus Permit)) and 21-535-05 (Density Bonus Permit), subject to certain findings and conditions.

Joe Pearson II, Senior Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/jTN1loBA3So>

The applicant team Gustavo Almarosa (Cabrillo Economic Development Corporation, Director of Real Estate Development), Jim Bizzelle (Cabrillo Economic Development

Corporation, Project Manager), Mark Petit (Lauterbach & Associates, Project Architect), Rosy Hernandez (Lauterbach & Associates, Project Architect), and Barbara Macri-Ortiz (Law Office of Barbara Marci-Ortiz, Project Attorney) provided a presentation outlining the request.

MOTION: Commissioner Nash moved and Commissioner Connelly seconded a motion to allow Gustavo Almarosa (Cabrillo Economic Development Corporation, Director of Real Estate Development) to share his screen to provide additional testimony.

VOTE: Commissioners Connelly, Lopez, Nash, and Sanchez voted in favor. Chair Chavez and Vice Chair Arruejo voted no. The motion carried 4:2:1:0:0².

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

City staff distributed the following written communications:

1. Transmittal Memo No. 1, dated June 29, 2021, which contained the “Focused Monarch Butterfly Assessment, Etting Road Apartment Project, SWCA Project No. 0067397-000-PAS.”
2. Transmittal Memo No. 2, dated July 1, 2021, which contained a public written comment from Ana Carrillo in opposition to Item F-1. She commented that the project would have a negative effect on the Monarch butterflies and the rehabilitation efforts.
3. Transmittal Memo No. 3, dated July 1, 2021, which contained a letter from Barbara Marci-Ortiz requesting removal of Condition Nos. 223 and 224.
4. Errata Memo No. 1, dated July 1, 2021, which contained suggested edits to the Resolution Recitals and Conditions as agreed upon by staff and the applicant team.

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

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

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

Discussion ensued among the Commissioners and staff about several topics, including: Monarch Butterfly Assessment and conclusions; tree replacement and Cultural Heritage Board; use of hardscape and landscaping as recreation areas; nearest non-residential parking; traffic concerns raised by neighborhood residents; veterans and farmworker services to be provided; timing of grant applications; condition of approval 99 regarding elevator distance to units; condition of approval 39 regarding security camera’s domed casings; conditions of approval 223 and 224 regarding Pleasant Valley Road and Etting Road replacement of sidewalks; and the errata memo regarding changes to conditions of approval.

² In Favor: Against: Absent: Abstain: Recused

MAIN MOTION:

Vice Chair Arruejo moved and Commissioner Lopez seconded a motion to approve the 2161 Etting Road Apartment Modifications project, finding the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15332 (In-fill Development Projects) of the CEQA Guidelines; and adopt Resolution 2021-13 approving Planning and Zoning Permit No. 21-550-02 (Major Modification to PZ 15-200-01 (Development Design Review - All Affordable Housing Opportunity Program “AAHOP”) and 18-535-02 (Density Bonus Permit)) and 21-535-05 (Density Bonus Permit), subject to certain findings with the inclusion of the following edits in Errata Memo No. 1:

1. The Recitals shall be edited as follows:
 - a. WHEREAS, on August 2, 2018, the Planning Commission of the City of Oxnard (“Planning Commission”) considered and approved an application for Planning and Zoning Permit No. 18-535-02 (Density Bonus) filed by the Cabrillo Economic Development Corporation (CEDC); and
2. Planning Division Special Condition numbers 9, 29, 75, 79, 99, 143, 144, 145, 182, 188, 189, 221, and 224 shall be edited as follows:
 - a. 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, or as otherwise authorized by this permit. (PL/B, G-9)
 - b. 29. The April 13, 2017 Cultural Heritage Board Certificate of Appropriateness and its recommended mitigation is incorporated below as a condition of approval. (PL)

Tree Health Monitoring and Reporting: Prior to issuance of a grading or building permit, the Applicant shall develop a Tree Protection Plan (TPP) prepared by a certified arborist for review and approval by the Planning Division and the Oxnard Cultural Heritage Board (OCHB). The TPP shall also incorporate the OCHB recommendations which address the loss of 18 trees and to protect the remaining 15 Eucalyptus trees.

The TPP shall require protection of the remaining 15 protected trees of Landmark No. 15 during project grading and construction and shall incorporate off-sets or mitigation values for replacement of protected trees that are damaged or felled during and after construction, as a result of construction activities. Pruning specifications for each tree as well as ongoing monitoring of the tree health for a period of no less than five years after final construction shall occur unless a certified arborist recommends additional monitoring beyond the five years.

If protected trees are felled/damaged and require offsets/mitigation, the applicant shall plant new trees onsite as the offset/mitigation at a ratio of 4:1 or as otherwise directed after consultation with the Cultural Heritage Board and the City, and the applicant shall:

- a. Post a financial assurance to cover the cost of planting and maintaining the offset trees;
 - b. Reimburse the City for OCHB and City staff and/or consultant costs to monitor compliance. City staff time and consultant costs to monitor compliance will be billed to the applicant; and
 - c. The applicant shall submit to the City, annual monitoring reports to be prepared by a certified arborist which address the success of the tree protection measures and the overall condition of encroached-upon trees relative to their condition prior to project construction. If any trees are found to be in serious declines ("D" or "F" status), the arborist's report must include a Damaged Tree Report Addendum to the TPP which recommends offsets and any associated additional monitoring. The applicant shall implement any recommendations made by the arborist's Damaged Tree Report Addendum to the satisfaction of the Planning Director. The applicant shall submit annual monitoring reports for a period of no less than five years to start after all buildings have been issued a Certificate of Occupancy.
- c. 75. ~~All—signalized~~ Signalized intersections at Etting Road/Pleasant Valley Road and Pleasant Valley Road/Bard Road shall be equipped with pre-emption equipment. (FD/TR, F15)
 - d. 79. All emergency egress/Fire Department access windows or doors that serve any room that can be utilized for sleeping, shall have access to a safe path of travel leading to the public right-of-way without re-entering the structure.
 - e. 99. Developer shall provide elevators in structures of three stories or more, except where the third story consists entirely of upper levels of residence that have entrances at the first or second story. A single elevator may serve multiple buildings where elevator access is provided to each level of connected buildings. (PL/B, PL-17)
 - f. 143. Prior to issuance of building permits, Owner/Developer shall enter into a Density Bonus Agreement/AAHOP Agreement ~~agreement~~ in a form approved by the Housing Director and City Attorney ensuring the continued affordability of the 57 units (plus 1 manager's unit exempt from affordability requirements) which qualified the applicant for four Density Bonus concessions and a 20% density bonus increase above the AAHOP base density of 24 units/acre. All affordable units must

- meet the rent standards of Health and Safety Code Section 50053.
- g. 144. The Density Bonus Agreement/AAHOP Agreement ~~agreement~~ shall be recorded in the Office of the Ventura County Recorder. The term of the Density Bonus Agreement/AAHOP Agreement ~~agreement~~ shall be for a minimum of 55 years.
 - h. 145. The Density Bonus Density Bonus Agreement/AAHOP Agreement shall, among other things, specify the number of affordable units by number of bedrooms, level of affordability, collection of an annual report, standards for qualifying household incomes or other qualifying criteria. Developer hereby agrees that fees may be charged to the developer for monitoring, staff time expended for preparation of the Density Bonus Agreement/AAHOP Agreement ~~agreement~~ and subsequent compliance with said Density Bonus Agreement/AAHOP Agreement ~~agreement~~.
 - i. 182. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for ~~these facilities required by the project~~ in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
 - j. 188. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer or Fire Chief may require a second test. Developer shall obtain permits from the City Engineer prior to performing tests. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer and Fire Chief. (DS-47)
 - k. 189. Developer shall improve all streets, ~~alleys~~, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
 - l. 221. ~~If not already installed by another developer by~~ By the date of issuance of the first certificate of occupancy, Developer shall design and construct ~~a widening of Etting Road frontage improvements~~ along the Etting Road project frontage and constructs (starting from the north right-of-way line): a 6-foot concrete sidewalk, an 8-foot landscaped parkway, and curb and gutter ~~a 6-foot shoulder, two 12-foot wide travel lanes (one for~~

~~eastbound and one for westbound traffic), and a 6-foot wide paved shoulder on the south side. Improvements shall also include appropriate transitions from these new improvements to the existing paved roadway. The final design is subject to the approval of the City Traffic Engineer. Staff estimates about 4,300 square feet of pavement is required for the widening. The City is currently processing plans for improvements along the Etting Road frontage of this project that are required of another nearby project (PZ 14-540-001). The nearby project's plans are anticipated to include the pavement widening required by this condition. The improvement plans for this project (PZ 15-200-001) are not required to include improvements for which PZ 14-540-001 has prepared plans, posted bonds, and pulled a construction permit. Relief from the requirement to provide plans for improvements already permitted by PZ 14-540-001 does not mitigate the requirement that the stated Etting Road widening must be constructed prior to the first certificate of occupancy for this project. Developer is advised to coordinate the design and construction of frontage improvements with the Developer of PZ 14-540-001 to the greatest extent possible. Upon request by the Applicant when the improvements are completed by a third party, the Planning Manager will prepare a letter stating these improvements are completed and accepted by the City and that this condition is satisfied. (DS)~~

- m. 224. Prior to issuance of a certificate of occupancy, Developer shall construct an offsite 6-foot wide sidewalk along the north side of Etting Road (unless tree locations dictate a narrower width at specific locations) that extends from the project's easterly boundary to the east leg of the Etting Road/Olds Road intersection. The sidewalk is to provide a safe pedestrian route from the project to the nearby schools. The final materials and layout of the sidewalk is subject to the approval of the Community Development Director and City Engineer. Construction plans shall be processed concurrent with site improvement plans. (TR)
- 3. Planning Division Special Condition number 38, 49, 94, and 116 shall be deleted:
 - a. ~~38. Parking stalls shall be enumerated. However, the stall numbers shall not correspond to the residential unit assigned the stall.~~
 - b. ~~49. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment.~~
 - c. ~~94. During construction, Developer shall control dust by the following activities:
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.~~

~~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)~~

~~d.—116. Prior to issuance of building permits, Applicant shall design patio and balconies facing Etting Road and Pleasant Valley Road with railings not to exceed 42 inches with not more than 50 per cent enclosure. (PL)~~

4. Remaining Conditions to be renumbered.

AMENDED MAIN MOTION:

Commissioner Nash moved and Commissioner Connelly seconded a motion to make the following edit:

1. Planning Division Police Department Condition number 39 shall be edited as follows:
 - i. Cameras in domed casings are ~~highly encouraged~~ required as their area of focus is not easily determined by a casual observer.

AMENDED MAIN MOTION VOTE:

Chair Chavez, Commissioners Connelly, Lopez, Nash and Sanchez voted in favor. Vice Chair Arruejo voted no, and Commissioner Meyer was absent. The motion carried 5:1:1:0:0³

MAIN MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez, Nash and Sanchez voted in favor. Commissioner Meyer was absent. The motion carried 6:0:1:0:0⁴

G. STUDY SESSION/REPORTS

1. None

³ In Favor: Against: Absent: Abstain: Recused

⁴ In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. Commissioner Lopez thanked his fellow Commissioners and Planning staff for their patience, respect and tone. He's very appreciative of the leadership from Chair Chavez and Vice Chair Arruejo.
2. Commissioner Connelly congratulated her fellow Commissioners and Planning staff for their good work on thoroughly reviewing projects.
3. Chair Chavez announced that July 1, 2021 was the first day that the VCTC started collecting fares since the pandemic. The fare is half priced at \$1 through the end of the year. Chair Chavez also stated that fireworks are illegal in the City of Oxnard and that fireworks are harmful to our veterans and pets. He encouraged everyone to be respectful and responsible and not shoot fireworks.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

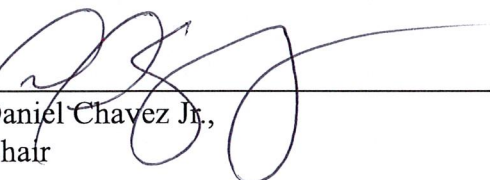
1. Ken Rozell, Chief Assistant City Attorney, announced that on June 22, 2021 Judge Walsh issued an intended decision to invalidate Measure M.
2. Scott Kolwitz, Planning & Environmental Services Manager, announced that the next Planning Commission meeting is scheduled for July 15, 2021, at 6:00 p.m.

J. ADJOURNMENT

1. At 8:46 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, July 15, 2021, 6:00 p.m., City Council Chambers



Daniel Chavez Jr.,
Chair



ATTEST
Scott Kolwitz,
Planning & Environmental Services Manager

